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RESOURCE COLLECTION

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"VERBATIM INTERPRETATION" REVISITED

Holly Mikkelson

I. INTRODUCTION

The standards of practice of the court interpreting profession, rather than being defined internally, are imposed by statutes and rules of court. There is an inherent conflict between the legal profession's expectation of a "verbatim" or "literal" interpretation and the standards of functional equivalency and meaning-based translation that are now almost universally accepted by translation and interpretation scholars. As we refine our understanding of the interpreting process, it becomes increasingly apparent that the legal community's perception of the role of the court interpreter is outmoded. This article analyzes current legal standards for court interpretation and current theories of interpretation, and proposes solutions to the conflicting expectations.

II. THE VERBATIM REQUIREMENT

The notion that court interpreters must provide a "verbatim" interpretation of proceedings and witness testimony is a pervasive myth within the judiciary. In fact, statutes and rules of court governing court interpretation tend to emphasize the need to convey meaning rather than a strict adherence to the form of the source-language message. For example, the California Standards of Judicial Administration contain no mention of the term "verbatim" or anything similar. Section 18.1 (8) provides, "All words, including slang, vulgarisms, and epithets, should be interpreted to convey the intended meaning." Unfortunately, however, most members of the legal profession are not aware of the distinction between a literal translation and an accurate one. A typical view of the interpreter's role can be seen in an article published in a state bar journal by a trial court judge, who points out to colleagues on the bench:

A court interpreter is charged with the responsibility to literally translate all participants [sic] words. ... If I have not chosen simple, clear and concise language and used words which are capable of a literal translation, I am precluding the interpreter from being able to perform the essential function of literal translation.... Vocabulary typically used in courtrooms must be capable of literal translation.... Judges must be receptive, not defensive, when advised that the defendant does not understand a literal translation (Minder, 1998: 12).

While this judge's desire to use clear and concise language is admirable, she obviously misunderstands the process of interlingual message transfer. Morris (1995: 25-26) reports that the legal profession is suspicious of interpreters who would usurp the judicial function of interpreting the law, given that the term interpretation in legal usage is restricted to a process "that is performed *intra*lingually, in the language of the relevant legal system, and effected in accordance with a number of rules and presumptions for determining the 'true' meaning of a written document" (emphasis in original). She attributes to this suspicion the common admonition by judges or attorneys not to interpret but to translate, "a term which is defined, sometimes expressly and sometimes by implication, as rendering the speaker's words verbatim."

III. THEORIES OF INTERLINGUAL COMMUNICATION

The terms *translation* and *interpretation* are often confused by laypersons, as evidenced by the all-toofrequent caption on television news stories, "voice of translator." The term *translation* "refers to the general process of converting a message from one language to another" and also, more specifically "to the written form of that process," whereas *interpretation* "denotes the oral form of the translation process" (González et al., 1991: 295). Thus, the study of interlingual communication, commonly known as translation

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Message from the Chair

irst and foremost, let me wish every one of you a happy, healthy, and prosperous New Year.

As we embark on the second decade of the century, NAJIT is forging new relationships with other professional and national and international non-profit organizations that will strengthen NAJIT's leadership position in the field of judiciary interpretation and translation in the US and around the world, and will provide enhanced benefits to our members.

The European Legal Interpreters and Translators Association (EULITA) recently held its inaugural meeting in Amsterdam, the Netherlands, and NAJIT was ably represented by Nancy Festinger (editor of *Proteus*), and Lois Feuerle (a NAJIT board member), who were invited to be presenters. The fact that EULITA has looked to us to participate in birthing this new organization speaks to the high regard in which our association is held.

NAJIT also participated as an exhibitor at the Modern Language Association (MLA) annual meeting in Philadelphia. The meeting was of particular importance, as this was the first time that the MLA has focused on translation and interpretation as career paths. Former chair Alex Raïnof staffed the exhibitor table, and will be writing an article about NAJIT's presence at the conference in a future issue of *Proteus*.

We are taking a proactive stance in terms of educating the bench and bar about our profession, and will soon be contacting the heads of AOCs, state bar associations, and law schools with information about judiciary interpreting and translating, so that judges and attorneys will better understand our function in the judicial system and how best to utilize our services. We are available as a resource for state and local groups working to organize interpreter programs, and our position papers are a source of authority on best practices.

We are currently negotiating with an organization that will help you market yourselves to the legal community. (More on this later, when negotiations are complete.)

As you may have seen in *Cybernews*, we are reworking the member directory to make it easier to identify federally certified interpreters, and to make the website more user-friendly.

Plans for the 2010 annual conference in Orlando, Florida are well underway, and we have an impressive line-up of speakers. The conference center is located near all the major attractions, so plan to take a few extra days for vacation, if you can!

Finally, I want to remind you once again that members of the board are always accessible, and we welcome your comments, questions, and suggestions. Your active participation is what makes our organization a vital and productive entity. Jump into this new year with both feet, and help make a great organization even better.

> All the best, Rosemary W. Dann Chair NAJIT Board of Directors



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

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theory, encompasses interpretation as well. Translation has been the subject of philosophical discussions for centuries. Robinson (1991: 68) traces the debate between free (meaning-based) and literal translation back to Cicero's time, but notes that most writers were advocating free translation even then. Many of the first written translations were of religious texts, and there was some controversy about whether the Holy Scriptures could be translated faithfully if the structure of the original message was altered in any way. Snell-Hornby (1988) also examines the dichotomy between word and sense in historical debates on Bible translation, in which purists argued that the word of God had to be translated literally. She quotes one writer as saying that a word-for-word translation is like "dancing on ropes with fettered legs" (Snell-Hornby, 1988: 11).

In his overview of translation theory past and present, Vermeer (1994: 6) states that St. Jerome, "the most famous (and successful) translation theorist of the past two millennia," claimed that translators should focus on meaning, not words, except in the case

of the Holy Scriptures, where word order is a "mysterium." Other than the concern for faithfulness in translations of religious texts, then, it appears that serious scholars have long recognized that "the task of the translator is not fulfilled with a mere linguistic transcoding of

a message on what is generally called the object level" (Vermeer, 1994: 11). Similarly, Snell-Hornby (1988: 49) asserts that modern theorists agree that a literal translation is useless, as "language is not merely a static inventory of items and rules but a multifaceted and structured complex ..."

Indeed, Robinson (1991: ix) asserts that the idea of word-forword translation has always been "a mere straw man" for the "mainstream approach" advocated by translation theorists. He reports that the romantic philosophers theorized about a perfect translation that would be both "word-for-word *and* sense-for sense" (emphasis in original). This ideal dates back to the cabalists of medieval times, who believed that "absolute cosmic correspondence, translating sense-for-sense, word-for-word, even letter-forletter, was essential, or more than essential, crucial (anything less meant doom and destruction)" (Robinson, 1991: 88).

What do "mainstream" translation theorists have to say about interlingual communication today? Nida and Taber (1969: 33), regarded as pioneers of contemporary translation theory, analyzed the translation process from a linguistic point of view and identified three stages:

(1) analysis, in which the surface structure (i.e., the message as given in language A) is analyzed in terms of (a) the grammatical relationships and (b) the meanings of the words and combinations of words; (2) transfer, in which the analyzed material is transferred in the mind of the translator from language A to language B; and (3) restructuring, in which the transferred material is restructured in order to make the final message fully acceptable in the receptor language. Newmark (1981: 87), who frames the debate in terms of communicative versus semantic translation, places great emphasis on context: "Words as lexical units, it should be emphasized, have only a potential meaning, and it is through the context that this potential is realized." More recently, Kussmaul (1995: 85) takes a similar approach: "... [W]ord meaning is not an isolated concept but closely related to the context in which the word occurs, to the user of the word and his/her intentions in a specific situation within a specific culture."

Another contemporary theorist, Lambert (1994: 17), points to the "growing tendency to insist on the extra-linguistic aspects of the translation phenomenon." Vermeer (1994: 10) notes an increased emphasis on culture in translation theory: "Translation as a cultural product and translating as a culture-sensitive procedure widen the meaning of 'translation' and 'translating' beyond a mere linguistic rendering of text into another language ... As all our behaviour is culture-specific, the 'goings on' around a transla-

tion are culture-specific, too."

Snell-Hornby (1988: 41) has noticed the same trend. She states that culture is inextricably linked to language and is an integral part of translation: "... [T]he extent to which a text is translatable varies with the degree to which it is embedded in its own

specific culture, along with the distance that separates the cultural background of source text and target audience in terms of time and place."

One widely accepted approach is the *skopos* theory, first developed by Reiß and Vermeer (1984), which emphasizes the primacy of target-text function over fidelity. Pöchhacker (1994: 176) sums up the *skopos* theory in this way: "If the interpreter finds that the target-cultural situation requires a different form and extent of 'verbalization' ('textualization') than the situation of the partners interacting within the source culture, s/he will try to ensure the functioning (or intra-textual coherence) of the target text rather than stick to 'what the speaker said.'"

In short, it is clear that a literal, word-for-word translation has never been accepted as valid outside a religious context, and even in the translation of religious texts it has been considered an unattainable ideal. Nevertheless, Robinson (1991: 89) describes the stubborn insistence on striving for this impossible goal, summing up the philosophers' attitude as "So what if it is impossible? *It has to be done!*... It is not something we would sort of like to try to do; it is a messianic imperative, a question of life or death for all humanity. The translator is the romantic savior, charged with the task of undoing the damage done at Babel" (emphasis in original).

It should be noted that although the majority of the works cited above refer to (written) translation, the same principles apply to (oral) interpretation. Interpretation was only recently recognized as a field of study distinct from translation, meriting separate coverage in research (Pöchhacker and Schlesinger, 2002). As the body of research focusing on interpreting, and specifically on court

Word-for-word translation has never been accepted as valid outside a religious context

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interpreting, has expanded, increasing attention has been devoted to the non-verbal aspects of oral communication in interpreted interactions. Examples include Brennan's (1999) research on sign language interpreters in British courts; Moeketsi and Wallmach (2005), who examined the work of judiciary interpreters of a variety of indigenous languages in South Africa; and Leung and Gibbons (2007, 2008, 2009), who observed interpreters in Hong Kong judicial proceedings. Brennan (1999) found that interpreters used different linguistic approaches, depending on whether they were interpreting witness testimony for the record or proceedings for the defendant. Moeketsi and Wallmach (2005) reported on the hazards of literal interpretation, and cited one case in which it resulted in a wrongful acquittal. More recently, Leung and Gibbons (2009) examined the techniques employed by Cantonese-English interpreters to deal with a phenomenon of the Cantonese language, utterance-final particles, that does not have an equivalent in English. They concluded (2009: 212):

In focussing mainly on European languages, particularly English, the existing literature may have unwittingly created a picture of courtroom discourse centred on grammatical structure and vocabulary. In this paper we have pointed to another type of linguistic resource which, although seemingly insignificant, sometimes even to native speakers of the language, may have a significant impact on courtroom discourse. We hope to have shown that when interpreting from Cantonese into English, interpreters can capture most of the factual and emotive information by resorting to alternative linguistic – very often intonational – devices in English to render the meanings and impact of the utterance-final particles.

IV.THE LANGUAGE OF THE LAW

Perhaps because law and religion are so closely linked in human society, the legal profession tends to have the same reverence for the power of the word as the religious philosophers of St. Jerome's time did. In his ground-breaking study of English legal usage, Mellinkoff (1963) noted the strong influence of the Church on the language of the law throughout English history. He also emphasized how inflexible legal language is, how resistant to change. which is a natural phenomenon of language:

It is a most refined notion that the law might be something different from *the letter of the law*. The idiom itself is an expression of the more primitive (and recurrent) identification of words with what they refer to. In the beginning, the letter, the word was the law, for it was the magic that worked. ... So the word law, which meant something fixed ..., and the law words which made up the law must themselves be enduring if the law were to endure. If the law were to remain unchanged, then — in Coke's words — "neither ought legal terms to be changed." ... Change the word; you lose the law (Mellinkoff, 1963: 437; emphasis in original).

Mellinkoff attributes many of the characteristics of legal language to this fear of change. His work has been discussed extensively elsewhere (e.g., in González et al., 1991), but a list of subheadings in Chapters II and III provides a compendium of the features he identified:

9. Frequent use of common words with uncommon meanings; 10. Frequent use of Old and Middle English words once in use but now rare; 11. Frequent use of Latin words and phrases; 12. Use of French words not in the general vocabulary; 13. The use of terms of art; 14. Use of argot; 15. Frequent use of formal words; 16. Deliberate use of words and expressions with flexible meanings; and 17. Attempts at extreme precision.

Under Chapter II, Mannerisms of the Language of the Law, the subheadings are eloquent in their simplicity:

18. No monopoly on mannerisms; 19. Wordy; 20. Unclear; 21. Pompous; and 22. Dull. This discussion will focus on the wordiness of legal usage.

Mellinkoff (1963: 25) cites the following examples of verbosity:

For	<u>Say</u>
annul	annul and set aside
remove	entirely and completely remove
will	last will and testament
void	totally null and void
without hindrance	without let or hindrance
document	written document
instrument	written instrument

Although Mellinkoff cited written passages to illustrate his points about legal language, one must recognize that oral discourse in the courtroom resembles written discourse much more than in other settings; that is, there is less contrast between spoken and written language usage in the judicial setting than in other realms of communication (González et al., 1991).

V. PRACTICAL IMPLICATIONS FOR THE INTERPRETER

Given that 1) court interpreters have an obligation to provide an accurate and complete interpretation of messages from one language to another; 2) words have no meaning without context; and 3) the language of the law is full of excess verbiage, it is clear that a verbatim interpretation of courtroom proceedings would be meaningless, if not impossible. In practice, interpreters have learned to disregard instructions from the bench such as "don't interpret, just translate," or "just translate word-for-word what he's saying," and instead have developed techniques to convey the meaning of the source-language message as precisely as they can within the limits of the target language's grammar and syntax. González et al. (1991: 16-17) accept the idea of "dynamic equivalence" developed by Nida and Taber (1974), but note that in the courtroom environment, equivalence must be carried one step further, "in that the form and style of the message are regarded as equally important elements of meaning" (emphasis in original). They contend that the interpreter must

...mediate between these two extremes: the verbatim requirement of the legal record and the need to convey a meaningful message in the TL [target language]. These requirements — to account for every word of the SL [source language] message without compromising the syntactic and semantic structure of the TL — are seemingly mutually exclusive. However, the dichotomy is resolved by focusing on conceptual units that must be conserved, not word-by-word, but concept-by-concept. To be true to the global SL message, paralinguistic elements such as hesitations, false starts, hedges, and repetitions must be conserved in a verbatim style and inserted in the corresponding points of the TL message (González et al., 1991: 17).

Thus, the notion of a "verbatim" rendition of the message still holds sway, even among those who acknowledge the impossibility of a word-for-word translation. To be sure, the insistence on conveying every element of the message, including extra-linguistic aspects such as hedges and pauses, is based on solid reasoning in the case of interpreted witness testimony. González et al. (1991: 17) point out that "the goal of a court interpreter is to enable the judge and jury to react in the same manner to a non-English-speaking witness as they do with one who speaks English. Also, the legal equivalent provided by the court interpreter **is the record**" (emphasis in original).

This statement refers to witness interpreting. Hewitt (1995: 34) identifies three different interpreting functions: proceedings interpreting, witness interpreting, and interview interpreting. Only the first two are relevant to this discussion, and they are defined as follows:

Proceedings interpretation is for a non-English speaking litigant in order to make the litigant "present" and able to participate effectively during the proceeding. This interpreting function is ordinarily performed in the simultaneous mode. The interpreter's speech is always in the foreign language, and is not part of the record of proceedings.

Witness interpretation is interpretation during witness testimony for the purpose of presenting evidence to the court. This interpreting function is performed in the consecutive mode; the English language portions of the interpretation are part of the record of the proceeding.

Conveying all the linguistic and paralinguistic aspects of the message is unquestionably important when interpreting witness testimony, so that the triers of fact can judge the credibility of witnesses without being hampered by a language barrier. But is it equally essential in proceedings interpreting? As González et al. (1991: 17) note,

Due process considerations require that the defendant be privy to everything that is said — including any comments said in jest, supposed "off the record" comments, and other exchanges that occur in the course of a courtroom proceeding. The conservation of the complete message as spoken by a witness, judge, or attorney allows the non-English-speaking defendant to make critical judgments about any factual aspects of his or her case. This is the same opportunity offered the English speaker — nothing more and nothing less.

This is why "the court interpreter is required to interpret the original source material without editing, summarizing, deleting, or adding while conserving the language level, style, tone, and intent of the speaker" (González et al., 1991: 16). Presumably, then, in the case of a source message expressed in the legal register, complete with Latin and French terms, wordy and pompous phrases, alliteration, doublets and triplets, an interpreter must convey the target-language message in the legal register of the target language. This raises two questions: 1) whether the legal register of other languages corresponds to that of English; and 2) whether every language even *has* a legal register. It is likely that those languages that are not the official language of law and government in a country (as is the case with many minority and indigenous languages) do not have what we would call a legal register, even though they are capable of expressing ideas such as obeying or violating rules, taking things one does not deserve (although notions of owning and belonging vary considerably from one culture to the next), and so forth. If this is so, then an interpreter must use an appropriately formal register (perhaps that used by religious authorities or senior rulers of the society in question). This register may very well not be characterized by the same features of English legal usage identified by Mellinkoff. As long as the interpreter retains the formality and, more importantly, the content of the message, the interpretation will be adequate. Thus, for example, the English expression "to waive and give up each and every one of these rights" might be correctly rendered in some languages with the equivalent of "to give up all these guarantees."

Assuming a target language that *does* have a legal register, and that it is characterized by many of the same features as English legal language — as is true of Spanish and many other European languages (Mikkelson, 1997) — must an interpreter faithfully render in the target language every single redundant synonym, every ornate and grandiloquent turn of phrase, every flourish of rhetoric in the source-language message? No. There is a concept in translation theory known as "compensation" (Vázquez-Ayora, 1977), whereby the translator offsets the inability to render a particular element of meaning in one part of the text by expressing it in another form in another part of the text. In interpreting, this can be accomplished by changing a conjugation, adding an adjective, or altering the tone of voice (González et al., 1991: 314). For example, the Spanish use of the informal pronoun as a form of address, for which there is no equivalent in contemporary English, can be compensated for when interpreting into English by using the interlocutor's first name or other features of an informal register such as contractions or casual slang. If the target language does not happen to have three synonyms available for the English phrase "in any way, shape, or form," for instance, an interpreter can choose a single word but compensate by being more wordy elsewhere in the rendition, or by choosing very formal synonyms.

As noted above, language is inextricably linked to culture, and often the way ideas are expressed in a given language is dictated by the corresponding culture's view of the concept. Rendering the same idea in another language may require a shift in perspective

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for cultural reasons. Insults are a typical example of the kind of shift required in interpreting. Whereas many insults in Spanish refer to cuckoldry, equivalent insults in English refer to incest or illegitimate birth. Interpreters must be aware of such phenomena and make appropriate adjustments.

Sometimes, however, it is not just a matter of substituting one term for another. A concept in one culture may simply not exist in another culture, and an interpreter must resort to a descriptive phrase to convey the idea adequately. An example of this is the legal term *arraignment*, which refers to a proceeding unique to the common-law system. To render this concept faithfully in another language, an interpreter would have to use a phrase like "initial appearance at which charges are read and a plea is entered." This is impossibly bulky for simultaneous interpretation, so most interpreters use a phrase such as "reading of charges" or "initial proceeding." As a result, the interpreted version of a concept can be longer or more wordy than the original, regardless of the register involved.

Sometimes an interpreted version of a message is more verbose than the original simply because of the grammar and syntax of the target language. For example, it is common to turn nouns into adjectives in English simply by placing them in front of a nother noun; in another language, a prepositional phrase may be required. Thus, "juvenile probation authority" in English becomes *autoridad de libertad vigilada de menores* in Spanish ("authority of supervised release of minors"). It should also be noted that English has an abundance of monosyllabic words, whereas Spanish (and many other languages) have mostly multisyllabic words. In the texts cited later in this article, for example, the English versions have an average of 1.50 syllables per word, while the Spanish versions average 2.16 syllables per word.

Interpretation, unlike translation, is performed in real time; in other words, the message must be delivered immediately to listeners who are present (physically or through video and audio connections) at the time of communication. As a result, particularly when simultaneously interpreting proceedings for a non-Englishspeaking defendant, an interpreter must take into account 1) the speed of the source-language speaker's utterances; 2) the grammar and syntax of the target language; and 3) the ability of the listener to process and comprehend the target-language message at a high rate of speed. It may be physically possible for an interpreter to keep up with a judge who is speaking English at 170 words per minute, for example, but it may be impossible for a Spanishspeaking listener to process the information at, say, 190 words per minute, the speed an interpreter would need to maintain to render all of the meaning adequately into Spanish.

Therefore, even in the case of a language such as Spanish, which does have a legal register characterized by many of the features of English legal language, it is possible for an interpreter to render a complete and accurate interpretation *without* translating every single word of the original, even though equivalents exist for those words in the target language. Some examples follow:

1. Advisement of rights

In a typical advisement of rights, the judge may say:

You are not obligated to make any statement here in court, but if you do make a statement, the contents of that statement may be used against you in future legal proceedings [32 words, 45 syllables].

The term *statement* appears three times in this text. A Spanish version that includes every word of the original would read as follows:

Usted no está obligado a rendir una declaración aquí en el tribunal, pero si en efecto usted rinde una declaración, el contenido de tal declaración podrá utilizarse en su contra en futuros procesos jurídicos [34 words, 75 syllables].

A streamlined, but still complete, Spanish version of the same text might go something like this:

Usted no está obligado a declarar aquí, pero si lo hace, el contenido de la declaración podrá utilizarse en su contra en futuros procesos jurídicos [25 words, 54 syllables]. (Translation: You are not obligated to make a statement here, but if you do, the content of the statement may be used against you in future legal proceedings.)

A savings of 21 syllables may not seem very significant, but if an interpreter manages to save 21 syllables and keep the Spanish version closer to the length of the English original during a half-hour proceeding, the difference in time (and breath) can be substantial. Another typical statement in an advisement of rights:

You have the right to an attorney and the right to have that attorney present with you during all court proceedings. You also have the right to have that attorney present with you at any time that you are questioned by an agent of the United States Government. If you do not have the money to hire your own attorney, this court will appoint an attorney for you after you have demonstrated that you do not have the money to hire your own attorney. In order to demonstrate that you do not have the money to hire your own attorney, I will require that you fill out a financial affidavit. That financial affidavit is made under penalty of perjury. If you make any false or dishonest statement in the financial affidavit, you could subject yourself to further prosecution [138 words, 207 syllables].

Unexpurgated Spanish version:

Usted tiene derecho a un abogado y el derecho a que el abogado esté presente con usted durante todas las actuaciones del tribunal. Usted también tiene derecho a que dicho abogado esté presente con usted en cualquier ocasión en la cual lo interrogue un agente del Gobierno de los Estados Unidos. Si usted no tiene los medios para contratar a su propio abogado, el tribunal nombrará a un abogado para usted después de que usted haya demostrado que no tiene los medios para contratar a su propio abogado. Para demostrar que usted no tiene los medios para contratar a su propio abogado, le obligaré a llenar una declaración jurada sobre su estado económico. Dicha declaración jurada sobre su estado económico se rendirá bajo pena de perjurio. Si usted rinde alguna declaración falsa o fraudulenta en la declaración jurada sobre su estado económico, podría estar sujeto al procesamiento bajo cargos adicionales [150 words, 321 syllables].

Streamlined but complete Spanish version:

Usted tiene derecho a un abogado y a que éste esté presente con usted durante todas las actuaciones del tribunal. También tiene derecho a que esté presente cada vez que lo interrogue un agente del Gobierno de los Estados Unidos. Si no tiene los medios para contratar a su propio abogado, el tribunal le nombrará uno si demuestra que no tiene tales medios. Para demostrar esto, tendrá que llenar una declaración jurada sobre su estado económico, la cual se rendirá bajo pena de perjurio. Si usted rinde alguna declaración falsa ahí, se le podría imputar cargos adicionales [97 words, 195 syllables]. (Translation: You have the right to an attorney and to have her/him present with you during all proceedings of the court. You also have the right for her/him to be present every time an agent of the United States Government questions you. If you do not have the means to hire your own attorney, the court will name you one if you demonstrate that you do not have those means. To demonstrate this, you will have to fill out a sworn statement on your financial situation, which will be done under penalty of perjury. If you make a false statement there, additional charges could be made against you.)

2. Expert witness testimony

In testimony by an expert about the Intoxilyzer, the following statements might appear:

The Intoxilyzer, which is a brand-name for the machine known as a gas chromatograph intoximeter, is a breathtesting machine that has been approved for use by the Department of Public Health for the determination of a blood alcohol level from a breath sample. It is specific use of a general principle known as infrared absorption. If the instrument is operating properly, and if it is operated properly, it will give a print-out on a print card the operator inserts into the top of the instrument. This printed result will correspond to a digital display that is observed on the face of the instrument. It will accurately determine the minimum blood alcohol level of an individual and will accurately determine the amount of alchohol in any given breath sample [131 words, 215 syllables].

Unexpurgated Spanish version:

La Intoxilyzer, la marca de una máquina conocida como el intoxímetro cromatográfico a gas, es una máquina de análisis del aliento que se ha aprobado para que el Departamento de Salud Pública la utilice para determinar el coeficiente de alcohol en la sangre a base de una muestra del aliento. Se trata de la aplicación específica de un principio general conocido como absorpción infrarroja. Si funciona correctamente el instrumento, y si se opera correctamente, arrojará un resultado por escrito en una tarjeta impresa, la cual el operador introduce en la parte superior del instrumento. Este resultado impreso corresponde a un indicador digital que se observa en la faz del instrumento. Se determinará con precisión el coeficiente mínimo de alcohol en la sangre de un individuo, y se determinará con precisión la cantidad de alcohol que existe en cualquier muestra del aliento [141 words, 311 syllables].

Streamlined but complete Spanish version:

La Intoxilyzer, la marca del intoxímetro cromatográfico a gas, es una máquina de analisis del aliento que se ha aprobado para que el Departamento de Salud Pública determine el coeficiente de alcohol en la sangre a base de una muestra del aliento. Se trata de la aplicación del principio de absorpción infrarroja. Si el instrumento funciona y se opera correctamente, arrojará un resultado en una tarjeta impresa, la cual el operador introduce en la parte superior del instrumento. Este resultado corresponde a un indicador digital en la faz del instrumento. Se determinará con precisión el coeficiente mínimo de alcohol en la sangre de un individuo, así como la cantidad de alcohol que existe en cualquier muestra del aliento [117 words, 253 syllables]. (Translation: The Intoxilyzer, the brand name of the gas chromatograph intoximeter, is a breath testing machine that has been approved for the Public Health Department to determine the blood alcohol level based on a breath sample. It is an application of the principle of infrared absorption. If the instrument is working and operated properly, it will yield a result on a printed card that the operator inserts in the top of the instrument. This result corresponds to a digital display on the face of the instrument. The minimum blood alcohol of an individual, as well as the amount of alcohol in any breath sample, can be determined accurately.)

3. Motion to suppress

These statements might appear in a typical motion:

In facts very similar to those of *People vs. Hargrave*, Cal App. 3d vol. 212 page 1398, the Court heard the testimony of Officer Gerard in the preliminary hearing, to the effect that he discovered the defendant sleeping in his car, asked him for I.D., searched his wallet, and found the bindle in question. That same year *People vs. Rosales* was also decided. It's found at 211 Cal App. 3d page 325, and there it indicates, in accordance with a number of other cases decided recently, that an officer can approach a person, identify himself as an officer, and ask questions without those acts amounting to a detention [108 words, 170 syllables].

Unexpurgated Spanish version:

Los hechos del caso son muy parecidos a los del Pueblo versus Hargrave, Cal App. 3, tomo 212, página 1398, puesto que se desfiló prueba testimonial del Agente Gerard en la audiencia preliminar en el sentido de que encontró al acusado dormido en su carro, le pidió documentos de identificación, le registró la cartera, y encontró el paquetito en cuestión. En ese mismo año, se dictó fallo en el caso del Pueblo versus Rosales, el cual

"VERBATIM INTERPRETATION" *continued from page 7*

se encuentra al tomo 211, Cal App 3, página 325, y allí dice, de acuerdo con varios otros casos decididos últimamente, que un agente puede acercarse a una persona, identificarse como agente, y hacerle preguntas sin que estos hechos constituyan una retención [116 words, 245 syllables].

Streamlined but complete Spanish version:

Los hechos del caso son muy parecidos a los del Pueblo versus Hargrave, Cal App. 3 tomo 212 página 1398. El agente Gerard testificó en la audiencia preliminar que encontró al acusado dormido en su carro, le pidió documentación, le registró la cartera, y encontró el paquetito. Ese mismo año se dictó fallo en El Pueblo versus Rosales, anotado en el tomo 211 de Cal App 3 página 325, declarando que de acuerdo con varios otros fallos recientes, un agente puede acercarse a alguien, identificarse como agente, e interrogarlo sin que constituya una retención [94 words, 210 syllables]. (Translation: The facts in the case are very similar to those of People vs. Hargrave, Cal App 3, volume 212, page 1398. Officer Gerard testified in the preliminary hearing that he discovered the defendant sleeping in his car, asked him for documentation, searched his wallet, and found the bindle. That same year People vs. Rosales was decided, noted in volume 211 of Cal App 3, page 325, stating that according to several other recent decisions, an officer can approach someone, identify himself as an officer, and question him without that being a detention.)

Thus, by making use of ellipses, pronouns, clitics, and other linguistic features of the target language, an interpreter can shorten the output without losing any content of the original message. The Spanish rendition may suffer from a certain lack of elegance, but it does retain the formal legal register of the original (and much of the English is not so elegant in any case). By eliminating some of the excess verbiage without omitting any meaning, an interpreter can speak a little more slowly, hence intelligibly, enabling the defendant to follow more easily. After all, the reason the interpreter is there is to allow the defendant to be "present" at the proceedings, to hear everything he would have heard if there were no language barrier. The language of the courtroom, though complex and arcane at times, is spoken at intelligible speeds in English; a non-Englishspeaking defendant should be afforded the same facility.

VI. CONCLUSION

The idea of the "verbatim requirement" for court interpreters is a myth that should have been debunked long ago. There is nothing in the literature on translation theory or interpretation studies, or even in statutes or rules of court governing interpreting, that requires a literal or word-for-word translation. It is high time judges and lawyers realize this and stop instructing interpreters to "not interpret, just translate everything literally." Interpreters should not be afraid to use common sense and good judgment in determining how to render courtroom discourse into the defendant's language in an efficient and intelligible manner, while retaining all necessary elements of meaning and style.

VII. REFERENCES

Brennan, M. 1999. Signs of injustice. *The Translator*, Vol. 5, No. 2, 221-246. *California Standards of Judicial Administration*, Section 18.

- González, R.D., V. F. Vásquez, and H. Mikkelson. 1991. *Fundamentals of court interpretation: Theory, policy and practice.* Durham, NC: Carolina Academic Press.
- Hewitt, W.E. 1995. Court interpretation: Model guides for policy and practice in the state courts. Williamsburg, VA: National Center for State Courts.
- Kussmaul, P. 1995. *Training the translator*. Amsterdam and Philadelphia: John Benjamins Publishing Co.
- Lambert, J. 1994. 'The cultural component reconsidered', in M. Snell-Hornby, F. Pöchhacker, and K. Kaindl, eds., *Translations studies: An interdiscipline*. Amsterdam and Philadelphia: John Benjamins Publishing Co. 17-26.
- Leung, E., and J. Gibbons. 2007. Purposes, roles and beliefs in the hostile questioning of vulnerable witnesses, in J. Cotterill, ed., *The language of sexual crime*. Basingstoke: Palgrave Macmillan, 139-158.
- Leung, E., and J. Gibbons. 2008. Who is responsible? Participant roles in legal interpreting cases, in *Multilingua* 27, 177-191.
- Leung, E., J. and Gibbons. 2009. Interpreting Cantonese utterance-final particles in bilingual courtroom discourse, in *Interpreting* Vol. 11 No. 2, 190-215.
- Mellinkoff, D. 1963. *The language of the law*. Boston, Toronto: Little, Brown and Co.
- Mikkelson, H. 1997. Awareness of the language of the law and the preservation of register in the training of legal translators and interpreters, paper presented at the VI Jornades sobre la Traducción, Universitat Jaume I, Valencia, Spain, June 1997, publication of proceedings pending.
- Minder, C. 1998. Court interpreters, an undervalued judicial resource, in *The Advocate, Official Publication of the Idaho State Bar*, 41 (6): 12-13.
- Moeketsi, R., K. and Wallmach. 2005. From sphaza to makoyal: A BA degree for court interpreters in South Africa, in *Speech, Language and the Law* 12(1), 77-108.
- Morris, R. 1995. The moral dilemmas of court interpreting, in *The Translator*, 1 (1): 25-46.
- Newmark, P. 1981. Approaches to translation. London: Pergamon.
- Nida, E., and C. Taber. 1969. *The theory and practice of translation*. Leiden: Brill.

Pöchhacker, F. 1994. Simultaneous interpretation: "Cultural transfer" or "voice-over text"? in M. Snell-Hornby, F. Pöchhacker, and K. Kaindl, eds., *Translation studies: An interdiscipline*. Amsterdam and Philadelphia: John Benjamins Publishing Co., 169-78.

- Pöchhacker, F., and M. Shlesinger, eds. 2002. *The interpreting studies reader*. London and New York: Routledge.
- Reiß, K., and H.J. Vermeer. 1984. *Grundlegung einer allgemeinen Translationstheorie*, Tübingen: Niemeyer (Linguistische Arbeiten 147).
- Robinson, D. 1991. *The translator's turn*. Baltimore and London: The Johns Hopkins University Press.
- Snell-Hornby, M. 1988. *Translation studies: An integrated approach*. Amsterdam and Philadelphia: John Benjamins Publishing Co.
- Vázquez-Ayora, G. 1977. Introducción a la traductología. Washington, D.C.: Georgetown University Press.
- Vermeer, H.J. 1994. Translation today: Old and new problems, in M. Snell-Hornby, F. Pöchhacker, and K. Kaindl, eds., *Translation studies: An interdiscipline*. Amsterdam and Philadelphia: John Benjamins Publishing Co., 3-16. ▲

An Annotated Bibliography of Spanish-English Legal Translation and Interpretation

Gladys Matthews

The explosive growth in demand in the U.S. for legal interpretation and translation between English and Spanish has increased the need for a range of resources in the two languages. This annotated bibliography catalogs the relevant books and publications of potential use to a range of language professionals, including practicing court interpreters, legal translators, professors and instructors, and other professionals in the legal and language fields. The present bibliography is divided into three sections:

- 1. Works on legal language, legal translation, and interpretation
- 2. Dictionaries, including monolingual and bilingual (English-Spanish) dictionaries and glossaries
- 3. Works on teaching and research in translation and interpretation

The initial objective of this bibliography was to identify the Spanish and English-Spanish dictionaries that gained the favor of practicing legal interpreters and translators in the U.S. in the first decade of this millennium. As the project developed, the selection of works to be included expanded to include books on legal language, legal translation and interpretation, and teaching and research in legal translation or interpretation. Although focused on the needs of language professionals in the U.S., the bibliography was developed with input from practicing interpreters and translators in Mexico, Argentina, and Spain.

Even within these parameters, the task of identifying and compiling these resources was monumental. The choice of publications to be included was based on the frequency with which they were cited by practicing court interpreters, translators, professors, instructors or other professionals in the legal field. It is hoped that this bibliography will be of use to anyone interested in the language of the law and the challenges it poses to those who work either professionally or as a subject of study.

Citations of Spanish dictionaries, both mono- and bi-lingual, have increased in the legal literature in recent years. As an example of this increased interest, a study published in the legal journal *Colorado Lawyer* in 2007 listed Spanish-language dictionaries "to serve as a guide for attorneys and law librarians when purchasing Spanish dictionaries."¹ The study also listed dictionaries cited in U.S. court opinions as well as judicial decisions in Argentina, Costa Rica, and Mexico. Several of these dictionaries are included in this annotated bibliography.

Books on legal language help us understand the history, institutions, processes and procedures that have shaped legal language in the common law and Roman law traditions. Books on legal translation highlight challenges posed by translation given a context of cultural, institutional, and procedural differences. For decades, legal and legal language professionals have relied on seminal works such as Mellinkoff's *The Language of the Law*, and dictionaries such as the eight-volume Cabanellas de Torres' *Diccionario Enciclopédico de Derecho Usual*, first published in 1946. In recent years, many more resources, including specialized dictionaries, glossaries, and other texts have become available. These new resources, along with the tried-and-true ones of previous decades, can assist interpreters, translators, and members of the legal community to improve the quality of legal services in a rapidly changing environment.

This bibliography is not, by any means, to be considered comprehensive. Rather, it is a work in progress. Your comments and contributions are most welcome.

1. The article is available at http://www.aallnet.org/chapter/coall/lrc/lrc0807.pdf

Section 1 Legal Language and its Translation or Interpretation

EL INGLÉS JURÍDICO NORTEAMERICANO

Alcaraz Varó Enrique, M.A., and Campos and Cynthia Miguélez Ariel. 2001.

All judicial interpreters and translators ought to have this seminal publication. The authors not only analyze U.S. judicial language but also offer idiomatic and elegant renditions of such texts as the amendments to the U.S. Constitution. In the Roman law tradition, the Napoleonic Code is referred to as a masterpiece, not only because of its influence around the world, but also because the style in which it was written allowed for clear and accessible law. Del Burgo y Marchán (included in this bibliography) rightly points out that in current times it is rare to find such beauty in legal writings. Alcaraz Varó inspires interpreters and translators to aim for making communication accessible even when working with the cumbersome and complex language of the law. The reader will discover new possibilities for translation and interpretation problem solving.

EL LENGUAJE DEL DERECHO

Del Burgo y Marchán, Ángel Martín | Bosch. 2000.

In this work, addressed to attorneys, drafters of legal texts, and legal translators, the author examines legal language by starting with a reflection on language in general. He looks at language as the object of conflicts triggered by opposing currents of thoughts or doctrines. He also reflects on the link between language and thought, language and ideology, and language and power. After these

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linguistic-philosophical considerations, he turns to more pragmatic matters such as spelling and punctuation, and the advantages or disadvantages of various dictionaries (such as the *Diccionario de la Lengua Española* (Spanish), which attorneys love). All these considerations contribute to the author's compelling reflection in Chapter 4 on the obscure style of written and oral legal discourse. Del Burgo y Marchán argues that concision and precision can be reached without mutilating legal language, through appropriate terminology and economical use of means of expression. This, of course, requires taking time to tailor a text to be short and concise, free of pompousness and unnecessary flowery elements.

EL TEXTO JURÍDICO INGLÉS Y SU TRADUCCIÓN AL ESPAÑOL

Borja, Albi Anabel | Ariel. 2000.

Organized in three parts, this book addresses in its first section legal language in general and the internal structure and style of various types of legal texts in particular. In the second section, a classification system is proposed for various types of legal documents, identifying characteristic structural, terminological, and rhetorical conventions that ought to be preserved in a translation. In the third section, the author reflects on key aspects of legal translation, taking into account the roles and needs of the client, the reader, and, of course, the translator. She also reflects on concepts such as equivalence and accuracy. At the end, the author shares reference sources on legal translation.

INTRODUCCIÓN AL DERECHO INGLÉS

Duro Moreno, Miguel | Edisofer S. L. 2005.

Duro Moreno's work emphasizes the importance of always taking into account the context in which translation is done. Analyzing the geographical, historical, thematic, and cultural environments that have shaped English law and English to Spanish legal translation in various contexts, the author identifies the challenge of finding equivalents for concepts, processes, procedures, and institutions that are culturally bound to English law, hence hardly translatable into Spanish. He uses functional equivalents, accompanied by the English term in parenthesis (i.e., *repertorios de jurisprudencia (law reports)*); or borrows the English term and places the Spanish equivalent in quotes (i.e., *"los records o 'registros," "los year books o 'anuarios," "los abridgements o 'compendios'*). This book, together with *El inglés jurídico norteamericano*, by Alcaraz Varó et al., is a great source of highly refined renditions in Spanish of authoritative works.

INVESTIGATIVE SURVEILLANCE: Procedures for Transcription and Translation of Foreign Language Communication Intercepts Rojas Elena G., with Deborah Aguilar Escalante and Briana Smith Leonard | Portans Press. 2009.

This comprehensive manual was developed as a guide for language professionals who transcribe and translate investigative surveillance communication intercepts. It came into being as a response to the lack of standardization within the Drug Enforcement Administration for contracting or subcontracting transcribers, translators, and monitors (called *linguists*). The absence of standardized protocols amongst linguists became a source of frustration for DEA agents who could not obtain relevant details to further their surveillance or investigation. The author points to the increase in surveillance since the September 11, 2001, terrorist attacks, refers to the importance of translation experts, and briefly describes the surveillance process. In seven chapters and ten appendices, Rojas analyzes the roles and responsibilities of agents and language professionals. She describes the transcription and translation processes, highlighting the important role of grammatical, syntactical and stylistic elements. She also addresses ethical issues and the screening process for employment in this activity. This manual is an excellent training tool for those interested in entering the quick-paced field of transcribing and translating communication intercepts.

LEGAL TRANSLATION EXPLAINED

Alcaraz Varó, Enrique, and Brian Hughes St. Jerome Publishing. 2002.

This work is specially designed for beginner students of translation from English into other languages. It is organized in four sections of two chapters each. The first section lays out the characteristics of English linguistics, describes stylistics, provides a classification of specialized terms, and offers insights on vagueness and ambiguity. The second section describes the Anglo-American legal system and briefly compares it to systems based on the Roman tradition. The third section deals with translation methods. The fourth offers an analysis of stylistics issues such collocations, semantic fields of legal English, and translator traps. The book provides examples with English as the source language and suggested equivalents in Spanish, sometimes also in French and German.

Section 2 Dictionaries

Selection of the dictionaries in this section was based on information provided by interpreters, translators, and other language professionals in the legal field, particularly regarding preferences and frequency of use. This section includes three types of dictionaries: monolingual English, monolingual Spanish, and bilingual English-Spanish/Spanish-English dictionaries. Multilingual dictionaries were excluded because by their nature they do not take into account the direct link between language and culture, which is of utmost importance in the legal field.¹

DICCIONARIO DE DERECHO PROCESAL PENAL

5ª Edición. 2 vol.

Díaz de León, Marco Antonio | Porrúa. 2004.

To the uninitiated, procedural law can appear complex and even intimidating, especially in the Roman tradition where procedure plays a binding role. First published in 1986, this comprehensive dictionary explains in an accessible way the terms and concepts of procedural law commonly used by legal professionals in Mexico, and was developed on the basis of current legal theory. Diaz de León also authored the *Código Federal de Procedimientos Penales Commentado*

^{1.} Criteria for dictionary use and reliability are in general an object of controversy among practitioners and of lengthy discussion among scholars.

[Annotated Federal Criminal Procedure Code] and the *Nuevo Código Penal para del Distrito Federal con Comentarios* [Annotated New Federal Criminal Procedure Code].

DICCIONARIO DE TÉRMINOS JURÍDICOS. 10th Edition. Alcaraz Varó, E., and B. Hughes | Ariel. 2007.

As in previous editions, this English-Spanish / Spanish-English dictionary proposes not only equivalents in the two languages, but also includes explanations and commentaries to clarify concepts, institutions, and procedures particular to the Anglo-Saxon and Roman judicial cultures. Both traditional terms such as *"estoppel*," "tort," and *"careo*" and newer terms such as *"class action"* and *"narcotráfico"* are included. The dictionary contains technical, semitechnical, and general language terms used in a particular field or specialty, and also provides information on geographical use of terms. The 10th edition is significantly longer than prior editions. Most of the new entries are found in the English-Spanish section, which contains 56 more pages than the prior edition (the Spanish-English section has added 26 additional pages). The authors are professors with the Department of English Studies in the University of Alicante, Spain. Alcaraz Varó died in 2008, at the age of 68.

DICCIONARIO JURÍDICO: Spanish/English Legal Dictionary/ Diccionario Español/ Inglés

Cabanellas de la Cueva, Guillermo, and Eleanor C. Hoague. Butterworth Legal Publishers. 2002.

Together with Alcaraz Varó's *Diccionario de términos jurídicos: English to Spanish*, this two-volume dictionary should be part of any legal language professional's toolkit. Both dictionaries are comprehensive, and terms not included in one are often included in the other. Both dictionaries can be considered primary reference tools. Of great interest is that this dictionary includes terms in context, as well as functional and explanatory equivalents.

BILINGUAL LAW DICTIONARY – DICCIONARIO JURÍDICO BILINGÜE

Cuauhtémoc Gallegos (Ed.). | Merl Publications. 2005.

This dictionary offers English and Spanish equivalents of legal terms together with definitions and contextual information such as variants used in different Latin American countries. It also includes information on institutions and processes in both the Anglo-Saxon and Roman legal cultures. This dictionary, together with the one described below, are useful as they are rather small volumes that can be carried easily.

GLOSSARY ONE: Crimes/GLOSARIO UNO: Delitos

Gallegos, Cuauhtémoc (Ed.). | Merl Publications. 2007.

This small glossary is entirely devoted to the most frequent or important crimes, and provides equivalents in English and Spanish. Most entries are accompanied by definitions and additional comments, such as comparisons with similar terms. It also indicates the type of equivalent proposed. For example, the term "malicious mischief" is accompanied by the indication [de], which signals that the Spanish equivalent is a descriptive equivalent — *delito menor de daño en propiedad ajena or daños maliciosos* (with further indication that this equivalent is used in Puerto Rico and Venezuela).

DICCIONARIO DE DERECHO. 37th Edition.

De Pina, Rafael, and Rafael de Pina Vara. | Porrúa. 2008.

In its 37th edition, this work continues to be a required dictionary for those interested in the law in general, and Mexican law in particular. While not as voluminous as Black's *Dictionary of Law*, it is just as useful. It contains detailed definitions in Spanish as well as sections devoted to aphorisms and maxims. De Piña and de Pina Vara are widely published authors who have written on such topics as civil procedural law, trade law, legislation applicable to nationals of other countries residing in Mexico, as well as on bodies and agencies of the federal government.

MANUAL FOR JUDICIARY INTERPRETERS ENGLISH-

SPANISH. 3rd Edition.

Trabing, M. Eta. 2008.

Updated and augmented, this manual's 3rd edition contains definitions in Spanish of a large number of entries. Of particular interest is the fact that it covers the most common concepts, terms, and types of proceedings that interpreters will face in U.S. judicial settings at the municipal, state and federal levels. By way of appendix, it contains brief lists of terms relating to anatomy, as well as useful resources and purchase information. The new size does not make it a portable tool, but the focus is on American legal terminology.

Section 3 Translation and Interpretation: Teaching and Research

BEYOND DESCRIPTIVE TRANSLATION STUDIES. INVESTIGATIONS IN HOMAGE TO GIDEON TOURY

Pym, Anthony, Miriam Shlesinger, and Daniel Simeoni (Editors). Benjamins Translation Library 78. 2008.

This work gathers examples of research conducted by scholars from around the world who followed in Gideon Toury's footsteps and contributed to the development of the descriptive research approach to translation by addressing issues such as globalization, multilingualism, multiculturalism, and the sociology of translators. Concerned by the lack of a comparative studies branch that would establish translation as a complete and autonomous empirical science, Toury, from Tel-Aviv University, proposed a descriptive approach to translation studies based on his view that translation is not only the result of the translator's knowledge and skills, but also of social constraints that have an impact on the translator's choices when solving a specific translation problem.² The editors of this work are leading figures in the field of translation.

BEYOND THE IVORY TOWER: Rethinking Translation Pedagogy American Translators Association Scholarly Monograph Series XII. Baer, Brian J., and Geoffrey S. Koby. B (Eds.). | John Benjamins. 2003.

Although focused on issues in translator training, this work will be of interest to translators and instructors since it addresses the competencies required for translation, both as a process and product. For example, the authors describe how recording verbalized

^{2.} Ref. Gideon Toury. 1995. Descriptive Translation Studies and Beyond, Amsterdam: John Benjamins.

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thoughts while an individual tackles a translation ("thinking aloud") allows for diagnosing and addressing recurrent problems. The use of translation portfolios as an assessment device has also proven very effective. The authors describe how writing a guided reflection on specific translation exercises helps students gain awareness of translation challenges, solutions how to apply their own skills and abilities, as well as individual development in the learning process. The Benjamins Translation Library offers a wide and important collection of books on translation and interpretation.

THE DISCOURSE OF COURT INTERPRETING: Discourse Practices of the Law, the Witness and the Interpreter Hale, Sandra | Benjamins Translation Library 52. 2004.

Reviewed by several scholars in the U.S. and other countries, this work should be in the personal library of all practicing interpreters. Hale highlights the main issues affecting court interpreting in Australia, which also apply in other common law courts. One issue relates to the lack of a theoretical foundation to support the interpreter's work, which would allow him or her to rely less on intuition than on the solid ground that research and education provide. Hale shares the results of her research on language use in adversarial settings, such as linguistic strategies used by prosecution and defense during direct examination and cross-examination to control information. She suggests that the interpreter has to be mindful of those strategies when making interpreting decisions. Also of great interest are her insights on the role of pragmatics (the study of language and language use) in court settings.

TRAINING FOR THE NEW MILLENNIUM: Pedagogies for Translation and Interpreting

Tennent, Martha (Editor) | Benjamins Translation Library 60. 2005. Grouped under three main sections and an epilogue, the twelve essays that make up this publication address theoretical and practical aspects of translation and interpretation, including training, ethics, pedagogical approaches, and a reflection on the teaching of translation and interpretation in the twentyfirst century. Of particular interest is the first article, Training Translators, which surveys translation teaching practices in higher education institutions, including admission requirements, teaching methodology, and student assessment models. Another noteworthy article is Training Interpreters, which presents an overview of interpreter training approaches in various countries. The article takes as a starting point the abandonment by the European Commission of an in-house training model in favor of collaboration with institutions of higher education. Despite the diversity of approaches, objectives, and structures of interpreter training programs world-wide, the author identifies four approaches and describes each model based on type of institution, academic level, and duration of programs. Undoubtedly, this work is essential to institutions committed to the education and training of translators and interpreters.

APPENDIX: LEGAL PUBLISHERS

Editorial y Librería Porrúa, Mexico http://www.porrua.com/

Editorial Sista, Mexico http://www.sista.com.mx/

Editoral Bosch, Spain http://www.bosch.es/

Edisofer S.L., Spain http://www.edisofer.com

An excellent source of information on legal book publishers is the Social Law Library Research Portal, which lists publishers such as the American Bar Association; the Law Book Company Limited, for legal and regulatory information; and Aspen Publishers, for analytical and practical information covering both U.S. and international matters for attorneys, business professionals, and law students. http://www.socialaw.com/content.htm?sec=legpub

[A native of Costa Rica and state court certified interpreter, Gladys Matthews is assistant professor and director of the graduate programs in interpretation at the College of Charleston. She holds a bachelor's in French from the University of Costa Rica, a master's in terminology and translation, and a doctorate in linguistics with an emphasis in legal translation from Université Laval in Quebec, Canada. Her research interests are legal language and interpretation as well as translation teaching methodology.]



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NAJIT NEWS

BIOGRAPHIES OF CANDIDATES FOR THE BOARD

ROB CRUZ – BIO

Rob was born in Cuba and emigrated to the United States at the age of two. He grew up in Miami, where he earned two associate's degrees. After an internship, he went to work for a multinational corporation, where he served in middle and upper management. He was later promoted to the position of corporate trainer, where he helped develop the company's Spanish materials and training curricula, and served as upper management's interpreter at national conferences.

Drawing on his previous experience in interpreting and translation, Rob became a certified judicial interpreter, and to date has received the highest score on the simultaneous portion of the Tennessee state exam. For the past 6 years, Rob has worked extensively in the Tennessee court system as a full-time court interpreter in addition to working as an expert witness in federal and state courts. Currently Rob owns RCIT, an interpreting, translation, and consulting firm, and provides workshops aimed at interpreters in different levels of development.

Rob is committed to the interpreting profession and currently serves on the Board of Directors of the Tennessee Association of Professional Interpreters and Translators (TAPIT), chairs TAPIT's advocacy committee, and is an approved provider of the Ethics and Skills Building Workshop mandated by the Supreme Court of Tennessee. Rob has served on the Language Barriers and Disabilities Committee of the Access to Justice Commission impaneled by the TN Supreme Court. His commitment to community service is evidenced by his past tenure as a director of the Hispanic Chamber of Commerce of East Tennessee, where he served as education chair and his current service on the Board of Directors of the Athens Area Council for the Arts as well as the Hispanic Community Outreach Committee of the E. G. Fisher Library, both in Athens, TN.

Candidate statement:

My desire to be re-elected to the NAJIT Board of Directors can best be explained by my view of the judiciary interpreting profession. I view the role of the judiciary interpreter as an integral part of our judicial system. Equal access to justice, regardless of national origin, is one of the fundamental tenets of our Constitution, and it is a promise that could not be kept without the professional judiciary interpreter.

As a full-time practicing judiciary interpreter, I am passionate about our profession and aware of its importance and challenges. The vanguard for the profession, NAJIT serves a unique and vital role. I am humbled by the level of commitment of our members and by our existing Board of Directors, and if re-elected, I will continue serve our members to the best of my abilities and help lead our organization as it continues to advance our cause and to raise the profile of professional interpreters. There are many worthy candidates, all of whom I have the utmost respect for, and I will be honored if you select me once again as a NAJIT director. During my tenure on this board, I hope my commitment to the advancement of the profession and my leadership experience has been evident, and I hope that I have lived up to your trust and confidence. I humbly ask that you vote to maintain me on the NAJIT board, where I will continue to serve you. Thank you in advance for your consideration.

M THELMA D. GOMEZ-FERRY – BIO

Thelma D. Gomez-Ferry is the assistant administrator of ATA's Interpreters Division. She has more than 18 years of experience as a language consultant. Under contract with the U.S. District Court in the Southern District of Texas, she serves as an expert witness in criminal and civil cases. She is a licensed staff court interpreter at the Council of Judges Administration Courthouse in El Paso. In addition, she is a recognized educator and writer and an advocate for the professions of interpreters and translators, having presented at national and international conferences regarding issues affecting the profession. She is also a member of the NAJIT's advocacy committee, the Texas Association of Judiciary Interpreters and Translators (TAJIT), and the Asociación Panameña de Traductores e Intérpretes (APTI). She is the current president of the El Paso Interpreters and Translators Association (EPITA).

Candidate statement:

It is indeed an honor to have been nominated as a candidate for the Board of Directors. I look forward to supporting the efforts to continue achieving recognition for judiciary interpreters and translators while strengthening relationships in a spirit of support and cooperation for the advancement of the profession. Throughout years of dedicated service, I have made significant contributions in training, program development, policy formulation and advocacy for improving language access programs. My goal is to strive to represent the voice of our membership and continue sharing the value of common resources, because it takes everybody working together in a common effort for a common purpose to achieve common goals.

I pledge to effectively work in a spirit of cooperation to improve the quality of language services, defend the interest of language professionals, promote understanding of the profession and continue contributing to the furtherance of NAJIT's purposes and objectives. I respectfully ask for your support to my candidacy to become a member of the board.

BOARD CANDIDATES continued

PETER LINDQUIST – BIO

Peter Lindquist holds a Ph.D. in translation and interpreting from the Universidad de Alicante, Spain. He is currently an assistant professor of Spanish at San Diego State University. Since 1997, his research has focused on interpreter education and evaluation. In 1997, Lindquist designed and co-authored the Interpretapes practice materials series, published by the National Center for Court Interpreting and Translation at the University of Arizona (vols. I-III, with Roseann Dueñas González, Ph.D. and Cynthia Miguélez, Ph.D.). He served as president of the Society for the Study of Translation and Interpreting (SSTI) from 2004 to 2008. He also served on the Board of Directors of American Translation and Interpreting Studies Association (ATISA) from 2006 through 2008. Lindquist currently sits on the NAJIT Board of Directors and serves as treasurer.

Candidate statement:

It has been a privilege serving NAJIT for the past two years. As NAJIT continues to grow, our way of doing business must reflect that growth. The Board of Directors and Executive Director have undertaken a long-term project to ensure that our policies and practices not only comply with applicable regulations now, but also that our structure and practices can best serve our membership and its changing needs as we move forward. For example, our accounting methods have been modified to better comply with best practices for an organization of our size. Another important project we have undertaken is to improve the administration of the NAJIT certification exam so that it may be offered more frequently and graded more efficiently, reducing the time required to earn NAJIT certification. These projects have been possible through the combined efforts and talents of the Board of Directors, and it would be an honor to continue the work we have started and to contribute to the further growth and professionalism of NAJIT.

SABINE MICHAEL – BIO

Sabine Michael was born and raised in Germany. She has the equivalent of a master's degree in translation from the University of Mainz at Germersheim for Spanish and English (Diplom-Uebersetzer), and worked as a sworn translator and interpreter for the German Courts and as staff interpreter for the U.S. Army Military Police. She moved to the United States in 1990, and has been employed since 1995 as the supervising court interpreter and coordinator of court interpreter services at the Pinal County Superior Court in Florence, Arizona. She is a 2003 graduate of the Agnese Haury Institute for Court Interpretation in Tucson, Arizona. Her experience includes being a trainer of court interpreters and co-hosting educational sessions for new judges at the Arizona New Judges Orientation in 2004, 2005, and 2007. In 2002, she became a United States citizen. She is a certified interpreter for the Spanish language in the State of Nevada, a member of NAJIT, ATA, and the Arizona Court Interpreters Association.

Candidate statement:

I would like to thank Isabel Framer for nominating me to run for the NAJIT board. After much thought and soul-searching, and having decided that I can dedicate the required time and effort to this demanding and important task, I will do my best to ensure that NAJIT continues to move forward in its outreach efforts on the local and national levels to improve overall knowledge of our demanding profession.

As a working court interpreter, supervisor, and coordinator of interpreter services for our court in rural Arizona, I have seen first-hand the importance of educating the bar and bench about our role and our ethical obligations. From reading posts on NAJIT'S listserve, I am well aware that working conditions for interpreters are not the same throughout the country, and that misunderstandings are still a daily occurrence. The lack of knowledge about our role in the court system, administrative issues surrounding the hiring of competent and certified interpreters where available, and ethical missteps that might easily be avoided with proper training and education are far too frequent. I would like to help further a better understanding of the numerous challenges faced by interpreters for languages other than Spanish, and the often-overlooked cultural issues that accompany these challenges.

Thank you for giving me an opportunity to take on a more active role in our organization.





May 14 – 16, 2010 | Rosen Centre Hotel, Orlando, FL PRELIMINARY SCHEDULE AT A GLANCE*

Pre-Conference Events Friday, May 14, 2010

- All Day Workshops: 9 AM to 5 PM (lunch on your own)
- Morning Workshops: 9 AM 12 Noon / Afternoon Workshops: 2 PM 5 PM

TITLE	INSTRUCTOR	TIME
SSTI Skills Building - Spanish	ТВА	All Day
SSTI Skills Building - Haitian Creole	ТВА	All Day
SSTI Skills Building- Russian	ТВА	All Day
SSTI Skills Building- Abbreviation Techniques	ТВА	All Day
Tour of the Courts	Local Guide	AM
Weightlifting for Court Interpreters: A Training Primer	Agustín de la Mora	All Day
Workshop on Meaning Discrimination in Bilingual Dictionaries with Examples in Spanish and English – The Technique for Evaluation of Dictionaries for Translation Purposes	Michael D. Powers	AM
Ethics and Reality in Court and Medical Proceedings – Canons and Real Life Situations	Alexander Raïnof	AM
Southwest Border Talk	Rogelio Camacho	AM
From Listening to Interpreting	Mike McMillion	PM
Compliance to the Code of Ethics and Personal Responsibilities and its applicability to establishing guidelines	Thelma Ferry	PM
Note-Taking: Symbols and Time-Saving Techniques	Virginia Valencia	PM

* Program as of December 30, 2009 | * All Educational Sessions and Speakers Subject to Change



The National Association of Judiciary Interpreters and Translators

Educational Sessions

Saturday and Sunday - May 15 and 16, 2010

SATURDAY	ROOM A	ROOM B	ROOM C	ROOM D
8 am - 9 am	DOJ Update Nancy McCloskey	Transforming the Way We Communicate: Effective Communication Skills to Prevent and Solve Conflicts Alejandra Sosa Siroka	Decision Latitude in Legal Interpreting: The Contribution of Relational Autonomy Anna Witter-Merithew	Proposal: A Training Program for Interpreters in Mexican Indian Languages for the U.S. Court System Georganne Weller
9:30 am - 10:30 am	Courtroom Russian: From Legalese to Ruglish Jinny Bromberg and Irina Jesionowski	Online Teacher Training in Translating and Interpreting Pedagogy and Practice Paul Gatto and Roseann Dueñas González	Defining specialist competence and best practices for American Sign Language interpreters working in the legal setting Anna Witter-Merithew and Carla Mathers	The "Business" of Interpreting and Translating Rob Cruz
11:00 am - 12 Noon	Advocacy/Government and Community Relations Update John Estill and Isabel Framer	Quality in Translation: What Does it Mean and How Do We Get There? Alejandra Franks	Legal Translation—A Science and an Art—Research, Imagination, and Textual Interpretation Alexander Raïnof	Bi-Cultural Competence and the Court Interpreter: Is There a Place for Cultural Brokerage? Bethany Korp-Edwards and Michael Kagan
12 NOON - 3 PM	Annual Luncheon and Meeting			
3:15 рм – 4:15 рм	Lessons from the Field: Tips on Working with Attorneys and Addressing Vicarious Trauma Based on Focus Group with Interpreters Purvi Shah	Best Interpreting Practices/ Bureau Sourcing Criteria Maria Cristina de la Vega	Interpreter Services in California: State of the Profession Mary Lou Aranguren	Workshop on Meaning Discrimination in Bilingual Spanish-English Legal Dictionaries and their Appropriate Selection for Accurate Translations Michael D. Powers
4:45 рм – 6:15 рм	Relaxation Techniques Agustín de la Mora	NGO/Government Panel Moderator: Isabel Framer	Recordings, transcripts and translations as evidence: a lawyer's perspective Cliff Fishman	Marketing Your Interpretation and Translation Services Rebecca Rubenstein
SUNDAY	ROOM A	ROOM B	ROOM C	ROOM D
8:15 am - 9:15 am	"Can you help me get my client to plead guilty?": Issues and Strategies for the Defense Interpreter David Henner	Breaking Barriers: Challenges for Rare Language Interpreters Ana Maria Varela Gill and Virginia Wilkins	Memory Developing Tricks for Consecutive Interpreting Virginia Valencia	National Code of Ethics and Standards of Practice in Community Interpreting Thelma Ferry and Bonnie Rangel
9:45 am - 10:45 am	AOC Update Javier Soler and Robert Faurot	Translating Mexican Certificados and Actas de Defunción Rogelio Camacho	Legal Document and Sight Translation Mike McMillion	Team Interpreting in the Courtroom, the Code of Ethics, and Personal Responsibilities Thelma Ferry and Bonnie Rangel
11 am - Noon	Are we "court interpreters" or "judiciary interpreters" or "community interpreters"? All of the above? Some of the above? Is there a better name for our profession? Virginia Benmaman	Panel Discussion on the Emerging Role of the Interpreter/Investigator Lupe Caballero and Kailey Moran	Language Dictionaries on the iPhone/iPod Touch John Estill	

* Program as of December 30, 2009 | * All Educational Sessions and Speakers Subject to Change Substitutions: Real-Time Language Asset Management (Alejandra Franks)

FRIDAY PRE-CONFERENCE EVENT FEES

All day workshops 9 AM – 5 PM (lunch on your own), AM workshops 9 AM – 12 NOON, PM workshops 2 – 5 PM No Onsite registration for Friday sessions is available

	EARLY BIRD (by April 2)		REGULAR	(after April 2)		
	Member	Non-member	Member	Non-member	TOTALS	
SSTI Skills Tune-Ups – All Day (Haitian Creole, Spanish, Russian, or Abbreviation Techniques)	125	150	150	175	\$	
Weightlifting for Court Interpreters: A Training Primer – All Day	125	150	150	175	\$	
Tour of Courts-AM	20	20	25	30	\$	
Workshop on Meaning Discrimination-AM	75	95	95	115	\$	
Ethics and Reality in Court and Medical Proceedings- AM	75	95	95	115	\$	
Southwest Border Talk- AM	75	95	95	115	\$	
From Listening to Interpreting – PM	75	95	95	115	\$	
Compliance with the Code of Ethics and Personal Responsibilities – PM	75	95	95	115	\$	
Note-Taking: Symbols and Time-Saving Techniques - PM	75	95	95	115		
Pre-conference Total						

TOTAL PAYMENT = \$ _____

PAYMENT

☐ My check for \$ ______ is attached.

Please charge my credit card as follows:

Visa Mastercard American Express

Expiration date

Name on card

Credit card number

Refunds will be given, less a \$35 processing fee, if request is received by Monday, May 3, 2010. No refunds after that date, but substitutions are permitted.

If you require additional tickets for the Friday courthouse tour, dinner dance, or Saturday luncheon, please fill out the additional tickets registration form and return it with your registration.

Register online at: www.najit.org, or fax this form to: 202-293-0495, or mail to: NAJIT, 1707 L Street, NW, Suite 570, Washington, DC 20036. *We regret that telephone registration is not available for this event.*

Looking for a roommate to save on conference hotel fees?

Visit http://najitroomshare.blogspot.com/ to find the perfect roommate



Registration Form Friday – Sunday, May 14-16, 2010 Rosen Centre Hotel, Orlando, FL

t name	Last name				
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,	State/Province	Zip code	Country		
phone	E-mail				
PLEASE NOTE IMPORTANT DEADLINES:					
Early bird and deadline:	April 2, 201	.0			
Hotel Deadline	April 21, 20	010			
	May 7, 2010	0			
Conference registration closes:	May 7, 2010	-			

CONFERENCE REGISTRATION FEES

Includes opening dinner dance Friday, Saturday lunch, light breakfasts & refreshment breaks, Saturday & Sunday educational sessions, and handouts.

EARLYBIRD (by April 2)			REGULAR (April 3 - May 7)			TOTALS
Member	Non-member	Student*	Member	Non-member	Student*	
320	390	120	350	420	150	\$
TOTAL CONFERENCE FEE						\$

*Student registration does not include Friday dinner. If you are a student member of NAJIT, you must submit evidence of your current enrollment and course load with your registration form.

Please let us know if you require special accessibility or assistance - attach a sheet with details.

Receive the membership discount by submitting an application today! (Go to www.najit.org.)

A LEXICOGRAPHER'S LAIR

Spelling it out for the court

Dennis McKenna

Time and time again we hear that courts do not take into account our judgment on matters which concern us. We are, after all, experts in our field. And yet judges, lawyers, clerks, and even bailiffs often disregard our reasoned opinion and end up making decisions that undermine our ability to serve the language needs of LEPs in court. We could, however, help our cause by being better at explaining our views when the time comes.. The following is a short list of topics that should help answer quandaries about language:

DIALECT VS. LANGUAGE

Situation: You have been sent to interpret for a defendant and are waiting for the case to be called. So far they have not brought out the defendant, but before you know it, the defense attorney is objecting to your presence, stating that his client is a Guatemalan and needs an interpreter who can speak a Guatemalan "dialect."

Question: The judge asks you if you are familiar with the Guatemalan "dialect."

Response #1: You answer that you are not very familiar with that dialect. The judge dismisses you from the case and orders a "Guatemalan" interpreter.

Response # 2: You inform the court that you are competent to interpret the Spanish spoken in Guatemala. If what counsel is referring to, however, is a separate *language* spoken in Guatemala, such as K'iche', Q'anjob'al, Kaqchikel or Mam, then by all means an interpreter of one of those languages will be required..

Background information: Native people from Mexico and Guatemala often refer to what they speak as *dialectos*. (They also may sometimes refer to Spanish as *castilla*, not *castellano*, as in no hablo castilla.) But we know that the Mixe spoken in Oaxaca, the Mayan in the Yucatan and the K'iche' in Guatemala are vastly different languages that are neither "dialects" of Spanish nor of each other. In Mexico alone, the Instituto Nacional de Lenguas Indígenas lists 364 languages spoken. Part of the confusion may have come from the Spanish colonizers, referring first to the local people as "Indians" and then to their languages as "dialects." (One wonders what Spaniards thought they were speaking, dialects of Hindi?) A language often covers vast areas of geography, with different accents, pronunciation, vocabulary and even grammar. But given that all these different forms of speech, or dialects as they are often called, are still mutually intelligible, we continue to refer to them as one language. In this way the English spoken by New Zealanders and New Englanders is still the same language, just as the Spanish spoken by Guatemalans, Cubans and Argentinians is, too.

COGNATES AND FALSE FRIENDS

Most languages share a common origin with other languages, as is the case with the Romance languages: Portuguese, French, Italian and Spanish. Among these languages there are many words that are closely related. These are called cognates. They look alike and mean pretty much the same thing. Muter and mother are cognates in German and English. Through Latin and Norman French, English also shares a good deal of vocabulary with Romance languages like Spanish. This is how we get *civilization* and the rest of the "-tion" words, almost all of which we share with Spanish in the form of very similar words ending in "-ción." But actualmente and actually are what we call false friends. False friends also share a common origin, yet they have very different meanings. (See end note) Where things start to get interesting is when two words correspond perfectly for some meanings and diverge for others. This is the case with *molestar* and *molest*. They do mean the same thing in the Spanish sense of *importunar*, but when it comes to sexual molestation, English has this as by far the most common usage, although it is not an accepted usage in Spanish.

Situation: You perform a tape transcription of a defendant's interrogation. At one point the police ask:

¿Si no has abusado de la niña, por qué dejaste de frequentar la casa de los Escalante?

The defendant answers:

Sus papás no me veían con buenos ojos, eso me lo hicieron ver bien claro en varias ocasiones, así que decidí que ya no la iba a molestar más. Era mejor así.

You translate this as:

Her folks didn't approve of me – they made that very clear to me on several occasions – so I decided that I wouldn't bother her any more. It was better that way.

You are called to court to defend your translation. The prosecution has put forth an alternative translation of *molestar* – given the specific context of a twenty-eight-year-old man and a thirteenyear-old girl – which is "to molest" the girl.

Response #1: You admit that, given the context, he probably meant "to molest," even if the word doesn't normally mean that in Spanish. The guy was guilty as sin anyway, so what difference did it make?

Response #2: You stand by your translation and explain that *molestar* and *molest* are false friends in the sense of sexual abuse.

Background information: Often times we are pressured by

A LEXICOGRAPHER'S LAIR continued from page 19

others to do or say things that we know are wrong. And yet, the very people who seek to exert control over our language choices may also control the courthouse or control our assignments. In the above example, the interpreter may not want to appear to be difficult or to be standing in the way of justice. I remember a time in my own career, many years ago, in which an interpreting agency where I worked had a very important contract with a civil defense law firm. This firm (which was our client) had a Hispanic lawyer who always followed my interpretations closely. Occasionally, he even interrupted the deposition and suggested an alternative interpretation. This made me uncomfortable because his firm was giving my agency a lot of business and I did not want to lose the account. But fortunately for me, the points he was focusing on were usually very minor. One time for the word shoulder blade he wanted me to interpret paleta instead of omóplato to the deponent. I accepted the suggestion because the word swap involved two synonyms. But if he had ever tried to twist the testimony, irrespective of whether his firm was an important client or not, I would have stood by my interpretation. Our independence as interpreters is too important to be sold to the highest bidder.

BILINGUALISM OR DIGLOSSIA?

A bilingual person, as the name implies, speaks two languages. The way in which the term has come to be understood in the U.S., it describes a condition in which a person has spoken two languages from a tender age and can express him or herself equally well in both.

Situation: A witness, when asked if he returned a borrowed gun after using it for target practice, is confused by the question as it has been interpreted to him. The interpreter has asked, referring to the gun, "¿Se la devolvió?". The judge, instead of waiting for the question to be repeated, spontaneously says to the witness in Spanish, "¡Quieren saber si se la distes para atrás!" to which the witness immediately responds in the affirmative. The entire courtroom erupts in laughter, and the interpreter is made to appear foolish for not knowing how to communicate as well as the judge, reinforcing a common attitude that other court personnel have of our abilities.

Background: Those of us in the language field realize that this idea of bilingualism, like that of the judge, is not quite as easy as it looks. For one thing, when someone grows up in this country speaking Spanish at home, there is very little formal training available to help maintain the language beyond the most basic level of communication. There are few schools that really have "bilingual" programs. The vast majority of bilingual programs in the U.S. have really been about "mainstreaming" students; that is, the focus usually is on getting students into English language classes as soon as possible. A good deal of lip service has been paid to bilingualism in the U.S., but no one I know would equate our level of language instruction equality with that of Catalonia (Catalan and Spanish).

Instead, most linguists would argue that really what we have here is a case of diglossia, not bilingualism. Diglossia is a situation in which two languages are widely spoken in the same region. But the difference is that one language is the language of social, economic, and political privilege, while the other is relegated almost exclusively to use in the home or other informal social settings in the local community. For this reason, the judge speaks impeccable English in court, yet when he feels the need to do so, he speaks what could be termed "street Spanish," the informal Spanish spoken in many parts of the United States by second generation Hispanics when they are in everyday surroundings with their peers. Often times recently arrived Latin American immigrants' only communication with "Americans" is through this newfangled language as spoken in the *barrio*. For this reason, immigrants who have been in the U.S. for more than a few days are probably far more practiced at responding to "¿Se la distes para atrás?" than to ";Le devolvió el arma de fuego?," because it is spoken in North American street Spanish, which has become the lingua franca of many homes, workplaces, and Hispanic neighborhoods.

The "bilingual" court clerk, bailiff, or judge is, however, no substitute for a professionally trained court interpreter. We have been certified via tests that are far more rigorous than those certifying other court personnel. We also adhere to strict ethical standards, are adept at working in all three modes of interpretation (sight, consecutive and simultaneous), and know how to maintain proper voice and register. And so, even though we may be vulnerable to occasional ribbing by other members of the court staff, there are reasons for our choices: and we perform an essential role in helping to provide equal access to justice.

REGISTER AND EMBELLISHMENT

Situation: You are interpreting for the defendant who has opted to take the stand in his own defense. When asked what he does for a living he answers "*soy jornalero*." You interpret this as "I'm a day laborer."

His defense attorney strenuously objects, saying that what his client really said was that he is gainfully employed as an independently contracted unskilled worker.

Response # 1: You accept the correction, noting it down for future use.

Response # 2: You defend your interpretation, stating that you correctly maintained the register and refrained from embellishment.

Background: One of the things that separates certified court interpreters from others who have not undergone rigorous testing and training is our ability to preserve register and to abstain from embellishment. Register is the level of language we are employing to express ourselves, either formal or informal, *ya got it?* The linguist Thomas Bertram Reid first used "register" in this sense in 1956, so it's a surprisingly new term to describe language (Ferguson 1996). Embellishing, on the other hand, is a really old idea. We are all familiar with the concept of the storyteller who embellishes his tale to make things sound more interesting, scary, funny, or sad than they really are. And just like storytellers of old, family members or other amateurs who sometimes act as interpreters often feel a need to add a little (or a lot) extra to their interpretation.

Spring 2010

PRO-DROP LANGUAGE

Situation: You are interpreting for a witness in a case where the parents of a little boy are accused of engaging in abusive corporal punishment. The witness is a neighbor lady who may have seen some of this behavior across the backyard fence.

Question from the Prosecutor: Did you see either of them – either the mother or the father – hit the boy?

Answer: [sobbing] Quería mucho a su hijo.

At this point you request permission from the judge to inquire (in order to clarify exactly who she is referring to when she says *quería*, the mother or the father?).

Judge: Why do you need to inquire?

Response # 1: You start to stutter, unable to articulate anything intelligible in response to the judge's question. You are dismissed from the case and banned from ever interpreting again in the state of Oklahoma.

Response # 2: You explain that because Spanish is a "prodrop (also known as 'pronoun-drop') language" and English is not, you sometimes need to ask the witness to specify the pronoun in order to have a meaningful sentence in English.

Background: All Romance languages with the exception of French are pro-drop, while English is non- pro-drop (meaning non-pronoun-dropping, i.e., we spell out the pronoun subject). Romance languages' fully conjugated verbs often make it easier to figure out the subject of a given sentence, while in English, the regular verb is only modified in the third person singular in the present tense and is completely uniform in the past tense. This makes English much more dependent on spelling out a specific subject to clarify the meaning of a sentence (e.g., he, she, they, etc.).

PASSIVE VOICE

Situation: The witness has just stated how he was injured in a robbery. "*Me golpearon bien feo.*" Your colleague interprets this as: "They beat me up real bad." It occurs to you that there may very well have been only one attacker. You attempt to get the interpreter's attention, but he waves you off, thinking you want to relieve him and he still feels fresh. The judge calls a recess several minutes later, and you tell your colleague your reasons for changing the interpretation.

Outcome # 1: You tell him he should just trust you on this one and correct himself on the record. He asks you to explain yourself, and you tell him you have much more experience than he does with these things, and that he should just do it. He tells you that you are not his boss and calls the assignment office to complain about you. During the afternoon session, your colleague once again interprets for the same witness on crossexamination, and the defense attorney is relentless in exposing numerous apparent inconsistencies, focusing especially on how there were first multiple assailants and then just one. In the end, the defendant is found not guilty, mostly because the prosecution's main witness couldn't seem to get his story straight.

Outcome # 2: You explain that, because of the ambiguity of statements like "*me golpearon*" and "*me engañaron*," it's usually advisable to interpret or translate them as "I was beaten" and "I

was cheated," repsectively. This is known as the passive voice in English, and its use is far more extensive than in Spanish. We use it whenever we want to de-emphasize the subject. Since in Spanish the subject pronoun was omitted, this is a very good option, and allows you to let others inquire to clear up the ambiguity of who exactly did the beating. Persuaded by your explanation, your colleague corrects himself on the record after lunch, stating that his previous translation was "too literal" for the context, and that a more accurate translation would be: "I was beaten real bad." No one questions this correction, and the rest of the testimony goes without a hitch.

It's one thing to be a great interpreter — and quite another to be able to explain coherently the whys and wherefores of the word choices we make. All of us have been frustrated at times by decisions made in court that affect our ability to best serve LEPs. But if we can clearly articulate our position, we will have a far better chance of persuading court personnel to do the right thing when it comes to language matters. Maybe then others will finally give us the respect we are due within the U.S. justice system.

END NOTE

<u>False friends</u>. This concept is also often referred to as false cognates, but that usage is criticized by grammarians, who say that false cognates are words that look alike and mean the same thing, but do not share the same origin. An example of false cognates would be the German *haben* and the Latin *habere*, both of which mean "to have," even though the two languages are not related.

REFERENCE

Ferguson, Charles Albert, and Thom Huebner. 1996. <u>Sociolinguistic</u> <u>Perspectives: Papers on Language in Society</u>, 1959-1994. New York: Oxford University Press.

[Lexicographer Dennis McKenna, whose day job is as a federal and state court certified Spanish interpreter in Los Angeles, has compiled the Criminal Court Dictionary and the Dictionary of Mexicanismos.]



GETTING DOWN TO BUSINESS THE RISE OF INTERNATIONAL ARBITRATION

María Cristina de la Vega

It is timely to write about international arbitration because this hot topic is of great interest to the target markets of most language service providers; i.e., multinational companies and attorneys. It is also relevant to linguists because of the exponential growth of the alternate dispute resolution (known as ADR) variant with which we are tangentially involved. From my perspective as a federally certified court interpreter and owner of a large language services bureau, I have witnessed the increase in this type of assignment, from a relatively modest number of cases ten years ago to a significant volume in the last five years, both in the U.S. and abroad. Caroline Mitchell, a partner at the international law firm of

Jones Day, recently commented in an interview, "As the economy becomes more globalized, you have a lot more disputes that arise that span a lot of different continents and countries. You may have either foreign plaintiffs or employers who become crucial to the litigation, and need to testify....In what areas are we seeing a rise? I think you're seeing a lot out of Africa and South America." 1 She referred to a recent case, Bowoto v. Chevron, a high-profile lawsuit in which a group of Nigerians sued Chevron for its alleged role in aiding and abetting a brutal 1998 attack by Nigerian government forces. More than 100 Nigerians were deposed for the case, which involved Ilage, a Yoruban language spoken in Nigeria. Mitchell brought the case to a successful conclusion, partly because of her skill in questioning foreign witnesses. She went on to say, "You need to find someone who can translate at the deposition and also find a court reporter who is able

to deal with witnesses who are testifying and have heavy accents. Oftentimes, if you get into some of the lesser-known languages, even the interpreters will have an accent, and it's important that a court reporter will be able to pick up what they're saying. And you have to become a student of the culture of the country. If there are ways you need to phrase questions, you need to be familiar with those ways and know how to ask questions to get information that you need".²

Linguists are typically involved in these proceedings in several ways. We provide translations of pertinent documents, interpretation at the proceeding whenever testimony is given in a language other than English, and in addition, we often provide a transcript of the hearing in one or more languages, in venues where court reporting is not an established practice. As trade and commerce continue to grow on a global scale, so will the need for a flexible system that is not tethered to the laws of any particular country and enjoys the endorsement of many jurisdictions, as evidenced by the over 135 signatories to the New York Convention. The latter is formally known as the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. It was signed in New York in 1958 and was followed by the UNCITRAL Arbitration Rules in 1976, and the adoption of the UNCITRAL Model Law in 1985. The New York Convention is the foundation instrument of international arbitration, : lit requires courts of contracting states

> to give effect to an agreement to arbitrate when involved in a matter covered by an arbitration agreement and also to recognize and enforce awards made in other states, subject to specific limited exceptions. The model law is designed to assist states in reforming and modernizing their laws on arbitral procedure so as to take into account the particular features and needs of international commercial arbitration. It reflects a worldwide consensus on key aspects of international arbitration. Using this framework, many jurisdictions have enacted modern arbitration statutes from 1980 to the present time.

Thus, through arbitration, parties involved in international transactions include a dispute resolution clause in their agreements, submitting any potential disputes to an arbitral tribunal at a neutral location instead of to a national court of law. It has progressively become the vehicle of

choice to resolve international disputes because it is more flexible, speedier, and at times more cost-effective than litigating suits in foreign courts of law. In those venues, parties often lack familiarity with local laws, procedures and language. Furthermore, it is often much easier to enforce arbitral awards internationally than to enforce judgments by national courts.

As my business is based in Miami, I am particularly pleased to see how this niche has grown in our backyard. I interviewed Eduardo Palmer, an attorney whose practice is largely devoted to international arbitration, and asked him why we are seeing growth in this area. He replied, "...Latin American parties historically selected traditional venues such as New York, London, or Paris, as the locale for hearings for international arbitration proceedings involving significant disputes. Today, however, corporate counsel



INTERNATIONAL ARBITRATION continued

and business executives doing business in Latin America are increasingly selecting Miami as the preferred venue to conduct international arbitration hearings. This is due to Miami's innate advantages over traditional arbitration centers and other cities in the region and because of the thriving infrastructure that exits to support and promote international arbitration in Miami. Miami's innate advantages include a large multi-lingual professional workforce, greater proximity to cities in Latin America, a transparent and efficient judiciary, and the comparatively lower cost of conducting hearings in Miami than in cites such as New York or London. The infrastructure is comprised of a special rule allowing any foreign counsel to participate in international arbitrations hearings in Florida, flourishing academic programs at several local universities focused on international arbitration, and serving as the host city for the most important international arbitration conferences dealing with Latin America. Taken together, these factors make Miami an ideal forum to conduct international arbitration proceedings."

From an international perspective, Loukas Mistelis, who teaches at the Queen Mary University of London School of Law, and is director of the School of International Arbitration, conducted a survey in 2009 that concluded that 95% of the corporations currently involved in international arbitration will continue to use it. Consequently, the future is bright for arbitration proceedings and the expectation is that they will continue to grow as global commerce develops. However, the tendency is for arbitration clauses to become a multi-tiered combination of nonbinding processes leading up to arbitration or litigation, depending on the subject matter of the contract and the industry sector. Another trend identified in the survey is that in-house lawyers would like to see a bigger available pool of arbitrators, with more specialists in different industries available for appointment.³

As legal interpreters and translators, it behooves us to stay abreast of these developments and learn the attendant terminology for these proceedings in our respective languages so that we may successfully ride the cusp of this wave and assist our clients in deriving its benefits to the fullest.

REFERENCES

- Balderas, Teresa. 2009. Member of Chevron defense team discusses special skills needed for deposing foreigners. *The National Law Journal*. May 11, 2009. Accessed 11Oct. 2009. http://www.law.com/jsp/nlj/PubArticleNLJ. jsp?id=1202430627792&slreturn=1
- 2. Ibid.
- Mistelis, Loukas. 2009. International Arbitration-Trends and Challenges 27. 11 Oct. 2009. http://www.adrmeda.org/romeconference07/materials/ Arbitration%20-%20Trends%20and%20Challenges.pdf

[The author holds an MBA, is a federally certified Spanish interpreter, a conference interpreter, as well as co-owner of ProTranslating in Miami.]

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Julie A. Sellers

Coerced Confessions: The Discourse of Bilingual Police Interrogations

Berk-Seligson, Susan. 2009.

Language, Power and Social Process, volume 25. Berlin: Mouton de Gruyter, a division of Walter de Gruyter. Hardcover: ISBN 978-3-11-021348-5, 261 pages, \$125.00.

In this ground-breaking study of the effects of language proficiency on police interrogations of limited-English-proficient (LEP) suspects, Susan Berk-Seligson explores a heretofore overlooked element contributing to false confessions. This new book focuses on limited-English-speaking U.S. Hispanics accused of felonies in cases where law enforcement officials served as interpreters during interrogations. From a sociolinguistic perspective the author analyzes verbal exchanges between law enforcement and Spanish-speaking suspects, and the resulting false confessions which arise from the suspects' inability to fully understand what is transpiring.

Berk-Seligson begins by summarizing the underlying causes of wrongful or false convictions, including examples of the factors that contribute to "confessions." Clearly missing from previous studies is the role of limited English proficiency, a gap that this text aims to fill. Given that there is an overwhelming tendency in pretrial phases of the criminal process to use law enforcement agents as interpreters, several crucial questions emerge: the extent of the interpreter's language proficiency, whether professional interpreting guidelines are understood, and how the boundaries of the interpreter's role are defined. The case studies present keen insights into these matters and illustrate how current practices can affect the reliability of confessions.

At some point in the discourse studied, there is a breakdown in communication between interrogator and suspect. These breakdowns occur for differing reasons, including limited language proficiency—either the suspect's limited English or the interrogating officer's lack of proficiency in Spanish. In one case, the author found that the suspect's limited English proficiency and the officer's equally limited proficiency in Spanish contributed to a pidginization of language that impeded comprehension on both sides and eventually led to the suspect's desperate false confession to charges he did not fully understand. Another case revealed that the LEP defendant's repeated utterance of "yeah" did not convey assent but might have indicated cultural acquiescence to authority or a form of politeness. Another case points to a potential lack of understanding between a Mexican defendant and the bilingual Puerto Rican police officer who serves as his interpreter/interrogator.

The practice of using law enforcement agents as interpreters is

questioned throughout the analyses. In one case, the interpreting officer's inability to remain in his role as interpreter contributed to a violation of the suspect's Miranda rights: although the suspect repeatedly attempted to invoke his right against self-incrimination, the interpreting officer questioned his statements and proceeded with the interrogation. In another case involving a police interpreter with novice-level proficiency, the officer did not interpret everything, often conveying information poorly or incorrectly.

However, the use of a fully bilingual police interpreter does not guarantee or protect a suspect's rights, as the last study reveals. In this case, the defendant complained of police brutality at the hands of a bilingual officer against whom 23 such complaints had been previously filed. The suspect confessed to murder.

The manner in which language control is exerted becomes a common thread running through the case studies. In one instance, the interpreting officer went beyond his role as interpreter to challenge the defendant's resistance, persisting with the interrogation. Under incessant questioning in which the interrogators were in control, the defendant eventually confessed. Interestingly, a second interrogation demonstrates how the same suspect used language to avoid confessing. He refused to respond to questions requiring a narrative answer, replying instead in repetitive fragments so as to reveal no more than necessary. In another case, discourse analysis revealed that the interrogating officer effectively controlled the interaction by interrupting, using complex and ambiguous questions, delivering questions as statements, and recycling topics. This form of interrogation added to the suspect's confusion and contributed to his eventual confession.

In the case of one unrecorded interrogation, the defendant's signed affidavit provides rich material as a study of controlled language. A document, written much like a police report, was read to the defendant so that he could agree to and sign it. The affidavit did not leave room for the defendant to accuse the officer of brutality, although he later complained of such. Similarly, an analysis of the officer's testimony in court showed how adroitly he controlled language, becoming highly verbose when it served his purpose, and severely limiting responses whenever the question of brutality arose.

Based on her findings, Berk-Seligson arrives at three policy implications. First, she maintains that interrogations must be recorded to safeguard the rights of all suspects. Secondly, she calls for a standardized version of Miranda rights in English, followed by a faithful translation into other languages, with the input of associations such as NAJIT. Finally, she states unequivocally that "police should not serve as interpreters" (Berk-Seligson, 2009, 217), because they don't understand the professional and ethical guidelines attached to the interpreting profession. It is a slippery slope when the same person acts as interpreter and at the same time functions independently as interrogator.

Coerced Confessions is an insightful read for judiciary interpreters, as it underscores the importance of our code of ethics. It will also be of interest to linguists as a study of interactional sociolinguistics and the control of talk in institutionalized settings.

CONFERENCE REPORTS OUT WITH THE OLD, IN WITH THE NEW

Giovanna Lester

his year's conference of the American Translators Association marked its 50th anniversary and a return to its roots, as ATA's first conference was also held in New York City.

This year's sessions covered subjects ranging from ergonomics in the office and changes in the translation market to terminology and technology. The session titled *An Open Dialog on National Interpreter Certification: Possibility or Pipe Dream*? attracted many attendees from diverse segments of the profession, including trainers, conference interpreters, teachers, medical interpreters, community interpreters, and ASL instructors. There was consensus regarding the need for interpreter certification, but testing criteria, minimum qualifications, and other significant details sparked lively and enlightening debate.

Barry Olsen, co-facilitator and moderator of the dialogue, displayed the knowledge and sensibility inherent to a committed professional. The co-facilitators displayed a thorough grasp of the issues and an understanding of the undercurrents and needs of our profession. Holly Mikkelson, Marjory Bancroft, Katharine Allen, and Jody Gill spoke on legal, community, medical, and sign language interpreting, respectively.

It was refreshing to hear the comments of an engaged and knowledgeable audience. The pointed questions and suggestions elicited collaborative exchanges. One example was the discussion of requirements for certification. The suggestion was made that a bachelor's degree be set as the minimum educational requirement for certification. That suggestion was countered by the observation that this would be a barrier to legacy professionals and to those who work with languages of lesser diffusion who might be unable to meet such a requirement, and would result in a void in the profession and a disservice to those whose voices we aim to make heard.

A proposal for general competency certification followed by specialization, similar to the current procedure in the legal and medical fields and in sign-language interpreting, was well received, as contrasted to specialized certification from the outset. That

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COERCED CONFESSIONS continued

Additionally, this book is highly recommended for law enforcement and personnel policymakers, because it concretely and poignantly portrays the dangers of using police officers as interpreters, of offering non-standardized explanations of Miranda rights, and of failing to record police interviews and interrogations.

[Julie Sellers is a certified court interpreter at both the state level in Colorado, and at the federal level. She holds a master's in Spanish from Kansas State University and a doctorate in education from the University of Wyoming.]

means basic standards and a single test would need to be developed to determine the minimum skills required for every segment of oral interpreting. In general, qualifying professionals who pass that test would then continue their professional training by specializing in the field(s) of their choice.

Another session I enjoyed, and one that shook me out of my comfort zone, was *Signals of Shift in the Language Industry: Are You In or Are You Out?*, presented by Renato Beninatto, the CEO of Milengo. Renato showed us how changes in technology are creating a divide between those professionals slow to adapt to new technology and those already using it.

He also explained how the three translation dogmas — "translation memories are an asset," "more eyes improve quality," and "fewer translators produce more consistent output" — can work as a barrier, preventing new technologies from taking hold right away. Renato pointed out what may be obvious to those who are paying attention: with the advent of new communication technology, collaboration is more prevalent, and the sharing of TMs is an obvious and desirous result, and one that becomes essential to ensuring cohesiveness among collaborators. He also questioned current quality assurance processes that require too many steps from original to final translation product, since each step increases the likelihood of errors in the final product. How many of us have had to argue with proofreaders or editors who are very good at their jobs but not well-versed in the subject matter of the text and thus made changes that rendered the translation inaccurate?

Renato then expanded on the collaborative aspect of our profession. We all have colleagues whom we contact when we need help with a word or a sentence fragment, and there are other examples such as the NAJIT listserve, where translators and interpreters alike benefit from exchanges on terminology, on how best to render a sentence in another language, cultural expressions, and so forth. And, of course, there is the fact that impossible deadlines force us to share projects with colleagues!

From these two seemingly unrelated presentations I learned that changes are taking place in the translation and interpretation industries, and these changes affect the dynamics of our fields by changing requirements and how to apply new knowledge to our professional growth.

My eyes are wide open and so is my mind. My comfort zone has expanded, and my professional perspectives have been profoundly affected by these excellent presentations. I am looking forward to what the next NAJIT conference has in store for us.

[The author is a Portuguese conference interpreter and is ATA-certified for Portuguese translation.]

CALIFORNIA FEDERATION OF INTERPRETERS

Alexandra Baer

had the great pleasure of attending the California Federation of Interpreters fall conference in October 2009. Held in the beautiful city of San Francisco, it was a conference that had it all, offering great information from high-caliber presenters, including Erik Camayd-Freixas, Barbara Edwards, Holly Mikkelson, and others.

There were varied and interesting topics in the list of presentations. Memory-improvement, note-taking, and transcription/ translation techniques; voice care, and issues surrounding juvenile delinquency were only some of the sessions available to the attendees.

One of the sessions that particularly caught my attention was that presented by Erik Camayd-Freixas. Dr. Freixas made excellent observations regarding the need for a revision of the canons of ethics for professional interpreters. He expressed that the work of the interpreter in the judicial system has changed rather quickly over the last few decades, and noted that interpreters are no longer considered to be "outsider[s] to the judicial process." Our canons of ethics remain unchanged, however, causing conflicts between accuracy and confidentiality and our roles as officers of the courts, expert witnesses, and respectful citizens. He mentioned instances in which interpreters have been asked to interpret during torture interrogations, clearly a violation of due process; of interpreters going to jail for committing perjury because they "interpreted lies." The main theme throughout the presentation was the question: "Where does the interpreter stand?" It was a thought-provoking session, and one that challenges us all to re-examine and update our canons of ethics.

Barbara Edwards, a senior court service analyst, provided a detailed breakdown of the judicial branch system, including extensive information on probate courts, civil law suits, and California's Supreme Court. It was valuable information for any interpreter.

Holly Mikkelson shared her vast knowledge on the specifics of consecutive interpreting, emphasizing the importance of precision, "meaning-based" interpretation of utterances. Her session was very interactive, and a "must go" for newcomers to Holly's expertise.

The combination of great speakers, topics, and sessions, and the Blue Angels flying in the clear skies over gorgeous San Francisco, made this conference an unforgettable one for me. Kudos to Curtis Draves for this successful conference. Keep them coming!

[Alexandra Baer is president of the New England Trained Interpreters' Association (NETIA), and interprets Portuguese and Spanish in both legal and health-care settings.]

New European Association: Eulita, A Long Time Coming

Nancy Festinger

he European Legal Interpreters and Translators Association (EULITA) www.eulita.eu, a new international non-profit association, was launched in Antwerp, Belgium, in November, 2009, aiming to bring together interpreter and translator associations from all twenty-seven of the current member states of the European Union. EULITA's aim is to ensure access to justice across languages; to foster local translator and interpreter associations in member states; to work with EU institutions to create legislation at the member state level; and to obtain minimum procedural safeguards at the Union level for legal interpretation and translation. EULITA would provide, among other things, a much-desired platform for the sharing of ideas, expertise, and training resources.

Quality of legal interpretation throughout the EU has been a major challenge for many years. EU institutions; the Ministries of Justice; the Council of Bars and Law Societies of Europe (CCBE), an organization of 1 million European lawyers; the European Criminal Bar Association (ECBA); the European Commission's Directorate General for Justice, Freedom and Security; the Directorate General for Interpretation; as well as judges, university trainers, AIIC, FIT, and so forth, have all recognized the need to develop a legal interpreter credentialing and registration system in member states. Since 2001, many projects, meetings, papers, and initiatives have been undertaken to focus on the intersection of language issues and justice. A 2006 survey (the Agis Project, www.agisproject.com) revealed that more than half the member states have no training for legal interpreters. There is no EU standard of certification, no common code of conduct, and insufficient exchange of best practices; however, a process is in place to develop such structures, and EULITA is part of this effort.

DG Interpretation reports to the commissioner for multilingualism, Mr. Orban, who personally welcomed the EULITA conference attendees and expressed his confidence "...that a course of action has been set. It is only a question of time before we can see real improvements taking place in the field of legal interpreting and translation." (The full text of his remarks can be found on EULITA's website.)

Position Statements at Foundation Meeting

At EULITA's foundation meeting, representatives from several associations made brief statements in support of EULITA's aims: the

Spring 2010

International Conference of University Institutes of Translators and Interpreters (CIUTI); the International Federation of Translators (FIT); DG Interpretation (one of 36 directorates of the EU); the European Forum of Sign Language Interpreters (EFSLI); the International Conference Interpreters Association (AIIC); and NAJIT.

EULITA Conference

A two-day conference followed the foundation meeting. I participated on a panel entitled "The International Scene" with a Mamoru Tsuda from Japan, Yajun Ge from China, and Carola Green of the National Center for State Courts, who described consortium activities. I described the growth curve of NAJIT as a professional organization. In another session, NAJIT director Lois Feuerle presented a summary of the various interpreter testing instruments in the U.S. Many other interesting sessions touched on aspects of training and practice in the various member states. The PowerPoints of these talks are available on the EULITA website.

Ceremonial Events

The official launch of EULITA took place with several speeches and a toast at the Court of First Instance in Antwerp, a modern, multi-winged building (locally known as the "Butterfly Palace") designed by the same architect who designed the Sydney Opera House. A huge metal statue in the lobby was a shockingly realistic depiction of injustice, (this I learned upon asking a Flemishspeaking colleague to sight-translate the sign identifying the sculpture), represented as a traumatized man attempting to run with his clothing on fire, limbs askew. It stood as a stark and eloquent reminder of the human cost of injustice. (What an idea for a courthouse lobby! Is there any U.S. courthouse with artwork depicting the consequences of injustice? I wondered.) Speakers at this event included the president of the court, a representative of the ministry of justice, together with representatives of two European law associations. The following evening, a toast and reception was held at the Antwerp City Hall, a magnificent 16th century structure of Flemish Renaissance architecture on the main square, surrounded by guild buildings. On the last night, a ceremonial dinner was held at a renowned local Antwerp restaurant.

The Road Ahead

In December 2009 a new EU governance treaty came into force, the Lisbon treaty, which eliminated the need for unanimity in matters of justice (member states can now decide with a qualified majority), granting a greater role to the EU Parliament. It is hoped that by the spring of 2010 the Parliament will issue a directive regarding the provision of translation and interpretation services in legal matters.

Other criminal justice projects to be carried out between 2007 and 2013 are Building Mutual Trust (to disseminate best practices) and Videoconferencing Technologies in Criminal Proceedings.

Currently, eight million EU citizens live in a state other than their state of origin. An increase in cross-border criminality is bringing justice issues to the fore, especially in cases in which faulty interpretation has been apparent. (A Scottish solicitor recounted a case in which the defendant was said to have confessed "I did it" to the police; the client told his attorney he had actually said: "I did it?") www.bbc.co.uk/languages/ Who knew the BBC offered free audio and video classes in various languages? When it's time to learn a new one, take their 12 week beginner course.

http://athomeharvard.edu Provides web-based video programs for the Harvard community and broader public. The program list contains 50 videos of lectures or panel discussions on a broad range of subjects.

Our European colleagues - practicing interpreters as well as academics - have been working long and hard to establish standards and professional recognition for legal translators and interpreters across the European Union. The right "to be informed promptly, in a language which he understands...of the nature and the cause of the accusations against him," and the right to free language service is well established by Article 6 of the European Convention on Human Rights. Everyone agrees that interpreters and translators are the "glue" of the EU. The work ahead is to establish recommended curricula, credentialing, and quality controls; systematize protocols; and through competent and standardized practice, achieve appropriate respect and compensation for interpreters. Efforts seem to have reached critical mass so that Union-level directives are likely in the coming years, together with state-by-state implementation for the professionalization of the field. It has taken the efforts of many over many years, but it is likely that in the coming years great strides will be taken to make qualified legal interpreters and translators a welcome presence in the courthouses of the many countries that comprise the European Union.

As an association of associations, EULITA aims to serve as a trusted advisor and clearinghouse for interpreter and translator legislation, education, and credentialing. They have had a most auspicious beginning. NAJIT is eligible to join as an associate member. By joining, we can share the benefit of our experiences, promote their efforts, and guarantee their future success by working hand in hand to help realize their laudable aims.

[The author is a lifetime NAJIT member, editor of Proteus and chief interpreter of the federal court in Manhattan.]

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