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Behind Closed Doors

Interpreting Jury Deliberations

Sabine Michael

Sometime last year I posted on my bulletin board a newspaper article about a Florida judge who permitted a Spanish monolingual juror to serve on a jury. It may just be a matter of time, I thought, before that happens in Pinal county.

Although I agreed with the Florida judge's reasoning, that it is a constitutional right not to be excluded from jury duty, I wondered whether an interpreter in the jury room might dilute, taint, or violate the secrecy of the deliberation process. My speculations were not purely academic. Pinal county is in rural central Arizona, population approximately 180,000, nearly a third of Hispanic origin. I am one of two Spanish staff interpreters in the Superior Court, a court of general jurisdiction. In addition to covering our six courtrooms, I am responsible for scheduling and providing interpreter services for the eight Justice Court Precincts in our county. (A justice court is not a court of record, but a court of limited jurisdiction which handles criminal and civil matters.)

In our court, we came close several times to seating a Spanish-speaking juror. Since we are a small court, it is usually the jury commissioner or presiding judge who asks us to interpret for a potential juror. Unlike many other jurisdictions, we fall under the supervision of the court administrator and not the clerk of the court. The various court departments are actively encouraged to contact us any time they need interpreting services. Twice I was called to interpret for potential jurors whose native language was Spanish, to see whether they would feel confident to serve on a jury if the proceedings were interpreted for them. Both times, the prospective

Continued on page 4

Cook County Headed for First Contract Negotiations

63 % of Voting Interpreters Chose Chicago Newspaper Guild Representation

Kathleen M. Orozco

History was made on March 20th, when Cook County court interpreters, along with Chicago Newspaper Guild staff and court management representatives, gathered in the Illinois Labor Relations Board conference room in downtown Chicago. The mood was one of optimism and confidence after a highly organized campaign for contract representation.

A vote for Guild representation had been taken in December of 2001. Due to the difficulty of setting up polling places in far-flung courthouses for 110 interpreters of over 50 languages (many of whom do not work every day, and most of whom do not always work at the same job site), interpreters had mailed in their ballots.

The 3-month lag between the mail-in ballot election and the official Labor Board vote count was due to two attempts by the Chief Judge's office (the interpreters' employer) to dispute the interpreters' proven employee status. In June of 2001 the Chief Judge's office requested

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MESSAGE FROM THE CHAIR

During the last few months the NAJIT Board has been active in finalizing the Annual Conference. We hope everyone is planning to attend the Annual Meeting and Educational Conference in Phoenix, Arizona the weekend of May 18th and 19th. Several great presenters will be there as well as some very interesting vendors, whose support and loyalty should be recognized.

At the Annual meeting important issues will be discussed and voted upon. All members should have received the proposed By-law amendments, please read them carefully and vote. The Board has put in place a mechanism for the counting of all votes. The Board wishes to publicly thank the By-law committee for its dedication and commitment to the future of this association. As a part of the Educational Conference, a session will be dedicated to a full and detailed presentation and exchange of ideas regarding the proposed amendments. If you are undecided, please attend.

The Board would also like to formally thank Daniel Sherr, Matilde A. Deferrari, María-Carolina López and Dennise Guzmán for their work as the ad hoc elections committee during the last elections. They were unexpectedly called to duty this spring and completed their task efficiently and we are all truly grateful. They should all be commended for the willingness to participate with such little notice. As the count will take place in Phoenix, the Election Committee will be chaired by Joyce García of Tucson who is presently restaffing the committee. We are an association of volunteers and we are grateful that so many members who have been willing to give the time and money to the growth of this organization.

As of March 31st, membership had grown to over 900 but many had forgotten to renew. Please go back and make sure you are current on dues and join me in welcoming the over 70 new members have joined NAJIT since January 1, 2002.

The result of the final tally of who recruited the most members and thus won the round-trip ticket on Southwest Airlines is ATA!!!! The Board has contacted ATA headquarters and is awaiting their response.

Cristina Helmerichs D.
Chair, NAJIT Board of Directors

ELECTION REPORT

On or about January 4, 2002, each member in good standing of NAJIT was mailed a secret ballot for the election of three members of the Board of Directors, to serve two-year terms, along with biographical information about the seven candidates for office. The ballots were to be returned postmarked not later than January 31, 2002. Members outside the Continental United States were given an extension on the return date to accommodate delays in mail delivery, and were also given the option of faxing back or emailing their ballots if they opted to waive their anonymity. Members were informed that ballots received without name, address, and signature on the return mail envelope would be invalidated.

899 ballots were mailed. A total of 381 ballots were returned, of which 307 were valid and 74 were invalid.

The reasons for invalidation of ballots were (1) failure to sign the return envelope as indicated; (2) failure to return the ballot within the stipulated time limit; and (3) invalid membership status, i.e., student and associate members voting.

The 307 valid ballots tallied as follows:

Cristina Helmerichs D.	148
María Cristina Castro.....	142
Alexander Rainof	136
Carmen Barros	131
Steven Mines	124
Isabel Framer	115
Francisco Olivero	85

The three candidates with the greatest number of votes were Cristina Helmerichs D., of Austin, Texas; María Cristina Castro, of Portland, Oregon; and Alexander Rainof, of Santa Monica, California.

NAJIT extends its gratitude to Carmen Barros, Isabel Framer, and Francisco Olivero for their willingness to serve; and to Steven Mines for his exemplary service as a member of the Board of Directors from 2000 until 2002, and for his continuing service to NAJIT.

Congratulations to the successful candidates. We look forward to a productive year.

NAJIT BOARD MEETINGS

April 4, 2002: Meeting Minutes

Present: Cristina Helmerichs D., Judith Kenigson Kristy, Cristina Castro, Alexander Rainof, and Holly Mikkelson via conference telephone call.

1. The meeting was called to order at 10:10 am EST.
2. Mikkelson/Castro: Moved and seconded that Alexander Rainof be appointed liaison to SSTI. Carried.
3. Treasurer's report: Attached.
4. Membership report: Attached.
5. Kenigson Kristy/Rainof: Moved and seconded that Arlene Stock be authorized to get a Directors and Officers Insurance policy through an insurance broker, to be submitted to the Board for approval. Carried.
6. Rainof/Castro: Moved and seconded that the Board discuss procedures for responding to policy and decision-making matters preparatory to formulating one or more motions relating to this issue at the May meeting. Carried.
7. Cristina Castro left the meeting at 12:00 noon EST.
8. The meeting was adjourned at 1:00 pm EST.

Summary Report to the Membership

The NAJIT Board of Directors met by conference call on April 4. It was agreed that Alexander Rainof will serve as the Board's liaison to the SSTI Board, since he is a member of both bodies. The Board also agreed to seek legal advice to clarify the relationship between the two boards, their mutual obligations, financial liability, and relationship with Measurement Incorporated. Executive Director Arlene Stock will also obtain a proposal for a Directors and Officers Insurance policy from an insurance broker, which she will submit to the Board of Directors for consideration. Such an insurance policy is common for boards of directors, and the Board hopes to be able to purchase one this year.

Common practice among boards of directors is a manual of policies and procedures, and the Board agreed that such a manual is necessary. At present the Bylaws Committee is working on a manual for NAJIT as a whole, but the Board would like one for its own operations. In the weeks prior to the Board meeting in May, all Board members will submit suggestions for what should be included in the manual, and sample manuals will be obtained from the Internet. In May, a decision will be made specifically on procedures to be followed by Board members in responding to policy questions. Then a committee will be formed to draft a manual of policies and procedures for the Board's approval. Alexander Rainof also suggested that the Board conduct a self-assessment every six months, and it was agreed to conduct the first one at the May meeting.

The NAJIT committee structure was reviewed, and it was

noted that many committees are dormant. Cristina Helmerichs listed the committees required by the current Bylaws along with their membership:

Membership: dormant

Education: dormant

Publications: Nancy Festinger

Bylaws: Steve Mines, chair; Margaret Redd, Francisco Olivero, Isabel Framer, and Sam Adelo.

Nominations: Albert Bork, chair; Sara García-Rangel.

Elections: Daniel Sherr, chair. This is supposed to be a standing committee, but the current members were under the impression that it was ad hoc and that their duties are completed. Cristina Helmerichs will ask them to stay on, and if they decline, new members will be appointed.

These committees will be activated, and those that do not have the required four members (chair plus three) will be filled. In addition, suggestions were made for new committees to be formed: Credentials (formerly an ad hoc committee, will be standing), Conference (standing), Finance (standing), and Policies and Procedures (ad hoc, advisory). If the proposed amendments to the NAJIT Bylaws are passed by the membership, the standing committees will be those set forth in the amended Bylaws. The Chair of the NAJIT Board of Directors will appoint the others as ad hoc committees, though some will eventually become standing committees.

The Annual Conference and Business Meeting in Phoenix is in the final preparation stages. It is being widely publicized, largely thanks to the efforts of Sandro Tomassi, and registration packets have gone out to the membership. Holly Mikkelson is applying for continuing education credits with the California Judicial Council. Sites being considered for the 2003 Annual Conference include Nashville, Charleston, and Toronto. New York is being considered for the 2004 conference, since NAJIT's 25th anniversary will be celebrated that year, and it is fitting for the anniversary conference to be held in the city where NAJIT was founded.

The NAJIT certification exam, both written and oral portions, will be administered in conjunction with the Phoenix conference. The first administration of the written exam, at the NAJIT Eastern Regional Conference in February, resulted in a 53% pass rate. It is these candidates who will be taking the oral in Phoenix. The high pass rate is a positive development which will be publicized extensively to generate interest in taking the exam.

The NAJIT Western Regional Conference will take place in Portland, Oregon this fall. It is being organized by Cristina Castro, who will report on preparations at the May meeting.

Holly Mikkelson, Secretary

Interpreters and translators often find ourselves wishing

BEHIND CLOSED DOORS Continued from page 1
jurors declined. On another occasion, a judge wanted to address a juror whose first language was German to see if she wanted my assistance during trial (German is my native language). I was out interpreting elsewhere, but the juror declined to be assisted, saying that it would make her uncomfortable, and asked to be excused from jury duty.

Last year, a lower court in our county had a DUI [driving under the influence] case in which a Justice of the Peace did not dismiss a potential juror who spoke only Spanish. That person was assisted by an interpreter throughout the voir dire but then was struck through the attorneys' peremptory challenges. The Justice of the Peace told me afterwards that she would have accommodated the juror throughout the trial.

This past December, I was working on a trial for aggravated assault involving a Spanish-speaking defendant and Spanish-speaking victim. During jury selection, a predominantly Spanish-speaking woman was seated. Neither counsel exercised a challenge for cause, nor did the judge dismiss her on the basis of the language issue. When jury selection was completed—this was an eight-person jury with two alternates—she was still in the box.

The Trial

Luckily, in our county, we have the luxury of being able to approach the judge in chambers, especially on matters that arise during trial. Thus, I was able to approach the judge regarding the juror who required interpretation. Since interpreters were already in the courtroom to interpret the proceedings for the defendant into Spanish, the juror could easily be provided a wireless portable unit over which to hear the trial testi-

The less attention drawn to interpreters, the better, according to judge.

mony. The court felt that the less attention drawn to the language assistance, the better. It was decided that prior to deliberations, the judge would both instruct the jury regarding the presence of an interpreter during deliberations, as well as administer an oath to the interpreters and admonish them not to participate in the deliberation process. (The oath, admonition and jury instructions appear at the end of this article.)

Neither attorney voiced any objection to this procedure. A colleague and I interpreted throughout the trial,

which lasted four days. During breaks, the juror would leave the listening device on her seat. Since she spoke some English, it was not necessary for an interpreter to accompany her on breaks.

The Deliberations

Due to the size of our jury rooms and the sensitivity of the issue, I suggested that during deliberations the two interpreters not go in as a team, but rather switch during the jury's breaks. Both counsel and the judge found this acceptable.

We used a wireless transmitter with a microphone, and the juror had an ear piece with a receiver. When I first entered the jury room, I chose an empty chair in a corner near the coffee pot, within eye-contact of the non-English speaking juror. It turned out to be near the person who was chosen as foreperson. All instructions by the foreperson were easy to hear and the juror needing my assistance did not stand out in any way, thanks to the equipment. The fact that I was sitting quietly in

The interpreter in the jury room did not distract the jury from its task.

my chair whispering into a microphone did not seem to distract anyone. The judge had already instructed them to speak one at a time. As some of the evidence was passed around to be examined, the juror would summon me with her eyes, without interrupting the conversation, and I would approach to sight translate documents for her or to interpret her questions and remarks to the rest of the jury.

Due to the confidential nature of the deliberations, I will not go into further detail except to say that the deliberations lasted less than thirty minutes. Seasoned interpreters will automatically know how to comport themselves in a jury room. We need a notepad, a pen, and common sense. If a juror addresses the interpreter personally, it is a simple matter to say swiftly but kindly that the interpreter cannot discuss any matter during deliberations.

Impact on the Jury

As far as I could tell, the presence of an interpreter in the jury room had only a marginal impact on the other jurors. Sitting apart from the jury table, I kept within our role, to be as unobtrusive as possible. An interpreter's presence did not stop the jurors from speaking freely, voicing their opinions or concentrating on the task at hand. From a linguistic standpoint, the job was routine, but certainly, each trial will have a unique set of jurors, ideas, opinions and difficulties.

Permitting interpreters in jury deliberations may have far-reaching consequences, not so much in smaller jurisdictions like ours, but in larger cities where the number of potential Spanish monolingual jurors is certainly much higher. Interpreter coordinators may have to struggle to provide adequate coverage in states

Large cities may have interpreter shortages or other factors to consider.

where court interpreters are few. The right of a citizen to participate in a jury will have to be weighed against other factors, such as cost and available personnel. Modern technology, however, makes it possible to assist several parties in the same trial without needing additional interpreters. If interpreters are already being provided for the defendant, it is not an extra burden to assist a juror. However, if no party other than the juror needs language assistance, resources may be needed more elsewhere.

The whole experience felt a little unreal, like being thrown into a movie. Until then I could only guess what jury deliberations were like because they have always been shrouded in mystery. It was the only area left in judicial interpreting that I had not set foot in, having interpreted previously in army court-martials and court proceedings in my native Germany, and once during a Grand Jury session.

This case was the first in Arizona and in our county in which a non-fluent English speaker was accommodated on a jury. In the words of the Hon. Boyd T. Johnson, the judge presiding over the trial, "We just did it." I am sure that if the situation came up again, it would be handled in the same way. By then we may have gained more insights into the procedure from other courts where it is done on a regular basis. We certainly will impart what we gained from this experience to other courts.

One thing, however, is certain: the defendant was truly judged by a jury of his peers.

[The author is court interpreter for Pinal County Superior Court in Florence, Arizona.]



POSTSCRIPT: PINAL COUNTY SUPERIOR COURT Re: Jury charge on interpreter's role in deliberations room.

The interpreters are permitted only to interpret. You are prohibited from interjecting your opinions, your thoughts, or your questions. Your sole purpose in the jury room during deliberations is to interpret for the assisted juror.

Oath for Interpreters In Jury Deliberations

You do solemnly swear that you will faithfully translate from English into Spanish and Spanish into English during the deliberative proceedings and discussions in this cause, and will not participate in, contribute to or discuss jury deliberations, other than to render verbatim translation thereof for the assisted juror when called upon to do so, to the best of your ability, so help you God?

Jury Instructions Regarding Assisted Juror

The Jury and the interpreters are hereby instructed that the interpreters will be allowed into the jury room during deliberation. The interpreters, however, will not participate in the jury's deliberation in any manner except to facilitate communication between the assisted juror and the other jurors. The interpreters are not part of the jury. Do not construe the assisted juror's words when spoken by the interpreter as those of the interpreter. Two different interpreters may be present during deliberations. However, only one will be present at any one time. They will substitute for each other at periodic intervals. In order to ensure full participation in deliberations by the assisted juror, each juror needs to bear in mind that the interpreter can only interpret one conversation at a time. Remember that it is important that all jurors participate fully in the jury deliberations. So, when possible, please do not speak over each other during your deliberations. The interpreters are prohibited from involving themselves in this case in any manner. That includes any type of conversation with any member of the jury panel about anything that goes on in the courtroom. Please do not try to engage them in any such discussion, or in any conversation at all, except for the purpose of communicating with the assisted juror.

The interpreters are bound by a strict code of ethics. They shall keep all information related to their assignment confidential. The interpreters shall not counsel, advise, or interject personal opinions. The interpreters, as individuals, may not discuss this case with anyone, including jurors, at any time before, during or after deliberations, except in their role of interpreting for the assisted juror.

NEWS FROM AROUND THE WORLD

Daniel Sherr

BUMPY ROAD FOR TRANSLATORS IN BUENOS AIRES

You're in Buenos Aires and you need a court interpreter for a deposition or trial. Under Argentinian law, you need a certified public translator, an Argentine citizen with a university degree in translation who is registered with the local colegio, or professional association.

Buenos Aires is host to the country's largest association of certified public translators, the Colegio de Traductores Públicos de la Ciudad de Buenos Aires (CTPCBA), with approximately 3,500 active members working in 34 different languages. The CTPCBA may be familiar to NAJIT members because it has hosted three Latin American congresses on translation and interpretation.

Despite its large membership and substantial income from certification and authentication fees, the Colegio is currently running a deficit. The causes are numerous. According to the 2000-2001 annual report, approximately 1,500 members failed to pay the yearly membership fee of \$42 (now \$50). The Colegio made a substantial investment in new headquarters, but the building needed renovations. The maintenance of the current headquarters and the new space has strained the organization's budget. The Colegio has also lost various lawsuits and failed to pay its legal fees. One of its bank accounts was attached. The most recent Conference on Translation and Interpretation ran a \$70,000 deficit. The Colegio cannot, however, simply shut down; its existence is mandated by law.

In the meantime, the financial crisis in Argentina has decimated translators' purchasing power. At three Argentine pesos to the dollar (until last December, there was a one-to-one parity between the peso and the dollar), says Miriam Golía, President of the ATIBA (Association of Certified Public Translators and Interpreters of the Province of Buenos Aires), "We have no choice but to work more to earn less."

E.U. EXPANSION: MORE LANGUAGE COMBINATIONS

In 2003, the European Union is expected to approve membership applications of ten new countries, mainly from Eastern Europe. While the enlargement entails serious political and financial challenges, as Chris Morris pointed out in a December 2001 report for the World Service of the BBC, it will pose substantial language problems as well.

"At the European Commission, a succession of politi-

cians and officials and officials have a mission to explain the often confusing world of Euro-policy. For the outsider, it's puzzling enough in just one language, but twiddle a dial by the side of your seat and you start to understand who really keeps this place ticking over," observed Morris, paying tribute to the EU's interpreters.

Now, more than ever, translators and interpreters have their ears and computers full. There are currently more than 100 possible language combinations in the EU, and, according to Morris, "within a few years, there could be more than 600." In 2003 alone, when Hungary, Poland, and the Czech Republic are expected to join, the number of possible language combinations will jump from 110 to 182. Sometimes interpreters have to resort to relays, which can lead to greater inaccuracy. (If no one in the English booth interprets directly from Greek into English, the English interpreters would wait for the Greek to French interpretation from the French booth in order to provide the English version.)

On the translation side, according to the web page of the Translation Service of the European Commission, translators render over 1,200,000 pages a year. ("This is the equivalent of a tower of paper more than 100 meters high, which grows by another 10% every year or every time a new language is added.") To cope with the ever-growing volume of translations, the EU is increasingly relying on EC-SYSTRAN, a computer-based translation system available commercially that has been customized to meet the translation needs of the European Commission. The system, which can process 2000 pages an hour, is only an aid and no one claims that it produces print-ready copy. (It recently translated "vice president" into Spanish as "president of vice.") According to Angelique Petrits of the Translation Service, "The quality will never reach human levels." For the moment, the software is capable of handling only 18 language combinations.

No country wants to renounce its linguistic sovereignty, although the Maltese have generously agreed to forego official status for their language. Still, says European Commission Vice President Neil Kinnock, "What's essential is that the right of every member state to use its language has got to be sustained, and there's got to be a recognition of the list of official languages and the complete honoring of the right of a European citizen to communicate in his language of choice and to

get a reply in that language."

In 2001, when the European Commission moved towards what the BBC termed "bureaucratic reform," the French and the Germans "detected a plot to secure the supremacy of English by stealth." Whether the result of a surreptitious plan or a mere fait accompli, the de facto language of communication is increasingly English. A decade ago, most EU documents were drafted in French. Now, says the BBC, "nearly two-thirds are in English."

In the meantime, though, most states zealously preserve their right to make their case in their national language. English-Estonian? Portuguese-Slovenian? Greek-Latvian? If you are a translator or interpreter with these language combinations, Brussels or Luxembourg may be the place for you.

[Daniel Sherr is a conference interpreter and federally certified court interpreter.]

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Legal Codes of Four Latin-American Nations on the Web

Allan F. Amaya

we had access to primary or secondary source material that would help us to see terms or expressions in context. Specialized dictionaries may thoroughly define these terms, but often do not provide examples of the proper context in which to apply them.

For example, when translating an order of extradition to be submitted to a sovereign nation to demand the return of a fugitive accused of a crime, wouldn't it be useful to have access to the penal code of that nation in order to track the corresponding terms habitually used in extradition matters of that nation?

Imagine my delight when through recent research I found the web site of the Supreme Court of Justice of the Dominican Republic, with links to the country's civil and penal codes as well procedural laws. Few web sites of foreign nations catalog their codes as thoroughly as has been done here. Of course, if it were only a catalog of laws, the web site would be of limited use, but the web page also contains links to the actual text of the codes.

Start your consultation on www.suprema.gov.do. Go to the drop-down list on the right, click "consulta" and you will see a list of links. Click on "consulta constitución y códigos." A page will appear that is divided in two. On the left is a drop-down list of topics and on the right is a window where you would enter the code or article if you knew the specific number you were interested in. However, if you just click on "ejecutar" you will get a drop-down list of articles by subject and number for easy reference. For example, if you were looking for the civil procedure code, you would see all 1,040 articles listed by topic and number.

The web sites of Puerto Rico, Colombia, and Venezuela are also well-designed and available for consultation. They are, respectively:

<http://www.lexjuris.com/lexleyes.htm>

<http://www.leyesnet.com/Codigos.asp>

<http://comunidad.derecho.org/pantin/legis.html>

(The Venezuelan site even includes some tasteful background piano music!) I hope you will find these four reference sites as enjoyable and useful as I have. These sites, and others like them, provide ample justification for computers and Internet service to be provided to interpreters at their worksites. Regrettably, many courts have not yet understood that interpreters require access to specialized reference material, most of which is readily available on the internet. We hope this anti-computer bias will soon be a vestige of past administrations.

[The author is a Spanish staff interpreter in Kings County Family Court, New York]

TERMS RELATED TO DETENTION AND BAIL

abide by the conditions of release
 accomplice
 adjourn the detention hearing
 advise someone of their rights
 alias
 allegations in the complaint
 appear before a judge
 apply for bail, make a bail application
 appoint counsel if you do not have the funds to
 retain an attorney
 arrest warrant
 assigned counsel
 await trial
 background information
 bail bond, bail bondsman
 bail forfeited
 bail hearing
 bail package
 bail will be set at...
 bench warrant (issued)
 be out on bail pending trial
 bring up on federal/state charges
 burden of proof
 calendar part (state courts)
 career criminal
 cash bail
 change of status
 charge with a crime, be charged with a crime
 (the) complaint charges...
 common-law wife
 complaining witness
 complaint
 confidential informant
 consensual telephone call
 consider whether counsel should be appointed
 conspiracy, co-conspirators
 controlled delivery
 cooperate with the agents
 cooperating witness
 credibility of the witnesses
 criminal statute
 danger to the community
 decide on conditions of release
 deny the bail application
 deny the charges
 detention hearing, to have/hold a detention hearing
 discuss bail
 dismiss a case
 Do you solemnly swear that this signature is yours?
 drop the charges
 electronic monitoring
 evidence of wrongdoing (weak/strong evidence)
 exposure
 ("The defendant's exposure in this case is 20 years.")
 to face the charges
 to face time
 facts alleged in the complaint
 family ties

felony charges
 fight the case
 financial affidavit
 financially responsible persons
 findings, "I find that..."
 Example: "to find that there is no condition
 or combination of conditions that would
 assure your presence in court and the safety
 of the community"
 fix bail at... \$100,000 cash or surety
 flee the jurisdiction
 for bail purposes only
 fugitive
 grant an application
 guideline sentencing range
 have a history of (drug abuse)
 have a (criminal) record
 hold without bail, to order that X be held
 without bail
 if convicted, the defendant would be facing...
 illegal alien
 illegal re-entry after deportation
 immigration status
 incarcerated
 incentive to flee
 indictment
 information (as distinct from indictment)
 initial appearance
 INS (Immigration & Naturalization Service)
 issue an order of detention
 issues of fact
 likelihood of getting out on bail
 make bail
 "mere presence is not enough"
 misdemeanor
 moral suasion
 move to discuss
 on probation or parole
 partial security (for bail)
 pending trial
 persistent felon
 personal recognizance bond (PRB)
 pick out from a photo array
 plea bargain
 plead out
 pose a risk of flight
 post (put up) bail
 preliminary hearing
 principal (of bail)
 priors
 predicate felon (2 priors)
 preponderance of the evidence
 to present a bail package
 presumption case (presumption against bail)
 pretrial report recommendation
 pre-trial release conditions
 previous convictions
 probable cause to arrest

qualify for counsel to be appointed
 rap sheet
 release on bail
 release on own recognizance (ROR)
 release upon signature of the co-signers
 reliability of the witnesses
 reporting requirements
 requirements for release
 resist arrest
 retained counsel
 return to court when required
 roots in the community
 secure a bond with cash or property
 set bail at \$200,000 PRB
 seizure of evidence
 sex offender
 sign for the defendant
 signatories
 strict pretrial supervision
 supporting affidavit
 surrender of passport and travel documents
 surveillance agents
 subject of an investigation
 swear to the complaint
 tape recordings, tape recorded conversations
 temporarily detained
 travel restrictions
 triable case (to have a...)
 uncorroborated evidence
 undercover agent
 vacate an order
 verify information
 violate conditions of release
 violate probation/parole/supervised release
 vouch for the defendant
 warrant will issue for your arrest
 weight of the evidence
 without prejudice to renew the application
 witness for the government
 youthful offender

In the future, we will be posting
 glossaries on our website, with equivalents in
 other languages.

SDNY Spanish-English Term Database Goes Online

The Interpreters Office of the U.S. District Court, Southern District of N.Y., has made its Spanish English terminology database available to the public on its website at <http://sdnyinterpreters.org/term>. The database, which was first started in 1991, has had over 7500 items entered into it by SDNY staff interpreters. Formerly stored in an archaic database program, the data has been converted to a modern, high performance database and given a friendly web browser-based user interface. The project is far from complete, and additional features will be added over time.

COOK COUNTY *Continued from page 1*

a hearing before the Illinois State Labor Relations Board to challenge interpreters' employee status. Several interpreters testified that the Chief Judge's office actually dealt with them as de facto employees in utilizing their skilled language services in the courts on a regular basis. In August of 2001, the administrative hearing officer ruled in favor of employee status for interpreters. The Chief Judge's office filed an exception to this ruling before the entire Labor Board, but at a December 2001 hearing, interpreters' employee status was reaffirmed unanimously. After this ruling was published in early March, the vote count was scheduled.

The Interpreters' Working Group, Cook County interpreters' organizing and bargaining committee, is currently drafting a contract proposal addressing various issues in need of urgent resolution. Illinois courts are finding it difficult to attract and retain highly qualified language professionals over the long term. Court interpreter pay scales in Cook County lag far behind those enjoyed by their colleagues in other major U.S. cities with large court systems and high costs of living. Part-time interpreters, many of whom routinely work five days a week, do not have health insurance coverage. Nor has court management formally recognized those Spanish interpreters who over two years ago successfully completed a nationally recognized oral proficiency exam which objectively measures their interpretation skills. Another issue is the need to implement team interpreting to alleviate interpreter physical and mental fatigue. Stress levels in the profession often rival those experienced by air traffic controllers and individuals engaged in other highly stressful occupations.

Model for State and Beyond

Guild representation means that Cook County court interpreters are well on their way to starting meaningful negotiations for a work contract with court management. It is hoped that the contract will result in fairer and more equitable treatment of language professionals in Chicago and other U.S. states and cities with a growing non-English fluent population. With the expertise of Chicago Newspaper Guild staff members Jerry Minkinen and Craig Rosenbaum, Cook County interpreters stand poised to gaining greater professional recognition.

[The author is a federal and state court interpreter with an M.A. from Monterey. She has been active in organizing and training Cook County interpreters, and as a medical and conference interpreter.]

53% PASS FIRST STEP IN NAJIT CERTIFICATION

Great News! On February 1, 2002, thirty-six candidates sat for the first administration of the written component of the NAJIT Judiciary Interpreter and Translator Certification Examination (JITCE). The exam was administered in New York City at the John Jay College of Criminal Justice prior to the NAJIT Northeast Regional Conference.

On March 14-15, 2002, subsequent to the scoring of the exams, nine NAJIT members who were carefully chosen based on their credentials, expertise and standing in the interpreting community, together with the board of the Society for the Study of Translation and Interpretation (SSTI), met in Durham, North Carolina. The purpose of the meeting was to set performance standards for the NAJIT Certification Examination.

After two days of work, the committee is pleased to report that nineteen of the thirty-six candidates met or exceeded the passing score set for the written component, which means a passing score was achieved by 53% of the test candidates. This is wonderful news and a milestone in the implementation of the certification exam. For more detailed information, a report of the standard-setting process and results will be presented to the membership by Measurement Incorporated Vice-president Michael Bunch and Project Director Donna Merritt during the NAJIT Annual Meeting and Educational Conference in Phoenix on May 18-19.

Submitted by:

Mirta Vidal, President, SSTI

Donna L. Merritt, Project Director, Measurement Incorporated



RECENT ARTICLES ON LANGUAGE ISSUES

Thanks to Isabel Framer and Rick Kissell for posting these on the list-serv.

NEW TRIAL STARTS AFTER JUDGE FAULTS INTERPRETING

Louise Taylor

Lexington Herald-Leader, April 6, 2002

www.kentucky.com/mld/heraldleader/3026180.htm

Reversal points up pitfalls in poor interpretation during police questioning, resulting in an overturned murder conviction and retrial.

JURY AT FIRST FAVORED ACQUITTAL

Louise Taylor

Lexington Herald-Leader, April 12, 2002

Sentenced to 40 years on a state murder conviction, Santos Adonay Pagoada appealed on the basis of inadequate interpretation at trial, won the appeal, was retried, and found guilty of reckless homicide.

ATTORNEYS, SOME JUDGES SAY POOR INTERPRETATIONS BOTCH CONVICTIONS

Louise Taylor

Lexington Herald-Leader, April 22, 2002

www.kentucky.com/mld/heraldleader/3113389.htm

In recognition of inadequate practice in locating interpreters, Kentucky's Administrative Office is moving to issue standards for courtroom interpretation to root out unqualified interpreters and certify others.

AL QAEDA INTERROGATIONS FALL SHORT OF THE MARK

John Mintz

Washington Post, April 21, 2002

www.washingtonpost.com/wp-dyn/articles/A22119-2002Apr20.html

The effort to obtain information from al Qaeda and Taliban fighters detained at the U.S. Navy base in Cuba has been hampered by inexperienced interrogators and linguists, military bureaucracy and squabbles among private language contractors, according to sources familiar with the government's mission there.

CASE CITATIONS: Insults are Facts, Too

The language of the street often comes into the courtroom, and an interpreter cannot shy away from repeating vulgarity. A case that illustrates this proposition is *Bullard v. State*, 521 So. 2d 223 (Fla. 5th DCA 1988). In this case the trial judge restricted the defendant's manner of reporting dialogue between himself and the policeman who later became the homicide victim because, the judge said, there was no need to repeat such words as "nigger": it would only "outrage the jury." An appeals court reversed the homicide conviction, and stated:

"A courtroom is often not the place for the genteel. It is a place where raw human emotions, grisly and morbid accounts and disgusting, filthy language are often brought forth. If the facts include these distasteful elements, then they do. It's the facts which count, not the sensibilities of the persons hearing them."

KUDOS TO NAJIT MEMBER

Congratulations to NAJIT member Roxana Cárdenas, who won the 2000 American Judges Association (AJA) Law Student Essay Competition for first place in the nation. Retired California Supreme Court Justice Armand Arabian presented her with the \$3,000 award for her essay entitled "You Don't Have to Hear, Just Interpret!: How Ethnocentrism in the California Courts Impedes Equal Access to the Courts for Spanish Speakers." The winning essay was published in the Fall 2001 issue of *Court Review*, The Journal of the American Judges Association (Vol. 38, Issue 3).

IN MEMORIAM

Laura Ho, a Chinese interpreter active for many years in the state and federal courts in New York, died of complications of pneumonia on December 15, 2001 at the age of 93. She had retired from interpreting only a few years before.

Born in Shanghai of Cantonese parentage, Ms. Ho earned a B.S. degree at Yenching University in Beijing. After extensive travel as a young adult through many parts of China, Taiwan, Hong Kong and the Philippines, she resided in Singapore for two years and then returned to Shanghai. From 1941-1945 she lived in Honolulu, where she taught Chinese-American army officers to speak and read Mandarin. She moved with her husband and son to New York in 1945, where she became a registered occupational therapist. While she was on staff at Bellevue and New York Hospital her language skills were requested to assist medical staff and patients. Later, upon her retirement, someone suggested that she contact the courts, and thus began an active second career with the state and federal courts as well as law enforcement. She spoke Cantonese, Mandarin, Shanghai and Toisan dialects, and was well respected for her flawless English, patient precision and gentle manner. She was an avid painter and calligrapher, and a voracious reader. When well into her 80's she took up ballroom dancing. Last summer she remarked, "I'm as curious now as when I was younger. Age doesn't affect that."

Many interpreters in New York remember her with great fondness and will miss her. A memorial service was held in January.

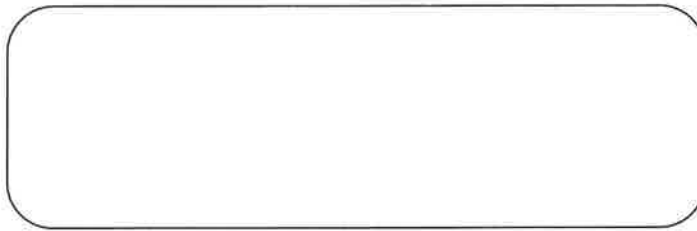
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