



TABLE OF CONTENTS

FEATURE ARTICLE

Arabic Dialects
Front page

CONFERENCE REPORTS

Financial Crimes
Page 5

Department of State
Page 6

Administrative Office of
the Courts Page 7

Better Simultaneous
Page 14

Terminology and Context
Spanish Proverbs
Page 15

AIC
Page 16

NAJIT NEWS

Message from the Chair
Page 2

Annual Meeting
Page 20

Committee News
Page 25

Honors
Page 28

Executive Director's Corner
Page 30

SPANISH

A la caza del gazapo
Page 32

CALENDAR

Page 33

ARABIC DIALECTS: COMMON PERCEPTIONS AND MISPERCEPTIONS

Marwan Abdel-Rahman

In recent years the media has looked more closely at interpreting and translating issues in general and Arabic language services in particular, stemming from a sharply rising need for, and severe shortage of, qualified Arabic linguists. This article will discuss some general linguistic phenomena of Arabic speakers, the interplay of linguistics and politics, and implications for the interpreting profession.

By Arabic, I refer to the standard version of it, known by linguists as Modern Standard Arabic (MSA) or standard Arabic (SA). Educated speakers of Arabic call it *Foos'ha* and less sophisticated speakers call it *Nahawi*, which literally means "grammatical." Mastery of Standard Arabic generally depends on the level of formal education an individual has received. Standard Arabic is the high form of Arabic used in all Arabic-speaking countries (22 countries with a total population of about 300 million) for such purposes as education, newspapers and books, religious services, and in official settings such as court proceedings. In contrast, local varieties of Arabic, with geographically distinct vocabularies and structures, are spoken idioms, not written.

Linguists tend to divide the Arab world into four or five major dialect groups, with Egyptian colloquial being the most used and widely understood due to Egypt's dominance in music, film and television productions, which has diffused Egyptian parlance throughout the region.

For the benefit of readers less familiar with the subject, here are some frequently asked questions on the subject of Arabic dialects:

How close and mutually intelligible are Arabic dialects?
As a graduate student, I once asked Dr. John Klossek, a linguist who heads the Multicultural Department at New Jersey City University, "how close is Portuguese to Spanish?" He answered, "it's like Lebanese Arabic to Egyptian Arabic." To follow his analogy of the relationship among Romance languages, if the relation of Portuguese to Spanish is like Lebanese (Levantine)

to Egyptian Arabic, then Standard Arabic would be comparable to Latin. That would make the Arabian Peninsula and North African dialects of Arabic, in a sense, comparable to Italian and French. Just as the Romance languages are all part of the same family and share common roots in Latin, the Arabic dialects have roots in common but are widely divergent and not necessarily mutually intelligible.

Some readers may be surprised by the Latin analogy, not expecting the differences among Arabic dialects to be this profound. A contrastive analysis between any two Arabic dialects would show, notwithstanding a shared base and considerable commonalities, that they differ markedly in vocabulary, grammatical structures and intonation. Most significantly, when the vast majority of Arabs speak or write Standard Arabic, they exhibit most of the characteristics of a person speaking or writing a foreign language. Whereas ancient Arabs spoke and wrote grammatical Arabic in an automatic, natural flow, modern-day Arabic speakers need to memorize or consciously apply grammatical rules of a formal "literary" language. Such automatism (or the lack thereof) is what makes a language native or foreign.

Doesn't it help that the language of formal education is Standard Arabic?

With Standard Arabic as the language of instruction, students receive education in a foreign language which they do not fully master, with the attendant results: uneven understanding of content areas such as social studies and science, poor writing skills, diminished capacity for reasoning and self expression, lowered competency to engage in intellectual activity. The problem is less acute in subjects that are by nature less dependent on language proficiency to comprehend, such as mathematics. Also, the language gap is less severe when it comes to natural intelligence, or what is commonly referred to as "street smarts."

> continued on page 3

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framer@najit.org

Executive Director
Ann G. Macfarlane
Seattle, Washington
Telephone 206-267-2300
headquarters@najit.org

Proteus

Proteus, published quarterly, is the official newsletter of the National Association of Judiciary Interpreters and Translators, Inc., 603 Stewart Street, Suite 610 Seattle, Washington, 98101-1275

Guest editor: James Comstock
Address submissions to proteus@najit.org with attached file. Submissions preferred in Microsoft Word. All submissions subject to editorial review.

Deadlines for copy : spring issue Jan 1; summer issue April 1; fall issue July 1; winter issue Oct 1.

Annual subscription rate: \$16.00, included in membership dues. Online articles and archive available at: www.najit.org/proteus

The opinions expressed in articles herein are those of the authors and not necessarily those of the association or the editor. Postmaster:

Send address changes to
603 Stewart Street, Suite 610
Seattle, Washington, 98101-1275

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Graphic design by Chuck Eng Design
Printed by Consolidated Press

600 South Spokane Street
Seattle, WA 98134
Address requests for reprint permission to proteus@najit.org

MESSAGE FROM THE CHAIR

First of all, I would like to thank James Comstock of the Oregon Judicial Department who is our guest editor for this issue. Nancy Festinger, our long-time editor extraordinaire, is taking a well-earned break from her duties. James has recruited some excellent reviewers at the annual conference, to give us more reports than ever before. I believe you will enjoy their coverage.

I can report that the 26th Annual Conference was a smashing success. Thanks above all to the two fine Conference Committee Chairs, Teresa Salazar and Gladys Segal. In my view, this conference represented a new level of engagement for NAJIT with the world of our work outside our own profession. I would like to thank all the excellent presenters, the local hosts, and everyone who helped make it such an electric experience.

Judge Rufus G. King III, Chief Judge of the Superior Court of the District of Columbia, welcomed us with classic hospitality on Friday, the opening of the conference. That morning, 45 attendees were able to tour the court, talk with colleagues, and meet with Judge King and Judge Cheryl M. Long, who chairs the court's committee on interpreter issues. The two interpreter coordinators of the court, James Plunkett and Francis Burton, took care of all arrangements and provided a warm welcome. Our hosts then attended the evening reception, at which Judge King provided the welcoming remarks.

At the luncheon on Saturday, NAJIT welcomed our first honorary members, the Honorable Ricardo Urbina of the U.S. District Court for Washington, D.C. and C. Sebastian Aloom, a long-time friend of NAJIT's with the U.S. Department of Justice (see p. 29 for their citations). Judge Urbina's keynote address was memorable and heartening. The Department of Justice was extremely well represented among our presenters as well as in assisting NAJIT with preparing the conference and providing materials.

We appreciate the input of many representatives from the U.S. Government, in particular the participation of Mr. Robert Lowney, Chief of District Court Administration Division of the Administrative Office of the U.S. Courts, Mr. William Moran of that office, and Dr. Carolyn Kinney, the Federal Court Interpreting Program Specialist. Mr. Lowney, the highest-ranking official from the AO ever to participate in a NAJIT conference, was gracious enough to provide his remarks for publication in *Proteus* (see p. 9). The NAJIT board is very pleased that in the aftermath of the conference, Judith Kenigson Kristy participated in two important meetings organized by the AO. She will give a full report on the outcome in the next issue. Dr. Kinney gives information resulting from these meetings on p. 12.

The conference included a stimulating presentation by Wanda Romberger and Bill Hewitt of the Court Interpreter Program of the National Center for State Courts, posing some challenging questions about oral examinations. We had excellent support from our sister professional associations, the American Translators Association and the National Capital Area Chapter of the ATA. I would like especially to thank Scott Brennan, President of ATA, and Walter Bacak, the Executive Director.

From a personal point of view, I wish to mention my gratitude in particular to Vanesa Ieraci, Amy Free, and their colleagues on the Student Outreach Program. We had a stellar group of 12 NAJIT Scholars who enriched the conference in practical and professional ways. The NAJIT board has extended its appreciation to these colleagues of the SOP through a special commendation given on p. 29. I am very glad to report that the NAJIT board has approved this outreach for next year as well. We have also declared 2006 to be the "year of the student." Please don't hesitate to be in touch if you see ways in which we can enlarge our contact with students, who represent the future of our profession. In addition to our lively and interesting group of NAJIT Scholars, almost two dozen other students attended the conference. This was the largest-ever group of stu-

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.

MESSAGE FROM THE CHAIR *continued*

dents at a NAJIT conference. I am grateful to those of my students from California who made the commitment to attend, to all the other students who came to Washington, and to NAJIT colleagues who received them so graciously.

The new board of the SSTI is hard at work, and Janis Palma and Dagoberto Orrantia have completed a year of outstanding service to the profession through the Mirta Vidal Orrantia Interpreting and Translating Institute. It was a pleasure to present Dr. Orrantia with the second Mirta Vidal Orrantia Award in recognition of all he has done for our profession. NAJIT offers special thanks, as always, to Measurement Incorporated for doing such a superb job with our written and oral exams. Donna Merritt and her colleagues continue to provide outstanding services to NAJIT, SSTI, the MVOITI and our profession.

It is appropriate here to say a word of congratulations to my two colleagues, Isabel Framer and Judith Kenigson Kristy, on their reelection to the board. They will continue to serve you with the deep creativity, energy and knowledge that they have brought over their previous terms. I wish to say thank you also to Emma Garkavi for her willingness to throw her hat in the ring. I hope that many more NAJIT members will do so in future. Director Jan Bonet played a special role in the conference as student liaison and raffle organizer, and also represented NAJIT at a recent meeting of AIIC, the International Association of Conference Interpreters—you can read her report on p. 16.

Our executive director Ann Macfarlane has now completed three years of service, which the board recognized in Washington D.C. with a special presentation. I consider myself, and NAJIT, very fortunate in having Ann's wise counsel and boundless energy. The award was but a very small token of all we owe her. NAJIT appreciates all that Andrew Estep and Tammy Reno of ERGA have done for us on the administrative side.

Committee work is now an important aspect of NAJIT's activity. I am very pleased with the recent committee appointments (see p. 25). Three chairmanships are still open. If you think you might be interested in one of these positions, please get in touch with us as soon as possible.

The Advocacy Committee continues to be heavily engaged in our work. I'm very grateful to the dedicated colleagues who make this outreach possible. NAJIT was also able to provide input to the Coordination and Review Section of the Office of Civil Rights of the U.S. Department of Justice in response to a recent request, taking the lead among our sister organizations. See p. 25 for all the relevant texts.

I am delighted to report that in response to our new initiative supporting regional conferences, three organizations have been approved for NAJIT sponsorship and financial support. We invite all local and regional organizations that are NAJIT members and wish to organize a conference to take this new possibility of assistance into your planning.

NAJIT continues to grow and we are already looking forward to next year. Congratulations to the Texas Association of Judiciary Interpreters and Translators on its launch. I am very glad that TAJIT and HITA, the Houston Interpreters and Translators Association, are giving us a hand with our Houston planning. Make plans to be there and join in all the exciting events of our conference—which will again include the traditional dinner dance on Friday night.

Alexander Rainof, Ph.D.
Chair, Board of Directors

ARABIC DIALECTS *continued from page 1*

How do Arabs from different dialect backgrounds communicate?

When two Arabs meet and realize, upon speaking to one another, that they speak different dialects, they employ a number of strategies to bridge the language gap. The most common strategy is to resort to standard Arabic, if they are both fluent in it. Actually, each speaker will modify his speech by combining his native dialect with Standard Arabic, and by refraining from using vocabulary or structures that are extremely local, replacing them with more universal, standard ones. Thus, if one of the speakers appears to be, or to speak, Egyptian, the other speaker will tend to speak a combination of his native dialect and Egyptian parlance.

Why is it hard to find a competent interpreter?

Judges, defense lawyers, prosecutors, media specialists, intelligence and law enforcement officers all encounter situations, in and out of the courtroom, involving Arabic interpretation that are complicated, frustrating or perplexing. Getting a competent interpreter, one who can survive a lengthy trial without a hitch, or sometimes just one who can get through a deposition or an interview, according to many of them, is harder to attain in Arabic than in most other languages.

One needs people with excellent facility in both standard Arabic and English who have experience in interpreting skills and techniques. Where testing exists, not many people can demonstrate excellent proficiency in Arabic and English and the ability to move between the languages accurately in a simultaneous interpreting environment. The pass rate for New Jersey's Modern Standard Arabic simultaneous interpreting exam, which has been implemented for nearly ten years, has been close to nil. The Southern District of New York interpreters' unit, another office that has made a contribution to the Arabic interpreter training and testing effort, had results that were not much different. Only a small number of the already experienced Arabic interpreters who were carefully screened and tested before being admitted to a two-week training seminar in October 2001 were able to interpret simultaneously satisfactorily at the Standard Arabic exit test and subsequently at actual court proceedings.

What are the language habits of Arabic speakers that render interpretation difficult?

During most of my adult life, I have heard a wide variety of Arabic speakers use Standard Arabic. When Standard Arabic is used due to the nature of the function, the speaker or writer often displays grammatical errors, mistaken pronunciation, and erroneous vocabulary usage, such as those illustrated in the following examples by type.

■ **Grammar** Arabic grammar has some sophisticated features such as the case system. In the spoken language (not in writing), the grammatical function of a word in a sentence determines whether the word takes a final vowel. Some of the simplest and most basic case system rules, as taught to elementary school children, dictate that when the word is a

> *continued on next page*

ARABIC DIALECTS *continued*

subject, it takes a final *ou* sound and when an object, a final *a*. In the sentence *Al waladou thahaba elal madrasa* “The boy went to school”, you can see the *ou* ending on the subject word *walad* “boy.” In the sentence *Ra’aitou al walada* “I saw the boy.” the same word takes an *a* ending because now the boy is an object. There are thousands of other rules that make Arabic grammar a most complex system. However, where even simple rules are not always mastered, more complex rules are less likely to be applied.

■ **Pronunciation** Arabic distinguishes the *s* and *z* sounds from the voiceless *th* and the voiced *th* sounds. In the previous example, the word *thahaba* “went” begins with a voiced *th* sound. Most Arabs today would pronounce it as *zahaba*. You would rarely find an Arabic speaker who maintains this distinction in pronunciation, opening the door to confusion that may interfere with the message clarity. According to the linguistics contrastive analysis hypothesis, negative linguistic habits exhibited by learners of a foreign language can often be traced to similar habits in their native language. Thus, unsophisticated Arabic-speaking learners of English produce utterances such as: *Za bass train* “The Path train” or *Sank you for everysing* “Thank you for everything.”

■ **Vocabulary** Speakers of Arabic commonly confuse certain Arabic words with each other, in the same way that foreign language learners may confuse similar-sounding words. For example, *yatahasha* and *yatalafa* both mean “to avoid.” However, the close-sounding word *yatalasha* meaning “to fade away” is often used erroneously in lieu of one of the first two words, both by university-educated individuals as well as less educated ones.

■ **Underdifferentiation or generic use of words** This phenomenon can especially be seen in personal injury cases. Arabic is a rich and sophisticated language that offers plenty of vocabulary to fit the user’s needs in any situation. However, lack of proficiency and the resulting low-quality education have produced generations who possess narrow and limited vocabulary repertoires. This creates the tendency to use a smaller number of words and assign more meanings to each. For example, in Arabic, as in English and other languages, there is a word for every body part, such as fingers, palm, wrist, arm, elbow, forearm and shoulder. There are distinct words for foot, ankle, shin, calf, leg, knee and thigh. However, most Arabic speakers will use the word “hand” to refer to any body part between the fingers and the shoulder, and the word “leg” to refer to any part from the hip to the toes. In the vast majority of the hundreds of personal injury cases I have interpreted, the plaintiff points to his thigh and says *regli* “my leg” or to her shoulder and says *idi* “my hand” or just points to the body part and says *hena* “here.”

The generic use of words can extend to just about any topic. There is also a tendency among less-educated Arabs to use empty words like “that thing” to refer to almost any noun that they have difficulty remembering, and similarly, to use the verb “to do” to take the place of almost any verb. For example, a witness may say “and then the thing was done” to mean “and then the car was hit.” In my experience, the majority of witnesses give testimony that is rambling, full of hesitancy, false starts, use of meaningless and empty utterances, loss of words, and omission of key words, without which the message can only with difficulty be deciphered. Judges are familiar with a case through well-prepared documents and arguments by articulate lawyers. They may

not realize that witness testimony can be so under-articulated that an interpreter has to strain to make some sense of it.

Among judges and attorneys who have acquired some notion of the different dialects in Arabic, there is a tendency to resort to the dialect issue for a quick and easy explanation of why interpreted testimony may be rendered in fits and starts. Yet at other times, criticism can be directed at an interpreter who provides the exact equivalent of a witness’s less-than-artful utterance. The erroneous use of a word by a witness on the record, as in the example above (“to fade away” in lieu of “to avoid”), presents a dilemma to the interpreter: whether to render the word uttered by the witness regardless of how awkward or weird it may sound, incurring unwanted attention or public embarrassment; or to interpret the witness’s intention rather than the actual utterance, violating the interpreter’s professional ethics not to interfere or correct misspoken words.

I hasten to add that interpreters are not always knowledgeable enough to detect the error. An interpreter, after all, is the product of a society and is subject to the same linguistic shortcomings as the rest of the population.

Key Concept: Defining a Native Language

In summary, the question regarding why many Arabs speak and write their native language poorly requires careful scrutiny. But the key part of the question is the concept of native language. Is the language commonly known as Standard Arabic really the native language of Arabs, in the same way that English is the native language for Americans or Britons, French for Frenchmen, and Spanish for Spaniards? The answer, in my opinion, is no. Standard Arabic to an educated Arab is a partly intelligible language and to an uneducated Arab, a barely intelligible one. Significantly, as a 2003 United Nations report on development in the Arab world indicates, the illiteracy rate is 52%.

Endnote: Language and Arab Nationalism

Any discussion of the Arabic language, particularly when views such as the present ones are expressed, is bound to intersect with politics. Arab nationalist ideologies and literature have always emphasized the notion of “one language shared by all Arabs,” as well as “one history” and “one culture.” These notions serve as ideological pillars of a particular political philosophy. Questioning or expressing a different opinion about this “indisputable fact” is taboo and often dismissed as heresy or treason. While I disagree with some Arab nationalistic views, it is not my intention to denounce Arab nationalism per se. In my view, much of the criticism or hostility lately directed against it stems from misrepresentations, ignorance or is motivated by politically-engineered agendas. ▲

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[The author is a NAJIT member who provides interpreting services in the New Jersey, New York, immigration and U.S. District courts, as well as consulting on Arabic language and culture for lawyers, governmental agencies and the media.]

CONFERENCE REPORTS

FINANCIAL CRIMES

John Roth and Lorena Martin

Reviewed by Carol Rhine-Medina

NAJIT's 26th Annual Conference stepped out on the right foot with this highly entertaining and informative session concerning the inside details of money laundering and other illicit financial activities, including terrorist financing.

The session was moderated by our colleague Lorena Martin from Texas, who was able to bring to attendees the profound knowledge and experience of the presenter, John Roth, a career prosecutor, currently Chief of the Fraud and Public Corruption Section, of the U.S. Attorney's Office, Washington, D.C., who has also served in the Asset Forfeiture and Money Laundering Section.

Asset Forfeiture and Money Laundering was the first topic discussed by Mr. Roth, who provided certain amazing statistics, such as the estimation that \$500 billion – \$2.8 trillion are laundered funds, amounting to 25% of the world's money supply, a phenomenon due in part to the multiplier effect caused by the profitable investment of laundered funds.

Money laundering is an unlawful activity as specified under Title 18 USC, sections of which are aimed at specified unlawful activities and the laundering of monetary instruments (§1956), money spending (§1957), and unlicensed money transmission businesses (§1960). Money laundering impacts the world of finance in its entirety: banking (through counterfeiting and illegal wire transfers, identity theft), taxation (tax evasion, accounting fraud), stocks (insider trading and market manipulation), and real estate (investment fraud) — all tools for the clever conspirator. The criminal activity occurs in three stages:

- 1) Placement: the moment at which proceeds from criminal activities enter the financial system;
- 2) Layering: the distancing of funds from the criminal source;
- 3) Integration: movement of funds in reverse for criminal use.

In this cycle, it is the wire transfer that acts as the principal instrument in distancing money from the source.

The Wash Cycle for illegal proceeds was outlined, consisting of: *Consolidation* (preparation for laundering) ⇒ *Placement* (entry into system) ⇒ *Layering* (disguised in multiple transactions) ⇒ *Integration* (cleansing & return) ⇒ *Realization* (remittance and acquisition of assets)

This process is accomplished by *Smurfing*, defined as the evasion of reporting requirements through the practice of wiring funds in small amounts, preferably to an overseas destination, in defiance of Title 31 USC §5324, governing Cash Transaction Reporting (CTR). A key role is played by the Casas de Cambio located in southwest border areas, acting as informal banking correspondents. Other primary hubs of such activity are Chicago, Los Angeles, New York City and San Juan, P.R. with Mexican predominance in the western U.S.,

and Colombian and Dominican in the eastern.

The methodology of laundering funds occurs in various ways, including bulk cash and exportation schemes, evasion of the Bank Secrecy Act, money servicing business, wire transfers, trade-based transactions/under- and over-invoicing to transfer value, use of offshore financial systems, and *hawala*. The latter is the Islamic system of money transfer founded on trust, which can be an active vehicle in terrorist financing (as borne out in the *Report of the 9/11 Commission* where readers will find a lucid definition and explanation of the functionality of this practice).

Banks (21,000) and brokerages are the frontline barriers enlisted to combat the cash conspiracies. CTR reports detailing cash transactions in excess of \$10,000 are reported directly to the I.R.S database in Detroit. In-house techniques include red flag reports such as the Suspicious Activity Report, generated daily for banking operations, as well as the aggregation rule, controlling total amounts by remitter. (The writer was informed by a stockbroker that even the ink on stock buy orders and transfers is subject to scrutiny!)

Despite controls, the flow of laundered funds is steady and voluminous. CTR is avoided by flying below the radar: evasion (a crime in itself) by structuring deposits to avoid reporting requirements, and other creative practices in use by unlicensed rogue remitters and traffic routed through licensed remitters, all making use of great sophistication. Some devices include: consecutive transfers in structured amounts, multiple remitters to same beneficiary and vice versa, false IDs, varied and suspect occupations and the use of multiple money transfer services. Like banks, the approximately 200,000 licensed money remitters by law must be registered and are subject to Suspicious Activity Reporting.

The nature of the wire transfer is evolving through use of internet-initiated transactions executed at lightning speed, difficult to trace when channeled through different accounts with senders' ID vague or missing entirely. Over 700,000 wire transfers are executed daily, amounting to \$2 trillion, making the activity impossible to monitor effectively.

Offshore financial institutions also play a key role in abetting circumvention of financial monitoring. Such institutions are licensed to deal exclusively with foreign nationals and are exempt from U.S. legislation and controls. Each is regulated by local authorities in the Bahamas, Grand Cayman, Gibraltar, etc., and governed by significant bank secrecy laws. One element allowing a certain amount of leverage is the vulnerability of these banks to pressure exerted through their U.S. correspondent banks, whose relationship must be maintained in order to clear U.S. dollar transactions, therefore subjecting the offshore financial to some scrutiny.

Other trends also work against the authorities: despite Title 31 USC §5332, outbound U.S. Customs inspections are infrequent, hence the trend toward shipments of bulk cash. U.S. dollars may be physically laundered in nations such as Panama and Ecuador, with dollar-based economies. The Black Market Peso Exchange (BMPE) operates freely in Colombia, beyond the reach of the Colombian

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DEPARTMENT OF STATE OFFICE OF LANGUAGE SERVICES

Andrea Bergeron and Marc Fallow
Reviewed by Carol Rhine-Medina

This interesting presentation met the objectives as stated in the description of education sessions, but proved disappointing to many Spanish interpreters in attendance for reasons explained below.

Ms. Bergeron, a Russian translator and reviewer in the Office of Language Services (OLS) of the Department of State (DOS), initiated the session with a background history of the OLS since its inception in 1950, including historical precedents. The vital importance in today's world of facilitating documentation punctually and accurately was emphasized; one of the duties of Ms. Bergeron herself is the pre-signature review of texts of treaties and international agreements.

The OLS has a staff of 60 including 27 interpreters. Translation duties of the staff include:

- Diplomatic correspondence
- Treaties
- Vital records
- Review of finished documents
- Mail sent to the DOS and the White House
- Comparison of treaty versions prior to final signing
- Special projects such as the DOS website, a human rights report, etc.

The work flow of the OLS is: Assignment ⇒ Preliminary research ⇒ Translation ⇒ Review ⇒ Correction ⇒ Delivery ⇒ Gleaning of terminology for in-house glossaries

The term "State Department Qualified" was explained.

The OLS is faced with several challenges in the twenty-first century. The hiring and recruitment of new staff and testing of new contractors is an ongoing responsibility. The perennial search for interpreters and translators proficient in languages of limited diffusion is ongoing. Testing of mainstream languages is undertaken according to established standards and criteria, by which the job requirements for both contract and staff translators are established. Testing takes place periodically in a proctored environment. The test is performed on a PC with no Internet access, and consists of 3 texts of about 300 words in a time frame of 4 hours.

Besides the need to compensate for attrition caused by the generational turnover of staff, the OLS has been especially occupied in adapting to new technology such as voice recognition and translation database tools, which ultimately facilitate the task of the translator, but require upfront investments in adaptation of procedures and training.

One of the topics of particular interest to those in attendance was the testing of interpreters: consecutive (previously known as "escort"), seminar, and conference. The first two categories accept assignments under the International Visitor Program, whereby visitors to the U.S. are accompanied by one or several interpreters, either on visits related to their field of specialty or attending seminars provided in the U.S. An example offered was that of the Greek Police force, which underwent six weeks of security training prior to the Olympics. Indeed, the Bureau of International Law Enforcement operates permanently, receiving international visitors at the center in Roswell, NM. Professional visits normally are three weeks in duration and frequently require the services of interpreters in languages of limited diffusion, for whom a constant need was confirmed.

> continued on page 8

FINANCIAL CRIMES *continued*

government. Operation Meltdown relies on the smuggling of precious metals. Currency smuggling also utilizes merchandise such as toys and even packets of breath mints. Reverse contamination likewise occurs. Much of our currency is tainted with drugs; it is estimated that in Los Angeles, 75% of the money supply bears traces of narcotics.

It is one thing to view money laundering purely as a lucrative activity and another to dig beneath the surface and reveal the objectives being funded. For decades, drug trafficking was the principal business at hand; however, terrorist financing has come to the forefront. Enforcement of new legislation has proven difficult in the light of *zaqqat*, the Gulf practice of making charitable donations to mosques as an effective substitute for an income tax, as well as *hawala* enabling the movement of funds through informal channels. Potential financing must be traced back to donor originators and forward to a hypothetical strike team. Once again, the 9/11 Commission Report is highly recommended reading to clarify the

background, dynamics, and the example as applied to the hijackers.

Attendees at the conference received a copy of *Financial Investigation Terminology*, a multilingual glossary published by the Financial Crimes Enforcement Network of the U.S. Department of the Treasury, a tool we can expect to be most valuable.

The topic is of vital importance to the economy and society as a whole. Anecdotes abound. This presentation captivated those in attendance, who were amply rewarded in handouts. We can test our knowledge on an almost daily basis simply in reading the daily news. While understanding these crimes may prove of practical application to all at some point during our careers, in the short term, the presentation itself was more than worthwhile. ▲

[Carol Rhine-Medina, a NAJIT member who writes frequently for Proteus, is a freelance interpreter and translator living and working in San Francisco and Madrid. She was employed by Bank of America in both cities from 1967 to 1997, and acted as project manager for automated payments systems and head of payments in Madrid.]

HIGHLIGHTS OF MEETING WITH REPRESENTATIVES FROM THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

By Patricia González and Kathleen O'Hanlon

On Saturday, May 14, 2005, at the 26th Annual Meeting of the National Association of Judiciary Interpreters and Translators (NAJIT), Mr. Robert Lowney, Chief of the District Court Administration Division of the Administrative Office of the U.S. Courts addressed court interpreters. Mr. Lowney was accompanied by Mr. Bill Moran, Deputy Chief of the District Court Administration Division and Dr. Carolyn Kinney, who has replaced Marijke van der Heide as Interpreting Specialist in the Division.

After introducing himself and his colleagues, Mr. Lowney proceeded to read a prepared speech for about 20 minutes during which he touched upon several topics and objectives.

Mr. Lowney talked about the commitment of the Administrative Office (AO) to continue a strong partnership between NAJIT and the Federal Court Interpreting Program.

He acknowledged that the language barrier is a major challenge in the provision of clear, accurate and reliable interpreting services and that "a fundamental goal of the judiciary's interpreting program is to maximize the use of certified interpreters in those languages for which we have developed an exam." He added that "the provision of effective interpreting services, when needed, is essential to ensuring fairness, social justice and equal access to the federal court system."

He mentioned that in the past four years, the AO has worked to improve the certification process, and that, in a comprehensive survey conducted by the AO of judges and attorneys proficient in Spanish to assess the in-court performance of interpreters, certified interpreters routinely received higher marks than non-certified interpreters.

Regarding languages other than Spanish, he added that another major objective of the AO was to address the growing demand for Arabic and Mandarin interpreters while meeting the standards and criteria applied to Spanish interpreters.

Finally, he mentioned that, as part of an effort to reduce their continuing cost increases, the judiciary has developed a number of initiatives, such as the creation and use of the National Court Interpreter Database, which federal courts can access through their intranet; the Telephone Interpreting Program (TIP), which allows interpreting services to be provided to remote locations via telephone; the creation of new staff interpreter positions; and, last but not least, the creation of a new contract to be used by all district courts when obtaining the services of contract court interpreters.

After Mr. Lowney finished reading his speech, the session was open to questions from the audience. Due to the general confusion and concerns generated by the new contract among federal court interpreters across the country, most of the questions addressed to Mr. Lowney after his speech centered around this issue.

When asked why the AO had not sought input from federal contract court interpreters before writing the new contract, Mr.

Lowney said that the AO recognized that not asking for the input of interpreters was a mistake and that, looking back, there were a number of things that they could have done better, such as working with NAJIT. However, the contract would not have been significantly different.

Contrary to the initial information given to interpreters and court administrators alike regarding the negotiability of the contract, Mr. Lowney clarified this issue by saying that the AO is not a law-making authority; it can't force the courts to comply with this contract, but it can put enormous pressure on them, and will work with them to obtain compliance.

Interestingly, when asked whether the AO had told District Courts that they could use non-certified interpreters if certified interpreters refused to sign this contract, Mr. Lowney indicated that the AO has not directed courts to use non-certified interpreters. In fact, the statute continues to require the use of the most available certified interpreter and the AO has identified several courts routinely using non-certified interpreters and has asked that they attempt to locate certified interpreters. He said that if individual District Courts do not hire certified interpreters even though they are available, the AO has no authority to make them comply; the statute gives to the court directly the authority for selection of interpreters.

Some of the terms that Mr. Lowney mentioned as negotiable between individual courts and contract court interpreters included rates, cancellation fees, frequency of payment, travel time and mileage, and the provision of transcription and translation services. Given the concern expressed by many interpreters regarding the provision of the latter, Ms. Kinney added that the provision of these services would become optional in the future through the inclusion of a checkbox in the contract where interpreters would be able to specify whether they would volunteer to provide these services to the courts during their half days or full days.

According to Mr. Lowney, when an interpreter requests a rate higher than that authorized by the AO, a contracting officer has the option to request authorization to pay the higher rates through a request for exception. The AO has seen a dramatic increase in these requests in the past few months, which have gone from approximately 1-4 per month to about 40 per week.

When asked why a code of ethics had not been included as part of the contract, Mr. Lowney said that it had been initially. However, he explained that, after consultation with the AO's Office of General Counsel, it was later decided to remove the code portion. The AO is refining the document and it will be part of subsequent contract documents.

The three AO representatives remained after the end of the scheduled session in order to answer all questions that were put to

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ADMINISTRATIVE OFFICE HIGHLIGHTS *continued*

them. Some additional questions, which were not asked at the session, remain to be resolved:

- 1) the expectation that interpreters provide services “free of mistakes” in spelling, grammar and word choice;
- 2) the provision stating that the half-day rate will be paid for up to 4 hours “regardless of the time of day,” which means a contractor might effectively work from 10:00 a.m. to 3:00 p.m., tying up her entire earning day but limiting her to a half day’s compensation;
- 3) the exclusion of breaks and lunch periods (set by judicial officers) from the calculation of hours of service rendered;
- 4) the limit of cancellation fees to a maximum of one full day even when interpreters have contracted for a several-days-long proceeding;
- 5) the procedure for acceptance of services which allows for the denial of payment after services have been rendered;
- 6) the settlement-of-disputes provision which designates the courts, as opposed to a neutral third party, as the final dispute-settlement authority;
- 7) the vague definition of “court unit” or “judicial component,” under which interpreters in some districts have been told they will no longer be able to charge for CJA’s (attorney-client interviews) separately, while interpreters in other districts have been told the billing of CJA’s will not change under the new contract; and
- 8) the astonishing requirement that interpreters “deal with disruptions by defendants.”

However, Mr. Lowney and Ms. Kinney assured interpreters that concerns raised at the Q&A session would be answered by Ms. Kinney and that the AO was in the process of preparing a Frequently-Asked-Questions document to post on the judiciary’s Intranet.

Mr. Lowney also wanted to assure interpreters that they would not be blacklisted for expressing their views. On the contrary, he encouraged all interpreters to speak out as he felt the AO has learned from interpreter comments.

We sincerely hope the AO does in fact address all of the interpreter concerns; such responsiveness would not only prove the

Office’s commitment to continue a strong partnership between NAJIT and the Federal Court Interpreting Program, but also help it achieve its goal of maximizing the use of certified interpreters for the effective and fair administration of justice while not alienating the very professionals who have faithfully rendered contract court interpreting services for many years. ▲

For a copy of an in-depth analysis by Chicago area interpreters of the new AO contract, please contact Patricia González at gonzpat@aol.com or Kathleen O’Hanlon at kathleenohanlon@aol.com.

To ask questions directly of the AO about this contract or to see or post messages on the NAJIT Listserve regarding the new contract, subscribe to the NAJIT Listserve by going to <http://najit.org/ListServe/listssubscribe.html> and following the on-screen instructions.

The NAJIT Board of Directors is pleased to announce that NAJIT Director Judith Kenigson Kristy attended two days of meetings on July 28 and 29 in Washington, D.C.: a meeting of the Federal Court Interpreters Advisory Group meeting and a “focus group” to determine modifications needed for the Contract Court Interpreter Terms and Conditions document for Fiscal Year 2006. This invitation arose directly from the requests of participants at this session for NAJIT involvement in these issues. NAJIT members were invited to provide their input to Director Kenigson Kristy. The directors believe that such openness and flexibility on the part of the Administrative Office of the Courts is commendable, as was the willingness of the officials involved to participate in our conference and to address questions directly from the interpreters present. Mr. Lowney’s presentation can be read on p. 9 and is also available on the NAJIT website. Director Kenigson Kristy will report to the membership in the next issue of *Proteus* on her participation in the July meetings.

DEPARTMENT OF STATE *continued from page 6*

The testing process itself was described, consisting of two 8-minute passages from English to the foreign language and a mini-Foreign Service exam covering history, civics and problem solving. An assessment panel evaluates the results, which may not be contested.

On the other hand, disappointment was in store for Spanish interpreters, including this writer, upon receiving the news that a moratorium on Spanish testing is in place, since there is a surplus at present. In the case of local-area Spanish interpreters, the test is administered in order that such individuals may perform work under the auspices of the Office of the U.S. Attorney for any State Department-related work. Also, individual testing for aspiring

conference interpreters may be arranged on a case-by-case basis upon submission of a résumé and evaluation by the appropriate persons at OLS.

Further information may be requested directly from the Office of Language Services:

Kenneth Palnau
Office of Language Services
212-261-8791
PalnauKe@state.gov ▲

[See p. 6 for the reviewer’s biographic information, and see p. 11 for a special DOS testing opportunity]

FEDERAL JUDICIARY ACCOMPLISHMENTS OF THE LAST 10 YEARS AND THE CHALLENGES OF THE FUTURE

Presented by Robert Lowney

Chief, District Court Administration Division, Administrative Office of the United States Courts

26th Annual Meeting of National Association of Judiciary Interpreters and Translators

Washington, D.C. • May 14, 2005

Good morning and welcome to Washington, D.C. On the occasion of your 26th annual meeting, I want to congratulate the National Association of Judiciary Interpreters and Translators on its rich tradition of promoting professional standards and integrity among court interpreters. The work your association has done to promote wider recognition of the importance of the role of the court interpreter and to improve the quality of court interpreting has been an integral part of the advancements in the field of interpreting over the past 20 years. These are advancements that benefit all of us and, at the outset, I want to express our commitment at the Administrative Office to continuing a strong partnership between the NAJIT and the Federal Court Interpreting Program. I was very pleased to accept Ann's kind invitation to be here today to discuss the Federal Court Interpreting Program and hope those of you who have traveled to Washington to take part in this conference enjoy your stay in the nation's capital. Before I begin my remarks, I would like to introduce two members of my staff: Bill Moran, Deputy Chief of the District Court Administration Division, who has been at the Administrative Office for 17 years and has worked in the federal judiciary for 24 years; and Dr. Carrie Kinney, who serves as our Interpreting Specialist in the division. Carrie is new to this job. Many of you knew Marijke van der Heide, who retired last fall. Carrie comes with a strong background in the academic area of linguistics and she is already fully immersed in the major issues and initiatives of the program. She has been at the Administrative Office for more than 15 years.

Oftentimes the language we speak can create a barrier to effective communication, resulting in confusion, inconvenience and difficulty for all of those involved. In most instances, barriers to effective communication caused by language amount to no more than the kind of minor inconveniences we face every day. In other cases, however, the inability to communicate can have serious consequences, resulting in the loss of life or altering a person's future in dramatic and tragic ways. Whenever a non-English speaking person becomes a criminal defendant in a federal court, there is a significant risk that the judicial process will not be as fair and balanced a process as it should be. Thurgood Marshall once said that, "mere access to the courthouse doors does not by itself assure a proper functioning of the adversary process." There are, indeed, many roadblocks to the effective administration of justice, and the language barrier is perhaps the most daunting of these challenges.

The ability to achieve the goal of effective and fair administration of justice is greatly dependent upon the ability a criminal defendant has to communicate in his or her own defense, to weigh options

and make decisions based upon a basic understanding of the judicial process and to be present in every way at his or her own trial. I would argue that if the court cannot communicate with a criminal defendant effectively, and if a defendant cannot fully comprehend words spoken in the courtroom, then justice cannot be delivered. The provision of clear, accurate and reliable interpreting services, simply put, is where the "rubber meets the road" in the administration of justice. As a result, the federal interpreting program is a high priority for the Administrative Office of the United States Courts. While the federal judiciary has been at the forefront of interpreter certification programs, we must address new and daunting challenges in the effort to ensure that every non-English speaking defendant has the benefit of effective interpreting services.

The judicial branch of the federal government includes 94 federal district courts, or trial courts, spread across the nation in 11 judicial circuits and the D.C. Circuit. For the one-year period ending June 30, 2004, over 81,000 criminal defendants were charged in the federal courts. District judges are responsible for the selection and use of interpreters in their courtrooms for proceedings initiated by the United States. The Court Interpreters Act, Chapter 28 of the U.S. Code, Section 1827(d)(1) provides that, "the presiding judicial officer, with the assistance of the Director of the Administrative Office of the United States Courts, shall utilize the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter, in judicial proceedings instituted by the United States." This is a tremendous responsibility. In almost all cases, the judge has no real proficiency or experience with the language in question, and yet he or she must ensure that the interpreter working in that courtroom is providing a clear, accurate and verbatim interpretation of the proceeding. Consequently, federal judges need to be able to rely upon a comprehensive network of resources to help identify and obtain the services of qualified interpreters.

The federal judiciary's certification process is the foundation of the interpreter program. The Administrative Office has been administering the Spanish/English written and oral examinations nationwide since 1980 and has certified more than 900 Spanish interpreters. There are also 13 Haitian Creole and nine Navajo language interpreters who have received certification from the Administrative Office. In 2004, more than 88 percent of proceedings interpreted in Spanish were handled by certified interpreters. While that average may seem high to you, we know that many federal courts have much lower percentages of certified interpreter usage. One of the primary

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LOWNEY *continued*

objectives of the federal court interpreting program is to ensure that certified interpreters are utilized for most, if not all, of the events interpreted in languages in which we offer certification.

Over the last four years, we have worked with the National Center for State Courts, our contractor for the development and administration of the Federal Court Interpreter Certification Examination, to improve our certification process. We have conducted validity studies and reassessed our test scoring scheme to ensure that passing the exam is a valid and reliable indicator of an interpreter's ability to perform in court. The Administrative Office has conducted a comprehensive survey of judges and attorneys proficient in Spanish to assess the in-court performance of the interpreters they utilize. In those surveys, certified interpreters routinely receive higher marks in their performance than non-certified interpreters. Under Section 1827 of Title 28, the Director of the Administrative Office has the statutory authority to set the rates paid to contract interpreters. These rates are not set by federal judges or court staff. In 2003, the Director raised these rates and we are currently reviewing the fee schedule again. I'll discuss rates paid to interpreters further in a few minutes. We have also developed training materials to educate judges and clerks on the fundamental elements of court interpreting and to educate interpreters on the nuances of in-court interpreting.

In addition to continually assessing the Federal Court Interpreter Certification Examination and different levels of qualification, we maintain statistics on interpreter usage. Studying these numbers helps the judiciary to understand frequency of use and distribution geographically across languages. In 2004, there were approximately 224,000 federal court events for which the services of an interpreter were required. Of those, 95 percent of the events were for Spanish interpreters. The remaining five percent were spread over 110 different languages.

We have seen changes in our language requirements since September 11, 2001, particularly in the need for Arabic interpreters. In languages other than Spanish, the top six languages since 2001 have been: Mandarin, Arabic, Russian, Vietnamese, Cantonese and Korean. Mandarin has been in first or second place on that list since at least 2000, although the actual number of events dropped from 2,100 in 2000, to just above 1,000 in the years since. Arabic, on the other hand, has had a dramatic increase in number of proceedings interpreted: in 2000, Arabic was sixth on the non-Spanish list; it has been first or second since then. It is clear that the war on terror and the focus on homeland security is at least a contributor to this increase. While many of those accused of having ties to terrorist groups have been kept out of the federal court system, there have been a number of high profile cases associated with terrorist activities and the federal judiciary's need for qualified Arabic interpreters has increased as a result.

Another major objective currently is to address the need to ensure that interpreters used in languages other than Spanish meet standards and criteria on a par with those applied to Spanish interpreters. This is a particularly critical issue in light of the growing demand in languages such as Arabic and Mandarin. The federal judiciary is working to establish a policy for utilizing state certifi-

cations, in languages other than Spanish, to deem an interpreter qualified for federal court. This would allow us to compensate those interpreters at more competitive rates as well.

In addition to certifying interpreters, the Administrative Office has developed guidelines for qualifying interpreters in other languages. The judicial officer relies upon two classifications: **Professionally Qualified** and **Language Skilled** interpreters. A **Professionally Qualified** interpreter must demonstrate either: (1) prior existing employment as a conference or seminar interpreter for the U. S. Department of State, the United Nations or similar agencies for which proficiency examinations are a condition of employment; or (2) membership in good standing in a professional interpreters' association that requires a minimum number of hours of interpreting experience and the sponsorship of other members who have observed the candidate interpret. A **Language Skilled** interpreter does not qualify as a Professionally Qualified interpreter, but can demonstrate the ability to interpret court proceedings from English into a designated language and from that language into English. A Language Skilled interpreter, of course, cannot command the same rate of pay as an AO Certified or Professionally Qualified interpreter. The Administrative Office increased rates in 2003 by the annual inflation rate to \$329 a day for Certified and Professionally Qualified, \$156 for Language Skilled. We were unable to raise rates last year because of budget constraints.

Over the last couple of months my office has seen a dramatic increase in the number of requests we've received from courts to exceed the fee for interpreters. These requests demonstrate vividly the need to adjust the fee structure for contract court interpreters. As the environment in which we all work continues to change, we continually strive to improve the resources available to the interpreting community to meet these new challenges. While we consider the provision of certified or qualified interpreters to be paramount in our efforts to manage this program, we also must be good stewards of the public resources that have been placed under our management and control. In 2003, when Congress could not provide us with our full funding requirements, Chief Judge King of the Fifth Circuit, and Chair of the Executive Committee, initiated an effort to address our continuing cost increases. To date, the judiciary has been looking at several major areas of operations that drive costs to determine if costs can be reduced, including:

- Courthouse buildings and building rent;
- Compensation of court staff;
- Sharing of administrative services;
- Use of technology, including telework;
- Controls to the defender services program; and
- Lawbook expenses.

From that list, you can see that the judiciary has taken the challenge to address our costs pro-actively. At the same time that these major efforts are underway, other areas of the judiciary have been asked to ensure that we are doing everything possible to increase efficiency and effectiveness.

Our efforts in the effective management of our appropriated resources in the interpreting program include a number of initiatives. I will highlight a few:

The **National Court Interpreter Database** was established to help courts locate interpreters. It is available to all federal courts through our intranet site. The database contains names and contact information for Certified, Professionally Qualified and Language Skilled interpreters. Currently, there are more than 2,500 interpreters on file and users can tell at a glance the qualification level of the interpreter. A fundamental goal of the judiciary's interpreting program is to maximize the use of certified interpreters in those languages for which we have developed an exam.

Another achievement we are proud of is **TIP, the Telephone Interpreting Program**. TIP allows court interpreting services to be provided from a remote location by telephone. There are currently six court provider sites in which staff and contract interpreters have been trained on the use of the telephone interpreting system and have received special equipment to support the program. Some of the benefits of TIP are that it:

- Provides qualified interpreting to courts in remote locations that do not have certified and professionally qualified interpreters;
- Increases the overall quality of available interpreting resources;
- Offers ready access to quality interpretation on short notice;
- Reduces travel for certified and professionally qualified interpreters to travel. We saved an estimated \$1 million last year.
- Helps ensure that defendants have access to a certified interpreter in court proceedings; and
- Makes scheduling court proceedings easier.

The Administrative Office has also continued to evaluate and recommend, where cost effective, the creation of additional staff court interpreter positions. This further ensures the availability of certified interpreters to address the needs of defendants.

And, last but not least from your perspective, we have initiated a new contracting process to be used by all district courts to obtain the services of contract interpreters. While I understand that there has been significant concern and confusion with this new process, we believe it is necessary to ensure that written agreements are in place between courts and the contract interpreters they use, and that those agreements are consistent with the policies adopted by the judiciary. The contract simply formalizes these standards and policies that were, unfortunately, not consistently adhered to by some district courts, including compliance with the payment rates set by the Director as well as policies on cancellation fees, half days versus full days and travel. At the same time, the standard contract does allow courts to negotiate some of the terms and conditions including:

- Courts may negotiate rates up to the maximums approved by the Director. For languages other than Spanish, Navajo and Haitian Creole, the court may also seek an exception to the Director's rates from the District Court Administration Division.
- The court may negotiate cancellation charges up to a full day. In very unusual circumstances, it may exceed this with approval from the AO.
- Courts may agree to pay interpreters more often than once per month, but there is no contractual obligation to do so. The

Terms and Conditions document does not state that the court cannot make payments more often than once a month. It states that, "the government shall not be obliged to pay the contract court interpreter more frequently than once per month."

- The distance beyond which the court provides reimbursement of travel expenses may also be negotiated, within reason.
- Travel time payments may also be negotiated based on the distance and time it should take an interpreter to reach the court location, unless the interpreter's residence is within the local commuting distance.

We have worked to address many of the questions and concerns expressed about the contracts — we have held conference calls with district courts, we are developing frequently asked questions and we have tried to work through the NAJIT listserv to answer questions coming from interpreters. Most courts are using the new contract without any real problems, but we remain committed to improving this process before the next fiscal year to clarify language and reduce the administrative burden associated with the contract.

In closing, again I want to emphasize that the provision of effective interpreting services, when needed, is essential to ensuring fairness, social justice and equal access to the federal court system. The judiciary expends approximately \$22 million each year to fund staff interpreters, pay contract interpreters, develop and administer certification exams and provide oversight to this program. For the judiciary, this is a significant investment of its resources, which reflects the priority assigned to this program. I, again, want to thank NAJIT for the opportunity to spend some time with you today and I will be glad, with the assistance of Bill and Carrie, to try to address any questions you may have at this time. ▲

Special Opportunity

Department of State to Test Translators in Seattle at ATA Conference

The Office of Language Services of the U.S. Department of State will test prospective contract translators in the Seattle area during the ATA Annual Conference November 9-12, 2005. Admission is by invitation. Visit the NAJIT website to download the application form and fax it with a resume to Mr. Kenneth Palnau at 202-261-8807, specifying "Seattle testing." Mr. Palnau will screen the applications and contact successful applicants to schedule a test in Seattle. Qualified applicants in any language will be considered, but priority will be given to languages of the Middle East, Asia, and the former Soviet Union.

UPDATE ON THE AOUSC'S CONTRACT COURT INTERPRETER SERVICES TERMS AND CONDITIONS DOCUMENT

Dr. Carolyn Kinney

On behalf of Robert Lowney, Chief, District Court Administration Division (DCAD), and Bill Moran, Deputy Chief, DCAD at the Administrative Office of the United States Courts (AO), I would like to say how delighted we were to attend the NAJIT Conference in Washington, DC in May, to meet in person so many of the interpreters who serve the federal courts across the country and to hear your questions and concerns first-hand. It was also our pleasure on July 28 and 29 to have Judith Kenigson Kristy, as an invited representative of NAJIT, attend the Court Interpreter Advisory Group and a focus group on the Terms and Conditions.

This has been a year of changes for contract court interpreters. Many interpreters have signed the first ever Contract Court Interpreter Services Terms and Conditions document and are working under it. In addition, many interpreters have been fingerprinted, in compliance with a new policy on background checks adopted by the Judicial Conference of the United States in September, 2002.

It has been a busy time for the judiciary as well. Many courts have had questions on procedures for implementing the Terms and Conditions, and have become aware for the first time of some of the requirements placed on courts under the Court Interpreters Act, 28 U.S.C. § 1827 and the Interim Court Interpreter Regulations of 1989. This has been an excellent opportunity for the AO to advise the courts that, among other things, they must engage the most reasonably available certified interpreter for Spanish, Haitian Creole and Navajo, even if that means having a certified interpreter travel to the court; and that they may compensate interpreters for travel beyond the court-set local commuting distance.

We are actively working on revising the Terms and Conditions for use in fiscal year 2006 (FY06), which starts October 1, 2005. Input from interpreters and the courts to which they provide service is invaluable in the process. The focus group that met in Washington, DC on July 29 to suggest modifications to the Terms and Conditions and related documents included staff interpreters, interpreter coordinators, and procurement specialists from the courts, NAJIT Director Judith Kenigson Kristy and AO staff. The group worked from the table originally prepared by Patricia Gonzalez and other interpreters in Northern Illinois to show their concerns and questions about the Terms and Conditions. The table was expanded to include other comments that have been posted on the NAJIT Listserv and that have been sent directly to the AO by interpreters and court staff.

In their article in this issue of *Proteus*, Patricia Gonzalez and Kathleen O'Hanlon list eight concerns for which they would like comments from the AO. The focus group made several recommendations concerning these issues and others, which will be considered in revising the Terms and Conditions document for use in FY06. Several offices and divisions in the AO responsible for procurement management, legal issues, accounting and program

areas, need to review any changes made to the document for FY06 before it is final. In the meantime, the terms for FY05 are still in effect as previously stated and described.

1. The expectation that interpreters provide services "free of mistakes" in spelling, grammar and word choice.

The only place in the FY05 Terms and Conditions that requires that services be free of mistakes is in reference to translation and transcription. For fiscal year 2005 (FY05), courts have been advised to indicate in the purchase order or purchase request whether or not the court requires translation/transcription service from the interpreter. The AO is considering the focus group's recommendation that all mention of translation/transcription be removed from the Terms and Conditions for FY06.

2. The provision stating that the half-day rate will be paid for up to 4 hours "regardless of the time of day," which means a contractor might effectively work from 10:00 a.m. to 3:00 p.m., tying up her entire earning day but limiting her to a half day's compensation.

Each court has some discretion in how best to schedule and use contract interpreters. Courts have always been encouraged to have interpreters stay for the full four or eight hours for which they are being paid. If an interpreter is needed from 10:00 to 3:00, the court may request that he or she be available for other interpreting services throughout the normal working hours of the court. The interpreter would then be compensated for a full day. The focus group recommended removing the phrase "regardless of the time of day" from the FY06 version of the Terms and Conditions document, and the AO is considering this.

3. The exclusion of breaks and lunch periods (set by judicial officers) from the calculation of hours of service rendered.

If an interpreter is working for more than four hours, the interpreter should have a meal break to rest and to enable more accurate interpreting services by that interpreter the remainder of the day. Short breaks in the trial or between assignments that are out of the control of the interpreter are not excluded from the half day or full day calculation. Each court has discretion to determine inclusion of meal breaks in the calculation of the number of hours served.

4. The limit of cancellation fees to a maximum of one full day even when interpreters have contracted for a several-days-long proceeding.

The standard fee if a proceeding is cancelled within 24 hours is equal to the rate for either a half day or a full day. Courts have some discretion in negotiating this fee, with appropriate AO approval, when the court has difficulty in obtaining services otherwise. The compensation for time served and the cancellation fee

cannot exceed the total time originally scheduled. The same time period (half day or full day) shall not be doubly compensated by any two or more of a service fee, a cancellation fee or a travel fee paid by that court, by any other court (e.g., bankruptcy, probation, another district) or by another judicial entity (e.g., FPD organization or CJA).

5. The procedure for acceptance of services which allows for the denial of payment after services have been rendered.

Services can be accepted only after they have been rendered. Examples of performance issues that could lead to withholding of payment are a clear lack of communication with the interpreter or having to reconvene a hearing with a different interpreter. The AO is considering the focus group's recommendation to remove paragraph 7.1 (c) from the revised document for FY06 as this is already covered in the Acceptance of Services section of the Terms and Conditions.

6. The settlement-of-disputes provision which designates the courts, as opposed to a neutral third party, as the final dispute-settlement authority.

This contract clause, in some form, is in all contracts entered into by the Judiciary and most government agencies. The AO is considering the focus group's recommendation that the new Terms and Conditions for FY06 indicate, for each court, the name and contact information of the procuring officer and of the contracting officer. The contracting officer is designated as the dispute settlement authority, and is required to consider all pertinent facts and make a decision based on procurement principles – one of which is fairness to all parties. It is in the best interest of the contracting officer to be fair in order to preserve the service providers it needs, and, in fact, often sides in favor of the contractor. The Contracting Officer's Final Decision must clearly communicate the rationale for the decision. If the contract interpreter is dissatisfied with the decision, the interpreter can request a review of a Contracting Officer's Final Decision by the contracting officer's supervisor, request review by the Government Accountability Office, or initiate a court action.

7. The vague definition of "court unit" or "judicial component," under which interpreters in some districts have been told they will no longer be able to charge for CJA's (attorney-client interviews) separately, while interpreters in other districts have been told the billing of CJA's will not change under the new contract.

"Court unit" refers to any of the federal district, probation, pretrial, bankruptcy, appellate, and federal circuit courts. "Judicial component" can be a court unit or a federal public defender organization or CJA panel attorney. A contract court interpreter should be paid for the time served, regardless of whether that service was to a court unit or to the FPD or CJA attorney.

All court units are required to pay according to the fee schedule established by the Director of the AO, as required by the Court Interpreters Act, unless they receive specific approval from the AO to exceed the fee schedule (for languages other than Spanish, Haitian Creole and Navajo). Although FPD and CJA panel attor-

neys are not required to follow the Director's fee schedule, the Office of Defender Services at the AO has determined that the Court Interpreters Act rates are a guidepost to reasonableness, and there should be justification for paying a higher rate. Having interpreters bill by the hour to the FPD or CJA attorney will sometimes result in higher or lower costs, but generally should not be out of line with the court rates.

8. The astonishing requirement that interpreters "deal with disruptions by defendants."

All utterances by defendants must be interpreted. If a defendant or other person being interpreted utters a profanity or a threat or anything else, the interpreter must render that in the other language. If a defendant asks the interpreter to provide information or services that the interpreter feels would be unethical, the interpreter is obliged to handle it in a professional manner. Interpreters are not required or expected to discipline unruly defendants, or to act as law enforcement or security. This language is being clarified in the revised contract document.

The Terms and Conditions document has already started accomplishing many of the goals for which it was created:

- Court staff are more familiar with the Court Interpreters Act, 28 U.S.C. § 1827, and the Interim Court Interpreter Regulations of 1989, including the requirements to use of certified interpreters whenever possible, and to follow the Director's fee schedule. They are also more aware of the procurement process, and know which terms are negotiable and which are not.
- Defendants and other court participants eligible for interpreter services are receiving those services from more highly qualified interpreters.
- Interpreters are finding more consistent standards across courts when they travel to provide service in different districts.
- Interpreters and courts are protected by having terms settled before service is provided.
- The AO is able to be a better steward of the ten million dollars of taxpayers' money in the centralized court interpreting fund.

As we move toward the new fiscal year, with an updated version of the Terms and Conditions document, we hope and expect that everyone involved will be more satisfied with the results.

The AO looks forward to having a closer relationship with NAJIT, and to helping courts procure, in a fair and consistent manner, the services of highly qualified interpreters to ensure that defendants and others are guaranteed their constitutional rights.

Any questions regarding this article should be addressed to Dr. Carolyn Kinney, carolyn_kinney@ao.uscourts.gov. Any questions concerning contracting with the federal courts or specific terms and conditions should be addressed to your local district court, whose location and contact information can be found at <http://www.uscourts.gov/links.html>. ▲

TWENTY-ONE DAYS TO A BETTER SIMULTANEOUS

Agustín De la Mora

Reviewed by Daniel Sherr

I used to think that when I interpreted in the courts, my Spanish sounded like that of a movie star,” stated federal interpreter and exam rater Agustín Servín De la Mora in his presentation *21 Days to a Better Simultaneous*. “Until I recorded myself. Listening to myself that first time was really sobering.”

In the course of an entertaining and instructive three-hour minicourse at the NAJIT Annual Conference, De la Mora gave practicing interpreters of all levels an obvious, but little followed, piece of advice. In order to improve her interpreting skills, the interpreter must know what her baseline is.

“Once a colleague asked me what I thought of his interpreting,” he recalled. Such a request always puts the second interpreter in a quandary. Should he respond with a soothing platitude or should he point out something the interpreter said incorrectly, because after all, all interpreters make mistakes? Or should he admit that as it turned out, he really wasn’t listening when his colleague was interpreting? When a colleague confronted De la Mora with precisely that dilemma, he responded, with as much expressiveness as possible, “It was good!”

That is why, De la Mora concluded, recording oneself is so important. It is objective. It pulls no punches. I was delighted to hear De la Mora emphasize the value of self-recording. I started to record myself at every conference I have worked at over the course of the last year. I have never seen any other conference interpreter do it, and the only reaction of any of my boothmates to date has been, “Just make sure you don’t record me!”

De la Mora had brought a recording of a judge’s remarks in a drunk driving case. He split the participants up into groups and asked volunteers in each group to simultaneously interpret the text, while the rest of the group took notes. I viewed this as a fantastic opportunity, but was surprised at how nervous I was when interpreting with five people a few inches away from me listening to every word. De la Mora told us that the tape was recorded at 138 words a minute, virtually the same rate as the federal exam. I found the text slow, and then understood why I have problems interpreting some judges in the federal courts, whose cruising speed is obviously well in excess of 138 words a minute.

One of the terms that came up during the recording exercise was “having one’s faculties impaired.” One interpreter rendered that as “con las facultades mermadas.” Another interpreter said, “You know, I always translate that as ‘facultades alteradas,’ but I like ‘mermadas’ better. I am going to say ‘mermadas’ from now on.” She immediately proceeded to translate the same text using the very verb she had just renounced: *alterar*.

To me, this further reinforced De la Mora’s point that we often don’t realize how we sound or what we say, that we are often not good at self-monitoring. Self-recording is an excellent way to objectively evaluate oneself.

De la Mora reminded participants that the term “simultaneous interpreting” is a misnomer. If an interpreter finishes exactly at the same time as the original speaker, he either has eliminated part of the text or had the text in advance and jumped ahead of the speaker. But normally, there is a lag, a *décalage*. “The longer the *décalage*,” said De la Mora, “the better the interpretation.”

De la Mora’s *21 Days to a Better Simultaneous* is based on a series of exercises one can do to improve one’s mental agility and processing capacities, leading to quicker and more accurate interpretation. All the exercises involved shadowing, the repetition of an original text. Gradually, the course introduced multitasking: shadowing while one writes numbers from 1 to 100, shadowing while one writes even numbers from 2 to 10, shadowing while one writes his name, address and social security number. I found this excruciatingly difficult, much more difficult than anything I have ever interpreted.

To me, the pivotal question with regard to shadowing is: in what language? If an interpreter is to interpret from English into French, should she shadow in English or shadow in French? According to De la Mora, she should shadow in French.

To me this seemed totally counterintuitive. If, as Holly Mikkelson once posited in a course in Buenos Aires on simultaneous interpretation, the interpreter is an information manager, decoding the source language and encoding the message in the target language within a limited amount of time, a good shadower should be able to rapidly decode the source language, and thus have more time available to determine how best to encode the message in the target language. A Spanish interpreter working in the courts will do most of her simultaneous interpretation into Spanish. Therefore, it would seem to me, it behooves her to do most of her shadowing work in English, so that she can quickly process the English and then devote most of her energies to the best possible rendering of that message into Spanish.

Doing shadowing exercises in Spanish, French, Japanese or any other language being paired with English, as De la Mora suggests, would, it seem to me, be a valuable preparation technique for interpreting into English.

What is incontrovertible, however, is that the shadowing and dual tasking exercises definitely help “work the brain muscle,” as De la Mora recommends. And self-taping allows the interpreter to monitor her progress.

One of the most humorous moments in De la Mora’s presentation, which allowed for ample audience participation, was when he emphasized the importance of intonation (one of the aspects that can be effectively monitored by self-recording). The same three Spanish words can vary in meaning depending on their delivery:

- A husband to his wife on the morning after the wedding night: “¿Cómo amaneciste, vieja?” “How ya feeling, honey?”

> continued on page 17

TERMINOLOGY AND CONTEXT: WHAT, WHEN, AND WHY

Alicia Agnese

Reviewed by Marcela Renna

This preconference workshop consisted of eight hours of interesting translation activities presented in the liveliest way by Alicia Agnese, an ATA Certified Spanish translator with 20 years of experience in legal, business, financial and technical translation. Ms. Agnese presented mostly in Spanish and it was a pleasure to hear such richness of the language.

The focus was on English words that can be translated into Spanish by way of a myriad of terms according to the context. Participants were made aware that an apparently innocuous word, such as *action* can be translated as *medidas*, *litigio*, *intervención*, *operaciones*, or *derecho*, to name a few. Another great example was *business*, which can become *asunto*, *cosa*, *transacción*, *comercio e industria*, *establecimiento*, among others.

Ms. Agnese, expressing the need to analyze terms in-depth, encouraged participants to be meticulous in understanding the real meaning of the word in a determined context, to research the terminology used by the target audience in the Spanish speaking

country where the document would be used, and always to keep in mind that there are subtle semantic differences, both in the source and target language.

After a morning session analyzing a list of “problematic” terms, there was ample opportunity to translate a number of sentences that had a target word used with different meanings. Volunteers read their translations aloud and there was a general discussion (*discusión/examen/debate/consideración/hablar sobre algo, conversar, comentar* – options abound!) about the choice of words.

This was an excellent workshop presented by a superb professional. Participants had a chance to ask questions, make comments, share experiences and learn from each other during a fun-filled day spent with colleagues from around the country. ▲

[Marcela Renna is a Federally and Consortium Certified Spanish Court Interpreter and a member of NAJIT’s Student Outreach Program Committee.]

PROVERBS IN PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS

Edgar Hidalgo García

Reviewed by Susan Castellanos Bilodeau

Any interpreter who has been assigned to interpret for a psychological evaluation is keenly aware of those moments which turn into a game of “stump the interpreter.” This is that awkward situation in which you are given a **proverb** or a related series of phrases to translate for the client orally, who must then explain to the evaluator what this means to him or her. My personal favorite is, “What does it mean to say that a man who lives in a glass house shouldn’t throw stones?” Answers I have often heard include “Why would someone live in a glass house?” and “Because he might break one of the windows.” You the interpreter realize that this proverb, if translated literally, will not make any sense and will not trigger the expected response. And yet, if you “explain the proverb,” you may give the client an unfair advantage in indicating the proper response to the question.

The key is to find a correct proverb equivalent in Spanish for the English. This is complicated by the fact that, within the Spanish language, each country or province may have its own unique proverbs, making these translations less than an exact science. The presenter of this workshop, Edgar Hidalgo García, stated that “the practice of interpreting ‘equivalent’ proverbs is a risky one... because total equivalence of meaning, tone, and appropriateness to a given context is rare...” Mr. García carefully presented a study of: what a proverb is; where, why, and how proverbs are used; and challenges in interpretation.

Proverbs take one of several **forms**: meter, rhyme, alliteration, assonance, personification, paradox, parallelism, metaphorical, and hyperbole. They also follow some sort of **structure**, such as “Where there’s an X, there’s a Y,” and “Like X, like Y.” Then, there are **other expressions** that do not exactly fit the previous formats and are known as clichés, idioms, mottos, epigrams, euphemisms, adages, maxims, or aphorisms.

The reasons for use of proverbs during evaluations differ depending upon what evaluator is trying to determine. For example, personality psychologists use them to assess “personality traits” but clinical and educational psychologists, psychiatrists and neuropsychologists use proverbs as a “diagnostic tool for evaluating intelligence, psychopathology and brain dysfunction.”

Surprisingly, the “most successful and still used test is the **Proverbs Test** by David R. Gorham (1956).” It is very useful for the interpreter to have an idea of what proverbs may come up in an evaluation. Mr. García’s handout includes a bibliography with many resources which interpreters and translators would find helpful. My personal motto has become “You can never have too many resources.” ▲

[Susan Castellanos Bilodeau is a Spanish-language interpreter and the Co-Chair of NAJIT’s Elections Committee.]

AIIC PRIVATE SECTOR INTER-REGIONAL COMMITTEE MEETING

Janet Bonet

Thanks to the financial sponsorship of NAJIT and NATI, the Nebraska Association for Translators and Interpreters, I was able to accept an invitation in July to participate on a panel organized by AIIC, the Association Internationale des Interprètes de Conférence or International Association of Conference Interpreters. I found AIIC to be an elite group of intelligent, informed, focused, and highly skilled multilingual language service providers. Nicole Kidman's portrayal of these professionals in the movie "The Interpreter" was only a shadow of what they are like both professionally and personally. The movie "The Girl in the Café" depicts the level of intellect and spheres of activity in which AIIC interpreters function — as effortlessly as I try to do in a cramped attorney interview room at the county jail. My short time with the AIIC members was a fascinating learning experience, and an opportunity to share ideas and discover commonalities of purpose and need between the groups I represented and the host organization.

AIIC regional membership, in this case, was drawn from North, Central, and South America and the Caribbean. In order to broaden their sphere of contacts and scope of understanding about other organizations, AIIC made a concerted effort to invite representatives from peer associations — ATA, MATI, NAJIT, NATI, RID and TAALS — to present their view. My role was to represent NATI and NAJIT on the panel presentation about the overall market situation in the U.S. today for freelance interpreters.

Approximately 90 energetic and enthusiastic interpreters gathered to discuss topics of common interest to interpreters of all skill and experience levels. The panel was composed of:

- ATA American Translators Association (Christian Degueudre)
- MATI Midwestern Association of Translators and Interpreters (Moira Pujols)
- NAJIT National Association of Judiciary Interpreters and Translators (Janet Bonet)
- NATI Nebraska Association for Translators and Interpreters (Janet Bonet)
- RID Registry for Interpreters for the Deaf (Janet Bailey)
- TAALS The American Association of Language Specialists (Stephanie van Reigersberg)

At first, I was a bit intimidated at the thought of filling two spots on the panel before that audience of distinguished colleagues. It was a great help that the panel was scheduled in the afternoon session. Listening to the entire morning of discussions and presentations gave a much fuller and more realistic feel for the topics and the audience.

Marilda Averbug predicted in her final email to the participants before we arrived, "We are sure that a lively discussion will ensue."

She was very right in that prediction. Each panelist was given 5 minutes to present a statement regarding the current condition of the profession in their area and express a few concerns that would serve to give some direction for developing additional opportunities in the private sector as it pertains to independent contractors. In the discussions the morning prior to the panel session, many of the issues we discuss at NATI and NAJIT meetings came to the fore. There was commonality of concern on such things as:

- technology and its impact on the interpreter, our clients and our pocketbook
- how do we improve the educational and ethical quality of the incoming generation of interpreters
- how to identify and deal with the charlatans who give our profession a bad name
- how do we generate enthusiasm and participation from the membership of our organizations so new leadership can be developed as the association grows
- how do we connect and give mutual support to our peer organizations and the educational matrix through which they motivate people to enter interpreting and translating as a career

One internationally acknowledged concern was that of how to maintain high standards of ethics and professional conduct without alienating potential members.

Since the topic was the private sector and market conditions, one point I made was that interpreters need to reconceptualize our market-view. Where there is no market, we must create one. Where the market is shrinking locally as a result of conversion to distant technology for language resource access, thus increasing the supply of interpreters virtually, it becomes absolutely essential to educate the consumer to the difference in quality and value for dollars invested. Hence, the need to shift the professional organization's action agenda focus becomes obvious. The best service to our members and our profession is not simply professional development by offering training and collegial connection, but rather realizing the benefits of actually working on market development and client education. These are challenging tasks that will require strong leaders and innovative thinking followed up by focused action carried out on behalf of members.

The second point I held up for consideration by the group was that of recognizing that there are marginalized areas of the U.S. that do not bask in the sunshine of international organizations and fulltime work with the G8, United Nations, and federal courts. However, marginalized though we may be, linguistic talent and interest abound in areas like Nebraska and Kansas. Creating an international forum in these areas could be a way for that new

market for conference interpreters to grow. In laying that foundation, we would open the eyes of colleges and universities nationally to the long-term value of reinvigorating their foreign language programs.

If the leadership of our profession works hard to activate, motivate, educate, and integrate the memberships and goals of the affiliated associations such as those represented on the AIIC panel that July afternoon in Washington, D.C., Marilda's "lively discussion" could well lead the way to breathing new life into our profession and our organizations. ▲

[Janet Bonet is a NAJIT director and President of the Nebraska Association for Translators and Interpreters.]

• WEBSITE JOB LISTINGS NOW AVAILABLE •
 NAJIT invites corporate and organizational members to list job openings on the NAJIT website. Anyone may post such listings for the \$50 fee. However, they are accessible only to NAJIT members. Government jobs are listed free.

21 DAYS TO A BETTER SIMULTANEOUS *continued from page 14*

- The same husband to his wife one morning ten years later "¿Cómo amaneciste vieja!" "Man, do you look old this morning!"
- The same husband to his wife twenty years later: "¿Cómo? ¿Amaneciste? ¡Vieja!" "I can't believe it! You actually woke up! You old hag!"

De la Mora cautioned his audience of Spanish-language interpreters about the dangers of code-switching in casual conversation. Resorting to an English term in a Spanish conversation because one does not know the proper Spanish term or because it simply involves less mental effort could mean that in an actual interpretation situation, the interpreter might be unable to come up with the true Spanish equivalent. To combat what he called "the perils of code-switching," De la Mora has organized Spanish-only conversation sessions at the interpreters office in Florida's 9th Judicial Circuit, where he is chief interpreter.

No critique of a presentation can substitute for the presentation. No article can encapsulate Mr. De la Mora's wit or engaging personality. And nothing can match the challenge of tackling the various interpreting exercises while interacting with other course participants. For that, there is but one solution: sign up for the course and see for yourself! ▲

[Daniel Sherr, a federally certified Spanish interpreter, works in the U.S. and Spain as a conference interpreter in Spanish, Catalan, French and English. He writes often for Proteus. See also p. 32]

Anthony T. Rivas's Spanish Language Court Interpreter 3-day Nationwide Consortium Oral Exam Prep Seminar

■ **Presented by Mr. Anthony T. Rivas**

United States Court Certified Interpreter, California Court Certified Interpreter and ATA Accredited Translator; Former Federal Oral Exam Rater; Former Federal Oral and Written Exam Writing Committee Member

Dates: Friday, October 7, Saturday October 8 and Sunday, October 9, 2005

Time: 9:30 a.m. to 4:30/5:00 p.m.

Location: Nova Southeastern University, Room 122
 4850 Millenia Boulevard, Orlando, FL 32839

- **Day 1:** New Method Developed by Rivas for Sight-Translation Success and Improvement
- **Day 2:** Consecutive Interpretation Techniques. Hands-on Practice Exercises with Tapes
- **Day 3:** Simultaneous Interpretation Techniques: Hands-On Practice with Court-Room-Style Tapes

This seminar is useful as well to candidates that plan to take the federal exam.

■ **First time in Orlando? – Right by Disney World**

■ **Venue:** Nova Southeastern University/Orlando, a state-of-the-art learning facility

■ **Special Travel Packages to Orlando for participants coming from Florida, US and Puerto Rico.** Excellent rates at a hotel close to seminar venue Call Alex Murillo at Amigos International Travel: 1-800-824-6707 or 1-305-593-8044

PRE-REGISTER AND SAVE \$\$!

Pre-Registration (August 2 thru September 15, 2005): \$295.00

Regular Registration (as of September 16, 2005): \$375.00

FLATA members in good standing and former Rivas students get special low rates!!

Register today by e-mailing Anthony T. Rivas at: arivas2195@aol.com

Remember that the above registration fee may be tax-deductible. For further information, please contact a qualified accountant.

HOUSTON

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Allow some time in your schedule to explore the city of Houston. It's an international metropolis with fine dining, cultural attractions, top sporting events and entertainment, historical perspective and a modern flair—an ideal gathering place for our profession!

- Newest professional association of judiciary interpreters in the U.S.
- Courts concentrated in one downtown area for great tour options
- 82 consulates
- Many international companies
- Airport system offers non-stop service with 184 international destinations
- Ethnic variety with 39% Hispanic, Greek, Italian, Vietnamese, other populations
- Houses of worship include Hindu mandir, Buddhist temple, Islamic center
- 5000 restaurants
- Resident opera, theater, ballet and symphony
- 12,000 theatre seats—more than any city except New York
- Home to Worldfest, the largest international film & video competition in the world
- Largest medical center in the world with 42 non-profit institutions
- Over 70 museums with 17 concentrated in one district
- Houston Children's Museum ranks second in the country
- Home to Buffalo Soldiers National Museum
- Museum of National Science is the fourth most-visited museum in the U.S.
- All major-league sports—Astros, Comets, Rockets, Texans
- Galleria Mall opposite our hotel with 375 stores and an ice-skating rink
- Neiman Marcus, Nordstrom, Saks Fifth Avenue
- Downtown is being revitalized—parking lots being made into parks
- Houston has a southern feel, always green
- Arboretum, Memorial Park for jogging and exercise, canoe rides on the Bayou
- Only 50 miles from the Gulf of Mexico, Galveston and the beach
- Family-friendly activities: Space Center, Six Flags, SplashTown, George Ranch
- Many free activities including a boat trip to view action at the port

CALL FOR PAPERS

NAJIT 27th Annual Conference

May 19–21, 2006

J. W. Marriott Houston on Westheimer by the Galleria • Houston, Texas

■ Deadline for submission of proposals: **Friday, September 23, 2005**

NAJIT invites proposals for one-hour presentations and three-hour or six-hour interactive pre-conference workshops. This conference will include a special focus on medical interpreting and translating as related to judiciary interpreting and translating. Proposals on all aspects of our work are also encouraged:

- Court interpreting in specialized settings
- Cross-cultural issues
- Expert witness
- Interpretation and translation theory
- Interpreter training
- Interpreting techniques — all languages or specific language
- Legal translation
- Medical interpreting and translating
- Professional concerns (ethics, working conditions, financial planning)
- Specialized terminology
- Tape transcription and translation
- Translation of evidentiary materials
- Other topics of interest

Please submit proposals using the form available on the website, www.najit.org, or contact headquarters to request a copy.

HOTEL INFORMATION

The elegant J.W. Marriott on Westheimer by the Galleria offers access to over 350 restaurants and nightclubs in the Uptown business and shopping district. We have a limited number of rooms reserved at the very special rate of \$119 single/double plus tax (currently 17%), available until Wednesday, April 19, 2006.

Address: 5150 Westheimer, Houston, TX 77056
Hotel reservations: 800-228-9290
Direct telephone: 713-961-1500
Fax: 713-961-5045
Website: www.Marriott.com/property/propertypage/houjw

Houston Conference Schedule

Your conference registration fee will include all meals and breaks — except Saturday dinner — from Friday evening until Sunday afternoon. Plan now to stay for the closing raffle Sunday from 2:30 to 3:30 PM!

Thursday, May 20	afternoon	NJITCE: Spanish Written
Thurs-Fri, May 20-21	throughout day	NJITCE: Spanish Oral
Friday, May 21	morning	Court tours
	9 - 12 and 2 - 5	Preconference workshops
	afternoon	NAJIT Scholars orientation
	6:30 - 10:30 PM	Opening dinner dance
Saturday, May 22	8:00 - 9:00 AM	First-timers introduction
	9:15 - 10:30 AM	Educational sessions A
	10:45 - 11:45 AM	Opening ceremony
	12:15 - 2:00 PM	Lunch & annual meeting
	2:30 - 3:45 PM	Educational sessions B
	4:00 - 4:45 PM	Open committee briefings
	5:00 - 6:15 PM	Educational sessions C
	Evening	on your own

Sunday, May 23	9:00 - 10:15 AM	Educational sessions D
	10:30 - 11:45 AM	Educational sessions E
	12 NOON - 1 PM	Box lunch
	12 NOON - 1 PM	Committee meetings
	1:15 - 2:30 PM	Educational sessions F
	2:30 - 3:30 PM	Closing raffle



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NAJIT NEWS

Annual Meeting Minutes

Saturday, May 14, 2005

Hotel Washington • Washington, D.C.

1. The annual meeting was convened at 12:44 pm by Chair Alexander Rainof. A quorum was present.
2. The Treasurer made her report.
3. Committee reports were heard from the Advocacy, Student Outreach Program, and Publications Committee.
4. President Peter P. Lindquist reported on the work of the Society for the Study of Translation and Interpretation over the past year.
5. Chair of the Commission on Concerns Presented at the 2004 Annual Meeting Rosemary Dann presented the Commission report and read the conclusions.
6. Bylaws Committee Chair D. Hal Sillers presented the proposed Standing Rules on Motions from the Floor. The proposed standing rules were adopted.
7. Chair Rainof presented the proposed bylaws amendments. After discussion on the first amendment it was approved. The second and third amendments were approved as presented.
8. Candidates Isabel Framer, Emma Garkavi, and Judith Kenigson Kristy were presented to the membership, and Elections Committee Chair Izumi Suzuki gave instructions for voting.
9. The following comments were presented as member questions, comments and input:
 - A. Daniel Sherr suggested that NAJIT subsidize presenters from overseas.
 - B. Judith Kenigson Kristy proposed that NAJIT have a mentoring program.
 - C. Andrea Anastasi asked that there be more conference sessions for advanced professionals.
 - D. Linda Lamitola suggested that one-third of the sessions be designated as advanced.
 - E. Bylaws and Governance Committee Chair D. Hal Sillers encouraged the members to provide suggestions for improvement.
 - F. Sandro Tomasi regretted the lack of opportunity for him to respond to the Commission's report.
 - G. Dagoberto Orrantia responded to Member Tomasi's comments.
10. The meeting adjourned at 2:05 p.m. and voting took place.

Jan Bonet, Secretary

Approved by the NAJIT Board of Directors

June 14, 2005

Election Results

Votes received by candidates for election to the board of directors:

Isabel Framer	179
Judith Kenigson Kristy	146
Emma Garkavi	84
Leonor Figueroa-Feher	1
Margaret Redd	1

Result: Isabel Framer and Judith Kenigson Kristy are elected directors for a two-year term.

Ballots received:

	Valid	Spoiled
By mail	169	6
At Annual Meeting	52	1
Total	221	7

Election Committee:

Izumi Suzuki, Chair
 Susan Castellanos-Bilodeau
 Lorena Martin
 Steven Morrissey
 Melania Scheibel
 May 14, 2005

Board News

■ NAJIT Board Elects Officers

The NAJIT board has elected the following officers for the coming year:

Chair Dr. Alexander Rainof
 Treasurer Judith Kenigson Kristy
 Secretary Dr. Lois Feuerle

■ New Benefit For Organizational Members

Organizational (nonprofit) members of NAJIT may apply for sponsorship for regional conferences they organize. If approved by the Education Committee and the Board of Directors, NAJIT will provide funding for a speaker's travel and honorarium. In return, NAJIT requests that it be listed as a cosponsor of the event, and have an opportunity to inform attendees about our activities and invite them to join. The NAJIT Board has approved sponsorship for conferences organized in 2005 by the Nebraska Association of Translators and Interpreters, the Tennessee Association of Professional Interpreters and Translators, and the Community and Court Interpreters of Ohio.

Bylaws Amendments Pass

The effect of the three bylaws amendments approved by the membership is:

1. Members elected to the Board of Directors may not serve more than six years in succession. After an interval off the board, however, they would be eligible for reelection.
2. The Membership Committee will now establish criteria for student membership in NAJIT.
3. The Bylaws Committee will henceforth be called the Bylaws and Governance Committee.

New Standing Rules Adopted for Annual Meeting

The standing rules proposed by the Bylaws and Governance committee and approved by the members are as follows:

• STANDING RULE 1

All motions and resolutions should be provided in writing to NAJIT Headquarters at least 60 days before the date of the Annual Meeting. The proposed motions and/or resolutions shall then be referred to the Bylaws and Governance Committee for review and recommendations to the NAJIT Board.

• STANDING RULE 2

If the 60-day requirement has not been met, motions and resolutions may be brought before the Annual Meeting in the following manner:

- a. The motion and/or resolution shall be provided to the Chair of the Annual Meeting in writing.
- b. The mover may then request permission of the assembly to suspend Standing Rule 1 and present the matter from the floor. This request must be approved by two-thirds of the voting members present at the meeting.

• STANDING RULE 3

All motions and resolutions that are presented to the assembly during an Annual Meeting shall be subject to the following:

- a. Debate is limited to 10 minutes in favor, 10 minutes opposed.
- b. No speaker shall speak for more than 2 continuous minutes.
- c. Whenever possible, speakers shall alternate: one for, one against.
- d. A request to suspend Standing Rule 3 must be approved by two-thirds of the voting members present at the meeting.

For next year's election, the 60-day date is Tuesday, March 21, 2006.

D. Hal Sillers, Chair
Bylaws and Governance Committee

SSTI News

SSTI is very pleased to announce that the full amount owed by SSTI to Membership Incorporated for development of the National Judiciary Interpreter Certification Examination: Spanish has been repaid. SSTI extends its sincere gratitude to all the generous NAJIT members whose donations have made this possible, to Janis Palma, Executive Director of the Mirta Vidal Orrantia Interpreting and Translating Institute, and to the NAJIT Board.

The NAJIT Board has appointed the following members to the SSTI board for the coming year, who have elected officers as indicated:

Peter P. Lindquist, President
Lois M. Feuerle, Vice-President
Michael Piper, Treasurer
Melinda González-Hibner, Secretary
Cristina Helmerichs D., Director

Treasurer's Report – NAJIT Annual Conference 2005

It is a pleasure to report that NAJIT is in excellent financial health. It is also gratifying to see that membership figures are higher than ever, indicating continued growth of the association, and that a small increase in dues has benefited NAJIT with no loss of membership. The increased income will help us to provide more and better services to all our members and is reflected in the 2005 budget, which includes increased expense allowances for committee work as we expand our outreach to students and new members, advocate for the profession, and publish more materials for members to consult and disseminate.

The switch in July of 2004 to the management firm ERGA of Andrew Estep has resulted in lower administrative expenses and excellent service. Economies were realized in other expense categories as well, including lower printing and shipping costs for *Proteus*. We anticipate continued savings in website management

as we carry out a gradual implementation of MemberClicks services on the website, enabling members to update their own information and enjoy a variety of additional features.

It also gives me great pleasure to report that our debt to Measurement Incorporated has now been paid in full, thanks to member contributions to SSTI and, especially, funds generated by Janis Palma's tireless efforts in developing and presenting training workshops through MVOITI.

Thank you for generosity and support in both financial contributions and committee work. We look forward to even more accomplishments in 2005. As always, it has been an honor to serve as your treasurer during the past year.

Judith Kenigson Kristy, Treasurer
May 14, 2005

Profit and Loss for 2004 (including first quarter of 2005) compared with previous year

(2005 first quarter results are included due to late dues renewal notices in 2004, resulting in delayed dues income which is reflected in the 2005 first quarter.)

	Jan '04 - Mar 05	Jan '03 - Mar 04	\$ Change	% Change
Income				
1000 Membership	156,290.00	134,829.00	21,461.00	15.92%
1200 Advertising	200.00	1,100.00	-900.00	-81.82%
1300 Publications	0.00	27.00	-27.00	-100.0 %
1400 Conference	70,055.00	51,582.00	18,473.00	35.81%
1500 Spring Regional Conference	19,460.00	32,590.00	-13,130.00	-40.29%
1600 Fall Regional Conference	0.00	3,405.00	-3,405.00	-100.0 %
1700 Training	0.00	0.00	0.00	0.0 %
1760 Other rev-Mem list rental	920.00	400.00	520.00	130.0 %
1781 Other rev-Misc	180.00	660.00	-480.00	-72.73%
1800 Contribs recd for SSTI	6,211.00	6,866.00	-655.00	-9.54%
Uncategorized Income	0.00	700.00	-700.00	-100.0 %
Total Income	253,316.00	232,159.00	21,157.00	9.11%
Expense				
1810 SSTI Passthru Contribs	4,686.00	4,230.00	456.00	10.78%
1830 Contribs by NAJIT	5,000.00	4,840.00	160.00	3.31%
1900 Professional Fees	85,456.92	79,280.88	6,176.04	7.79%
1930 Administration	16,038.39	14,840.55	1,197.84	8.07%
1950 Service Charges	2,494.86	2,881.79	-386.93	-13.43%
1960 Gov't Fees	90.00	145.85	-55.85	-38.29%
1975 Taxes-NY State Corp	250.00	250.00	0.00	0.0 %
1980 Website	10,084.75	11,395.58	-1,310.83	-11.5 %
2000 Proteus	12,265.59	15,093.34	-2,827.75	-18.74%
2020 Publications	103.00	0.00	103.00	100.0 %
3000 Conference	40,151.66	28,867.60	11,284.06	39.09%
3100 Spring Regional Conference	14,225.88	12,142.64	2,083.24	17.16%
3200 Fall Regional Conference	116.40	4,647.01	-4,530.61	-97.5 %
3300 Training	582.00	820.98	-238.98	-29.11%
4100 Volunteers	229.71	96.83	132.88	137.23%
4200 Board	10,212.95	8,814.90	1,398.05	15.86%
5000 Committees	609.51	26.95	582.56	2,161.63%
6000 Dues & Subscriptions	767.00	480.00	287.00	59.79%
7000 Public Relations/Advocacy	981.99	913.91	68.08	7.45%
9000 SSTI	1,262.52	753.14	509.38	67.63%
Uncategorized Expenses	0.00	0.00	0.00	0.0 %
Total Expense	205,609.13	190,521.95	15,087.18	7.92%
Net Income	47,706.87	41,637.05	6,069.82	14.58%

Report Submitted by The Commission On Concerns Raised at the 2004 NAJIT Annual Meeting – Findings and Conclusions

It is clear that Mr. Tomasi has concerns about the manner in which business is conducted by the Organization. He views himself as a “whistle-blower” who is being penalized for bringing irregularities to light. He brought the matter before the membership at the 2004 Annual Meeting, as was his right. It is clear from the minutes that the business portion of the meeting extended far beyond the time historically allotted for business purposes at NAJIT’s annual meetings. The business discussed related primarily to Mr. Tomasi’s motions. Ultimately, another member moved to form this Commission to investigate Mr. Tomasi’s allegation of misappropriation of approximately \$25,000.00, and that is what was approved by the membership.

Mr. Tomasi brought the issue to the membership because he had been denied the opportunity for a face-to-face meeting with the Directors prior to the business meeting. His request had been denied because he refused to put anything in writing regarding his concerns. He maintained that he was not making a complaint under Article 12 of the Bylaws, but only expressing concerns, and therefore he was not required to put anything in writing.

This Commission was formed pursuant to a motion proffered by another NAJIT member and passed by the vote of the membership; it was charged with investigating Mr. Tomasi’s concerns and reporting its findings to the Board of Directors for publication to the membership. Unfortunately, Mr. Tomasi’s fixation on whether the investigating body was officially a committee impeded the investigation. He stated that he would not provide information unless the Commission were designated a committee and refused to budge from this procedural point. He steadfastly refused to produce any information whatsoever regarding his concerns, including a simple outline of what they were. After months of wrangling over the nature of the Commission, he was given a final deadline to articulate his concerns in writing, and was advised that if he failed to do so, the Commission’s report would indicate that they were without merit. At ten minutes before midnight on the final day, he e-mailed several messages, indicating the general nature of his concerns.

The Commission reviewed the allegations and requested information from the Board of Directors and from Mr. Tomasi. The Board sent the major part of the information requested within several weeks. Mr. Tomasi has refused to supply any substantive support for his allegations. Mr. Tomasi was advised that if he failed to supply evidence to support his claims, the Commission would base its findings and conclusions on whatever information it had received from other sources. He then e-mailed individual members of the Board of Directors, requesting a ruling on the nature of the Commission. The Commission was advised of said contact and warned Mr. Tomasi to desist, as he had previously been advised that all correspondence was to be directed to the Commission, and he was to have no direct contact with the Board during the

course of the investigation of his concerns. He then claimed that he was permitted to contact the Board, as he was proceeding under Article 12. He was advised by the Commission that, having studiously avoided bringing this entire investigation as an Article 12 complaint, he would not now be permitted to rely on Article 12 to bypass this Commission. He was given a final deadline for submitting materials in support of his allegations. That deadline passed with no supporting material forthcoming from Mr. Tomasi.

After reviewing the materials provided, the Commission finds that:

1. While Mr. Orrantia’s statements with respect to the conditions under which John Jay College would permit the use of its facilities by non-profit organizations were ambiguous, and to that extent, capable of misconstruction; and while it appears that Mr. Tomasi and members of NAJIT’s Board did, indeed misconstrue the requirement, believing that the organization using the facilities must be a 501 (c) (3) non-profit, the Commission is not in a position to determine, based on the relevant evidence provided, that Mr. Orrantia intentionally set out to mislead either Mr. Tomasi or the Board.
2. Even assuming that Mr. Orrantia’s statements were misleading, they had no impact on the allocation of the proceeds from the 2002 ERC to SSTI, as NAJIT had pledged \$50,000.00 to SSTI to apply to the debt that SSTI owed Measurement, Inc. for preparation of the Certification Exam. Said pledge was a legally binding obligation, and directing the proceeds of the 2002 ERC to SSTI was a valid method of fulfilling that pledge.
3. The advice given by the Executive Director, Ann Macfarlane, to the Organizer of the 2004 Regional Conference was not erroneous per se, having resulted from the interpretation of an ambiguity in the Guidelines as they related to unique circumstances of a specialized conference (forensics). Because many of the expert speakers necessary for a successful conference were not available locally, payment of their travel expenses was appropriate under the Guidelines, as interpreted.
4. There is no support for Mr. Tomasi’s allegation that Ann Macfarlane “threw a temper tantrum,” nor that she threatened his removal as chair of the Education Committee. The Commission concludes that Mr. Tomasi completed his designated term as Chair, as there is no evidence to the contrary. Moreover, the unrefuted evidence suggests that Ms. Macfarlane merely communicated to Mr. Tomasi the consequences that would result from his plan to be designated a “guest speaker” by allowing his NAJIT membership to lapse, thus allowing him to be compensated for his conference expenses.
5. There was no proof of favoritism by the 2003 Conference Committee in choosing Janis Palma, Joaquin Font and Sylvia Zetterstrand as presenters on the topic of Tape Transcription

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COMMISSION REPORT *continued*

- and Translation for the 2003 Annual Meeting and Educational Conference, nor was there any evidence that Mr. Tomasi's abstract on forensic transcription was intentionally withheld by the Executive Director, thus denying him the possibility of being considered as a presenter.
6. There was no irregularity in the formation of the Tape Transcription and Translation Project, and the selection of Sylvia Zetterstrand to head the project was within the purview and discretion of the Board of Directors.
 7. Ms. Zetterstrand's actions with respect to the TTT Project conformed to the directives she received from the Board of Directors, and there is no evidence that she unilaterally changed the nature of the Project.
 8. There is no evidence to support the allegation that Ms. Zetterstrand withheld Mr. Tomasi's ideas on "unintelligible [UI] issues" from distribution as part of the information packet sent to those who signed up for the TTT Project; to the contrary, Ms. Zetterstrand indicated that Mr. Tomasi's ideas would have been included had he submitted them in writing.
 9. There is no evidence to support the allegation that Ms. Zetterstrand's essay on Tape Transcription resulted in the appearance that she had greater expertise and insight than Mr. Tomasi on that issue.
 10. Ms. Zetterstrand did not issue misleading messages announcing the TTT Project and inviting NAJIT members to submit their credentials in application to join the subcommittee.
 11. Janis Palma's appointment as head of the Puerto Rico Training Project was appropriate, as she proposed the idea and created the project.
 12. SSTI and Measurement, Inc. selected graders, proofreaders, designers and consultants to the National Judiciary Interpreters and Translators Certification Exam (NJITCE) in a manner consistent with legal advice regarding conflicts of interest. A number of these individuals are not members of NAJIT.
 13. Hypothetical questions regarding the potential selection of individuals for work on the NJITCE are both moot and inappropriate.
 14. There is no evidence of impropriety involving individuals who have been hired to work on the NJITCE or who are associated with SSTI or Measurement, Inc.

Respectfully submitted on May 11th, 2005, by the Commission on Concerns raised at the 2004 NAJIT Annual Meeting,

Rosemary W. Dann, Chair
 Jeck-Jenard Navarrete, Member
 Larura Garcia-Hein, Member
 Fausto Sabatino, Member

[The full text of this report is available to members on the NAJIT website or by request from headquarters.]

ITEMS OF INTEREST

New Program in Translation & Interpretation

Miami Dade College is now offering an A.S. degree and two certificates in translation and interpretation studies. Language combinations being offered are Haitian-Creole/English and Spanish/English. Both programs are state approved and are designed to provide South Florida, which has a large Hispanic and Haitian population, with qualified professionals to work in the courts, immigration, hospitals, government agencies, and the media. Visit www.mdc.edu/iac/AcademicPrograms/art_letters/ESL_Foreign_lang/ESL_prog.asp or call 305-237-6003/6368 for details.

Prof. Humberto Cerna
 Translation and Interpretation Studies
 InterAmerican Campus of Miami Dade College

Scam Artists Targeting Interpreters

If you are a NAJIT Open Listserv participant you probably have read enough about the scam letter debate. However, if you don't subscribe to the listserv this is one piece of information you may find useful. Some time in the past year some listserv users began to receive a letter from a bishop abroad who professed interest in contracting a Spanish interpreter to serve as an escort interpreter for family members visiting the U.S. The letter, written in poor English, advised the recipient that a handsome amount would be paid for services rendered. Once communication was established with the bishop, the interpreter received an amount greater than agreed upon in previous correspondence. The bishop promptly contacted the interpreter to address the overpayment and provided a bank account number where the overpayment was to be deposited. As you might imagine, the original check was not backed up with any funds, so the interpreter ended up losing the amount returned as overpayment and the account was charged for insufficient funds.

This illegal practice is known as the Advance Fee Fraud, 419 Fraud (419 is the relevant section of the Nigerian legal code), the Nigerian Connection or the Nigerian letter. The scam has its origins in the 1980's in Nigeria. At that time it was carried out via conventional mail or fax. With the advent of the internet and ubiquitous email addresses, this scam has found a new way to reach its victims. Funds deposited in a Nigerian banking institution cannot be recovered and the American legal system has no power over these transactions. Be leery of any email or correspondence that solicits service and offers generous financial compensation.

What to do? Watchdogs advise you not to respond to the email in the first place. If it sounds too good to be true, it probably is too good to be true. You may report the email to the United States Secret Service, or email the message to: 419.fcd@ussstreas.gov.

Lionel Bajaña
 Bronx County Supreme Court Interpreter
 Court Interpreters' Chapter Vice-Chair
 District Council 37, Local 1070 AFSCME

COMMITTEE NEWS

Committee Appointments

The Board of Directors has made the following appointments of committee chairs, valid through May 20, 2006:

- Advocacy Committee – Dr. Alexander Rainof
- Bylaws and Governance Committee – D. Hal Sillers
- Conference Committee – Odile Legeay and Cristina Helmerichs D.
- Education Committee –Karen Borgenheimer and Michael Kagan
- Elections Committee – Susan Castellanos-Bilodeau and Joyce Y. García
- Position Papers Subcommittee – Isabel Frammer
- Student Outreach Committee – Vanesa Ieraci
- Tape Translation and Transcription Project (as previously announced) – Teresa Salazar and Gladys Segal

Committee Chairmanships Open

Membership, Publications, Website

The Board of Directors invites interested NAJIT members to submit applications for service as Chair of the Membership, Publications, or Website committees. Letters of interest may be mailed or faxed to headquarters or emailed to volunteers@najit.org. Visit the Member Portal in the website to learn details of each committee's work, or request further information by email or telephone. The board hopes to appoint these committee chairs by October 2005.

Advocacy Committee Report

March 31, 2005

The Honorable Gloria Negrete McLeod
Chair, Business and Professions Committee
California State Assembly

RE: AB 775, Prohibiting the Use of Children as Interpreters in Medical Settings

Dear Assemblymember Negrete McLeod:

On behalf of the National Association for Judiciary Interpreters and Translators, I urge you to support passage of Assembly Bill 775, prohibiting the use of children as interpreters in hospitals, clinics and doctor's offices.

It has become all too common for children to be used as interpreters as a matter of convenience for service providers. The effects on children can be devastating, and they should not be used as intermediaries in medical situations. They become integral participants in inappropriate situations that could be potentially traumatizing to them. The possibility of misinformation and error due to a child's ignorance and embarrassment provide additional strong incentive to remove children from bearing such a heavy burden. It can also lead to critical and even life-threatening outcomes.

AB 775 creates policy appropriate for California, reflecting our diversity and our responsibility to and for our children. Please register our support for this sensible and sensitive legislation.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

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April 19, 2005

The Honorable Speaker Fabian Núñez
State Capitol, California

RE: AB 1196 California State Seal of Bilingualism

Dear Speaker Núñez and Members of the Assembly:

The National Association of Judiciary Interpreters and Translators (NAJIT) strongly supports passage of AB1196 (Coto) establishing a California State Seal of Bilingualism to be awarded to high school graduates who have mastered one or more languages in addition to English.

California is the most linguistically diverse state in the nation. The need for bilingual candidates in the profession of interpreting and translating has never been greater. California's courts, administrative offices and medical facilities are experiencing a critical shortage of qualified employees who possess adequate communications and literacy skills in languages in addition to English. The result is that many citizens and residents are not receiving services to which they are entitled. Passage of this bill would assist employers and others in identifying bilingual candidates for jobs and professional preparation programs. It would make a symbolic commitment to California's rich and diverse language assets and help change the orientation of language diversity into one that views multilingualism as value-added.

The numbers of foreign language students in California is diminishing at a time when the California K-16 Master Plan for Education is calling for students to graduate literate in one or more languages in addition to English. Passage of this bill would help revitalize foreign language instruction in California K-12 schools which would lead to a better prepared workforce for the 21st century, and to more successful global citizens.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

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June 7, 2005

The Honorable Rick Perry
Governor of the State of Texas

Dear Governor Perry:

On behalf of the National Association of Judiciary Interpreters and Translators, I write to urge you to veto House Bill 1642. This bill authorizes counties with a population of over 50,000, which were previously required to use licensed interpreters during court proceedings, to forego that requirement if a licensed interpreter is not available within 75 miles.

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ADVOCACY COMMITTEE REPORT *continued*

NAJIT members who reside in Texas have informed us that the State of Texas required court interpreters to be licensed in response to the miscarriages of justice that occurred when non-trained, non-professional interpreters were used. The effect of HB 1642 is that persons who have been victimized or who were a witness to an offense may again be victimized—they will not be afforded the means to have their story accurately and competently heard in court.

Judiciary interpretation is a complex skill requiring far more than the ability to speak two languages. An untrained interpreter is often woefully unprepared to provide adequate interpretation. He or she is also unaware of the requirements imposed by the Code of Conduct and Professional Responsibilities. The Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP populations. This guidance makes clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks.... The impediments to effective communication and adequate service are formidable. The client's untrained 'interpreter' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate. Even if the interpreter possesses the necessary language and comprehension skills, his or her mere presence may obstruct the flow of confidential information to the provider. This is because the client would naturally be reluctant to disclose or discuss intimate details of personal and family life in front of the client's child [or relative] or a complete stranger who has no formal training or obligation to observe confidentiality."

As a professional association with over 1100 members, NAJIT strongly supports the use of qualified, trained and licensed interpreters as the necessary means to justice for those who do not speak or understand the language of the courtroom. HB 1642 would place many Texans for whom, through no fault of their own, English or Spanish is not a native language, in an unequal position when compared to other LEP Texans. It is for these reasons that we request that you veto HB 1642. Thank you for your consideration.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

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June 10, 2005

The Honorable Rea B. Boylan
Bucks County Court of Common Pleas
Doylestown, Pennsylvania

Dear Judge Boylan:

On behalf of the National Association of Judiciary Interpreters and Translators, a professional association with over 1100 members, I write to respectfully request that you reexamine the sentence imposed on Ryan Steel and consider imposing community service other than Spanish-English interpretation.

The Morning Call informs us that Mr. Steel, a construction worker 26 years of age who lived in Mexico a few years ago, has been sentenced to a work-release term requiring him to perform community service as a translator (apparently an authorial error for "interpreter," since a translator works with written texts and an interpreter with spoken language). The article further states that he will provide services for Bucks County Court and county housing and health agencies.

Court interpretation is a highly skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two

languages or speak them at a high degree of fluency are not qualified thereby to provide interpreting services in a courtroom. In a courtroom, language and the law combine to demand excellence and full command of technical language, nuance, register and vocabulary. In addition, there are strict and challenging ethical requirements for any court interpreter. Constitutional safeguards go hand in hand with qualified interpreters. We are aware of cases that have been reversed, dismissed, or resulted in much lesser charges due to the use of untrained and unqualified interpreters.

As a lesser point, we will also mention that even if the individual in question were highly educated and had undergone the rigorous training necessary to bring him to the requisite level of skill to provide satisfactory services—which seems unlikely—it would not be just and fitting for him, by donating community service, to displace a qualified worker in a Pennsylvania courtroom.

The state of Pennsylvania has recognized the necessity of high standards in court interpretation by joining the Consortium for State Court Interpreter Certification of the National Center for State Courts. More information about this issue can be obtained at the website www.ncsconline.org, or at www.najit.org.

With regard to health and housing agencies, the Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP (limited English proficient) populations. This guidance makes clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks.... The impediments to effective communication and adequate service are formidable. The client's untrained 'interpreter' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate." If the county agencies receive any federal funding, they are obligated to provide competent services. Even if no federal funding were involved, the physical harm that could ensue from an unskilled interpreter at work is a potential wrong that must be avoided. We are familiar with many instances of errors in medical care due to poor interpretation that have had serious or even fatal consequences.

NAJIT members labor every day in courtrooms, jails, attorney's offices and county facilities to ensure that those who do not speak adequate English will have the same access to justice as all other residents of our nation. We strive to provide services of the highest quality and invest time, energy and money in improving our skills, because we know how difficult the work of court interpreting is. Please do not allow this assignment, which could result in a serious miscarriage of justice to Spanish-speaking individuals in the court system, or physical harm to those receiving medical services due to errors in interpretation, to stand.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

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June 14, 2005

Ms. Helen Wong
Asian Community Development Corporation
Boston, Massachusetts

Dear Ms. Wong:

The National Association of Judiciary Interpreters and Translators is a professional association with over 1100 members, one of whom forwarded to us your e-mail "Introducing Speakeasy," in which you state that you are recruiting bilingual individuals fluent in Chinese for a six-week pilot program to begin in early July.

We fully agree that there is a great need for linguistic services for non-English and limited English proficient individuals, and applaud your efforts to help alleviate this problem by utilizing the human resources in the community and offering them some training. In many circumstances, Speakeasy will provide these services in an efficient manner. We request, however, that you be certain that the "Guides" are used only for those tasks which they are qualified to fulfill. In particular, it is essential that bilingual individuals who have undergone such minimal training not be assigned to interpret in legal or medical settings. These fields require the services of a qualified and trained interpreter. Failure to ensure a high level of competence in such settings can create very serious problems for all concerned.

Legal interpreting is a highly skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two languages or speak them at a high degree of fluency are not qualified thereby to provide interpreting services in a legal setting, which demands a full command of technical language, nuance, register and vocabulary. Additionally, there are strict and challenging ethical requirements for legal interpreters. The use of untrained and unqualified individuals in legal settings ranging from police interviews to trials has resulted in miscarriages of justice.

With regard to health and other agencies, the Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 compliance for LEP (limited English proficient) populations. This guidance makes it clear that a lack of professionally trained and qualified interpreters has "...severe drawbacks... The impediments to effective communication and adequate service are formidable." If an agency receives any federal funding, even indirectly, it is obligated to provide competent services. Even if no federal funding were involved, the physical harm that could ensue from the use of an unskilled interpreter is a potential wrong that must be avoided. We are familiar with many instances of errors in medical care due to poor interpretation that have had serious or even fatal consequences.

We are also concerned about your offer to provide documentation for community service hours and college credit. We believe that it is essential that any such documentation clearly indicate the level of training that the individual holds; that the individual served as a volunteer; and that the services provided did not meet current acceptable standards – i.e. through accreditation or certification – for professional legal or medical interpretation (unless, of course, you are fortunate enough to obtain the services of qualified professional individuals for free.)

Thank you for your consideration of this request. I look forward to your response.

Sincerely,
Alexander Rainof, Ph.D.
Chair, Board of Directors

NAJIT'S Response to COR Request for Input on Law Enforcement Plans and Strategies

July 27, 2005

Merrily A. Friedlander, Chief
Attn: Law Enforcement Language Access
U.S. Department of Justice
Civil Rights Division
Coordination and Review Section-NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

The National Association of Judiciary Interpreters and Translators (hereinafter referred to as NAJIT) thanks the Coordination and Review Section of the Civil Rights Division for its continued commitment to Title VI, Executive Order 13166 and the LEP Guidance Policy. The following comments are offered in response to the June 2005 call for input on law enforcement plans and strategies with regard to non-English speakers or limited English proficient persons. Our aim is to provide practical input so that DOJ and law enforcement work can be carried out effectively where languages other than English are involved.

NAJIT believes that competent language service is a crucial component of 21st century law enforcement. We are most interested in ensuring competence and effective service to local and national law enforcement agencies. It is our firm belief that to protect officer and public safety, language services should be fortified and brought to a professional level whenever possible. Indeed, incompetent language service can put more people in harm's way. Every effort should be made to identify appropriate language providers and to compensate them fairly. After qualified personnel have been identified, law enforcement should make every effort to use them.

Our research shows that in the absence of guidance, knowledge or resources, law enforcement agencies may administer language services in a haphazard or nonprofessional way. Where agencies see no need to develop qualification procedures for language service providers, they rely on a slipshod, scattershot approach, or outsource the administration of such procedure to others, with unsatisfactory results. As a result, language intermediaries may lack linguistic competence, be unaware of their role, or have no training or preparation for the tasks they are asked to perform. When this happens, everyone loses.

In an effort to produce a much-needed model policy for law enforcement, a committee was created by a Sheriff's Office in Ohio, assisted by an advisory board. The Committee's aim was to suggest workable policies and standards for law enforcement. Police officers, sheriffs, officers of public safety, attorneys, language administrators and linguists worked together from 2002-2004. The result was a groundbreaking model LEP policy for law enforcement, hereinafter referred to as the **Summit/Lorain Project**. Final results can be found at: www.co.summit.oh.us/sheriff/LEP.pdf

NAJIT strongly recommends that the **Summit/Lorain Project** now be formally endorsed by the DOJ as a model policy for law enforcement. We recommend that the link to the document be distributed and made easily accessible to all law enforcement agencies at the federal, state or municipal levels. This document can assist law enforcement agencies as a benchmark for creating their own policy and procedures. Each jurisdiction, depending on its LEP population and resources available, will differ on the nature of steps to be taken, but of utmost importance is that language proficiency be reliably tested for police standards.

NAJIT believes that each agency should be strongly advised to develop a testing and training program in language services to suit its own needs. (Alternatively, the DOJ and law enforcement may rely on existing professional credentials in the fields of translation & interpretation such as NAJIT interpreter certification, ATA translation accreditation,

> continued on page 29

Education Committee Report

Dear NAJIT Members:

First of all, we would like to thank all of you who participated in the NAJIT Survey. This survey is a very important tool for the Education Committee because it tells us of what you, the members, would like to see regarding both topics for Professional Enhancement Training Seminars as well as event locations. After reviewing the results, it is quite apparent that the majority of our members are most interested in the following:

1. Legal matters (legal terminology, procedure, etc.)
2. Interpreter Exam Preparation
3. Public speaking and writing techniques
4. Government Employment
5. Small business operations

Although members showed interest in many other areas, these five were nearly unanimously requested.

Obviously, cost was another area of the survey that spiked a great deal of interest and concern. For this reason, it is the Education Committee's goal to make these seminars as cost-effective for NAJIT members as possible. To do this, we plan on offering "short" one-day training workshops that will vary in length from 3 to 6 hours. Further, we want to work closely with local T&I organizations so that they can host the NAJIT training seminars and help us secure space at universities and/or other educational centers for little or no cost. This will help defray the registration fees considerably.

We have identified the following as possible locations for these events.

1. Miami
2. California
3. New York
4. New Hampshire
5. New Mexico
6. Arizona
7. Texas
8. Illinois/Southern Wisconsin

Thank you once again for your support on the 2005 NAJIT Survey. We look forward to working with all of you to deliver the types of training that you have requested.

Sincerely,
 Karen Borgenheimer
 Co-Chair, Education Committee
 Michael Kagan
 Co-Chair, Education Committee

Honors

COMMENDATION

WHEREAS DR. SYLVIA ZETTERSTRAND SERVED AS FIRST CHAIR OF THE PUBLICATIONS COMMITTEE OF THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS, BEGAN THE WORK OF PREPARING NAJIT POSITION PAPERS AT THE NASHVILLE CONFERENCE, WROTE THE FIRST NAJIT POSITION PAPER, AND ORGANIZED AND INITIATED THE TAPE TRANSCRIPTION AND TRANSLATION PROJECT, AND

WHEREAS DR. SYLVIA ZETTERSTRAND'S WORK HAS ALWAYS BEEN MARKED BY QUALITY, DETAIL, AND PRECISION, AND

WHEREAS DR. SYLVIA ZETTERSTRAND'S CONTRIBUTIONS HAVE MADE A SIGNIFICANT IMPACT TO THE BENEFIT OF THE PROFESSION OF JUDICIARY INTERPRETING AND TRANSLATING AND

WHEREAS DR. SYLVIA ZETTERSTRAND'S LEGACY HAS MOVED THE PUBLICATIONS WORK OF NAJIT TO A NEW LEVEL OF ACHIEVEMENT,

NOW THEREFORE BE IT RESOLVED THAT THE NAJIT BOARD OF DIRECTORS HEREBY COMMENDS DR. SYLVIA ZETTERSTRAND FOR ALL SHE HAS CONTRIBUTED TO OUR ASSOCIATION AND OUR PROFESSION.

ALEXANDER RAINOF, PH.D.
 APRIL 19, 2005
 CHAIR, BOARD OF DIRECTORS

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:

Dagoberto Orrantia

for outstanding service to the profession.
 Given on this 14th day of May of 2005

Alexander Rainof, Ph.D.
 Chair, NAJIT Board of Directors
 Peter P. Lindquist, Ph.D.
 President, SSTI Board of Directors

The National Association of Judiciary Interpreters and Translators
hereby awards Honorary Membership

to

Ricardo M. Urbina

in recognition and appreciation for your outstanding efforts
to establish excellent interpreting and translating services
in our justice system.

NAJIT 26th Annual Meeting • Washington, D.C.

Alexander Raïnof, Ph.D.
May 14, 2005
Chair, Board of Directors

The National Association of Judiciary Interpreters and Translators
hereby awards Honorary Membership

to:

C. Sebastian Aloit

in recognition and appreciation for your many years supporting
judiciary interpreters and translators, our profession,
and our association.

NAJIT 26th Annual Meeting • Washington, D.C.

Alexander Raïnof, Ph.D.
May 14, 2005
Chair, Board of Directors



COMMENDATION

WHEREAS THE NAJIT SCHOLARS PROGRAM OF
THE NAJIT 2005 ANNUAL CONFERENCE WAS
AN OUTSTANDING SUCCESS, AND

WHEREAS THE RESEARCH CARRIED OUT BY
THE STUDENT OUTREACH PROGRAM COMMITTEE
WAS ESSENTIAL TO THE NAJIT SCHOLARS
PROGRAM, AND

WHEREAS SAID RESEARCH PROVIDES AN
INVALUABLE FOUNDATION FOR DEVELOPING
AND IMPROVING NAJIT'S RELATIONS WITH EDU-
CATIONAL INSTITUTIONS ACROSS THE UNITED
STATES, AND

WHEREAS THE MEMBERS OF THE STUDENT
OUTREACH PROGRAM COMMITTEE HAVE DEDI-
CATED EXTRAORDINARY EFFORT, CREATIVITY AND
ENERGY TO ACHIEVING THESE SUCCESSFUL OUT-
COMES,

NOW THEREFORE BE IT RESOLVED THAT
THE NAJIT BOARD OF DIRECTORS EXTENDS ITS
SINCERE GRATITUDE TO THE MEMBERS OF THE
STUDENT OUTREACH PROGRAM COMMITTEE:

VANESA IERACI, CHAIR
AMY FREE, SCHOLARS PROGRAM COORDINATOR
ADRIA DAVENPORT, MEMBER
MARCELA RENNA, MEMBER
VIRGINIA SALTZMAN, MEMBER

ALEXANDER RAÏNOF, PH.D.
JUNE 14, 2005
CHAIR, BOARD OF DIRECTORS

NAJIT'S RESPONSE TO COR REQUEST *continued from page 27*

federal court interpreter certification or state court interpreter certification.) NAJIT and other professional associations stand ready to assist with test development and/or to provide training for law enforcement in how to work with interpreters.

In NAJIT's view, state and federal entities should be required to state their qualification procedures for language service providers. This information should be available on websites as well as in policy and procedure manuals

In order that law enforcement agencies be in compliance with Title VI, NAJIT recommends that each agency designate a person of policy rank to handle all language-related concerns, including strategic planning. That person can be advised by the Civil Rights Division on relevant concerns and problem-solving strategies.

The Committee's original plan comprised three phases. Phase 1, to produce model policy & procedures manual, is complete. Phase 2, to create a *Language Identification Guide* and other tools, is complete. Phase 3 was

conceived as the implementation phase during which the model would be adapted for local needs. Law enforcement supervisors and facilitators would be trained, and interpreters of many languages would be recruited to work with law enforcement.

We know of no other resource document for law enforcement's language needs developed with all stakeholders in mind. The groundwork has been laid, thanks to the untiring efforts of many. DOJ's endorsement of the **Summit/Lorain Project** would go a long way toward accomplishing the goals of the committee. Law enforcement agencies throughout the country can benefit from this foundation, tailor-design their own programs, and enter without delay into Phase Three.

Sincerely,
Alexander Raïnof, Ph.D.
Chair, Board of Directors

EXECUTIVE DIRECTOR'S CORNER

Vision and Vocation

My favorite definition of “vocation” comes from Frederick Buechner, who said that a vocation occurs when what you delight to do and what the world desperately needs meet. There are so many needs to be filled in our modern world, and we have so many choices open to us in our modern society, that sometimes it is hard to identify what our life’s choice should be. When we do have a clear passion, it informs and directs our energies. I’ve seen this pattern with my three sons. Only the youngest graduated high school knowing exactly what he wanted to do next. One of his friends said to me enviously, “Steve is lucky. I wish I cared about something as much as he cares about making movies.”

I would guess that few of our NAJIT members graduated high school knowing that they wanted to become an interpreter or a translator. The general ignorance within the U.S. about these professions certainly extends to the world of education. It seems that few college or high school instructors are aware of the opportunities — and the challenges — involved in a career as a translator or an interpreter. Now you have a way to change that.

NAJIT has sponsored the production of a short video about the profession of court interpreting. This video received a wildly enthusiastic reception at our Nashville conference. It features Claudia A’Zar, a NAJIT member from Seattle, talking about her career, her background, and what she likes about interpreting. (Full disclosure—it also features your executive director in the role of an attorney, which she is not. We found that obtaining permissions and scheduling made it difficult to film an interpreted interaction with an actual defendant. Instead, we prepared a short skit with Judge Steven Gonzales of King County Superior Court, several volunteer actors, and Claudia, the interpreter. No one is going to win any Oscars, believe me, but the skit does give a taste of what working in the courtroom is like.) I interviewed the subjects of these videos and serve as content consultant for the series.

The videos are part of a program called SpeakYOURLanguages™ that has been developed by the Highline Public Schools, just south of Seattle. In Highline almost of a third of the students come from families that do not speak English as their first language. The district has invested in an extraordinary program to connect with these families, to inspire the students, and to prepare them for possible careers using their languages. It seems clear that “heritage” speakers, as we now call persons living in this country who learn their language from their parents and community, but are surrounded by English, are a precious resource for our nation. We need them in the courts, in social services, for national defense and for trade. Yet the pressure to abandon one’s heritage language and take up English is unrelenting. Few heritage high school students know that their language could be an economic asset and a means to a better life.

Part of the reason for this is the high school milieu, which places such high value on fitting in. Many of those of us who were monolingual in high school still felt “out of it.” One of my favorite

books on this subject is called *Is There Life After High School?* This book argues that being “out of it” in high school can be a predictor of future success. For those teenagers who starred on the football team or were chosen homecoming king and queen, it’s hard to find the same satisfaction and adulation in an adult career. No future community they live in will be equally focused on its stars and equally passionate about social success. But many heritage speakers by definition are going to feel “out of it” in their high school, unless someone makes a special effort to bring them in. Sadly, they may also feel “out of it” at home as they struggle to adapt to our American society, with its pressures of consumerism and conformity, while still staying connected to their parents, grandparents, and culture of origin.

Highline has developed several strands that are changing the culture of its schools. Selected bilingual students are being taught the fundamentals of interpreting. If they show promise and maturity, after extensive training they may serve as “student interpreters” in carefully delimited settings. An anecdote from May of this year:

At a Mothers’ Day celebration in the evening at an elementary school, a Student Interpreter accompanied the principal as her escort interpreter. Activities were spread throughout the school and the principal, along with her interpreter, walked around the entire evening chatting with her many Latino families. Afterward, she said:

“As I look back at the experience, it was a simple yet profound way for me to make a personal connection with parents I’d never been able to communicate with other than a nod and a smile. The ability to have informal conversations allows me to get to know parents on a more personal level which in turn informs me of their culture, resources and needs.”

These excellent results derive in part from the dedication and commitment of Courtney Searls-Ridge, whom many of you may know from her years as Secretary of the American Translators Association, and Susana Stettri Sawrey, a former NAJIT Director. Courtney and Susana founded the Translation and Interpretation Institute affiliated with Bellevue Community College. The Institute has produced a program that both recognizes the students’ initial limitations, and pushes them to excel. It is not so easy to develop true enthusiasm in adolescents for a future career that requires as much sheer hard work as translation and interpretation, but they are doing it. Lisa Scheuer-Sturgeon, a German translator and interpreter, is currently teaching the program. Other professional interpreters are brought in regularly to work with the students in their particular languages.

The SpeakYOURLanguages videos expose the bilingual students to career options they may have never considered. In addition, the district supports five Language and Culture Schools. Dave Cotlove, who has directed the growth of all these programs

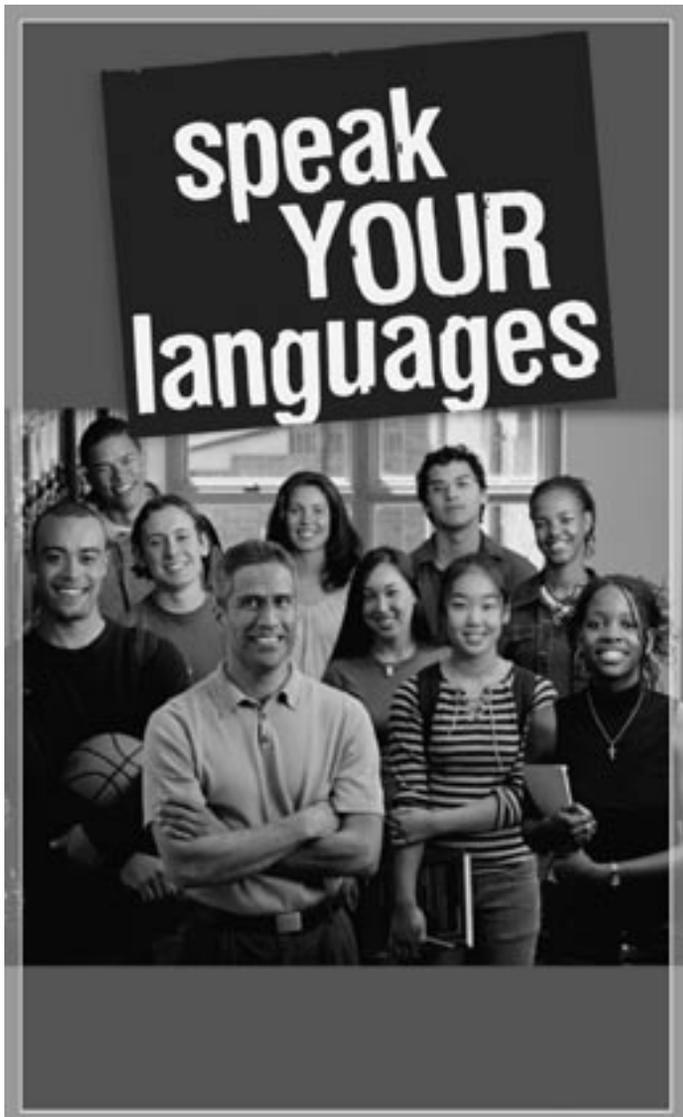
over the last three years, is a force to be reckoned with. I knew that Highline was on a trajectory to watch when it took only three months for Dave to obtain approval for foreign language credit for the Khmer classes. He got the idea from a Cambodian parent, who said, "Why do my children have to study Spanish or French? Why can't they study Cambodian?" These schools improve family relations between generations. Students who are proud of their language and culture, and who communicate well with their family, are more successful in school.

The United States today is on an interesting path and no one knows quite where we will end up. As a recent article about Chicago stated, "Every town is a border town." Finding ways to integrate heritage children into our society while still preserving their own culture and language is key to a better future, in my opinion. I am delighted to be part of a project that offers such innovative ways to do this, and that meshes so perfectly with NAJIT's commitment to students as the future of our profession. No one can take up the

vocation of court interpreter without a vision of what that profession entails. We now have the opportunity to show others, easily and quickly, some of the joy and meaning of our profession.

In appreciation for our sponsorship, NAJIT members may purchase the court interpreter video at a significant discount. I encourage all our members to obtain your own copy. Show it to your family and friends, your children's teachers, the foreign language department of your local community college or university, and anybody else who is willing to take nine minutes to become acquainted with our little-understood yet vital profession. When I served as chair of the ATA Nominating Committee, my colleague Ben Tompkins described our work as *nemawashi* or, in Japanese, "cultivating the roots." Each of us has the chance to cultivate the roots in our own city or town, and help to grow a better society for our common future.

Ann G. Macfarlane
Executive Director



■ **HOW TO ORDER:** Go to www.speakyourlanguages.com and use discount code Y3X6YRG5 to obtain the Court Interpreter video for \$20, nearly 60% off the regular price. This is a special discount for NAJIT members only. Proceeds from video sales are used to fund programs for the benefit of bilingual students.

- The website includes streaming video to give an excerpt on each of the seven topics:
 - Court interpreter (Spanish)
 - Freelance translator (Hebrew)
 - In-house translator for game-card company Wizards of the Coast (Japanese & German)
 - International baseball scout (Japanese)
 - Nonprofit promoter of international trade (Russian)
 - Counselor aiding refugees and immigrants (Tagalog & Khmer)
 - Police officer who became city mayor (Chinese)
- ATA members may obtain the "**freelance translator**" video for a similar discount using a different code available from ATA, which has sponsored that video.
- Courtney Searls-Ridge, Dave Cotlove, Elisabeth Scheuer-Sturgeon, and one of the Highline Public Schools student interpreters will make a presentation about the Highline program at the **ATA Conference** in Seattle on Saturday, November 12, from 1:45 to 3:15 p.m.
- ATA and NAJIT will make a joint presentation the following weekend at the **American Council of Teachers of Foreign Languages Conference** in Baltimore, Maryland.
- Visit the American Translators Association website, www.atanet.org, for extensive free information and outlines of presentations you can use in speaking to elementary, high school or college level students about translation and interpretation.

SPANISH

A LA CAZA DEL GAZAPO (II)

Daniel Sherr

Localizaron el gazapo, pero no dieron con la solución

En el número de primavera-verano 2004 (volumen XIII, número 2), *Proteus* retó a sus lectores a que hicieran de detectives e identificasen dos errores de bulto que encerraba un texto que reproducimos. El documento llevaba el epígrafe DILIGENCIA DE INFORMACIÓN DE DERECHOS AL DETENIDO y se usaba en el Juzgado de Instrucción Número Tres de Madrid. Advertidos de la existencia de estos gazapos, los intérpretes que trabajaban en ese juzgado respondieron que conocían los errores y que los corregían al traducir el texto al idioma del acusado.

Como cebo y recompensa, la Redacción ofreció un ejemplar del *Diccionario Espasa términos jurídicos español-inglés/inglés-español* (Madrid, 2003) al primer lector que identificase los errores y proporcionase la redacción correcta del texto.

Desde aquí, la Redacción querría reconocer los denodados esfuerzos de los tres intérpretes que respondieron a la convocatoria, confirmando una vez más el adagio bíblico que “muchos son los llamados, pero pocos los elegidos”.

Sin embargo, si bien todo el mundo estaba de acuerdo en cuanto a las frases problemáticas, nadie fu capaz de indicar cómo tenían que estar redactadas. Veamos la versión errónea y el texto original, tal como figura en la Ley de Enjuiciamiento Criminal:

Primer texto erróneo: “Toda persona detenida o presa deberá ser informada de modo que le sea comprensible, y de forma inmediata de los **derechos** que se le imputen y las razones de su privación de libertad, así como de los derechos que le asisten y especialmente de los siguientes...”

Versión original: “toda persona detenido o presa será informada, de modo que le sea comprensible, y de forma inmediata, de los **hechos** que se le imputan y las razones motivadoras de su privación de libertad, así como de los derechos que le asisten y especialmente de los siguientes...”

Segundo texto erróneo: “Derecho de no declarar contra sí mismo y **a o** confesarse culpable.”

Versión original: “Derecho a no declarar contra sí mismo y **a no** confesarse culpable”.

Estos textos claves del derecho español lo conocen de memoria todos los jueces y abogados penalistas. De hecho, provienen de la Ley de Enjuiciamiento Criminal español, Capítulo IV, *Del ejercicio del derecho de defensa, de la asistencia de Abogado y del tratamiento de los detenidos y presos*. Haciendo una búsqueda en Google, bajo, por ejemplo, la frase “de modo que le sea comprensible”, el traductor jurídico se encuentra con el texto íntegro.

Varios de los que respondieron consideraban que la primera frase debía leerse: “toda persona detenido o presa deberá ser informada ... de los **delitos** que se le imputan.”

Para ver si esta alternativa era válida según el derecho español, Proteus recabó la opinión de una juez de lo penal en Barcelona. Aunque no quiso dar su nombre (“No me gusta salir en los papeles”) contestó gustosa a nuestra consulta. Según ella, en una primera fase, el juez tiene que determinar si los hechos que se imputan a la persona detenida son constitutivos de un delito. Y aun si lo son, el juez tiene que determinar exactamente de qué delito se trata. Una muerte causada con cuchillo como resultado de una reyerta (homicidio) no constituye el mismo delito que una muerte en la que el autor de los hechos actuara “por precio, recompensa o promesa” (asesinato). Por otro lado, los hechos podrían no ser constitutivos de delito alguno, en cuyo caso se sobreesería (se archivaría) la causa. Por ello, decir “los delitos que se le imputan” significa prejuzgar la culpabilidad de la persona detenido o presa, que en esa etapa incipiente del procedimiento penal, aún no es acusada.

Con motivo del Congreso Anual de NAJIT en Washington, DC, el *Diccionario Espasa* fue uno de los más de 30 premios que se entregaron a los participantes en el sorteo que se celebró al final del encuentro. Esperamos que el agraciado ganador sea consciente de la joya que tiene entre manos...

[See p. 17 for the author's biographic information.]

Translation Puzzler

► Even if you don't speak Spanish, try this out.

Context: a letter to an Oregon court in response to a ticket received at the airport. What is the author trying to say?

(See below for the answer.)

I GO ONLi.GO.ENCALL.FOR.
7.MINES.TU.HAPO.MALL.FEREN
Wiut.TO.SUCESCES.
EN.dE.POLiS.
GME.dis.tiCte

► Answer to translation puzzler:

—Submitted by James Comstock
“I only go inside for 7 minutes to help my friend with two suitcases and the police give me this ticket.”
Rather than being written in Spanish, this is “English” written by a Spanish speaker in Spanish phonetics. My approximate translation is:

CALENDAR

- September 9-12, 2005. Nashville, TN. TAPIT Conference.
- September 24, 2005 Bloomington, MN. UMTIA Fourth Annual Conference. Information: www.umtia.com
- October 7-8, 2005. San Francisco, CA. CHIA Conference.
- October 8-9, 2005. Newport Beach, CA. CCIA Conference.
- October 8-9, 2005. San Francisco, CA. CFI Conference.
- October 28-30, 2005. Kent, OH. First Ohio Valley Regional Interpreter Conference. Information: www.ccio.org.
- October 28-29, 2005. Boston, MA. MMIA 9th Annual Conference on Medical Interpreting. Information: www.mmia.org
- November 2-5, 2005. Montreal, Canada. ALTA 28th Annual Conference. Information: www.literarytranslators.org.
- November 9-12, 2005. Seattle, WA. ATA 46th Annual Conference. Information: www.atanet.org.
- November 18-20, 2005. Baltimore, MD. ACTFL Conference. Information: www.actfl.org.
- March 23-25, 2006. San Diego, CA. Third ATSA Conference.
- May 19-21, 2006. Houston, TX. NAJIT 27th Annual Conference.
- May 18-20, 2007. Portland, OR. NAJIT 28th Annual Conference.

ITEMS OF INTEREST

Congratulations to TAJIT

NAJIT welcomes the newest association of judiciary translators and interpreters in the nation. The Texas Association of Judiciary Interpreters and Translators organized this spring, and has already offered its first training opportunity—a skills building course in San Antonio. Congratulations to Chair Luis V. Garcia of Melissa, Texas and the TAJIT board of new directors!

NAJIT in the *New York Times*

The August 7, 2005 *New York Times* included an article on Mohammed Yousry that referenced the joint statement issued on March 1 by NAJIT and the ATA as follows:

Legal translators in New York were taken aback by Mr. Yousry's conviction, fearing it left them vulnerable to similar prosecution. But the American Translators Association and the National Association of Judiciary Interpreters and Translators took a more skeptical view. In a joint statement in March, the two groups said Mr. Yousry had failed to follow "many standard recognized protocols," in particular finding that he had a conflict of interest by pursuing his doctoral research while he was translating for the sheik.

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Register

Look for the Conference Registration Form with the July issue of *The ATA Chronicle* to take advantage of special Early-Bird rates, available until September 10.

Join ATA to register at the discounted ATA Member rate. For an application, contact ATA or join online at www.atanet.org/membapp.htm.

Don't miss this **opportunity to network**, meet newcomers and seasoned professionals, **market yourself and your skills**, **reunite with friends** and colleagues, and **have fun!**

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Look for the *Preliminary Program and Registration Form* with *The Chronicle* in July!



APPLICATION FOR MEMBERSHIP

PLEASE RETURN COMPLETED APPLICATION AND PAYMENT TO:

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 Fax: 206-626-0392
 headquarters@najit.org
 www.najit.org

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 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: Consecutive 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)
 Corporate Sponsor Corporate Organizational (nonprofit)

(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, 2006!)

	Active	Associate	Student	Corporate Sponsor	Corporate	Organizational (nonprofit)
Dues	\$105	\$85	\$40	\$300	\$160	\$115
Suggested voluntary contribution to SSTI	\$35	\$25	\$10	\$100	\$100	\$65
TOTAL	\$140	\$110	\$50	\$400	\$260	\$180

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.