



PROTEUS

*The Newsletter of
The National Association of Judiciary Interpreters and Translators*

Vol. II, No. 1

Spring 1993

New York, NY

'93 MEETING A SUCCESS

Interpreters from coast to coast converged in Tucson on February 12-14 for NAJIT's 14th annual conference. Speakers from the legal community and court administrators and educators addressed the audience to sound the call for quality control, education, training and the judicious use of interpreter resources. With 90 people attending, this was the largest gathering NAJIT has held so far. Two-thirds of the interpreters present work in state courts, about a third in the federal courts, and a smattering in county courts. Between half and two-thirds of the audience was certified, either by federal, state or county examinations. One-third of the participants were salaried staff interpreters.

The 14-member Advisory Board of the National Center for State Courts scheduled its four-day meeting in Tucson to dovetail with NAJIT's, and all were present for most of our sessions. Bill Hewitt, director of the Center's project to study interpreting services provided in state courts, discussed plans for a unified model of certification in Spanish that individual states could then adopt. Other initiatives he identified as necessary were a national registry of qualified interpreters and educational programs for the legal community.

Panel discussions were purposely non-language specific; they covered 11 different topics, ranging from the technical (the language of fingerprint experts and forensic examiners) and the didactic (a thorough look at the federal certification program) to the hortatory and encomiastic.

Cause of death is usually a medical determination, but forensic anthropologists, said Dr. Walter Birkby, are taking on a more active role in criminal cases across the country. They work for medical examiners or law enforcement agencies and are called in to perform exhumations, remove bullet or bone fragments, identify human remains, determine age at death and help establish the identity of a deceased person. Birkby's presentation was an eye-opener in more ways than one: despite the gruesome pictures and tales, he gave interpreters a whirlwind tour of the technical vocabulary and jargon currently in vogue in the field.

Richard Martínez, Chief Counsel for the Arizona Civil Rights Division, called the legal setting "the proving ground" for interpreters while pointing to the need for interpreters in other arenas far beyond the

Update from NAJIT Legal Counsel

FTC INVESTIGATION NEARING END

The Federal Trade Commission commenced the investigation in January 1992 by issuing a subpoena to Sam Adelo, NAJIT president, seeking numerous NAJIT documents including minutes of its Board meetings, publications and internal communications. Apparently, this investigation was not commenced by specific complaints lodged against NAJIT but instead was a result of the FTC's national investigation into all organizations of translators and interpreters.

In March 1992 we responded fully to the FTC subpoena, which we supplemented in May 1992.

In October 1992 the FTC conducted a telephonic conference with Janis Palma, former NAJIT president, regarding the documents we had furnished. This conference was not pursuant to a subpoena nor was Ms. Palma under oath at the time. We consented to the conference because we believed that Ms. Palma's explanations of all the documents would end the FTC inquiry. In that conference, the FTC focused primarily on two documents. One was a 1988-1989 wage survey and the second was a form contract. Ms. Palma fully explained the bases for the documents. In December 1992 we submitted a supplemental affidavit from Ms. Palma setting forth the details that she had elaborated on in the October conference call.

We are currently awaiting the FTC's final determination. I believe that the FTC will discontinue its investigation and find that NAJIT's actions were neither unlawful nor improper. However, we are yet awaiting a final determination.

Dan Ratner, Esq.

courthouse. Harbinger of future trends, the North American Free Trade Agreement marks the growing mutual dependency and eventual economic integration of North America; interpreters, said Martinez, are on the cutting edge of the societal integration that is sure to replace the reigning "language phobia" in the U.S. Martínez called on interpreters to play a leading role in efforts toward greater cultural and linguistic understanding.

(continued on page 7)

MESSAGE FROM THE BOARD

Dear Colleagues:

Those of you who were unable to attend NAJIT's 14th Annual Conference have probably heard by now that it was quite a success. On behalf of the Board I want to express my heartfelt thanks to the people who made it possible by contributing many hours of volunteer labor, as well as ideas, energy and enthusiasm, all of which resulted in a program of dynamic and thought-provoking presentations and a high attendance rate at every session. I especially want to thank Roseann Dueñas González, Vicky Vásquez and Laura Murphy for their invaluable help and the reception they organized at the University of Arizona, which got rave reviews. We are also grateful to Donna Whitman, Annette Long and Ignacio Barrientos for their contributions.

I would also like to thank Sam Adelo for a wonderful job of leading the association during this past year. Sam will remain on the Board but has stepped down from the chairmanship to devote more time to professional commitments and personal affairs. As he put it, it was time to "make way for the baby-boomers." Regarding the Board, I extend a special thank you to Sara García-Rangel, who has labored tirelessly for many years and whose term on the Board now comes to an end, as does that of Mary Ellen Pruess. We welcome two new Board members, Carmen Pascual and David Mintz, and look forward to a productive and exciting year of working with them.

We have already started planning next year's conference, a celebration of NAJIT's 15th anniversary, which fittingly will be held in New York City, where NAJIT was founded. To avoid inclement weather and give out-of-towners a chance to see the city in springtime, its best season, the date of our annual conference has been moved to the weekend of May 6-8, 1994. More details on the exact location, program and other arrangements will be announced shortly. We hope more of you will plan to attend next year and urge your colleagues and co-workers to do so. We encourage the membership to participate in the the program planning, so please send any suggestions and/or comments as soon as possible. Proposals are welcome for workshops, classes or presentations that you would either like to give or see included. Please send these to me no later than November 30 of this year.

We are in the process of preparing this year's

directory, and I would like to remind those who have not yet paid 1993 dues to do so immediately so that you can be listed in the directory.

Several educational activities are being scheduled for the coming months. These include classes for candidates taking the written portion of the Federal Certification Exam, a three-week summer institute for candidates to take the oral exam, and a seminar on conference interpreting. More information on these activities will appear in *Proteus*.

Finally, we have negotiated a contract with Arlene Stock, whose company, Dynamic Management Services, Inc., will handle the bulk of the administrative and clerical work of the Association. Because of a still limited financial base, we cannot afford to have all our needs met by a professional management service -- as always, a lot of the work will still depend on the precious volunteer labor of our members -- but we have set as a priority for 1993 the task of strengthening every aspect of our infrastructure. We want, among other things, to improve communications, expand the circulation of *Proteus* and increase our financial resources. Our goal is to reach the large sector of interpreters and translators who share our concerns and convince them to join us. We hope all of you will benefit from these efforts and be inspired to become more active as well.

Mirta Vidal Orrantia
Chairperson

MAKE A NOTE:

NEW NAJIT ADDRESS AND PHONE

531 Main Street
Suite 1603
New York, NY 10044

(212) 759-4457

FAX (212) 759-7458

LEGAL TERMS IN PUERTO RICO

Dynamic Equivalents

Janis Palma

Arriving at an exact translation is never easy, but finding equivalent terms for different legal systems is even more challenging. In any translation, the translator looks for the meaning behind the words; but in legal translation we must also take a close look at the judiciary structure behind the legal terms. Furthermore, we must take into account the cultural environs of diverse judiciary structures, and the way in which culture and *ordenamiento jurídico* or legal system interact in everyday situations.

The case of Puerto Rico is rich in examples of how this interaction affects legal translation and interpreting. Puerto Rico fell under Spanish domination 500 years ago. After the native inhabitants were exterminated, Spain imposed all of its social institutions on the island, including a legal system within the civil law tradition. In 1898, after Spain had granted Puerto Rico an Autonomic Charter (Torruella, 1988), the United States invaded the island, claiming it as war booty. In its turn, the United States imposed the institutions of a growing world power upon Puerto Rico, including a legal system within the common law tradition. For example, the Code of Civil Procedures, *Código de Enjuiciamiento Civil*, that had been in effect in Cuba and Puerto Rico since 1886 remained in force after the U.S. takeover in 1898. In 1904 a new Civil Code was drafted which retained parts of the old Spanish civil procedures law, and added extracts from the California, Idaho and Montana codes. The U.S. laws had elements from both the common law pleading and the equity pleading systems in England. This crossbreeding brought about some very interesting terminological hybrids. Laws and regulations enacted as late as 1943 were, according to Hernández Colón, "a bad translation of the federal rules... which did not amend or expressly repeal the Spanish Code..." Crossbreeding is not likely to stop, given the ever-increasing flow of new English-language terms into the everyday vocabulary of lawyers and lay persons alike. Furthermore, Puerto Rico court decisions follow the general principle of interpreting the law on the basis of original sources. It is not uncommon to see Spanish jurisprudence cited in Puerto Rican Supreme Court decisions when civil cases are being decided.

There are Spanish-language legal terms commonly

used in Puerto Rico which have come to acquire limited or different meanings from the meaning they would have in other Spanish-speaking countries, but they are not hard to translate into English. Take, for instance, *corte*. Hernández Colón writes:

En Puerto Rico se utiliza el vocablo Corte como sinónimo de Tribunal. En España las cortes son las Cámaras Parlamentarias. La Ley de la Judicatura usa el vocablo Tribunal y descarta el concepto de Cortes utilizado por la antigua Ley de la Judicatura. (p.58)

The various courts in Puerto Rico are the *Tribunal General de Justicia*, the *Tribunal de Distrito* and the *Tribunal Superior*, which are divided into *Salas* and are courts of Original Jurisdiction or *Primera Instancia*, and the *Tribunal Supremo*, a court of *Ultima Instancia* or Last Recourse.

There used to be a *Juzgado de Paz* which no longer exists; however, there are still some public officials called *jueces de paz* who need not be lawyers; their role is limited to finding probable cause, issuing arrest and search warrants and approving bond conditions. One must be careful when translating this term as justice of the peace since the functions of these two officials are not always equivalent. The same holds true for notaries public: only a licensed attorney can be a notary public in Puerto Rico, whereas in the U.S. the functions of a notary public are much more circumscribed.

Notice that this type of court used to be called *juzgado*, a term found in many other Spanish-speaking countries; it is no longer used in Puerto Rico as a noun. And going back to the licensed attorneys, it is common to address lawyers as *licenciado/a* during testimony; e.g., "*Quisiera aclarar, licenciado...*", which should be translated as "counsel" ["I'd like to clarify, counsel..."]. On the other hand, if the term is used as a title, it should be translated as "esquire": e.g., *Licenciada Marina Vélez* would be "Marina Vélez, Esq." In written documents you will find that the most common headings will start with something like:

EN EL TRIBUNAL SUPERIOR DE PUERTO RICO
SALA DE SAN JUAN

which should be translated as:

IN THE SUPERIOR COURT OF PUERTO RICO
SAN JUAN DISTRICT

Sala in this sense does not mean "courtroom";

District and Superior courts are territorially divided into *salas*, which in effect become the equivalents of "districts" for jurisdictional purposes. There is a distinction made in Spanish between *jurisdicción* and *competencia*, the latter being "venue" and the former "jurisdiction." In Puerto Rico, however, the two terms are often used interchangeably.

Tribunal also acquires a variation in meaning when placed in the context of jury vs. non-jury trials. *Tribunal de derecho* normally means "court of law"; however, when a criminal defendant is given a choice between a jury trial and a non-jury trial, the choices are *por jurado o por tribunal de derecho*. In English that would be a jury trial or a bench trial. This refers only to criminal matters, by the way; there are no jury trials for civil matters in Puerto Rico.

Some headings on documents may make you look twice:

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE
AMERICA, S.S.
EL PUEBLO DE PUERTO RICO

The Federal Relations Law which regulates the Commonwealth's relationship with the U.S. requires this heading on any service of process [*diligencia judicial*].

It is not unusual to find words which sound like direct borrowings from English but are actually derived from Latin roots, such as *moción*; Hernández Colón explains: "La palabra *moción* viene del latín, de la palabra *motio*: mover. Una *moción* es cualquier solicitud que se formula al tribunal durante el transcurso del pleito, para mover al tribunal a que tome determinada acción." That seems to be the case as well with terms such as *récord* -- whereby the ubiquitous phrase "for the record" is often stated in the most inelegant *para fines del récord*. Synonyms for *récord* that are used in Supreme Court proceedings are *legajo de sentencia*, *transcripción de evidencia*, *expediente de apelación* or *revisión*. Another term used -- besides *exhibit* -- is *anejo de prueba*. You may run into phrases like *taquígrafo reporter del tribunal* meaning "court reporter" of course, and *tribunales de récord* for "courts of record". "Abstract of the record" however, should be translated as *exposición convenida*, since it refers to that portion of the record that will be transcribed for appeal purposes only.

There are other words and phrases that could be leftovers from the days of the Spanish Courts, such as *Vuestro Honor* for "Your Honor" -- although *Su Señoría* is also heard. As was mentioned before concerning lawyers, sometimes witnesses will address

the judge as *señor juez* or *señora juez*. The dynamic equivalent for this form of address should be simply "Your Honor." In some instances it may be more appropriate to say simply "judge."

Some of the most common motions found in documents requiring translating from Spanish into English are:

Moción de señalamiento = Motion for hearing

Moción de sentencia sumaria = Motion for summary judgment

Moción de inhibición = Motion to disqualify (judge)

Moción para desestimar = Motion to dismiss

Moción de reconsideración = Motion to reconsider

Moción de nuevo juicio = Motion for a new trial

Motions are made pursuant to a rule or under certain conditions, which in Spanish can be phrased as *al amparo de....* *Amparo* is one of those problem terms which can also mean other things, depending on the context, from the common sense of protection -- as in *el testigo está amparado por la Constitución del estado* -- to the technical sense of appeal, or *recurso de amparo*, which is not applicable to Puerto Rico but can nonetheless appear in a legal opinion (Rivera García, 1985).

On the other hand, when working from English into Spanish, the translation of "appeal" can be troublesome, since Puerto Rico has two terms for appeal, depending on its content. If it is an appeal before the Supreme Court on a constitutional question it is called *recurso de apelación*; if it does not involve a constitutional question it is known as a *recurso de revisión*. However, a *recurso de apelación* can also be filed in Superior Court to appeal a District Court decision. In that case, constitutional questions are not involved.

Motions, objections and appeals are subject to two types of decisions: *con lugar* or *sin lugar*. *Con lugar* can be translated as "granted" in the case of a motion, "sustained" in the case of an objection and "upheld" or "affirmed" in the case of an appeal. *Sin lugar* - sometimes also phrased as *no ha lugar* -- can be translated as "overruled" in the case of an objection, "denied" in the case of a motion, and "reversed" or "overturned" in the case of an appeal.

Other distinctions in Spanish with reference to an appeal are the words *formalizar* and *perfeccionar*. *Formalizar* un recurso quiere decir iniciarlo. *Perfeccionar* un recurso quiere decir cumplir con todos los requisitos impuestos por las Reglas para que el Tribunal de Apelación o de Revisión pueda

(continued on page 8)

HOW WELL DO YOU KNOW PUERTO RICAN VERNACULAR?

Richard Palmer

Some time ago a lawyer from New Jersey called me regarding a client of his, a native of Lares, Puerto Rico, who had been arrested in San Juan together with a Guatemalan national. Without allowing the man to call his home in Lares so that his family could identify him, the arresting officers sent him to Guatemala, where he spent two weeks in jail. After his return to Puerto Rico, his family decided to sue the United States government; however, there still seemed to be some doubt about his nationality. The lawyer asked me if I could devise a test consisting of Puerto Rican expressions which, of necessity, could only be passed by someone who was Puerto Rican or had lived many years on the island. He also advised me that the man was slightly retarded, so we decided that the test should be administered orally. The following is the result of that assignment. I included three Guatemalan expressions, one of which the man knew; it was *pisto*. When I asked him how he knew the word he said that the inmates in the jail had used the word constantly. With one or two exceptions he was able to define or explain all the Puerto Rican expressions. See how many you know. Answers on page 10.

I. Define or explain briefly:

- | | | | |
|---------------------|------------------------------|--------------------------------|-----------------------|
| 1. <i>aruñar</i> | 14. <i>cucubano</i> | 27. <i>maipriola</i> | 40. <i>San Felipe</i> |
| 2. <i>asaltos</i> | 15. <i>cundeamor</i> | 28. <i>meaño</i> | 41. <i>serenata</i> |
| 3. <i>bimbazo</i> | 16. <i>gandinga</i> | 29. <i>mime</i> | 42. <i>soco</i> |
| 4. <i>bonete</i> | 17. <i>guardarraya</i> | 30. <i>Miss, Mister o Mrs.</i> | 43. <i>sopanda</i> |
| 5. <i>burronazo</i> | 18. <i>guares o guaretos</i> | 31. <i>morronga</i> | 44. <i>sorullo</i> |
| 6. <i>caculo</i> | 19. <i>güimo</i> | 32. <i>mozambique</i> | 45. <i>tapabocina</i> |
| 7. <i>carrucho</i> | 20. <i>higüera</i> | 33. <i>parcha</i> | 46. <i>tembleque</i> |
| 8. <i>Cayey</i> | 21. <i>Jayuya</i> | 34. <i>patojo</i> | 47. <i>tormentera</i> |
| 9. <i>chiringa</i> | 22. <i>jobo</i> | 35. <i>pepino angolo</i> | 48. <i>trullas</i> |
| 10. <i>chongo</i> | 23. <i>joyo</i> | 36. <i>pescozón</i> | 49. <i>Utuaado</i> |
| 11. <i>cocolfa</i> | 24. <i>juey</i> | 37. <i>pitorro</i> | 50. <i>zuruma</i> |
| 12. <i>contra</i> | 25. <i>jurutungo</i> | 38. <i>pringamosa</i> | |
| 13. <i>crica</i> | 26. <i>límbur</i> | 39. <i>San Ciriaco</i> | |

II. Explain the meaning of:

1. *Le han hecho un trabajo y por eso está salao.*
2. *Allí viene Juan y está jendío.*
3. *Al manflorita ese le limpiaron el pico.*
4. *Bendición, pai.*
5. *coger pon*
6. *el año de la guácara*
7. *El pai de Juan tiene una chilla.*
8. *Esa mujer es un cuero.*
9. *La nena está brincando cuica.*
10. *Me dio un flato.*
11. *No tengo pisto.*
12. *tener churras*

I. Answer the following:

1. ¿Cómo se dice, *enchufar* o *enchuflar*?
2. ¿Cómo se termina esta frase: *Cuando a sus playas llegó Colón...*?
3. ¿Por qué les dicen *cano* a algunos hombres?
4. ¿Qué parte del cuerpo es *la batata*?
5. Si uno no ve bien, ¿qué debe usar para leer?

Richard Palmer is a federally certified freelance interpreter of Spanish.

Research Update/ José Varela-Ibarra

RESEARCH IDEAS -- FREE!

I was recently invited to participate in the next AATIA annual meeting for a repeat performance of last year's "Interpreters Showcase." How many more times do we need to show each other what consecutive and simultaneous interpreting are? Can we go on now?

For those who receive invitations to deliver papers at conferences, but are at a loss regarding what to discuss, I offer the following topic ideas:

Problems and Solutions As translators and interpreters, we have all encountered problems and had to fashion solutions. How have we done that? Write an introduction, make a list, write a closing. Articles such as this one organized around lists are the easiest to write.

Errors There are some publications in this area. Make some sense out of the typical errors you have made or witnessed.

Attitudes Different clients' attitudes toward translators and interpreters. Describe and propose adjustments.

Exercises Develop some practical training exercises for translators or interpreters.

Interpreters' Discourse A tiny bit of work has been done in this area, mostly in Israel, if memory serves me. More needs to be done.

Culture Cultural density and translatability.

Cultural literacy and translation Errors due to cultural blind spots. The *Brownsville Herald* offers four pages worth of original and translated Spanish articles daily, including the funnies. One strip was about a college scout coming to a high school. The translator apparently was not familiar with this aspect of U.S. culture. College scout was translated as "explorer of private schools."

Bilingual... Fill in the blank. More and more publications and broadcasts are becoming bilingual. Father Nicolau in Brownsville attempts to deliver a bilingual sermon each Sunday. He is his own interpreter. Record, compare, analyze. All kinds of written materials are now bilingual: instructions, announcements, ads for condoms.... The original usually the English text. Analyze the translated version.

What Did I Say? Do we really monitor ourselves as we interpret? Some say they come out from interpreting in court with no memory of what they interpreted. Are we really machines that don't recall the content of what we interpret? Just what do we really recall? How much? Why?

Critical Thinking Exciting area for teachers of writing. Can we link up translation and critical thinking?

Translator Profiles Interview translators, interpreters.

Translation Criticism Translated books in many fields are reviewed. What do reviewers actually say about the translation? How well do they know the language of original composition and what do they know about the translation process?

Politics of Translation Some international magazines have dual or multiple language editions. Compare and analyze the differences. Surprise! In the Spanish and English versions of *Cuba*, even the photos are "translated."

Some other topics to consider:

¶ Translators or interpreters as depicted in film, fiction, poetry.

¶ Translation/Interpretation in... Fill in the blank.

¶ Can we teach Spanish speakers to write better in Spanish through translation?

¶ How do we talk about translation and interpretation?: The metalanguage of T/I.

¶ Repair or revision strategies of novice vs. experienced interpreters or translators.

¶ Native speakers' reactions to T/I errors.

¶ Affective considerations in the teaching of T/I.

¶ (blank) Terminology ... Fill in the adjective.

¶ Dialectology in the courtroom.

¶ Current trends in the teaching of T/I.

¶ The language of... Fill in the blank.

¶ Knowledge of (specific language, content area) and judiciary interpreting.

¶ Whole brain thinking and T/I.

¶ What is translated in a translation?

¶ What do clients want/need to know about T/I?

The Labor Relations Board called my university's language department requesting an interpreter. Not to worry whether he/she is certified; the lawyers had agreed to accept a non-certified, student interpreter. I wonder if the lawyers in question would accept a non-certified student accountant to do their taxes or a non-certified student lawyer to defend them in court. Back to the need for a professional image based on education, degrees and training, supported by research, research, research.

The author teaches translation at the University of Texas at Brownsville. He welcomes information on research in translation and interpreting, particularly in the judiciary context. Address: Dr. José Varela-Ibarra, Modern Languages, UT-Brownsville, 80 Fort Brown, Brownsville, TX 78520 or FAX (512) 982-0115.

ANNUAL GATHERING A BIG SUCCESS

(continued from page 1)

Dr. Susan Phillips presented findings from a study on the variations in language used by judges during guilty pleas. Judges' discourse styles, she found, vary from abbreviated -- mostly yes/no questions -- to elaborated -- open-ended questions, involving the defendant more. The abbreviating judges tended to be more conservative in approach and the elaborating judges more liberal.

NAJIT's annual conference included a panel on American Sign Language, led by Dr. Lawrence Fleischer, who teaches at California State University and administers a training program for ASL interpreters in the legal field. Unfortunately, misconceptions regarding sign language still abound, not the least of which is that there is one sign language for all hearing impaired. The need for greater understanding of sign language culture was graphically illustrated by the case of a deaf person who was wrestled to the ground and choked to death because his agitated signs were misinterpreted by the officers as an attempt to resist arrest. Much can be gained from a more regular exchange between ASL interpreters and judiciary interpreters of other languages. We hope that this panel will mark the beginning of a more concerted effort in this direction.

A general membership meeting closed the conference. Outgoing chairman Sam Adelo summed up the year's activities and invited other board members to supplement his report. Adelo urged members to assist the association in carrying out its many responsibilities and a number of people promptly volunteered. Recent election results were announced and the two new board members, Carmen Pascual and David Mintz, were introduced.

The new Board met for an afternoon session following the business meeting. The Board's elected officers through 1993 are: Mirta Vidal, Chairperson; Alee Alger-Robbins, Secretary and Carmen Pascual, Treasurer.

A LITTLE THOUGHT GOES A LONG WAY

To the Editor:

I read with interest Nancy Festinger's article in the Fall 1992 issue of *Proteus*. It should be required reading for judges and lawyers who try cases in which interpreters are used, particularly insofar as it explains the difficulty of translating some of the esoteric language we use. A little thought would allow lawyers and judges to simplify their language so they can be more readily understood by the interpreter and, perhaps, by one another.

MICHAEL B. MUKASEY

U.S. District Judge

Southern District of New York

FUNDAMENTALLY USEFUL

To the Editor:

I was dismayed to read Janis Palma's critique of *Fundamentals of Court Interpreting* (Fall, 1992). I loved the book. I found it very useful for teaching, as a resource book for aspiring and experienced interpreters and as a guidebook or information source for clerks, court personnel and attorneys. The different styles and levels are intentional and are aimed at the different groups. Must every book be directed at a "clearly defined reader"?

Ms. Palma also points to contradictions by contrasting Berk-Seligson's 1987 study ("many interpreters are not rendering the legal equivalent") with a quote from *Fundamentals* that "interpreters assist their clients in overcoming the language barriers..." (p.296). This is the reality we live with. There are interpreters who have not had enough training and experience, hence are not rendering the correct legal equivalents; at the same time, court interpreters all over the country are interpreting successfully, overcoming language barriers every day and helping to ensure the defendants a fair trial.

PATRICIA MICHELSEN-WHITLEY

Richmond, Virginia

Recommended Reading

Huber, Peter W. (1991). *Galileo's revenge: junk science in the courtroom*. Basic Books.

The author argues that a significant part of what has been referred to as "the litigation explosion" is due to a new acceptance on the part of judges of what he calls "junk science." Whereas for centuries it was the judge who called upon experts to elucidate scientific matters, since the 1950's parties to lawsuits have been allowed to call so-called experts who support one side or the other for a fee. The controversy over the morning sickness drug Bendectin, the lawsuits over the allegedly self-accelerating Audi 5000, birth defects and the asbestos litigation serve the author as examples. A weakness of the book is its reliance on anecdote and secondary sources, but it can still be recommended as a readable introduction to a topical subject.

TERMS IN PUERTO RICO

(continued from page 4)

entender en dicho recurso." (Hernández Colón, p. 347).

The verb "to file" is a generic term in English; not so in Spanish. *Entablar*, *eleva*r and *someter* all mean *to file*, but when translating from English into Spanish you need to use a different verb for each, depending on what is being filed. (Of course, *archivar* in legal contexts does not mean "to file" but to close a case.)

If you have come across the terms *prescripción*, *prescribir*, etc., you probably had a hard time finding a dynamic equivalent for them. When a crime or tort has a limited time frame for prosecution or remedy, it is said to have a "prescribed term", or *término prescrito*. Thus, when the prescribed term expires, prosecution or remedy can no longer be sought. Through usage, the verb *prescribir* came to mean "to expire" in the sense that the prescribed term has expired. However, we cannot say in English that a crime or tort has expired; we must use the legal equivalent, which would be to say "the statute of limitations has expired" -- because the statute of limitations is the "prescribed term" during which one may either seek a remedy or prosecute someone for a crime or civil tort.

Autos has been a particularly difficult term to translate, since it is used as a synonym for *expediente* ["file, record"], as well as for an equivalent of "writ." The correct translation can only be determined from the context.

Obra en autos = is contained in the case file/is in the record

Caso de autos = the instant case

Auto de ejecución = writ of execution

The first two phrases are often found in documents pertaining to civil matters. With respect to criminal matters, "plea agreement" and "guilty plea" can also be translated in many ways. The equivalents commonly used in Puerto Rico are *delito negociado* and *alegación de culpabilidad*. By the way, guilty pleas are to be entered *inteligentemente*, which is not "intelligently" but "knowingly".

Translators must be careful not to confuse *alegación* with *alegato*. *Alegato* is a legal brief. *Alegación* is the allegation by either party; plaintiff's allegation is a *demanda*, to which a defendant may reply with allegations of his/her own, known as *contrademanda* or *reconvención* [counterclaim].

Plaintiff may reply once more with a *réplica*.

Demanda in its common, everyday meaning means "lawsuit", and this term may be appropriate in some instances when translating a legal document. But *demanda* technically means "complaint," the instrument used to initiate a civil action. After a complaint is filed, the clerk then issues an *emplazamiento*, "summons," which is served on the defendant in a *diligenciamiento del emplazamiento*, "service of process." Since the same term may be used to refer to the piece of paper and the delivery of that piece of paper, interpreters should be wary when they hear *emplazamiento*, and take a close look before deciding in which of these two senses the word is being used.

The difference between *emplazamiento* and *citación*, "subpoena," is that the former can only be served on a defendant and is part of the initiation of a legal action, whereas the latter may be served on any person, asking him or her to appear at a given time and date to testify.

Civil lawsuits generally end in a settlement. A "settlement offer" can either be an *oferta de sentencia* (when the offer has to do with a judgment), or an *oferta de pago* (when the offer involves payment). If the offer is accepted, the settlement then becomes a *transacción judicial*. Cases can be dismissed (*desestimar el caso*), withdrawn (*desistir del caso*), or a judgment (*sentencia*) can be entered in the case. Judgments are seldom, if ever, rendered in open court; they are rendered in writing and recorded in the *Registro de Pleitos y Procedimientos* or *Registro de Asuntos Civiles*. A judgment is final when it has been recorded and the parties have been notified, but it is only firm once the term for an appeal has expired. At that point it also becomes enforceable, or *ejecutoria*.

Producción de documentos is the "production of documents" during discovery, which in Puerto Rico is known as *descubrimiento de pruebas*.

Hearings in Puerto Rico are not *audiencias* but *vistas*. There is a simple explanation, according to Hernández Colón:

Ese es el principio de la oralidad, el proceso romano siguió la forma oral, el germano la escrita, al común, la escrita, en Inglaterra siempre se ha seguido la forma oral, en España la forma escrita, y en Estados Unidos, la oral.

Thus, legal matters are "heard" in English, whereas in Spanish they are "seen," following the old Spanish tradition. That is why we also find the term *visto* at the end of many legal documents in Spanish, which

would be the equivalent of a phrase such as "case heard" for U.S. procedures.

As a result of a system where written documents form the basis for all legal actions, we inherited a generic term that can mean just about anything in English: *escrito*. "Un escrito es cualquier documento, moción, alegación, o solicitud que se radique ante un tribunal. Es la palabra que abarca todo papel escrito que pueda presentarse en los autos. Es el término genérico que cubre demanda, moción, fianza, sentencia, etc." (Hernández Colón, p. 144). Based on this definition, *escrito* should be translated as whatever the written document purports to be: a complaint, claim, motion, bond, judgment or sentence, e.g., in an appeals decision: *...lo que se expone en este escrito...*, "...what is stated in this decision..."

A very frequent phrase to be found in these *escritos* is *de los documentos... surge*. The verb "to stem" can often be used, but in this case, the best translation would probably be "the documents show..."

The word *causante* bothers me every time I run into it. Like *escrito*, it is a generic term for anyone who is the cause of a legal action. I suggest we follow the same general rule as with the translation for *escrito*, and if the *causante* is the one writing a last will and testament, call him the testator; if the *causante* is a defendant in a criminal indictment, call him/her the defendant, and so on.

Not everything is a dark cloud of confusion. Some of the troubling terms to translate from English into Spanish have found felicitous renditions in Puerto Rico:

Character witness = *Testigo de reputación*

Client = *Representado (nuestro)*

Default judgment = *Sentencia en rebeldía*

Failure to appear = *Incomparecencia*

Leading question = *Pregunta sugestiva*

Hearsay = *Prueba de referencia*

Impeach (a public official) = *Residenciar*

Indictment = *Pliego de cargos* (or: *Pliego acusatorio*)

Probable cause to believe = *Motivo fundado para creer*

Put on a case = *Desfile de prueba*

Rest (a case) = *Someter*

The context, of course, is very important in deciding when and how an English-language equivalent is applicable. If a prosecutor says *sometido* at the end of a *desfile de prueba*, it should be

translated as "the Government rests" or "the People rest." But if a judge says *tienen diez días para someter los alegatos*, that should be translated as "you have ten days to file your briefs."

Requerido generally means "summoned." "Summoned," however, does not always translate as *requerido*; it could be *citado*. Thus, *citado para lectura* would be "summoned for arraignment" -- *lectura* being, of course, short for *lectura de cargos*.

When judges reach conclusions, they "make findings." If you are translating into Spanish for a Puerto Rican audience, you may want to keep in mind the following distinction: *Conclusión de derecho* = Finding of law; *Determinación de hecho* = Finding of fact. Of course, that doesn't mean you won't find *conclusión* used for findings of fact as well, e.g., *conclusiones de hecho y de derecho*.

Here are some other terms and phrases heard and read in Puerto Rico's legal arena:

¶ When the law is on someone's side, the expression *el derecho que le asiste* is commonly used for arguments; the opposite expression would be something like *el derecho no le asiste*.

¶ When addressing an issue, lawyers and judges are said to *expresarse sobre ese extremo* where *expresar* is "state" (to state something), and *extremo* is "issue."

¶ The term *relevo* is used in two senses: "release" and "waiver". A "Motion to be Released as Attorney of Record" would be a *Moción de Relevo...*, whereas a *Relevo de Responsabilidad Civil* would be a "Waiver of Public Liability."

¶ The "burden of proof" is *la carga de la prueba*, as in other Spanish-speaking countries, and "due process" is *debido proceso de ley*. However, the Attorney General is not the *Procurador General de Justicia*; in Puerto Rico he is the *Secretario de Justicia*.

¶ There no longer is a Public Defender's Office in Puerto Rico; we have either Legal Services (for civil matters) or Legal Aid (for criminal matters). Prosecutors are simply called *fiscales*, and work under the *Ministerio Fiscal*, which would be the equivalent of the District Attorney's Office. The court's clerk is the *secretario*, and the court stenographer is a *taquígrafo* although District and Superior courts use tape recorders to make a record, and what the *taquígrafos* do is watch the tape roll in the recorder, turning it on and off or playing it back if anyone wants a readback.

The list goes on. Since our Rule 8.5 of Civil Procedure states that, "Las alegaciones, solicitudes, mociones y demás escritos deberán formularse en inglés siempre que se acompañen de las copias

necesarias en español," no doubt terminological hybrids will continue to sprout in the fertile lands of Puerto Rican legalese.

Janis Palma, past president of NAJIT, is a federally certified freelance interpreter. A version of this paper was presented at the 1992 ATA Conference in San Diego.

References

Hernández Colón, Rafael. (n.d.). *Manual de derecho procesal Civil*. Unpublished manuscript.

Rivera García, Ignacio. (1985). *Diccionario de términos jurídicos*. 2a. ed. Orford, New Hampshire: Equity.

Torruella, Juan R. (1988). *The supreme court and Puerto Rico: The doctrine of separate and unequal*. Río Piedras, PR: Editorial de la U. de Puerto Rico.

CERTIFICATION IN NEW LANGUAGES

At NAJIT's 1993 convention Dr. Roseann Dueñas González of the University of Arizona announced that a recent Administrative Office directive, approved by the Judicial Council, has set the wheels in motion to create certification exams in ten new languages between 1993 and 1999.

Languages to be certified were identified on the basis of district court usage statistics, immigration figures and the proportion of four-year colleges that teach the language. For instance, French and Italian, which are widely taught at the university level, were not considered as desperately in need of certification as other languages for which higher education training is unavailable in the United States.

Cluster Groups; Modified Certification

The new exams will be designed in three cluster groups: the first will include Mandarin, Cantonese, Vietnamese and Korean; the second, Tagalog, Ilocano and Thai; and the third will certify interpreters of Hindi, Urdu and Punjabi.

Dueñas González described as "modified certification" the additional examinations which will be created between 1993 and 1997 for Chamorro, Arabic, Farsi, Japanese, Laotian, Cambodian and Hebrew.

TEST YOUR KNOWLEDGE OF PUERTO RICAN VERNACULAR

Answer Key:

I. 1. to scratch; 2. sudden visit paid by a group of Christmas revelers; 3. a blow with a fist; 4. car hood; 5. same as 3; 6. type of beetle; 7. conch; 8. a city in Puerto Rico; 9. kite; 10. nag (horse); 11. blue crab; 12. darn; 13. female genitals; 14. firefly; 15. flower with bright red berries; 16. stew with gizzards and liver; 17. boundary line; 18. twins; 19. guinea pig; 20. tree with gourd-like fruit; 21. city in Puerto Rico; 22. small orange colored fruit; 23. anus; 24. land crab; 25. an imaginary, far off place; 26. homemade popsicle; 27. madam of a brothel; 28. African tulip; 29. gnat; 30. terms of address used by children in school; 31. male genitals; 32. blackbird; 33. passion fruit; 34. A Guatemalan expression meaning boy; 35. cucumber-like fruit; 36. rap on the head; 37. rotgut rum; 38. plant whose leaves cause great itch; 39-40. names of famous hurricanes; 41. mixture of codfish, onions and vegetables; 42. thick beam under house; 43. springs; 44. corn fritters; 45. hub cap; 46. custard-like dessert; 47. shelter to hide during hurricanes; 48. group of Christmas revelers; 49. city in Puerto Rico; 50. jerk.

II. 1. Witchcraft is being used on him and that is why he is unlucky; 2. He is drunk; 3. *They killed that faggot*; 4. *Bless me, father* (used by children when greeting their father); 5. to hitch a ride; 6. In the year one; 7. *John's father has a mistress*; 8. She is a tramp; 9. She is jumping rope; 10. A Guatemalan expression meaning *I became afraid*; 11. *I have no money* (also Guatemalan); 12. It means diarrhea.

III. 1. In Puerto Rico most people say *enchuflar*; 2. The phrase is part of the *Borinquena*, popular national anthem. The real words are *exclamó lleno de admiración*. However, everyone knows a rather vulgar parody of this line which is *alzó la pata y tiró un follón*; 3. It means that they are blond; 4. The calf of the leg; 5. *Espejuelos* is the most common word used by Puerto Ricans.

ITEMS OF INTEREST

May 24-28, 1993. Monterey, CA. Oral exam preparation, state and federal; **June 14-18**, written exam preparation (state); **June 21-July 16**, four week intensive court interpreting course. For information and application: Monterey Institute of International Studies, Center for Language Services, 425 Van Buren Street, Monterey, CA. 93940. Tel: (408) 647-4115; Fax: (408) 647-3534.

June 5, 1993. All cities. Federal Court Interpreter Spanish/English written certification examination.

June 7-18, 1993. New York, NY. NYU Summer Institute in Spanish/English Judiciary Interpretation. Call (212) 998-7030 for information. Applicants are asked to take a written diagnostic exam and will be interviewed by telephone.

June 28-July 16, 1993. Brownsville, TX. Seminar on Court Interpreting and Translation. Address: Dr. José Varela-Ibarra, Modern Languages Department, University of Texas at Brownsville, 80 Fort Brown, Brownsville, TX 78520. Tel: (210) 544-5077.

July 12-30, 1993. Tucson, AZ. Summer Institute for Court Interpretation. Address: Dr. Roseann Dueñas González, ML # 67, Room 445, University of Arizona, Tucson, AZ 85721. Tel: (602) 621-3686; Fax: (602) 624-8130.

July 19-30, 1993. Cambridge, UK. University of Cambridge Summer Institute in English and Applied Linguistics. Address: University of Cambridge, Board of Continuing Education, Manningley Hall, Madingley, Cambridge; CB3 8AQ England. Tel: 44-954-210636.

August 6-13, 1993. Brighton, UK. XIII FIT World Congress. The Open Congress will include a Workshop on Legal, Community and Court Interpreting and a special syndicate workshop with the Association Internationale des Interprètes de Conférence. If you would like to give a paper or would like further information, write to: ITI (FIT World Congress) 377 City Road, London EC1V 1NA, United Kingdom.

September 30-October 2, 1993. Brownsville, TX. UT-Brownsville's First Annual Translation Studies Research Forum. Call for single research reports or reviews and round table papers for group presentations or colloquia. Abstract (250 words maximum) and 4-8 pp. summary required. Abstracts and summaries should be titled and name of author listed on separate sheet. Indicate desired format: paper, round table or colloquium. Submit four copies. Deadline: April 15, 1993. Address: Translation Studies Research Forum, Modern Languages-T&I Institute, University of Texas at Brownsville, 80 Fort Brown, Brownsville, TX 78520. Tel. (512) 544-5077.

October 6-10, 1993. Philadelphia, PA. 34th Annual Conference of the American Translators Association. Address: ATA, 1735 Jefferson Davis Highway, Suite 903, Arlington, VA 22202. Tel. (703) 892-1500; fax (703) 892-1501.

November 12-14, 1993. Dallas, TX. NAJIT Southwest Regional Educational Conference. Program to be announced.

May 6-8, 1994. New York, NY. The National Association of Judiciary Interpreters and Translators 15th Annual Conference. Address: Mirta Vidal, NAJIT, 531 Main Street, Suite 1603, New York, NY 10044.

COURT INTERPRETING AND TRANSLATION University of Texas at Brownsville

SUMMER SEMINAR / June 28-July 16, 1993

Court interpreting and translation seminars and workshops employ a variety of techniques to help students achieve proficiency levels required to do consecutive and simultaneous interpreting, sight translation, tape transcriptions and translation of legal documents.

The Seminar will take place Monday through Friday, June 28-July 16, from 9:00 a.m. to 5:00 p.m. It is designed for students who have passed the written portion of the federal certification exam or who have equivalent proficiency. The Seminar will emphasize intensive audio and video practice and small group and individualized work on speed and accuracy of oral and sight translation of courtroom discourse.

The Seminar is co-sponsored by the NAJIT and will be conducted by Dr. Dagoberto Orrantia, Associate Professor of court interpreting and legal translation at the John Jay College of Criminal Justice and the CUNY Graduate School, and Dr. José Varela-Ibarra, Director of the Translation and Interpretation Program at UT-Brownsville.

To register, please return the coupon with the full \$750.00 fee (\$650 for NAJIT members). Make check payable to the University of Texas at Brownsville. Mail it to: Dr. José Varela-Ibarra, ML Department, University of Texas at Brownsville, 80 Fort Brown, Brownsville, TX 78520. For information call (212) 237-8717 or (210) 544-5077.

I will attend the Summer Seminar / June 28-July 16, 1993

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

Proteus is grateful to Mirta Hess and Daniel Sherr for their technical assistance and to Ron Earnest and Mirta Vidal for their editorial contributions to this issue.

Proteus is published four times a year by the National Association of Judiciary Interpreters and Translators, Inc. in the Spring, Summer, Fall and Winter. Editors, D. Orrantia and N. Festinger. *Proteus* is mailed without charge to all members of the Association, the mailing address of which is 531 Main Street, Suite 1603, New York, NY 10044. All editorial submissions for *Proteus* should be addressed to Dagoberto Orrantia, Editor, *Proteus*, Dept. of Foreign Languages, John Jay College, 445 West 59 Street, New York, NY 10019. All submissions are subject to editorial review. Deadlines for submissions: Spring issue, March 1; Summer issue, June 1; Fall issue, September 1; Winter issue, December 1. Annual subscription rate: \$16.00

**NAJIT
531 Main Street
Suite 1603
New York, NY 10044**