



PROTEUS

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

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New York, NY

FEDERAL RATES TO RISE NAJIT LETTER CAMPAIGN GETS RESULTS

In a memorandum dated June 10, 1999, Leonidas Ralph Mecham, Director of the Administrative Office of the U.S. Courts, informed all district clerks that he had approved an increase in certified interpreter rates to \$305 for a full day and \$165 for a half day, subject to the availability of Fiscal Year 2000 funding. The non-certified rate would rise to \$145 for a full day and \$80 for a half day.

In a well-orchestrated letter-writing campaign to urge a review of federal interpreter rates, NAJIT members put pressure on the Administrative Office to take action after years of neglect. Scores of letters were sent to Washington, reflecting the exigencies of the interpreter's daily workload, the district courts' requirements and the competition of the marketplace. The AO's swift response heralds a victory for NAJIT, which mobilized its members in a matter of months by providing position papers, background research and model letters. Nationwide federal rates, which had remained stagnant for nine years, also affect state rates and industry standards, with other courts and the private sector competing for experienced interpreters with federal credentials.

While the proposed increase is a significant accomplishment, victory is not certain unless Congress approves the Fiscal Year 2000 Financial Plan approved by the Executive Committee of the Judicial Conference of the United States.

NAJIT encourages its members to continue their involvement in this important issue by writing to their individual Senators and Representatives, urging them to approve the FY2000 judiciary budget request. Please help in NAJIT's effort to secure fair-market wages for all court interpreters, whose role in the administration of justice is barely noticed but vitally important.

Please address your letters to your own United States Senators and your own member of the House of Representatives. If you don't know who these individuals are, you can obtain the information by calling your local League of Women Voters or by calling the main telephone number for the U.S. Senate and House of Representatives, 202-224-3121. Letters should be addressed to:

Honorable Senator _____
United States Senate • Washington, DC 20510

Honorable Representative _____
United States House of Representatives
Washington, DC 20515

(The "Memorandum to All Clerks, United States District Courts," with respect to the increase in the per diem rate is reproduced in its entirety on page 9 of this issue.)

The following suggested text can also be accessed at
<www.najit.org>.

Dear Senator _____ :

I am writing to urge you to approve the FY2000 judiciary budget request as submitted by the Executive Committee of the Judicial Conference of the United States.

The budget allocation for the judiciary, which plays a crucial role in our democratic society, represents less than 1% of the entire national budget.

This financial plan incorporates an increase in the rate of payment for court interpreters, whose wages have remained stagnant for nine years. Both the Director of the Administrative Office of the U.S. Courts and the Judicial Conference have recognized the need for a rate adjustment in order to retain the services of qualified interpreters for the district courts. This long overdue adjustment only compensates for the rise in the cost of living registered over the past nine years and does not represent a raise in real terms.

The Administrative Office of the U.S. Courts understands the role that an adequate fee structure plays in ensuring effective interpreting services for the courts and the non-English speaking participants in litigation. As an interpreter dedicated to providing the courts with the highest quality language services, I hope I can count on your support.

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Proteus

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Message from the Board

This past May, NAJIT celebrated its 20th Educational Conference and annual membership meeting. From all accounts, including the evaluations, the participants agree it was a resounding success. Attendees representing 27 states, Washington, D.C., Puerto Rico, Australia, South Africa, Japan, Mexico, Spain and England were not only able to share their experiences but learn new, interesting and valuable information. This year, in keeping with NAJIT's traditions, the array of presenters included several new faces that came to us from the worlds of translation, academia, the arts and other related fields. The location was beautiful. The people were interesting, diverse and committed to furthering the development of court interpreting and translation. There was lots of good food, conviviality and dancing for all.

Several important items were discussed, as part of the annual general meeting's agenda:

- Although the final financial report was not available, all preliminary indications are that NAJIT is on solid financial ground, and the Board committed to publishing the final report in *Proteus* as soon as it is available.
- Another important item was the formal introduction of the Board of Directors for NAJIT's Society for the Study of Translation and Interpretation. A commitment was made to provide the membership a more complete explanation of the objectives and goals of this new NAJIT enterprise.
- Also announced was the completion of NAJIT's revised Code of Ethics and Professional Responsibilities. A special thanks to David Mintz, Linda Haughton and their fellow committee members was extended.
- After explaining the process by which the Board decided which efforts were to take priority, Daniel Sherr and Mirta Vidal were formally thanked for their efforts in preparing and organizing the first phase of a letter-writing campaign directed to the Administrative Office of the U.S. Courts.
- Finally, the matter of future annual meetings was tackled. The selection of the Collins Avenue Wyndham Hotel for next year's conference in Miami was made public. When future sites were discussed, an overwhelming number of those present supported Puerto Rico as the site for the 2001 annual conference, if it is financially viable. Other locations discussed were: New Orleans, Las Vegas, Chicago and Atlanta.

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During its meeting in San Diego, the Association's Board set about establishing its goals for the next year. Among them were: to continue to increase NAJIT's membership and presence within the industry; to further strengthen the Association's financial stability; and to establish better working relationships with other industry organizations.

As a part of its efforts to protect the Association's financial base, the Board came to the difficult conclusion that membership dues had to be increased. This increase will go into effect January 1, 2000. The Board has committed itself to seek out new funding sources to support its efforts to continue to expand the benefits offered to NAJIT members. Join us in this effort. May 2000 be a watershed year for all of NAJIT.

CRISTINA HELMERICHs D.
Chair, Board of Directors

A VIEW FROM DOWN UNDER

An Australian Sign Interpreter at the NAJIT Conference

Merie Spring

The recent NAJIT conference in San Diego was one of the most enjoyable and informative conferences I have had the pleasure to attend. It was truly an international conference, with delegates traveling from England, Spain, Japan, Mexico, South Africa and Australia (despite difficulties and expense incurred) to network, share ideas and benefit from the Professional Development "banquet" provided by NAJIT. Concurrent sessions and diverse subject matter offered made choice of session extremely difficult for most of us, I am sure.

"Speak the Speech, I Pray You': Using Hamlet's Advice to Develop the Power and Quality of Your Voice," presented by Dianne J. Winslow, was most practical and enjoyable, focusing on the need for interpreters to have "efficient physical organisation and structural integrity" if their vocalisation is to do justice to their interpreting skills. The body must be in proper alignment—the spine and trachea must be organised efficiently for good speech production. It was an interactive session, with people experimenting producing sounds, doing walking and breathing exercises, and enriching their appreciation of their vocal apparatus. Relaxation techniques and the value of meditation were also discussed.

Gladys Segal's session, "From Wiretap to Witness Stand: An Overview," highlighted the need for interpreters to work efficiently with law enforcement officers to produce "results that are seamless." For team players to understand the role and responsibilities of the interpreter, client education is necessary throughout the entire process. She outlined the linguistic skills needed to accurately translate tapes and the many difficulties encountered by interpreters/translators. As language consultants, interpreters must always abide by the code of ethics and remember that "integrity is the cornerstone of expert testimony." Gladys is obviously a most experienced practitioner and a wonderful resource for all interpreters and translators working in the legal arena.

As technology takes over our working lives to a greater extent, "The Ins and Outs of E-mail and Internet Browsers" by Marianne Pripps-Huertas was an enlightening session for delegates not up-to-date with appropriate e-mail protocol or how to get the most benefit from using new technology.

Angela Zawadzki and Inés Swaney provided insights into the role, responsibilities and potential difficulties for interpreters working with legal personnel in the area of "Depositions And Other Civil Matters." The importance of interpreters being familiar with the context of any particular

situation was highlighted, with examples provided of how easily spoken dialogue can be misunderstood and/or misinterpreted due to false cognates and/or homophones. It was also acknowledged that training for members of the legal fraternity in how to work effectively with interpreters is essential.

Linda Haughton's presentation, "Sign Language Interpreters On Trial: An Oral Interpreter's Perspective" was the first time I have ever heard a non-signer explain issues pertaining to Sign Language Interpreting with such accuracy. Although the role, responsibilities and potential hazards are similar regardless of the language pairs interpreters work between, a number of unique differences had to be considered with this particular court case. Linda outlined her involvement in organising seven sign language interpreters (from Texas, New Mexico and Washington D.C.) and then building a relationship of trust with the administrators and the interpreting team. Because the language of all participants was at varying stages of non-standard Sign Language (either ASL-American Sign Language or MSL-Mexican Sign Language) including dialectic variations, much pre-trial work needed to be done within the interpreting team itself. Throughout the trial the attorneys had to be trained as to the type of questions to ask the witnesses. This was 'team work' at its very best — interpreters, lawyers and judges working co-operatively together to achieve a successful outcome.

During Rosemary Moeketsi's paper, "Redefining the South African Court Interpreter: Conduit or Broker?" I could not help but make comparisons with what is happening here in Australia. The lack of tertiary training and clear career paths for the majority of interpreters is a common dilemma, as is the "revolving door" syndrome Rosemary mentioned. Although we have done a lot of ground work here in educating attorneys and other court personnel as to the role of interpreters in the legal setting, there is still much to do. I find it inspiring to hear how the interpreting and translating professions are being developed slowly but surely in countries such as South Africa, and I feel fortunate to be able to network and get to know the people breaking new ground in the area of language services.

One of the highlights for me was Holly Mikkelsen's paper, "The Court Interpreting Profession at a Crossroads." The analogy of growing from infancy into adolescence with its accompanying problems was most apt to describe the development of court interpreting over the past number of years. Holly focused on the questions: (1) What does

"professional" mean? and (2) What makes an occupation a profession? As we listened to her presentation, it became obvious that the issues have an impact on each of us individually as well as on the profession as a whole.

Social Activities

Many NAJIT members made me feel welcome in San Diego. This was my second NAJIT conference (last year I attended the San Antonio conference), but surely not my last. Thanks to Aleé Alger-Robbins, for opening her home to the conference participants. It was a lovely evening. The conference dinner was also most enjoyable. It gave me the chance to meet more interpreters and translators and make some new friends.

Resources

Although much of the material on display was language specific, I was able to purchase resource materials for interpreter training here in Australia. My thanks to those people who gave of their time to answer questions and provide access to additional information.

Summary

Since many of us work in isolation most of the time, it is imperative that opportunities to network, share experiences and access ongoing professional development be provided and taken advantage of. For me personally, attendance at such a conference is like a shot in the arm. The presentations, interaction and discussion with others validated many of my beliefs and ideas as well as provided me with much food for thought. I would like to thank most sincerely the organisers, the presenters and each delegate for making the conference such a success. I hope to be with you in Miami next year.

The author, who has worked in Australian courts since 1986 in Queensland, New South Wales and the Australian Capital Territory, is accredited by the National Accreditation Authority for Translators and Interpreters; has been a NAATI Examiner for Australian sign language; is a member of NAATI Regional Advisory Committee of Queensland; and is President of the Queensland Australian Institute for Interpreters and Translators. She manages Interpreting Services for the Queensland Deaf Society, Inc., provides training to sign language interpreters and gives community education lectures to governmental departments.



!! SAVE THE DATES !!

National Association of Judiciary Interpreters & Translators

21st Annual Meeting and Educational Conference

May 19, 20, 21, 2000
Wyndham Miami Beach Resort
Miami Beach, Florida

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Preliminary Schedule

Preconference Workshops
Friday, May 19, 9 a.m. - 12 noon; 2 - 5 p.m.

Gala Opening Reception
Friday, May 19, 6 - 9 p.m.

Educational Sessions
Saturday, May 20, 8:30 a.m. - 6 p.m.

Annual Meeting and Luncheon
Saturday, May 20, 12:30 - 3 p.m.

Educational Sessions
Sunday, May 21, 9 a.m. - 12 noon

P • L • U • S

**EXHIBITION OF FOREIGN-LANGUAGE
BOOK VENDORS
AND INTERPRETER AND TRANSLATOR
TECHNOLOGIES**

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Current Issues in Court Interpreting: Spain, A Case Study

Cynthia Miguélez

Spain is one of many countries throughout the world today that continue to grapple with the challenge of providing adequate translating and interpreting services in the legal realm. The legal foundations for these services exist in the constitution, in legal codes and in legal precedent. Furthermore, with the creation of the *intérprete jurado* and official recognition of the legal effects of the work done by these individuals dating back to 1841, there is a long-standing tradition of "sworn interpreting" in Spain. In spite of all this, the provision of interpreting services in the courts is still greatly mismanaged, and the procedures used to qualify or accredit individuals either as staff interpreters or sworn interpreters have been much criticized by professionals and academics alike for several years. Recent legislative changes in response to the criticism have only slightly improved the state of affairs and did not go far enough to answer the objections. However, one cause for optimism is that universities will now be involved in the process of certifying individuals as sworn interpreters. Before discussing what the future might hold, let us look at the recent past and the present situation.

Interpreters who work in Spanish courtrooms generally fall into three categories. The first are the staff interpreters who have passed a Ministry of Justice qualifying exam and are employed by the Ministry as long-term contractual employees. The second are freelance interpreters who are credentialed, in other words, those who hold the title of *intérprete jurado*. The third group encompasses everyone else, ranging from individuals who may be experienced in some other type of interpreting or translating, to those who have completed studies in this field but have no direct experience, to those who are simply perceived as bilingual by some court official and pressed into service in response to a specific situation.

Staff interpreters are perhaps the worst off of the three groups. Their status is low, their skills and abilities misunderstood and unappreciated, and their work often taken for granted. They obtain their positions by taking a competitive civil service exam and undergoing a merit evaluation process. Although the process may be altered from one job announcement to the next, the procedures used are relatively standard and do not change substantially. The exam given in recent years has consisted of two exercises: first, candidates are required to translate two texts, the first from language A to language B, and the second the other way around. Time allotted for each translation is one hour, and the use of dictionaries is not allowed. Those who successfully complete this portion of

the exam—scoring at least 50%—are subsequently called to sit for a one-hour written exam on the government, the Ministry of Justice, the court system, and the laws and regulations governing their rights as workers. A list of topics included in a recent job announcement included the Spanish Constitution, the King, the Legislative and Executive branches of government, workers' rights, collective bargaining, the Ministry of Justice, and the organization of the courts. There were no topics related to the functions of a court interpreter or to the ethics of court interpreting. It is quite telling that no interpreting is required of candidates for a position as a court interpreter. As a matter of fact, no oral exam of any type is required for these positions, even though the lion's share of the work done by a translator/interpreter is oral language mediation in courtrooms or at other stages of the legal process.

The qualifications required to apply for a position and the professional prestige a position enjoys are important indicators of how management and, to some degree, society as a whole view the duties and responsibilities of that position. In Spain, Ministry of Justice staff interpreters are required to have only a high school diploma or its equivalent. No advanced level academic work, specific training, or actual work experience is required to apply for these posts, although post-secondary school study and certain types of experience are taken into account in the final ranking of candidates. Nevertheless, the exam itself is the single most important part of the qualifying process, accounting for fully two-thirds of the total 150 points possible. This makes it all the more important for the exam to be valid and reliable.

In professional rank, Ministry of Justice staff translators/interpreters are classified as Group C contract employees, along with psychologists, autopsy assistants, maintenance personnel, heating technicians, administrative clerks and valets. The official annual salary for this category of employee is embarrassingly low, and given the fact that the total number of staff interpreters throughout Spain is approximately 50, they do not have sufficient bargaining power as a group to really effect any changes. Advancement or promotion within interpreting services is not possible. Transfers to other divisions do occur, but these do not usually imply promotions, simply lateral movement. The responsibilities of staff interpreters include providing interpreting services in courtrooms and other legal venues, doing written translations of legal documents, and arranging for freelance interpreters when the language involved in the proceedings is not one that the staff

interpreters can offer, or when interpreting services are needed in more courtrooms than they can cover.

A staff translator/interpreter's normal work day is usually quite full and quite unpredictable. Interpreters work mainly on an on-call basis. In the great majority of cases, they receive no advance notice that their services are needed. The court calendar does not usually stipulate linguistic considerations and therefore in most cases, the interpreter is contacted only moments before a proceeding begins. Only when there is an important and complicated case requiring the services of an interpreter for longer periods of time (several hours or more than one day) is the interpreter's office contacted in advance. Materials are then sometimes made available.¹

Freelance interpreters are called in to serve in the courts when staff interpreters are not available. Attempts are often made to find certified or sworn interpreters, but there is no legal mandate to do so. Freelance interpreters are compensated on an hourly basis for their service to the court. As a matter of fact, the wage paid to freelance interpreters far surpasses what would be an equivalent hourly wage for staff interpreters.²

The sworn interpreter, or *intérprete jurado*, has a long history in Spain. The profession was created and has been modified and regulated by means of several Royal Orders dating back to 1841. The most recent modification can be found in *Real Decreto 79/1996*, dated January 26, 1996. For the first time, the oral work of interpreters was recognized as having legal effect or *carácter oficial*, a status that prior to this decree was reserved for the translation of written documents into Spanish, in spite of the fact that the official title has always been *intérprete* and not *traductor jurado*. The certification process was also minimally modified to accommodate this new definition or status, but, since the new format of the exam has been administered only once, the great majority of practicing, certified interpreters in Spain were qualified under the old system. Furthermore, the modifications are so poorly conceptualized that the new procedures represent virtually no progress towards a valid and reliable certification process that can guarantee even minimum competency in the skills areas that a court interpreter should possess.

The Ministry of Foreign Affairs has traditionally been charged with the design and administration of the *intérprete jurado* exam. It is important to point out that a sworn interpreter is not a public employee and that passing the certification exam does not constitute an offer of employment by the Ministry of Foreign Affairs or any other government service. *Intérpretes jurados* see themselves as the only group qualified to work in the sphere of legal translating and interpreting and have carried on a lively battle to limit access to this professional arena to those who have passed the MFA qualifying exam. They have

met with little success in their struggle, due in part to the general lack of understanding of the role of the legal or sworn interpreter not only by society in general but by important sectors of the judicial system.³

Before serious consideration is given to whether or not sworn interpreters should be used exclusively in the court system in Spain, it is important to evaluate the exam used to certify this category of professionals to determine if it does indeed offer reliable evidence that candidates who pass the exam are qualified to carry out the duties required of a language mediator in legal settings.

The MFA exam has traditionally consisted of two timed, written translation exercises, both from the foreign language involved into Spanish. The use of dictionaries and/or glossaries is allowed in only the second exercise. The first exercise, which is eliminatory, consists of the translation into Spanish of a text taken from a popular news magazine or journal, usually on a topic of general interest or a current event. For the English exam, articles (or excerpts from them) have frequently been taken from *Time*, *Newsweek* or *The Economist*.

Even a cursory examination of selections used as exam texts in the last ten years shows a significant amount of disparity in many elements of the exam, including overall length (ranging from 299 to 502 words), average sentence length (from 16.5 to 33.2 words), lexical and structural density, and level of difficulty. A basic study of linguistic density on a random selection of five of these texts containing idioms, slang terms, figurative speech, proper names, specialized legal terminology, culturally bound items and unusual descriptors produced some very interesting results. The study showed that these texts had very few examples of what could be classified as specifically legal terms (ranging from 0 to a maximum of 4) but were replete with idiomatic and figurative language, and slang or culturally bound terms. Some examples of these include "bugbear," "Clintonomics," "Rugged Individualism," and "special task force." At the phrase level we find "to stage a comeback," "he seems genuine, off the pedestal, really there," "there was this classic Bushism," "the courage of one's nastiness," "getting under the presidential skin," "trying to flim-flam the American people," "shrug off such barbs," "the Administration is beginning to . . . well, not shoot but talk back," "whose decency, unfortunately, is about an eighth of an inch thick," and so on.

The frequency of this type of language ranged from approximately 15 occurrences, which happened to coincide with the shortest text, to well over 40 occurrences in the longest text. Candidates had two hours for this exercise but could not use dictionaries or aids of any kind. As mentioned above, only candidates who passed this portion of the exam could proceed to the second exercise.

The text for the second exercise has always been a legal or economic/commercial document of some kind, for example, an excerpt from a legal code, a piece of legislation, or a contract. As was the case with the first exercise texts, there has been substantial variance in the length of these texts over the last several years (ranging from 472 to 794 words for the examples we have cited) and in average sentence length (from 50 to 158 words per sentence, with the longest sentence encountered in each text ranging from 135 to 391 words). As with the first exercise, the time period allotted for completion has always been two hours.

A look at these texts also reveals a great deal of stylistic and thematic variety.⁴ The shortest text, a definition of the term "salvage," although relatively dense as regards specialized terminology, cannot be compared with the level of difficulty and amount of specialized jargon found in the longest text on the jurisdictional immunities of foreign states. It would appear that care has not been taken to ensure equivalency from one exam session to the next — a basic concept in evaluating the reliability of an exam — and it is reasonable to think that the same candidate sitting for different versions of the exam could get very different results.

The most recent offering of the exam for *intérprete jurado* followed the new directives included in the legislative modifications mentioned above. This "new" exam includes four exercises. Two of the four correspond to those that comprised the previous test. The two additional exercises reflect the new legislation's recognition of the fact that *intérpretes jurados* translate into foreign languages and do oral interpretations as well as written translations into Spanish. Therefore, one of the new exercises is a written translation from Spanish into the foreign language involved, and the other is an exercise meant "to prove [the candidate's] ability to speak and understand the language in question to the satisfaction of the Examining Board." The written exercise from Spanish to the foreign language is a literary or journalistic text, similar to the first exercise from the foreign language to Spanish. The oral exercise consists of the candidate reading a text in the foreign language and then summarizing it and answering a few questions as posed by members of the Examining Board. Candidates take this part of the exam only if they pass all three of the previous sections.

The following is a brief description of the most recent exam session for the Spanish-English language pair. The first exercise consisted of a text in English to be translated into Spanish on the tobacco industry and on issues of compensation for damages. Although no title or citation was given, it was clearly an excerpt from a journalistic article. It had 393 words and included phrases such as "the principle that the polluter should pay has suffered another setback," "being saddled with a huge compensation bill,"

"to let the industry off the financial hook (and rescue its shares)," "shift the burden on to the shoulders of ordinary people," "the industry has ... been very coy about revealing the fine print," "contest liability," "exclusion clauses," and "health care reimbursement."

The Spanish text (to be translated into English) was published in *El País*, a national daily, entitled "*El Rey, primer jefe de Estado extranjero que hablará ante las dos Cámaras italianas*" ("The King, the first foreign Head of State to speak before both chambers of parliament in Italy"). This text had 413 words but virtually no figurative language, idiomatic expressions, specialized terminology or challenging translation problems.

The third text was a section taken from the "House of Commons Standing Orders on Public Money." Candidates were allowed to use dictionaries for this exercise. There was no translation of a specialized legal or economic text into English.

Finally, the fourth part consisted of candidates randomly choosing one of three texts available to them upon entering the exam room, having five minutes to read it through and collect their thoughts and then five minutes to provide a short summary and answer three or four general questions. One of the texts used in the oral exercise this year was "Even in Virginia, Second Thoughts," which dealt with capital punishment. Although no citation was given, this text once again appeared to be taken from an American news magazine.

The most obvious problem with this new test format is that it does not in any way test a candidate's ability to translate a legal document into the language of certification or to interpret in any of the three modes. The exam is not domain-referenced and lacks even the most basic standards of validity and reliability. Therefore, it still falls far short of guaranteeing the Spanish judicial system and Spanish society in general competent translating and interpreting in legal arenas.

Now, after painting the somewhat bleak picture above, I must point out that there is a small ray of hope in recent legislative modifications, which also permitted universities with undergraduate degree programs in Translating and Interpreting to qualify individuals for certification. This provision has the potential for transforming the field because in order to get certification through universities without having to sit for the Ministry of Foreign Affairs exam, candidates must hold an undergraduate degree in T&I, which in itself implies four years of focused study and practice, and must also meet certain special curricular requirements. These requirements are broadly drawn in the legislation, leaving final decision-making powers to the universities. It is certainly possible for academic institutions to botch this opportunity by not taking the challenge seriously. After all, most professors of translating

and interpreting are not practicing legal translators or court interpreters. But it is also possible that, as academics, they will review the existing literature, consult with professionals and experts in the field, and institute original research and collaborative projects aimed at establishing rigorous and sound standards for certification. In this case, it is conceivable that the MFA might review and even revise its own procedures, thereby producing a situation in the relatively near future in which members of the judiciary and any language-handicapped individual involved in a legal action in Spain can be assured of the high quality of the language mediators entrusted with the delicate task of ensuring justice through linguistic understanding.

NOTES

¹The head of interpreting services at the *Juzgados Centrales* in Madrid, a huge court complex consisting of some 180 courtrooms, estimates that no more than 5% of the cases needing interpreting services are scheduled in advance with notification made to the Office of Interpretation. For the other 95% of the cases, virtually the only specific piece of information the interpreter has before appearing in court is the language and the division or courtroom involved.

²The Ministry of Justice paid 6,000 pesetas per hour (approx. \$40) in 1995-96 to free-lance interpreters who worked in the *Juzgados Centrales* while a staff interpreter's salary was only 107,000 pesetas a month (approx. \$700). However, free-lance interpreters at the *Juzgados* report that it often takes months to receive payment for services rendered. Furthermore, those individuals who are pressed into service unexpectedly — the friends or family members of defendants, court personnel, or even other jail inmates — are not compensated in any way for their services to the Court or to the system of justice.

³Evidence of this can be found in a 1994 conversation between representatives of the Valencia Association of Sworn Interpreters and Mr. Fernando Escribano, a high-ranking official of the Ministry of Justice. Although the conversation took place several years ago, there is no indication that attitudes have substantially changed since then. In that conversation, Mr. Escribano said that the sworn interpreter's sphere of action was civil and labor cases because in these cases, attorneys or parties to a suit were required to retain an interpreter privately. In criminal cases, however, when the Court system is charged with providing interpreting services when needed, Mr. Escribano stated that the Ministry of Justice could not require judges to retain certified sworn interpreters if the law does not require an individual to have any type of certification or qualification to be able to work in a court of law. He said that an interpreter is called upon to "facilitate communication between the judge, the attorney and the defendant" and that "no proof can be required as to the

reliability of the interpretation." He added that "the important thing is for the proceeding to run smoothly and effortlessly." Although he recognized that interpreting errors do occur and can lead to irreversible miscarriages of justice, he offered little hope for change.

⁴Texts used over the last 8 years have included: "Increase of Share Capital/Reduction of Capital/Other Alteration of Capital," which is a fragment from a set of company bylaws (636 words); "Title 28, Judiciary and Judicial Procedure, Chapter 97: Jurisdictional Immunities of Foreign States" (794 words); "Pertinent Provisions Affecting the Fair Labor Standards Act from the Portal-to-Portal Act of 1947" (678 words); "Tanker Voyage Charter Party" (568 words); "Interpretation of the 1968 Convention and References to the European Court" (601 words); an "Indenture" contract made in London (599 words); and two definitions taken from law books, one on "Revocation" (607 words) and one on "Salvage" (472 words).

Cynthia Miguélez, Ph.D., is Acting Associate Director for the National Center for Interpretation Testing, Research and Policy of the University of Arizona in Tucson and teaches at the University of Alicante (Spain).

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LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

June 10, 1999

MEMORANDUM TO ALL CLERKS, UNITED STATES DISTRICT COURTS

SUBJECT: Fees for Contract Court Interpreters (**INFORMATION**)

I am writing to advise you that I have approved an increase in the rate of payment for court interpreters effective October 1, 1999, subject to the availability of Fiscal Year 2000 funding. The new rates will be as follows:

Certified and Professionally Qualified Interpreters:

Full Day:	\$305
Half Day:	\$165
Overtime:	\$ 45 per hour or part thereof

Language Skilled (Non-Certified) Interpreters:

Full Day:	\$145
Half Day:	\$ 80
Overtime:	\$ 25 per hour or part thereof

The rates will be effective only if funding is available in the Fiscal Year 2000 Financial Plan approved by the Executive Committee of the Judicial Conference of the United States. You may have read or heard press reports about ongoing budget problems resulting from "caps" placed on federal spending. If sufficient appropriations are not provided to the Judiciary by the Congress, and funding is not available in the FY 2000 Financial Plan, it may be necessary to defer some or all of the increase until funding is available. Notice of the implementation of the rate increase will be provided once funding is actually available.

Courts should continue to manage closely the use of contract interpreter funding. Costs for contract court interpreting will continue to be paid from a central account in Fiscal Year 2000. The account will continue to be reviewed quarterly to determine whether managing this account centrally improves our ability to effectively allocate interpreter funds while also ensuring that courts provide interpreter services in the most efficient manner possible. Every effort should be made to maximize the use of staff interpreters, efficiently schedule contract interpreters and, where appropriate, utilize telephone interpreting.

If you have any questions on the payment of court interpreters, please contact the District Court Administration Division at (202) 502-1570.

Sincerely,

A handwritten signature in cursive script, reading "Leonidas Ralph Mecham".

Leonidas Ralph Mecham
Director

cc: Chief Judges, United States Courts
Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts of Appeals
Clerks, United States Bankruptcy Courts
Chief Probation Officers
Chief Pretrial Services Officers
Certified Court Interpreters

Charlotte's Corner

Web on the Web - Part V

Alexander Rainof

Charlotte, a pedagogue at heart if ever there was one, has been ecstatic for over a year now with the superb Web site that Court TV has on the internet, located at <http://www.courtstv.com/>. As demonstrated in the brief overview below of previous installments, this Web site alone can be used to orchestrate a comprehensive, cross-language, step-by-step methodology in forensic translation and interpretation, culminating in a thematic approach.

In "Web on the Web - I" Jacqueline Onassis's and Elvis A. Presley's last wills and testaments were selected to demonstrate how a specific technical vocabulary, in this instance a probate terminology glossary, could be developed from primary texts, and how this research could be applied subsequently to the study of testamentary documents of increasing difficulty for sight and written translation exercises.

In "Web on the Web - II," this methodology was extended to documents dealing with weapons and drug terminology, two areas of paramount importance for the forensic interpreter. Medical, financial, and other specialized terminology texts are also available on the Court TV Web site, and the same methodology can be used in these lexical areas. The advantage of this approach is that the terminology being studied is not learned in a vacuum but in context, and through constant reinforcement. Moving on to sight and written translation, "Web on the Web - II" then introduced documents such as the transcripts of the Timothy James McVeigh and Orenthal James Simpson trials that can be used for consecutive interpretation training. The O.J. Simpson area, by the way, has been expanded to include all of the civil trial materials as well as those relating to the criminal trial, and has a new location:

<http://207.175.199.182/~walraven/simpson/>

With court transcripts such as these, training can be done in groups of three. One student or practitioner reads the questions from the transcript in English, a second person in the group does a sight translation of the answers in whatever target language is desired (thus Rosa Lopez can answer in Tagalog, Japanese, or Hungarian), and the third person in the group interprets back and forth. Every two or three pages the members of the group trade roles, which means that every six to nine pages one member of the group has the restful task of just reading the questions in English, and can plunge, with renewed vigor, into the sight translation and consecutive interpretation tasks of the next rotation.

"Web on the Web - III" focused on documents on the Court TV Web site suitable for both consecutive and simultaneous interpretation involving the foibles of famous politicians such as President Bill Clinton, House Speaker Newt Gingrich, and Senator Packwood. For civil legal terminology, and in a lighter vein, the epic story of "Stephen Spielberg: The Doughnut Case" was introduced.

"Web on the Web - IV" discussed one of the most useful aspects of the Court TV web site, the collection of documents on specific topics. The topic presented in "Web on the Web IV" was patholysis or medically assisted suicide.

The pedagogical strategy of focusing on a specific topic is known as the thematic approach, and is equally effective at all levels, from elementary to graduate school levels. This approach is ideally suited to the field of translation and interpretation, all the more so when a plethora of source documents have already been grouped around a specific theme, as they are on the Court TV site.

The Death Penalty, at <http://www.courtstv.com/library/capital/>, is the thread Charlotte will use today to spin her web on the web. This section of the site includes forty-two documents ranging in length from two to twenty pages. First, the student/practitioner could be directed to read all these documents with an eye to developing individual glossaries of terms relating to the death penalty. The individual glossaries could then be discussed in class or in a training seminar and a group glossary could be created which would include the lexicographical work of all the participants. This is an excellent exercise in both terminology compilation and team-work. A quiz, or several, could then be administered in English and in whatever the target language might be.

Once the relevant terminology is learned, the student can move on to the next level. Just Say Revenge, one of the forty-two texts, is at a fairly basic level, an excellent document for sight and written translation exercises:

Our criminal justice system is supposed to serve several purposes: deterrence, rehabilitation, punishment. Most people agree that the death penalty does not deter crime. No one has the ability to argue that it is rehabilitative. Thus we are left with two options: One, it is necessary to kill these people for our own safety; or two, these are revenge killings . . . As a nation we find it hard to kill - that's why there are few murderers among us. With the legitimized institution of killing enshrined in our nation's death penalty statutes,

it seems that the only way we can get past our inborn abhorrence of taking human life is to demonize the killers. . ."

The article "Court Ponders Limits of its Own Power" is an excellent exercise text on a more technical level. It discusses the overlap of powers between the Supreme Court and the Congress, and the thorny problem of recent habeas corpus limitations in capital punishment cases:

According to legal scholars, this may very well be the first time in recent years that the Supreme Court will squarely address the issue of whether Congress can all but eliminate the Supreme Court's ability to review a particular issue... On May 3, the court agreed to hear argument on whether the Anti-Terrorism and Effective Death Penalty Act of 1996 unconstitutionally infringes on the Supreme Court's own power, by drastically cutting back on inmates' ability to reach out to the high court in successive habeas petitions.

Another excellent text in this group, for written and sight translation purposes, is "Connecticut Supreme Court Leaves No Doubt About the Constitutionality of the Death Penalty." This text can easily be used for consecutive interpretation practice by putting the arguments for and against the constitutionality of the death penalty. So can interviews with inmates on death row.

Some of the more interesting cases involve Mumia Abu-Jamal, Michael Ross and Lloyd Schlup. Mumia Abu-Jamal's case is outlined in "Guilty and Framed." Jamal, arrested when 27 years old for killing a police officer, has been on death row for some fifteen years after a trial which is now considered marred by "police misconduct and probably rampant police perjury; ineffective and underfunded defense lawyering; inappropriate prosecution arguments to the jury and egregiously bad judging by a notoriously biased, pro-prosecution [judge]." This section, which has very interesting articles dealing with the Jamal case, contains wonderful materials for both consecutive and simultaneous training.

Wonderful too are the articles surrounding the Michael Ross case: "Michael Ross: Why a Killer Offers to Die," and "Probably Innocent, Almost Executed," which presents the case of another death row inmate, Lloyd Schlup. Schlup, accused of murdering a prison inmate and proven many years later to be innocent, would have been executed before his innocence could be proven had the recent laws governing habeas corpus not existed at the time of his appeals.

The Schlup dossier makes a strong case against capital punishment. Pro and con articles on capital punishment abound in this section. And as they deal with a burning issue and are highly interesting, they can and should be used for consecutive and simultaneous interpretation training. Furthermore, they can be used for conference simultaneous interpretation, some of them to be read in the original English and some, having already been translated in previous written and sight translation exercises, to be read in whatever target language is needed.

Thus, one could devise a mock capital punishment conference and read some of the papers from the Court TV Web site. There are many other sites on the Web covering capital punishment in great detail. Some of the more noteworthy are John Stuart Mill's "Speech in Favor of Capital Punishment" <<http://ethics.acusd.edu/Mill.html>>; Tom Guilmette's historic overview of capital punishment <<http://www.academic.marist.edu/guiltr/cappun.html>>; "Wesley Lowe's Pro Death Penalty Webpage" <<http://www.rit.edu/~ww12461/cp.html>>; the University of Alaska Anchorage "Justice Center Web Site" <<http://www.uaa.edu/just/death/>>, which has a wealth of death penalty-related links, some of which are opposed to the death penalty, such as: "Searching the Soul on the Death Penalty" <<http://www.rit.edu/~nrcgsh/life/>>; "Journey of Hope . . . from violence to healing," a Web site that studies alternatives to the death penalty <<http://mason.gmu.edu/~dmelia/hope.html>>; and three American Civil Liberties Union articles: "ACLU Briefing Paper - The Death Penalty" <<http://www.org./library/bpb89.html>>; "The Case Against the Death Penalty" <http://www.aclu.org/library/case_against_death.html>; and "The Death Penalty" <<http://www.aclu.org/issues/death/hmdp.html>>.

This last Web site is prefaced by a Camus quotation from "Reflections on the Guillotine," a brilliant essay published by Calman Lévy in 1957 under the title "Réflexions sur la peine capitale," a collection of essays by leading European intellectuals against capital punishment. Camus' and Koestler's essays were published in English under the title "Reflections on Hanging" (New York: MacMillan, 1957), and since these essays and others have already been translated into numerous languages, the texts could be integrated into the mock capital punishment conference for simultaneous interpretation training.



National Association of Judiciary Interpreters & Translators

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21st ANNUAL MEETING AND EDUCATIONAL CONFERENCE of the NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS

MIAMI, FLORIDA • MAY 19-21, 2000

CALL FOR PAPERS

NAJIT invites proposals for 1-hour presentations and 3- or 6-hour interactive preconference workshops on any topic related to court interpretation and translation, including the following:

- Interpreter training
- Specialized terminology
- Interpreting languages other than Spanish
- Legal translation
- Computer technology for interpreters
- Tape transcription and translation
- Interpretation and translation theory
- Cross-cultural issues
- Self-study and skill enhancement
- Research techniques
- Professional concerns (i.e., employee vs. independent contractor status, financial planning, etc.)
- Ethics

Please note:

- Language neutral proposals are encouraged.
- NAJIT regrets that it cannot waive registration fees or pay expenses or honoraria for conference presenters.

DEADLINE FOR SUBMISSION OF ABSTRACTS: OCT. 1, 1999

Please submit the following information (in English):

1. Title of presentation
2. Abstract of presentation in paragraph form not to exceed 150 words
3. Duration of presentation (i.e., 1-hour presentation; 3-hour preconference workshop; 6-hour preconference workshop)
4. Language of presentation
5. Your name; mailing and email addresses; telephone and fax numbers; title or position
6. A biographical sketch in paragraph form not to exceed 150 words and résumé.

LETTERS

RE: IDAHO CERTIFICATION

To the Editors:

I read with interest your editorial criticizing the efforts in Idaho to enhance interpreter training and development.

The author of this article painted a misleading picture of our commitment to professional court interpreting. In fact, if the author had verified any of the information, she would have found a much different picture than that portrayed in the editorial.

The State and Federal Courts have been working together for 18 months to develop and implement a strategy which fosters improvement of our respective interpreting programs. This has included developing a forms library, conducting a state-wide training needs assessment for interpreters, training interpreters, developing a more stringent code of professional responsibility, writing articles about interpreter services, revising legislation (state court), offering certification testing and providing training to judicial officers. We believe that these programs have improved interpreter services at all levels. Some of the training for our interpreters has been conducted by one of your board members, Ms. Holly Mikkelsen. In fact, a large majority of courts have never had a training program for interpreters, let alone a program which bridges judges' perceptions with those of the interpreter.

As 28 U.S.C. § 1827 indicates, the interpreter will be appointed by the presiding judicial officer. The federal interpreter guidelines indicate that "when a certified interpreter is not reasonably available, the court may use an otherwise qualified interpreter."

In the federal court, we have always used non-certified interpreters and they have done an outstanding job. If certified interpreters were reasonably available, we certainly would use these skilled professionals. In fact, no federally certified interpreters are located in Idaho, Montana or in Spokane, which is proximate to our northern divisional office. I applaud the sentiment in the article which encourages interpreters to reach the highest standard possible in their profession. Certainly, we do not believe that our program diminishes any national standard of excellence. The consortium test used by state and federal courts in Idaho sets a very high standard of excellence. Only a very small percentage of the candidates pass this examination. Unless the author of this editorial has taken the consortium exam, I do not know how she could classify this examination merely as a "screening device."

The two-day general interpreter training has been offered in several locations in the state and included sections on simultaneous and consecutive interpreting, legal terminology, state and federal local procedures, state and federal rules, working with judicial officers, and ethics.

Interpreters interested in the consortium test are given a screening examination which includes oral simultaneous interpretation and a written ethics examination. Candidates who pass this phase are given an oral examination of sight translation and consecutive interpreting. We believe that this process only strengthens interpreter services in our district.

The editorial indicated that the federal court in Idaho intends "to use those newly certified by the consortium test in lieu of federally certified interpreters." This is not correct. If there are certified interpreters reasonably available at our four locations, we would be happy to use them.

However, as the article correctly pointed out, no one from our state has passed the national exam.

There is an element of cost related to using certified interpreters in our rural district: the cost of airlines and per diem on top of the certification rate. If we used certified interpreters in all matters before our court, we estimate the costs would increase by a factor of ten or more on an annual basis. Is this the sole reason we do not use certified court interpreters? The answer is no. Do we believe that the rights of non-English speaking clients have been protected? Certainly. The District of Idaho has many language-skilled interpreters that have been meeting the needs of our district for over 15 years.

As you know, the federal courts are piloting a telephone interpreting project. This certainly would make certified interpreters more readily available on a national basis.

As an aside, I do have some understanding of the excellent federal certification test, since I worked in Arizona as a court administrator with four federally certified interpreters. When testing was revised in the mid-1980's, we volunteered staff time and expertise to work on the national examination. In fact, many of us were used in narrating portions of the national certification exam. I have the utmost respect for those who have passed this rigorous examination process.

Your article indicates that I have set myself up "as the arbiter of the level of competency that federal court interpreters must have." This is inaccurate information. The judges, court personnel, public defender, and U.S. Attorney all have come to rely upon the professionalism of the court interpreters we use in this district. We have implemented a system, approved by the Court, which meets the needs of non-English speaking litigants within the District. The work with the state court certainly improves upon the systems we already have in place. Your article seems to infer that we are paying non-certified interpreters at the highest rate available within the Federal

Judiciary. Again, this is false. In Idaho we pay all interpreters, even those passing the local certification test, at the language-skilled rate, which is less than the federal certified or professionally qualified rate.

The article also attributes to me a statement which suggests that trials and other matters do not require the highest level of competency from its interpreters. This certainly is a false representation of my conversation with the author of this editorial. Certainly, trials are one of the most important events of our judicial system and must have professional interpreters present at all times. However, for more routine proceedings, such as initial appearances which last 15 minutes, I do question whether we should spend \$1,000-1,500 to bring an out-of-state interpreter to the courthouse for these proceedings before a Magistrate Judge when we have excellent in-state interpreters.

Finally, the article notes that "the federal court in Idaho should be repudiated by all those who defend the due process rights of non-English speaking litigants." The author clearly does not understand the professional quality of our judicial officers and how they vigorously defend the rights of all who come before the court. We have worked hard with the state courts in developing additional training and professional standards to improve interpreting services within the state. If the author of this editorial believes that our court is jeopardizing the due process rights of non-English speaking litigants, I wonder what her view may be of the state courts which have 100 times more cases than the federal courts, and rarely use federally certified interpreters.

Cameron S. Burke

Court Executive, U.S. District Court of Idaho
Boise, Idaho

Mirta Vidal replies:

Court Executive Cameron Burke complains that the editorial on the Idaho certification program contains "many inaccuracies" and accuses the writer of failing to verify the information. However, the editorial and article are based solely on the information contained in the press release Mr. Burke issued jointly with the Idaho state courts administration or that he himself provided during a telephone interview. Rather than offer new information to contradict the articles, his response merely reiterates his personal view of the situation, which is necessarily biased. Mr. Burke seems unaware of the difference between opinion and fact. The problem here is not that the information is incorrect, but that Mr. Burke disagrees with the conclusions drawn in the editorial.

Mr. Burke is mistaken in concluding that the editorial "criticizes the efforts in Idaho to enhance interpreter training and development," which is commendable insofar as it will help improve the quality of services in the state courts.

The editorial never intended to criticize the overall efforts made in that state to improve interpreter services. What is at issue here is the fact that, while a certification program on the federal level has been created at great expense and effort, the federal courts in Idaho are promoting a testing program that no one disputes is a less rigorous measure of competency.

Mr. Burke repeatedly refers to training and testing as one and the same. That "a large majority of courts have never had a training program for interpreters" is true, but it doesn't necessarily follow that any testing program is therefore automatically acceptable. He also points out that a NAJIT Board of Directors member conducted some of the training. As part of their work, many NAJIT members are involved in professional activities, including training and testing, which have not been officially endorsed by the association. The editorial does not take issue with the fact that federal and state court interpreters are receiving training jointly. What it does criticize is the assertion that interpreters in the Idaho federal courts are now certified by virtue of taking the Consortium test, because, according to Mr. Burke, it "sets a very high standard of excellence."

Indeed, Mr. Burke repeatedly refers to the "excellence" and "outstanding" performance of those working in his courts. While these dedicated professionals may very well be doing a good job, the fact remains that they have so far been unable to meet the minimal standard set by the Administrative Office of the U.S. Courts. As justification for this practice, Mr. Burke invokes the infamous "otherwise qualified" provision of the federal interpreter guidelines.

This clause was not intended to provide an excuse for regularly hiring interpreters who fail to obtain the credential required by federal law, but merely as a last resort. In the Idaho federal courts, however, this practice has now become the unquestioned norm. If Mr. Burke considers that each local court is qualified to judge the level of competence of interpreters in that district, why have a federal exam at all? Would not the next logical step be to do away with the exam altogether and simply require a passing score on the Consortium test?

Finally, far from "inferring" that Idaho is paying federally-certified rates to non-certified interpreters, the article points to the strong incentive that some administrators will have to hire non-federally certified interpreters in order to avoid paying federal rates. Court administrators, or their spokespersons, in other parts of the country have openly admitted this to certified interpreters when they offer their services.

FOR THE RECORD

To the Editor:

Re: Laura Wolfson's article [Winter 1999]: While the AIIC interpreters' visit to New York City this past January did include a visit to the federal court, that visit was only one activity in a full three-day program, which included two days at the state courts of New York and a day at the United Nations. This program resulted from a collaboration between Christiane Driessen, head of AIIC's court interpreting committee, Evelyn Moggio-Ortiz of the United Nations, and myself after an AIIC-sponsored workshop on Austrian legal terminology, held in Vienna in July of 1997.

Lois Feuerle

Coordinator of Court Interpreting Services,
New York State Unified Court System

WELCOME NEW MEMBERS *February 1 — May 31, 1999*

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Nora Adams, Hawthorne, NJ
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Arsen V. Baziyants, Las Vegas, NV
Hisano Bell, Pleasant, CA
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_____ ATA What language combinations? _____

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DO NOT list me on NAJIT's Web site _____

I was referred to NAJIT by _____

Academic Credentials _____

If you are a language instructor at a college, please indicate which one: _____

I am an interpreter ☐, translator ☐.

I certify that the above information is correct and accurate to the best of my knowledge and belief.

Signature _____ Date _____

PAYMENT SCHEDULE

Membership Year Jan. 1 Through Dec. 31

_____ Individual: \$75

_____ Student: \$40*

_____ Institution: \$150

Outside U.S.A. and Territories, \$15 Additional

**NAJIT reserves the right to validate applications for student membership on a case-by-case basis.*

Contributions or gifts to NAJIT are not deductible as charitable contributions for federal income tax purposes. However, dues payments may be deductible by members as an ordinary and necessary business expense to the extent permitted under IRS Code.

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