



# PROTEUS

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

---

*Vol. II, No. 2*

*Summer 1993*

*New York, NY*

---

## DIRECT DISCOURSE IN TRIAL TESTIMONY

*Matthew Mendenhall*

The U.S. District Courts in San Diego serve the Southern District of California, which comprises San Diego and Imperial Counties, both of which border the Mexican state of Baja California. In this district, the vast majority of Spanish-speaking people for whom we interpret are of Mexican or Mexican-American descent. These defendants, witnesses, sureties, etc., come from virtually all walks of life and have very diverse socioeconomic backgrounds. A significant percentage of the defendants, however, come from rural areas. Most are poor, and many are illiterate or barely literate. Many are undocumented or amnesty applicants, and unable to post bail. They appear before the courts clad in prison-issue jumpsuits and plastic sandals, accused of one or another of the myriad forms of drug or alien smuggling that make up the bulk of the criminal caseload in the Southern District of California.

When these defendants elect to go to trial and take the stand to "tell their story," with little or no prompting from their attorney, they often recount their conversations with other participants in the events leading up to their arrest and beyond. They have their day in court, an opportunity to tell their story, and they are determined to tell it their way, seldom comprehending or adhering to the conventions and constraints of courtroom testimony. It is not a matter of being rude or disrespectful, nor is it merely a lack of familiarity with the rules; rather, their mode of storytelling appears to be their genuine manner of recalling and recounting experience. Of course, defendants as testifying witnesses/storytellers are hardly disinterested narrators. They understand that conviction or acquittal may hinge on their ability to convince the jury of their veracity. By seizing the initiative and narrating their version of events in their own style, they are better able to recount events in the light most favorable to themselves. In most cases, the defendants have had many weeks or even months to think about just what they want the jury and Court to know about the events surrounding their

*( continued on page 4 )*

## THE NAVAJO NATION AND THE U.S. COURTS

*Esther Yazzie*

What is communication? Webster's defines it as "an exchange of ideas, messages or information as by speech, signals or writing." This process of communication can be formal or informal.

As a Navajo woman, I understand that communication starts with the concept of self. Navajos believe that a person's perspective is gained by listening and using his or her senses. Knowledge of self is further gained through personal experience, observation and feelings; this knowledge becomes internalized and manifested as verbal or non-verbal expression. It is through the emotional impact of this process that a person develops an attitude. The attitude is either positive or negative, depending on the effects of the knowledge gained, and is exhibited through physical appearance, personality and demeanor or behavior. If inspired with the desire to learn and expand his or her awareness, a person can communicate more effectively without seeming pedantic or aloof.

These concepts of self, knowledge and attitude lead me to reflect on my early life experience as a Navajo child. When I was six years old, my parents enrolled me at the Navajo Methodist Mission Boarding School in Farmington, New Mexico. I spoke only Navajo.

The school officials were non-Indians. Since the enrollment process was in English, and my parents did not understand the language, other Navajo-speaking students interpreted for us. I felt alien to the process and to the institution.

I learned English by repeating phrases from the Dick and Jane book, such as "see Puff run, Jane" or "Oh, oh, oh, see Dick jump." English language instruction was also given in Bible studies class. However, it was very difficult for me to speak and write in English, and because of that I did not do well in school.

I attended the Mission school from elementary through high school. Still, I was not comfortable speaking English. After I completed high school, I took a trip to Colorado with my father. He asked me

*( continued on page 8 )*

## TAKING NOTES FROM THE COURT REPORTERS

An Interview with Bill Cohen,  
Three-time Speed Champion

*Court reporters and interpreters have much in common because they work in the same setting, convert verbal messages from one medium to another, must listen closely, remember accurately and maintain stamina. Stenographers have been familiar courtroom figures since long before the days of Perry Mason. They started out with pad and pencil and now work with stenotype machines and Real Time; they have been organized in state and national associations for nearly a century.*

*In the following interview with Bill Cohen, court reporter in the Southern District of New York, Proteus inquires into the reporters' accreditation program and hopes to learn a thing or two regarding how the professional associations promote the continuing education of their members nationwide.*

*Note that the reporters' examination requires them to listen to speech at far greater speeds (a range of 180 to 225 words per minute) than those required for the interpreters' federal certification exam (120 to 160 words per minute). Maybe one day we will have an interpreters' speed contest, sponsored by NAJIT...?*

**QUESTION:** How does the court reporters' association accredit reporters?

**ANSWER:** There are two associations. There is a New York state association, which is a minor association; the national association is the one that does the accreditation. It was founded in 1899 and used to be called the National Shorthand Reporters Association, but the name was changed last year to the National Court Reporters Association. There is a program whereby a Board makes up an exam composed of a dictation examination and a general knowledge examination.

**Q:** What resources are used to develop and administer the exams?

**A:** The resources come from the dues. There are 25,000 members and the dues are \$100 annually. The exam is given in every state of the United States,

twice a year: the first Saturday in May and the first Saturday in November.

**Q:** Has the exam ever been challenged as unfair?

**A:** It's generally accepted. There may be some question on an item on the general knowledge test, but we haven't had any challenge to it.

**Q:** When was it first devised?

**A:** About 1950.

**Q:** Prior to that had there been another testing mechanism?

**A:** Before 1950 there were state examinations by state boards called certified shorthand reporter boards. They would make up a similar exam and the state would give its own certifying exam. Some states didn't have that legislation to create an exam, but New York state was one that did.

**Q:** What does the reporters' association do for continuing education?

**A:** Continuing education is linked to the qualifying examination. Once you pass the exam, to maintain RPR status -- registered professional reporter -- you have to earn 30 continuing education credits within a period of three years. At the end of those three years, if you haven't attended any seminars or programs, you lose your professional reporter status. Reporters then have an incentive to maintain their RPR status, and to do so they must accumulate 30 continuing education credits every three years. When the state associations call their annual meetings, they sometimes offer a half-day pre-conference seminar. This program is evaluated by the national association, which gives it a certain number of credits that can be used toward continuing education credits.

**Q:** Who evaluates the program?

**A:** A committee in Washington looks over the program and then allots how many credits you get if you attend. It's an incentive for state members to go to their state association meetings and attend seminars, because they want to maintain their national continuing education credits. For instance, the national association meeting last year was held in Chicago. They offered a program that gives you 20 credits. Many people went to the meeting not so much for the business sessions but for the seminar credits. All-day seminars were held over a period of three days.

**Q:** Are the seminars in different specialties?

**A:** They may have a doctor testify on medical subjects; a lawyer would talk on the different aspects of the law, and so on, but it's not a dictation session to improve your speed. It's for general information, although part of the seminar may be a clinic on stenotype aspects. Now that Real Time is becoming popular, someone might address the technical parts of the business, for example. The national association also sponsors a national speed contest. We've had it since 1908. The speed contest is three different live dictations that people haven't heard before. It's timed with a stopwatch. One is a literary take, one voice, at 220 words a minute for five minutes; a legal opinion-type take, at 230 words a minute; and two-voice testimony, Q & A, at 280 words a minute for five minutes. That's almost five words a second. The contest is held once a year at the convention. Then the papers are marked and the winners are announced at the awards ceremony. The ones who can handle those speeds with the least number of errors would be the winners.

**Q:** Did you ever win?

**A:** I won in 1955, '56 and '57. After three consecutive years you step out and let others have a chance. You have to be pretty young to write well at those speeds.

**Q:** Is the reporters' accreditation test calibrated by speed?

**A:** Yes, it's by speed. It's a literary text at 180 words a minute, a judge's charge at 220 words a minute and testimony at 225 words a minute.

**Q:** Are those speeds chosen because they represent an average?

**A:** No, those speeds are chosen because they find that if you can write at those speeds you have the minimum speed to be a reporter.

**Q:** How does the reporters' association encourage members to join?

**A:** First of all, one has to be a member to take the national examination. So that's an incentive. And it's a credential to have the RPR. When a freelancer goes to an agency, the first thing the agency asks is, "Do you have an RPR?" In New York we have thousands of freelance reporters taking depositions but only ten percent are RPR's. So 90% can't pass it. They're all right, but a deposition is easier because there is more control. You can interrupt the speaker. Court is not

as easy to control.

The association grants another thing called a Certificate of Merit, at speeds that are much faster, much harder than the RPR minimum speed. You must have a merit certificate in order to enter the speed contest.

**Q:** NAJIT is contemplating offering accreditation exams in some languages. How did the court reporters' association devise their examinations?

**A:** The national association has a president, a president-elect, a vice president and seven or eight members on the Board of Directors. They're the policy-making power of the association, and they determine who is on different committees. We have a committee of seven or eight people that makes up the RPR examination. Another committee handles the accreditation of court reporting schools. Another committee figures out what should go into the general knowledge test of the RPR. And professional test designers are hired, especially on the general knowledge test, to do a statistical analysis, so if there are some questions that no one seems to get, they eliminate those; if there are some questions that everyone gets, they eliminate those: they want to get a mean so it's not too easy and not too hard.

**Q:** Are there local chapters?

**A:** Every state has its local association and they're in loose affiliation with the national. They're not chapters, they're autonomous associations. The New York state association was established in 1877, 20 years before the national. It goes way back.

The state association has a speed contest as well. Not many people enter these contests because there are very few reporters who can compete. Even on the national level, they get about 50 people entering the contest, but that's from all 50 states. There is another association, the federal court reporters' association. They're active politically, trying to get higher fees and so on. They have contact with the Administrative Office in Washington, and one of their jobs is to try and help the federal reporters in any way they can. One way is to get salaries and transcript fees raised.

**Q:** Does the salary and transcript rate change consistently?

**A:** No, sometimes nothing happens. Nothing happened in the eight Reagan years. Everyone else was getting raises but our salaries went down. Our salary level is lower than the market, but we get more for the minutes, because there are more transcripts in this court than in state courts.

*( continued on page 11 )*

## DIRECT DISCOURSE

(continued from page 1)

arrest. Their story, needless to say, is not the same as an unrehearsed narration of events.

In the course of telling their story, defendants will at times shift into direct discourse, that is, they will tell parts of the story through dialogue, recreating verbal exchanges between themselves and others (e.g., co-defendants, confidential informants, undercover agents, "mystery men," etc.) just as they allegedly occurred. In all the recreated dialogues I have heard, there are only two speakers, and the defendant is always one of them. Fortunately for the interpreter and all concerned, the shift into direct discourse usually occurs in the context of an ongoing narration of events. Thus, the defendant/storyteller at least partially sets the stage for the use of dialogue, as in the brief example given below. The testimony was given during the direct examination of a defendant on trial for conspiracy to distribute heroin.

Q: Mr. Hernández, please tell the jury what happened next.

A: Bueno, yo me quedé en el coche esperando al Sr. García. En eso un señor se acercó al coche y abrió la puerta. --¿ On'tá? --¿ On'tá qué? --¿ On'tá la cosa? --¿ Qué cosa? -- Entonces, como yo no lo conocía....

[ Well, I stayed in the car waiting for Mr. García. Then a man came over to the car and opened the door. -- Where is it? -- Where's what? -- Where's the thing? -- What thing? Then, since I didn't know him....]

In cases such as these an attentive listener can follow the thread of the story and make sense of it. Here the dialogue occurs in the context of an ongoing account of events and is quite brief. At other times however, the shift to direct discourse may occur with little or no forewarning or supporting narrative structure, and the dialogue may last longer, including longer exchanges. In those cases, God help the interpreter, the jury and the Court. For the jury, listening to an interpretation which suddenly shifts into an extended dialogue between two unidentified speakers must be a confusing experience. Possibly the jury cannot follow the testimony very well and tends to disregard it. The interpreter must simply interpret as faithfully as possible, in hopes that the Court will intervene and instruct the witness to "just answer the question," or that counsel will successfully object on grounds such as the "narrative form of the answer," "non-responsiveness," "no question pending," or "relevancy." In the best of all possible worlds, much of this sort of testimony would not be allowed into the record or would have to be reconfigured so as to conform to the rules of evidence. Yet the fact that defendants at times are permitted to testify in such a confusing manner does not necessarily mean that judges are too lax or that

defense attorneys have not properly prepared their clients for the stand; rather, the way these defendants tell their story is a reflection of the way they express themselves.

It seems plausible that there is a connection between illiteracy or semi-literacy and a predilection to rely on direct discourse in telling a story. If one can actually remember (or claims to remember) what was said, and one is also unfamiliar with or unaccustomed to using common narrative conventions such as, *Entonces él me dijo...*, *Yo le pregunté...*, *El me contestó...*, etc., [Then he told me...I asked him, He answered me...], then the natural and most dramatic way of telling a story is by recounting the actual words spoken, i.e., reproducing the dialogue. Of course, the defendants as testifying witnesses or storytellers understand full well that once they take the witness stand they need to convince the jury of their sincerity and truthfulness. Their use of direct discourse in trial testimony may thus have a more or less explicit rhetorical purpose. By purporting to recount verbatim the conversations between themselves and other participants in the events, the defendants may be attempting to enhance their credibility with the jury.

In closing, it is worth noting that popular Mexican *corridos*, with their traditional predilection for telling a story through dialogue, are still written and sung throughout the country today. The use of the direct discourse mode of narration in trial testimony by Mexican defendants may be another sign of the continuing vitality of the oral tradition among the Mexican people.

---

*The author is a staff interpreter in the Southern District of California, San Diego.*

### *Come to NAJIT's Regional Educational Seminar*

*"Preparing for the interpreter's  
growing role in the U.S. today"*

A series of continuing education classes and workshops ranging from beginner to advanced level on such topics as computer technology; immigration, financial, medical and NAFTA terminology; ethical and professional problems and more.

**Saturday, November 13, 1993**  
**Historic Driskill Hotel**  
**Austin, Texas**

*For information contact Arlene Stock*  
*212-759-4457 FAX: 212-759-7458.*

## UNA ADQUISICION CASI ESENCIAL

Daniel Sherr

El *Diccionario esencial Santillana* fue reseñado en estas páginas por mi estimado colega Cándido A. Valderrama. Debido al título de la reseña y a dos comentarios críticos ("Sin restarle su mérito, para los intérpretes de tribunales y traductores de materia legal no es nada del otro mundo", y "tampoco ha de esperarse muchas voces del argot de las drogas en este repertorio, tales como *azuca*, *traquetear*, *caleta*, *caletero*, *tula*, y muchísimas más de uso frecuente entre los traficantes de narcóticos") su positiva valoración tal vez haya sido mal interpretada por algunos.

Ha llegado la hora de situar el *Diccionario esencial Santillana* dentro de la cada vez más tupida bibliografía lexicográfica en español. Sólo así puede entenderse cabalmente su valor y por qué, si bien el adquirir el *Esencial* no es esencial, sí es enormemente provechoso.

El *Santillana*, que se ha convertido en una especie de minibest-seller en España, salió en 1991. Es el último de una serie de diccionarios de uso del castellano que se inició en 1966, cuando María Moliner completó su *Diccionario de uso del español*. En 1982, se editó el *Diccionario Planeta de la lengua española usual*. En 1985, salió a la luz el *Diccionario de uso: Gran diccionario de la lengua española*, editado por la Sociedad General Española de Librería, S.A. Todos éstos son diccionarios de uso porque su meta primordial es retratar el estado actual de la lengua. Todos comparten un rasgo de sumo valor para cualquier intérprete: tienen ejemplos. ¿Se dice sentarse a la mesa o en la mesa, se disfruta del derecho de votar o del derecho a votar, se implanta o se implementa? Para dilucidar tales dudas, se recurre al diccionario de uso.

María Moliner falleció antes de poder terminar la segunda edición de su obra maestra, y se sigue editando su obra de 1966. El *Diccionario Planeta* está agotado. El *Gran diccionario* es muy útil, pero ya tiene ocho años de antigüedad. Así pues, el *Santillana* es el diccionario de uso de mayor actualidad editado hoy día en España.

Nosotros, como intérpretes de tribunal, tenemos la obligación de estar al corriente de todos los nuevos fenómenos lingüísticos, de todas las nuevas voces acuñadas, ya que nunca podemos saber qué puede surgir en un juicio. El *Santillana* contiene términos que podrían venirnos como anillo al dedo, tales como *daltonismo*, *guillotina*, *estrés* y sus variantes *estresante* y *estresar*, y *psicómetra*.

Conviene subrayar que el *Santillana* refleja fundamentalmente el uso peninsular. Por lo tanto, el lector no encontrará *concientizar*, sino *concienciar*; no hallará *enganche*, sino *entrada* (en el sentido de pago que se deposita al comprar una casa). Sin embargo, como dice la propia presentación del diccionario, "se han tenido muy en cuenta los americanismos de uso más generalizado". Así pues, se encuentran: *guagua*, "autobús de servicio urbano; se utiliza sobre todo en Canarias y en diversas partes de América. Sin. ómnibus" y "Amér. del S. Niño pequeño, bebé". Está *fayuca*, "Méx. Mercancía de contrabando"; y una de las acepciones de *reclamo* es "Arg., Chile, Ec. Reclamación, queja".

Figuran también expresiones del ámbito de la jurispericia (palabra que por supuesto incluye el *Santillana*), tales como: *inhibir*, "impedir que un juez continúe ocupándose de una causa o proceso", y *actuación*, "en derecho, diligencias o partes de un procedimiento judicial".

Sí, es cierto que no figuran numerosos términos del mundillo de la droga en lo que al uso sudamericano se refiere. En todo lo que atañe al uso peninsular, el diccionario está puestísimo; figuran *droga blanda*, *droga dura*, y sus derivados *drogadicción*, *drogadicto*, *drogar*, *drogata*, *drogota*, *endrogarse*... Incluye *colocón*, "estado producido por la droga", *caballo*, "en argot, heroína, droga derivada del opio", *chocolate*, "en argot, hachís", y para *camello*, contrariamente a la definición que dan la mayoría de los glosarios editados en Estados Unidos (correo, mula), proporciona el significado conocido entre los toxicómanos españoles: "en argot, persona que vende droga en pequeñas cantidades".

El año pasado, estando en España, me tocó entrevistar a una irlandesa. --The crack was great--sentenció--. What? --le pregunté, incrédulo--. Yeah, we had some great crack --aclaró--. Lo que quería decir era que se había divertido muchísimo. Sin embargo, dicha acepción no figura en el *Random House Webster's College Dictionary*. ¿Por carecer de una expresión coloquial muy difundida en el habla irlandesa, es digno de oprobio el *Webster's*, un diccionario esencialmente estadounidense? Claro que no. Cada diccionario vale para lo que vale. Y no se puede pedir peras al olmo.

El *Santillana* puede ser de una utilidad enorme no sólo para el intérprete que quiere ampliar su vocabulario con miras al examen de certificación; es también una valiosísima fuente de consulta para todo el que quiere mantenerse al tanto de los neologismos de un idioma.

Y eso, en el mundo lexicográfico, es poner una pica en Flandes.

## Research Update / José Varela-Ibarra

Peter Newmark's fourth book, *Paragraphs on Translation*, is a collection of his articles, from May 1989 to August 1992, in *The Linguist*, a British periodical of much interest and benefit to us all. The paragraphs cover translation topics and procedures: how to translate quotations, symbols, phrasal verbs and nouns, etc. Newmark's book, as controversial as his previous three, should be part of every interpreter's personal library. The U.S. distributor is Multilingual Matters Ltd, 1900 Frost Road, Suite 101, Bristol, PA 19007.

Three other recently published books are: Mona Baker's *In Other Words: a Coursebook on Translation* (London: Routledge, 1992), a text which seems to be linguistically based. Each chapter consists of an explanation of a linguistic concept relevant to translation followed by a series of practical exercises. Designed for the training of "professional" translators (as opposed to "academic" or "literary" translators) this is a must-see book for those in the translator training arena.

David Nunan's *Research Methods in Language Learning* (Cambridge: Cambridge University Press, 1992) is a manual that can help us understand research articles and perhaps motivate us to write our own. While directed to language teachers, the same principles promoted in this book are valid for translators and interpreters. There is much practical and professional value in designing, doing and distributing our own research.

Anne Stevens' *Languages for the World of Work* (London: CILT, 1991). The British seem to be far ahead of us in establishing ties between the university, the linguist (which includes the translator and the interpreter) and the world of work. When it comes to language learning, British institutions of higher learning have made a transition from the academic to the professional that makes dinosaurs of their university counterparts in the U.S. In England persons are sought to head translation and interpreting programs not only because of their academic expertise but also for their entrepreneurial spirit. Peter Newmark himself remarked that it is totally irresponsible for higher education institutions to embark on a translation studies program without first doing the proper marketing research to determine whether the program is in sync with the real world context of the institution. Stevens attempts to define the place of language learning in the 90's and to underline the importance of language skills, which include translation and interpreting skills, in the 21st century job market. This is a book that all language department chairs, liberal arts deans and academic

affairs vice presidents in U.S. universities ought to read.

### Recent Research

Margrette Mondahl and Knud Anker Jensen (1992) studied the processing of linguistic knowledge in translating from Danish into English. [Information processing in a translation task. *Multilingua* (Amsterdam) 11, 2, 195-215.]

Phil Powrie (1992) surveyed the teaching of interpreting in the undergraduate French curriculum. [Interpreting in the undergraduate french degree: a national survey 1990-91. *Francophonie*, 5, 18-21.]

Colin Good (1991) attempted to define what teaching translation really means. [Teaching translation. *UEA Papers in Linguistics* (Norwich), 32, 7-14.]

Anthony Hartley (1991) described the professional translating program at Brighton Polytechnic. [Terminology, technical writing and translating. *UEA Papers in Linguistics* (Norwich), 31/2, 55-63.]

### Upcoming Translation Studies Research Forum

Among the papers to be presented at the TSRF to be held this September 30-October 2 at The University of Texas at Brownsville are the following:

"Instructor Feedback Strategies for Improving Student Interpreter Performance" by Nancy Schweda Nicholson, University of Delaware.

"Psychological Variables for the Training of Technical Translators and Interpreters" by Henry Niedzielski, University of Hawaii, and Czeslaw Nosal, Polytechnic Institute of Wroclaw, Poland.

"Aspectos de la formación de intérpretes jurídico-administrativos en los Estados Unidos" by Fritz Hensey, The University of Texas at Austin.

"A First Approach to a Judiciary Interpreting Theoretical Model" by Janis Palma, Puerto Rico.

"Dificultades y posibilidades al traducir una obra de arte" by Diana Glad, Spellman College.

In addition there will be a workshop on "Translating Academic Documents from Spanish into English" by Barbara Glave, Houston.

Other participants include S. C. Mittal, J. Nehru University, New Delhi, India; Ana Farias, Berkeley; Dagoberto Orrantia, John Jay College of Criminal Justice, CUNY; and others.

Guest speaker will be Santiago Illescas, Universidad Autónoma de Guadalajara. Come join us!

---

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

## NOTES FROM THE FIELD

### Report from Guadalajara

Fritz Hensey

The Universidad Autónoma de Guadalajara, a private institution, has a three-semester master's degree in translation and interpretation. I recently taught a five-day course in legal interpreting to ten first semester students -- seven of them Mexican, two American and one Dane, which included an introduction and some practice in sight translation and consecutive and simultaneous interpretation. Most exercises were based on Holly Mikkelsen's *The Interpreter's Edge*, with a few from the California Court Interpreters' Association's *Interpreter Training Workshop*.

The program includes course work in lexicology, world culture, composition in Spanish or English and translation. Consecutive and simultaneous interpretation begin in the second semester and continue through the third. The program focuses on conference interpretation and translation of documents.

The university is located in Zapopan, a suburb of Guadalajara. The medium-sized campus is attractive and has a lively student atmosphere. Classrooms tend to be traditional in layout: less than ideal but quite adequate. There was a choice of laboratories for simultaneous practice. The console and individual booths were used for exercises in shadowing and dual-tasks as well as practice in simultaneous. The interpretation lab proved less suitable for our purposes than the language lab. One problem that arises in such setting is that the individual booths are divided by flimsy partitions that don't prevent neighboring voices from interfering.

The students were bright, personable and eager in their first contact with sight translation and with consecutive and simultaneous interpretation. For sight translation, documents were displayed with an overhead projector. For consecutive practice, two people played the Q and A roles and the rest took turns interpreting. We also used tapes played on a remote-controlled recorder. The students enjoyed this initial hands-on experience, a foretaste of what they will be doing extensively during the next two semesters.

## LETTERS TO THE EDITOR

Estimados Colegas:

Nos interesa sumamente intercambiar nuestra *Gacetilla* con vuestro boletín de aquí en más.

Al hojearlo vimos un aviso sobre "Automated Plus." Nos interesaría saber si alguno de ustedes lo ha utilizado y si es conveniente, antes de solicitar la información directamente a los patrocinantes.

Sin otro particular, reciban un caluroso saludo de vuestros colegas de Buenos Aires, quedando a su disposición para cualquier comunicación; esperamos su respuesta.

BEATRIZ VAZQUEZ OTERO

LIDIA B. ESPINOSA

Colegio de Traductores Públicos de la  
Ciudad de Buenos Aires

### EPPUR, SI MUOVE

Kafka's surveyor had a hard time reaching the castle, but his plight appears less daunting than that of the interpreters who would like to make their concerns known to the Administrative Office of the United States Courts in Washington. However, the situation may be improving: A Court Interpreters Advisory Subgroup Committee has been formed and Mirta Vidal, NAJIT Board of Directors' chair, has been appointed a member.

According to a memorandum circulated by chairman Richard H. Weare, the subgroup will draft a mission statement and "identify issues from the interpreter community that should be brought to the attention of the AO that would enable interpreters to better serve the judiciary."

In anticipation of the first meeting, Mirta Vidal requests that members apprise her of matters that they feel the Committee should consider. You may write to her at NAJIT's address.

## MARK YOUR CALENDAR

May 6 - 8, 1994  
New York City

NAJIT's 15th  
ANNUAL CONFERENCE



## Navajo Nation

(continued from page 1)

to interpret a sign on a fence gate. I could not do so. My father was surprised. I felt so bad and ashamed that I was determined more than ever to learn how to read, speak and write English.

To succeed in my goal, I needed to learn more about my language, culture and religion. I needed to understand Navajo traditions and bridge the gap between the two worlds of Navajo and English.

To understand a problem, I always think in Navajo first and then process it into English. When I interpret an English word to a Navajo person, I think of what actually takes place in a courtroom. When I visualize the activities in a courtroom I am able to give the appropriate translation a Navajo defendant or witness can understand. I still use this method to enhance my bilingual communication skills in both Navajo and English. In *The Law of the People: Dine Bibeelhaazani* (Vicenti, Jimson, Conn and Kellogg, 1972), the authors state:

Bilingualism, the rise of linguists or capable interpreters, is a reform that is much needed in state courts, but is not one that will, by itself, guarantee legal rights to Navajo people or that will make legal rights and opportunities comprehensible to them. A bicultural interpretation of law by individuals who are capable of functional descriptions of the legal process from a traditional perspective seems to be the only solution. (p.164)

I personally came to the same conclusion through my employment with the Navajo Tribal Law Enforcement and Courts. Those job opportunities led to my appointment as an official Navajo interpreter for the U.S. District Courts and other court systems.

The Navajo elders often say that to attain a career in life you must begin at ground level -- start at the bottom, as one would say in English. I believe their teaching is reflected in my personal achievement: I began as a radio dispatcher, then I was a policewoman, a police clerk, a deputy courtroom clerk, a probation officer, and now I am a federally certified Navajo interpreter.

Following my work experience, I returned to school at the University of New Mexico in 1979. I received a bachelor of science degree in political science in 1985 and then a master's degree in public administration in 1990. Both my work and education have provided me with the means to improve my bilingual communication skills. In 1985, my husband, Robert Yazzie, now the Chief Justice of the Navajo Nation, and I set about developing a Navajo/English glossary to assist the judicial systems, particularly the U.S. District Courts. The need for

such a glossary had been pointed to as early as 1972 by Vicenti and his collaborators. They wrote:

The Navajo legal vocabulary, as it stands, is inadequate and distortive of the legal process, because Navajo experience with law and legal process has been similarly skewed and is distortive. It must be reworked and embellished with more sophisticated explanations of the legal system, or it will continue to retard the clear understanding needed by Navajo people if they are to receive full justice through the Anglo-American legal system. (p.163)

The Navajo interpreter certification examination project was created out of the Navajo/English glossary project. This project is currently administered by the University of Arizona. The project fulfills the profound need to identify capable and professional Navajo interpreters. Prior to this, the U.S. District Courts hired Navajo interpreters on an ad hoc basis from the population at large.

I became the first federally certified Navajo interpreter in 1990. Since then, two certification examinations have been given. Eight interpreters have passed and are now certified. Navajo interpreters who are proficient in both their native and English languages are important in rendering justice to the Navajo. Given the high volume of Navajo cases heard in the federal courts, there is a great need for interpreters, primarily in the states of Arizona and New Mexico. The U.S. District Courts handle all cases of felony crimes committed in Indian country.

Throughout my twelve years of interpreting in the federal courts, I have experienced communication barriers between Navajo defendants and non-Indian court officials. In the federal court adversarial setting, the players are the judge, prosecutor, defense attorney, defendant, witnesses, interpreters and others. What nationality are these people? What language is used in the court setting?

To the Navajo people the federal court is a foreign process. They have never experienced such an adversarial setting. To say the word "adversarial" to a Navajo one would have to say "someone in opposition to you." To him or her this is a negative statement. He or she feels alienated and inferior within the court process. Because the language of the court is English, the Navajo defendants have no concept of what is happening to them. All the court officials are non-Indian and suffer from myopia and cultural insensitivity. The Navajo interpreter is generally the only Indian person in the courtroom with whom the defendant can identify. The interpreter bridges the gap between the two worlds by interpreting the attorney's words and letting the defendant know what he is charged with, as well as the penalties he faces under the 1984 sentencing



the penalties he faces under the 1984 sentencing guidelines. This information gives the Navajo defendant a sense of control of the situation by helping him to understand the court process and make the appropriate choices.

One of the problems I have experienced is that some court officials do not take the interpreter into account. For example, a judge may speak too fast and not allow enough time for the interpreter to interpret fully. The interpreter tries to keep up but at high speed some important information may be lost.

Attorneys do the same thing. Therefore it is important to keep questions simple and direct. This helps the Navajo interpreter to find the right words to convey the concept. There are no literal translations for English words. Legal concept equivalents have been coined, for the Navajo person does not understand the concept until it is broken down to his level of knowledge. Sometimes the breakdown process requires analogies and drawings. As Dr. Roseann González (Dueñas González, Vásquez and Mikkelsen, 1991) states: "Judges and court administrators seemed to underestimate the complexity and far-reaching ramifications of bridging or rather failing to bridge the language gap."

Sometimes the attorney expects the interpreter to explain the law to the defendant, but it is not the interpreter's job to interpret the law: one interprets only what others say. There should be no addition or deletion of content.

The interpreter is a guide among two cultures, just like a guide in a foreign country. It is essential that the interpreter understand both cultures and both languages to interpret adequately from English to the native language.

The structured court system was never a part of the original Navajo culture. The Navajo tribal court system was first implemented in 1892 as a Code of Federal Regulations court, until in 1959 the Navajo Council created the Navajo Nation courts. Therefore the adversarial setting of the courts came with the Anglo-Americans who needed to do business with the Navajos. It was not until this era that the Navajo adversarial language began to be invented. As stated in *The Law of the People*:

Navajo people were confronted with a system that claimed to be the law, to the exclusion of other means of social ordering that Navajos used. No attempt was made by the early courts to integrate Navajo law ways to customs with Anglo forms of law or to adapt law to custom. Instead law was used to root out our custom. A Law and Order Court in 1903, for example, was ordered by white agents to prosecute Navajo medicine men. (p.155)

Another problem may arise when a Navajo defendant who is English-speaking says he is not familiar with the technical terms used in court. The

attorney may not request an interpreter because he believes the defendant does not need one. Yet in this case the due process rights of the Navajo defendant are not being met. It is an awkward situation when prosecutors and government agents glare accusingly and threateningly at the defendant. I have found that on occasion an agent's attitude and demeanor have interfered with my ability to interpret.

Interpreting is probably as old as mankind, and it certainly was done among the indigenous tribes of the Americas. The Spaniards needed interpreters to communicate with the many tribes they encountered in their travels and conquests. One of the first Spanish-Indian interpreters was princess Malintzin, a native American woman. Squanto was one of the first English-Indian interpreters on the continent. Among the different tribes, indigenous peoples interpreted through sign language and recruited slaves captured from opposing tribes to act as interpreters.

Interpreters were used as intermediaries between the Indians and the Spaniards, the English and the French. And although these interpreters, both white and Indian, had very little formal training, they negotiated complex and far-reaching treaties which affected the lives and relationships of white and Indian people of the continent.

Despite a long history of communication between linguistically different peoples, only recently have effective methodological systems been applied to a communicative function which so intimately and directly affects the lives and the very freedom of the people. Daily the courts of the United States government and other federal, state, and local agencies touch the lives of people who are only vaguely aware of the courts' existence.

Interpreters cushion the blow of this clash of cultures. In the future, many more people must be prepared as fully as possible to fulfill this role so that instead of clashes -- instead of language and culture being a point of conflict -- we can promote cultural interaction, sharing, growth and development.

October 6 - 10, 1993  
Philadelphia, PA.  
34th Annual Conference  
of the American Translators Association

ATA  
1735 Jefferson Davis Highway  
Suite 903  
Arlington, VA. 22202  
(703) 892-1500  
FAX:(703) 892-1501

### Update from NAJIT Management Director

We are pleased to report that NAJIT's mailing list is now up to date. Please check your mailing label and if there are any errors, please be good enough to inform us. We are at work on an update of the membership directory, and it will be published at the earliest possible date.

We are seeking help in locating members whose mail has been returned and whose whereabouts we are not otherwise able to confirm. If you know any of the people listed below, tell them that NAJIT is trying to mail them information or give us whatever information you have, whether address or phone number. We hate to lose a member!

Linda Krausen, South Pasadena, CA  
 Gay K. Belliveau, Edison, NJ  
 Delia M. González, Springfield, IL  
 Elizabeth Morales Walsh, Las Vegas, NV  
 Grete de Tapia, 12/228 Military Rd, Vanclose 2030  
 Letty Lewis, El Cajon, CA  
 Jeff Wilson, Venice, CA

### **1993 Austin Seminar**

The Conference Committee, headed by Mirta Vidal, has been hard at work planning a super seminar for Saturday, November 13, 1993, at the historic Driskill Hotel in Austin, Texas. The program is taking shape and promises to have something for everyone, from the most seasoned professional to newcomers and aspiring interpreters. If you attend only one professional educational function this year, NAJIT's conference should be it. You will be kept fully informed as plans progress.

Arlene Stock

## ***You Could Look It Up***

*Janis Palma*

### **Dahl's Law Dictionary (English-Spanish, Spanish-English)**

Henry S. Dahl and Horacio M. Marull  
 Buffalo, NY: William S. Hein & Co., Inc., 1992  
 600 pp.

Finally, a legal dictionary that takes Puerto Rican usage of legal language into account. Henry Dahl is admitted to practice in Madrid, Buenos Aires, Texas and New York, with law degrees from the universities of Buenos Aires, London and St. Petersburg; he also taught at the University of Puerto Rico, where the idea for this dictionary was born. Horacio M. Marull, the co-author, is an attorney in Chile and has a Master of Law degree from Southern Methodist University. With their combined backgrounds, they have successfully produced a

dictionary with a rich variety of translations for English-language terms.

The entries often include encyclopedic definitions or legal concepts or doctrines, cited from a wide variety of primary sources. Official translations have been used, when available, to transcribe laws and decisions from the courts; otherwise, the authors offer their own translations.

The English-to-Spanish side is an excellent tool for interpreters and translators, particularly in that explanations are given rather than a bare-bones target-language equivalent or string of possible translations. Unfortunately, not as much work was put into the Spanish-to-English side, which lacks the conceptual framework that the first half has. No doubt this is a work created with an into-Spanish focus but fortunately that does not make it any less useful for the into-English translator.

A search for problematic terms in Spanish reveals that many are not to be found, i.e., *relevo de responsabilidad*. The term *release* gives us *liberación*, which is one of its meanings. In Puerto Rico, however, *relevo* is often the choice word for release. There is no entry for *relevo* on the Spanish side of the dictionary. *Relevar*, to clear or acquit, gives a hint but does not go far enough.

There is no entry for *tribunal de derecho*, either, which is an everyday expression used in the Puerto Rican courts when a defendant waives his right to a jury trial. Another common expression in local courts is *juicio plenario*, which a defendant waives if he or she pleads guilty. *Dahl's* does not include it in the many entries under *juicio*. Perhaps the next edition will include these and many other terms that the authors missed.

My interest in judiciary interpreting always leads me to look up the word "interpreter," but there is no such entry here. There is an entry for "interpreter, compensation" which refers to the Federal Rules of Civil Procedure, Sec. 43; but no mention of 28 USC 1827. "Translator" is not listed, either, perhaps because the authors felt no one would need to look up this word. It would not have hurt, however, to include it with an explanation of the difference between an interpreter and a translator.

All considered, the dictionary offers some excellent definitions, choices, and context, which will enable translators and interpreters to make informed decisions. There is even a model form for a motion under "intervention of right," not to mention the inclusion of phrases and abbreviations that go far beyond the entries of single lexical items. Given its price and availability, every legal translator and interpreter should have a copy in his or her library. It is very legible and printed on acid-free paper.

## COURT REPORTERS

(continued from page 3)

**Q:** How many pages of transcripts are produced per year in the Southern District of New York?

**A:** I would say the average reporter produces about 15,000 pages a year. And we have about 28 reporters.

**Q:** Is there any kind of quality control?

**A:** No, there's isn't; that's a defect in the system. There should be quality control, but the difficulty is - and I'm talking generally -- in New York state, it's a civil service job. So if someone passes the exam, he may have only gotten 70%, but if there are a lot of vacancies, they reach down to the guy who really isn't very good. Then he's in, and he does a poor job, and lawyers complain, but there's really no way of getting him out.

**Q:** And in the federal courts?

**A:** In federal courts it's not a problem. While some are better than others, generally they're all good. Especially in the last ten years, when the judges have

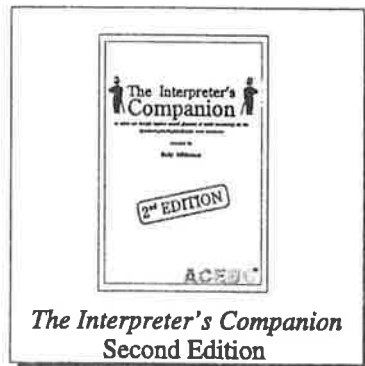
permitted us to have an input into who's appointed, so there are no political appointments. No judge says, "I want you to appoint so-and-so." We give our own examination. We don't trust the RPR, the Certificate of Merit or anything else. We've found that some people who have that credential are not very good. We give an exam that's not difficult but it tells us whether the person can do the job in this court. It's a graduated dictation test. It starts slow and ends fast. So we can tell when we mark the papers if they have good speed. And we also have a general knowledge test. The main thing is to have the speed, because if you don't have the material down to begin with, you're going to run into difficulty.

**Q:** Is there an outer limit, a point past which no one can go?

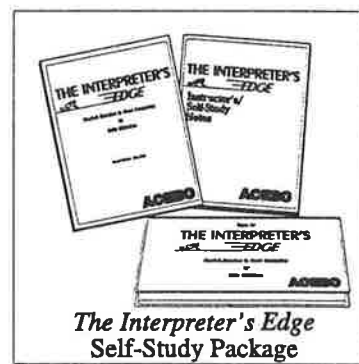
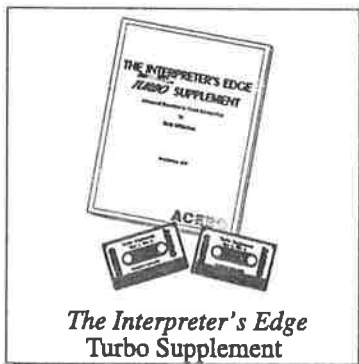
**A:** Whether you get tired or not is a function of your speed. If a reporter has a 150-word speed and they're speaking in court at 160, in about twenty minutes he'll be exhausted. If a reporter takes notes at 240 words a minute, and all day the parties to the case are talking at the rate of 250, at the end of the day the reporter is going to be distraught. So exhaustion is a function of speed and ability.

### ACEBO Announces Two Hot New Products by Holly Mikkelsen for the Spanish-English Interpreter

*The Interpreter's Companion*, Second Edition contains over 300 pages of fully bi-directional Spanish and English glossaries and indexes. Contains terms you won't find anywhere else. Glossaries included are Legal, Traffic & Automotive, Drugs, Weapons, Medical, and Slang. Includes many new illustrations and approximately twice as many terms as the First Edition. Now in a convenient 6 X 9 paperback format. Only \$35.



*The Interpreter's Edge Turbo Supplement* builds on the foundation laid by *The Interpreter's Edge*, Second Edition. The Turbo Supplement provides 14 new, more advanced lessons in Simultaneous and Consecutive Interpretation and Sight Translation. Product includes printed materials and cassette tapes. The Turbo Supplement is ideal for candidates preparing to take the federal exam. Only \$45.



### ...And One Proven Performer

If you don't already have the materials that are revolutionizing interpreter training, talk to some one who does. We're confident you'll hear nothing but good things about *The Interpreter's Edge Self-Study Package*. 62 lessons, 8 1-hr tapes, and extensive notes... all for only \$60.

Prices include ground shipping w/ 48 states & applicable taxes. Volume discounts and package prices are also available; contact ACEBO for information.

**ACEBO**  
P.O. Box 7485  
Spreckels, CA 93962  
(408) 455-1507  
FAX: (408) 455-1541

NAJIT  
531 Main Street  
Suite 1603  
New York, NY 10044

#### THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS

The object of the N.A.J.I.T. is the advancement of the profession of court interpreting. All interested persons are encouraged to join. Membership entitles you to a free subscription of the newsletter *Proteus*, published four times a year; a listing in the Language Services Guide and Directory; and the right to vote and participate in the activities of the Association. You are invited to join us through one of the following memberships: Individual (\$50), Student (\$20), Institution (\$125).

### APPLICATION FOR MEMBERSHIP

Name \_\_\_\_\_

Business Name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone ( ) \_\_\_\_\_ Business Phone ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_ Beeper ( ) \_\_\_\_\_

Type of Membership \_\_\_\_\_ Annual dues \$ \_\_\_\_\_

Please mail this form with your check or money order payable to NAJIT to: NAJIT, 531 Main Street, Suite 1603, New York, NY 10044

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