



THE ALFONZO CASE The Rationale for State Certification in Florida María Cecilia Marty

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I arrived in Tampa in 1997 after obtaining an MA from Monterey Institute of International Studies (MIIS) in translation and interpretation and working in the California courts. While in Florida I participated in several efforts to bring interpreter certification to the state, but somehow, whenever a bill was finally presented to the legislature, it never quite made it the whole way through.

One day a colleague called to ask my advice on a particular case. Little did I think that case would be passed to me for evaluation, but I was eventually hired as an expert witness to evaluate the interpreter of record for a change of plea that had occurred on October 15, 2004.

How to go about fairly evaluating the interpretation? I reviewed the rules of evidence on interpreters and witnesses:

Article VI Witnesses

Rule 604: Interpreters as witnesses are “subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation to make a true translation... a person who testifies at a trial because [s]/he has knowledge in a particular field... allowed to give testimony in the form of an opinion or conclusion.”

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

Format and Transcript Considerations

In this case the judge would make the ultimate finding as to the performance of the interpreter of record. I needed to give him the tools by which to evaluate the Spanish interpretation. I thought that the best way to achieve this would be to present the material in a three-column format with the headings: **Original Utterance** (in English by court personnel or in Spanish by the defendant), **Interpreted Utterance** (transcript of the original interpretation) and **Translation of Interpreted Utterance** (a “back translation”). This way the judge would be able to compare what was originally said with what the defendant actually heard in translation. The

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May 18-20, 2007
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Message from Chair Rainof

As we move into the fallow season of the year, I'm happy to report that NAJIT continues to be engaged in new and productive activities. The network we are building with other organizations and individuals who share our commitment to enabling access to justice through language spreads across the nation and indeed, across borders to the entire globe. In this issue I'd like to describe some of the connections that are growing between NAJIT and other organizations.

In our spring 2006 issue, NAJIT Director Lois M. Feuerle wrote about Joanne Moore's passionate speech in October 2005 on the need for language-specific training for interpreters of languages other than Spanish. I'm proud to report that SSTI is partnering with the Oregon Judicial Department to provide training in Korean, Russian, and Vietnamese in early 2007. We will offer two-day workshops in March as well as a "skills tune-up" on Friday, May 18, 2007, before the annual conference. Watch the website for details of these events. The Oregon Judicial Department, as many of you know, has been a pioneer in offering innovative training opportunities to interpreters while also educating attorneys and the bar. We appreciate their support.

Franny Haney, chair of the executive committee of the Consortium for State Court Interpreter Certification, has written to us approving our proposal to use the consortium examinations at our 2007 Annual Conference. The oral examinations in Korean, Russian and Vietnamese will be offered on Sunday, May 20. In her letter confirming this plan, Ms. Haney wrote, "We are excited about the opportunity to work with NAJIT and look forward to future collaborations." I am very pleased that this innovative idea is moving forward, and would like to thank Rick Kissell who first suggested that we explore this possibility.

The Conference Committee is also exploring the possibility of scheduling a presentation by the Committee for Court Interpreting

and Legal Translation of the Fédération Internationale des Traducteurs (FIT). The co-chairs of the committee receive a subscription to *Proteus* and have commented on how informative they find it. A session in Portland will be an excellent way to further internationalize the conference program. We are hopeful also that representatives from the Translators Association of China may attend our conference. The TAC President, Mr. Liu Xiliang, has written of their appreciation for the reception and briefing that NAJIT offered to the TAC delegation of interpreters in New York last March. TAC is hosting the XVIIIth FIT Congress in Shanghai in 2008, and we are very pleased that excellent ties are developing between our two organizations. Finally, our editor-in-chief Nancy Festinger will represent NAJIT at the forthcoming Critical Link V Conference in Sydney, Australia.

On the domestic side, we continue our outreach. We now have well-established relations with sister associations, the American Translators Association and the National Council on Interpreting in Health Care. I am pleased to represent NAJIT on the Advisory Council for the March 12, 2007 Translation Summit, in which professional associations play a key role. We are also in regular touch with departments of the U.S. Government such as the Administrative Office of the U.S. Courts. Dr. Carolyn Kinney has accepted our invitation to take part in the Portland conference next spring. In addition, NAJIT just joined the National Association for Court Management, the largest association of court management professionals in the world, with over 2000 members. Given the role that court administrators play in the work carried out by judiciary interpreters, this connection represents an important opportunity for education and the exchange of mutual ideas. As you know from the NAJIT open listserve, NAJIT directors and active volunteers are constantly finding ways to educate officials, attorneys, judges and administrators about our association's goals. Now we have mul-

> *continued opposite*

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.

QUALIFIED INTERPRETERS IN THE GRAND JURY: Important or an Afterthought?

Lionel Bajaan

“The primary function of the modern grand jury is to review the evidence presented by the prosecutor and determine whether there is probable cause to return an indictment.”
<http://www.abanet.org/media/faqjury.html>

The Grand Jury setting is essentially a one-sided review of the evidence to be evaluated. The prosecutor presents evidence in a light most favorable to its cause and the defense is not allowed to intervene in the proceeding. Some of this evidence may be in the form of oral testimony, and so some may be interpreted testimony. Despite the fact that the Grand Jury is part of the court process, the interpreter, if needed, is often provided by the prosecutor’s office. In some jurisdictions the Grand Jury interpreter is not subject to the same standards as court interpreters, such as testing, training or even familiarity with the canons of professional conduct. In New York City for example, Grand Jury interpreters are hired by the District Attorney’s office and since the city does not have an active certifying process, the prosecutor’s offices devise their own ad hoc qualifying methods. New York State does have a certification process for court interpreters and some district attorney’s offices (municipal agencies) consider those interpreters who have taken and passed the certification exam. However, the consideration can go both ways. An interpreter on the state list is likely to resign from the DA’s office and take a better paying job with the courts.

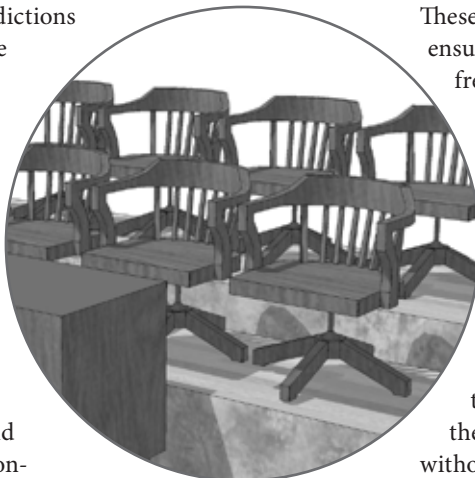
Just how grey this area of judiciary interpreting is becomes more apparent in the following excerpt.

9-11.244 Presence of an Interpreter

Attorneys for the government should ensure that any interpreter used in a grand jury proceeding is aware of his or her secrecy obligation, and that the interpreter has received the necessary security clearance and has been properly sworn.
<http://www.usdoj.gov/usao/eousa/foia•reading•room/usam/title9/11mcrm.htm#9-11.244>

As can be seen in the above caption, there is no reference to accuracy, clarity, or scope of knowledge, and quality control is left to the prosecutor. These shortcomings may have a profound impact on impartiality and accuracy. Grand Jury presentations occur after arraignments. This is the first opportunity a defendant, witness or victim gets to tell his or her version of the facts, prompted by

prosecutorial questioning— and if the testimony is in a language other than English, aided by an interpreter who is retained by the prosecutor. Grand Jury testimony is preserved in written form by a Grand Jury stenographer. These minutes become part of discovery, open to scrutiny during pre-trial proceedings and trial. Highlighting inconsistencies in Grand Jury and trial testimony is a tried and true legal strategy to undermine the credibility of the witness. How reliable is the testimony rendered by an interpreter who has not undergone a standardized qualifying method, who is also on the payroll of one of the parties? Is the integrity of the case jeopardized by these elements?



These questions need to be answered in order to ensure accuracy and loyalty to the source language, free of any encumbrances resulting from lack of adequate professional credentials or affiliation with any of the litigating parties. Courts and bar associations need to objectively analyze the issue to ensure optimal and uncompromised language access to foreign language litigants. The Grand Jury presentation is a precedent-setting event in the life of a criminal case. Persons testifying in the Grand Jury through an interpreter are entitled to have their testimony memorialized with the same accuracy as that of an English speaker, without any possible appearance of inadequacy or bias. ▲

[The author is an interpreter in Bronx County Supreme Court and Chapter Vice-Chair of District Council 37, Local 1070, AFSCME.]

MESSAGE FROM CHAIR RAÏNOF *continued*

multiple organizational venues to expand and complement our own individual efforts.

It seems as if the only limit to the network we are building is the volunteer time and energy that it takes to develop and maintain these links. Please don’t hesitate to be in touch with me, my fellow directors, or headquarters if you have an idea for reaching out, or if you want to help. Together we are changing the landscape for judiciary interpreting in the United States and around the world. Your support is vital to this endeavor. ▲

Alexander Raïnof, Chair
NAJIT Board of Directors

Interpreted Utterance in Spanish was placed in the middle.

Methodology

Thankfully, I was provided with the official tape transcript of the proceeding, so I could directly transcribe the interpreter’s rendition. The recording I was provided allowed me to isolate the microphones in the court room, so I could turn off all other mikes and only listen to what the defendant’s microphone picked up of the interpretation, which was quite audible most of the time.

Steps followed in evaluating interpreters’ performance:

1. I listened exclusively to the Spanish interpretation rendered (what the defendant heard) by turning off the microphones which did not directly capture the interpreter’s voice. The original English utterances were neither listened to nor taken into account at this stage.

2. I listened to the recording again numerous times while transcribing all original Spanish utterances with the assistance of a transcriber, speakers and headphones. The defendant’s original utterances in Spanish are shown as well.

3. I formatted the official court reporter’s English transcript for my purposes and placed it next to the Spanish rendition before proceeding to translate.

4. I did a back translation into English of the interpreter’s original, as accurately as possible, without comparing the Spanish rendition to the original English utterance. Translation considerations in back translating the interpreter’s rendition into English: I decided to be as literal as possible, attempting to include all the linguistic interference in the Spanish, including all paralinguistic features, such as incorrect pronunciation, hesitation, hedge, false start, among others, in order to give the English reader not only

the flavor of the interpretation, but to place him in the same position as the defendant, linguistically speaking.

Evaluation Criteria

In evaluating the interpretation and writing the expert witness report, I wanted to be sure that my conclusions were arrived at empirically. I decided to draw on professional standards such as the grading criteria for the California, consortium, federal and NAJIT court interpreter examinations.

I drew from my experience as a student at MIIS, where I was constantly being evaluated, from my experience as a candidate and later a grader for some of the above examinations, and as an adjunct professor of interpretation for the University of Charleston, Florida International University and the University of South Florida.

In each instance, the interpreter’s rendition was compared to the original utterance in order to assess accuracy, fluency and intonation, register, grammar (verb tense, gender agreement, use of prepositions), frequency of false cognates, omission, addition, phonological interference (incorrect pronunciation), meaning error, register, style, proper use of third and first person in a legal setting, and the quality of interpretation as a whole.

Instead of creating a cumbersome code for each type of error, which would take additional time and effort for a reader to decipher, I decided to embed any comments in brackets, in the back translation column.

Four instances of interpretation were provided in this particular case. Here is an excerpt from the October 15, 2004 entry of plea hearing:

| ORIGINAL UTTERANCE | INTERPRETED UTTERANCE | TRANSLATION OF INTERPRETED UTTERANCE |
|--|---|--|
| THE COURT: State of Florida versus Juan Ramon Alfonzo, 04-34473. | COURT INTERPRETER: Okay. <u>La Fiscalía</u> contra Juan Ramón Alfonzo, 04 - 34 - 473. | Okay. <u>The State’s Attorney’s Office</u> versus Juan Ramón Alfonzo, 04 - 34 - 473. |
| MR. KWILECKI: Judge, pursuant to negotiations, Mr. McGlashan would be offering for—in return for a plea of no contest, and a withhold of adjudication, hopefully— | COURT INTERPRETER: Su Señoría, según <u>los negocios</u> hechos con su ... de que el señor, la Fiscalía está <u>dando* de</u> no, no <u>adjudicarle culpable</u> | Your Honor, according to <u>the businesses</u> made with your... of the, the sir, the State Attorney’s Office if <u>giving* of</u> no, not to <u>adjudicate you guilty*</u> |
| MR. MCGLASHAN: That’s difficult to hear, Your Honor. This is a co-defendant to the dump truck ring, where this dump truck was — this dump truck was retrieved or recovered. The victims are here; Mr. and Mrs. Linsley. And in this case, I guess, there’s some damage and restitution is owed. And as we had a previous discussion at the arraignment of this case, they feel strongly about it, although there’s no direct link between—I have no direct evidence connecting the two thefts. But they would like to address the Court. | * Sí, Su Señoría, <u>de que</u> eso es un, un <u>pensa</u> de un camioneta <u>peque</u> — <u>de que</u> lo recogieron y las víctimas están <u>prezente</u> y ... Sr. y Sra. <u>Stansley</u> [sic] y el caso <u>de que</u> hay daños y de que y, tiene que pagar. Y <u>de que</u> como hemos hablado antes ... ellos se sienten <u>muy fuerte</u> de eso, <u>de que se sienta de que</u> han ... <u>un conexión</u> aunque no hay evidencia, eh, de los, ah, robos, pero si ellos quieren hablar a la par de ... | Yes Your Honor of the that is a, a ‘pensa’ [sic] of a pick-up [wrong gender] <u>sma [ll]</u> — <u>of that</u> they picked it up and the victims are <u>prezent</u> [singular conjugation; phonological interference] and ...Mr. and Mrs. <u>Stansley</u> [sic] and the case <u>of that</u> there are damages and of the and, you have to pay. And <u>of the</u> as we have talked about before ... they feel <u>themselves very strong</u> of that, <u>of the he feels of that</u> they have ... <u>a connection</u> [masculine - wrong gender] even though there is no evidence, um, of the, ah, robberies, but if they want to speak along with ... |
| THE COURT: Well, is there — | [NO INTERPRETATION] | |
| MR. MCGLASHAN: No, there’s no — | [NO INTERPRETATION] | |

| ORIGINAL UTTERANCE | INTERPRETED UTTERANCE | TRANSLATION OF INTERPRETED UTTERANCE |
|---|--|---|
| THE COURT: I'll be glad to hear from them. Are there any negotiations? | COURT INTERPRETER: Okay. Bueno, yo quiero escucharles pero quiero saber del negocio. | Okay. Well, I want to hear them but I want to know about <u>the business</u> . |
| MR. MCGLASHAN: No. They – they feel strongly about it and probably want some incarceration. | COURT INTERPRETER: <u>Se siente bien del, uh, de la oferta</u> y sí quieren <u>de que buscan</u> tiempo en la cárcel. | <u>He/she/it feels good of the, uh, of the offer</u> and they do want <u>of that they are looking for</u> time in jail. |
| THE COURT: Okay. So it would be an open plea? | [NO INTERPRETATION] | |
| MR. KWILECKI: Yes, sir. | [NO INTERPRETATION] | |
| THE COURT: Is that what he wants to do? | COURT INTERPRETER: So, lo que quieren ... | So, what they want ... |
| MR. KWILECKI: Okay. The State is not making a plea offer. So you can do – the range is probation to five years in prison. | COURT INTERPRETER: Es Fiscalía, no * <u>stá</u> dando <u>oferta</u> , así que usted tiene, probatoria o hasta cinco años en prisión. Eso es <u>la ranga</u> de que le <u>pueda</u> – Oh, treinta, treinta años, perdón ... así que ... | Is, <u>the State Attorney's Office</u> , 'snot giving a <u>sale</u> , so that you have, probation or up to five years in prison. That is <u>the ranga*</u> [made-up word] of that it <u>may</u> – Oh, thirty, thirty years, sorry ... so that ... |
| THE COURT: No, I'm showing a first-degree. | [NO INTERPRETATION] | |
| MR. MCGLASHAN: Actually, it's thirty – up to thirty years. | [NO INTERPRETATION] | |
| MR. KWILECKI: Is this a first-degree? Thirty years in prison. So – I thought there would be a plea offer. | [NO INTERPRETATION] | |
| THE DEFENDANT/SPANISH: [U] dame la probatoria entonces. | THE DEFENDANT: Okay, give me the probation then. | [U] then give me probation. |
| MR. KWILECKI: Okay. Are you – so – | [NO INTERPRETATION] | |
| THE COURT: I'm sorry? What did he say? | COURT INTERPRETER: Lo lamento, ¿qué? | I am sorry, what? |
| DEFENDANT/SPANISH: ¿Qué dice? | | What is he saying? |
| COURT INTERPRETER: ¿Qué <u>eh</u> lo que dijo usted? | | What <u>i</u> what you said? |
| THE DEFENDANT/SPANISH: Para que me den la probatoria[U] | THE DEFENDANT: They – they gave me the – the – they give me the probation, ... | So that they give me probation [U] |
| THE DEFENDANT/SPANISH: ... y yo le pago los daños que dice ella. | THE DEFENDANT: ... and I'll pay for whatever damages. | ... and I will pay the damages she is claiming. |

In the four instances, two different interpreters provided the in-court interpretation, and so the expert opinion report I rendered contained the following chart as to each interpreter, followed by a

narrative description of the interpreter's strengths and weaknesses.

The expert opinion evaluation provided for the hearing on October 15, 2004 looked like this:

| Criteria | Excellent | Good | Fair | Poor | Inadequate |
|-----------------------|-----------|------|------|------|------------|
| Fluency in Spanish | | | | | X |
| Fluency in English | | | X | | |
| Accuracy | | | | | X |
| Intonation | | | | X | |
| Register | | | | X | |
| Grammar: | | | | | X |
| verb tense | | | | | X |
| gender correspondence | | | | | X |
| use of prepositions | | | | | X |

| Criteria | Excellent | Good | Fair | Poor | Inadequate |
|---------------------------|-----------|------|------|------|------------|
| False Cognates | | | | X | |
| Omissions | | | | | X |
| Additions | | | | | X |
| Phonological Interference | | | | | X |
| Meaning Errors | | | | | X |
| 1st & 3rd Person Use | | | | X | |
| OVERALL RATING | | | | | X |

> continued on following page

THE ALFONZO CASE *continued*

The interpreter of record in this case had been interpreting in that county for nine years and had interpreted more than 5,000 times. Had the state of Florida passed a law earlier requiring interpreter certification, this interpreter would have had to perfect her trade in order to pass the test or would never have interpreted in court.

Conclusion

A defendant charged with stealing a tool box, thinking he was pleading guilty to a crime for which he would get 15 months probation, ended up pleading guilty to stealing a dump truck and received a sentence of 15 years. The Alfonzo case clearly indicates substandard interpreting. It also argues against the practice of “grandfathering” interpreters who have been interpreting in court for many years.

The case was the subject of several articles in the *Daytona Daily News*. When the poor quality interpretation was documented, the Daytona Beach Circuit Court invalidated the plea. Legislators who had been involved in prior efforts to improve interpreting standards seized upon the Alfonzo case as an example of the kinds of miscarriages of justice that occur in the absence of interpreting standards and testing.

Any interpreter with many years of experience should have no trouble passing the examination of the Consortium for State Court interpreter certification, which requires only a *minimum* level of competency to ensure due process.

Law schools everywhere should require at least one class on interpreter issues. Associations such as NAJIT can train interpreters

to provide this service to their local institutions and work with bar associations to offer courses for joint CLE credits.

Judges should become more informed and knowledgeable about interpreting issues. A good project for NAJIT would be to produce a video (or a video series) addressing these issues of credentialing and competence.

Hispanic associations everywhere should also help make the Hispanic population aware of their right to a competent interpreter.

Coda

On June 20, 2006 the Florida legislature authorized the Supreme Court to “establish minimum standards and procedures for qualifications, certification, professional conduct, discipline and training” of court interpreters. An appropriations bill funded the certification program and authorized the court to set fees for certification applicants. On June 26 the Supreme Court of Florida adopted, effective July 1, 2006, the Florida Rules for Certification and Regulation of Court Interpreters. Florida is now on the map of states that are taking needed steps to effectively deliver court interpreting services to Florida’s citizens. ▲

[The author, a federally certified Spanish interpreter and seminar-level conference interpreter, has taught interpretation at various universities. She can be reached by email at: fittservices@ureach.com. This article is dedicated to all interpreter pioneers who helped lay the foundation for interpreter certification in Florida.]

Workshop Opportunity: Germany**April 22 – May 4, 2007**

German < > English

Back for the 7th time by popular demand! This year’s program offers the now-traditional mix of lectures, meetings and site visits centered around topics of interest to translators and interpreters as well as a healthy admixture of cultural offerings.

Erlangen 7 will address a number of very topical issues, ranging from alternative fuels and the motors designed to use these alternatives followed by a visit to a truck-maker where theory is put into practice. Natural disasters and terrorist activities have put the work of first responders into the spotlight, and a visit to the German equivalent of FEMA and the opportunity to meet with local EMTs will be part of the program. Other topics include meeting with a German notary and learning more about notary practice in a civil law country; visits to the *Bundesagentur für Arbeit* and to the agency that oversees *Weltraumüberwachung*; a crash course in glassmaking technology; as well as banking practices and new developments in German business.

Cultural plans include visits to museums and historic sites, presentations on contemporary literature, the foundations of contemporary Germany culture, *Jugendstil*, meetings with the translation and interpreting students and faculty of the *Institut für Fremdsprachen und Auslandskunde*, a *Weinprobe* and an optional theater evening.

Field trips will cover nearby sites, Erlangen and Nuremberg, and Darmstadt, Waldsassen on the Czech border and Cheb in Bohemia.

The optional weekend trip to the East will be to Jena, where we will visit Zeiss optics or Schrott Glass and enjoy a variety of cultural activities.

The cost of the 2-week program, which includes lodging, daily breakfast, welcome dinner, goodbye party, all excursions and admissions to museums and other sites is a very reasonable \$925. This price does not include your travel to and from Erlangen or the optional weekend excursion to Jena.

For more information, email: LoisMarieFeuerle@cs.com or call (503) 236-5593.

COURTROOM LANGUAGE IN PUERTO RICO

Daniel Sherr

Few experiences are as enriching for an interpreter as visiting courtrooms in other geographical areas. In the case of federal courts, terminology and procedure are virtually the same from one courthouse to the next, which makes differences in interpreting policies and styles much easier to detect. (There can be other differences, of course, in the defendant’s country of origin or in the types of crimes most commonly prosecuted.)

But Puerto Rico is a world apart. As in every other federal court in the United States, English is the official language of the federal courts in Puerto Rico. In the Puerto Rico district court, however, practically every player in the judicial process — judges, lawyers, defendants, and jurors — speaks Spanish as a native language. There it is English that constantly impinges on the limits of Spanish. I think one could objectively assert that an interpreter’s visit to the federal court in Puerto Rico would be unlike a visit to any other court.

On the one hand, English calques are commonplace, and it is not unusual to hear *suplidor* for “supplier,” or *mandatorio* for “mandatory.” On the other hand, since nearly everyone is Spanish-speaking, a visitor witnesses a strange scenario, where no one is

speaking in his native language. (I did notice a similar phenomenon in Montreal, where French-speaking prosecutors were forced to make their arguments in English because the defendant was English-speaking.) For example, after a long response from a witness in Spanish, the judge intervened before the interpreter could interpret, saying, in English, “I am going to instruct the witness not to discuss anything related to the previous incident having to do with Hato Rey.” Everyone had heard and understood the witness’s remarks concerning the previous incident in Hato Rey, in Spanish. The witness’s remarks, however, were never translated into English for the record.

The sentencing hearings in Puerto Rico are very long and, at times, impassioned. The culmination, the defendant’s statement to the judge, might also be lengthy. The defendant would often read from a written text and the interpreter would simultaneously whisper-interpret to the court reporter for the record. The defendant’s comments were never rendered in open court into English.

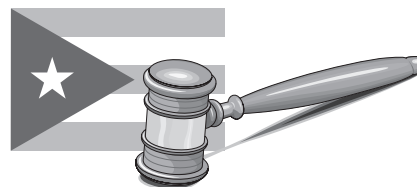
The English spoken was not always correct, but often colorful. One judge said, “I want to make the question.” Another said, in a fit of exasperation, “I just asked him a question straight blunt right to him.” On the other hand, a prosecutor stated, “We have made it pellucid...”

Colloquial expressions are certainly in use in courts throughout the United States, but I never heard so many of them at once as I heard in Puerto Rico. “I questioned him until I turned blue in the face,” said one prosecutor, who said the suspect was “caught red-handed.” The defendant, said another, “smelled a rat” and knew “the jig was up.” Nevertheless, he said, “he tried to pull a fast one.” “You can’t squeeze blood from a stone,” countered a defense attorney. Another defense attorney told the court “My client must have ice running through his veins if he is lying. He has come clean.”

I also heard a maxim very frequently used in Puerto Rico: *El papel lo aguanta todo*, meaning more or less, “You can put anything you want on paper, but whether or not that’s true is quite another matter.”

You are probably wondering how our colleagues in Puerto Rico dealt with these challenges. There’s only one way to find out. Get on a plane, visit Puerto Rico, and keep your ears open. ▲

[Thanks to Janis Palma, staff interpreter at the U. S. District Court for the District of Puerto Rico, and colleagues, who allowed a colleague from up north to listen in.]



Wireless Equipment for Interpreters

For less than \$100, interpreters can now have their own set of wireless transmitter and receiver, including microphone and earphone.

TN Communications, an Oregon company, offers dependable, long-lasting wireless equipment that easily fits in a shirt pocket. All equipment comes with a one-year warranty.



Single-channel equipment

In addition to our single-channel equipment, multi-channel transmitters and receivers are now available



Multi-channel equipment

Please visit www.tncommunications.com for product specifications and availability. For more information, contact us at info@tncommunications.com or call 1-888-371-9005

TRAINING & TESTING ANNOUNCEMENTS

Two-day workshops to help prepare candidates for court interpreter certification examinations will be offered in Portland, Oregon during the month of March, 2007 in Korean, Russian, Spanish and Vietnamese. One-day “skills tune-ups” for court interpreters working in Korean, Russian, Spanish and Vietnamese will be offered in Portland, Oregon on Friday, May 18, 2007 before the NAJIT conference. The Society for the Study of Translation and Interpretation is arranging these training sessions, and thanks the Oregon Judicial Department for its assistance and support. Watch the NAJIT website for details.

The written portion of the National Judiciary Interpreter and Translator Certification Examination: Spanish will be offered on Thursday, May 17, 2007 in Portland, Oregon. The oral examinations will be offered on May 17-18, 2007. See p. 19 to register.

The oral examinations of the Consortium for State Court Interpreter Certification will be offered on Sunday, May 20, 2007 in Portland, Oregon in Korean, Russian, and Vietnamese. Watch the NAJIT website for details. NAJIT thanks the CSCIC for its support.

The written translation certification examinations of the American Translators Association will be offered in Portland, Oregon on Friday, May 18, 2007 before the NAJIT Conference. Candidates must be members of ATA for four weeks and must register with the ATA and offer proof of eligibility at least two weeks in advance of the sitting.

National Association of Judiciary Interpreters & Translators

SCHOLARS PROGRAM



Portland, Oregon



APPLY TO BECOME A 2007 NAJIT SCHOLAR!

6 selected scholars will attend the NAJIT 2007 Annual Conference in Portland, Oregon.

- Meet other students & professional interpreters
- Tour courts on Friday morning
- Attend professional development sessions
- Scholars will have some volunteer duties during the conference
- Scholars will receive free registration for the conference, plus a \$500 stipend to apply toward lodging or transportation costs.
- Students and 2006 graduates of any signed or spoken language interpreting or translating program are welcome to apply.

Applications must be received electronically or by mail by February 16, 2007 to be considered. No exceptions.

Visit the NAJIT website for all details. Apply online or download the printable form.



Mark Your Calendars: Spring in beautiful Portland, Oregon



NAJIT 28th Annual Conference

May 18 – 20, 2007

Embassy Suites Portland Downtown
319 SW Pine Street • Portland, OR 97204

Deemed one of the country's most livable cities, blessed with a mass transit system described as "European," twice voted the USA's most bicycle-friendly city, home to Powell's – the world's largest independent bookstore where new and used books occupy shelf space cheek by jowl... Portland has much to recommend it.

The cityscape enjoys a backdrop of trees. There is a view of Mount Hood from downtown and 70 miles of hiking trails in a wilderness park within city limits. Seven historic bridges span the sparkling Willamette River, where dragon boats abound. The music scene couldn't be livelier (200 new bands move to town every year); we have 40 small theater companies (including Teatro Milagro), movie houses where every other row of seats has been replaced with tables so you can enjoy beer and pizza as

you watch the movie... Who could ask for anything more?

All that and a tax-deductible conference, too. Attending the NAJIT conference in utopian Portland won't break the bank, either! NAJIT has negotiated a very reasonable rate at the posh Embassy Suites. You can save a bundle by taking the MAX Light Rail from the airport directly downtown for \$2.65, and once you are down town, all mass transit is free in the "Fareless Square" – and that includes buses, light rail, and the Portland Streetcar.

Finally, Oregon offers tax-free shopping – no sales tax here – so it's a good time to stock up on those big-ticket items while you are here!

How can you resist? NAJIT is looking forward to seeing you in Portland in May!

Downtown Portland photo courtesy of Portland Oregon Visitors Association



HOTEL INFORMATION

**Embassy Suites
Portland Downtown**
319 SW Pine Street
Portland, OR 97204
Tel: 503-279-9000



The Embassy Suites Portland Downtown is located in the heart of downtown Portland. It is a magnificent historic hotel, fully renovated for beauty, charm and modern expectations. NAJIT's special rate of \$139.00 plus tax (currently 12.5%) is available until April 18, 2007. Each suite includes a private bedroom and spacious living room. All suites are fully equipped with two televisions, refrigerator, microwave oven, coffee maker, two telephones with data ports and well-lit dining/work table. Book early and luxuriate in comfort! Our special reservations code is JIT.



Portland attractions will delight NAJIT members and guests!



Travel Portland/Steve Terill

The crisp, clear Pacific Northwest offers great recreational opportunities. Visit Mount Hood or take a dinner cruise on the Willamette River. The Embassy Suites provides a perfect home base. Your room rate includes free hot breakfast and manager's reception. Wine, beer and snacks from 5:30 to 7:50 pm without charge.



Powell's City of Books, Bruce Forster

Our hotel is just a few blocks from Powell's City of Books. This fabulous store carries over 1 million titles. Used and new books are shelved side by side. Convenient any time between 9 am and 11 pm. Snack bar and reading room allow patrons to read in peace.

The Portland Chinese Garden is only eight blocks away. A lovely creation of the Ming Dynasty with authentic plantings. Portland offers three other unique gardens. The Saturday Market and the river walkway await you! Over 40 theaters, opera and ballet.



Travel Portland/Larry Geddes

NAJIT 28th Annual Conference
May 18-20, 2007
Embassy Suites
Portland Downtown
Portland, Oregon



Photos courtesy of Portland Oregon Visitors Association

NAJIT NEWS

Announcements

Notice of Annual Meeting And Call For Nominations

The Board of Directors hereby announces that the Annual Meeting of the Association will be held on Saturday, May 21, 2007, at the Embassy Suites Portland Downtown Hotel, Portland, Oregon, from 1:30 to 3:00 p.m. The business before the meeting will be the election of two members to the board of directors, each for a two-year term. The terms of directors Isabel Framer and Judith Kenigson Kristy are expiring. Ms. Framer is eligible to run for reelection. Ms. Kenigson Kristy will have completed six continuous years on the board and is not eligible to run again in 2007.

Members are invited to recommend potential candidates to the Nominations Committee by email to nominations@najit.org or by mail or email directly to any Nominations Committee member, as follows:

Susan Castellanos Bilodeau, Chair Jeck-Jenard G. Navarrete
Sabine Michael Susana Stettri Sawrey

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

“Any Active Member who attains two years of continuous membership as an Active Member in good standing as of the return date specified on the ‘Call for Nominations’ shall be eligible for nomination to the Board of Directors.” **Thursday, February 1, 2007** has been established as the return date for all nominations.

Members may nominate themselves or may be nominated by fellow members. Please note, however, that the Nominations Committee has the responsibility of proposing the names of candidates for the election to the members, taking into account the need to ensure, to the extent possible, a balanced slate as far as language, geographical location and professional activity are concerned. Only Active Members who meet the criteria above—who have been Active Members continuously in good standing **since February 1, 2005**—may be nominated to the Board of Directors. Members uncertain as to their status may verify the facts with headquarters.

Who Is Eligible To Vote In Najit Elections?

All active members and life members with the rights of active membership may vote in NAJIT elections. Associate, corporate, honorary, organizational or student members do not have the right to vote. Members must renew each year and pay their dues if they are to vote in that year's election. If members do not renew by their annual renewal date, they are considered to be in arrears. NAJIT will send a written notice at that time. If the member does not pay dues by sixty days from his or her annual renewal date, he or she is then suspended from membership. Suspended members may regain their right to vote by paying their dues.

The mail ballots will be sent out in early April to everyone who is a voting member in good standing. Members may vote for directors by mail or in person in Portland, Oregon.

This information can be found in Article Three, section III and Article Seven of the NAJIT bylaws on the website—or contact headquarters for a paper copy.

The Board of Directors welcomes the interest and participation of all members in the governance of the Association.

Motions And Resolutions to be Considered at the Annual Meeting

Motions or resolutions will be considered by the members at the Annual Meeting in accord with the Standing Rules as follows:

■ STANDING RULE 1

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

■ STANDING RULE 2

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

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

■ STANDING RULE 3

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

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

For this year's election, the 60-day date is Tuesday, March 20, 2007.

Committee News Advocacy Committee

August 29, 2006

The Middleton Journal
Middleton, Ohio 45042

Dear Editor:

I am writing on behalf of the National Association of Judiciary Interpreters and Translators (NAJIT), a professional court language interpreter association. Our Association exists to foster a professional attitude, ethical behavior, and high

NAJIT NEWS

continued

levels of competence among our members and by all practitioners of our profession.

We were gratified to notice the interest your paper showed in our profession when you published "What price justice in Butler County?" in your web edition of August 28, of this year.

However, some of the statements and actions portrayed in the article dismayed us, since it demonstrates both the need for statewide standards, training and certification of interpreters, and a lack of understanding of the profession. We hope you will permit us to clear up a few apparent misunderstandings. Certified or professionally qualified interpreters generally do not interpret in sound bites of two, three, four, or five words at a time. When the courts and attorneys observe this happening, they need to inquire as to the interpreter's training, qualifications and credentials in the field of legal interpretation.

Ohio Revised Code 2311.14 states that the court must appoint a qualified interpreter. Evidence Rule 604 is identical to Federal Rule 604 that states that the provisions of qualifications of an expert are applicable to interpreters. Evidence Rule 702 defines an expert as someone who has training, knowledge, experience and education in the particular field. Being bilingual, even a highly educated bilingual, is not sufficient for serving as an interpreter, let alone for being qualified to interpret in legal or quasi-legal settings.

Certified and qualified interpreters, besides possessing native-like fluency in both the source and target language, are highly skilled professionals who have demonstrated to the courts or through valid and reliable testing instruments their language proficiency, knowledge of specialized vocabulary, knowledge of ethical and professional responsibilities, and ability to interpret in the three modes of interpretation: simultaneous, consecutive and sight translation. These modes of interpretation are already established by the profession, federal statutes, court rules (in states that have already implemented standards), or case law.

Each and every officer of the court has a function or duty to carry out. The nexus between all of these officers and the non-English speaker is the interpreter. When untrained, uncertified or unqualified individuals are used, this can not only put in jeopardy the individual's due process rights, but can also render each and every party's efforts ineffective. When the courts and other members of the legal profession work with certified or qualified interpreters, hearings, trials, and interviews should run smoothly, and for the most part, will not take much longer than hearings, trials, or interviews conducted in English. When life, liberty, health and safety are at stake, the courts, attorneys and law enforcement would be better served by summoning certified or professionally qualified interpreters.

Standards, ethical guidelines and responsibilities governing interpreters in legal and quasi-legal settings, including the use of simultaneous equipment and positioning of interpreters in a courtroom, have already been established. To become familiar with some of these standards, please go to the National Association of Judiciary Interpreters and Translators at: www.najit.org; the National Center for State Courts, State Court Certification Consortium at: www.ncsconline.org (click on Court Interpretation); and Community and Court Interpreters of the Ohio Valley at www.ccio.org. To obtain a listing of certified interpreters and/or interpreters that have attended training seminars pertaining to the field, please go to the Supreme Court of Ohio Interpreter Services Program at: www.sconet.state.oh.us and click on Ohio Courts and Court Services.

We hope that this information is of interest and thank you again for writing about this vital aspect of our justice system.

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

NAJIT Board Decision on Draft Resolution Submitted At 2006 Annual Meeting

The NAJIT Board has accepted and approved the following recommendation submitted by the Advocacy Committee:

The Advocacy Committee recognizes and shares the deep concern of NAJIT members for human rights and proper treatment of prisoners and detainees. This Committee's members concur, as individuals, in deploring abuses of human rights and violations of human dignity wherever and whenever they occur.

We have determined, however, upon reviewing the draft resolution presented at the 2006 Annual Meeting entitled "Draft Resolution for Adoption by NAJIT Condemning the Cooperation of Interpreters and Translators in Physical and Mental Abuse and Torture of Military Prisoners and Detainees, and in Interrogations of Prisoners Held in Violation of International Law and the U.S. Constitution," and following extensive discussion by e-mail and teleconferences, that as a committee, we do not have adequate knowledge and expertise in international legal conventions to propose a well-grounded and sufficiently detailed resolution to address the points made in the draft. We cannot in good conscience offer to the Board of Directors or to the NAJIT membership a formal interpretation of the Geneva Convention, other international conventions, military regulations, the U.S. Constitution or U.S. legislation, when we have not studied these documents and determined the obligations they impose on members of our association or our profession.

The work of reviewing each of the documents referred to in the draft resolution presented to NAJIT at the 2006 Annual Meeting, verifying content, and accurately describing how each document may apply to interpreters and translators would be lengthy, challenging, and prohibitively costly, in that it would require us to obtain the opinions of legal experts in each of these fields. Furthermore, having reviewed the foundational documents of NAJIT, particularly Article II of the Bylaws, we find that the activities which such a resolution seeks to condemn fall beyond the purview of judiciary interpreting and translating.

Since we work in the field of judiciary interpreting and translating, we feel competent to make statements about violations of best practice as we observe them directly. We believe, however, that it is the responsibility of other organizations which have taken up the banner of human rights and possible violations of such rights in the course of the U.S. government's national security activities to analyze these topics and issue public statements about them. We encourage our members, as individuals, to pursue these matters through such organizations.

Our association, like our nation, is made up of a broad array of persons with many different points of view. We believe that we serve our profession best when we focus our public statements on those issues that our members bring to us from their

NAJIT NEWS *continued*

own experience in the courts and in legal settings. There is no evidence that any of our members have been involved in the situations addressed in the proposed resolution of May 18, 2006. We strongly believe that our association should be involved in policy relevant to judiciary interpreters and translators, not in changeable political situations.

We therefore recommend to the board of directors that no resolution on this subject be adopted or offered to the membership.

Respectfully submitted,
NAJIT Advocacy Committee

Accepted and approved by the NAJIT Board of Directors on September 28, 2006

October 9, 2006

Hon. Dennis M. O'Brien
Harrisburg, PA 17120-2020
Re: SB 669 (Printer's No. 808)

Dear Representative O'Brien:

On behalf of the National Association of Judiciary Interpreters and Translators, a professional association with over 1100 members, I write to respectfully request that you support SB 669, the court interpreting bill.

Every day, hundreds of state residents who have not yet mastered English appear in court or administrative proceedings which they cannot fully understand or effectively participate in as parties or as witnesses. In some cases, no interpreter is present while in others, unqualified interpreters are permitted to perform a task that is critical to the court's ability to do justice. Pennsylvania is among a minority of states that has no formal system to certify the competence of court interpreters. The State Supreme Court Committee on Racial and Gender Bias studied the problem carefully and concluded that because of the lack of qualified interpreters, "the ability of the court system to determine facts and dispense justice is compromised." In passing SB 669 unanimously in 2005, the state Senate recognized that this bill will strengthen the court system for all Pennsylvanians.

Court interpretation is a highly-skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two languages or speak them at a high degree of fluency are not qualified thereby to provide interpreting services in a courtroom. In a courtroom, language and the law combine to demand excellence and full command of technical language, nuance, register and vocabulary. In addition, there are strict and challenging ethical requirements for any court interpreter.

The Civil Rights Division of the U.S. Department of Justice has published guidance regarding Title VI and Executive Order 13166 for LEP (Limited English Proficient) populations. This guidance makes it clear that a lack of professional, trained and qualified interpreters has "...severe drawbacks.... The impediments to effective communication and adequate service are formidable. The client's untrained 'interpreter' is often unable to understand the concepts or official terminology he or she is being asked to interpret or translate." If courts or agencies receive any federal funding, they are obligated to provide competent services. Even if no federal funding is involved, the harm that could ensue from unskilled interpreter at work is a potential wrong that must be avoided.

By creating a system to certify the qualifications of court interpreters and by requiring that they be appointed in many court and administrative proceedings, the bill will dramatically improve the ability of the courts and agencies to carry out their important role in protecting public safety in criminal cases and in fairly resolving disputes in civil or administrative matters.

We hope that you and the Judiciary Committee will vote in favor of reporting SB 669 from the committee and on the floor.

Very truly yours,
Alexander Rainof, Ph.D
Chair, Board of Directors

**NAJIT Statement In Response to Veto of AB 2303
On Court Interpreters In Civil Matters**

The National Association of Judiciary Interpreters and Translators (NAJIT) is disappointed to learn of Governor Arnold Schwarzenegger's veto of AB 2302, which recognized the need for high standards in court interpretation. NAJIT thanks Assembly member Dave Jones, Justice Ronald M. George, the Judicial Council, the Mexican American Legal Defense and Educational Fund (MALDEF), and other advocates and constituents for their support of AB 2302, which would have expanded access to fairness and justice for limited English proficient individuals in the California judicial system. We also applaud legislators for their bipartisan efforts to support this bill.

Judiciary interpretation and translation is a highly skilled profession requiring specialized training and experience. Even bilingual individuals who have mastered two languages or speak them at a high degree of fluency are not qualified to provide interpreting and translation services in legal or quasi-legal situations unless they have passed qualifying examinations testing their full command of technical language, nuance, register and vocabulary. There are also strict ethical requirements for any judicial interpreter or translator.

NAJIT supports legislation and policies requiring the use of certified, professionally qualified and trained interpreters. We believe, as did the diverse supporters of the bill, that true access to justice requires more than using untrained bilinguals, friends or family members to interpret in courtrooms. For example, use of untrained and uncertified individuals to serve as interpreters has led to cases being re-tried and people having been jailed needlessly with all the related costs.

Cost savings to state government can be achieved through the use of qualified interpreters. We are aware of cases that have been reversed, dismissed, or resulted in reduced charges due to the use of untrained and unqualified interpreters. These cases and related ineffective services have cost the state unnecessarily. Additionally, injustices are all too likely to occur when untrained bystanders, friends or family members attempt to provide language services in legal and quasi-legal settings. NAJIT's position is that the haphazard use of untrained and uncertified individuals costs the judicial system a much higher price than the implementation of reliable standards and certification.

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NAJIT NEWS

continued

The lack of interpreter services also negatively impacts the efficient administration of justice. Inadequate resources to assist litigants with limited English proficiency affects the court's ability to function efficiently and effectively, causing costly delays in proceedings for all court users, inappropriate defaults, and faulty interpretation that can ultimately subvert justice. Language assistance in civil cases would improve the operation of the judicial system by reducing the amount of courtroom time for hearings, ensuring that non-English-speaking litigants appear more consistently at subsequent hearings, and by reducing the number of delays and backlog in some areas, while at the same time preserving liberty and justice for all Californians.

The deficiency in interpreters and translators for our country's national and natural emergencies has also become ever more apparent since 9/11. Yet too many officials at the national and local levels miss the critical link between legislated interpreter and translator credentialing and our country's compromised ability to respond. Equal protection, equal access to justice and due process of law are matters of fundamental fairness. Only through legislation and appropriation can we improve access to services throughout all levels of local and state government. Therefore, we urge that ways be found to fund access to court interpreters in the next fiscal year.

Seattle, Washington, October 2006

The Advocacy Committee regrets to report that the Supreme Court of the State of Wisconsin did not accept review of the case that generated the amicus curiae brief submitted by the Frank J. Remington Center of the University of Wisconsin Law School, the National Association of the Deaf, the Wisconsin Association of the Deaf, and NAJIT. The petition sought to review a case in which a deaf defendant was shackled in court and could not communicate.

TT Ensemble Task Force

What's the latest in Transcription & Translation?

The NAJIT Board of Directors has formed the TT Ensemble Task Force whose work is well launched, leading to the creation of a software prototype that will likely reach new heights in TT work. The resulting software will provide those professionals involved in TT work with a tremendous tool that also has the potential to raise the bilingual forensic transcript to a new level of accuracy, efficiency and usefulness. The TT Ensemble Task Force is collaborating to combine, adapt and extend existing software tools to create a specialized software tool for bilingual forensic transcription that will run on standard personal computers.

While this software is being developed, master chef Sam Mattix — who proposed the original idea — has prepared a “cookbook” that offers ways to achieve some of the functions of the proposed TT Ensemble software using currently available tools. To satisfy your voracious TT appetite, visit www.najit.org and check out the TT Ensemble Concept Paper (also included opposite on p. 15), the PowerPoint presentation on TT Ensemble, and the TT Cookbook. [A word of caution: the TT Cookbook offers ways to achieve some of the functions of the proposed TT Ensemble software using currently available tools. The methods outlined may challenge those who are not technically proficient with the tools.]

We are very grateful to Marc Carman and Alan Melby of Brigham Young University who are providing the technical expertise for this new recipe. We'll keep you posted as it cooks along!

Jeck-Jenard Navarrete
TT Ensemble Task Force Chair

CALENDAR

February 7-10, 2007. San Jose, CA. National Association for Bilingual Education 36th Annual Conference. www.nabe.org

March 12, 2007. Salt Lake City, UT. Translation Summit

March 30-31, 2007. Des Moines, IA. Advancing the Profession of Health Care Interpreting. www.iita.org

April 11-15, 2007. Sydney, Australia. Critical Link V: Community Interpreting. www.criticallink2007.com

April 28 – May 3, 2007. Granada, Spain. First International Forum of Translation/Interpreting and Activism. www.translationactivism.com

May 18-20, 2007. Portland, OR. NAJIT 28th Annual Conference.

May 31-June 3, 2007. Cleveland, OH. ATA Medical Division Mid-Year Conference. www.atanet.org

July 12 – 15, 2007. Seattle, WA. 8th Biennial Conference on Forensic Linguistics/Language & Law.

August 3-8, 2007. San Francisco, CA. Registry of Interpreters for the Deaf Biennial Conference. www.rid.org

October 24-27, 2007. Dallas, TX. American Literary Translators Association 30th Annual Conference. www.literarytranslators.org

October 31-November 3, 2007. San Francisco, CA. ATA 48th Annual Conference. www.atanet.org

November 15-18, 2007. San Antonio, TX. ACTFL Annual Convention & Exposition. www.actfl.org

August 1-7, 2008. Shanghai, China. International Federation of Translators XVIII World Congress.

November 5-8, 2008. Orlando, FL. American Translators Association 49th Annual Conference. www.atanet.org

NAJIT offers this calendar as a service to its members. No endorsement of courses or events offered by other organizations is implied.

Bilingual Forensic Transcripts for the 21st Century

The National Association of Judiciary Interpreters and Translators (NAJIT) invites professionals involved in transcription and translation work to collaborate in creating a new standard for transcription and translation. It is time to raise the bilingual forensic transcript to a new level of accuracy, efficiency and usefulness. Audio files and the records derived from them should be integrated and linked together. With a modest commitment of funds and creative endeavor, existing software capabilities can produce a fully modern solution that will meet the needs of courts, governmental agencies and translators working in this field.

GOAL: To create **electronic files of voice recordings** that are tightly linked to a textual rendition of the words spoken, known as transcription, and subsequent translation of their meaning into English, exportable to standard bilingual transcript formats for use with word-processing software. The files must be accessible, easy-to-use and accurate, and must possess particular capabilities to serve the needs of both transcriber/translator and end user. The professional term for this task is transcription and translation (TT).

PROPOSED SOLUTION: combine, adapt and extend existing software tools to create a **specialized software tool for bilingual forensic transcription** that will run on standard personal computers. Visit www.najit.org to view a presentation demonstrating how the proposed software, known as “TT Ensemble,” would work.

BENEFITS: this new software, once developed and widely distributed, would offer the following benefits:

1. **Instant and complete ease of access** would be possible from any point in the non-English transcript or English translation to the exact segment in the underlying audio file, and *vice versa* from audio to text.
2. All individuals who deal with the bilingual forensic transcript gain access to the **same first- or second-generation raw and processed audio data** that served as source for the transcriptionist. This provides a critical benefit right from the start to the translator of the transcribed non-English text, who needs to *hear*, not just *read*, what was said in the source audio. Others who benefit include: expert witnesses called to assess the reliability of a particular bilingual forensic transcript, judges, jurors, prosecution and defense attorneys, witnesses who testify to the content of the recording, and supervisors of large TT projects.
3. Hundreds, even **thousands, of hours of transcribed and translated digital audio files can be searched** using English or source language text strings. This gives immense potential for timesaving and improved search results, benefiting intelligence analysis, law enforcement, trial preparations and legal research.
4. **Notation and formatting standards** agreed upon by TT professionals and related professions would be **built into the software**

and automated as much as possible. Tedious entry of “tape meter” or “clock” reading at start of each page and of duration of pauses, unintelligible and inaudible segments can be automated and indicated as precisely as desired according to user-defined options. Overlapping speech or other simultaneous sounds can be indicated according to agreed upon notation. The transcription and translation can be displayed in a variety of standardized formats according to user-defined options, including export to document files for printing traditional hardcopy bilingual forensic transcripts. (When working with non-Roman scripts such as Thai, this last formatting task consumes as much time now as the translation itself.)

5. Transcriptionists and translators who lack know-how and tools to **enhance audio files** would be equipped with a few **easy-to-use and useful tools** to do so. (Much transcription work is done from extremely poor source audio, e.g. from wire taps and body wires. Often one voice is very loud and the other very soft, so the loud voice gets distorted in order to listen to the soft voice, and the soft voice becomes inaudible in order to listen to the loud voice at a decent volume.)
6. The software would **work with all world languages**, including Arabic, Amharic, Chinese, Hindi, etc. including all orthographies with a Unicode-compliant computer font.
7. Voice print technology can be used to increase the efficiency of the proposed software by adding the ability to **process audio files automatically** to distinguish voices, parse audio into utterance segments and pauses, and assign or link utterances and pauses to annotation lines according to voices identified. This technology might also provide an objective basis for—or alternative to—voice identification by transcriptionists, thus helping to standardize a contested aspect of this work.

ORIGIN OF CONCEPT: NAJIT offers its sincere thanks to member Samuel Mattix who developed this concept and has proposed it for NAJIT’s support and development. All intellectual property rights remain with Mr. Mattix and NAJIT. NAJIT is also deeply indebted to those members who have given educational sessions on the subject of transcription and translation at our conferences, and to those members and colleagues who are now participating in the Transcription and Translation Project. (Visit www.najit.org for more details.)

FOR FURTHER INFORMATION: contact TT Ensemble Task Force Chair, Jeck-Jenard Navarrete J.D. Ph.D., by email at TTSoftware@najit.org.

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LETTERS

I confess. I have been a NAJIT secret agent for quite a while now. Not exactly by bringing the excellent work of NAJIT to the knowledge of law enforcement bodies here in the UK but by talking about NAJIT to all the interpreters who attend my training sessions. I have been training the Home Office / IND [Immigration and Nationality Directorate] registered interpreters since 2002, and as part of the two-day training they undergo after passing their assessment, I speak about continuous professional development [CPD, the UK equivalent of continuing education] and list all the courses available for interpreters and all the organisations they can subscribe to if so they wish.

Being an avid reader of *Proteus* myself and a firm believer that NAJIT as an association is working for the benefit of excellence in the interpreting profession overall, I feel compelled to pass on the message that standards in interpreting are important, that ethics exist for us to assimilate them and abide by at all times, that bilingualism is not interpreting, that our code of conduct exists to remind us that these issues are the core of our profession and that we cannot simply do as we please. Today we help the officer; tomorrow we compensate by helping the applicant. These very crucial issues do not seem to be of the outmost importance here in the UK, at least they are not focused on the same level as in the US or even Australia, but if I raise that awareness among those who attend my training sessions and half of the attendees become better interpreters as a result, then I am happy with the result.

Unfortunately, the provision of T&I in the UK is in a shambles. The courts, and in fact the entire criminal justice system, commission agencies to provide them with “value for money” translators and interpreters, but the proficiency or qualifications of these do not seem to be of the outmost importance. Anyone who can speak a language other than English is providing T&I services across the country. Agencies fail to provide qualified interpreters and fail to check their credentials. Their clients in turn do not know of the recruitment process and believe agencies are honouring their contracts.

I am not sure if any of these interpreters go to the NAJIT and ATA websites, or if they decide to become members of either. I doubt it, because the majority are not a member of any T&I institute or association in the UK. However, what I do know is that if they don't do any research, if they don't read about ways to improve their competence, they will continue to provide sub-standard interpretation and not care about improving their knowledge and skills.

I will continue to openly (not secretly) and enthusiastically talk about NAJIT and will continue to read and learn about developments in the profession in order to succeed in this life-long learning field. I would like to finish by quoting Darlenne Phillips on an inspiring sentence: “*We should all remain passionately focused on the art of communication.*” I am and so should we all.

Helena El Masri
Shoreham by Sea, UK

[The writer is member of ATA, NAJIT, IOL (Institute of Linguists), ITI (Institute of Translating and Interpreting) and NRPSI (National Register of Public Service Interpreters).]

Congratulations to all who contributed articles and worked on the fall issue of *Proteus*. That issue has the best professional interpreter and translator articles I have ever read. The feature articles, messages, news, reports, calendar and book review are excellent.

The newsletter contains practical information particularly for the court interpreter, translator, and the persons who aspire to become professional interpreters and translators, judges, court administrators and the general public. I hope that particularly judges, lawyers, probation officers and law enforcement officers read the articles in that issue.

The practical information NAJIT's newsletter contains will help bring much needed change to the inaccurate and false perception that many in the news media, editorial personnel, people who work in the courts and the public at large have regarding the translator and interpreter profession. Such false perception continues to hurt our profession both in and out of the judicial system.

A. Samuel Adelo
Santa Fe, New Mexico

[The writer is a life member and former President of NAJIT.]

ITEMS OF INTEREST

Canada: Sign Language Ruling

Canada's deaf population numbers about 300,000, and up until a recent court victory, they had to pay for their own interpreters when interacting with government offices. In his August ruling, Justice Richard Mosley of the Federal Court recognized that the responsibility belonged to the government. “As Canadians, deaf persons are entitled to be full participants in the democratic process and functioning of government,” he wrote. “It is fundamental to an inclusive society that those with disabilities be accommodated when interacting with the institutions of government.” The Canadian government is now expected to take steps to provide and pay for sign language service.

European Union

An August 31, 2006 article in *The Guardian* pointed out that the costs associated with providing interpretation service to the European Union skyrocketed when the number of working languages expanded from 11 to 20. Sixty interpreters must be on duty for every working session of the parliament. Some 2,000 permanent translators translate documents into every working language, with the exception of Maltese, for which translators are in short supply. Together the translation and interpretation departments cost the EU approximately \$850 million yearly. Skeptics call the language profusion an “expensive cacophony of tongues” while community supporters stand by their linguistic representation.

continued

STATE ROUNDUP

California

California AB 2302 passed the Assembly but in August was vetoed by Governor Arnold Schwarzenegger. The bill would have required courts to pay for court interpreters in civil matters to assist the nearly seven million Californians who do not speak English and might need interpretation in family law disputes or other civil actions. Advocates protested the governor's veto. Layla Razavi of the Mexican American Legal Defense and Education Fund said, "The issues at stake in child custody, child support and other civil cases can be just as important as in criminal cases. It is essential to provide interpreters."

In October, California Chief Justice Ronald George identified the interpreter issue in civil matters as one of the major challenges facing the courts in the next 10 years: "Interpreter services continue to be a critical component of access to justice for many Californians. The Judicial Council is committed to continuing to work with the Governor and the Legislature to expand our programs to train, test, and certify qualified interpreters for the more than 100 languages translated each year in California's courts. We believe the types of proceedings in which interpreters are provided by the courts should be expanded to include family law and small claims matters."

New York

A series in the *New York Times* examines the overloaded immigration courts in New York City, where an average of 20,000 cases per year are adjudicated by only 27 judges. [see "In New York Immigration Court, Asylum Roulette" October 8, 2006.] A July 31, 2006 article looked at the disparities in asylum cases nationwide and how different nationalities were treated. In fiscal year 1994, over 297,000 cases came before U.S. immigration courts. The Justice Department, which oversees the immigration courts, is currently conducting a comprehensive review of the immigration court system. The number of different languages spoken by asylum seekers: 227.

ITEMS OF INTEREST *continued*

Endangered Translators and Interpreters

Approximately 4,000 translators work for San Diego-based Titan, the company that supplies the Arabic- and Kurdish-speaking linguists to the U.S. Army. In 2005, Professor Salah Ali of Mosul University in Iraq addressed the World Congress of FIT, the International Federation of Translators, highlighting the fact that 10 linguists were killed in Mosul alone, many raped or tortured beforehand. At a recent FIT meeting in South Africa, similar concerns were raised regarding the safety of linguists in Iraq. It is not unheard of for translators to pay ransom or to get smuggled out of the country by underground support groups. Lynn Hoggard, President of FIT, was recently quoted in an article [*Times Record News*, October 10, 2006]: "Translators in Iraq face constant death threats for doing their jobs."

Pennsylvania

The state House Judiciary Committee was scheduled to meet on October 17 to review several bills, including SB 669, which provides for court and administrative hearing interpreters. Follow its progress at: www.legis.state.pa.us/

South Dakota: Spotlight On ASL

From the Sioux Falls *Argus Leader*, an October 7 article entitled "Extra steps needed to try deaf suspect: Mistakes could make trial unfair" pointed to the extra considerations in a murder trial of a deaf defendant. The victim was also a deaf woman. The interpretation process is being examined in the police interrogation of the defendant as well as in the courtroom.

Tennessee

An October 10 editorial in the *Nashville City Paper* lauded the work of the criminal courts in their efficient provision of interpreters ["County Courts in touch with Hispanic Realities"]:

"At a time when at least some of Metro's leaders are considering regressive approaches to dealing with non-English speaking residents — such as mandating that all government correspondence and services be conducted solely in English — it is perhaps appropriate for all Nashvillians to learn a lesson or two from the city's criminal court system.

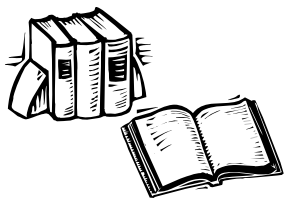
The folks in charge of that system have recognized and embraced reality — that the non-English speaking population is rapidly growing in Davidson County, and is not likely to slow down, much less decline, anytime soon.

With that backdrop, our local justice system has, through staffing, ensured that all defendants have quick and easy access to interpreters."

Position Available

Assistant or Associate Professor of Bilingual Legal Interpreting and Spanish. Tenure-track position to begin August 2007. Ph.D. or equivalent terminal degree required; state and/or federal certification(s) in legal interpreting preferred. We seek a professional interpreter (Spanish/English) and scholar to play a leading role in our M.A. in Bilingual Legal Interpreting program and contribute to our undergraduate Spanish program. See our complete ad at <http://lcwa.cofc.edu/hispanicstudies/positionsavailable.html>

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Book Review

Dagoberto Orrantia

Merl Bilingual Law Dictionary Diccionario Jurídico Bilingüe

Cuauhtémoc Gallegos, Ed.

Chicago: Merl Publications, 2005

ISBN: 1-886347-03-04 • \$34.95 www.merlpublications.com

We have come a long way in the relatively short history of Spanish-English legal dictionaries published in the U.S. since Louis Robb's *Dictionary of Legal Terms* appeared 41 years ago, and we can thank Cuauhtémoc Gallegos and his entry and editing contributors for this latest publication, which aims to furnish Spanish court interpreters and translators with a new tool in the never-ending search for a more accurate, efficient and manageable way of pairing two dissimilar legal systems.

Significant events in the field of Spanish-English legal lexicography include the publication in 1991 of *Butterworth's English-Spanish Legal Dictionary*, and in the same year, of Benmaman, Connelly and Loos's *Bilingual Dictionary of Criminal Justice Terms*, a compilation of vocabulary related to criminal procedure which documented passages containing both the source language expression and its equivalent in the target language. This terminological approach, however, would yield an unwieldy monstrosity if extended to the encyclopedic coverage of a general legal dictionary. Perhaps the best that we can hope for at present are domain-specific terminologies such as West's *Spanish-English Dictionary of Law and Business* — an excellent source for civil law phraseology, Becerra's *Dictionary of Mexican Legal Terminology*, online glossaries (like the one maintained by the interpreters of the Southern District of New York, available at <http://www.sdneyinterpreters.org/>), or descriptive dictionaries that, like the Merl Dictionary, list the most common legal terms used in English and Spanish, with explanatory and contextual materials to clarify the meaning. For example, the entry under "fingerprints" includes a brief glossary of related terms such as "arch" (*arco*), "furrow" (*surco*), "ridges" (*cresta*), "whorl" (*verticilo*). However, equally common terms such as "groove" (*estría*) and "smudge" (*borrón*) or "smear" (*mancha*) are missing. A thematic approach such as this has definite benefits but the user is at a disadvantage if he doesn't know where to locate a word or expression. For example, to find the translation of "to rest a case" one must look not under "rest" but under "defense rests," a classification system that presupposes procedural or contextual knowledge that not every dictionary user will have.

Merl contains thousands of definitions, background comments and cross-references in its more than 5,000 main entries. They are all informative and well-documented; *careo* ("confrontation"), for instance, refers the user to *confrontación*, a synonym, and then quotes the *Diccionario Jurídico Mexicano* to give a definition. At times, however, this wealth appears excessive. Is it necessary, for example, in a specialized dictionary such as this, to give a defini-

tion of "street"? Likewise expendable is the cumbersome classification in four categories of target language renderings that Gallegos considers marked: a term is labeled as a literal, functional, descriptive or borrowed equivalent, but this information adds little to the task of finding a translation for a given term: *derechos Miranda*, we are told, is the literal equivalent of "Miranda rights;" does this mean this translation is less acceptable? Likewise, the elaborate system of abbreviations that accompany some terms may sharpen the translation but it also slows down the search for an equivalent; thus the entry for "chattel" reads

"**chattel** n. [nrwr] *bien mueble*. [lexical exp.] [de] *todo bien que no es un inmueble en "freehold."*

where [nrwr] is the abbreviation for "narrower sense," [lexical exp.] stands for "lexical expansion" and [de] means "descriptive equivalent."

All the legal translators and interpreters I know have a ready-made list of expressions that they find difficult to translate, and all would welcome a new dictionary that might finally bring an answer to their questions. The list I used included the following ten expressions: "charging conference" (*conferencia sobre las instrucciones al jurado*), "confession of judgment" (*admisión de sentencia*), "conscious avoidance" (*ignorancia deliberada*), "enforceable lien" (*gravamen ejecutable*), "entrapment" (*inducción dolosa*), "guilty knowledge" (*dolo*), "preponderance of the evidence" (*superioridad de las pruebas*), "standing" (*legitimación*), "superseding indictment" (*acusación remplazante*) and "waiver of removal" [meaning a waiver of identity hearing and consent to removal to another jurisdiction] (*consentimiento al traslado*). How does the Merl Dictionary fare with this admittedly hard list? It includes three, "entrapment" (*entrampamiento [PR]*), "preponderance of the evidence" (*por mayoría de pruebas*) and "standing" (*capacidad procesal*). Other common terms are surprisingly lacking or lurking in unsuspected places, such as "deadlocked," "plea agreement" or "unseal."

A paper-only dictionary published in the year 2006 seems anachronistic, but until conditions for court interpreters resemble those of conference interpreters, who sit in pairs at a desk inside a booth with an Internet connection, interpreters working in courtrooms, robing rooms, cellblocks and assorted offices seldom can gain immediate access to electronic resources (unless they carry pocket electronic dictionaries, which at present are far from exhaustive). The one-volume paperback format of the Merl Dictionary makes it easy to take along to all of those locations, and its approach and scope make it a useful reference work.

The dream of a legal translator, Alcaraz Varó says, is to have available, at a minimum, a dictionary of legal synonyms, a dictionary of legal collocations, a dictionary of semantic fields, and a dictionary of false friends.¹ The Merl Dictionary is a brave first attempt at that wished-for combination. ▲

[The author is associate professor of Spanish at John Jay College of Criminal Justice and a federally certified Spanish interpreter.]

(Endnotes)

1 Alcaraz Varó, Enrique. (2001) *El inglés jurídico norteamericano*. Barcelona: Ariel, pp. 116-117.

CERTIFICATION EXAM ANNOUNCEMENT

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