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NEUTRAL SPANISH: Is it Necessary? Does it Exist?

Guillermo Cabanellas de las Cuevas

Spanish translators are puzzled by an increasingly common request: the client wants a translation to be in "neutral Spanish." But the translator may wonder: is it possible to write in neutral Spanish? And is it necessary or even appropriate?

First Encounter with the Monster

Those of us who have been in the language business long enough know that this is not the first time that "neutral Spanish" has reared its ugly head. But the reasons for its unwelcome presence have changed.

In the old days—say, 50 or 25 years ago—the concept of neutral Spanish had an ideological, or more precisely, right-wing flavor. Neutral Spanish was promoted or imposed to prevent the use of more "popular" types of Spanish, particularly local slang or parlance. Thus, in Argentina, during the 1940's, several tangos were banned due to the fact that the lyrics included undesirable slang; others underwent adjustment to conform to the linguistic requirements of the authorities. More recently, during the 1980's, under yet another military government, the use of neutral Spanish was promoted in Argentine radio and television for a number of reasons. First, to "protect" the citizenry against the use of "incorrect" Spanish, which the applicable regulations prohibited or discouraged.¹ Second, to "protect" against the "incorrect" use of foreign words in Spanish speech. Third, to "protect" against the propagation, particularly in television, of English-language programs dubbed in other Latin American countries,² since the language used was non-neutral—i.e.

Mexican, Venezuelan, etc—Spanish.

During the following decades, a more tolerant attitude toward individual preferences extended to linguistic usage. Foreign, i.e. non-Argentine, accents and words were increasingly welcomed in radio and television, seen as forming part of the "big fatherland" (*la patria grande*), which included all of Latin America.

But recently neutral Spanish has made a comeback, for reasons very different from the earlier ones. One reason for the current emphasis on neutral Spanish translations is the need to market goods and services throughout the Spanish-speaking world. A toothpaste box, a record, or a film have to contain words understandable in all the Spanish-speaking countries where these products will be marketed. Hence the request for translations in neutral Spanish, to save the effort and cost of revising the translation for each country. Another reason originates in international transactions: parties are concerned that in contracts involving different countries, misunderstandings will arise if a national variety of Spanish is used instead of a hypothetically mutually understandable neutral Spanish.

> continued on page 4



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MESSAGE FROM THE CHAIR

I would like first to express my personal gratitude to María Cristina Castro for her dedication to our profession and to NAJIT. While personal and health reasons have forced her to step down as a member of NAJIT's board, her stewardship and unfailing interest in the betterment of this association have helped make NAJIT what it is today. She will be sorely missed. Fortunately, she remains at the helm of the annual conference committee, so NAJIT will still be able to draw on her knowledge and experience. The Board sincerely thanks her for giving and continuing to give so much to NAJIT. *Proteus* editor Nancy Festinger has graciously agreed to serve out the remainder of Ms. Castro's term.

The Board is delighted to announce that the state of Massachusetts has recognized the National Judiciary Interpreters and Translators Certification Examination: Spanish (NJITCE) as a qualifying examination for a Spanish interpreter. This is a great achievement. Many thanks to Janis Palma, President of SSTI, to the entire SSTI board, and to Donna Merritt of Measurement Incorporated for their efforts to have our examination recognized as a standard of excellence in the field.

NAJIT has become increasingly interconnected with other organizations. We were asked to attend the National Center for State Courts Interpreter Certification Program annual meeting in Portland, Oregon in early October. This was an important opportunity to advocate for the interests of our profession and meet with the many court officials representing the 30 member states of the consortium. They are tackling many challenging issues and welcomed input and assistance from the interpreters in attendance. NAJIT Board member Isabel Framer also participated, representing the Supreme Court of Ohio.

Later in October, our executive director spoke at the annual meeting of the California Court Interpreters Association. Attendees expressed much interest in NAJIT's work, and we have been asked to participate in their conference next year. During the CCIA conference NAJIT Board member Alexander Raïnof received a special commendation—see page 18.

NAJIT was also present and active during the recent ATA Conference in Phoenix. Several NAJIT members presented during the four-day conference and former NAJIT board member Steven Mines was elected administrator of the Interpreter's Division.

At press time I am traveling to Alicante, Spain, to represent NAJIT as an observer for the Grotius Project of the European Union. The Grotius Project, under the leadership of Dr. Erik Hertog, is in the final stages of developing a code of ethics and a means by which to regulate both oral and written legal translations. Our colleagues in Europe are very interested in the U.S.'s experience in this important area. It is the Board's hope that this international meeting will give all NAJIT members future opportunities to network and to learn.

Finally, I am delighted to announce that the National Council on Interpreting in Health Care will make two presentations at our annual conference next May in Denver. The NCIHC welcomes this opportunity for collaboration. Please visit their website at www.ncihc.org to learn more about the organization.

Cristina Helmerichs D.
Chair, 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 INTERPRETER'S VOICE

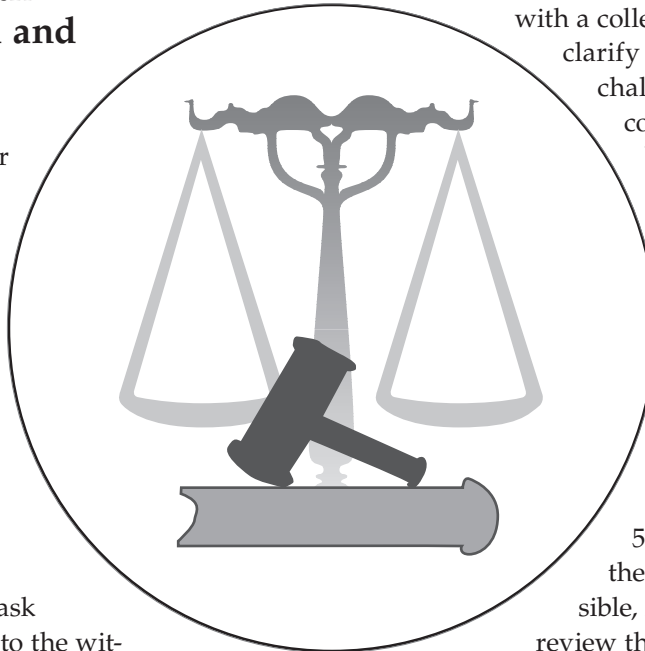
Useful Phrases for Formal Settings

Aleé A. Robbins

Court interpreters are often faced with the challenge of working with clients, including judges and attorneys, who are unfamiliar with our role. Over the years I've developed some useful phrases to convey proper interpreter protocol and avoid ethical dilemmas. Using these phrases illustrates the neutral and objective role that the interpreter plays, *defining by example* my function in the formal and adversarial setting of a courtroom.

For matters dealing with interpreter preparation and protocol:

1. Your Honor, may the interpreter have a moment outside to meet the witness and become familiar with his speech patterns?
2. Your Honor, in order to provide accurate interpreting for the record, may the interpreter have a moment to review the indictment? [and/or case file, preliminary hearing transcript, police reports, pre-sentence report, etc.]
3. Your Honor, would the Court ask counsel to direct the question to the witness in the first person, rather than prefacing the question with "Ask him...."
4. Your Honor, could the witness be instructed to answer in the first person, rather than beginning his answers with, "Ma'am, tell him that...."
5. Your Honor, the interpreter cannot hear counsel clearly. Would the Court request that she speak louder?
6. Your Honor, the interpreter needs a break. Is this an appropriate time?
7. Your Honor, the interpreters are experiencing problems with the electronic equipment. May we have a brief moment to correct the problem?
8. Your Honor, the interpreter requests that the question be repeated.
9. (When finishing an assignment) Your Honor, will there be any further need for the interpreter at this time?



For matters dealing with language, challenges & expertise:

1. Your Honor, there is a word here. May the interpreter inquire?
2. Your Honor, the witness has used a term with which the interpreter is unfamiliar. May he/she clarify the meaning with the witness?
3. Your Honor, may the interpreter consult briefly with a colleague? [For your own need to clarify a word or phrase, or if you are challenged by anyone, including a colleague. Such challenges should be made privately, at side bar, and not in open court.]
4. Your Honor, may the interpreter approach side bar with counsel? [For urgent matters that arise unexpectedly during a case such as conflicts of interest, or to deal with challenges of any type. These should always be handled outside of the presence of the jury.]
5. Your Honor, in order to render the most accurate translation possible, may the interpreter have time to review the document and consult reference materials? [This applies in particular to sight translation of difficult documents. Such documents should be translated in written form, not sight translated in open court.]
6. Your Honor, due to the technical nature and specialized vocabulary involved, the interpreter is not fully prepared to interpret for an expert witness in this field. A brief recess is requested to make alternative arrangements. [Such arrangements might include time to adequately prepare or to obtain a replacement interpreter with the requisite technical knowledge.]

[The author is a consultant, trainer and certified Spanish interpreter for the U.S. Courts and Oregon state. She can be reached at alee2000@open.org. Interpreters are encouraged to add phrases appropriate to their own jurisdictions.]

NEUTRAL SPANISH *continued from front page*

Faced with these and other similar requests, the questions for the translator are: is it necessary to use neutral Spanish to satisfy these basically legitimate needs? And if so, what constitutes neutral Spanish?

The Monster Described

Immediate suspicion regarding neutral Spanish may arise when we realize that we carry on our daily lives in Spanish-speaking countries without having to resort to a special construct. And there is no lack of contact with Spanish speakers from different countries. On a daily basis we have conversations with foreign clients, we read foreign books, we watch foreign television programs. Some of our own family members may be foreign. But we never feel the need for this colorless verbal construct, neutral Spanish.

Additional suspicion arises when we notice that authorities on the Spanish language—as opposed to manufacturers of toothpaste, distributors of films, military governments and multinational entrepreneurs—never use the expression “neutral Spanish” nor feel the need for it. The *Diccionario de la Real Academia Española* refers in its foreword to the Spanish language (*lengua española*) and sets as its goal maintaining “the unity of the language” and not the creation of some type of neutral or hybrid Spanish. In his foreword to María Moliner’s acclaimed *Diccionario de Uso del Español*, Manuel Seco describes the contents of the dictionary as an assemblage of “standard language” (*lengua estándar*). My father’s *Diccionario Enciclopédico de Derecho Usual*, the most widely used legal dictionary in Spanish-speaking countries (and I say that without filial partiality) notes: “Due to the idiomatic unity linking all Spanish-American republics, words originating from Spain belong now equally to all Spanish-speaking peoples.”³ Even Microsoft, in the Word program I am now using, uses the expression “traditional Spanish” as alternative to the “national” varieties of Spanish it lists in the language set under “tools.”

Do toothpaste manufacturers know something about Spanish that all these dictionary writers ignore? Or is it the other way around?

To answer this question, we have to take a brief look at how Spanish is used in the different countries in which it is the national language. There is a core, common to all countries, which we may call Spanish X. In addition, each country, and many regions and even specific neighborhoods, have developed idiosyncratic varieties of Spanish, which differ to a greater or lesser extent from Spanish X; we may call these varieties Spanish Y.⁴

Normally, every Spanish-speaking person will speak both Spanish X and Spanish Y. The novelist and essayist

Mario Vargas Llosa normally writes in Spanish X, but in his autobiographical work *El pez en el agua*, he writes certain passages in Piuran Spanish (the department of Piura is located in the north of Peru). Jorge Luis Borges wrote in Spanish X, but poems such as “*Para las seis cuerdas*” are written in a variation of Argentine Spanish.

This double linguistic level helps explain why, while it is possible to identify dozens and even hundreds of Spanish language varieties, the basic unity of the language—so dear to dictionary writers—is preserved.

The neutral Spanish advocates could now say: “Okay, call it Spanish X, or standard language, or traditional Spanish (like Microsoft), or even correct Spanish (as is frequently the case). These are just different names for the same phenomenon: neutral Spanish.”

But to see why this view is not correct we may analyze several examples. Suppose that our hypothetical client wants to market peaches in the Spanish-speaking world. What word should he use on his cans? *Melocotón* (used in Spain and other countries) or *durazno* (used in Argentina and other countries, and even in certain parts of Spain)?

There is no “neutrality” for this conundrum. We cannot mix *melocotón* and *durazno* and get a “melozno” or a “duracotón.” We might count how many Spanish-speakers use one word or the other and reach a “majority decision.” But if the relevant universe is the Spanish-speaking world, Mexican Spanish would prevail, and since Mexico is not prone to linguistic imperialism, even Mexicans would not find such a solution reasonable, desirable or “neutral.” Similar problems arise with many other words: *acera* (Spain) and *vereda* (Argentina); *aguacate* (Spain) and *palta* (Argentina); *cambur* (Venezuela), *banana* (Argentina) and *plátano* (Spain), and so on.

Faced with this difficulty, one may advocate for a form of Spanish devoid of national color; indeed, this seems to be what some clients are looking for. But such an approach has serious shortcomings. First, because of the way the Spanish language has evolved, it is impossible to avoid some degree of national color; a peach is *melocotón*, which sounds Spanish, or *durazno*, which sounds Argentine, without “colorless” alternatives. Of course one may avoid “color” by using multiple alternatives from different countries in the same text, but this would only create confusion in the audience as to the origin of the person writing or speaking, not additional clarity. Second, “colorless” Spanish, if such a thing were possible, may be as hard or harder to understand than “national” Spanish—witness the Spanish translations of Hegel or Heidegger, where the terminology of the original forces the translator to avoid local “color”: they are among the most obscure texts ever written in the Spanish language. Finally, most masterpieces of Spanish prose, widely read in all Spanish-speaking countries, such as

the works of Unamuno, Ortega y Gasset, Borges, Alfonso Reyes or García Márquez, are written in strongly national Spanish, but this has not in any way weakened their clarity or popularity. It is hardly possible to read a page by Unamuno or Ortega y Gasset without realizing that the writer is Spanish, and not Uruguayan or Cuban; nevertheless they are among the most widely-read and clear pieces of nonfiction in the Spanish language. They are written in standard Spanish, not neutral Spanish, and they circulate throughout the Spanish-speaking world.

Throughout the centuries, the solution Spanish speakers and writers have developed for linguistic differences has not been to seek a non-existent neutral or middle ground. The solution—and what the toothpaste makers, international businessmen and film distributors really need is a form of Spanish understandable by all readers or listeners. Not an impossible hybrid such as neutral Spanish, but rather a form of Spanish X, standard Spanish or traditional Spanish, which readers and listeners from all countries would find understandable. This language will vary depending on the audience to which a given text is directed.

Using standard Spanish is a necessary but not a sufficient precondition for a text to be understandable in all Spanish-speaking countries. *Andá al boliche y traé birra y puchos* (“Go to the bar and bring beer and cigarettes”) is not generally understandable outside Argentina, and would be inadvisable in all other countries. But *sobre las piezas dentales frotareis la mercadería gelatinosa que se os expende*, while correct standard Spanish, is highly inadvisable for a toothpaste box; toothpaste users in all countries would certainly be puzzled and misled by such instructions. The problem is not solved by “neutralizing” the Spanish, whatever that may be, but rather by using traditional or standard Spanish adjusted to the needs of the audience. This is true of any language. In fact, English, facing a vast array of national and local variants, is a viable means of communication throughout the English-speaking world (and beyond), without having to resort to a “neutralization” process.

The Monster Speaks

Neutral Spanish has been advocated not only for texts but also for speech. “We need an interpreter who will speak neutral Spanish” is the request sometimes heard in international events. But no such interpreter exists.

Spoken Spanish has many variants. Argentines, for instance, generally pronounce *c*'s, *s*'s and *z*'s as phonetically identical; while Spaniards clearly distinguish between the sound of *c*'s and *z*'s from the sound of *s*'s. Sometimes Argentines pronounce *s*'s as if they were *j*'s (“*cajtillo*”, for *castillo*; “*majculino*”, for *masculino*). Andalusians use famously strong and frequent *z*'s. Argentines pronounce

ll's as if they were *y*'s. Paraguayans use notoriously strong phonetic stresses, and so on. There is no way to create a middle ground between these local phonetic varieties. If *z*'s are phonetically distinguished from *s*'s, this will sound familiar and correct to a Spaniard, but foreign to an Argentine. If they are pronounced the same, it will go unnoticed in Argentina, but sound odd in most parts of Spain.

One way to overcome these difficulties has been to eliminate the salient features of national or local speech. Thus *z*'s are distinguished but made soft; *s*'s are softened, unlike in Spain, where they can be heard fifty yards away from the speaker; local peculiarities—such as the Paraguayan stress, or the Buenos Aires habit of not pronouncing the *s*'s at the end of words (“*bueno día*” instead of “*buenos días*”)—are avoided, etc. One may choose to call this type of speech neutral, but in fact it is a mixture of different accents and pronunciations. A Spaniard will notice that *z*'s are pronounced in a “foreign” way, but will not be able to identify the speaker's origin, since other elements of speech will have different country characteristics, including some from Spain. The same will happen to an Argentine, and so forth.

I have seen this type of Spanish amalgam at work in my own house. My father was born in Spanish Morocco, raised on the Spanish mainland, lived for many years in Uruguay and Paraguay and for thirty-nine years in Argentina. He spoke a basic Argentine Spanish with Andalusian traits (he put *z*'s everywhere), mixed with some words not used in Argentina, some pronunciations not heard in Argentina (*pijama* instead of *piyama*). One virtue this type of speech has is that it's impossible to determine where the person comes from.

What conference organizers, cartoon producers and other users of interpreter services want is clear Spanish, Spanish that will be understood by all Spanish-speaking listeners. But this will not be achieved by the colorless language sometimes identified as neutral Spanish. There is some consensus among Spanish speakers that the clearest Spanish is spoken in Andean Colombia and in coastal Peru. But these varieties of Spanish are clear because of the way words are pronounced and sentences built, and not because of the absence of local color. Andean Colombian speech is Andean Colombian Spanish, not neutral Spanish.

Advocates of “neutral Spanish” should consider that the type of language they think they want would exclude from the ranks of accepted speakers Miguel de Cervantes, Miguel de Unamuno, Octavio Paz and members of the Real Academia Española, among others. It is a strange choice, and one unlikely to produce many friends among Spanish speakers.

> *continued*

NEUTRAL SPANISH *continued from page 5*

The Monster Avoided

The “neutral Spanish” advocate may answer: “The fact is that, as you just mentioned, there are hundreds of local and national varieties of oral and written Spanish. We don’t care what you call it, but the fact is that we still need some type of lingua franca to overcome this linguistic mess.” The fact is that such lingua franca already exists and is called “correct Spanish,” “traditional Spanish,” “standard Spanish,” or for our purposes, “Spanish X.”

Let’s go through the life of a citizen of Tierra de Fuego, the uttermost part of the Spanish-speaking empire, to see how he copes with the linguistic difficulties posed by the variants of Spanish. I choose Tierra del Fuego not only because it’s remote, but also because it was the last part of the world (except for certain neighborhoods of Chicago) in which Spanish took hold as the dominant language. Until the end of the 19th century little Spanish was spoken there; few Europeans lived there and a good proportion of them spoke English.⁵ Fuegian Spanish is a mixture of different varieties of Argentine Spanish, with some Chilean undertones.

Fuegians don’t learn “Spanish Spanish” or “standard Spanish” as something different from “Argentine Spanish.” Do they live in linguistic isolation from the rest of the world? Do they travel with Argentine-Spanish dictionaries? Do they take courses in traditional Spanish or in neutral Spanish? No. If our Fuegian goes to a bookstore in his hometown, and buys a book by García Márquez, does the book include a glossary for Fuegians, since García Márquez is Colombian? No. Oddly enough, the only books with glossaries he will likely find in a bookstore are those written in archaic Spanish or in rural Argentine Spanish: *El Mío Cid* is published in “bilingual” editions, i.e. translated into contemporary Spanish; “*Martin Fierro*,” the Argentine national poem, much of whose terminology is nowadays beyond the grasp of Argentine readers. Now suppose that our Fuegian goes to the cinema in Ushuaia or in Río Grande (Tierra del Fuego’s main towns) to watch a Spanish film, say, directed by Almodóvar. Will the film be subtitled? Again, no. True, some words will be used that are never used in Tierra del Fuego; some verbs will be conjugated differently. But in fact, that is part of the attraction of Spanish films: linguistic usage is different from what it is in Argentina. But on no account is it different enough to render it incomprehensible to Argentines.

Now our Fuegian travels to Honduras. Does he tremble in anticipation of his trip from the airport to the hotel, not knowing what to say to the taxi driver? No, he will probably have a lively chat with the driver about weather, soccer and other favorite topics, and both of them will likely be pleased to hear a different accent from the usual.

Then our Fuegian travels to Tijuana, the other end of Spanish America. He buys the newspaper. Does he ask the locals to help him with the language? No, except for baseball terminology, about which the Fuegian hasn’t the foggiest idea (no baseball is played in Tierra del Fuego, so he would not understand it in Argentina, either).

Finally, the travelling Fuegian visits the city of Jaca, in the Spanish Pyrenees. He wants to order lunch. Will he go hungry? Or will he have a fluent chat with the waiter, where the latter will describe some of the local dishes the Fuegian is not familiar with? It is only if the Fuegian ventures fifty miles to the north that his linguistic misadventures will begin. And that’s because French will be spoken, a different language entirely.

The Vast Empire

How did this vast linguistic empire to which the Fuegian belongs come into being? The Spanish empire (which did not produce a single idea in three centuries, as Domingo Faustino Sarmiento, former Argentine president and writer used to say) did have some major accomplishments: linguistic unity was one of them. Unity did not, and does not, mean uniformity. It meant and means a common core, shared by all Spanish-speaking peoples who speak standard Spanish, traditional Spanish. Around this nucleus are constantly changing national and regional variations. But the nucleus is strong enough to allow fluent communication among hundreds of millions of Spanish speakers in many parts of the globe. This is the famous unity of the Spanish language, so dear to dictionary writers and to travelers.

The unity did not result from laws. Given the disrespect toward the rule of law in Spanish America, it would have been impossible to impose such linguistic consensus by legal obligation. It is, rather, the result of shared value for language. No law forces millions of Latin Americans to follow the Real Academia Española’s rules, although a change of rules—abolishing ch’s and ll’s as letters of the Spanish alphabet, for instance—will be obeyed without hesitation by millions of Spaniards and Latin Americans. No pressure, no coercion, no violence is involved, only an army of teachers ready to use and teach these rules.

Thus our Fuegian, by the blue glaciers of his remote island, can comfortably read the works of García Márquez and the story of the man who remembered the first day he met the cold.

The Monster Dismissed

E pluribus unum. I cannot think of a better description of the Spanish language’s success. If it were inflexibly uniform, it would sooner or later be rejected by its users. Many decades ago, Borges clamored for a language adapted to our needs, a language that would reflect “the power of our

CONFERENCE REPORTS

A CONFERENCE TO REMEMBER—AND TO EMULATE

Fritz Hensey

Sixty-one working or aspiring court interpreters attended NAJIT's Regional Conference on Interpreter Skills, held at Austin, Texas on September 20, 2003. Languages represented in addition to Spanish included: French, Japanese, Thai, Hebrew, and Guaraní. At least 15 of those present were enrolled in translation and interpretation courses offered by Austin Community College. Focus was on the essential aspects of court interpreting: ethics and protocol, certification and Texas state licensing, glossary development, and skills for consecutive interpreting. The morning session addressed ethical issues and gave participants an opportunity to take a mini-test on their knowledge. Most of the morning was taken up with multimedia presentations by the Austin Police Department (APD) on the acquisition and analysis of evidence pertaining to rape examinations, DNA, fingerprints, and firearms. These topics stimulated much discussion and interaction. The morning sessions were supplemented with useful handouts, in particular the 20-item quiz on ethics and protocol as well as copies of NAJIT and Texas state codes of conduct. The APD presenters distributed glossaries organized so as to allow the user to input concept definitions (e.g., DNA and firearms terms) and their equivalents in the target language.

The afternoon session was devoted mainly to skills enhancement for consecutive interpretation. Memory-enhancing exercises came with a handout containing

questions or answers reflecting scenarios from assault, collision, and personal injury cases. The highlight of the afternoon was distribution of bilingual scripts for practicing consecutive interpreting. Most scripts were in Spanish and English, but Japanese and Russian versions were also available for one script, as well as generic (English only) versions. The Q&A dialogs involved qualification of an expert witness, witness statements about a sexual assault, and what appeared to be a paternity suit. Participants formed couples or triads to role-play with these scripts, and their enthusiasm was quite evident. Many of the handouts would be valuable for early interpreter training, particularly since NAJIT has authorized their use provided users acknowledge the source. Given the quality of the presentations, the ongoing value of the handouts, and the great overall organization, NAJIT's Austin conference gave us a Saturday to remember—and to emulate.

[The author, professor of linguistics and translation studies at the University of Texas, published scholar and poet, is a conference interpreter of Spanish and Portuguese. He holds federal and Texas state certification in Spanish and is ATA accredited in English-to-Spanish. Dr. Hensey is also an interpreter trainer and consultant linguist.]

NAJIT thanks Larissa Kulinich and Manako Ihaya for their assistance in preparing the Russian and Japanese scripts.

NEUTRAL SPANISH *continued from page 6*

summers." We probably have that language, and it arose by adaptation, and by maintaining a core common to all Spanish-speaking countries that allows us to understand and be understood by Spanish speakers with very different backgrounds and experiences.

This advantage would not be strengthened by the creation of an impossible hybrid, neutral Spanish, a hybrid that would exclude practically everyone, since nobody speaks or writes neutral Spanish. We all write and speak hyphenated Spanish, as it were, from Castillian Spanish to Patagonian Spanish.

Translators can write in correct Spanish, and adjust the texts to the needs of their readers, as with any other language. It will be perfectly understood.

[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.]

FOOTNOTES

- 1 See Argentine Decree 286/1981, art. 1(d).
- 2 Dubbing of foreign programs in Argentina was promoted by Law 22.285.
- 3 Cabanellas de Torres, G., 2002. *Diccionario Enciclopédico de Derecho Usual*. Buenos Aires: Editorial Heliasta.
- 4 For example, dictionaries of Argentine Spanish usage (argentinismos) are generally large volumes, covering 400 pages or more. There are also similarly large dictionaries for Spanish usage in specific provinces and cities (especially Buenos Aires) in Argentina.
- 5 In fact, the masterpiece of Fuegian literature, L. Bridge's "Uttermost Part of the World," was written in English.

LAW IN A MULTILINGUAL ENVIRONMENT

The Advantages of Cross-Fertilization

Nancy Festinger

How does Canada draft dual language versions of the law? How does the European Community resolve legal differences when the legal systems of the member countries are so different? How does the United States negotiate multilateral treaties when the negotiators and the text versions are multilingual?

With difficulty, but those difficulties are fascinating for what they reveal of human psychology, law and linguistics, not to mention modern age identity politics. An all-day conference on September 19, 2003 held at Brooklyn Law School tackled the seldom-discussed but thorny issues that hover, like the witches of Macbeth, in multilingual and multijural environments. Sponsored by the Center of the Study of International Business Law, the Center for the Study of Law, Language & Cognition, and the Brooklyn Journal of International Law, the conference gathered approximately 130 law professors, law students, translators, interpreters, and educators to hear speakers from Canada, Europe, and the United States recount how the reality of multiple languages and cultures affects the work of government and political entities such as the European Community.

The processes discussed were drafting of laws, legislative action, bilingual publication of codes, principles governing how judges should approach legal interpretation of bilingual texts, historical precedents for different legal cultures, and how multilingual instruments can affect treaty negotiations and the resolution of disputes.

The Canadian Experience

Lawmaking is a craft that requires expertise, patience and conceptual teamwork: nowhere is this more evident than in the drafting process used in Ontario and other Canadian provinces (the same model is also used in Latvia and Estonia), which relies on direct consultation among translators, linguistic revisors, editors, and attorneys who function as “translation counsel,” all working side by side in the same office. Donald Revell, chief legislative counsel for the province of Ontario, described how this constant dialogue ensures either “vertical equity” (English and French versions of the law having the same effect) or “horizontal equity” (parallel versions with content in the same order), and sometimes both. For the process to be credible, time, money, talent and terminol-

ogy need to be dedicated to the effort. Other models used in Canadian provinces are co-drafting, done in a “war room” with several computers and various personnel, or double-drafting, where one bilingual person drafts both versions of a bill. Interestingly, in the Nunavut region, a working language of the legislature is Inuktituk, a language of oral tradition. People there are now developing computer literacy because their laws, while not published in statute form, are available online.

Ruth Sullivan, law professor at the University of Ottawa, detailed governmental responses to cultural diversity, ranging from genocide to integration, and pointed out that groups need linguistic and cultural security to be assured of a place in an evolving culture. The Canadian experience shows that when cultures are given legitimacy and evolve together, a new legal culture can emerge. For example, to some extent the drafting style in English has evolved to accommodate French preferences. There is also a growing tendency to join civil law and common law concepts in each language, so that the English common law concept of “fee simple” has become known in legal texts as “fee simple or ownership” while the French civil law concept is now called *propriété ou fief simple*. In a similar vein, “act of God” is now known in French as *cas fortuit ou force majeure*. These examples show the growing phenomenon of bijuralism, or one legal system co-existing with another.

In Canada’s bilingual environment—where there are two official languages but only 17% of the population is actually bilingual—statutory interpretation can be carried out in a bijural or unijural fashion, as Pierre André Coté of the University of Montreal explained. Despite four agreed-upon principles for statutory interpretation (the whole text is both versions; they are to be equally relied upon; ambiguity is to be resolved by looking to purpose, consequence, history, and context; if one language version is ambiguous and another clear, the intended or true meaning is the meaning shared by both versions—known as the “shared meaning rule”), in reality a kind of legal dualism is practiced whereby both versions may be looked at if time and cost permit, but the English version is relied upon in English-dominant provinces while the French version is relied on French-dominant areas.

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EXECUTIVE DIRECTOR'S CORNER

BYLAWS AGAIN...

Last year I wrote about the slow work of revising NAJIT's bylaws that the Board of Directors has undertaken. The Board now has completed that work and will present a set of five amendments to the members for a decision in May. This issue recapitulates those amendments that were announced earlier and adds the most recent changes, to give a complete picture of what is being proposed. The "rationale" paragraphs give the reason for each proposed change. Thank you for your attention to this aspect of our association's work.

Ann G. Macfarlane
Executive Director

AMENDMENTS PROPOSED TO THE NAJIT BYLAWS BY THE BOARD OF DIRECTORS FOR DECISION AT THE 2004 ANNUAL MEETING

1. Article Four, Board of Directors, Section 1, Number and Terms.

The current language reads: Three members of the board shall be elected in odd-numbered years, and two members in even-numbered years, following the procedures outlined in Article Eight. Each additional Board of Directors position, when established, shall be designated with a term beginning in odd-numbered years or even-numbered years, following the procedures outlined in Article Eight.

Proposed change: To delete the above paragraph and insert the words, "The terms of the members of the board shall alternate, with each term designated as starting in either an odd or an even year." New language would read: *The terms of the members of the board shall alternate, with each term designated as starting in either an odd or an even year.*

Rationale: The current language is inaccurate, inasmuch as the terms of two directors end in an odd year, and three in an even year. This proposed language will reflect current reality, and also be less cumbersome.

2. Article Four, Board of Directors, Section IV, Officers, (C) Treasurer

The current language reads: The Board shall elect a Treasurer from amongst its members, who shall receive and collect all dues, fees, assessments and other moneys; record all moneys received and expended; deposit all the funds of the Association in a bank designated by the Board of Directors; and shall share with the Chair the

right to sign all checks.

Proposed change: to add the words "and Secretary" after the word "Chair." New language would read: *The Board shall elect a Treasurer from amongst its members, who shall receive and collect all dues, fees, assessments and other moneys; record all moneys received and expended; deposit all the funds of the Association in a bank designated by the Board of Directors; and shall share with the Chair and Secretary the right to sign all checks.*

Rationale: Since checks over the amount of \$1500 require two signatures, having three officers designated as eligible to sign checks ensures that there will be no difficulty should one officer be temporarily unavailable.

3. Article Seven, Annual Meeting

The current language reads: The Annual Meeting, which shall be held at a time and place determined by the Board of Directors, shall include the presentation of an Annual Report of the Directors and Committees. Notice of the Annual Meeting shall be mailed to the last recorded address of each member at least ninety days before the date appointed for the meetings.

Proposed change: to delete the words "at least ninety days" and insert the words "not less than thirty nor more than fifty days." New language would read: *Notice of the Annual Meeting shall be mailed by first-class mail to the last recorded address of each member not less than thirty nor more than fifty days before the date appointed for the meeting.*

Rationale: The notice requirements of the bylaws regarding the annual meeting and bylaws amendments are incompatible with the notice requirements of the New York State Consolidated Laws regarding not-for-profit corporations. The NAJIT requirement is at least ninety days' notice for meetings, and at least sixty days' notice for bylaws amendments, while the NYSCL requirement for meetings is not less than ten nor more than sixty days' notice when first-class mail is used. Our counsel has recommended that the NAJIT bylaws be amended to conform to New York State's requirements, which this proposal does.

4. Article Eight, Voting and Elections.

The current language reads: Successful candidates shall take office the month following the elections.

Proposed change: to delete the word "month" and insert the word "day." New language would read: *Successful candidates shall take office the month following the elections.*

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LAW IN A MULTILINGUAL ENVIRONMENT

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The European Experience

The European Community emerged from a Roman-based tradition and has no doctrine of binding precedent such as exists in English law, but the advantage of the community system is that its purposes have been specifically articulated, according to Ian McLeod of London Metropolitan University. With English courts having to interpret EC law, judges are becoming more integrative. The civilian tradition, of engaging in more schematic interpretation, causes judges to look more for meaning in context, taking into account the overall purpose of a particular law. Just how meaning is gleaned in statutory interpretation was examined by Jan Engberg of the University of Aarhus (School of Business) in Denmark. Where terms in two languages do not overlap, provisions must be interpreted by referring to the purpose and general scheme of the rules. The translator may supply input to the problem but cannot solve it. Translation itself, as Tarja Salmi-Tolonen of Finland reminded us, is the ultimate test for any source text: problems in translation will be minimized if the text is well written and the thoughts are clear. However, the European Union does not share a common legal culture: legal chauvinism still exists, and distinctions between common law and civil law make transposition of concepts a risky proposition, which has resulted in a patchwork, somewhat chaotic legal picture, according to Ana López-Rodriguez, also of Aarhus. Even with the growing numbers of member countries, the principal working languages are French, English and German, with French being the common working language of the European Court of Justice. The harmonization of contract law, which she emphasized was needed, requires as a minimum a common legal discourse, informed by legal education, research and a common legal method. Indeed, the panelists agreed that Europe's population and experience in multilingualism makes it more open to new ideas and expression in other languages. The Commission of the European Communities recently issued a communication detailing an action plan (COM 2003 449 final) to promote language learning and language diversity throughout the EC, calling on all member states to promote the learning of two foreign plus the native language by all its citizens.

The International Arena

The role that language plays in international negotiations was discussed by Harry Sigman and Neil Cohen. Mr. Sigman, who has represented the U.S. in various commercial treaty negotiations, characterized the U.S. as "possibly semilingual" and referred to a choice of law

convention currently in negotiation that may introduce a new approach to conflicts. (He surely counts among the enlightened: he once spent eight hours meeting ahead of time with his interpreters before he gave a legal speech in Macedonia.) Mr. Cohen characterized lawmaking in the international arena as more akin to the process of negotiation, and warned that perceived agreement is not always real agreement, but a perception created by language in order to permit parties to move forward. (In this way, ambiguity has practical uses!) While most complex issues are discussed by first hashing out the definition of terms to be used, these words are often divorced from context. He concluded that people treat language differences as "regrettable, rather than something worthy of attention."

But language differences are mind-expanding, and the more languages one knows, the more philosophical one becomes. Maybe this was the purpose of the tower of Babel after all? Divergences in mental constructs become apparent when moving between or among languages. And these differences need to be taken into account if we truly want to understand one another, or at the very least, do business with one another. The presentations at this conference underscored the fact that seeing human phenomena from a variety of perspectives has distinct advantages: greater conceptual understanding inevitably results from studying the wealth of ways humanity has found to express certain ideas. That's why we have to keep talking.

The conference papers will be published in the *Brooklyn Journal of International Law*. Hurray for dem!

Websites of Interest:

Law, Language and Cognition Center:

www.brooklaw.edu/centers/cognition.

International Business Law Center:

www.brooklaw.edu/centers/

The International Law Journal:

www.brooklaw.edu/students/journals/bjil.php.

www.onterm.gov.on.ca/lexicon_e.html Bilingual lexicon of legislative terms in French and English

[The author is Chief Interpreter of the United States District Court, Southern District of New York, editor of Proteus, and a NAJIT director.]

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at NAJIT**
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NAJIT BOARD OF DIRECTORS

Telephone Conference Minutes July 9, 2003

Present: Directors Cristina Castro, Cristina Helmerichs, Judith Kenigson Kristy, Alexander Rainof; Executive Director Ann G. Macfarlane. There is a quorum. Director Framer joined the meeting at 6:40 pm PDT.

1. The meeting was called to order at 6:05 p.m. PDT.
2. The agenda was adopted by unanimous consent.
3. Consent agenda:
 - A. Judith Kenigson Kristy moved that the draft minutes for the joint SSTI/NAJIT board meeting of May 23, 2003, be approved as amended. Motion carried by unanimous consent.
 - B. Alex Rainof moved that the draft minutes for the Annual Meeting of May 24, 2003, be approved as submitted. Motion carried by unanimous consent.
 - C. Judith Kenigson Kristy moved that the draft minutes for the board meeting of May 26, 2003, be approved as submitted. Motion carried by unanimous consent.
 - D. Judith Kenigson Kristy moved that the draft minutes for the executive session of May 26, 2003, be approved as submitted. Motion carried by unanimous consent.
 - E. Cristina Castro moved that the agenda items 'draft committee policy,' 'draft publicity policy,' and review of venues for future annual meetings are hereby postponed to the next board meeting, with electronic discussion in the interim. Motion carried by unanimous consent.
4. The Executive Director made her report.
5. Board matters.
 - A. Approval of Board meeting calendar.
Alex Rainof moved that the next NAJIT board meeting shall be held on Wednesday, August 27 at 5:30 p.m., PDT. Motion carried by unanimous consent.
6. Executive Session.
The Board moved to Executive Session at 7:24 pm. Executive Session ended at 7:26 pm.
7. Financial Matters.
 - A. Sponsorship of video on court interpreting
Cristina Castro moved that the Publications line item for the NAJIT budget for 2004 shall include the sum of \$1,500 for the Highline School District video on court interpreting, subject to successful completion of negotiations with the HSD on credit and distribution arrangements. Payment to be made in 2004. Motion carried by unanimous consent.

8. Conference Matters.
 - A. DENVER—appointment of Chair of Conference Committee
Cristina Helmerichs moved that Cristina Castro is hereby appointed Conference Committee Chair for the NAJIT 25th Educational Conference. Motion carried by unanimous consent.

Cristina Castro moved to adjourn. Motion carried.
Meeting adjourned at 8:38 p.m. PDT.
Approved by the NAJIT board August 27, 2003.

Submitted by
María Cristina Castro
Secretary, NAJIT Board of Directors

Telephone Conference Minutes August 27, 2003

Present: Directors Cristina Castro, Isabel Framer, Cristina Helmerichs, Judith Kenigson Kristy, Alexander Rainof; Executive Director Ann G. Macfarlane.

1. The meeting was called to order at 5: 35 p.m. PDT.
A quorum was present.
2. Two items of new business were added to the agenda, which was adopted by unanimous consent.
3. The Chair moved to approve the consent agenda as presented. Motion carried by unanimous consent.
 - A. Approval of Draft Minutes for the NAJIT Board meeting of July 9, 2003.
 - B. Approval of the Draft Minutes for the NAJIT Board executive session of July 9, 2003.
4. The Executive Director made her report.
5. Board matters.
 - A. Alexander Rainof moved that the Board move to committee of the whole at 6:00 pm PDT, to discuss the proposed Publicity Policy, motion carried by unanimous consent. The Chair moved the Board to emerge from committee of the whole at 6:32 pm PDT. Motion carried by unanimous consent. Judith Kenigson Kristy moved that the publicity policy be approved as revised. Motion carried.
 - B. Judith Kenigson Kristy moved that the Board move to committee of the whole at 6:35 pm PDT, to discuss the proposed Committee Policy, motion carried by unanimous consent. Alexander Rainof moved the Board to emerge from committee of the whole at 7:05 pm PDT, Judith Kenigson Kristy moved that the NAJIT Chair shall serve as voting ex officio member of all committees, except the nominations and elec-

> *continued*

BOARD OF DIRECTORS MINUTES *continued from page 11*

tions committee and that the Executive Director shall serve as non-voting ex officio member of all committees, except the nominations and elections committee. Motion carried. Cristina Castro and Alexander Rainof cast dissenting votes.

C. Cristina Castro moved that the Board Meeting and Communication Policy be amended to add the following point: Unless otherwise restricted by the certificate of incorporation or the by-laws, any action required or permitted to be taken by the board or any committee thereof may be taken without a meeting if all members of the board or the committee consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the members of the board or committee shall be filed with the minutes of the proceedings of the board or committee. Motion carried by unanimous consent.

D. Bylaws amendments:

a) Alexander Rainof moved that the bylaws amendment proposed to Article Four: Board of Directors, Section V, Meetings, be hereby approved. Motion carried by unanimous consent.

b) Cristina Castro moved that the bylaws amendment proposed to Article Ten: Amendments of Bylaws, Section 1, Notice, be hereby approved. Motion carried by unanimous consent.

E. Cristina Castro moved that the draft board meeting schedule be approved as amended. Motion carried by unanimous consent.

6. Cristina Castro moved that transportation and lodging expenses for the NAJIT Chair to attend the meeting of the National Consortium for State Courts in Portland, Oregon from October 5-8, 2003, be hereby approved. Motion carried by unanimous consent.

7. Administrative matters

A. Judith Kenigson Kristy moved that NAJIT return to the bonus period membership schedule for the next two years. Motion carried by unanimous consent.

B. Judith Kenigson Kristy moved that the overseas fee be eliminated from the membership fee schedule. Motion failed.

C. Cristina Castro moved that the 2004 Conference fee schedule be approved as amended. Motion carried by unanimous consent.

8. Judith Kenigson Kristy moved that the guidance to the Chair of the Publications Committee be hereby approved as amended. Motion carried.

9. Conference Matters: the proposed schedule for future conferences is approved.

10. Other New Business

A. Alexander Rainof moved that the Advocacy Commit-

tee be hereby directed to prepare public statements, letters and/or an amicus curiae brief, working with other organizations, if it determines that such is appropriate, in the case of Petrona Tomás/Eulalia Miguel. Motion carried by unanimous consent.

B. The Chair moved that the NAJIT Board of Directors hereby invite officials of the Texas Department of Licensing and Regulation who are concerned with interpreter issues to attend the NAJIT Regional Conference on Interpreter Skills, to be held on September 20, 2003, in Austin, Texas, as guests of NAJIT. Motion carried by unanimous consent.

Cristina Castro moved to adjourn. Motion carried by unanimous consent. Meeting adjourned at 8:15 p.m. PDT. Approved by the NAJIT Board October 26, 2003.

Submitted by
María Cristina Castro
Secretary, NAJIT Board of Directors

EXECUTIVE DIRECTOR'S CORNER *continued from page 9*

Rationale: Since the sole required in-person meeting of the Board of Directors takes place after the Annual Meeting and Educational Conference, it seems advisable to have that meeting include newly elected directors. In this way they can begin their work of guiding the association as soon as possible. Under the current arrangements, the directors who were unsuccessful or who had chosen not to run again would be in a "lame duck" position at the in-person meeting.

5. Article Nine, Amendments of Bylaws, Section 1, Notice.

The current language reads: These Bylaws may be amended, repealed, altered or added to in whole or in part by a two-thirds vote among the members of the Association present and voting in person or by proxy at any Annual Meeting, provided that the complete text of the proposed change is submitted to each member in writing not less than sixty (60) days preceding the date of such meeting.

Proposed change: to delete the words "not less than sixty (60)" and insert the words "not less than thirty nor more than fifty." New language would read: *These Bylaws may be amended, repealed, altered or added to in whole or in part by a two-thirds vote among the members of the Association present and voting in person or by proxy at any Annual Meeting, provided that the complete text of the proposed change is submitted by first-class mail to each member in writing not less than thirty nor more than fifty days preceding the date of such meeting.*

Rationale: This change will make the bylaws notice requirements compatible with the annual meeting notice requirements listed above.

COMMITTEE REPORTS

Publications Committee

The NAJIT Publications Committee, chaired by Sylvia Zetterstrand, has now been constituted and consists of Arlene Kelly, Isabel Picado and Marvyn Bacigalupo. Judith Kenigson Kristy (member, NAJIT's board of directors), Nancy Festinger (editor, *Proteus*), and Margarita Cárdenas will also be collaborating closely. The committee is involved in three major activities: (1) the Tape Transcription and Translation Project; (2) the Position Papers Project; (3) Other Publications. Details follow.

1. Tape Transcription and Translation Project

The summer 2003 issue of *Proteus* featured *Three Sessions on Tape Transcription: NAJIT to Draft Professional Guidelines*. That article described the working session (*Transcribing Tapes III*) during which this project was launched. (Interested readers can download from the NAJIT website the background papers by Janis Palma and Joaquín Font, *Transcribing Tapes I and II*) as recently updated.

The Publications Committee now seeks to appoint a subcommittee for the Tape Transcription and Translation Project. An announcement inviting participation was posted on the NAJIT listserv in October 2003 and was also sent to the International Association of Forensic Linguists (*IAFL*) for circulation.

Once the subcommittee is selected, it will work independently under the aegis of the Publications Committee. An announcement will be sent out to request any unpublished work or material on tape transcription and translation that might assist the subcommittee.

Preliminary versions of the publication will be posted in the Members Only section of the NAJIT website for comments. As the project advances, NAJIT membership can continue to contribute ideas and pose questions for the subcommittee to address.

The final product of the subcommittee's work will become a NAJIT publication, after the NAJIT Board of Directors has approved it.

2. Position Papers Project

NAJIT position papers on key issues in judiciary interpreting was an idea floated some time ago by several members, in particular, Nancy Festinger and Isabel Framer (member, NAJIT BOD and NAJIT Advocacy Committee). The growth of the field and the increasing number of requests for information from legal professionals, government entities and individuals, have led NAJIT to need such position papers. The topics selected for the

first series are:

- (1) Summary interpretation
- (2) Team interpreting
- (3) Modes of address (which includes 3rd person interpreting)
- (4) Qualification and credentialing
- (5) Preparing interpreters in rare languages
- (6) Best practices for working with attorneys
- (7) Improved interpreting for law enforcement

Isabel Framer, Sebastian Aloom (Senior Attorney, USDOJ) and Sylvia Zetterstrand led a working session at the Nashville conference in which attendees shared ideas and made recommendations for addressing the above-mentioned topics. NAJIT's Advocacy Committee, chaired by Alex Rainof, will be collaborating with the Publications Committee in the drafting process. Final versions will be posted on the NAJIT website.

The first three position papers (topics 1-3) will be posted on the Members Only website section later this year to seek member input before submitting final versions to the BOD for review and approval. Topics (4) through (7) will be addressed in the order listed above during the year 2004. For the broader topics (topics 5-7), the Publications Committee will gather information (handbooks, policies, and so forth), from NAJIT colleagues, the courts, and interpreter offices throughout the country, to ensure that these papers contain complete and accurate information. The committee seeks one or more volunteers to assist in collecting materials.

Other Publication Projects

Currently, two publications are in progress, a brochure and booklet: Judith Kenigson Kristy's *Information for Court Interpreters* and Janis Palma's new edition of the *Handbook for the Legal Profession*. Publication Committee editors are in the process of conferring with the authors to make the final versions of their works available as soon as possible to the general public.

Future Projects

A basic publication policy will be made available to authors who submit materials for publication. Publications are planned in one of two basic formats: brochures and booklets. Both types will be offered for sale at prices to be determined later.

Brochures will be concise, printed on a single double-sided sheet to be folded in three. They will be informative

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Advocacy Committee

The following letter was prepared by the NAJIT Advocacy Committee, chaired by Dr. Alexander Rainof, and sent by NAJIT in the case of Eulalia Miguel, also known as Petrona Tomas, now being tried in Florida.

September 23, 2003
 Palm Beach County Court
 Honorable Hubert Rolane Lindsey
 205 N. Dixie Highway Rm 324

West Palm Beach , Florida 33401
 RE: State of Florida v. Eulalia Miguel, a/k/a Petrona Tomas
 Case Number: 02-11821CF AO2 Division "T"

Honorable Hubert Rolane Lindsey:

We write on behalf of the National Association of Judiciary Interpreters and Translators (NAJIT), a professional association of interpreters and translators in the legal field. The association was founded in 1979 and currently has over one thousand members. Our mission is to advocate, educate, and promote the field of court interpreting and to establish ethical and professional standards of interpretation and translation in the many settings where these disciplines are practiced. We provide a forum for discussion of interpreting issues, organize interpreter/translator training and education, and offer continuing legal education for judges, attorneys and law enforcement. We also provide consultation and guidance to courts, court administrators, law enforcement, prosecutors, defense attorneys and businesses regarding language-related or interpreting issues. In our many functions we strive to maintain collegial relations with courts, law enforcement, defense bar, prosecution and court support services. We submit this letter to your honor as friends of the court.

NAJIT does not advocate for or against the parties involved in any action. However, we wish to take a position on the interpreting and translating standards in the above-captioned case.

The NAJIT board, members and other interpreters, including local interpreter associations from other states, are very concerned about the quality and neutrality of the interpreter services provided to the court in this case. We have great misgivings not only regarding issues of due process, but also regarding the negative impact this case might have on well established professional standards of judiciary interpreting and translating.

The defendant in this matter, a 15-year old charged with first degree murder of her infant daughter, is from Guatemala. Before coming to the U.S., she lived her whole

life in an isolated Indian town and Spanish is not her native language. Her principal language is a relatively rare Mayan dialect. It is not known with certainty which Mayan dialect she speaks, whether Kanjobal or Akateko (also known as Western Kanjobal). These dialects have approximately 78,000 and 55,000 speakers respectively (source: Ethnologue: Languages of the World, web edition at www.ethnologue.com).

To our knowledge, the defendant was not provided with an interpreter of her own dialect at any stage in the proceedings. Throughout the pendency of this matter, the police and the courts have evidenced considerable confusion over how to establish meaningful communication with the defendant.

Due to the rarity of the language, it is understandable that the courts would have difficulty finding someone who speaks both the defendant's dialect and English fluently. However, once such a person is located, he or she is not qualified to interpret in a legal setting unless properly trained and oriented. For example, this "interpreter" might not know the different meanings of murder and manslaughter and would simply translate these terms identically. It is also possible that this person would tailor the translation for a particular purpose. Experience has taught us that courts need to approach with utmost caution the designation of an interpreter in a so-called exotic language, especially in a case that has gender, cultural or juvenile issues. This case has all three.

Family or friends have served as interpreters at different stages of the case but they cannot be considered neutral interpreters. They are not trained in legal terminology, skills, ethics, professional role, and responsibilities. They might have an interest in the outcome of the case or be potential suspects themselves.

We have been informed that there continue to be serious problems with the lack of a qualified, trained, neutral interpreter in the particular Mayan language spoken by Eulalia Miguel. Since the defendant was arrested on October 9, 2002 and to date the problems have not been remedied, we feel it necessary to express our concern.

Without a qualified neutral interpreter in the defendant's language, not only is the court potentially exposed to a suit for discrimination due to national origin, but constitutional rights can be compromised and due process affected, including: giving informed consent to search; knowingly, intelligently and truly understanding Miranda; understanding the exact nature of the charges; communicating with the prison authorities regarding medical care or other needs; understanding prison regulations; engaging in meaningful communication with counsel; assisting in her own defense; meaningfully participating in all stages of the proceedings; being understood fully should she speak on her own behalf; and entering a

plea knowingly, intelligently and of her own free will.

In order to ensure due process available resources should be used to provide a trained, qualified, neutral interpreter every time the defendant appears in court or consults with an attorney. We respectfully submit that fundamental fairness, not the cost of such services, is the paramount consideration.

If a qualified interpreter in the defendant's Mayan dialect is not available in the state of Florida, an experienced interpreter from another state can be contacted. California state courts have a list of interpreters who speak a variety of Mayan languages.

If an experienced interpreter of the particular Mayan dialect cannot be found, the next-best approach to effective communication would be through what is known as "relay interpretation." This has been used before in cases of rare Indian languages. A Mayan-Spanish speaker is found, and that person interprets into Spanish, and then a certified Spanish interpreter interprets into English for court and counsel.

NAJIT is available to assist in any way with resources, information and guidelines. We can provide names of experienced, qualified court interpreters in Konjobal or Akateko, experts in the field of court interpreting, and Mayan cultural experts. These names will be provided as a courtesy to the courts or counsel.

We enclose select case law on interpreting and translating issues as well as a copy of our canon of ethics and professional responsibilities.

Cordially,
NAJIT, the National Association of Judiciary
Interpreter and Translators, Board of Directors
Cristina Helmerichs D, Chair

PUBLICATIONS COMMITTEE REPORT *continued from page 13*

in nature, and typically follow a question/answer format. Brochures will be offered as a PDF file on our website, available to members at no cost and downloadable by non-members for a modest fee. Longer publications (monographs, handbooks, glossaries, etc.) will be published in booklet form.

Website Update

We also seek to update and expand the information in the FAQ section of NAJIT's website.

Conclusion

NAJIT is taking an active role in publishing educational material for practitioners and the legal profession. To accomplish these goals, a lot of work needs to be done by many individuals. The Publications Committee welcomes assistance in any of the projects described above.

Please contact the Publications Committee chair at zetterst@yahoo.com to obtain further information on projects, to offer assistance or suggestions, or to submit manuscripts for potential publication.

LETTER TO THE EDITOR

I realize that Arlene Kelly is reporting what she heard at NAJIT's Nashville conference in her article "Tennessee's Credentialing Program," but I would like to add to the record. I was asked to participate in the presentation but was left out when it was scheduled.

Ms. Kelly gives short shrift to the groundwork laid by the Tennessee Foreign Language Institute, and specifically to the coordinator for court interpreter certification. I was that coordinator, and I researched thoroughly all options available to the state, conducted judicial education and hired professional interpreters/trainers to educate the practicing interpreters in TN, all in anticipation of a coming certification program. Ms. Montgomery was not part of this arduous process. Her help was crucial three years later, when we began to seek consensus on rules for approval by the TN Supreme Court, based on a draft I compiled of the best the Consortium had to offer.

I traveled, spoke with and learned from the best practitioners and administrators. Without the Tennessee Foreign Language Institute's initiative to support the Public Defender's Conference Director Andy Hardin and insistence that we pay more than lip service to this issue, Tennessee would not have a certification program.

The Tennessee Foreign Language Institute is an innovative government agency that is addressing many of our most pressing public concerns in the areas of linguistic access. Please visit our website at www.foreignlanguages.org. Thank you for the opportunity to set the record straight.

Janice Snow Rodriguez
Acting Director
Tennessee Foreign Language Institute

Continuing Education Credits

Credits have been awarded by the States of California and Washington for the NAJIT Annual Conference held in Nashville May 2003. Contact headquarters for detailed information.

WELCOME NEW MEMBERS

July 1 – September 30, 2003

Aguirre, Nicolas. Miami, FL.
 Al-Kasey, Tamara. Pittsburgh, PA.
 Bailey, Doris. Round Rock, TX.
 Barria, Sonia. Dover, NJ.
 Birden, Paul. Philadelphia, PA.
 Bose, Norma. Mauldin, SC.
 Brara, Robert. San Francisco, CA.
 Brayfield, Edna. Coral Springs, FL.
 Chang, Kathy. Taipei, Taiwan.
 Chittester, Gary. Nashville, TN.
 Clinard, Mee. Tamuning, Guam.
 Coquet, Alicia. D.F., Mexico.
 Cotton, Teresita. Longview, TX.
 Dominguez, Jose Ernesto. Eagle Pass, TX.
 Donahue, Sindy. Anchorage, AK.
 Estill, John. Millersburg, OH.
 Feijoó Negrón, Sandra. Lincoln Park, MI.
 Fuentes, Leo. Copley, OH.
 Gil, Lucy. Lawrenceville, GA.
 Graffos, Rafaela. El Paso, TX.
 Hernandez, Carlos. Glen Allen, VA.
 Hsu, George. San Francisco, CA.
 Jensen-Lech, Tuan. Kailua, HI.
 Kaur, Rupinder. Redwood City, CA.
 Kung-Wong, Teresa. Walnut Creek, CA.
 López, José. Virginia Beach, VA.
 Loranca, Maria. East Moline, IL.
 Martin, Lorena. Corpus Christi, TX.
 Moore, Pavlina. Miami, FL.
 Moskov, Stanka. Ft. Lauderdale, FL.
 Nakazawa, Laura. Wellesley, MA.
 Rojas, Miguel. Cumberland, RI.
 Saunders Basili, Andréa. Ariccia, Italy.
 Schaefer, Laura. Kissimmee, FL.
 Soncini, Belinda. Boston, MA.
 Suleiman, Iamyah Bahi. Salmiya, Kuwait.
 Surina, Asele. Austin, TX.
 Suzuki, Izumi. Novi, MI.
 Torres, Hilma. Downey, CA.
 Tsyryn, Maxim. Forest Hills, NY.
 Vera, Zoe. Roswell, GA.
 Wolff, Kellen. East Elmhurst, NY.
 Wong, Christina. Margate, FL.
 Wong, Joseph. Margate, FL.
 Zapata, Aurora. Kissimmee, FL.

WEBSITES OF INTEREST

■ www.coloradointerpreters.org

Website for **CAPI, the Colorado Association of Professional Interpreters**, with useful information regarding certification, interpreter directory, upcoming events, references, and more.

■ www.pcisd.org

Newly expanded website for the **Professional Court Interpreters of San Diego**. Be sure to click on "Interpreter Resource Index" link. Also has link for training events.

■ www.interculturalpress.com/shop/index.html

Hundreds of books and activities on cultural issues

■ <http://deafcan.org/Courts&Attorneys.htm>

[Kathy Poulos-Minott, **National LEP Advocacy Task Force**]

■ <http://manufacturing.stanford.edu> [NY Times]

Trying to visualize but not quite understanding how something is made? This site explains more than 40 products and manufacturing processes.

■ <http://classweb.gmu.edu/accent>

Speech Accent Archive houses more than 260 native and nonnative speech samples of speakers of English.

■ www.ku.edu/~idea/index2.html [NY Times]

In a similar vein, the **International Dialects of English** archive is also available through the University of Kansas theater and film department.

■ www.elsevier.com/homepage/sal/ellei/

Encyclopedia of Language and Linguistics online.

■ www.ailla.org/site/la_langs.html

A digital archive of recordings and texts in and about the indigenous languages of Latin America. Access to archive resources is free of charge. Has an excellent links page.

■ www ldc.upenn.edu

Linguistic Data consortium, an open consortium of universities, companies and government research laboratories, creates, collects and distributes speech and text databases, lexicons and other resources for linguists.

■ www.spellonline.com

A spell checker for five European languages (English, French, Italian, Portuguese and Spanish) allows you to spell check a portion of text or an entire web page.

REFERENCE SHELF

Review by Margaret Redd

Encyclopedia of Forensic Sciences

Siegel, J., Saukko, P. & Knupfer, G., Eds.

San Diego: Harcourt Science and Technology-Academic Press, 2000

Vol. I, 471 pages; Vol. II, 511 pages; Vol. III, 450 pages. Total pages: 1,432

Monolingual English. ISBN: 0-12-227215-3

Drum roll, please... this stunning reference work represents the culmination of years of effort and international collaboration by contributors and editors from Finland, Turkey, the U.S., the United Kingdom, Canada, the People's Republic of China, Germany, Israel, and elsewhere. In his introduction, Dr. Henry C. Lee, Commissioner of the Connecticut Department of Public Safety, observes:

Forensic science is always a diverse field, built on principles of chemistry, biology and physics, and incorporating countless other specialties. Today, the service offered under the guise of "forensic science" includes specialties from all aspects of modern science, medicine, engineering, mathematics and technology... it is nearly impossible to maintain even a cursory level of knowledge regarding all available subcomponents within forensic science. At long last, there is a single comprehensive reference work to address over 200 of the most common areas and applications of forensic science.

With topics including medicolegal causes of death, crime scene investigation, DNA databanks and analysis, alcohol and drug analysis, fire investigation, psychological autopsies, and ethics, Lee advises that this comprehensive reference can alert an individual scientist or laboratory to procedures followed elsewhere, thereby maximizing the analysis of physical evidence.

Each volume begins with a guide to using the *Encyclopedia* and contains a complete table of contents for all three volumes, with corresponding page and volume number. With such a structure, the reader cannot fail to find the desired section. Entries are in alphabetical order. Some consist of single articles, others include cross-references; eg., under "homicide" we find references to crime-scene investigation and examination: collection and chain of evidence; contamination; criminal analysis; fingerprints; packaging; preservation; recording; recovery of human remains; scene analysis and reconstruction; and suspicious deaths. Some so-called "dummy" entries guide the reader to the scientific term; for example "lip print" directs you to cheiloscopy. Each volume also contains the complete glossary of terms for all three volumes, with a page index and other relevant

information. The entry for "flash point," for example, distinguishes it from "flame point" with corresponding glossary references.

Individual entries may feature tables, sample equations, graphs, figures, drawings, or photographs. Article content is clearly divided into bolded subheadings. Thus, "internet crime" is divided into an introduction, followed by subsections on the internet and cyberspace, internet crime, cyberstalking, internet computer crime, computer cracking, investigating internet crime, evidence on the internet, and evidence classification and individualization (Vol. III, pp. 1085B-1091). In a matter of seconds you can easily determine the general approach to the content, and either read, or move on.

Purchase of the *Encyclopedia* permits access for a limited time to an on-line version. But I suspect few of us will be making the investment, as the work sells for \$950. However, it should be available in the reference section of a law or medical school library, in public libraries, or in institutions offering programs in the forensic sciences. Next time you are scheduled to interpret in a hearing at which a forensic expert will testify, check this marvelous *Encyclopedia of Forensic Sciences* for its wealth of information, presented in a clear, sensible, comprehensible, user-friendly manner.

Reviewer's note: Since the work was published, Academic Press has become part of Elsevier Science and Technology Books. Other related titles are available at their website: <http://stbooks.elsevier.com/forensics>.

[The author is a federally certified interpreter residing in Kentucky, and conference organizer for the upcoming Regional Conference on Forensics.]



ANNOUNCEMENTS

Announcement by the Board of Directors

It is with great regret that the NAJIT board announces that Ma. Cristina Castro has resigned from the board for personal and health reasons. However, Cristina will continue in the position of Conference Chair for the 25th Annual Meeting and Educational Conference now being organized for Denver, Colorado. The board wishes to express its deep gratitude to Cristina for her contribution over three and a half years of service. As treasurer, secretary, member at large, and conference organizer, she has consistently given generously of her time and talents to our association. NAJIT is much richer for her contributions.

Nancy Festinger, editor of *Proteus* and life member of NAJIT, has been appointed to the vacancy on the board as director at large. In accord with our bylaws, Nancy will serve until the next election to be held on Saturday, May 22, 2004. The board appreciates Nancy's willingness to serve in another capacity the association to which she has already given so much.

Notice of Annual Meeting and Call for Nominations

The Board of Directors hereby announces that the Annual Meeting of the Association will be held on Saturday, May 22, 2004, at the Denver Marriott City Center Hotel, in Denver, Colorado. The terms of directors Nancy Festinger (completing the term of former director Ma. Cristina Castro), Cristina Helmerichs D., and Alexander Raïnof are expiring. Three directors will be elected for two-year terms. Members are invited to recommend potential candidates to the Nominating Committee, consisting of:

- Joyce L. García, Chair, email: Joyce_Garcia@azd.uscourts.gov
- Albert G. Bork, email: albertbork@earthlink.net
- Susana Stettri Sawrey, email: sstettri@earthlink.net
- Teresa Salazar, email: Teresa_C_Salazar@dcd.uscourts.gov

(please note the period after the middle initial in this address)

The NAJIT bylaws, Article IV, Section II – Eligibility, read as follows:

“Any Active Member who attains two years of continuous membership as an Active Member in good standing as of the return date specified on the ‘Call for Nominations’ shall be eligible for nomination to the Board of Directors.” Friday, January 16, 2004 has been established as the return date for all nominations.

Members may nominate themselves or may be nominated by fellow members. Please note, however, that the Nominating Committee has the responsibility of propos-



ing the names of candidates for the election to the members, taking into account the need to ensure, to the extent possible, a balanced slate as far as language, geographical location and professional activity are concerned. Only Active Members who meet the criteria above may be nominated to the Board of Directors.

Members of NAJIT as of the record date of April 2, 2004, will be eligible to vote by mail ballot or in person in this election. The Board of Directors welcomes the interest and participation of all members in the governance of the Association.

Dr. Raïnof Receives Commendation

Dr. Alexander Raïnof, who serves as a director of NAJIT and also as Vice-President of the Society for the Study of Translation and Interpretation, received a special award at this fall's annual conference of the California Court Interpreters Association. The award was presented by CCIA Vice-President Richard Weatherby during the luncheon meeting to recognize all that Dr. Raïnof has done for CCIA and for our profession. Special mention was made of Dr. Raïnof's key role in establishing and maintaining the Bachelor of Arts in Translation and Interpretation at California State University Long Beach. This is the only B.A. program in translation and interpretation in the United States. CCIA has partnered with CSULB in enabling high-achieving high school students to study in this program, some of whom have gone on to enroll in the University. About twenty of Dr. Raïnof's former and current students were on hand to join in the applause and recognition of their teacher and mentor.

ITEMS OF INTEREST

The Office of Court Interpreter Services (OCIS) of the Massachusetts Trial Court accepts the *NAJIT Certification Examination: Spanish* credential to satisfy the exam requirement for Massachusetts state certification. Currently under consideration is a proposal to grant continuing education credits (soon to be required in Massachusetts to maintain state certification) for taking NAJIT's exam.

TIP-Lab Tenth Annual Distance Spanish Translation/Revision Workshop

TIP-Lab's Tenth Annual Distance Spanish Translation/Revision Workshop is scheduled for January to June 2004. Participants accepted on a first-come-first-served basis. Excellent command of both Spanish and English required. Participants will translate four texts, which will be reviewed by Leandro Wolfson, a professional translator from Argentina, and returned with revisions and annotated comments. A model translation will be selected each month from the group. As in previous years, application for continued education credit (20 hours) will be submitted to the Judicial Council of California and the Washington State Courts. TIP-Lab will also be applying for ATA accreditation continued education credit. Registration deadline: Monday, December 15, 2003. For further information and to request a brochure with the registration form, call, fax or e-mail: TIP-Lab, c/o Alicia Marshall (847) 869-4889 (phone/fax), e-mail: aliciamarshall@comcast.net

REFERENCES

A Lawyer's Guide to Cross-Cultural Depositions. The Colorado Lawyer, Vol. 32, No. 7, July 2003, pp. 81-86.

Don't miss the

NAJIT REGIONAL CONFERENCE ON FORENSICS

Friday – Sunday, February 6-8, 2004

Radisson Deauville Resort
6701 Collins Avenue • Miami Beach, Florida 33141

Earlybird rate available until January 15, 2004!

A small block of rooms is available at the Radisson Deauville Resort for the special rate of \$132/night single or double (+ resort fee and tax) until Thursday, January 15, 2004. Call the hotel at 305-865-8511 to reserve a room today! The National Judiciary Interpreters and Translators Certification Examination: Spanish, written portion, will be offered on Friday, February 6, 2004.

CALENDAR

January 24-26, 2004. ATA Seminar: Translating for the Pharmaceutical Industry. San Juan, Puerto Rico. Information: www.atanet.org.

February 6-8, 2004. NAJIT Regional Conference on Forensics. Miami Beach, FL.

April 23-25, 2004. ATA Spanish Language Division Annual Conference. Jersey City, NJ. Information: www.ata-spd.org.

May 10-13, 2004. CIATI III. São Paulo. Information: ciati@unibero.edu.br

May 20-23, 2004. Critical Link IV. Stockholm, Sweden. Information: www.criticallink.org.

May 21-23, 2004. NAJIT 25th Annual Meeting and Educational Conference. Denver, CO.

May 27-June 7, 2004. CCIA Study Tour with Enrique Alcaraz Varo & Brian Hughes. Alicante, Spain. Information: Ma. Christina McNamara, lamadrid@pacbell.net.

October 13-16, 2004. ATA 45th Annual Conference. Toronto, Canada. Information: www.atanet.org.

November 18-21, 2004. ACTFL Annual Conference. Chicago, IL. Information: www.actfl.org.

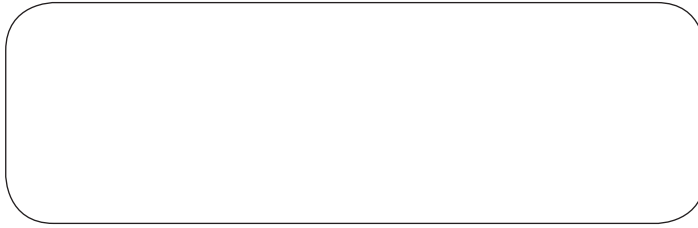
Join us for a grand celebration of twenty-five years working to strengthen our profession!

NAJIT SILVER ANNIVERSARY 25TH ANNUAL MEETING AND EDUCATIONAL CONFERENCE

Friday – Sunday, May 21-23, 2004

Denver Marriott City Center
1701 California Street • Denver, Colorado 80202
Hotel telephone: 303-297-1300

The National Judiciary Interpreters and Translators Certification Examination: Spanish, both written and oral portions, will be offered before the conference.



APPLICATION FOR MEMBERSHIP

Last Name First Name Middle Initial Organization/Corporate name Address City State ZIP Hm Ph. Business Ph. Fax Pager/Cellular Email Website

Languages: Credentials: NJITCE: Spanish Federal Court Certification Haitian Creole Navajo Spanish State Court Certification: From which state(s)? ATA: What language combinations? Department of State: Escort Seminar Conference Academic Credentials: Instructor at Freelance instructor I am an interpreter translator

Check here if you wish to be listed on NAJIT's website I was referred to NAJIT by

I certify that the above information is correct and accurate to the best of my knowledge and belief. I agree to abide by the NAJIT Code of Ethics and Professional Responsibilities.

Applicant's Signature Date

PAYMENT SCHEDULE

MEMBERSHIP YEAR: JANUARY 1 THROUGH DECEMBER 31

Table with 7 columns: Dues, Suggested voluntary contribution to the Society for the Study of Translation and Interpretation, Inc. (fully tax-deductible), Total (outside U.S.A. and territories, \$15 additional postage fee.), Active, Student*, Organizational, Corporate, Corporate Sponsor**, Associate

* Applicants for student membership must submit proof of at least half-time enrollment with application.

PAYMENT METHOD

Check or Money Order (payable to NAJIT) MC VISA Amex Card Number Expiration Date Signature (REQUIRED FOR CREDIT CARD PAYMENT.) Amount

PLEASE RETURN COMPLETED APPLICATION AND PAYMENT TO:

NAJIT

2150 N. 107th St., Suite 205 Seattle, WA 98133-9009 Tel: 206-367-8704 Fax: 206-367-8777 headquarters@najit.org http://www.najit.org

NAJIT occasionally makes its member information available to organizations or persons offering information, products, or services of potential interest to members. Check here if you DO NOT wish to have your contact information given out for this purpose.

** Other benefits of Corporate Sponsorship include:

- hotlink from the NAJIT website to your website; a longer descriptive listing on the website about your organization; one free quarter-page print ad in Proteus per year; the grateful thanks of your fellow members for your support.

Contributions or gifts to NAJIT are not deductible as charitable contributions for federal income tax purposes. However, dues payments may be deductible by members as an ordinary and necessary business expense to the extent permitted under IRS Code. Contributions or gifts to the Society for the Study of Translation and Interpretation, Inc. (SSTI) are fully tax-deductible.