

The Dilemma of the Mexican Hamburger: Is Tex-Mex Spanish?

Dan DeCoursey

In a recent *New York Times* interview (“How the Taco Gained in Translation,” published on April 30, 2012), Gustavo Arellano, “¡Ask a Mexican!” columnist and author of the book *Taco USA*, offers fans of Mexican cuisine some food for thought, literally. Arellano complains about food purists who disparage Mexican-American food because it is not “authentic,” referring to them as “Baylessistas,” or rabid followers of renowned Mexican-food chef Rick Bayless. He even goes as far as to say that Baylessistas are engaging in a subtle form of xenophobia: “It’s a different way of keeping Mexican food separate, out of the mainstream.”

Arellano explains that he has no desire to become a Mexican-food purist. “You would have to go back before the Spanish conquest: no carnitas, no cheese, no beef, no thank you.” He then glorifies what he has anointed as the greatest Mexican dish in the United States: the Mexican hamburger at Chubby’s in Denver, consisting of a hamburger patty stuffed into a burrito with beans and *chicharrón*, and then smothered in green chile sauce. In order to drive his point home, Arellano asserts, “Here’s what I know. If it’s in a tortilla, it’s Mexican food. If it’s made by a Mexican, it’s Mexican food.”

You may wonder what any of this has to do with interpreting, and with good reason. While reading this article certainly piqued my interest in trying a Mexican hamburger, such mixing of culinary traditions or cultures also led me to ponder how we as interpreters often respond to the mixing of languages, or to the non-standard terms and meanings commonly used in the immigrant community, which all too often provoke a nagging case of mental heartburn with no easy cure. Arellano states that viewing Mexican-American food as a lowly variant of Mexican cuisine further marginalizes it from the American mainstream; this brings me to ask some difficult questions about how we approach the Spanish spoken by first or second-generation immigrants in the United States. If we are unable to find a term or a certain meaning for a term in a dictionary published by tried-and-true sources such as the *Real Academia Española* or in María Moliner’s *Diccionario de uso del español*, does that really mean this term or meaning does not exist, or that it is not worthy of being included in our working lexicon as interpreters? Should we exclude immigrant Spanish or non-standard Spanish entirely from our interpretations? Does our role as interpreters include protecting the Spanish language from undue influence from English? Are there any reliable sources regarding Spanish spoken in the United States that we can consult to determine whether a non-standard term or meaning is sufficiently common or accepted among a certain group of speakers to be included in our lexicon? What should we do with non-standard terms or meanings for which we find no support in any reliable source?

I do not pretend to have definitive answers to these questions, but I do believe they are worthy of debate among our community. Immigrant Spanish is a regional variant characterized by the mixing of English and Spanish, including Anglicisms and false friends, and by deviations in meaning from standard Spanish. Regardless of what we might think of them, many Anglicisms, such as *lonche* (meaning “lunch,” instead of a Mexican-style sandwich), *marketa* and *troca* rarely cause us any problems, since they are widely used and easily understood. Problematic terms used by immigrants in the United States, however, do warrant our attention, especially when choosing a standard or non-standard meaning might very well determine the outcome of a case. For example, I am reminded of a difficult case that involved a victim who was stabbed to death. Shortly after being stabbed, the victim was heard exclaiming “¡me picaron!” Soon after, the victim died. I consulted several colleagues, and in spite of this very specific context in which a stabbing took place, and despite other cases we had come across in which first or second-generation Hispanic immigrants used *picar* to most likely mean “to stab,” many believed that the best translation was still “I was poked,” since monolingual Spanish dictionaries published in Spain and Mexico indicate that *picar* refers to a sharp object lightly penetrating a surface. Using this standard meaning certainly enables us to lean on the solid support of some very well-respected lexicographers, but I wonder if it also opens us up to criticism that we are being overly purist, or that we are taking on a role as language guardians that might not suit us. In short, is insisting on this standard translation, despite the context indicating otherwise and the distinct usage observed in other cases, the linguistic equivalent of what Arellano would consider being a purist or Baylessista?

Such a situation certainly presents an uncomfortable dilemma for us interpreters. On the one hand, it is inadvisable to ignore the context of a given statement, or dismiss our own observations regarding usage among a certain community for which we interpret. On the other hand, it is a perilous undertaking to attempt to determine a speaker’s meaning without any support from either a well-regarded source of terminology, or a careful analysis of which non-standard terms and meanings have been sufficiently established or accepted in a given community to be included in our working lexicon. After all, interpreting is not a game of charades, in which we try to guess what a speaker of another language actually means.

One phenomenon that clearly illustrates this point is the incorrect use of *molestar* to mean “to molest.” While in English the term *molest* is commonly used to mean “sexually abuse,” the standard meaning of the Spanish term *molestar* is “to bother.” In Spanish-speaking countries, this term more closely preserves the original meaning of the Latin term *molestare*, which means “to trouble, annoy,” and it has not taken on any additional meaning referring to sexual abuse. In spite of this clear divergence in meaning between these two cognates, my colleagues and I have come across cases in which detectives and prosecutors, and even a certified translator of a transcript, insisted that due to English interference, a suspect was using the term *molestar* to mean “molest.” In such cases, I would argue that it is advisable to avoid the temptation to become a mind reader. We must explain that we are bound by terms and meanings that have been sufficiently

established in a certain community, and there is simply no basis for determining that *molestar* as a false friend of *molest* is a common and accepted non-standard usage among any group of native Spanish speakers, whether in Spanish-speaking countries or in the United States. If this term is used incorrectly, it most likely originates from speakers with a poor command of Spanish, and therefore, “molest” should be rejected as a possible non-standard meaning of the term.

I would argue, however, that the case of *picar* is different. We are fortunate that one of our colleagues, Dennis McKenna, went through the tedious (although in our profession, certainly not thankless!) task of determining which non-standard terms and meanings have been sufficiently established in immigrant Spanish to be recognized by interpreters. Both of his dictionaries, *Dictionary of Mexicanisms* (2004) and *Criminal Court Dictionary* (2006), are a valuable resource for us when confronted with immigrant Spanish terminology or usage that is not included in well-known dictionaries from Spain or Latin America. In the preface to his *Dictionary of Mexicanisms*, McKenna specifies that “[t]he Spanish-to-English section offers a current list of the most common Spanish words and idioms unique to Mexico and the southwestern United States.” He also indicates in the preface to his *Criminal Court Dictionary* that it includes “crime-related idioms from Mexico, Central America and the American Southwest.” In regard to *picar*, McKenna does define it as “to stab, to prick,” such that he includes both the standard meaning, “to prick,” as well as the non-standard meaning, “to stab.” Thanks to McKenna, we now have an authoritative source to which we can refer, and perhaps even cite, when encountering a context that clearly demonstrates the non-standard meaning.

The key difference between *molestar* as a false friend of “molest” and “to stab” as a non-standard meaning of *picar* is that the former does not reflect common and accepted usage, at least not yet, among any group of native Spanish speakers, whereas the latter has been identified by McKenna (and, hopefully, other lexicographers of whom I might not be aware) as common and accepted usage among Spanish speakers in immigrant communities of the American Southwest. When I asked McKenna about this incorrect use of *molestar*, he replied, “Our language skills, years of experience and extensive training as interpreters should be brought to bear in cases where the usage is shared by a larger community of native speakers, not just one individual who may be completely mistaken in his or her use of a term.” Therefore, when confronted with someone who insists that a Spanish speaker is using a certain term, such as *molestar*, in both a non-standard manner *and* in a way that does not reflect common usage among any identifiable group of native Spanish speakers, it would be best to explain that our task as interpreters is to determine which established usage or meaning best fits a certain situation, and it is certainly beyond our scope, and probably best left to the discretion of the triers of fact, to determine the intended meaning of a speaker when that is in dispute. Furthermore, in these situations we need to be reasonably certain about the interpretations we use, and ideally, we should be able to cite a reputable source for our interpretation, especially when challenged in the courtroom.

To successfully navigate the perils of interpreting for LEP speakers who have resided in the United States for many years, we will most likely need to look beyond the well-known canon of dictionaries we turn to so frequently. Whenever we find a reputable source of such terminology or usage, it is definitely worthwhile to share it with colleagues for their evaluation and review. Furthermore, while McKenna’s dictionaries are highly valuable resources, he clearly indicates that the Spanish terms he included reflect common usage among Mexican-American immigrants in the Southwest. Therefore, additional resources are needed for interpreters in other regions of the United States, where the majority of Spanish-speaking immigrants come from countries other than Mexico, and where Spanish terms and usage are unique to that region. If no such resource exists, perhaps a studious colleague with a sufficient understanding of lexicography could address this need, as McKenna did for those of us working in the Southwest. These resources could be shared in a variety of ways: a self-published book or e-book, a blog, or an online forum moderated by a qualified colleague.

Undoubtedly, the Hispanic immigrant communities in the United States speak a variety of Spanish dialects that are markedly distinct from standard or international Spanish spoken in Latin America or Spain. We might lament the mixing of languages, such as the widespread use of Anglicisms and false friends, that is occurring in the United States, perhaps due to concerns of linguistic purity or correctness, for cultural reasons, or because of the confusion this mixing often causes among Hispanic immigrants in the United States and Spanish speakers in Spain or Latin America. Nonetheless, we ignore this phenomenon at our own peril. It is inevitable that the Spanish spoken by Hispanic immigrants and their children will continue to evolve, and most likely will involve more extensive mixing of Spanish and English. Terms such as *molestar* might very well become more problematic for us. Furthermore, such problematic terms will require us to either consult or create authoritative resources regarding Spanish usage among Hispanic immigrants, and we might have to rely less on canonical sources published in Spain or Latin America.

As the Spanish spoken in the United States changes rapidly, it would behoove us to keep usage among Hispanic immigrants on our radar. We should do so, however, with caution. Determining that everything inside a tortilla is Mexican food is one thing; treating everything said in Spanish by members of Hispanic immigrant communities as common and established usage would be quite another. While we are not guardians of standard Spanish, we should avoid introducing or spreading the use of false friends, Anglicisms or non-standard meanings into immigrant Spanish when they are not sufficiently common among a certain group to be considered established. Once a qualified person determines that such usage has been established, however, I would argue that we should not be afraid to include these non-standard, or more exactly, immigrant Spanish terms and meanings as possible solutions in the appropriate context. If we simply dismiss immigrant Spanish, we might risk putting our own expertise in jeopardy, or even ceding our role of determining the best interpretation in a given context to less-qualified parties such as detectives, attorneys or judges. While not all of us might be ready to stomach a hamburger patty stuffed into a burrito, I believe we are up to the task of clarifying the often-confusing mixing of languages for a monolingual audience. Recognizing reputable sources of immigrant Spanish, and encouraging qualified colleagues to create additional resources as needed, would be an excellent first step in such a process.

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[The Academia Norteamericana de la Lengua Española (ANLE) recently announced the inclusion of "estadounidismos" in the next edition of the Dic

cionario de la Real Academia Española (DRAE). To read more, follow this link:

http://cultura.elpais.com/cultura/2012/10/10/actualidad/1349893853_744008.html --Ed.]

The Case of the Missing Letters, Or, What to Do if the Source Document Is Written in Code

Michael O'Laughlin

When translating handwritten documents from Spanish, I usually find a bit of detective work is in order because of the non-standard orthography used. Many things written by less-educated immigrants are misspelled. The most common errors are confusions between “l” and “r”, or “b” and “v”, as in *boy a esperal* (“I’m going to wait”) or *un señor vianco* (“a white man”). Then a silent “h” can show up in unexpected places, as in *hibamos* (“we were going”). Recently I have also seen “k” appearing more and more for *que* (“that/what”) or for “qu,” as in “aki” for *aquí* (“here”). In many cases, phrases must be sounded out to reveal their meaning. For example, “so lo hami,” when sounded out, becomes *sólo a mí* (only to/for me) and “hasi se ase” becomes *así se hace* (“this is how it’s done”). My rule of thumb has become: “when in doubt, sound it out.” The other reason that detective work is often needed is because many English words are used, but appear transformed into new Spanish versions. A street much frequented by Latinos called North Common, when pronounced over and over in Spanish, becomes “No Como.” WalMart starts to sound like “warmer.” Water Country becomes “Va de Conde,” etc.

These types of transformations are seen all the time. I like to think that I am familiar with many of these translation pitfalls, and now I seldom give them much thought. However, I did get fooled in a big way recently working on a job that I will call, “The Case of the Missing Letters.” I want to tell my little story here so that no one else gets tricked in the same way.

In “The Case of the Missing Letters” I was asked to translate into English a series of love letters written by a woman who was the victim in a criminal case. Her letters were going to be used in court to show that, not only was she not in fear of the defendant, she was crazy in love with him and would not leave him alone. Translating the first several letters was only slightly difficult, the problem being non-standard spelling, as illustrated above, and also the determination of this love-crazed woman to do without accents, capitalization or punctuation. The only concession to readability she made was to put spaces between words, or what *she thought* were words: for example, “esentido” became, with a little work, not one, but two words, *he sentido* (“I have felt”).

The problem was her third letter: it was missing not only capitalization, accents and punctuation, but now actual letters—there were blank spaces where letters ought to be. Many of the missing letters were easy to fill in, like in a puzzle. The phrase “nosotro stamos” obviously should be *nosotros estamos* (“we are”). The configuration “i va a r g esa” is a bit harder, but can be made out as, *si vas a regresar* (“if you’re going to return”). However, what was I supposed to do with “c o i o p o t do”? The last part could be “por todo,” but how could I sign an affidavit saying that the translation was complete and accurate if I couldn’t make out ten percent of the words? The letter was apparently written in code, something that a cutesy letter-writer might do, particularly when writing a love letter, but I couldn’t make it out.

I told the defense attorney that I had a real problem. I was stalled over the words that had many missing letters. We decided to consult the letter’s recipient, her client, as to what was up with the code and what the missing letters might be. Getting together took some time to arrange, but when the day arrived and the three of us sat down together, I looked for the letter among those held by attorney and it appeared to be missing. Finally I found the third letter, but now the text was complete and all the letters were there! Who put them in? I questioned the attorney, but no one had had the letters except her. At least now the letter made sense, and I saw I had been wrong regarding some of the words I had guessed at from the disconnected letters on the page. But how the missing letters had suddenly appeared remained a mystery.

I really wanted to figure this out. The next day I sat down to compare the two texts — the original one I had with missing letters and the new one with the complete text. I noticed that on the complete text there was a doodle at the top of the page that did not appear on the missing-letter text. This was the tip off! I had received the missing-letter text as a .pdf file, and somehow the software had left out not only the doodle, but any letters that it could not interpret. Upon closer inspection, there was no real difference between the letters that got printed and those that did not, but the altered version I had was not really a “copy”, *i.e.*, a picture, of the original. It did not contain any letters that the copier in the attorney’s office, or some link in the chain of software, could not make out. I had never seen a glitch like this before, but now I am forewarned. In this electronic age, as the machines get smarter, similar problems are sure to arise. So, my advice to anyone whose source document appears to be missing anything is, don’t trust it! If there are lacunas in the text, get hold of the original.

P.S. If you actually like this kind of word puzzle -- as well as history and philological scholarship -- I recommend a novel in Portuguese, *O Codex 632*, by José Rodrigues dos Santos. It has been translated into Spanish and English, and perhaps into other languages, as well.

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Legal Interpreting by any Other Name is Still Legal Interpreting

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Introduction

The broad umbrella which bears the name “community interpreting” covers a variety of settings, including those in which interpreters are needed in matters of legal import for both the provider and receiver of these legal services. Ambiguity and confusion exist with regard to the expected competencies, roles and tasks, and even to the official title given to this category of interpreters. In this paper I will present the following: (1) a brief reference to the labels assigned to interpreting in legal settings in various countries; (2) a definition of legal interpreting; (3) differences and similarities between interpreting in a trial court and other legal settings; (4) skills needed to perform in any legal setting; and (5) suggestions for the core components for a program designed to train interpreters for legal specialization.

History

Distinctions among the roles and tasks of court interpreters, legal interpreters and community interpreters working in legal settings have been rather nebulous. The term “community interpreter,” coined by the Institute of Linguistics in London in the early 1980s, referred to interpreting provided for the police, the courts, and social services (Longley, 1984: 178). One British interpreter described community interpreting in the United Kingdom recently as “any kind of interpreting where one of the parties involved is an individual acting on his or her own behalf” (Fletcher, 1992: 129). He contrasts this with conference interpreting where delegates act on behalf of their company, country, or profession. In the United Kingdom, the legal system is the principal user of community interpreters. No formal distinction is made between community legal interpreters and court interpreters.

In several countries, including Sweden and Canada, court interpreting is considered a specialization requiring specific training and accreditation, whereas interpreting in other legal settings is designated as “community interpreting” and accreditation is not required.

In the United States, court interpreting has received much attention since passage of the Federal Court Interpreters Act (Public Law 95-539) in 1978. This act and legislation enacted in an increasing number of states clearly note that all individuals have the right to gain equal and full access to the justice system. If a member of a linguistic minority cannot participate actively in a legal proceeding because of limited ability to understand and speak English, an interpreter will be provided by the court.

The terms “court,” “judiciary,” and “legal interpreting” have been used interchangeably for seminars and workshops and short courses offered in various academic institutions. “Court interpreting” has been the most common designation, with training focusing on protocol and skills needed in the courtroom setting.

Several exceptions, however, are noteworthy. In 1978, the leaders of the New Jersey Legal Interpretation Project selected the term “legal interpretation” rather than “court interpretation” because they recognized that legal interpreters work in a variety of settings which extends beyond the courtroom and court-related agencies (Roberts and Tayler, 1990: 71). The focus of the legal interpreter education project was to be the education and training of interpreters for formal settings (court proceedings) which would allow them to perform successfully in any legal context.

Two academic programs of some duration, an undergraduate minor at William Paterson College in New Jersey, and a certificate program at Florida International University, are called Legal Interpretation and Translation, and Legal Translation and Court Interpreting, respectively.

What of the “community legal interpreter”? The Twin Cities Interpreter Project (TIP), housed at the University of Minnesota’s Department of Linguistics, offered an expanded program from 1992 to 1993 which included legal interpreting. The two courses added were Introduction to American Law for Interpreters and Interpreting II: Legal Focus. The goal was to train interpreters to work outside the court system (Dowling, n.d.).

Initially, the plan was to develop materials for the Interpreting II course which would incorporate the information presented in the American law course and focus on legal contexts, while bypassing all reference to court interpreting. However, in the process of developing training materials using such authentic resources as legal documents and court transcripts, it quickly became evident that avoiding legal language was impossible. The terminology used in a variety of legal contexts and in basic legal procedure had to be incorporated. It also became quite obvious that separating legal interpreting and court interpreting into two discrete, independent categories was unrealistic and untenable. Overlap was inevitable, regardless of the legal context in question.

Legal Interpreting Defined

In light of this experience and my work in developing the curriculum for the forthcoming Master of Arts in Bilingual Legal Interpreting Program at the University of Charleston, SC, the following definition is offered: Legal interpreting refers to all situations in the legal domain in which interpreter services are performed. These situations include: interviews in law enforcement offices at the local, state, and federal levels; attorney-client interviews, which may occur in the attorney's office, in a public service agency, or at a jail; depositions; administrative hearings in state and federal agencies dealing with such issues as social security, worker's compensation, unemployment and disability, and immigration and naturalization; landlord/tenant disputes; family court matters; grand jury hearings; interviews with probation and other court-related agencies; and all court appearances in the various stages of civil and criminal litigation. Court interpreting refers normally to simultaneous and consecutive interpretation, and sight and written translation provided for court officials and minimal-English speaking litigants during evidentiary and non-evidentiary proceedings. This term includes interpreting during interviews in case-related matters outside the courtroom.

From this definition, it is clear that court interpreting is but one form of legal interpreting which shares many common characteristics with other types of legal interpreting. There are, however, some noteworthy differences. These refer to the profile of the practitioners who provide these services, to some of the specialized skills required for court interpreting, and to the general atmosphere of the legal setting. For purposes of comparison, the terms "court interpreters/interpreting" and "other legal interpreters/interpreting" will be used.

It should be kept in mind that "other legal interpreters/interpreting" includes what is also referred to as "community legal interpreting."

Differences Between Court Interpreting and Other Legal Interpreting Settings

1. Court interpreters are either staff employees of a court system, or they work primarily as contract interpreters for various courts, engaging in other court-related interpreting situations as well. Other legal interpreters may be self-employed or may work for a language or other service agency. They work in a variety of settings which may include the courts, but the courtroom is not the primary focus of their interpreting activities.
2. Court interpreters who are hired by a court system are paid by the Administrative Office of the Courts. Other legal interpreters working outside the courts are paid by the agency or attorney who employs them.
3. Court interpreters view court-related work as their primary source of employment and income. Other legal interpreters may be employees of the judiciary who work in another capacity, or are individuals who may be engaged in a totally different profession or occupation. In these instances, court interpreting does not provide their primary source of income. Interpreting itself is not their primary activity.
4. Court interpreters may hold federal or state certification, or some other official accreditation. Other legal interpreters are not generally certified.
5. Performance of court interpreters can be monitored by supervisors, other colleagues, and other bilingual court players including attorneys, judges, or jurors. Performance of other legal interpreters is rarely monitored or assessed.
6. Court interpreters often rely on electronic equipment, especially for simultaneous interpreting. Electronic equipment is rarely used by other legal interpreters.
7. Court interpreting for the litigants is conducted in the simultaneous mode and for witnesses it is generally confined to the consecutive mode. Other legal interpreting settings require far less use of simultaneous interpreting skills.
8. Court interpreters routinely must interpret in the simultaneous mode the following portions of a trial: attorney's opening and closing statements; discussions between the attorneys and the judge and the attorney's examination of English-speaking witnesses; the judge's instructions to the jury; legal arguments; and expert witness testimony covering a wide range of specialized fields and highly technical terminology. These last two categories require the court interpreter to possess an extensive knowledge of legal language and the underlying concepts of legal procedure and courtroom protocol, and specialized vocabulary related to crime, drug use, ballistics, firearms, DNA, drug and other laboratory analyses, and forensic medicine, to name only a few of the topics which may arise in a trial. These statements must be interpreted simultaneously with appropriate comparable equivalents of the terminology in the target language. Other legal interpreters also must understand legal concepts and procedure and be able to manipulate legal terminology successfully in both languages; however, they are rarely required to perform with the same breadth and depth of knowledge and skills required of the court interpreter.
9. The courtroom setting presupposes a confrontational atmosphere between two adversarial parties. Testimony is presented by direct and cross examination of witnesses by the attorneys. Trials can be exceptionally tense. Emotional outbursts and dramatic performances are common occurrences. These stressful conditions are shared by interpreters who must maintain control of their own performance at all times. As a rule, other legal interpreters do not share this tension. The settings in which they work are generally less charged, more relaxed, and afford greater latitude in controlling both speed of delivery of oral exchanges and the general flow of communication.
10. Courtroom conditions are not always favorable to optimal interpreting. Poor acoustics, judges who mumble, speed of delivery and poor enunciation of the speakers, visual obstructions impeding adequate view of the courtroom, poor space accommodations for the interpreter along with equipment and materials, and other types of interference are situations over which the interpreter has little control. Conditions in other legal settings, while not always ideal, can be modified more easily to accommodate the needs of the interpreter.

Similarities Between Court Interpreting and Other Legal Settings

Upon analysis of the similarities between court interpreting and settings of other legal interpreting, it becomes evident that the code of professional responsibility of the interpreter in any legal setting is the same. The range of commonalities, both quantitatively and qualitatively, far exceed the differences mentioned before. The presence of an interpreter is to ensure that communication takes place between individuals and parties who do not speak the same language. While opinions vary with respect to adaptive roles of the interpreter in various settings, (1) it is uniformly agreed that whatever the setting, and most unequivocally in any legal setting, the interpreter must maintain high standards of professional performance to allow for the exchange of information without misrepresentation, or interjection of personal bias.

Before the professional qualifications expected of legal interpreters are described, it is worth noting some of the characteristics of community interpreting in general. Interpreters work in two languages and interpret and translate in both directions. A wide discrepancy exists generally between the educational levels of the two parties, thereby producing a dramatic effect on the levels of language usage by the speakers. The interpreter must be able to manipulate a broad spectrum of speech styles from the most formal and articulate to the least coherent non-standard variety in both languages. Similarly, a wide disparity exists between the parties regarding familiarity with the dominant culture and understanding of how a system functions within that culture. Confusion and frustration often accompany the interpreting situation.

Legal services, however, are usually needed or required when individuals are in trouble or must resolve matters of lawful consequence. Mutually satisfactory solutions are not always achieved. Tensions are frequently associated with the need for interpretation and are further exacerbated in these settings.

As a rule, fees are paid for professional services rendered. It must be emphasized that individuals who serve on an informal ad hoc basis, with or without remuneration, and volunteers from the client's family or social environment, or from a service agency, cannot be considered professional legal interpreters.

The skills expected of a professional legal interpreter and the code of professional responsibility related to interpreter performance are the following (2):

a. Knowledge and Skills. The sine qua non of interpreter competency is excellent command of the source and the target language. This means knowledge of the following: standard grammar, idiomatic expressions and vocabulary of the formal and casual modes of oral communication; regional and dialectic variations of both languages; colloquialisms and slang. Added to this level of bilingual proficiency is a general knowledge of justice system organization, including courts and related agencies, together with a command of specialized terminology in both languages related to the legal system, including court and general administrative hearing procedures. This knowledge must be skillfully applied to the transfer of messages in the simultaneous and consecutive interpreting modes, in sight and written translation.

b. Accuracy and Completeness. Conservation of every element contained in the message of the source language as it is reformulated in the target language requires faithful adherence to the register of speech (formal, educated, and uneducated syntax and vocabulary), and includes articulation of slang, obscenities, sexually explicit language, incoherent statements and/or obvious mis-statements. The intended meaning cannot be misrepresented in any way. Distortions of the overall message or a partial message occur when the interpretation is characterized by the following: literal translations which focus not on the essential ideas but on the transfer of words, grammatical and lexical errors; change of speech style; added information, omissions, and substitutions (Gonzalez et al., 1991: chapters 22-23).

c. Impartiality and Avoidance of Conflict of Interest. Impressions, opinions and biases must not be expressed or implied to any of the parties involved. The interpreter must maintain professional detachment from the context and content of the communication exchange. Verbal and non-verbal expressions of emotion and attitudes should be avoided at all times: "Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest" (Hewitt, 1995: 203). Conflicts may arise if the interpreter is a friend, relative or associate of either of the parties involved, or has financial or other interest in the outcome of the situation.

d. Confidentiality. All privileged information that is exchanged during the course of interpreting activities must remain confidential. The interpreter is bound to protect attorney-client privilege and must refrain from repeating or disclosing information that is obtained during the course of employment. Utmost discretion should be used in discussing publicly a matter or situation, even if it is not privileged information, in which the interpreter has been or is currently involved.

e. Limitations of Practice. Ethical constraints strictly define the scope of their interpreters' activities. Interpreters must not give legal advice under any circumstances, nor should they assume the role of advocate, conciliator, or cultural broker. While it may be tempting to act in such a capacity, and while one might even be encouraged to do so, the consequences could be devastating for the client. Sensitivity to cultural differences and to human suffering and distress is an essential quality of a successful and skilled interpreter. Maturity and good judgment must prevail, especially in delicate situations which are experienced for the first time and which existing guidelines may not address. Also, legal interpreters should refrain from accepting assignments for which they do not feel qualified, or which could compromise them or the client in any way.

f. Professional Development. As members of a professional group, legal interpreters must continually update their skills and knowledge. The constantly evolving nature of language produces changes in regional, vernacular and popular vocabulary, idiomatic expressions and slang terms. Laws change and new ones are enacted regularly. Maintaining currency in legal matters and researching new terminology must be an integral part of professional commitment. Legal interpreters can benefit greatly by active involvement in professional organizations, participation in workshops and seminars, interaction with other colleagues and specialists in related fields, and familiarity with current literature in the field.

Elements Essential in a Program for Training Community Legal Interpreters

Ideally individuals who wish to become interpreters should possess a high level of bilingual proficiency as a prerequisite for entry into any training program. By the same token, any interpreter training program, regardless of the setting for which students are trained (medical, legal, conference, etc.), must provide the techniques and practice needed for acquiring the professional skills of interpreting. These two areas will be addressed in this section. Bear in mind that the areas of professional responsibility already discussed provide the framework for curriculum design and development for legal interpreter training. However, only the most basic elements necessary in such a program will be described below.

A large percentage of the candidates interested in entering legal interpreting programs within a community interpreting context are members of the minority linguistic population who, as immigrants themselves, have not acquired a high level of proficiency in the official language. Proficiency in their native language may also be limited. Additionally, their bicultural frame of reference is generally quite narrow. In view of this situation, the following components are needed in a program which focuses on training community interpreters for legal specialization:

a. Pre-selection of candidates. A language proficiency requirement is the only way to have reasonable assurance that students possess the minimal language skills needed for interpreting. It is impossible to interpret what is not understood or what cannot be expressed in the target language. A screening test of bilingual proficiency designed to assess oral language skills and interpreting potential should be prepared and administered to all prospective candidates, thereby establishing the most basic criterion for eligibility to the program.

b. Intensive practice in pre-interpreting activities. The goals are to improve language skills and flexibility of expression, to develop immediate and short term memory and to acquire poise and self-confidence. Developing critical listening skills should be the main focus of this phase. Students should listen to live and tape-recorded presentations on a variety of loosely-related legal topics (divorce, child support, overcrowding of prisons, substance abuse, illegal immigration, etc.) In successive stages they practice summarizing, paraphrasing, and rephrasing main and supporting ideas, and recall of partial and entire discourse. Prepared and impromptu speeches given in class by students will provide opportunities for similar exercises. At the same time, the presenters will have practice in producing coherent oral discourse and in proper delivery of the presentation. These activities also force concentration on and recall of details. Specific memory-building exercises can be incorporated as well.

c. Introduction to the legal system. This is a course designed to provide an overview of the legal structure of the country, and more specifically to focus on the settings in which the interpreters will be working. Most introductory law courses are presented to citizens of the dominant culture and language in non-credit continuing or community education programs, or to students enrolled in a degree-granting academic program. The topics covered in such courses are either too broad or too dense for the students of community legal interpreter training. Topics for this population should be selected carefully to provide only the most fundamental aspects of the legal structure and system, together with practical and functional information about the institutions and agencies in which they will be working. Site visits to these places are highly recommended. These will provide direct exposure to the legal structure of the dominant culture, will sensitize the students to the social and legal environment in which they will be working, and will serve as a framework for subsequent practice sessions.

d. Adjunct language enhancement to accompany the course described in §c. Taught in close conjunction with the law course, this instruction will allow students to understand better the legal concepts and terminology presented in that course. The benefits of such classes are multiple: (1) students will be able to discuss the topics presented and clarify points which may not have been understood; (2) students will increase their vocabulary and fluency in the dominant language; (3) as a result of improved understanding of legal terms, they will be better prepared to find comparable equivalents in the target language.

e. Practice in note-taking techniques. Interpreting in dialogic situations often requires recall of such non-contextualized information as proper nouns, addresses, dates and numbers, as well as statements which extend well beyond the storing capability of short-term memory. The acquisition of note-taking skills will assist in the smoother transfer of complete and accurate information. It will also allow the interpreter to hear longer statements without having to interrupt the speaker after only seven to ten words have been uttered.

f. Practice in consecutive interpreting. Scripts must be developed based on authentic materials covering a wide range of legal settings. These should include the language typically occurring in these situations: frozen legal phrases, relevant legal terms; and formal and informal registers of speech. As mentioned earlier, some appropriate contexts are interviews in law enforcement agencies, administrative hearings, proceedings in lower courts (minor infractions), and attorney-client interviews. Ample time should be devoted to student role play sessions and to supervised practice with audio and video tape scripts.

g. Terminology development. Legal language should be included in the thematic presentation of materials provided for consecutive interpretation and related sight translation practice. In this manner, the terms, their underlying concepts, and their application are learned in the natural contexts in which they appear. This approach allows for better grasp and retention of legal terminology. It also provides the frame of reference needed in the search for appropriate equivalents in the target language. Terminology research can be conducted in small groups or in paired and individual assignments, and can be shared later with the whole class.

h. Final assessment and certification. Standards imposed for admission into program will ensure a high rate of successful completion. However, an exit examination of interpreting performance must be administered and then evaluated by independent jurors (preferably a professional team comprised of a member of the service provider agency and a professional interpreter). The certificate conferred is confirmation that the individual has acquired the skills expected of a graduate from the training programme.

Conclusion

Legal interpreting covers a wide array of community settings which include court interpreting. While there are some significant differences

between court interpreting and other legal interpreting settings, the code of professional responsibility applies to the majority of the skills and practices common to all forms of legal interpreting. All potential candidates for a community legal interpreter training program must possess a minimum acceptable standard of bilingual skills. An entrance test to assess language skills and an exit test to assess interpreting performance are essential. Additional language development exercises, introduction to the legal system, practice in note-taking, and consecutive interpreting and terminology research are among the core components of a legal interpreter training programme. The duration of the program will determine the number of hours devoted to each component. If community legal interpreting is to become a recognized profession, substantive programmes of at least three courses must be developed to address the areas of competencies and skills described in this paper.

Notes

(1) Brief descriptions of the various roles ascribed to interpreters in different settings are presented in Schweda Nicholson (1994) and Roberts (1994).

(2) Under a grant from the State Justice Institute, the National Center for State Courts in Williamsburgh, Virginia conducted a study of the nature and scope of management problems related to interpreter services in the state courts. The product of this study is a resource book (Hewitt) which examines the many facets of language interpretation in the courts. Of specific relevance to this paper are the chapters devoted to detailed accounts of tasks that court interpreters perform and to a recommended code of professional conduct.

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[Dr. Virginia Benmaman is an educator, author and Federally certified court interpreter. She has presented at numerous professional conferences in the US and abroad.]

[Editor's note: "The Critical Link: Interpreters in the Community" is reprinted by permission from *Benjamins Translation Library, Vol. 19*. Carr, et al, Eds. 1997. John Benjamins Publishing Co. Amsterdam/Philadelphia. *Though written over a decade ago, it still has much to tell us.*

The University of Charleston's name is now the College of Charleston; the Masters program referred to in this article was implemented and produced many outstanding interpreters until it was phased out and terminated in 2010. The author is now Professor Emerita and has retired from teaching, though she still interprets in the courts.

The reprint of the article, as provided, had no bibliography, and the editors have reconstructed it to the best of their ability, with the invaluable help of Roda Roberts and Nancy Schweda Nicholson.

Message from the Chair



Dear Colleagues,

I hope this issue of Proteus finds you well. The turning of the leaves and the holiday season again remind me how quickly this year has gone by. It has been a very exciting year for our professions. I recently had the honor of presenting the Keynote address at the annual conference of the California Federation of Interpreters in Los Angeles, California. My address focused on the state of the interpreting profession in the United States. It gave me an opportunity to reflect upon some of the very achievements and developments that I have previously written about here. I was once again struck by how many NAJIT members are making a difference in their local associations. I found that my message of greater professionalization, unity and collaboration was met with much enthusiasm. It was another opportunity for me to stress the importance of volunteerism and its direct correlation to effecting positive change. I have always been a believer in the adage that in any given situation we want to better, we are either part of the problem by being a bystander or we are part of the solution when we volunteer to effect change.

Since writing to you last, I also had the honor of representing NAJIT at the annual meeting of the Translation and Interpreting Summit Advisory Council (TISAC) co-located with the fifty-third annual ATA conference in San Diego, California. TISAC is an organization that brings together leaders of professional associations, private enterprise, academia and government with the goal of improving the professions of interpreting and translation. It was very encouraging to see interpreting issues front and center at the meeting, with equal time on the agenda devoted to interpreting for the first time. TISAC is a fantastic vehicle to further the cause of greater acceptance and professionalization of both interpreting and translation.

While in San Diego I also attended the first face-to-face meeting of the interpreter association's collaborative effort that I have written about previously. Represented at that meeting were leaders of ATA, IMIA, AIIC, AIIC North America, NCIHC and TAALS. Although this group has been meeting via teleconference for several months, it was very productive to have a face-to-face meeting. It was impressive that every member organization of the collaboration was personally represented, apart from RID, whose representative was unable to be present due to a logistical problem. Nonetheless, RID continues to be a great partner in this effort. During the meeting, the group finalized a joint letter to the Executive Office for Immigration Review (EOIR) and Lionbridge addressing all of our associations' commitment to best practices that promote effective utilization of interpreter services and that strive for optimal working conditions. The joint letter set out those practices and invited the leaders of EOIR and Lionbridge to work with some of our members who have self-identified themselves as experienced in the immigration court setting. Our goal was to demonstrate unity and solidarity on issues that are important to all interpreters and to broker an opportunity for individual interpreters to have a voice in their own effectiveness and their own working conditions. Unfortunately, as evidenced by some potentially incendiary comments about our efforts on the listserv, this overall strategy, despite its having been made clear, was lost on some. The Board of Directors hopes that the energies will now be turned to constructive dialogue as this letter has an opportunity to set the proper conditions.

In closing I would be remiss if I did not touch on the passing of a beloved colleague, Nancy Festinger. Nancy was an active member of NAJIT for over 30 years. She dedicated countless hours to our profession and I believe she epitomized the spirit of volunteerism that I wrote about above. Although I did not have the fortune to be as close to Nancy as many of our members, the brilliant light of her star will forever be seen in the people she touched and inspired. A good measure of a person is the number of people they make better just by being a part of their life. Nancy did that with some of the people that I hold in the highest esteem and is a true testament to her legacy. We will miss you Nancy. We will continue to carry the torch that you nurtured for so long and the profession is better for you, as is every part of the world that you touched.

I'm hoping all the best for each and every one of you.

Sincerely,

Rob Cruz

Kathleen Shelly's NAJIT Blog Post

In addition to her duties as a NAJIT Director, Kathleen Shelly is a regular on the NAJIT Blog. Her post "I Can't Get No Respect" dated October 26, 2012 will be reprinted in an upcoming issue of the *ATA Chronicle* in the "Blogtrekker" section. To see the post, follow this URL: <http://najit.org/blog/?p=697>.

Anna Witter-Merithew NPR Interview

In an interview by Neal Conan on WBUR, Boston's NPR News Station on November 15, 2012, NAJIT member Anna Witter-Merithew spoke about how body language is essential to ASL interpreting. To listen to the interview, follow this URL: <http://www.wbur.org/npr/165218742/sign-language-its-not-just-about-the-hands>.

In Memoriam



On October 31, 2012, NAJIT lost one of our founding members and long-time editor of *Proteus*, Nancy Festinger. Nancy was a luminary in the interpreting profession, casting a glow on all of us whose lives she touched. The obituary published in the *New York Times* tells the highlights of a life well-lived.

FESTINGER--Nancy, aged 57, beloved daughter of Laura and Martin, loving sister of Neal, devoted aunt to Rebecca. Loyal and endearing friend to many who loved her and a dedicated and admired colleague, died on October 31st at home after an illness. There are few who could match Nancy for her energy, zeal, and love of languages, music, poetry, books, self-study, true friendship and family. Recently retired as the Chief Interpreter of the US District Court Southern District of New York, she was also a translator of books of poetry, fiction and non-fiction. She loved the outdoors and the wonders she would find all around her, whether in Prospect Park, the Berkshires, or Upstate New York. She loved the inner magic of music, spending hours at the piano singing and improvising. Nancy was a zestful traveler, a Parisian at heart, a troubadour in her soul, a tireless walker, talker, observer and sketcher of everything around her. She knew the importance of great humor, she laughed easily, and she made others laugh often. Her life was a beautiful watercolor, and those lucky enough to know her will miss her dearly.

For many of us, Nancy was a rock, a sounding board, an inspiration. She mentored many of us, in many different ways. The outpouring of personal responses to the news of her passing that appeared on many interpreter and translator forums and listservs is too extensive to reproduce here, but we include a reprint from the NAJIT Blog as a loving tribute to her in this newsletter she helped create, and guided for so many years.

--Rosemary W. Dann, Editor-in-Chief

From Bethany Korp-Edwards' Blog post on November 2, 2012:

Nancy Festinger had been one of my professional heroes for as long as I can remember—although I am sure she would have laughed at that if I had told her. Her official biography reads simply: *Chief Interpreter of U.S. District Court, SDNY, since 1993 [until her retirement earlier this year]. Former editor of Proteus. Federally certified Spanish interpreter since 1982. Also a literary translator from French and*

Spanish.

But she was so much more. As time went by and I was fortunate enough to have the opportunity to work with her myself, I found that in addition to her numerous professional accomplishments and her dedication to the interpreting field, she was also kind, funny (her bio omits the tradition she started of a court-wide holiday revue, the Courthouse Follies), down-to-earth, and as Paula said, an extraordinary human being. In short, besides being my professional hero, she became a personal hero to me as well, the type of person I hope I can be in my interactions with others. There are no words to express the magnitude of loss to the interpreting community of the Southern District of New York and nationwide, nor to everyone whose life Nancy touched as a person. My heart goes out to her family and friends.

I first heard Nancy Festinger's name when I was an interpreting student at Rutgers University, circa 2000. My instructors spoke with glowing admiration of the professionalism of the Southern District of New York, of the respect that interpreters there received and the work Nancy did in recruiting and training interpreters of languages other than Spanish [LOTS], for one of the busiest and most diverse federal courts in the country.

I met Nancy for the first time a few years later at a NAJIT regional conference, soon after I had become a staff interpreter in New Jersey myself, and I learned that in person she was pragmatic and focused. She also supervised one of my interns when I was a lecturer in the Rutgers translation and interpreting program, and she was a joy to work with for me as an instructor—her expectations were reasonable, her guidance to the student useful, her evaluations on-point.

When I became a federal staff interpreter, I was at first the only Spanish staff interpreter in my division, and we were woefully short of federally certified interpreters to meet demand. Nancy graciously shared the orientation materials she had developed for use with LOTS interpreters, and I was able to adapt them for use in my district, providing orientation materials to new contract interpreters.

In recent years, I have been blessed to work with Nancy on *Proteus* and other projects (including, of course, the NAJIT blog), and more, to ask her for advice and to share ideas with her on the challenges we face in this field. I last saw her just over a year ago, when I was visiting family in the New York metro area. Over Thai food, we talked about changes in the field and the perpetual challenges that staff interpreter offices face. Later, she demonstrated for me the "Pecha Kucha" she had been asked to develop to introduce new judges and court administrators to the interpreters office (she later wrote about it for [Proteus](#)). ...

When I wished Nancy the best in her retirement this past June 30, she replied, "You young people have to carry the torch now." Consider it passed, Nancy—I hope I can serve the interpreting community half as well and with half as much grace and style as you did.

Good-bye, Nancy. The more I knew you, the more I liked you; the more I worked with you, the more I admired you. I wish I had known you better and worked with you more.

<http://najit.org/blog/?p=708>

ITEMS OF INTEREST

Links to Articles

The NY Times "Draft " features essays by grammarians, historians, linguists, journalists, novelists and others on the art of writing — from the comma to the tweet to the novel — and why a well-crafted sentence matters more than ever in the digital age. An example:

<http://opinionator.blogs.nytimes.com/2012/07/23/zombie-nouns/>

Advantages of bilingualism

<http://www.eurolondon.com/blog/en/12-reasons-to-be-proud-of-knowing-a-second-language/>

Associated Press presents new Spanish language stylebook

<http://www.ap.org/content/press-release/2012/ap-launches-its-first-spanish-language-stylebook>

Free online dictionary - 12 languages:

<http://en.pons.eu/?gclid=CLKl0vu2hrOCFQeynQodNAMAig>

English idioms

<http://voxy.com/blog/index.php/2012/02/top-10-most-common-idioms-in-english/>

A Babelverse explanation of what it's all about.

<http://babelverse.com/blog/2012/05/people-vs-robots-what-babelverse-is-really-about/>

Using digital technologies to revitalize native tongues in Latin America

<http://rising.globalvoicesonline.org/blog/2012/11/30/workshop-digital-media-for-endangered-languages-in-latin-america/>

"The Translator's Guide to Chinglish"

http://www.amazon.com/THE-TRANSLATORS-GUIDE-TO-CHINGLISH/dp/B0011A9NH4/ref=sr_1_7?ie=UTF8&qid=1354817632&sr=8-7&keywords=chinglish

First Jamaican Patois bible published

http://www.caribbean360.com/index.php/news/jamaica_news/644279.html#axzz2EvjjMHLM

Comparison of speeds of speech in various languages

http://www.lemonde.fr/style/article/2012/11/09/l-art-de-parler-vite-sans-en-dire-plus_1787505_1575563.html

Top translation people on Twitter

<http://www.kwintessential.co.uk/blog/top-100-translation-people-to-follow-on-twitter.html>

Media

On October 28, 2012, Nataly Kelly was interviewed on National Public Radio, speaking about Peter Less, whose story is one of many in *Found in Translation* the book she co-authored with Jost Zetsche. Nataly's writings can also be seen at the Huffington Post www.huffingtonpost.com and her blog, *The Interpreters' Launchpad*. <http://www.interprenaut.com>

To listen to the interview, click here:

<http://www.npr.org/2012/10/28/163534252/stories-of-the-power-of-language-found-in-translation>

NYC Mayor Bloomberg's ASL interpreter, Lydia Callis, is a media star. Read about her at: <http://www.npr.org/blogs/thetwo-way/2012/10/30/163940098/a-bright-light-during-dark-news-bloombergs-sign-language-star>

The sign language interpreter and the attorney

<http://www.youtube.com/watch?v=AgcjOaA16tE&feature=related>

REGULAR FEATURES

Noteable Quoteables

Language is a process of free creation; its laws and principles are fixed, but the manner in which the principles of generation are used is free and infinitely varied. Even the interpretation and use of words involves a process of free creation.

--Noam Chomsky

Grammar and logic free language from being at the mercy of the tone of voice. Grammar protects us against misunderstanding the sound of an uttered name; logic protects us against what we say have double meaning.

--Rosenstock Huessy

Arguments over grammar and style are often as fierce as those over IBM versus Mac, and as fruitless as Coke versus Pepsi and boxers versus briefs.

--Jack Lynch

FOR BETTER OR VERSE

Court Time

Time in the court is an interesting thing.
It crawls or it flies like a bird on the wing.
When some folks are involved
Time is slowly evolved,
As to each of their words they must cling.

And patience, of course, is the key.
As we sit here and listen we see,
They are in their own thrall,
But we must capture it all
For the record and the party LEP.

You'd think all they say would be great
Like the Lincoln and Douglas debate.
But mostly they pander
Without too much candor
And truly their grammar does grate.

"I've went" and "I've came" are oft heard.
Other things that they say are absurd:
"I and my colleagues have spoke."
Really! They say this! No Joke!
"Him and me talked," cannot be cured.

Consider as well: take, come, bring and go.
Every adult English speaker should know
Don't say bring when it's take
Come when it's go, for Pete's sake,
As the interpreted confusion will grow.

Now, the question I have has become
Do we render it thus and sound dumb,
Or should we clean up their act,
So they don't sound so cracked
And the listener's ears don't go numb?

--Douglas Hal Sillers

[Hal Sillers is a MN State and federally certified Spanish interpreter, and a regular contributor to this column.]

The Last Laugh

Why you should always use a trained, credentialed interpreter

http://www.youtube.com/watch?v=15tkc2T94Qc&playnext=1&list=PLBA33AC7571E6EEBE&feature=results_main

Some warning signs are better left untranslated:

