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# TRANSLATOR AS ACCOMPLICE?

Igor Vesler

**CONFIDANT**, *n.* One entrusted by A with the secrets of B confided to herself by C.

**INTERPRETER**, *n.* One who enables two persons of different languages to understand each other by repeating to each what it would have been to the interpreter's advantage for the other to have said.

— Ambrose Bierce, *The Devil's Dictionary*

Interpreters' criminal liability for incriminatory concealment or disclosure of information, documentation, or facts entrusted to them by third

parties has recently become a serious issue for individuals and professional associations. Individual linguists need adequate protection from being prosecuted for carrying out professional duties, and professional organizations need to navigate these turbulent waters between the Scylla of obedience to the law and the Charybdis of protecting members from unreasonable interference. Due to the very nature of our trade, interpreters and translators deal with foreign entities and individuals. We act as intermediaries in communication between parties, and become aware of the content and extent of parties' relationships and transactions. On many occasions, information disclosed to a translator or interpreter in non-legal settings is on a non-confidential basis and has no legal consequences. However, if the parties' communication (in which a translator or interpreter participated) involves wrongdoing in the eyes of the government, any translator/interpreter

immediately becomes a suspect.

U.S. response to the tragic events of September 11 drastically changed many aspects of public life and gave rise to increased vigilance. Newly adopted homeland security legislation, together with closer law enforcement scrutiny of a wide range of communication activities involving foreign entities and persons — especially those suspected of terrorism, money laundering, drug trafficking and arms trading — expose translators and interpreters to a new kind of professional risk. New moral dilemmas

also result. Risks include criminal prosecution as a co-conspirator; moral dilemmas present hard-to-make choices between refusing to testify (and being held in contempt) or being disloyal to the client (and facing a potential lawsuit to compel disclosure).<sup>1</sup>

In this article I will first review recent cases of translators and/or interpreters who became suspects or defendants in federal cases. Second,

I will examine legal doctrines pertaining to privileged communication and parse the nature of the translator/interpreter privilege. Third, I will discuss non-privileged communication, with examples of exposure to legal action and ways that the government may seek to obtain information. Finally, I will propose some protective measures to mitigate the risks of a translator or interpreter being subject to a criminal investigation.

> continued on page 5



**NAJIT/MICATA**  
**Advanced**  
**Training**  
**Workshop**

**Parrots**  
**or**  
**ambudsmen?**



**Kansas City, KS**  
**Nov. 13-14, 2004**  
**See pages 26-27**

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# MESSAGE FROM THE CHAIR

Heartfelt thanks to everyone who made our Silver Anniversary Conference such a success. There are too many people to list, but I would like to give special recognition to the Colorado Association of Professional Interpreters for their generous and creative hospitality. Thanks are also due to all the presenters, exhibitors, and volunteers. Maria Cristina Castro, thank you for a superb selection of speakers.

A warm welcome to our new board members, Dr. Lois Feuerle of the Oregon Judicial Department and Janet Bonet of the Nebraska Association of Translators and Interpreters (NATI). We are very fortunate to have them both on the Board of Directors. We were very sorry to lose Cristina Helmerichs D., although after eight years she is surely ready for private life. Cristina plans to continue to support our work, a decision we are most indebted for. We are also sorry to see Nancy Festinger leave the board. During her appointment she brought invaluable expertise and judgment to our discussions. Nancy was honored at our Silver Anniversary Conference with the first ever presented Mirta Vidal Orrantia award (see page 16).

NAJIT has always been very committed to collaborating with other organizations and is a cosponsor of NATI's upcoming August conference, "New Voices from the Plains." NAJIT is also working closely with MICATA, cosponsor of our training in Kansas City, Kansas on November 13-14 (see page 26).

Exciting news, as announced in Denver, is the creation of the Mirta Vidal Orrantia Interpreting and Translating Institute (see page 3). We are grateful to SSTI President Janis Palma and Dr. Dagoberto Orrantia for all their work on this project. Under their direction, test preparation courses in Puerto Rico and Connecticut will be offered, an important service for all interpreters working in Spanish who seek to pass any certification test.

The new NAJIT Board is hard at work with a busy schedule already set for the year ahead. After considering our finances and activities carefully, the Board reluctantly decided to raise the membership fee by a modest amount. (see new schedule on page 15.) Since the last fee increase in 1999, our expenses continue to grow. However, we are committed to making the most of every membership dollar and continuing to find ways to provide the best service at the most economical cost.

One of most significant Board decisions at our meeting of June 29, 2004 is our commitment to reach out to students, recognizing that they are the future of our profession. We had a great student turnout in Denver from students at CSULB and UCLA (see page 19).

We appreciate the strong response to our invitation to participate in the Position Papers Subcommittee. The first position paper, "Direct Speech in Legal Settings," is now available on the website. Others are in the works.

I am glad to report that our transition to the new management team has gone smoothly.

Last, but not least, I wish to thank all NAJIT members for their support. I am honored to serve as your Chair.

Alexander Raïnof, Ph.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.

# NAJIT'S 25TH YEAR—PAST, PRESENT, FUTURE

Vanesa Ieraci

At the opening session of NAJIT's Silver Anniversary Meeting and Educational Conference in Denver on May 22, 2004, as I listened to keynote speaker Dr. Virginia Benmaman discuss the rocky path of judiciary interpretation in the United States, I could not help but take a second look at my career and my own place in our profession's history. Dr. Benmaman, distinguished Professor Emeritus and current director of the MA Program in Bilingual Legal Interpreting at the Graduate School of the College of Charleston, South Carolina, delivered an enlightening speech with an invitation few in the audience could resist: this is a time not to cry for our future but to pat ourselves on the back.

While the present status of judiciary interpreters and legal translators may be far from fair, perfect, or ideal, we are grappling with tough questions: What is our place in the judicial system? Why are we underpaid for working in increasingly difficult conditions? Why doesn't the public know what an *interpreter* does, or a *translator*, or a *linguist*? Why do people not consider judiciary interpreters and legal translators professionals? We want and need recognition, but how to get it and what form should it take? We want things to change for the better, but change will not happen tomorrow morning. First we need to work and persevere to make things happen. That is the key, and it was the key Dr. Benmaman handed to her audience.

Twenty-five years ago, Dr. Benmaman agreed to help out in a court hearing where "some Spanish would be spoken." It was the first time she set foot in the United States District Court in Charleston. She found fifteen Colombian and Panamanian defendants, ringed by fifteen attorneys and court personnel. A vessel laden with marijuana had been seized; the defendants, crewmembers, spoke Spanish only. Everyone was at a loss. One interpreter for 15 defendants, a courtroom where no one was familiar with the

notion of an interpreter, let alone her role, and no one knew how to go about informing non-English speakers of their rights.

After that experience, Dr. Benmaman took it upon herself to study and research as much as possible. She first thought to attend a university program to learn about judiciary interpreting, but there were no interpretation programs available and no local resources to find a mentor. She found, as did so many other interpreters in those early years, that she was "forced to enter the field of judiciary interpreting not as a graduate of an education and training institution — but through the back door."

As I listened, I could not help but compare her experience with mine. How difficult it would have been to start my career as a legal translator without a graduate degree, without attending law school or completing a legal translation program which opened every door. The intervening twenty-five years made a difference.

Education is a fundamental component of any given profession, and it is key to conferring authority in and trust of any professional. Our profession is pointing in that direction, even though our credentialing process may have developed somewhat differently. "In many ways," Dr. Benmaman pointed out, "we have put the cart before the horse... Law degree before law school? Medical boards without first going to medical school? A CPA who has never formally studied accounting?" Today education is enabling new judiciary interpreters and translators to enter the profession through the front door.

Happily we fast-forward twenty-five years, where we find a Master of Arts program at the Graduate School of the College of Charleston, and the same woman who researched on her own is now the esteemed director of that program. True, currently it is the only graduate program in the field in the United States, but many more universities are in the process of developing such programs, which is certainly a sign of twenty-five years of accomplishment.

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## Interpreter Training Institute Opens In Puerto Rico

The National Association of Judiciary Interpreters and Translators (NAJIT), the largest association of professional court interpreters in the United States, together with its sister organization, the Society for the Study of Translation and Interpretation (SSTI), announce the establishment of a new interpreter training institute. Based in Puerto Rico, the **Mirta Vidal Orrantia Interpreting and Translating Institute** will provide on-line and in-person skills development to help meet the growing demand for Spanish-English translators and interpreters.

In many regions of the U.S., interpreters and translators are in short supply as new immigrants settle in diverse rural and metropolitan areas. This lack of qualified personnel affects the ability of state and federal entities to provide access to services for those with limited

English proficiency. In communicating essential information relating to family, housing, medical and legal matters, interpreters are expected to maintain high levels of accuracy and field-specific knowledge, yet training opportunities lag far behind the job market.

The Institute's goals are to further the professional development of interpreters and translators through a virtual library, courses, interactive self-study materials and other instructional aids. For information, see: [www.orgsites.com/ny/mvoiti/](http://www.orgsites.com/ny/mvoiti/)

Named in honor of the late Mirta Vidal Orrantia, founder of SSTI, past President of NAJIT, and a leader in raising the professional profile of court interpreters, the nonprofit Institute was announced on May 22, 2004, at NAJIT's 25th anniversary meeting and educational conference.

# INTERPRETED PSYCHOLOGICAL EVALUATIONS

Carol Rhine-Medina

Sooner or later, a judiciary interpreter is bound to come into contact with psychiatric assignments. Exposure to this facet of our judicial system may materialize in a variety of forms. One may be mass calendar calls of yellow-clad (in many counties) inmates claiming or suspected of being unfit to comprehend the charges against them or stand trial, some of whom may have requested removal to state psychiatric facilities. Judges issue rulings in individual hearings and order psychiatric examinations, referred to by section number, depending on the objective of the evaluation.

Many interpreters have also worked in court-ordered psychiatric evaluations, which frequently take place at correctional facilities. The interpreter either interprets the interview between forensic psychiatrist and inmate or translates a written psychiatric evaluation test, often in the absence of the forensic professional.

In the civil setting, as cases make their way through tortuous state worker compensation systems, interpreting duties may be identical and even more challenging than in criminal cases since the ethical limits on our communication with the patient/subject may be unclear, while in a criminal setting such constraints are (or should be) abundantly manifest.

In a heavily attended presentation at NAJIT's 25th Annual Educational Conference in Denver, Dr. Andrew F. Czopek examined the role of the language interpreter in psychiatric evaluations within a rational, ethically acceptable framework. Dr. Czopek provided a wealth of documentation and background on the origin and use of psychological/psychiatric evaluations in the courtroom. He discussed the application of exam results and explained key legal criteria in determining mental disorders, with particular attention to the mentally ill, non-guilty by reason of insanity, as well as child custody considerations applicable to a mentally disturbed parent.

Dr. Czopek viewed interpreter intervention in narrowing the margin of error in psychological test results as extremely important to the objective of ensuring a high degree of reliability and supporting the validity and relevance of results. Success at these stages will in turn enhance compliance with the Federal Rules of Evidence, and especially Rule 702 governing expert witness testimony, according to which a reliable opinion derived from standard testing procedures may be imparted by any expert witness.

Most attendees were searching for guidelines on the interpreter's ethical limitations in such a situation, i.e., how to act within the boundaries of our ethical code and apply common sense in being a facilitator for effective cognitive and personality assessment.

As is usual in such forums, the audience found appropriate solutions to their collective concerns in shared experiences, espe-

cially regarding cultural considerations, deafness or illiteracy that become evident to the interpreter, who must mention them to the forensic professional. The various questions in the evaluation procedure are often adapted to a composite, from which a person requiring interpretation may deviate significantly. Other concerns centered on the degree to which an interpreter might provide a qualitative, contextual interpretation of the sense of the question.

May an interpreter expedite the evaluation by assisting the individual in understanding the literal meaning of the question, perhaps by providing cultural parallels? Or would it be more cautious and prudent in view of ethical considerations to refer the issue to the consulting professional? If the question is of a personal nature, how far can an interpreter go in providing some comfort to the individual with the aim of eliciting a response?

As always, common sense is important to bear in mind. It is out of bounds for the interpreter to discuss with the test taker the intent of a particular question. Caution is definitely in order since according to Rule 701, the interpreter may be called upon to testify as an expert witness, and in such capacity will be taking the stand as an expert regarding linguistic capabilities, not as a forensic psychologist.

Nevertheless, to further the interpreter's goal of performing in a satisfactory manner and adhering to ethical principles, Dr. Czopek provided helpful hints:

- (1) When in doubt and/or time permitting, read the administrative procedures and scoring criteria of the test;
- (2) Be aware of your own bias — pro or con — and disposition to help or hinder if it becomes a factor in your own performance;
- (3) Attempt to adapt the length of the target question equivalent to that of the source question as an aid in comprehension; and
- (4) Collaborate in the process.

The final point is given with the preceding provisos, since an interpreter's presence is required not only to interpret language but also to put the examination into context, within ethical limits.

Finally, beware of falling prey to parting shots, as when a forensic evaluator asks the interpreter when it's all over: "Does that guy have a screw loose or what?" or "Whaddya think — is he just faking it??" ▲

*[The author is a freelance federal and state certified court interpreter practicing in the Bay Area. Electronic copies of Dr. Czopek's handouts, containing key information regarding the uses and applications of forensic psychiatric evaluations, may be requested from her at [kmedina@arrakis.es](mailto:kmedina@arrakis.es) or [carolmedina@earthlink.net](mailto:carolmedina@earthlink.net).]*

**RECENT CASES****1. Ahmad Al-Halabi**

Al-Halabi, age 24, Syrian-born and a senior airman in the U.S. Air Force, is accused of spying for Syria, allegedly using his position as a translator to gather top-secret information about suspected al-Qaeda and Taliban operatives held at Guantánamo.<sup>2</sup> More serious charges of aiding the enemy, which would have carried a death penalty, were dropped against Al-Halabi late last year.

**2. Ahmad F. Mehalba**

Mehalba, a civilian interpreter, was charged with lying to federal agents when he denied that computer discs in his possession contained classified information from Guantánamo.

**3. Mohamed Yousry**

Yousry, an Arabic translator and interpreter with a security clearance from the Justice Department, was arrested and charged together with three other

defendants. The government alleged that, while working as interpreter, Yousry was “covertly passing messages between IG [the Islamic Group] representatives and Shaykh [Omar] Abdel

Rahman relating to IG’s activities.”<sup>3</sup> The indictment charge:

h. On or about May 19, 2000, during a prison visit to Sheikh Abdel Rahman in Minnesota by STEWART and YOUSRY, YOUSRY read letters to Sheikh Abdel Rahman from SATTAR and Musa addressing, among other things, the issue of the cease-fire, while STEWART actively concealed the conversation between YOUSRY and Sheikh Abdel Rahman from the prison guards by, among other things, making extraneous comments in English to mask the Arabic conversation between Sheikh Abdel Rahman and YOUSRY.

i. On or about May 20, 2000, the second day of the prison visit, Sheikh Abdel Rahman dictated letters to YOUSRY and issued his decision to withdraw support for the cease-fire, while STEWART actively concealed the conversation between YOUSRY and Sheikh Abdel Rahman from the prison guards.

The interpreter’s role here apparently was limited to rendering into English a text dictated in Arabic, for the benefit of the defense attorney. Later the attorney allegedly disclosed this material to the media in violation of the agreement requiring Special Administrative Measures (SAM) that Stewart had signed in a written affidavit to the U.S. attorney’s Office.

It would appear that Mr. Yousry was acting in a professional capacity and that the attorney-client privilege indisputably extended to him. However, even without this protection, the interpreter’s role here appears to be grossly misunderstood and misinterpreted by the government.

It is quite possible that Yousry played no part in attorney Lynne Stewart’s decision to go public; as with any colleague in similar circumstances, he would be neither qualified nor entitled to do so. The interpreter’s only duty is to convey messages accurately and to the best of his knowledge from one language to another, from the legitimate originator to the legitimate recipient, regardless of content and intent. The indictment appears to charge Yousry simply for acting as an interpreter. As of this writing, the case is on trial.

It has now become common practice in high priority federal cases to closely monitor all contacts between interpreters and suspects or inmates. Communications may be videotaped to later determine whether interpreters have (a) omitted or changed the original, or (b) passed along secret messages interwoven into the legitimate flow of speech.

**PRIVILEGED COMMUNICATION**

Privilege is a legal concept that protects certain types of communication between persons who stand in special relationships to one another (attorney-client, husband-wife, doctor-patient, clergy-parishioner, etc.)<sup>4</sup> from being divulged under compulsion of law in a judicial proceeding. More practically, privileged communication is defined as immunity that exempts people from having to testify in court. In this context,

communication is construed to encompass not only the content of conversations but of physical documents as well. (Although an important part of privilege, the work-product doctrine is not separately addressed here due to space limitations.) In addition to some federal legislative acts, laws regarding privileged communication as determined by each state define by whom and under what circumstances privilege can be invoked.

Although laws and regulations vary from state to state, for a qualified professional to invoke privilege (unless other laws require disclosure or the originator and/or recipient has waived privilege), the following criteria must be met:

1. In written or oral communication, the recipient must be a qualified professional acting in a professional capacity to serve the needs of the message originator.
2. The message originator, in communicating with the recipient, must expect the communication and information entrusted to remain confidential. However, the message originator possesses the privilege and alone may waive it.

**Attorney-Client Privilege**

According to a 1989 Supreme Court case,<sup>5</sup> “the attorney-client privilege under federal law [is] the oldest of the privileges for confidential communications known to the common law.” Confidentiality is key to the lawyer-client relationship and part of the reasonable expectation of privacy protected by the Constitution’s Fourth Amendment, which prohibits “unreasonable” government intrusions.

The attorney-client privilege extends to any agent of the attor-

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*From now on, interpreter contacts with prisoners will be monitored.*

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**TRANSLATOR AS ACCOMPLICE?** *continued from page 5*

ney, i.e., employees of the attorney or holders of confidential communications such as legal assistants, paralegals, secretaries, stenographers, investigators, translators, and interpreters. Anyone working on client matters who has access to a client's confidential information can be held to the attorney-client privilege.

Under this umbrella, legal translators and interpreters may feel protected from government pressure to disclose information or produce documentation connected with work for legal counsel. But this privileged communication enclave is the *only* safe haven where the translator/interpreter is fully identified with and considered an intrinsic part of the attorney, enjoying the same treatment with respect to any disclosure of confidential information. Therefore, it is better to be hired not by the client directly but by an attorney.

Moreover, existing court rulings effectively acknowledge the notion of such privilege extension by imposing a so-called *restrictive necessity standard*, according to which, for the privilege to be preserved, "the presence of third parties must be more than just useful and convenient: instead the third party's involvement must be nearly indispensable or serve some specialized purpose in facilitating the attorney-client communications."<sup>6</sup> This necessity standard favors professional translators and interpreters' over occasional bilinguals. For example, when a Japanese business executive who spoke English brought his retired predecessor with him to serve as an interpreter with corporate counsel, the fact that a former executive was present was held to have waived the privilege protection.<sup>7</sup> Thus, attorneys should exercise caution when bringing an outsider into attorney-client communication. If an interpreter or translator is needed, it is preferable to employ a trained and certified professional.

### Other Types of Privilege

#### Accountant-Client Privilege

Some states have adopted the accountant-client privilege. However, it was only in 1998 that the Internal Revenue Service Restructuring and Reform Act gave taxpayers a new federal privilege relating to tax advice (written or oral) received from a tax practitioner. Under Internal Revenue Code Section 7525, a taxpayer now possesses a statutory privilege of confidentiality and protection. Thus, CPA clerks, assistants, translators, and interpreters are afforded the same treatment as anyone with access to a client's confidential tax information. It should be noted, however, that this privilege may be asserted only in any non-criminal tax matter before the IRS, or any non-criminal proceeding in federal court.

It is symptomatic, however, that this privilege has made its way to a statute through three remarkable court cases based on the presumption that the accountant privilege is an extension of the attorney-client privilege in a very special way.

Beginning in *United States v. Kovel*,<sup>8</sup> courts have extended the attorney-client privilege to cover certain communications involving accountants when the accountant participates in lawyer-client communication in furtherance of legal, rather than accounting advice. In *Kovel*, the Second Circuit held that the privilege will not be waived where the "presence of the accountant is necessary, or at least highly useful, for the effective consultation between client and lawyer."

The *Kovel* case allows us to use the interpreter analogy to argue that attorney-client privilege should apply to any communication between client and interpreter to aid the attorney in providing legal advice to a client who speaks a foreign language, regardless of whether the interpreter is an employee of the lawyer.

Two other court rulings<sup>9</sup> lend support to this argument by persuasively drawing a distinction between an advisor to an attorney who provides new information (no matter how useful) to a client, and an expert who merely improves communication by being a conduit between attorney and client, in the manner of a translator or interpreter.

#### Physician-Patient Privilege

The physician-patient privilege limits the medical information a physician can disclose without a patient's consent. State statutes create physician-patient privilege and it usually applies to testimony at trial or in administrative actions.

Although federal common law does not recognize the physician-patient privilege, in a majority of states, legislation clearly states that the healer-patient privilege (similar to attorney-client privilege) is extended to nurses, physician aides, medical office personnel and medical interpreters.

#### Clergy-Parishioner Privilege

This type of privilege (sometimes called "priest-penitent privilege") is also embodied only in state legislation. Due to the rapidly growing number of bi- and even trilingual churches and religious denominations, a religious interpreter may become an important figure in intra-church communications by directly participating in and witnessing confessions, counseling, etc. It may seem logical that the same protection from disclosure should be extended to cover them.

### Privileged Enclaves

As unusual as they may be, some other privileged communication environments are recognized by courts. Several years ago a federal judge ruled that conversations between members of Alcoholics Anonymous have the same sort of privilege as contacts between clerics and parishioners, and overturned a murder conviction.<sup>10</sup>

In another case, a judge ruled that potential jurors in Dona Ana County (New Mexico) cannot be eliminated simply because they do not speak English.<sup>11</sup> A further example is seen in the First Amendment-based right of journalists to keep materials confidential, protecting them from court order to disclose notes and research information. Some states have so-called "shield laws" granting media professionals a right to refuse to testify before a grand jury, while other states do not recognize such privilege. In Texas, for example, freelance writer and book author Vanessa Leggett served 168 days in jail for refusing to testify before a federal grand jury or turn over research materials. Leggett was held in civil contempt under 28 U.S.C. § 1826 as a recalcitrant witness in a murder case, and was incarcerated longer than any reporter in U.S. history for refusing to disclose research collected in the course of newsgathering. As is usual in states with no shield laws, neither the district court nor the Circuit showed leniency for Leggett's profes-

sional integrity and loyalty to confidential sources. She served the maximum term.

### Interpreter Privilege

As shown by the examples above, case law has held that linguists are facilitators or agents of a professional (attorney, physician, priest, etc.) and therefore also enjoy privileged status.

Federal legislation is silent with respect to any interpreter privilege.<sup>12</sup>

In many states, however, the interpreter is given privileged status regardless of subject area and type of umbrella privilege. For example, in Minnesota:

An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.<sup>13</sup>

In Kentucky, the language is even broader:

#### 30A.430 Interpreter not to be examined as witness — Other privileged communications.

Every person who acts as an interpreter in circumstances involving the arrest, police custody or other stage in a criminal, civil, or other matter of a person coming under KRS 30A.410 shall not be examined as a witness regarding conversations between that person and his attorney, when the conversations would otherwise be subject to the attorney-client privilege, without the consent of that person. Interpreters shall not be required to testify regarding any other privileged communications without the consent of the person for whom they are interpreting.<sup>14</sup>

Thus, in some states an interpreter (whether certified, registered, or non-credentialed) is given — at least, in theory — a double layer of protection: first, as an extension, aide or facilitator of communication for an attorney, medical doctor, priest, etc., and second, as an interpreter *per se*, provided that such privilege is explicitly articulated by a relevant statute in the state where the interpreter is practicing.

The Model Code of Professional Responsibility for Interpreters in the Judiciary recommended by the National Center for State Courts (NCSC) contains the following commentary under Canon 5:

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.<sup>15</sup>

Similar to the novelty introduced by the American Bar Association (see below), this creates a situation where the interpreter's decision to disclose is purely discretionary. It might be argued that it is unfair to impose the burden of such a decision on a person who in most cases is not qualified to make it.

In the absence of a federal statute defining an interpreter's rights and responsibilities, all certified staff interpreters with the federal courts have to sign an acknowledgment of the "Code of Professional Responsibility of the Official Interpreters of the United States Courts" containing 14 canons which interpreters swear to comply with. Canon 4 reads: "Official court interpreters, except upon court order, shall not disclose any information of a confidential nature about court cases obtained while performing interpreting duties." Under this rule, an interpreter faces a dilemma: if ordered by the court to disclose content of interpreted communication, either refuse to testify and risk being held in contempt, suffering whatever sanction the judge imposes; or testify in compliance with court order and the federal Code of Professional Responsibility, sacrificing impartiality and, possibly, reputation.

Whether these 14 canons are legally binding and have the force of law is not clear. Unlike state legislative acts approved by the Supreme Court of the respective state, the federal Code of Professional Responsibility has never been approved by the Judicial Conference, the policy-making body for the federal courts.

### Erosion of Privilege

Less than a month before September 11, Adam Cohen bitterly noted:

Time was when the confidential professions were reliably confidential. A lawyer kept your crimes and financial mischief to himself; a priest took your sins to the grave. Even nonprofessionals had codes of confidence: secretaries, clerks and anyone with access to Coke's secret formula or Colonel Sander's 11 herbs and spices kept a lid on it.<sup>16</sup>

He was commenting on the erosion of a long-lasting tradition as seen in policy changes by two very different organizations, the American Bar Association and the Catholic Church.

In 1998, the American Bar Association introduced a novelty that expanded an area of exceptions to the attorney-client privilege by establishing a rule allowing lawyers to disclose client secrets to prevent "reasonably certain death or substantial bodily harm." This new policy lets lawyers speak out even if the potential for harm is not immediate and the act is not criminal.

In the wake of sexual abuse and child molestation investigations, similar measures have been taken by some church authorities under media and public pressure. In Massachusetts, for example, legislation added priests and other clergy to a list of professionals, including teachers and social workers, legally required to report suspected child sex-abuse to the authorities.

Many professions have experienced similar changes in what used to be the area of privileged communication. A physician with an HIV-positive patient who says he will not tell sexual partners about his infection faces not just a moral dilemma but also a legal quandary. An attorney who learns that a corporate client is plan-

**TRANSLATOR AS ACCOMPLICE?** *continued from page 7*

ning to dump dangerous toxic waste next to the local water supply system faces the same dilemma.

The events of September 11 and resulting changes in the legislative environment and law enforcement practice seriously eroded the notion of privileged communication. Privilege may shrink in response not only to exceptional cases but also as a result of institutional pressures.

All this has special meaning for professions involved in handling people's secrets. Translators and interpreters frequently fall under the extended umbrella of such professions' privileges. Unfortunately, translators and interpreters are in the first rank of potential suspects by virtue of the fact that they communicate with people who speak a different language, have a different ideology, display different behavior, or have different cultural and social habits.

### **TRANSLATORS AND INTERPRETERS IN NON-PRIVILEGED ENVIRONMENTS**

The above discussion addressed freelancers only, because in-house translators and interpreters work under a different set of rules with respect to privileged communication. But let us look now at a non-privileged environment: U.S. companies communicating with foreign entities and domestic limited-English speakers.

When working for U.S. companies or nonprofit organizations interacting with foreign entities, a linguist is always at risk that the company may be covertly engaging in illegal operations such as money laundering, bribery, arms trade, etc. In these cases, a U.S.-based interpreter or translator may be the only witness available.

Interpreters and translators working for corporate clients are easy prey for the following reasons:

- (1) Parsimonious corporate clients frequently hire cheap freelancers with no professional credentials who, by judicial standards, may not qualify for meeting the restrictive necessity standard.
- (2) Freelance translators and interpreters with moderate income may not be able to hire a top-notch lawyer.
- (3) Freelancers are under greater IRS scrutiny than full-time employees; the possibility of a comprehensive audit may make them talk more easily.
- (4) Corporate clients do not generally indemnify and hold harmless a freelance interpreter or translator from litigation or government actions; nor do agencies. When corporations outsource translation and interpreting services (through an agency or directly), they do not think much about legal consequences and tend to underestimate the value of the documents released for translation.

#### **Hypothetical Case #1**

Mr. M., a professional translator experienced in international banking and financial matters, is contracted by John Doe to translate documentation generated by his office into two Slavic languages. The total volume of translated material over a two-year period is 600 pages; translation fees exceed \$22,000. Mr. M. is never told the purpose of the translated documents, or anything about his

client's activities. Later John Doe is accused of involvement in a scheme in which conspirators collected significant "advance fees" from potential borrowers by fraudulently promising to arrange pre-approved multimillion-dollar loans from eastern European lending institutions. The victims were falsely told that the conspirators had been successful in obtaining funding for numerous clients. John Doe was in charge of arranging the loan commitments from European banks through some Eastern European banks. The evidence of his deception is fictitious contracts in Slavic languages (as translated by Mr. M). A jury convicts John Doe of one count of conspiracy and four counts of wire fraud in connection with his participation in the fraudulent loan scheme.

In the early stages of the case, Mr. M. was a suspect due to his intimate knowledge of the essence of the scheme and failure to report it to a law enforcement agency. During the investigation, Mr. M. is repeatedly forced to testify against John Doe. Among other things, the prosecution suggests that Mr. M's fees were out of proportion and therefore represented his share of illicit gains from participation in the scheme. An IRS audit of Mr. M's tax returns follows and irregularities are found. The total amount of Mr. M's liabilities plus interest and penalties is \$1,470. Fortunately, Mr. M's lawyer persuasively demonstrates to the court that he was not a member of the conspiracy. Legal fees total \$21,000.

#### **Hypothetical Case #2**

Mr. N., a U.S.-based freelance translator and interpreter of African descent, is hired by an American investment bank in connection with financing for an oil project in his native country. He is hired over a period of years to translate bank correspondence with host country government agencies and private concerns. He also accompanies investment bank vice president Mr. F. to Africa as his personal interpreter at negotiations with government officials and corporate management.

The U.S. government investigates the bank's activities in the African country, and alleges that in order to win a project financing services contract, the bank violated the Foreign Corrupt Practices Act (FCPA). Responding to a subpoena, the bank produces only part of its correspondence and documentation related to transactions in Africa, claiming that the rest is covered by executive privilege of the vice president of the host country. An FBI agent on the case approaches the translator and requests that he produce translations of bank correspondence and notes made during meetings. The FBI tells the translator that if he refuses to cooperate, the FBI would have reason to believe that he was a co-conspirator, helping the bank circumvent the FPCA by facilitating information exchange. The FBI suggests that Mr. N. knew or should have known from the materials translated and the conversations interpreted that the bank had actually bribed host country officials. If he did know, and never reported it to the government, he could be charged with a federal crime, **misprision of felony** (see definition below).

#### **TRADEOFFS, NOT SOLUTIONS**

Finding oneself a suspect or witness in a criminal case puts any freelance translator or interpreter between a rock and a hard place.



Frequently in investigations involving corporate transactions with foreign entities and aliens, an interpreter or translator is the only source of information and potential witness because of (1) presence at key and confidential negotiations and (2) familiarity with the content (and even intent) of certain translated documents intended for the foreign party.

Any linguist so implicated should not operate under the illusion that there is a way to demonstrate innocence to the government and at the same time preserve a business relationship with the client. Once one's name appears on a prosecutor's list of potential witnesses in a case, there is no immediate solution. Any action taken in these circumstances would constitute a tradeoff where something is sacrificed in exchange for something else. Any investigation of corporate misdeeds is time-consuming and costly, and therefore the prosecution does its best to press the potential witnesses or sources hard for information.

One may decide under pressure to produce all documents and information in one's possession, thus becoming a material witness for the government. Needless to say, one's professional reputation may be gravely damaged due to disloyalty to the client. Moreover, if the government's case proves weak later on and is dismissed, the client may well sue the linguist for disclosure of confidential information and claim damages of enormous proportions.

On the other hand, a linguist may decide to refuse to cooperate with the investigation or testify in court, and face the unpleasant and costly alternative of hiring a lawyer (unless the linguist's corporate client agrees to pay legal fees), running the risk of being charged with conspiracy, contempt, obstruction of justice, misprision of felony, etc.

The linguist involved must understand that a tradeoff is inevitable and give serious consideration to what can be sacrificed (and later lived with). One must understand there is always a tradeoff of loyalty to a corporate client versus the threat of government inquiry (for example, the prosecution may request that the linguist disclose documents translated or the content of negotiations interpreted and issue a subpoena to that effect). At this point, a linguist must seriously think of hiring a lawyer or going to corporate counsel for legal advice.

### The Carrot and the Stick

One of the many sticks used by the federal government to make a translator or interpreter report suspicious activities is a crime reporting statute:

#### Title 18 U.S.C. § 4. Misprision of felony.

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both. (*June 25, 1948, ch 645, section 1, 62 Stat. 684*)

A simple explanation of *misprision* is taking action to conceal or cover up a crime. The term *felony* is defined as any offense punishable by a prison term exceeding one year.

In order to sustain a conviction for misprision of felony, the government must prove that a felony was committed, that the defendant had knowledge of the felony, that he failed to notify the authorities, and that he took an affirmative step to conceal crime.<sup>17</sup>

The crime of misprision of felony comprises four elements, assuming that a felony has already been committed and is cognizable by a court of the United States. The first element is the relationship between the person who committed a felony (in our case, the client) and the one accused of misprision (the interpreter or translator). The second element is "knowledge of the actual commission of a felony." Probably very few interpreters or translators, other than those who work in the legal field, would be familiar with how a felony is defined in order to determine if any actions or deeds described in a document or conversation constituted a felony. Nor would it be easy to determine whether the felony was "cognizable by a court of the United States" — meaning that a U.S. court has jurisdiction over the crime. So the interpreter or translator must be certain that what was learned from a conversation or document is a *fait accompli* — not a plan or intent but an act committed; must know the act is a felony; and must know that the particular felony is cognizable by the U.S. courts. The third element is failure to notify the authorities. It is highly improbable that a freelance linguist would report suspicions to authorities every time a conversation or a document seems peculiar. Moreover, the failure to report a felony is not sufficient. Title 18, § 4 requires some positive fact designed to conceal from the authorities the fact that a felony has been committed.<sup>18</sup> This leads us to the fourth element, an affirmative act of concealment, such as destruction of evidence. As a precedent court ruling establishes, "...conviction for violation of 18 USC Section 4 requires proof of affirmative act of concealment in addition to failure to disclose."<sup>19</sup>

If a freelance linguist becomes aware of a felony committed by a client, one option is to report it to the government before the government makes its first move. In consideration of a potential lawsuit and other damages (such as potential damage to the linguist's reputation), a monetary reward may be sought to cover potential legal fees and loss of work.

Crime information is a valuable commodity, with rewards offered for information leading to the arrest, conviction, or apprehension of felons. The person to contact regarding rewards is generally an FBI agent. A tipster's anonymity is guaranteed by federal law for providing confidential information or evidence against a lawbreaker.

There is no prohibition against comparison shopping for rewards. The FBI may not like competing with other agencies, but if negotiations bog down, a different agency may have a better offer, provided that the crime to be reported is within their jurisdiction. White collar and high-tech crimes involve many law violations and may fall under the jurisdiction of the FBI, Customs, SEC, or other federal government agencies.

To successfully prosecute someone for misprision, the intent to conceal or cover up must be proven. Withholding details while negotiating for a reward is not an act of concealment. The tipster has the right to withhold details until negotiations are successfully concluded. On the other hand, the tipster might also be forced by subpoena to appear in front of a grand jury to testify under oath.

**PROTECT YOURSELF – NO ONE ELSE WILL**

Listed below are some protective measures to aid a freelance translator or interpreter in maximizing the protections of linguist-client privilege and minimizing the risk of losing it.

**Identify yourself properly at all times**

1. Clearly specify your professional credentials (such as accreditation, certification, diplomas, etc.) in your stationary and all correspondence with your client. While acting in a professional capacity, always wear a badge with your name and the word **INTERPRETER** or **TRANSLATOR** in **BOTH LANGUAGES**.
2. Clearly specify your professional functions in any correspondence with your client by using language such as  
*... in response to your request for English-Spanish translation of the attached document... or*  
*... I will be glad to provide English-Swahili interpreting services during the upcoming negotiations...*

Always acknowledge in your correspondence that the subject matter of a meeting or the content of a document is confidential, that matters discussed and information provided should not be disclosed to or shared with others.

**Use your knowledge**

3. Have a clear idea of (a) whether or not your client enjoys any privilege, and (b) whether such privilege extends to you and your work product, rendering any translated material protected.
4. When the communication is privileged, make notes of the names and titles of those present and avoid talking in the presence of noninvolved personnel at meetings during which privileged matters are discussed.
5. Know your state statute provisions for interpreters and translators; when going on assignment to another state, check the relevant statute provisions in that state (see chart, opposite page).

**Establish and maintain a document retention and handling policy**

When working for a client whose communication may be deemed privileged and/or confidential, design, implement and rigorously maintain a uniform document retention and handling policy — or, at least, follow some simple rules, such as:

6. When interpreting, take detailed notes if possible, noting key words for each major idea. Notes accumulated for a specific project or assignment should be returned to the client along with your invoice (to be mentioned in your invoice or cover letter) or else destroyed.
7. For translation, both original and translated documents on a specific project or assignment should be returned to the client along with your invoice, to be mentioned in your invoice or cover letter by adding the following language:  
*Attached herewith please find all original documents and their respective translations resulting from the assignments hereby*

*invoiced. I do hereby certify that I destroyed and/or otherwise disposed of all other materials related to the same.*

It is acceptable to retain any derivative products like project glossaries, reference materials, and the like (but not personal and business name lists, contact data, specifics concerning content of certain documents, etc.). However, the best approach is to keep all documents on the client's web/ftp site and download them only for the purpose of translation.

8. Maintain a *special* file for all materials and correspondence between you and your privileged client, and keep your work product (for interpreters, handwritten notes taken during interpretation; for translators, original and translated documents) separate from other materials and correspondence.
9. Where appropriate, mark your notes, documents and communications as Privileged and Confidential, but be consistent in the application of this marking. Always have a sheet of stickers and date your materials.
10. Suspend application of the policy and retain all documents if an investigation or litigation commences or becomes imminent.

**Make proper contractual arrangements**

11. When accepting an assignment, try by all means to execute a binding document containing provisions which ensure both you and client some degree of protection, as follows:

*Client*

*"... Client shall indemnify and hold the Linguist harmless of any lawsuit or other legal action or proceedings resulting from the assignment..."*

*"... Client hereby acknowledges that the subject of the assignment does not violate any federal or state laws and regulations..."*

*Linguist*

*"... Linguist undertakes to keep all information confidential and not to disclose or reveal any information to any person other than those explicitly authorized by the Client except as required by applicable law, regulation, rule or order of a duly empowered court, tribunal or any other governmental entity of proper jurisdiction..."*

**CONCLUSIONS**

Under current circumstances, freelance translators and interpreters need to be well informed and take preventive measures to avoid legal action or, at least, to mitigate its consequences. Such measures are based on (1) rules and practices of professional activities and (2) knowledge of risk factors and precautions.

At the same time, our professional organizations (such as ATA, NAJIT and other court interpreter associations) should (1) lobby their state legislators in order to enact laws protecting translators and interpreters from unreasonable interference and (2) educate judiciary and law enforcement officers of our role in multilingual environments. ▲

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**DISCLAIMER**

Neither this article nor any part thereof constitutes legal advice or opinion nor shall be construed as offering such. The article reflects the author’s personal views and beliefs as a non-legal professional. Except where explicitly stated to the contrary, all names, persons, places, events, and situations described herein are fictitious, provided solely for illustrative purposes. Any resemblance to actual situations is purely coincidental.

*[This article is an edited version of a paper read at the New York University Conference on Global Security, June 4, 2004. The author, a freelance ATA-certified English-Russian translator and Berlitz-certified English-Ukrainian interpreter and translator, is also an information specialist. He can be reached at: www.DikenResearch.com].*

**NOTES**

- 1 As a recent whistleblower’s case shows, government linguists face challenges, too, although in a different context. Sibel Edmond’s revelations highlight the staff translator’s dilemma if foreign language documents in government agencies are mishandled. *New York Times*, July 29, 2004, p.1.
- 2 “Arrested translator Ahmad Al-Halabi mostly a mystery.” Toni Locy and Dave Moniz. *USA TODAY* 9/25/2003.
- 3 Indictment 02 Cr. 395 United States District Court, Southern District of New York, *United States of America v. Ahmed Abdel Sattar, et.al.*
- 4 For example, State of Tennessee legislation codifies the following privileges: accountant-client privilege, attorney-client privilege, attorney-investigator privi-

- lege, clergy-penitent privilege, deaf person-interpreter privilege, disciplinary board-complainant privilege, grand jury-witness privilege, legislature-witness privilege, medical review committee-informant privilege, news reporter’s privilege, psychiatrist-patient privilege, psychologist and mental health professional-client privilege, social worker-client privilege, spousal privilege.
- 5 *United States v. Zolin*, 491 U.S. 554 (1989).
- 6 *National Educational Training Group, Inc. v. Skillsoft Corp.*, 1999 U.S. Dist. LEXIS 8680 (SDNY, June 10, 1999).
- 7 *Advanced Technology Assocs. v. Herley Indus.*, 1996 WL 711018 (E.D. Pa., Dec. 5, 1996).
- 8 *United States of America, Appellee, vs. Louis Kovel, Defendant-Appellant*, 296 F.2d 918; 96 A.L.R.2d 116; 62-1 U.S. Tax Cas. (CCH) P9111; 9 A.F.T.R.2d (P-H) 366 (2d Cir. 1961).
- 9 *United States v. Adlman*, 68 F3d 1495 (2d Cir. 1995), *United States v. Ackert*, 169 F.3d 136 (2d Cir. 1999).
- 10 “Judge Bars Statements Made in A.A.” Daniel J. Wakin. *New York Times*. Aug. 2, 2001, B1.
- 11 “New Mexico County is ordered to use non-English-speaking jurors.” AP, December 13, 1999.
- 12 Federal Rules of Evidence (2003). Article VI. Witnesses.
- 13 Minn. Stat. 2003, 595.02 (h).
- 14 KRS, 30A.430.
- 15 *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, 1995. National Center for State Courts, 205.
- 16 “The new rules for keeping secrets.” Adam Cohen. *Time*, August 20, 2001.
- 17 *United States vs Davila* (1983, CA5 Tex) 698 F2d 715, reh den (CA5 Tex) 703 F2d 557.
- 18 *Ibid.*
- 19 *People vs West* (1980, 408 Mich 332, 291 NW2d 48).

## State Court Rules for Language Interpreters

(As published on the website of the National Center for State Courts, [www.ncsconline.org](http://www.ncsconline.org))

STATE	RULE(S)
AL	R.C.P. 43(f): Evidence; Interpreters R. of Evidence 604: Interpreters
AK	Civ. R. 83: Fees: Witnesses—Physicians—Interpreters & Translators Cr. R. 6(k)(l)(1): Grand Jury; Who May Be Present, Secrecy of Proceedings & Disclosure Evidence R. 604: Interpreters Civ. R. 79(f)(8): Costs—Taxation & Review; Allowable Costs, fee of interpreter or translator Admin. R. 6: Fees of Interpreters & Translators
AZ	R. 43(c): Witnesses; Evidence; Interpreters R. of Evidence 604: Interpreters
AR	R.C.P. 43(d): Taking of Testimony; Interpreters Evidence R. 604: Interpreters
CA	Gen. R. 984.1-984.3: Periodic Review of Court Interpreter Skills & Professional Conduct; Guidelines for Approval of Certification Programs for Interpreters for Deaf & Hard-of-Hearing Persons; Appointment of Noncertified Interpreters in Criminal & Juvenile Delinquency Proceedings; Reports on Appointments of Noncertified Interpreters in the Courts
CO	Evidence R. 604: Interpreters
CT	R. 16-1: Deaf or Hearing Impaired Jurors

DE	Super. Ct. Civ. R. 43(e): Taking of testimony; conferences during trial; interpreters. Super. Ct. Cr. R. 28: Interpreters Civ. R. Governing Ct. of Comm. P. 43(e): Taking of testimony; conferences during trial; interpreters Ct. of Comm. P. Cr. R. 28: Expert witnesses & interpreters Fam. Ct. Civ. Pro. R. 43(f): Evidence; Interpreters; 28(b): Expert witnesses & interpreters Justice of the Peace Cr. R. 28: Interpreters Alderman & Mayor Cts. R. 17: Interpreter Del. Uniform R. of Evidence, R. 604: Interpreters
DC	Superior Ct. Civ. Rules 43(f): Interpreters Superior Ct. Cr.R. 28(b): Interpreters Superior Ct. of DC Juvenile Rules, R. 28(b): Expert witnesses & interpreters; interpreters
FL	Ev. Code 90.606: Interpreters & translators Ev. Code 90.6063: Interpreter services for deaf persons
GA	Ev. §24-3-35(3): Admissions by Third Parties §24-9-4: Physical Defect of Senses; Interpreter §24-1-5: Interrogation of Hearing Impaired Arrestees Art. 5, Use of Interpreters for Hearing Impaired in Administrative & Judicial Proceedings (§§24-9-100 et seq.)
HI	R. of Pen. Pro. 28(b): Expert witnesses & interpreters R.C.P. 43(f): Taking of Testimony; Interpreters Dist. Ct. R.C.P. 43(f): Taking of testimony; Interpreters
ID	I.R.E. 604: Interpreters I.Cr.R. 28: Interpreters

## State Court Rules for Language Interpreters *(continued)*

<b>IL</b>	735 ILCS 5/8-911: Interpreter's privilege 735 ILCS 5/8-1401: Language interpreter 735 ILCS 5/8-1402: Interpreter for the deaf	<b>PA</b>	R.Cr.P. 264(b): Who may be present during session of an investigating grand jury. PRE 604: Interpreters
<b>IN</b>	I.R.E. 604: Interpreters	<b>RI</b>	Super. Ct. R.Cr.P.6(d)(e): The grand jury; Who May Be Present; Secrecy of Proceedings & Disclosure (includes comment); R. 28(b): Expert Witnesses & Interpreters. R.Cr.P. 28(b): Expert witnesses & interpreters. Juv.Proc.R. 23(b): Expert witnesses & interpreters RIRE 604: Interpreters (w/advisory committee's note)
<b>IA</b>	Io.R.E. 604: Interpreters Judicial Admin. R. 209: Interpreters	<b>SC</b>	R.C.P. 43(f): Evidence; Conduct of Trial; Interpreters SCRE 604: Interpreters
<b>KS</b>	C.C.P. §60-243(e): Evidence; Interpreters C.C.P. §60-417: Disqualification of Witness; Interpreters C.Cr.P. §22-3010: Who May Be Present (grand jury) C.Cr.P. §22-3012: Secrecy of Proceedings & Disclosure (grand jury)	<b>SD</b>	15-6-43(f): Interpreters (19-3-7 et seq.): 19-3-7: Interpreter for witness unable to communicate in English 19-3-8: Subpoena of interpreter—Disobedience as contempt 19-3-9: Oath administered to interpreter—Affirmation (repealed by SL 1979, ch 154 §9) 19-3-10: Interpreters for deaf or mute persons—Proceedings for which required 19-3-10.1: Interpreter prohibited from divulging certain information 19-3-11: Preliminary determination of interpreter's ability to communicate w/deaf or mute person (repealed by SL 1979, ch 154 §12) 19-3-12: Appointing authority for interpreters—Fees for services 19-3-13: Oath of interpreter for deaf or mute persons (repealed by SL 1979, ch. 154 §13) 19-3-14: Inherent judicial power not limited 19-13-31: Privilege for sign language interpreter or relay service operator 19-14-4: (Rule 604) Qualification of interpreter 19-14-4.1: Form for oath of interpreter 19-14-4.2: Form for affirmation of interpreter
<b>KY</b>	R.Cr. 5.18: Presence of Other Persons With Grand Jury K.R.W. 604: Interpreters	<b>TN</b>	R.C.P.: 54.04(2): Costs R.Cr.P. 28: Interpreters TRE 604: Interpreters
<b>LA</b>	(none)	<b>TX</b>	Dist. & Co. Courts R. 183: Interpreters R.C.P. 208(4): Deposition Officer; Interpreter TRE 604: Interpreters
<b>ME</b>	R.C.P. 43(l): Taking of Testimony; Interpreters R.Cr.P. 28: Interpreters	<b>UT</b>	URCrP 14(c): Subpoena URCrP 15(b): Expert witnesses and interpreters (w/notes, references, commentary) URE 604: Interpreters
<b>MA</b>	R.C.P. 53(f)(3): Masters; Proceedings; Interpreters R.Cr.P. 41: Interpreters & Experts (applicable to District & Superior Courts) R.Cr.P. 43(f): Evidence; Interpreters Bail R. 28 Standing Orders of BMC 2-83: Interpreters	<b>VT</b>	VRCP 43(f): Evidence; interpreters VRCrP 6(e): The Grand Jury; Who May Be Present VRCrP 28: Interpreters VRE 604: Interpreters VRPP 43(e): Evidence; Interpreters
<b>MI</b>	MCR 2.506(D): Conduct of Trials MRE 604: Interpreters	<b>VA</b>	RCP Rule 28: Interpreters VRE Rule 604: Interpreters FRCP Rule 43(f): Taking of testimony; interpreters
<b>MN</b>	R.C.P. 43.07: Interpreters R.Cr.P. 15.11: Use of Guilty Plea Petitions When Defendant Handicapped in Communications R.Cr.P. R. 26.03, Procedures During Trial; Subd. 16: Interpreters MRE 604: Interpreters R. of Practice—Dist.Ct. 8: Interpreters (w/comment & notes); Rule 8.02: Appointment; Rule 8.03: Disqualification From Proceeding; §11: Interpreters Rules on Certification of Court Interpreters	<b>WA</b>	GR 11: Court Interpreters GR 11.1: Code of Conduct for Court Interpreters GR 11.2: Telephonic Interpretation GR 19(c): Video Conference Proceedings; Standards for Video Conference Proceedings
<b>NE</b>	N.R.C.P., Art. 24: 25-2401: Interpreters, Public Policy; 25-2402: Terms, Defined; 25-2403: Appointment; 25-2404: Qualifications; 25-2405: Oath; 25-2406: Fees & Expenses NRE 604: Interpreters	<b>WV</b>	RCP 43(f): Taking of testimony; Interpreters RCP 28(b): Expert witnesses and interpreters; Interpreters WVRE 604: Interpreters
<b>NV</b>	R.C.P. 43(d): Evidence; interpreters 8th Judicial Dist. Ct.R. 7.80: Court interpreters JCRCP 43(d): Evidence, interpreters US Dist. Ct. Local R. 43-1: Interpreters/Taking of Testimony	<b>WI</b>	§814.67: Fees of witnesses and interpreters §879.41(3): Fees in court §885.37: Interpreters for persons with language difficulties or hearing or speaking impairments §905.015: Interpreters for persons with language difficulties or hearing or speaking impairments [Evidence - Privileges] §906.04: Interpreters [Evidence - Witnesses]
<b>NH</b>	Super. Ct. R. 109: Interpreters Dist. & Muni. Ct. R. 1.5: Interpreters	<b>WY</b>	WYRCP 43(f): Interpreters WYRCrP 28: Interpreters WYRE Rule 604: Interpreters
<b>NJ</b>	R. 1:34-7: Supporting Personnel of the Courts; Interpreters, Translators, and Translators Code of Professional Conduct for Interpreters, Translators, and Translators NRE 604: Interpreters		
<b>NC</b>	NCRE 604: Interpreters		
<b>ND</b>	R.Cr.P. 28(b): Expert Witnesses and Interpreters; Interpreters NRE 604: Interpreters NRE 611: Mode & Order of Interrogation & Presentation; 614: Calling & Interrogation of Witnesses by Court.		
<b>OH</b>	R.Cr.P. 6(D)(E): Grand Jury; Who may be present; Secrecy of proceedings & disclosure Evid.R. 604: Interpreters		
<b>OK</b>	(Code state) Ch. 12, Ev.: 12 §2506.1: Interpreter for the Deaf Privilege 12 §2604: Interpreters. Ch. 18, Ct. Fund 20 §1304(B)(15): Interpreter fees. Ch. 4, Procedure after Commitment 22 §340: Advice of court or dist. atty.— Who may be present (grand jury) Ch. 22, Cr. P. 22 §1278: Interpreters for deaf mutes—Appointment—Oath—Compensation		
<b>OR</b>	Or. Ev. Code R. 509-1: Disabled Person—Sign Language Interpreter Privilege; 509-2: Non-English Speaking Person—Interpreter Privilege; 604 Interpreters. Code of Professional Responsibility for Interpreters in the Oregon Courts.		

# WHO OFFERS CULTURAL TRAINING?

Eduardo González

Many translators and interpreters are either native speakers of the language into which they translate or interpret, or have had ample exposure to the language by living in the country where the language is spoken and interacting with natives on a regular basis. This situation, however, is changing. Increasingly, more English-language native speakers in the U.S. are becoming interested in foreign languages, particularly in the field of translation and interpreting.

In our Translation-Interpreting (T-I) program at the University of Nebraska, Kearney — the only such program statewide, and still one of the few nationwide — at least half of our undergraduate and graduate students are not native speakers of Spanish, but of English, and in some cases, of languages such as Arabic, French, Portuguese, Japanese and Russian. Many students take advantage of the opportunity to stay in Guadalajara, Mexico as part of our program; others find their own way to travel to Spanish-speaking countries such as Spain, Chile, Costa Rica, Guatemala and Honduras, and work for varying periods of time.

Our T-I program is now focused on developing skills into Spanish as well as into English, and we have some French-English translation students, too. Besides courses in English-Spanish comparative grammar; advanced Spanish grammar; advanced conversation and composition; literature; commercial, law enforcement and medical Spanish, and study abroad, our program has a minimum requirement of two semesters in translation and two in interpreting. The student may obtain a certificate in translation only, or a certificate in both translation and interpretation. Those who undergo interpreting training must have already had at least one semester of translation. Those who only take translation training must have passed a mosaic of other courses such as the ones described above, several of them writing-intensive and culturally diverse.

Some aspects of our program still need a lot of attention, especially in the field of culture, folklore and specific traits of the Spanish-speaking countries more frequently represented in our Hispanic population, still small statewide, but increasing at a very fast pace (already more than 90,000 in a state with less than two million people). Other culturally diverse peoples include Europeans from former Communist countries, Vietnam, and Sudan.

Our T-I students, including those who are “bilingual”<sup>1</sup> but very often have not had much formal education in Spanish, need to develop not only their language skills but also their cultural knowledge. In our programs as well as nationwide, trainers need to address the following areas:

- Comprehension and acquisition of vocabulary and cultural knowledge, usually very diverse in Spanish-speaking countries: *Día de los Muertos*; *Cinco de Mayo*; *palo de mayo*; *val-lenato*; *quinceañera*; *cumbia*; *mambo*; *cha cha chá* (Not the

*U.S. chacha!*); *rumba*; *latino*; *hispano*; *chicano*; *iberoamericano*; *mexicoamericano*; *batata*, *boniato*, *camote*; *estremimiento*, *estitiquéz*, *buseeta*, *chiva*.

- Comprehension of *Spanglish* (and translation into standard Spanish or English) and Spanish-English variants in Hispanic groups who frequently move between two cultures. Examples: *el mueble* (for *el auto*), *aliviarse* (for *dar a luz*), *llamar pa'trás* (for *regresar/devolver la llamada*); *aplicar* (for *solicitar*); *enganchar* (for *colgar el auricular*); *troca* (for *camioneta/camión*), etc.
- Recognition that with one of the largest Spanish-speaking populations in the world, estimated between 30 and 44 million, the U.S. is behind only Mexico, and probably already ahead of Spain. Spanish interpreters and translators are no longer only working for the benefit of recent immigrants, business people, visitors or tourists, but increasingly for people living, working and paying taxes in the U.S., who come from as many as 20 Spanish-speaking countries.<sup>2</sup>
- Hispanic countries' banking and legal systems, law enforcement and paramilitary organizations, and other national institutions may influence attitudes towards social structures and substructures in the U.S. Examples: Employees reluctant to have their payments directly deposited in a bank; wrong ideas about how to establish credit; unusual ways of dealing with children's discipline and behavior; fear and suspicion of law enforcement; misunderstanding of possible repercussions of a DUI (driving under the influence of alcohol), DWL (driving without a license), DWSL (driving with a suspended license), ARL (administrative revocation of license), driving without insurance, etc.
- Medical expressions that reflect people's mentality and feelings, but do not always make sense to a U.S. health specialist, such as *empacho*, *susto*, *ataque* and *enfermedades venéreas* (which have a negative connotation much stronger than STD in English).

Universities, not always receptive to the idea that language skills must be developed in a variety of ways (not exclusively through the study of literature), often find it difficult to implement new syllabi and programs. However, many institutions of higher learning are starting to realize that translation is broader than literary translation. Millions of pages need to be translated from and into different languages on a daily basis in our interdependent world — in fields as diverse as economy, medicine, politics, international law, marketing, business, services and so on<sup>3</sup>.

Interpreting as a field of study is still hard to find in universities. Only a handful of institutions offer interpreting courses.

*> continued on page 14*

25TH ANNIVERSARY *continued from page 3*

Education was not the sole component in the growth of our profession. Demographics, as Dr. Benmaman explained, also helped to advance professional judiciary interpretation. The 1980 Census reported that 23.1 million persons over the age of five spoke a language other than English at home; as of 2002, that number rose to 47 million. Obviously, the increase in need was and is vitally important. We have been able to secure an entry in the Department of Labor's *Dictionary of Occupational Titles* which now lists "translation and interpretation" as a profession, and as Dr. Benmaman remarked, it is "right above the category of embalmers." More importantly, we have been able to increase community awareness, and today there is an increasing sense of respect and trust for judiciary interpreters, who fulfill an obvious need.

Most importantly, perhaps, we have developed a professional culture of our own which was absent a mere two decades ago. As Dr. Benmaman stressed, this is evidenced in the "shared belief in the essential worth of the service provided, certain behavioral norms referring to every standard interpersonal situation expected within the profession, a commitment to a code of ethics, and shared symbols—jargon within the workplace... We are here today because of our common goals and beliefs in our profession." There is no doubt that the outward symbol of this common culture is the creation of and membership in professional organizations like NAJIT.

"Some people make things happen, others watch things happen, and still others wonder what happened," Dr. Benmaman remarked. Interpreters are bringing the promise of the American legal system to people who would otherwise be denied access to the courts. The Civil Rights Act of 1964; Executive Order 13166; Senate Bill 1733—all resulted from people who did not want to give up.

So if you are tired and discouraged and thinking that our profession will always be in a state of flux, and you don't have the strength or desire to advance it, think of Dr. Benmaman's personal history as a pioneer in the field some twenty-five years ago, and understand. Understand that we are building on her efforts to create the next twenty-five years.

Now we are together. Together we can accomplish it all. ▲

*[The author is a certified English/Spanish translator by the Certified Translators' Association of the City of Buenos Aires and the National University of Buenos Aires, where she received the degrees of Legal Translator and Juris Doctor. She was recently appointed Editorial Advisor to the Alameda County Bar Association]*

## Advanced training for experienced interpreters Spanish or ASL

Holly Mikkelson &  
Sharon Neumann Solow  
*see page 26*

CULTURAL TRAINING *continued from page 13*

In the meantime, perhaps national and international interpreter and translator organizations can implement the kind of practical courses that our T-I community needs, deserves, and demands. NAJIT in its leadership role, together with other T-I national, state, and local chapters and organizations, constitute the ideal framework for such cultural training and education. The linguistic and cultural requirements of our present-day society and today's world have raised the bar for our profession. It is our responsibility to meet those requirements for the future, and the future is now. ▲

## NOTES:

1. *Bilingual* is the person who can make use of two languages, although usually not at the same levels of proficiency, whereas the term *ambilingual* refers to the person who can make use of two languages at the same levels of proficiency (J.C. Catford, *A Linguistic Theory of Translation*, London, 1965)
2. Spanish is the national or official language of 9 countries in South America, 3 in the Caribbean, 6 in Central America, Mexico and Spain. Some Spanish is spoken in Equatorial Guinea, Western Sahara, the Philippines, Belize and several North African countries
3. See, for instance, "Eye on Europe," *Proteus*, spring/summer 2004.

*[The author, a federally certified interpreter, legal and medical translator, is associate professor of languages and director of the Translation-Interpreting Program at the University of Nebraska, Kearney]*

## RESOURCES OF INTEREST

## RECOMMENDED READING

**A User's Guide to the Brain. Perception, Attention, and the Four Theaters of the Brain** – Ratey, John J., M.D. Vintage Bks, 2002. A tour of the noggin, tool used most often in our work. All the details of how brain function works, according to the discoveries of modern neuroscience, written for the general reader.

**Mozart's Brain and the Fighter Pilot: Unleashing your Brain's Potential** – Restak, Richard, M.D. Three Rivers Press, 2001.

In brief, easily referenced chapters, a neuropsychiatrist recommends giving the brain a workout so it will remain nimble throughout life. Many suggested exercises.

## RECOMMENDED RESOURCES

"Guidelines for the use of Language Analysis in Relation to Questions of National Origin in Refugee Cases" by the Language and National Origin Group is now available on the forensic linguists' association website, [www.iafl.org](http://www.iafl.org)

**Diccionario Bilingüe de Terminología Jurídica** by Patricia Olga Mazzucco and Alejandra Hebbe Maranghello, published by Abeledo-Perrot (Argentina). Comes in CD-ROM version. Presents terms according to context and application. (For example, a search for the term "fianza" would provide a list of "registros", segregating its equivalences by area of law: Der. Penal-Der. Procesal-Der. Reales.) The translator's notes are outstanding and insightful. ▲

## NAJIT NEWS

### NAJIT Annual Meeting 2004

At the annual meeting on Saturday, May 22, 2004, NAJIT members elected Janet Bonet, Dr. Lois Feuerle, and Dr. Alexander Rainof to the Board of Directors. All five bylaws amendments proposed by the Board of Directors to the membership passed.

At its first meeting on Monday, May 24, the NAJIT board elected officers for the coming year. The new NAJIT board consists of:

Dr. Alexander Rainof, Chair  
Janet Bonet, Secretary  
Judith Kenigson Kristy, Treasurer  
Dr. Lois Feuerle  
Isabel Framer

At the same meeting, the NAJIT board made the following appointments to the Board of Directors of the Society for the Study of Translation and Interpretation:

Carmen S. Barros  
Dr. Lois Feuerle  
Janis Palma

In response to concerns raised by a NAJIT member, the annual meeting voted in favor of appointing a commission to study the matters raised. The NAJIT board is in process of appointing the commission at this time, and will report to the members once the commission begins its work.

Some members participating in the meeting were uncertain as to whether they were eligible to vote in the annual election. The board of directors is reviewing the notification process in order to provide timely updates to the members about the deadlines by which membership must be established if a member wishes to vote in the annual election.

The annual meeting this year took longer than scheduled and involved several parliamentary questions, but the board appreciated the willingness of the members to follow correct procedure and ensure that all concerns were heard. The board of directors thanks all members for their participation in the election and governance process.

— June 2, 2004

#### Administrative News

##### ■ NAJIT has moved.

The NAJIT headquarters office has now moved to:  
603 Stewart St., Suite 610 · Seattle, WA 98101  
Tel: 206-267-2300 · Fax: 206-626-0392  
Email remains: [headquarters@najit.org](mailto:headquarters@najit.org)

##### ■ Board approves membership fee increase.

The NAJIT board has approved a small increase in membership dues for the coming year. The extra revenue will allow NAJIT to provide more services to members and to continue its work of edu-

cating and informing the public about key issues in our profession. The new dues schedule is as follows:

Active	\$105	Organizational	\$115
Associate	\$ 85	Corporate	\$160
Student	\$ 40	Corporate Sponsor	\$300

##### ■ Bonus period for new members.

The NAJIT board authorized a “bonus period” for new members beginning 7/1/2004. Please encourage colleagues to join NAJIT now. Their membership will be valid until the end of the 2005 calendar year.

#### Publications Committee Activities

##### Publications

The Publications Committee has completed its first position paper: *Direct Speech in Legal Settings* (principal author Sylvia Zetterstrand). It may be downloaded for free from the NAJIT website. Two other position papers are being prepared for publication. Abridged versions of some position papers will be produced in brochure format. Additionally, publications committee chair Sylvia Zetterstrand is currently working on another version of *Direct Speech in Legal Settings* for an academic audience.

The brochure *Information for Court Administrators: When You Need an Interpreter...* (principal author Judith Kenigson Kristy) is available on the NAJIT website.

To obtain a paper copy of either publication, send a stamped self-addressed envelope to NAJIT headquarters.

##### Tape Transcription and Translation (TTT) Project Update

Cathy McCabe has had to withdraw from the TTT subcommittee, but we are pleased that the following people have joined as project consultants: Jorge Dieppa (USCCI), Aleé Alger-Robins (USCCI), Dr. Susan Berk-Seligson (Associate Professor of Hispanic Linguistics, University of Pittsburg), and Dr. Roger Shuy (Distinguished Professor of Linguistics, Emeritus, Georgetown University).

The TTT group continues to work toward the goal of producing a draft by 2005. Research on the intricacies of forensic-linguistic transcription and translation is a challenging and time-consuming task, as is the drafting process, but we continue to thrive, sharing ideas and learning from each others' experiences.

A questionnaire will be sent to all NAJIT members to gather information from interpreters who regularly transcribe and translate from audio sources. Their input will be taken into account, and we thank all those willing to take the time to complete our questionnaire. The information provided will be invaluable for all the TTT-related NAJIT publications.

We now have a link on the NAJIT website with background

## HONORS

THE BOARD OF DIRECTORS OF  
THE NATIONAL ASSOCIATION OF JUDICIARY  
INTERPRETERS AND TRANSLATORS  
HEREBY AWARDS LIFE MEMBERSHIP  
TO

### JANIS PALMA

IN PROFOUND GRATITUDE FOR YOUR  
ENDEAVORS OVER MANY YEARS ON BEHALF  
OF THE PROFESSION OF JUDICIARY  
INTERPRETING AND TRANSLATION.  
AS LEADER, EDUCATOR, WRITER,  
AND COLLEAGUE,  
YOU HAVE GIVEN SELFLESSLY TO US ALL.

THE NATIONAL ASSOCIATION OF JUDICIARY  
INTERPRETERS AND TRANSLATORS AND  
THE SOCIETY FOR THE STUDY OF  
TRANSLATION AND INTERPRETATION  
BESTOW THE  
MIRTA VIDAL-ORRANTIA AWARD UPON

### NANCY FESTINGER

FOR OUTSTANDING SERVICE TO THE  
PROFESSION.  
GIVEN ON THIS 22ND DAY OF MAY OF 2004.  
CRISTINA HELMERICHS,  
CHAIR, NAJIT BOARD OF DIRECTORS  
JANIS PALMA, PRESIDENT,  
SSTI BOARD OF DIRECTORS.

information about the project and direct contact information. Subcommittee members are currently working on the various sections of the publication, following a detailed outline prepared by the group. An extensive working bibliography has also been compiled, updated periodically. We invite all *Proteus* readers to visit the TTT project website, and to submit directly to us any suggestions or questions.

The group has undertaken an additional project: drafting a paper focusing on the principal issues in tape transcription and translation, intended primarily for U. S. Attorney's Offices, to be distributed at an invitational conference, "The Language of Justice: Lessons from the Field," in Washington, D. C. in September 2004.

#### New Subcommittees

Two new subcommittees have been established: a conference materials subcommittee, headed by Yolanda Salazar-Hobrough, and a position papers subcommittee, headed by Isabel Frammer.

#### Conference Materials Subcommittee

This subcommittee will: (1) Collect handouts and other materials provided by speakers at NAJIT conferences — from the conference sessions only, not from the pre-conference workshops; (2) Obtain permission from the speakers to publish the materials for

personal study — all copyrights remain with the authors; and (3) Prepare materials in a consistent format for publication. The plan is to provide these materials on the NAJIT website. Members will be kept informed as the project progresses.

#### Position Papers Subcommittee

This subcommittee will continue producing position papers to educate those who rely on interpreting services (judges, attorneys, court administrators, the general public) about professional standards in court interpreting. The subcommittee plans to draft papers on the following topics:

1. Qualifications and Credentialing
2. Interpreting Modes
3. Confidentiality and Privileged Information
4. Preparing Interpreters in Rare Languages
5. Best Practices for Working with Attorneys
6. Improved Interpreting for Law Enforcement
7. Interpreter Ethics in the Legal Arena: State, Federal, International

Many thanks to all the NAJIT members who responded to our request for volunteers for the Position Papers project. ▲



## Treasurer's Report – NAJIT Annual Conference 2004

	2003 ACTUAL	2003 BUDGET	2004 BUDGET	line item as % of income/ expense
<b>INCOME</b>				
1000 Membership	87,004	90,000	94,000	52%
1200 Advertising	900	2,000	1,400	1%
1300 Publications	27	100	90	1%
1400 Conference	45,902	55,300	52,330	29%
1500 ERC	11,115	11,115	19,610	10%
1600 WRC	3405	12,000	0	1%
1700 Training	0	0	10,000	5%
1700 Other	500	1,000	1,380	1%
<b>TOTAL INCOME</b>	<b>148,853</b>	<b>171,515</b>	<b>178,810</b>	<b>100%*</b>
<b>EXPENSE</b>				
1830 Contribs by NAJIT	4,840	10,000	7,790	4%
1900 Prof fees	62,056	66,000	66,000	37%
1930 Administration	12,053	12,000	13,440	7%
1950 Service Charges	2,219	1,000	2,280	1%
1975 Taxes NY State	250	250	250	1%
1980 Website	8,171	4,000	6,440	3%
2000 Proteus	13,993	15,000	12,000	6%
3000 Conference	28,868	35,285	39,867	22%
3100 ERC	5,151	5,151	14,363	8%
3200 WRC	4,647	4,000	0	1%
3300 Training	821	500	5,400	3%
4200 Board	8,125	7,000	7,620	4%
5000 Committees	0		480	1%
6000 Dues & Subs	315	500	400	1%
7000 Advocacy/PR	801		240	0%
<b>TOTAL EXPENSE</b>	<b>152,310</b>	<b>160,686</b>	<b>176,570</b>	<b>100%*</b>
<b>PROFIT OR LOSS</b>	Actual: - \$3,457	Projected: \$10,829	Projected: \$2,240	

\*Percentage totals may not equal 100 due to rounding

**Closing balance 12/31/03      \$38,766**  
(this includes some funds being held for SSTI, not in budget)

**Closing balance 12/31/02      \$42,627**  
(this includes some funds being held for SSTI, not in budget)

Last year was a year of consolidation after the move of administrative services in July 2002. Working with our executive director and the headquarters staff, your treasurer clarified the chart of accounts during 2003 and prepared new reports that give the board very detailed financial information. As can be seen from the above chart, the budgeted projection for income for 2003 was overly optimistic. However, though we did not meet the budget projection, we also kept expenses lower than projected. Since we entered 2003 with a good cushion from prior years' earnings, even though we spent slightly more than we took in during 2003, we still ended up with plenty of money in the bank, and the ability to carry on with planned activities.

On reviewing last year's figures, the board decided that it was essential to pare the cost of administrative services. We are therefore moving to a new management firm on July 1 that will lower our costs, partly through use of a new voicemail system. Member willingness to use this voicemail system will benefit all in lower costs for administration. The board is also watching conference costs closely. It seems clear that the hotel charges for food and beverage catering make it difficult to earn an adequate surplus on regional conferences. The board has decided to hold an advanced interpreter training event this fall, rather than a regional conference, and to use academic institutions for regional conferences in the future. Even with these cost-saving measures, however, the current state of the economy means that it is hard to generate much surplus from conferences or training events. If NAJIT is to maintain the current level of service and continue to expand its services to members, a modest dues increase may be necessary.

One excellent development is the trend in new memberships. Our membership level now is higher than it has ever been at the time of the conference, and this seems promising for future growth. NAJIT committees are becoming more active. We hope that the new Website Committee will take over some maintenance tasks, thereby saving some of the cost of consultant fees. Thanks to member generosity towards SSTI and the hard work of the SSTI board, we hope to pay off the remaining amount still owed for development of the NJITCE: Spanish by the end of the year.

Thank you all for your support and encouragement. It has been an honor to serve as your Treasurer during the past year.

Judith Kenigson Kristy, Treasurer  
May 22, 2004

**■ ADVOCACY COMMITTEE NEEDS HELP!**

The NAJIT Advocacy Committee requests members and friends of NAJIT to inform us of any legislative bill, published article, or court case relating to the profession of interpreting and translating. Please include a copy of the item in question as an attachment and email your message to [advocacy@najit.org](mailto:advocacy@najit.org).

**DIRECT SPEECH IN  
LEGAL SETTINGS**

Download this position paper from the  
NAJIT website: [www.najit.org](http://www.najit.org)

## EXECUTIVE DIRECTOR'S CORNER

## IS THIS A SPUTNIK MOMENT?

In June I had the privilege of attending the National Language Conference (NLC). This landmark event called together participants from the U.S. government, academia, and the language industry to try to envision how the United States might become a truly language-competent nation. Over 400 people met for three days to review the current state of language learning and competency in the U.S. from various perspectives, to discuss best practices, and to provide input for a federal white paper, (an authoritative governmental report analyzing an issue and giving conclusions and recommendations for action).

It was sobering to hear the accounts from various perspectives of the gaps in our country's language ability. We who work in the language professions know those gaps from experience, but I had never had such a broad review across all sectors. It was enlightening to learn of the experiences of other nations. I was astonished to know, for instance, that in Australia in the early 1980's, only 6% of high school students studied a foreign language, whereas now from 70-90% do so (the figures differ depending upon the particular state). This shift came about through a deliberate commitment by the government to develop and implement an effective language policy.

This is not the first time that the limitations in the foreign language capability of the U.S. have been studied and lamented. Dr. Robert Scott, President of Adelphi University, presented a litany of projects, reports and calls to action over the years since 1979 — the ferocity of his delivery contrasting oddly with the repetitive nature of the list. The hopeful conclusion that the conference came to, however, was that it is possible that we are living a "Sputnik moment." Just as the launch of the first Sputnik satellite in 1957 galvanized the U.S. to overcome deficiencies in math and science education — shamed by the scientific progress of our then-rival, the USSR — the events of September 11 and following may be the catalyst that will cause a change, and a real commitment, to foreign language learning and competency.

The Under Secretary of Defense who organized this event, Dr. David Chu, was asked more than once about failed past initiatives, and whether this particular initiative would be any different. He stated firmly, "We hope to be different, and I am dedicating myself to that effort." He said that in the past, there have been times when the Department of Defense has led social change in this country. Examples he cited include the racial integration of the armed forces, advances in public health, and the development of the Internet.

All federal departments and agencies concerned with national security know that we have a serious problem. They are working very hard to improve, but can draw only from the resources that our society offers them. Although some multinationals understand



that all business is now global business, U.S. business as a whole has not yet made the commitment to language competency. In social services, change is coming but in too many cases it is reactive, responding to the threat of investigation or lawsuit, rather than proactive.

One participant shared with me his conviction that the real potential lies in our educational system. As our society becomes ever more complex, and as individual school districts struggle to meet the needs of their students, we have a true window for change in the education sector. Some states (for example, Wyoming and New Jersey), are moving ahead with genuine commitments to K-12 language education. The community colleges in particular could offer a channel to use the strengths of our "heritage speakers," children of immigrants who speak the language of their parents but often lack the formal training necessary to use the language professionally. This same conviction of the importance of the education sector has led the NAJIT board to commit to a special outreach program this coming year, as our chair mentions in his column on page 2.

In recognition of the need, and as a driver for change, the American Council on the Teaching of Foreign Languages (ACTFL) has declared the coming year the "Year of Languages." This initiative has congressional support, and has been endorsed in the draft white paper summarizing the NLC conclusions.

I am happy to report that the NAJIT board supports this initiative, and will be sharing information about "2005: Year of Languages" in our publications and on our website. If you believe that this is a worthwhile endeavor, please encourage your local or regional professional association to sign on. This one small step can be part of a larger movement that will use our "Sputnik moment" to change the dismal language picture, and bring about the foreign language knowledge and cultural understanding that our nation needs in the 21st century.

Ann G. Macfarlane  
Executive Director

Find out more about "2005: Year of Languages" at

[www.yearoflanguages.org](http://www.yearoflanguages.org).

The papers from the NLC are posted at [www.nlconference.org](http://www.nlconference.org).

LETTERS

CALIFORNIA DREAMIN' IN DENVER

To the members:

As students of the California State University Long Beach Translation and Interpretation Studies B.A. program headed by Dr. Alexander Raïnof, we were unsure of what to expect at NAJIT's 25th anniversary. We were surprised to find such a welcoming spirit by the members and the board of directors. As young interpreters and translators, it was truly encouraging to find such positive attitudes towards us. Collectively and individually we gained valuable insights from the seminars as well as from interpreters from across the nation.

Our observations gave us a feeling for the great knowledge, articulateness, professionalism and experience of all NAJIT members. What mostly impressed us was their willingness to share this knowledge with us. Seeing the hard work many have put into making interpreting a respected profession gave us a sense of pride in having organizations like this one to lean on for advice and support. And seeing how well organized NAJIT is in committees, work groups, and board made us highly motivated to become active NAJIT members. The weekend we spent in Denver was enlightening both professionally and personally. We not only became closer as a unit of students from UCLA and CSULB but also had the unique chance to get acquainted with many experienced and knowledgeable judicial interpreters from all over the country. It is a fascinating field that we have chosen, and we have an exciting and rewarding future to look forward to.

Rochefoucauld said "Gratitude is merely a hope of future favors" but let our gratitude be reflected in our future cooperation. We look forward to attending all future NAJIT meetings and to becoming active participants in the development of this prestigious organization. Each participating student of Long Beach University wants to thank all NAJIT members for the wonderful experience. We look forward to seeing you in Washington D.C. next year.

— Edgar Hidalgo, Pasquale Angelucci, and all the students from Cal State Long Beach



To the members:

We are grateful for the warm welcome from NAJIT members and presenters at the recent annual conference. You were all so kind, thoughtful, and enthusiastically interested in our endeavors to become interpreters. Sharing your personal experiences and anecdotes from the field showed us the many possible paths one may choose as an interpreter.

Since many of us lack experience in the field, this conference shed a lot of light on many (of course not all) of our doubts as aspiring interpreters. The sessions afforded us knowledge and practical information that may be directly implemented as we begin our journeys as professional interpreters.

The level of devotion each member displayed in taking NAJIT's functions to heart left a lasting impression on us all, giving us an unyielding sense of pride and integrity in the field and an appreciation of how cohesive a group the members are. We will be exiting "Papa Raïnof's" (as he's been dubbed) program ready to hit the ground running, to become active NAJIT members and lend our strength and energy to this already

wonderful association.

We'd like to thank Dr. Raïnof especially, for if it weren't for his diligence, discipline, encouragement and contributions to this field, many of us might not be as informed and enthusiastic about this association as we have become.

For those of you we didn't have the opportunity to meet, we look forward to the next time.

— Colby W. Plath, Carlos A. Casas, Renata Lee, Eduardo García, Liliana Cadena, Juan Carlos Castillo, Pamela A. Infantas, Lylia Velez, Carla Cruz, Lilia D'Alessandro  
Program in Interpretation and Translation  
UCLA/UNEX Class of 2004

■ EDITORIAL ASSISTANCE REQUESTED

Proteus is in need of editorial assistance in the following areas:

- Content assistance- soliciting articles, corresponding with authors
- Proofreading – pre-pagination and post-design phase

- Reference checking, fact checking
- Visuals – illustrations, photographs, cartoons
- Writers for website reviews, book reviews, conference reviews

Contact [proteus@najit.org](mailto:proteus@najit.org).

## WELCOME NEW MEMBERS

April 1 – June 30, 2004

### ■ Corporate Sponsors

Eriksen Translations Inc., Brooklyn, NY.  
Delsol Academy of Interpretation, Oceanside, CA.

### ■ Corporate Members

International Language Services, Inc., New York, NY.  
Quantum, Inc., Philadelphia, PA.

### ■ Organizational Members

AC Interpreting and Translating, New Britain, CT.  
Cross Cultural Communication Systems, Inc., Winchester, MA.  
Ceballos Legal Consulting LLC., New Orleans, LA.  
Front Range Community College, Longmont, CO.  
Indiana Interpreter Commission, Indianapolis, IN.

### ■ Individual Members

Ana Acosta-Miller, Lakewood, CO.  
Barbara Aguirre, Boca Raton, FL.  
Lucrecia Aleman, Meriden, CT.  
Irena Alexandrova, West Hollywood, CA.  
Hanadi Alsaadi, Santa Ana, CA.  
Mercedes Ayala, Grand Island, NE.  
Cristina Bean, Phoenixville, PA.  
Brendan Berne, St. Louis, MO.  
Janet Biswas, Pasadena, CA.  
Luke Brennan, New York, NY.  
Alice Brook, Littleton, CO.  
Sandra Bryan, Fresh Meadows, NY.  
Maria Capurro, Northridge, CA.  
Silvia Claiborne, New York, NY.  
Roxann Clifton, Grand Junction, CO.  
Barb Coffan, Erie, CO.  
Sara Cohen, Summit, NJ.  
James Comstock, Salem, OR.  
Efrain Escalante, Denver, CO.  
Iris Farias, San Antonio, Texas.  
Rose Ferro, Ellicott City, MD.  
Anne Fuller, Brooklyn, NY.  
Dolores Gallegos, Albuquerque, NM.  
Cristina Galvin, Colorado Springs, CO.  
Alonzo Gonzalez, San Antonio, TX.  
Roseann Dueñas Gonzalez, Tucson, AZ.  
Irene Gross, New York, NY.  
Beatriz Gutierrez, Guaynabo, PR.  
Vania Haam, Mill Creek, WA.  
Linda Halverson, Avon, CO.  
Sonia Hart, San Antonio, TX.  
Sally Holland-Head, Los Gatos, CA.  
Mary Holmes-Iacobelli, Weston, FL.  
Shirley Jimeno, Miramar, FL.  
Oleksandra Johnson, San Diego, CA.  
Michael Kagan, Cambridge, MA.

John Kaninya, Fresno, CA.  
Andrei Khomoutov, Ames, IA.  
Silvana Kirby, Pittsfield, MA.  
Kelly Kuglitsch, Milwaukee, WI.  
Sebastian Lantos, Tulsa, OK.  
Ana Lindley, Waterbury, CT.  
Emy Lopez, Parker, CO.  
Vanesa Lopez, Denver, CO.  
Rosa Lopez-Gaston, Albuquerque, NM.  
Gladys Matthews, Denver, CO.  
Olga Mencke, San Antonio, TX.  
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Kathleen O'Hanlon, Park Forest, IL.  
Teresa Oliveira, Fall River, MA.  
Francisco Pance, Berkeley, CA.  
Junhui Park, Los Angeles, CA.  
Gabrielle Parnes, New York, NY.  
Francisco Perez Gonzalez, Gilbert, AZ.  
Cami Raden, Plymouth, MN.  
Jennie Robertson, Colorado Springs, CO.  
Luis Rodriguez-Villa, Los Angeles, CA.  
Lourdes Ruiz, Brownsville, TX.  
Manijeh Saba, Somerset, NJ.  
Arman Sahakyan, Glendale, CA.  
Silvia San Martin, San Diego, CA.  
Rani Sarin, Boston, MA.  
Arthur Schinagel, Aurora, CO.  
Jay St. Fort, Boston, MA.  
Jennie Steinhagen, Philadelphia, PA.  
Rita Tomasi, Denver, CO.  
Yadira Van Remmen, Rock Hill, SC.  
Beatriz Vazquez Flores, Watsonville, CA.  
Maria-Teresa Villarreal, Monterrey Nuevo Leon, Mexico  
Rosabelle White-Rice, Lafayette, CO.  
Nadia Zaki, Manalapan, NJ.  
Cece Zavala-Sims, Rocky Ford, CO.

## WEBSITES OF INTEREST

<http://www.arrakis.es/~trazeg/librosggratis.html>

Libros virtuales gratuitos en español.

[http://www.mla.org/census\\_main](http://www.mla.org/census_main)

Interactive maps showing distribution of foreign-language speakers in the U.S.

[www.TEACH12.com](http://www.TEACH12.com)

The History of the English Language. DVD lecture series by Professor Seth Lerer, Stanford University.

<http://www.sunyit.edu/library/html/culturedmed/bib/medical/>

Bibliography of articles on medical interpreting.

<http://www.vermontjudiciary.org>

Report on interpreter services in the Vermont courts.

## ITEMS OF INTEREST

**June 15, 2004.** Well-known Spanish writer Arturo Pérez Reverte came to the Mystery Bookstore in Westwood, California, to discuss his latest novel, *La reina del sur* (Queen of the South). The presentation was concinnous, characterized by wit and charm. The author's lively and clever use of language was a pleasure to listen to. Just as rewarding was the interpretation from Spanish into English by NAJIT colleague Daniel Sherr. The 80-90 audience members, included a group of students from CSULB and UCLA/UNEX. Of particular interest to the students was seeing a seasoned professional at work. Many of them had attended Daniel's presentation on paremiology in Denver. After the talk, Daniel visited the interpretation lab at UCLA and listened to the students in action.

**June 28, 2004.** The Supreme Court of the United States handed down two decisions (*Hamdi v Rumsfeld* and *Rasul et al v. Bush*) permitting detainees captured abroad and held at Guantánamo access to United States courts to challenge the legality of their detention. The two cases before the Court involved the status of enemy combatants and irregular combatants. Yasser Hamdi, an American citizen captured in Afghanistan, was classified as an enemy combatant and had not been allowed to contest his status and detention before the U.S. courts. Shafik Rasul, also captured in Afghanistan, was classified as an irregular combatant and held in Guantánamo under the same conditions as Hamdi. Under the Supreme Court decisions, persons of both classifications now have the right to bring their cases before the federal courts [see [www.supremecourtus.gov](http://www.supremecourtus.gov), recent decisions].

Many of these cases will no doubt go before the federal courts and require interpretation services. Most will probably involve Near-Eastern and Middle-Eastern languages, although Guantánamo prisoners do come from forty-two different countries. They are entitled to interpretation service under the Civil Rights Act of 1964, Title VI, and Executive Order 13166.

The United States is a signatory of the four Geneva Conventions of 1949. Of particular relevance to interpreters is Article 105 of the Third Geneva Convention:

Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

NAJIT colleagues who work with the federal courts may be called to interpret future court proceedings involving those Guantánamo detainees affected by the Supreme Court rulings. ▲

## CALENDAR

**September 10-12, 2004. Nashville, TN. TAPIT Conference.**  
Information: [www.tapit.org](http://www.tapit.org).

**September 18, 2004. First Statewide Interpreters Conference.** Los Angeles, CA. Information: [www.jud.ca.gov](http://www.jud.ca.gov).

**September 24-26, 2004. Guadalajara, Mexico. International Translators' Day Conference of the Organización Mexicana de Traductores.** Information: [www.omt.org.mx](http://www.omt.org.mx).

**September 28-October 1, 2004. Washington, D.C. Cultural Competency Conference: Quality Health Care for Culturally Diverse Populations.**  
Information: [www.diversityRx.org/ccconf](http://www.diversityRx.org/ccconf).

**October 1-2, 2004. San Diego, CA. CHIA Annual Conference.** Information: [www.chia.ws](http://www.chia.ws).

**October 9-10, 2004. Sacramento, CA. CCIA Annual Conference.** Information: [www.ccia.org](http://www.ccia.org).

**October 13-16, 2004. Toronto, Canada. ATA 45th Annual Conference.** Information: [www.atanet.org](http://www.atanet.org).

**October 29-30, 2004. Boston, MA. MMIA Conference on Medical Certification.** Information: [www.mmia.org](http://www.mmia.org).

**November 13-14, 2004. Kansas City, MO. NAJIT & MICATA Advanced Interpreter Training in Spanish/English and ASL/English.** [See p. 26.]

**November 25-28, 2004. Magdeburg, Germany. FIT International Forum: Interpreting and Translating — Contributing Factors to a Fair Trial.**  
Information: [liese-katschinka@eunet.at](mailto:liese-katschinka@eunet.at).

**December 7-8, 2004. Havana, Cuba. 5th Symposium on Translation, Terminology and Interpretation.**  
Information: [g.jordan@aicc.net](mailto:g.jordan@aicc.net).

**February 26, 2005. Long Beach, CA. NAJIT Regional Conference.**

**May 13-15, 2005. Washington, D.C. NAJIT 26th Annual Conference.**

**July 10-15, 2005. San Antonio, TX. RID National Conference.** Information: [www.rid.org](http://www.rid.org).

**August 2-7, 2005. Tampere, Finland. FIT Statutory and General Congress.** Information: [www.fit-ift.org](http://www.fit-ift.org).

**November 9-12, 2005. Seattle, WA. ATA 46th Annual Conference.** Information: [www.atanet.org](http://www.atanet.org).

**May 19-21, 2006. Houston, TX. NAJIT 27th Annual Conference.**

## CONFERENCE REPORT

# THE LEANING TOWER OF BABEL

Nancy Festinger

Arabic speakers in the U.S. diplomatic corps capable of appearing on Al Jazeera tomorrow to discuss current events in Arabic can be counted on the fingers of one hand. It's no secret that America has never made it a priority to attract, groom, train and use its linguists as valuable resources.

In an evermore interconnected global village, human interaction is language-dependent, yet we're not surmounting language and cultural barriers fast enough to keep pace with events and technology: this was the principal message at NYU's excellent second international translation conference, "*Global Security: Implications for Translation and Interpretation*," June 3-5, 2004, planned to coincide with the 20th anniversary of the NYU Translation Studies Program in the School of Continuing and Professional Studies. Taking place less than 50 yards from ground zero, with over 100 language professionals from 15 countries—academia, international organizations, the public and private sectors were well represented—the conference gave rise to debate, analysis and hand wringing. In the words of one speaker, too often language service "comes right after the soft drinks" in importance.

If business as usual won't cut the mustard, it was agreed that at every level of our security efforts, we neglect linguistic skills at our own peril. According to plenary speaker former ambassador Edward Djerejian (fluent in four languages), public diplomacy is "absurdly and dangerously underfunded in financial and human resources." Head of a commission that produced an 80-page report submitted to Congress last October, he made specific recommendations for how the U.S. can beef up its ability to interact intelligently with the Arab and Muslim world. The only solution, he believes, is a deep and broad transformation, a new strategic direction mandated from the top. So far his report, "Changing Minds, Winning the Peace" has received a "tepid" response.

The world requires translation and interpretation in every sphere, but still has not agreed on a definition of the word "terrorism"—although another plenary speaker, Tony Cooper, claimed to have attempted the most definitions in a thirty-year career in law enforcement. Cooper asserted that linguistic problems go to the heart of managing security in the international community, citing as just one example the frequent media confusion between hostage-taking (a direct confrontation with authorities) and kidnapping (where there is room for private initiatives). One high-ranking international meeting he attended was so confidential, the only language assistance permitted was by a trusted judge—who had no idea of how to interpret. Cooper also pointed out that many people have a limited vocabulary: a group of hijackers panicked when they heard the word "expedite," believing it meant an imminent assault on the plane.

Interpreters have four functions, according to U.N. interpreter James Nolan: to convey messages, to be a buffer zone between parties enabling more freedom in communication, to enable the most qualified people in a given field to communicate with one another, and to put parties on an equal footing. Good interpretation, in his view, is always possible to obtain, the only factors being trouble and expense. He warned against permitting others to dictate working conditions, especially in the legal setting; interpreters themselves can best set conditions, since they are the most impartial.

Another plenary speaker, Frank Gómez, underscored the fact that despite worldwide use of English as a lingua franca, pride and ethnic group identification lead to a greater expectation for communication in other languages. With changing world alliances, the rise in multilateralism has led to the proliferation of tens of thousands of NGOs or public interest groups, each with its own jargon, which has resulted in an abundance of language activity. Yet sometimes resources are surprisingly limited, even for diplomats: no published references exist for embassy titles, forms of address and protocol (which vary greatly from country to country).

Other plenary speakers discussed the limits and possibilities of machine translation: real-time translation of instant messages for intelligence officers, and the need for flexible term bases for private and public use, especially for the 2008 Olympics in Beijing. In the world of terminology management, it was agreed that often the most effective organizer may be a third party uninvolved in inter-agency conflicts.

Individual sessions focused on the nuts and bolts of the language business: U.N. committees and available term resources; interpreter training issues at the State Department (which suffers, as all language service bureaus do, from spikes and sporadic demand); interpreting at a mental health program for survivors of torture, war and refugee trauma at Bellevue (NYC has 75,000 such survivors, the most of any city in the U.S.); business interpreting in Bulgaria; translating English-language metaphors for Norwegian news broadcasts; the problem of the translator as accomplice (see article in this issue); varieties of Arabic (to be published in our next issue); interpreting for the International Criminal Tribunal for the former Yugoslavia; Bengali and religious identity issues; terrorism in Peru and the tentacles of corruption; money laundering and the court interpreter (to appear soon); censored works in translation coming under the axe of the European Union; how sensitive document translation is handled in Poland, and many more topics.

What does the future hold for the language business? Will automation put human translators out of a job? *Au contraire*, according to Robert Levin, CEO of Transclick, at the cutting edge of a new

> continued on page 24

# INTERPRETER PROTAGONIST: FACT OR FICTION?

## BOOK REVIEW

Reviewed by Nancy Schweda Nicholson

Glass, Suzanne. 2001. *The Interpreter*. South Royalton, VT: Steerforth Press. 302pp.

*“As an interpreter, I choose words as a sculptor chooses clay.”*

Dominique, this novel’s protagonist, is an interpreter whose story unfolds not only through her own eyes but through those of Nicholas, an Italian leukemia researcher on temporary assignment in New York, and Anna, an old friend from interpreting school. The setting is the world of pharmaceuticals and medical conference interpreting.

The author crams much professional detail into the first few pages, offering the reader an authentic depiction of the job: topic preparation, confidentiality, stress (“I vowed to get out of the habit of digging my nails into my palms till they bled while I translated”), the 30-minute stints, the importance of not leaving the booth for an extended period, how to rescue a colleague in trouble, or working with unbearable booth mates. Other familiar challenges touched on are the difficulty of idiomatic expressions; nightmares about losing one’s voice before an important meeting; going to lunch with conference delegates but having little chance to eat when seated between two delegates who speak different languages; doing *chuchotage* at a small meeting; dealing with a “interpreter-unfriendly” booth position, facing the audience without a view of the speakers; the role of anticipation and prediction; the difficulty of the heavily accented philosophical output of a non-native speaker — “translating his words was the mental equivalent of doing sit-ups with the flu.” Even without her notepad to jog her memory, Dominique remembers critically important information, a nod to excellent memory skills. She also shares the student motto she learned at interpreting school: “...with the hide of a rhino you might get out of here alive.” Practicing interpreters will find themselves nodding in agreement at these passages.

In describing life in the booth, the author indirectly educates the uninitiated about the difficulty of the interpretation task and the “cerebral dexterity” involved. At one point Nicholas remarks that he used to think of interpreters “...as no more than translating machines”, and that he still feels “...guilty at [his] one-time lack of appreciation of the interpreters.” In this way, Glass uses a principal character other than the interpreter to clue the audience in. Nicholas pays Dominique many compliments on her interpreting skills: he says that watching her work is “...like watching the eighth wonder of the world.” (Well, Nicholas is in love with her — so chalk it up to romance!)

Dominique characterizes consecutive interpretation as

“undoubtedly the most terrifying,” describing it as sitting near the speaker “notating his every word in symbols.” She gives the example of sketching a picture of an umbrella and suggesting possible meanings, depending on the context. (Not to be a nitpicker, but as a trainer in consecutive note-taking, this reviewer was surprised by the suggestion that *all* words are transformed into symbols in the interpreter’s notes. Most agree that note-taking is highly personal and even Rozan’s framework does not consist solely of symbols. Thus the statement is somewhat misleading for the non-interpreter, with an air of hocus-pocus about it, perhaps intentionally so.)

The text is peppered with childhood reminiscences of the tenuous and often vitriolic relationship between Dominique’s parents as well as her mother’s flashbacks of Nazi wartime experiences. As a child on the run from the Nazis, Dominique’s mother often had to pack and repack her bags, and so leisure travel, a source of adventure and excitement for Dominique, calls up terrifying memories. Numerous references to words delve into definitions and possible interpretations, a testament to the author’s true fascination with language. French, German, Italian and Hebrew appear in the text, along with descriptions of Zurich (and other Swiss cities), New York and Florence.

The research scientist’s isolation in the lab is compared to the interpreter’s solitude in the booth. Glass also parallels a lack of appreciation for interpreters to the minimal feedback received by researchers like Nicholas.

Descriptions often dwell on the presence of light or the lack of it. Dominique prefers the booth to be dark, needs a pitch dark room in order to sleep, and images of dimly lit restaurants and museums reappear throughout the book.

Ideas of individuality, personal freedom and suppression of ego also predominate. Dominique states: “We cannot create. Only recreate. And eventually if we allow ourselves to be trapped in the world of secondhand words our imaginations shrivel and die.” When Dominique confides to Anna having overheard talk about illegal activity because a delegate’s microphone was inadvertently left on at conference end, Dominique is concerned about breaching confidentiality — the ethical canon pounded into them in school — but Anna replies angrily: “Don’t you have a voice?” underlining the difference between speaking one’s *own* words rather than expressing others’ thoughts. At one point, Dominique pays Nicholas a compliment by saying “You know how to make people talk” as if to say that talking done as an interpreter doesn’t really count; rather, her *own* words do, and Nicholas is able to draw her out. It’s probably no coincidence that the cover photo places the title word *Interpreter* over a woman’s lips.

> [continued on page 24](#)

**LEANING TOWER OF BABEL** *continued from page 22*

industry, customized linguistic data. With machine translation capacity at 5,000-10,000 words a minute, Levin sees a growing need for the integration of human translation skills with machine translation, and predicted that we are thirty years away from achieving automatic speech-to-speech translation. While machine translation may fill gaps in unusual language combinations and provide high-quality translation in a well-defined subject field (pre-editing and controlled language being keys to quality), the huge knowledge management problem we have can only be tackled by linguists working in conjunction with computer analysts and information specialists. Working with gisting tools, language editing tools, artificial intelligence, language analysis, dictionary creation: these are the new job areas for linguists. The good news is that Unicode is coming on October 1, making multilingual fonts easier to manage in various formats.

The bad news is that if immediate steps are not taken at the highest levels to fill this country's language gap, the cost will be incalculable for years to come.

Luckily, 2005 has been declared the year of languages. Local, national and international organizations of translators and interpreters are coordinating their outreach now. ▲

[The author, editor of *Proteus* and chief interpreter in the Southern District of New York, thanks Sara García Rangel for contributing her conference notes in preparation for this article.]

**Websites mentioned at the conference:**

[www.yearoflanguages.com](http://www.yearoflanguages.com)

[www1.oecd.org/fatf](http://www1.oecd.org/fatf) (money laundering terms)

[www.osce.org/atu](http://www.osce.org/atu) (U.N. anti-terrorism unit)

[www.autodafe.org](http://www.autodafe.org) (international literary journal of censored works)

[www.transclick.com](http://www.transclick.com) (new frontier of machine translation)

[www.survivorsoftorture.org](http://www.survivorsoftorture.org) (volunteer interpreters in NYC needed in many languages)

## NAJIT Spring Regional Conference

Saturday, February 26, 2005

California State University Long Beach  
Long Beach, California

SAVE  
THE  
DATE!

**BOOK REVIEW** *continued from page 23*

In an interesting analogy, Glass compares the interpreter to a surfer:

"...when you were interpreting and you had got it just right. You wanted to stay up there, triumphant on the bright blue surfboard, riding the crest of the wave behind the speaker's words, but sometimes the spray was too strong, some outside noise distracted you, or your headphones dug into your ear and you began to wobble. You missed a word, a sentence, an idea and right there in the booth you lost your footing and you toppled" (186).

The *dénouement* is not utterly predictable, but not a complete surprise, either. The quality of the writing is average. *The Interpreter* is definitely not a page-turner with plot twists like a Turow or Grisham novel. Although the author does wobble now and then, most interpreters will probably enjoy the book since it's an opportunity to see their work described in a popular genre rather than in a dry research article.

"Foxes. We interpreters are foxes and the speaker's words are our prey. We sneak up behind them, snatch them, flip them upside down and play with them as we choose."

*The Interpreter* will soon be made into a major motion picture starring Nicole Kidman. Coming soon to a theater near you: interpreters as pop culture icons! ▲

[The reviewer is an interpreter trainer, consultant and professor of linguistics and cognitive science, secondary appointment in legal studies, University of Delaware.]



Intermark Language Services, a translation company dealing exclusively in legal and financial translation, is in immediate need of an in-house project manager in Atlanta, Georgia. Duties include working with our external translators and interfacing with clients. Knowledge of either French, Spanish or German and knowledge of TRADOS are required; additional foreign languages would be a plus. The candidate should be a U.S. citizen or permanent resident and be a native speaker of English (as most of our work is into English). If you are interested in moving to Atlanta and working in-house, send résumé to Tom West at [tom@intermark-languages.com](mailto:tom@intermark-languages.com).



## CALL FOR PAPERS



### NAJIT 26th Annual Meeting and Educational Conference

Friday-Sunday, May 13-15, 2005

Hotel Washington

515 15th St. N.W. • Washington, D.C. 20004



- Deadline for submission of proposals: Wednesday, September 22, 2004
- NAJIT invites proposals for one-hour presentations and three-hour or six-hour interactive pre-conference workshops on any topic related to court interpretation and legal translation, including:
  - Interpreter training
  - Specialized terminology
  - Non-language-specific interpreting techniques
  - Specific language interpreting techniques
  - Tape transcription and translation
  - Translation of evidentiary materials
  - The court interpreter as expert witness
  - Court interpreting in specialized settings
  - Interpretation and translation theory
  - Cross-cultural issues
  - Professional concerns (ethics, working conditions, financial planning)
  - Other topics of interest
- Please submit proposals using the form available on the website, [www.najit.org](http://www.najit.org), or contact headquarters to request the proposal form in hard copy.

#### HOTEL INFORMATION

The Hotel Washington is located right across from the White House in the heart of the nation's capital. We have a limited number of rooms reserved at the rate of:

- \$145 single/double plus tax (currently 14.5%), available until April 4, 2005.

Hotel reservations: 800-424-9540 Website: [www.hotelwashington.com](http://www.hotelwashington.com)

### \* Member Alert! \*

#### Support NAJIT and Keep Our Conference Affordable

NAJIT would like all members to be aware of the arrangements that allow us to hold our annual conference in hotel facilities. When NAJIT signs a contract with a hotel to hold our conference, we agree to rent a certain number of guest rooms over a certain number of nights (our "room block"). If our members and attendees reserve enough rooms, NAJIT does not need to pay any rental fee for the conference meeting rooms. If NAJIT fails to rent enough rooms, however, we must pay a fee to the hotel to compensate them for losing revenue they had expected.

In recent years the trend towards using Internet travel services has severely affected the conference hotel business. When you rent a room at our conference hotel through an Internet travel service, you

may find a slightly lower rate, but your room does not count towards our room block. Many organizations have had trouble "meeting their block" and have therefore had to pay substantial fees for the meeting rental (in one recent case, up to six figures).

There are other options, such as agreeing on a meeting room rental fee in advance, and then charging members a substantially higher conference registration fee to cover it. The NAJIT board strongly prefers to keep conference rates as affordable as possible. Please support NAJIT in 2005 by staying at the Hotel Washington for our annual conference. Make your reservation directly with the hotel by April 4, 2005. This allows everyone to enjoy a prime location and excellent meeting rooms at a reasonable price.

**The National Association of Judiciary Interpreters and Translators and  
the Mid-America Chapter of the American Translators Association  
present**

# Parrots or ombudsmen? Verbatim vs. cultural interpretations

**A Training Workshop for Legal Interpreters in Spanish/English and ASL/English**

by Holly Mikkelson and Sharon Neuman Solow

**Saturday-Sunday, November 13-14, 2004**

Kansas City Kansas Community College  
7250 State Avenue • Kansas City, KS 66112

**T**his workshop will address the spectrum of choices that legal interpreters face between one extreme of adhering slavishly to the “verbatim” requirement imposed by judges and attorneys, and the other extreme of providing a “cultural” interpretation of the message, complete with explanations of differing communication styles and expectations. Anecdotal evidence suggests that while sign language interpreters are evolving away from the “machine” model and leaning more towards a complete cultural interpretation, spoken language interpreters are focusing increasingly on strict adherence to the style and structure of the source-language message. The presenters, both veteran interpreters, will explore various situations in which options at different points along the spectrum are appropriate. Participants will then break out into language-specific groups (ASL and Spanish) to analyze problems and solutions particular to their languages and cultures.

**Please note: This training requires a minimum of 30 participants registered by Friday, October 8, at 5 PM Pacific Time, or the training will be canceled and all fees refunded. The final deadline is Thursday, November 4, at 5 PM Pacific Time. No onsite registrations will be accepted. Prior legal interpreter training recommended.**

► **SCHEDULE:** Saturday Nov. 13, 8:30 AM – 5 PM; Sunday, Nov. 14, 8:30 AM – 1 PM  
*Continuing education credits being applied for.*

**Holly Mikkelson** is Director of Programs at Language Services Associates and Adjunct Professor of Translation and Interpretation at the Graduate School of Translation and Interpretation, Monterey Institute of International Studies. She is a state and federally certified court interpreter and has taught court and medical interpreting for over 20 years. Professor Mikkelson is the author of the Acebo interpreter training manuals as well as numerous articles, and is a co-author of *Fundamentals of Court Interpretation: Theory, Policy and Practice*. She served on the NAJIT board, has consulted with many state and private entities on interpreter testing and training, and has presented lectures and workshops to interpreters and related professionals throughout the world.

**Sharon Neumann Solow** is a working interpreter, mostly in legal and conference settings, with a long history of classroom interpreting and educational interpreter training and administration. She is the author of two books, *Sign Language Interpreting: A Basic Resource Book* and *Say It With Sign* along with professional articles and handbooks. Her career has taken her around the United States, and to Canada, Mexico, Europe, Scandinavia, New Zealand and Australia. Ms. Solow is an active member of RID (Registry of Interpreters of the Deaf) and CIT (Conference of Interpreter Trainers), holding the Specialist Certificate: Legal as well as NAD’s SIGN (Sign Language instructor) Comprehensive Permanent Certificate.

# REGISTRATION FORM • NAJIT and MICATA Advanced Training Workshop

## “PARROTS OR OMBUDSMEN?”

For English/Spanish and ASL only

Saturday-Sunday, November 13-14, 2004

Kansas City Kansas Community College  
7250 State Avenue • Kansas City, KS 66112

First name \_\_\_\_\_ Last name \_\_\_\_\_

Company/Agency \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip code \_\_\_\_\_ Country \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Language:  Spanish  ASL

Registration includes training, handouts, continental breakfast, light Saturday lunch and coffee breaks. Participants are on their own for lodging and dinner. Cancellations received by Friday, October 8, 2004 will receive a refund less a \$25 processing fee. No refunds given after that date, but substitutions permitted. If you need special accommodation or assistance, please indicate your requirements on a separate sheet of paper.

FEE: \_\_\_\_\_  Check enclosed  Member of NAJIT and/or MICATA: \$190  Non-member: \$240

Please charge my:  Visa  Mastercard  American Express

Card number \_\_\_\_\_ Expiration date \_\_\_\_\_

Name on card \_\_\_\_\_

**NO ONSITE REGISTRATIONS ACCEPTED. FINAL DEADLINE: THURSDAY, NOV. 4 AT 5 PM PACIFIC TIME.**

I understand that this training requires a minimum of 30 participants registered by Friday, October 8, 2004 or training will be canceled and all fees refunded, and that prior legal interpreter training is recommended for this event.

Signature (Required) \_\_\_\_\_

► You may register online at [www.najit.org](http://www.najit.org) or send this form by mail or fax to:

**NAJIT**  
603 Stewart St. Suite 610  
Seattle, WA 98101-1275  
Tel: 206-267-2300 • Fax: 206-626-0392

For information or questions about the community college and its locality, please contact:

Sandy Hawken, KCKCC, tel: 913-288-7115, e-mail [shawken@tot.net](mailto:shawken@tot.net).

**Lodging options suggested by KCKCC:**

**Great Wolf Lodge**  
10401 Cabela Drive  
Kansas City, Kansas

To obtain special rate: call 1-800-608-9653 or Lodge directly at 913-299-7001, attn: reservations, and request KCK Community College rate; or fax to 913-299-7002.

**Comfort Inn**  
234 N. 78th Street  
Kansas City, Kansas  
913-299-5555

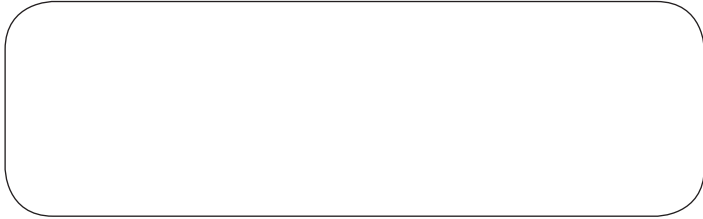
Contact: Jenny  
\$62.96 single  
\$68.36 double

**Hampton Inn**  
1400 Village West Pkwy.  
Kansas City, Kansas  
913-328-1400

Contact: Karen  
\$89 + tax  
2 queens or 1 king  
continental breakfast – indoor pool

**Microtel**  
7721 Elizabeth  
Kansas City, Kansas  
913-334-3028 or 5983

\$59 single; \$69 double  
\$79 suite w/o jacuzzi  
\$89 suite w/ jacuzzi



## APPLICATION FOR MEMBERSHIP

PLEASE RETURN COMPLETED APPLICATION AND PAYMENT TO:

### NAJIT

603 Stewart Street  
Suite 610  
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Fax: 206-626-0392  
headquarters@najit.org  
www.najit.org

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_  
Title \_\_\_\_\_ Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip code \_\_\_\_\_ Country \_\_\_\_\_  
Home tel: \_\_\_\_\_ Office tel: \_\_\_\_\_ Fax: \_\_\_\_\_  
Pager: \_\_\_\_\_ Cell: \_\_\_\_\_  
Email: \_\_\_\_\_ Website: \_\_\_\_\_

Languages (if passive, prefix with P-) \_\_\_\_\_

**Credentials:**  NJITCE: Spanish  Federal Court certification:  Haitian Creole  Navajo  Spanish  
 State Court Certification: From which state(s)? \_\_\_\_\_  
 ATA: What language combinations? \_\_\_\_\_  
 U.S. Department of State:  Escort  Seminar  Conference

**Academic Credentials:** Instructor at \_\_\_\_\_

I am an  interpreter  translator  freelance instructor  
I am applying for the following class of membership:  Active  Associate  Student (NAJIT may validate applications for student membership)  
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*(Corporate sponsors receive a longer descriptive listing on the website about their organization, one free quarter-page print ad in Proteus per year, and the grateful thanks of fellow members for their support of NAJIT and our profession.)*

Check here if you have ever been a NAJIT member  Check here if you do NOT wish to receive emails from NAJIT  
 Check here if you do NOT wish to be listed in the NAJIT online directory (Student and associate members are not listed in the NAJIT online directory.)  
 Check here if you do NOT wish to have your contact information made available to those offering information, products, or services of potential interest to members

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  
(Special bonus: Join now and your membership is valid through December 31, 2005!)

	Active	Associate	Student	Corporate Sponsor	Corporate	Organizational (nonprofit)
Dues	\$105	\$85	\$40	\$300	\$160	\$110
Suggested voluntary contribution to SSTI	\$35	\$25	\$10	\$100	\$100	\$65
<b>TOTAL</b>	<b>\$140</b>	<b>\$110</b>	<b>\$50</b>	<b>\$400</b>	<b>\$260</b>	<b>\$175</b>

## PAYMENT METHOD

Check or Money Order (payable to NAJIT)  MC  VISA  Amex

\_\_\_\_\_/\_\_\_\_\_  
Card Number Expiration Date

Signature \_\_\_\_\_ \$ \_\_\_\_\_  
(REQUIRED FOR CREDIT CARD PAYMENT.) Amount

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 ordinary and necessary business expenses to the extent permitted under IRS Code. Contributions to the Society for the Study of Translation and Interpretation (SSTI), a 501c3 educational organization, are fully tax-deductible to the extent allowed by law.