



PROTEUS

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

Vol. V, No. 3

Summer 1996

New York, NY

Miami Dialogue Continues

Lydia Pelegrín

I had the recent pleasure of speaking at the National Association of Judiciary Interpreters & Translators meeting held in Miami on May 17-18, 1996. Because of time constraints, I was not able to address all the questions asked at that time and thought it best to address them through an article. The following is a representative sampling of topics that the questions addressed.

- **Federal Certification Exam** In June 1995, the Administrative Office (AO) contracted with a language testing expert for an independent study of the interpreter certification program. The review was completed in January 1996 and the AO is presently evaluating the recommendations set forth in the contractor's report. The federal court interpreter Spanish/English written examination will be administered on November 9, 1996. The AO will be evaluating a certification approach for those languages other than Spanish.

- **Fee Increase** The AO will study the fee issue for certified/noncertified interpreters with review and recommendation by the Court Interpreters Advisory Subgroup (CIAS) to the District Clerks Advisory Group, which will then make a recommendation to the Judicial Resources Committee. The CIAS is comprised of two clerks, one chief deputy and three staff interpreters.

- **Interpreter Manuals** Through conference calls and e-mail, the CIAS has been working diligently on finalizing an Orientation Manual for new interpreters and on the Federal Court Interpreters Policies and Procedures chapter to the Guide to Judiciary Policies and Procedures. Once this work is completed, the District Clerks Advisory Group will review and approve it before action by the Judicial Conference. The goal is to distribute the material early next year.

- **Use of Two Interpreters** The policy on using two interpreters will be reviewed by the Court Interpreters Advisory Subgroup, with guidance to be published in

(continued on page 3)

Editorial

LINGUAPHOBIA

The jingoistic fever that accompanied the Olympic games allowed America to thump its chest in triumph over the rest of the world. This celebratory brouhaha is harmless enough when it comes to tallying medals. However, the same fever seems to have gripped House legislators who, on August 1, after much grandstanding and rhetoric about the disappearance of civilization as we know it, legitimized prejudice by declaring English to be the official language of the United States. It is ironic that with new legislation in Russia, Europe and elsewhere recognizing the multilingual realities of the global village, the U.S. House of Representatives is trying to turn back the hands of time to some presumably kinder, simpler world where everyone spoke English.

Newt Gingrich laments the fact that academic subjects in California public schools are taught in more than 80 languages. But where Gingrich, advocate of universal access to information by electronic means—provided it is in English only—sees the Balkanization of our society, we see schools taking on the proper role of preparing students for a global society. These pupils are not unlearning English as they learn certain subjects in other languages; indeed, all immigrants know that the best way to achieve their goals in their adopted country is by mastering English.

The pros and cons of bilingual education are likely to be debated for years to come. Still, it is strange, in this day and age, after the U.S. emerged victorious from the cold war—whether by default or design it is hard to say—when stocks are soaring, and the “free market” economy is touted as the cure for all evils, that language legislation would seem necessary. No one doubts that English is the de facto official language of the United States. Do we really need legislation to forbid bilingual Federal office workers to help people in languages other than English? Should it be illegal to speak any other language whenever one feels the need to communicate,

(continued on page 3)

SUMMARY OF NAJIT'S 17TH ANNUAL MEETING

Sunday, May 19, 1996, Miami Beach, Florida

1. Call to Order

The meeting was called to order by Mirta Vidal at 1:30 PM.

2. Outgoing Chair of the Board's Address

a) Election of officers: David Mintz was presented as new president and chair, Cristina Helmerichs as treasurer; Fritz Hensey will continue as secretary for the remainder of this year. Mirta Vidal and Laura Murphy are now members-at-large.

b) Report on last year's activities:

- Pass-the-exam seminars were held in Brownsville and New York.

- There was a panel presentation at the Nashville ATA meeting whose participants were Janis Palma, Dagoberto Orrantia, and Sara García-Rangel. A printed version has appeared in *Proteus*.

- Expolingua in Havana, Cuba: Janis Palma and Mirta Vidal made presentations as part of a NAJIT delegation.

- Membership is up, thanks to Arlene Stock's administrative skills and the increase in NAJIT's activities. Growth has been both quantitative and qualitative, as seen both in the caliber of the membership and a growing core of activists.

- David Mintz has developed a Web page for NAJIT, which has been online since March. Our address is: <http://www.najit.org>. Many services are available, and the system continues to grow. The importance of the web site will become clearer over time.

- This year's conference has been a great accomplishment. Registration increased from the New York meeting in 1994 (110) to the San Francisco meeting last year (150) to this year's meeting with over 200 people registered. There were problems due to the overwhelming demand for Palma's workshop on consecutive interpretation training and Haughton's on immigration hearings. Fortunately, both presenters graciously offered a second session and thus served all who wished to attend.

- Next year's meeting will be held in Seattle from May 16 through 18. Several Seattle members are present. There are excellent, active groups in Washington state, such as the Washington Interpreters and Translators

Society (WITS) and NOTIS. Not only does this bode well for the conference itself, but the location will enable our California colleagues to attend at a lower cost in time and money. The conference booklet contains a Call for Papers for Seattle 97. The deadline for submissions is November 15, 1996.

c) Key activities for NAJIT in the future include interpreter training/education, publications and certification (a separate point on the agenda).

- Education: More workshops are needed. The new Training and Education Committee met Friday to plan for development of modular seminar materials. Preparations are now underway for developing such materials that could then be taken to different areas as needed.

- Publications: There is a great demand for study materials, including glossaries. Interpreters of languages other than Spanish need materials for workshops. The Key Verbs glossary is currently out of print, and a revised version is in the works. Nancy Festinger, David Mintz and Dagoberto Orrantia constitute the Publications Committee, and they would welcome input.

d) Conclusion: The outgoing president and chair of NAJIT feels that our organization is at a new stage and level of sophistication and dedication, both by the members and the leadership. We are achieving a greater focus as to NAJIT's identity, purpose, responsibilities and future course. We have the resources and the will to achieve even more. The last 17 years of NAJIT's existence and contributions of others in the past have led us to this point.

At 2:15, Mirta Vidal yields the floor to the new president and chair.

3. Remarks by the new Chair

David Mintz observed that he follows a long line of distinguished presidents of NAJIT: Janis Palma, Sam Adelo, and most recently Mirta Vidal. He briefly described his own background: a former musician, Mintz has been a state court staff interpreter in New Jersey and a freelancer in the federal system. He is now a staff interpreter for the Federal District Court in New York City. He remarked that while these are scary times for

(continued on page 10)

Miami Dialogue

(continued from page 1)

the Federal Court Interpreters Policies and Procedures chapter to the Guide to Judiciary Policies and Procedures and in the Orientation Manual for new interpreters.

Telephone Interpreting The Judicial Conference at its March 1994 session approved the use of telephone technology for short proceedings. This initiative will provide qualified interpreting to courts in remote locations that do not have certified and otherwise qualified interpreters, saving time and the expense of travel by interpreters. The use of interpreting by telephone is not intended to displace on-site interpreters but rather will enhance the level of use of certified interpreters and make available qualified interpreters in rare languages.

I wish to express my thanks for the feedback I received at the meeting and welcome your input to help in our evaluation efforts.

The author is Chief of the District Court Administration Division of the Administrative Office of the United States Courts.

LINGUAPHOBIA

(continued from page 1)

or joke around? Surely it should not take a class action suit for children to claim their birthright, to speak pig Latin in school.

History has shown that when language policy is restricted, speech goes underground and resentment grows, often bursting to the surface years later. Such backward legislation might be expected from an insecure regime that governs through repression and fear, but it is not worthy of the United States. This misguided measure harms plurality. The message to recent immigrants and refugees is that they are welcome to these shores but God help them if they don't speak English.

Irrespective of whether and how such a measure might ultimately affect the translation and interpretation industry, all who practice that profession should write or call their elected representatives and make known their opposition to the English-only bill.



THE COURTROOM INTERPRETER: PARAGON AND INTRUDER?

Interpreters in the Magistrates Courts of England and Wales

Yvonne Fowler

Sometime in 1981, a Pakistani woman named Iqbal Begum killed her husband by hitting him on the head with an iron bar. She had been born in a rural district of Pakistan, and had had no formal education. After an arranged marriage in Pakistan, she went to live in England but saw very little of the world outside her own home and consequently did not have the opportunity to master English. It was not long before violence began to feature in their marriage. It was after her husband threatened her with violence and threatened to kill their two children that she took an iron bar and struck him on the head with it several times.

After her arrest a solicitor was assigned to her. He engaged the services of an accountant who acted as interpreter in the case. The accountant's native language was Gujarati, whereas the defendant's language was Mirpuri, a dialect of Panjabi, which differs markedly from standard Panjabi. Although it was later maintained that the difference between murder and manslaughter had been explained to her, she pleaded guilty to murder straightaway, for which there is only one sentence in English law: life imprisonment.

She served four years of the life sentence before the case was brought before the Court of Appeal on the grounds that she had not understood the proceedings. The appeal was granted and a retrial ordered. The conviction for murder was quashed and at the retrial she pleaded guilty to manslaughter. Since she had already served four years in prison, she was released. In their judgment the Appeals Judges said:

The failure here both by solicitor and counsel was to realise that the reason for the apparent lack of communication lay in the inadequacy of the interpretation. Yet not once does it appear to have occurred to either one of them to question the interpreter so as to ascertain whether or not he was understanding what the appellant was saying to him and whether he, the interpreter, had the impression that she was not comprehending the language he was talking to her... The interpreter who is engaged to perform the task [must be] fully competent to do so... The appellant made no proper plea. Her trial was, therefore, a nullity.

I was particularly interested to find out how this state of affairs had come about, whether things had improved,

and the state of awareness among Magistrates and other court personnel about interpreting in general and interpreters in court.

Since 95% of all cases in England and Wales are dealt with in the Magistrates Courts, it seemed appropriate to focus on this area and the personnel who work in this setting, magistrates, court clerks and court interpreters, to find out some answers to these questions. I did this by reviewing published and unpublished research, by interviewing magistrates and interpreters, and by direct observation of court proceedings. This paper is meant to be a starting point for an in-depth study.

"Ask him what his name is"

The magistrates whom I interviewed expected, almost without exception, that the interpreter would behave as quietly and unobtrusively as possible. They expected her not to draw attention to herself. If she could melt into the background, then all concerned would be happier. But as Berk-Seligson showed, the spotlight is focused on the interpreter in a number of ways, some of them more subtle than others. Firstly, she must take the witness stand and swear the interpreter's oath in full view of the court. The interpreter's oath in England and Wales is significantly different from either the witness oath or affirmation and contains unusual syntax. Secondly, court personnel who are unused to working through an interpreter may address the interpreter directly. All the magistrates whom I interviewed acknowledged having done this. "Ask him what his name is," "Would you ask if she understands?" "Is she pleading guilty or not guilty?" are all examples of direct address heard in court. Thirdly, communications may break down temporarily or completely and magistrates may place the responsibility for sorting out the problem upon the interpreter.

Interpreters daunted by atmosphere in court

After extensive interviews with both magistrates and interpreters, my findings showed that interpreters were daunted by the climate of the court and the culture within it and rarely, if at all, intervened or halted the proceedings. This was extremely worrying: apparently interpreters would rather struggle on than intervene. It was often magistrates themselves who did the inter-

vening, usually when they suspected that an incorrect interpretation had been made, that defendants had not received the complete original utterance, or when they felt that the interpreter was giving advice or speaking for the defendant.

Naturally, interpreters will also draw attention to themselves by the very nature of their job, since both the consecutive and simultaneous interpreting processes will necessitate some accommodation by the court. Proceedings will take up to twice as long and, as I learned from magistrates, a greater degree of concentration is required of them.

One of the greatest obstacles to the effective use of interpreters seems to be the considerable diversity of expectations amongst magistrates, court clerks, police officers, interpreters and trainers. On the one hand, the law expects the interpreter to interpret everything "verbatim" and on the other, interpreters are being trained to make choices amongst a range of possible meanings. If interpreters are not trained, it is more likely they would conform to the legal system's expectation of them. Many magistrates in my survey had difficulty distinguishing between the impartiality they expected the interpreter to display in the interpreting role, and the "warm" and "helping" relationship with the defendant they expected the interpreter to have; this is understandable since magistrates in England and Wales are neither professional linguists nor qualified lawyers.

Morris considers this ambivalence to be crucial and unfair to the interpreter. It appears to stem, she believes, from the positivist view which the law takes of language. This view assumes that $L1=L2$. For the law, the only acceptable interpretation is a "literal" one. The law sees the interpreter as a conduit rather than as a linguistic mediator who is trained to have an awareness of multiple meanings according to context and then make communicative choices between them. In general, the law, according to Morris, cannot recognize communicative failure. If a communication breakdown occurs, it is often personalized and the blame firmly attached to the interpreter. Since the law does not recognize such a breakdown, the lawyers, who initiate conversation and frame the questions, remain blame-free. Time and again I heard court personnel state what they imagined to be a self-evident truth: that an interpreter was there to achieve a state of complete understanding amongst all participants. If people are confused *without* interpreters, we should be prepared to encounter confusion *with* one.

If people are confused without interpreters, we should be prepared for confusion with them.

It is in the nature of human communication that we never fully understand the intended meaning of our interlocutors. The magistrates I interviewed did not blame the interpreter for communication breakdowns, but certainly made it clear that when breakdowns occurred, it

was the responsibility of the interpreter to sort them out.

The law's impatience with the interpreter is compounded by the fact that something is happening which is beyond the control of the court. In a monolingual courtroom the proceedings can be monitored. In the bilingual courtroom they cannot, and a heavy responsibility lies on the shoulders of the interpreter to behave professionally. Many magistrates felt suspicious about the professionalism of the interpreters and could cite instances where utterances had been significantly reduced or lengthened by the interpreter. This caused them to lose faith in the interpreter's ability to render the defendant's words accurately, and, we can surmise, this will have affected their perception of the defendant's credibility.

Student training

These findings are significant for student training and raise training issues. The course we run at East Birmingham College is 100 hours in length. Several interpreting contexts are studied: working with a Duty Solicitor in the Police Station and in Court, the Probation Service, the Magistrates Courts, the Police and Tribunals. Each context poses its own challenges and dilemmas. Approximately nine hours are devoted to the study of each context.

I would argue that the courtroom, its language, pragmatic aspects and procedures are so complex, they cannot be properly investigated in such a short period. Interpreters could barely be expected to get to grips with the basics of court procedure, never mind the subtleties of courtroom language. The specialised nature of court interpreting needs to be recognized. Not everyone may be suited; it requires a high degree of confidence and assertiveness so that interpreters may feel free to intervene when necessary to effect clarification and point out ambiguities.

Interpreters come to our training course with their ideas firmly rooted in the notion that interpreting is about words, term banks and terminology lists. But our training must include an understanding of pragmatic equivalence in interpreting. That is, students must understand the meaning intended by a speaker and how

that meaning will be perceived and understood by the listener. They must then transfer that meaning to the target language, keeping it as close as possible to that of the original. It is not the literal meaning with which we are concerned here, but the meaning in the context of the utterance. Aspects which I consider essential to be included in an interpreter training program are as follows:

- an understanding of the potential impact of the interpreter on court proceedings: an analytical study of legal English; extensive observation of proceedings, recognition of different registers in legal and non-legal contexts;
- an understanding of how courtroom interaction differs from the conventional norms of everyday face-to-face interaction;
- an understanding of politeness phenomena in both cultures and how they affect listeners' perceptions;
- the management of interventions and assertiveness training in a courtroom context; and
- an understanding of the varieties of English.

It seems that expectations of interpreters are at once too high and too low. Often those who use them do not understand the complexities of interpreting and because of this, and sporadic contact with interpreters, do not apply the same professional standards as they would to other court personnel. Friends, relatives and other non-professionals are still being used as interpreters in court, though this is becoming rarer. "Rehearsals" before court cases between interpreter and defendant are still happening; it is not unknown for interpreters to enter a plea for the defendant and to speak for him. Utterances continue to be lengthened, shortened or otherwise altered.

On the other hand, courts may expect too much of the interpreter. The law needs to acknowledge its own role in creating the complexities and ambiguities with which the interpreter has to grapple.

When it comes to the issue of training, it is only if we treat courtroom interpreting as a specialist branch of legal interpreting (which requires training in addition to basic interpreter training) that we shall produce high calibre interpreters. At the same time, court personnel must receive training in the use of interpreters: it is not enough for the court simply to recognise the defendant's right to an interpreter and to leave it at that. The court has a part to play in accommodating the interpreting process and in creating a climate in which the interpreter can intervene. It must also play a part in demanding professional standards of competence and in understanding the challenges and dilemmas of interpreting.

Our judicial system has presided over enough miscarriages of justice in the last few years. Until legal professionals and interpreters alike play their part in raising awareness and standards of competence, equal access to justice for large numbers of people for whom English is not their first language will remain illusory.

References

The Bilingual Courtroom: Court Interpreters in the Judicial Process. Susan Berk-Seligson. Chicago: University of Chicago Press, 1990.

Images of the Interpreter: A Study of Language Switching in the Legal Process. R. Morris. Department of Law, Lancaster University, unpublished PhD thesis, 1993.

The author holds an M.A. in applied linguistics and is a Lecturer in language studies at East Birmingham College. This is an edited version of a paper presented at the 1996 NAJIT Conference in Miami.

Maybe these translators are trying to tell you something...

"Your lists are invaluable! I recommend them whenever a translator says they are having difficulty finding work!" — Tammy Chazinski
 "Extremely good — source of most of my (now full-time) business." — Dana Morris
 "An excellent, cost effective investment."

— John C. Decker

"Glenn's Guide is great." — Melany Laterman

They used "Glenn's Guide," a current directory of U.S. translation agencies looking for free-lancers. Used on 6 continents, it includes information such as specialties, year founded, etc. All 365 addresses are also on self-stick mailing labels for convenience, guaranteed up-to-date. A new International edition covers agencies in Europe. Drop me a note or call, and I'll send you more information about the Guides. Maybe 1000 other translators know something you don't...

Glenn's Guide to Translation Agencies

John M. Glenn • 275 Liberty St. # 4 • San Francisco, CA 94114 USA • 1(415) 824-2345, FAX: -1707
 johnglen@well.com www.well.com/user/johnglen

POLICE USE OF INTERPRETERS IN THE UK LEGAL SYSTEM

The individual right to an interpreter extends
beyond the courtroom

Colin Shepherd

Article 6 of the European Convention on Human Rights is concerned with the concept of a fair trial. Paragraph 3 of this article provides that anyone charged with a criminal offence has the right to be "informed properly, in a language which he understands and in detail, of the nature and cause of the accusation against him" and "to have the free assistance of an interpreter if he cannot understand or speak the language used in the court."

An understanding of the court procedures and idiom is as crucial to protect the rights of individuals participating in legal hearings as it is to uphold the principle of equity before the law.

Even those whose first language is English would acknowledge that the specialised and occasionally arcane formal language of the law might, in itself, cause problems of comprehension. The rites and ritual of court procedure further compound such difficulties. For non-English speakers the process may become completely impenetrable.

The court itself, however, is equally disadvantaged by such barriers to communication. It needs to be able to conduct its business efficiently and equitably and follow testimony fully and accurately. The appointment of an interpreter is essential both to the non-English speaker and to the court.

Access to interpreting services is not in itself a sufficient guarantee of equity between the non-English speaker and the court. There is the question of competence. Competence does not apply only to linguistic ability but also to the knowledge of, and familiarity with, court procedure. The availability and provision of such professional skills will significantly improve the daily work of the courts.

The principles of Article 6 have found some echo in the statutes and precedents that have guided the approach to use of interpreters in the legal services in this country since 1936.

Section 17 of the Administration of Justice Act provides for the appointment of interpreters in criminal proceedings. It states that the court has a duty to appoint and pay for an interpreter where a defendant or prosecution witness has insufficient English to participate appropriately in proceedings before the court. Ap-

pointments are made following requests by individuals, defendants or prosecution witnesses or at the discretion of the court where this is considered necessary.

This Race Relations Act is pertinent to the organisation of court interpreting services as it makes provisions for complaints of discrimination to be made against public bodies which fail to provide an interpreter when the principle of equity is an issue.

The Police and Criminal Evidence Act of 1984 lays down police procedures. The Codes of Practice issued under the Act state that "A person must not be interviewed in the absence of a person capable of acting as interpreter, if (1) he has difficulty in understanding English; (2) the interviewing officer cannot himself speak the person's language; and (3) the person wishes an interpreter to be present." This rule can only be waived by an officer of the rank of superintendent or above, if he or she considers that delay will involve an immediate risk of harm to persons or serious loss of or serious damage to property.

The code also gives detailed guidance on the taking of statements through an interpreter.

A 1989 judgement in the European Court of Human Rights related specifically to the provision of court interpreting services. Kamasinski, a United States citizen imprisoned in Austria, claimed breaches of Article 6.3e. The judgement delivered on that case by the European court stresses two factors of particular significance for the legal system in England and Wales:

1. The individual right to interpreting extends beyond the courtroom and oral interaction. Written documents, including statements of evidence necessary to the defendant in putting his case adequately before the court, should also be translated.

2. Paragraph 74 of the Kamasinski judgement makes it clear that provision of an interpreter alone does not fulfil the requirements of the European Court and those providing the service are also subsequently responsible for the standard and competence of service provision. Any failure in this regard may, ultimately, provide grounds for appeal.

The Police and Criminal Evidence Act lays down strict requirements on how long an individual can be kept in custody before either being charged with an

offense or released. The time scales are tight, and rightly so, ensuring that interviews are conducted with the individual with the minimum of delay.

It follows that if a police interview requires the services of an interpreter, access should be gained by the police to that interpreter as soon as possible. Ideally, the interpreter should be fully aware of the complicated requirements of the Police and Criminal Evidence Act and his part in the interview process. In 1991 procedures governing the use of interpreters varied considerably from Force to Force. There was little training offered to the interpreter and in many cases the qualifications to undertake the interpreting role could be questioned.

There are 43 Police Forces in England and Wales, each responsible for a geographical area and, in total, utilizing over 120,000 police officers to enforce the law. Each year those officers bring approximately 2 million persons before the courts to answer a variety of charges ranging from illegal parking to the most complex of serious crime investigations. In 1991 those investigations required the police to seek the services of interpreters on 17,530 occasions. An example of the difficulties which arise for the police in the use of interpreters is reflected in the following.

Chicken sexing

On September 2, 1990, the bodies of three dead South Koreans were found in my county of Norfolk. It transpired that the incident revolved around a dispute over "chicken sexing."

When the turkey industry in Norfolk require the services of chicken sexers (those who can determine the sex of a chicken), the Michelangelos of the chicken sexing world are to be found in South Korea. This work is well paid in Norfolk and consequently there is a long waiting list of Koreans seeking such employment. In this particular case a hopeful chicken sexer had paid money to the deceased to ensure that his name moved up the list. When no job materialized, he came to Norfolk and, not satisfied with the explanations given, proceeded to stab and kill those whom he felt had let him down.

The suspected murderer was arrested in a nearby town. It was apparent from the outset that he did not speak English and consequently the services of an interpreter were required. Norfolk had a wide range of language experts in the county but none could speak Korean. In addition, it was obvious that it would be necessary to interview a vast number of Korean nationals, some to build background and others formally to secure evidence for legal proceedings. Thus it was not the services of one but of several interpreters that were

required to ensure fairness and a lack of contamination of evidence.

The South Korean Embassy was extremely helpful in identifying Koreans who lived in the East Anglia region, but there was no way of assessing how effective these people would be as interpreters. It became evidence that the Korean community in England was reasonably close-knit and by word of mouth and through organizations such as the Church, a number of people were identified and used to conduct the many interviews.

In all a total of ten interpreters were used, but only two had previous experience in a formal interpreting situation. This gave rise to the concern that the validity or quality of interpretation would be challenged at court. This was never tested. Only three of the interpreters charged for their services, resulting in the expenditure of 1,663 pounds in fees.

With hindsight we might say this was an unprofessional way of tackling the problem, and it must be agreed it is far from ideal. This was not atypical of the "state of play" within the Police Service and demonstrated the practical difficulties for the police in acquiring professional, accredited interpreters, particularly when an emergency occurred.

The Police Survey

Early in 1993 I conducted a survey amongst the 43 Police Forces in England and Wales. To make progress it would be important to know what was currently happening and, in particular, the way that the 43 Police Forces recruit, train and utilize the services of interpreters.

It was revealed that 41 of the 43 Police Forces in England and Wales maintained a register of interpreters, and 31 of those allowed access to the details of the register by courts and other enforcement agencies such as Customs and Excise. The two Police Forces who do not have a register were the city of London Police, who are linked to the Metropolitan Police System, and a Welsh Police Force, who relied on a University Language Centre.

All of the registers are available on a 24-hour basis, with 27 of the 41 linked to a computerized system.

On the register can be found details of the individual interpreters and the languages they speak. Only 13 Forces recorded the qualifications of the individual interpreter.

The survey demonstrated that the Police Service in total had access to interpreters in over 60 different languages. A number of the Police Forces commented that whilst there was an abundance of Western European language interpreters, considerable difficulty was

experienced with Asian and non-European languages.

Some Police Forces used their own officers to interpret, but the use of a staff member was generally considered a last resort, and only acceptable in formal questioning, or taking statements when prior authorization from a senior officer was given.

In Norfolk we have over 200 officers who claim to be skilled in French, 60 in German, 3 in Italian, 2 in Dutch, and so on. During a recent audit it was found that the skill levels varied considerably, with many quoting a school certificate from years before, perhaps supplemented by holiday experience. Thus the problems with suing police officers, in terms of skill and their subsequent value as a witness, are apparent. This practice is now discouraged.

Of the Police Forces in England and Wales, 24 indicated that they had either informal or formal guidelines concerning the use of the same interpreter for pre-court issues and during court proceedings. Eighteen of that number had an agreed procedure with the Crown Prosecution Service as to the point at which responsibility for providing an interpreter passed from the Force to the Crown Prosecution Service.

Nearly half the Forces reported that the ability of particular interpreters had been challenged during court proceedings. Examples indicated that challenges could come from anyone in the courtroom, Magistrates, prosecuting solicitors, witnesses, or even relatives present in the courtroom. In some instances this has led to the case having to be dismissed.

One Force recorded that an interpreter had been borrowed from an adjacent Police Force to assist in a very delicate child abuse case. The interpreter was in fact very poor and had not spoken the language for ten years.

Another example was of an interpreter so incompetent that the court instructed that he should never appear before that court again and be deleted from the register. Three months later, another Police Force brought the same interpreter before the same judge in the same court!

During a trial of two Chinese youths who were members of "triads" it became apparent that the interpreter could not understand the slang being used by the accused.

The procedure whereby an interpreter comes to be approved by the police varied widely across the country. A basic security check to eliminate applicants with a criminal record was carried out by all but one, yet only half verified qualifications, and less than half actually

Police use interpreters to process and interview prisoners.

checked language proficiency. Six Police Forces carried out a language test. One Force utilized previously approved interpreters to administer a

language test.

One Force indicated that their interpreter list was entirely based on academics, usually university lecturers or modern language teachers. Others were from a professional background such as commerce or from shipping companies.

The difficulties of persuading a volunteer interpreter to obtain formal qualifications was addressed in the responses of two Forces. One commented: "It would be difficult to make interpreters hold a formal qualification as most do it in retirement or in their spare time, and would withdraw their services if they had to take a qualifying examination." Another emphasized: "All interpreters are volunteers, many with no formal qualifications to indicate competence in language. Funding to provide training and development is not readily available and the commitment from other Criminal Justice Agencies to share the cost is lacking."

In some Police Forces efforts were being made to train interpreters. In one example, all interpreters were invited to a quarterly meeting at which presentations were made on procedures, practice and responsibilities in this area. Concerns were discussed and addressed, and members encouraged to share their experiences, both good and bad.

Fourteen Forces provided information relating to the circumstances when interpreting services were used. Seventy-two percent of interpreting was done in relation to the processing and interviewing of prisoners; seven percent in interviews with crime victims, eight percent to respond to general inquiries and two percent for other purposes.

Interpreters had been used from September 1991 to August 1992 on 17,530 occasions in England and Wales, but 13,000 of those had been in the Metropolitan Police area. A further 2,000 had been in the West Midlands.

Expenditure for interpreting services amounted to marginally under 2 million pounds. Sixty-five percent of Police Forces paid interpreters according to a Home Office scale but others adopted their own idiosyncratic formula. They quoted a basic day time rate from 6 to 14 pounds per hour, with enhancement for Sundays, holidays and night-time work.

In conclusion, the Police Service saw the system to be very ad hoc. There was no standardized formula for

NAJIT Business Meeting

(continued from page 2)

our profession, they are also times of opportunity. The address by Lydia Pelegrín about the present and future status of the federal examination left many questions unanswered. Members need to help actively with the problems that affect court interpreters. Passivity in the face of the current situation may result in loss of work. Meanwhile, NAJIT is evolving into an organization that in a few years may count its members in the thousands.

4. Treasurer's Report

Page 41 in the program contains the Financial Statement; members are urged to read it.

5. Committee reports

- Bench and Bar: Sam Adelo is not available to report, since he is now in San Francisco on another mission. His report, to be published in *Proteus*, reveals that Sam has sent a proposed resolution to the National Hispanic Bar Association, published actively in legal journals, gave seminars to attorneys and judges. He is now being assisted by Marcella Alohalani Boido. Patricia Michelsen also assists in educating judges through the numerous addresses she delivers.

- Education and Training and Publications committee activities were discussed in the outgoing chair's report.

Interpreters in the UK

(continued from page 9)

recruitment, testing, training or assessing the quality of interpreters. The scale of reimbursement varied greatly.

It is the police view that, if the estimates are correct, by the year 2000, 30% of the population of urban Europe under the age of 35 will not be living in their country of origin. In addition, the global village will continue to expand with the commensurate movement of peoples with varying degrees of language skills. It is possible that an increasing number of non-English speaking residents in the United Kingdom could, at some stage, be introduced into the Criminal Justice System. The police see it as essential that qualified interpreters be made available to ensure that a miscarriage of justice does not occur, and that the individual involved, above all others, is aware of the nature of what is taking place in relation to him.

The author is Deputy Chief Constable of the Norfolk Constabulary in Norwich, England. This is an edited version of a paper presented at the 1996 NAJIT Conference in Miami.

6. Certification

Members are referred to the results of the survey, previously described. This matter has been discussed for years, and now with this expression of overwhelming support by the membership we conclude that NAJIT should indeed offer a certification exam. Other exams offered at the state level fall short of what is needed, and NAJIT is now in a position to offer valid and authoritative testing materials.

NAJIT will do nothing without a mandate from the membership nor will it accept anything that does not maintain the highest standards. We must protect our reputation, and whatever program we develop must be consistent with our positive image. We are discussing the possibility of a collaboration with the University of Arizona and may acquire funds in the form of foundation grants for this project.

One state sent a representative to this conference to look into the possibility of that state's collaboration in and partial funding of such a project. NAJIT will soon be acquiring tax exempt status, which will facilitate the process. We must do things right, but we must definitely act in a timely fashion.

7. New business

a) Address by Roxana Cárdenas of the California Federation of Interpreters: Lydia Pelegrín's address reveals the prevailing attitude of administrators toward court interpreters. As a response to the unwillingness of certain court administrators in California to negotiate working conditions with contract interpreters, Senate Bill 1856 has the support of the California Federation of Interpreters and other organizations. Members of the California federation donated a day's pay to help lobby on SB 1856. The bill would restore contract interpreters' right to negotiate such issues as overtime, respect for seniority and payment of mileage with court administrators. It has passed in the senate and gone on to the Assembly. Roxana thanks NAJIT for its support of this bill.

b) Mirta read a letter of support for SB 1856, which was drafted by Cristina Helmerichs. The bill is expected to pass.

7. Adjournment

The meeting was adjourned at 3:10 PM.

Respectfully submitted,
Fritz Hensey, Secretary

Charlotte's Corner

Alexander Rainof

The Web that now covers our planet is no doubt greater, vaster and more impressive than Charlotte's modest effort in a remote farm of yore. Yet, the two serve a similar purpose: to communicate, inform, educate and help. Charlotte's Corner, of which this is the first column, shall spin a quarterly message in order to bring you, from this wealth of information, some of the strands of importance to our profession. Charlotte's "posted" messages on her web to inform the farmers of Wilbur's sterling qualities, and ultimately save his life, functioned much as the WWW did recently in the case of Zhu Ling, a chemistry student at Beijing's Tsingua University, who was stricken with a mysterious disease that was swiftly killing her, which no one at the prestigious Peking Union Medical College Hospital seemed able to diagnose. Her symptoms were total loss of hair, severe abdominal cramps, dizziness and excruciating pain in the extremities. She had lapsed into a coma. A friend of Zhu Ling's, also a student, posted from Peking University an urgent SOS on the Web, describing her symptoms and pleading for help. Within a matter of hours, physicians from the four corners of the world jumped to the rescue. The diagnostic consensus was massive thallium (a heavy metal) poisoning. With the help of toxicologists, radiologists and neurologists, a course of treatment was organized through the Web, and the young woman's life was saved. The story, complete with diagnoses, course of treatment, medical images, radiological reports and a discussion bulletin, can be found at <<http://www.radsci.ucla.edu/telemed/zhuling>>.

One cannot help but wonder what the role of an interpreter was, or could have been, in this situation. This also raises a whole series of questions and speculations for the profession. Already, e-mail has become a standard tool of the translator. Will international conferences, medical interviews, expert opinion testimony, among other possibilities, become a standard source of work and income for interpreters? Is an Internet Certification for Interpreters and Translators in our future? Or will a great deal of Internet translation be performed by computers? A sobering concept, to say the least. In order to answer this last question, I searched for the United Nations Automated Translation Tools and Publications URL [Uniform Resource Locator]. It is nearly

impossible, due to the sheer volume of information available, to find this site through the UN Home Page. Access is much easier through the National Institute of Justice, from the United Nations Online Crime Prevention and Criminal Justice Programme Network, or NIJ UNOJUST (<http://www.ncjrs.org/unjust/>). From this URL, you select Automated Translation Tools and Publication and a window appears where the source language message can be typed. Translation is available from English into French, Spanish, German and Russian, and from these languages into English. Once the source and target languages have been selected, type your message, click on "translate," and a new window appears on the screen with the translated text. The translated text can then be downloaded, although the original cannot, so you should save your original text somewhere else. To test the results, I asked the computer to translate into French, Spanish, German and Russian the following text, taken from the "course of treatment" section of the Zhu Ling URL:

The Department of Neurology suggested a Prussian Blue-hemodialysis-KCI treatment regimen. Potassium Ferric Ferrocyanide (Prussian Blue) 250 mg/kg body weight. Total dose to be divided into 4 times and given orally (and nasogastric tube if patient is comatose).

The translation into Spanish was as follows:

El Departamento de Neurología sugirió un de Prusia Azul-hemodialisis-KCI régimen de tratamiento. El Potasio Ferrocyanide Férrico (de Prusia Azul) 250 mg/kg el cuerpo pondera. La dosis total para ser dividida en cuatro veces y dada oralmente (y nasogastric caño si el paciente es comatoso).

Technical terms were not translated, for the most part. words such as "weight" (*pondera*: wrong meaning, and appearing as verb rather than noun) and "tube" (*caño*: more appropriate to plumbing) received a binary (yes/no) lexical, rather than contextual, selection. The French and German were not much better, and the Russian came out so blurred as to be illegible. Still, it is a fun site to visit and try various translations.

The legal sentences I asked the computer to translate fared even worse than the medical sentences.

The Zhu Ling site, by the way, is also a rich source of medical terminology. Other resources available on the

WWW provide glossaries, scholarly articles and publications germane to translation and interpretation. A cynosure, of course, is the NAJIT Home Page (<http://www.najit.org>) or the CCIA URL (<http://www.ccia.org/>). Both organizations provide important information about the profession and a variety of useful links to other sites. Regarding glossaries, one of the most interesting is the ILC (Internet Literacy Consultants) Glossary of Internet Terms (<http://www.matisse.net/files/glossary.html>). If you wish to know what a "browser", a "client", HTML or URL stand for, this is the site to visit.

The 13 page glossary can be downloaded.

The A-Lexis/Alexander Rainof Home Page (<http://www.electriciti.com/~trey/alexis/>) has three articles relating to interpretation matters posted with permission from the publishers to download. They deal with best interpreter use, expert testimony in a murder trial, and interpretation and the press in the Rosa Lopez testimony at the O.J. Simpson trial. A-Lexis publications in methodology and terminology are also listed, with an order form that can be downloaded.

This concludes today's web on the WWW in Charlotte's corner. We would be most grateful to all of you if you were to share any useful URL you may have discovered. We will try to include them in Charlotte's Corner, and will most certainly give credit for your contribution. Please send information or any questions you may have to Dr. Alexander Rainof, either by mail, 1021 12th street, #101, Santa Monica, CA 90403; by e-mail (arainof@ucla.edu); or by fax (310-395-1885). With your help, Charlotte's Corner will be terrific.

**HOUSE OF INTERPRETATION & TRANSLATION
ARMENIAN & FARSI**

CERTIFIED INTERPRETER & TRANSLATOR

If you are suffering from

TRANSLATORPHOBIA or INTERPRETERPHOBIA

PLEASE CALL

DR. ASLAN ASLANIAN

Over 21 Years experience / Travel anywhere

13196 Calle De Los Ninos SD, CA 92129
TEL / FAX: 619-484-0859 PAGER: 619-493-3891

Welcome New Members

2/1/96-4/30/96

[continued from previous issue]

Jennifer A. Morse, Glendale, AZ
Way P. Moy, New York, NY
Marlene Mujica, New York, NY
Ricardo Nance, Del Río, TX
Dyalma L. Ocasio, Riverview, FL
Erik H. Olmsted, Amherst, MA
Gloria Panero, Hollywood, FL
Rogelio Pérez González, San Jose, CA
Conchita Peri, Miami, FL
Maria N. Pitsironis, Douglaston, NY
Renate Rado, West Palm Beach, FL
Dr. Christine T. Raffini, México, D.F.
Carol Sue Richardson, San Francisco, CA
Miguel A. Rivera, Alpharetta, GA
Aaron Ruby, Houston, TX
Araceli Ruiz-Vivanco, México, D.F.
Margaret H. Scott, Tucson, AZ
Judith Shapiro, Washington DC
D. Hal Sillers, Moorehead, MN
Derek L. Sully, McAllen, TX
Kathleen Sweeney, Baltimore, MD
Thavisit Thenutai, N. Hollywood CA
Translation & Interpreting Services of America, Hollywood, FL
Alina Vallenilla, Naples, FL
Martha C. Vega N., Miami Beach, FL
Martha I. Villa, Maspeth, NY
Patricia Violante-Cassetta, Washington, DC
Nancy S. Walker, Annapolis, MD
Daniel Weinfeld, San Antonio, TX
Rosabelle B. White, Cordova, TN
Sonia Williams, Boynton Beach, FL
Sandra L. Wong, Whitestone NY
Martha H. Zúñiga, Palm Beach Gardens, FL

5/1/96-6/30/96

Anais B. Acuna, Howard Beach, NY
Hugo Arias, Idaho Falls, ID
Marie E. Baxter, Portland, OR
M. Cristina Castro, Portland, OR
Alicia Coquet, Mexico, D.F.
Elena de la Rosa, Mexico, D.F.
George B. Donald, Pacific Grove, CA
Alexander P. Donskoy, West Hollywood, CA
Rosie E. Farrow, Memphis, TN
Vittorio Felaco, Ph.D., Silver Spring, MD
Jose Hernandez, Memphis, TN
Jacek Jarkowski, New York, NY

ITEMS OF INTEREST

September 9-11, 1996. Tangier, Morocco . Second International Symposium on Intercultural Communication. Address: Dr. Leonard Ray Teel, Dept. Of Communication, Georgia State University, Atlanta, GA 30303. Tel. (404) 651-2697; Fax: (404) 651-1409.

September 26-28, 1996. Buenos Aires. 1st Latin American Congress on Translation and Interpretation. Address: Colegio de Traductores Públicos de la Ciudad de Buenos Aires, Callao 289, 4to Piso, 1022 Buenos Aires, República Argentina. E-mail: postmaster@bibtra.edu.ar

September 27-28, 1996. Library Square Conference Centre, Vancouver. "International Translators Day": 4th Biennial Cascadia Conference. Sessions on Ethics and the Court Interpreter, Drugs, Explosives and Firearms and The Anatomy of DNA. Address: Cascadia 1996/STIBC, Suite 1322, 808 Nelson St. P.O. Box 12155, Vancouver, B.C. V6Z 2H2.

October 5, 1996. Chicago. The Ninth Annual Conference on Translation and Interpretation of The Chicago Area Translators and Interpreters Association will be held at the Illinois State Bar Association, 20 So. Clark Street, Chicago, IL. Janis Palma will deliver keynote address, "What You See...Is What You Hear?: The Hidden Message of Discourse," and lead a seminar on "Transcription and Translation." Address: CHICATA, P.O. Box 804595, Chicago, IL 60680. Tel. (312) 836-0961.

October 30-November 3, 1996. Broadmoor Hotel, Colorado Springs. "Global Vision": 37th Annual

Conference of the ATA. Accreditation workshops and exams, preconference seminars, and papers on Interlingual Communication in Legal Discourse, The Use of Cognates in the Courtroom, Conserving the Message in Court Interpretation, Translation in Law Enforcement, and Legal Ramifications in Translating Medical Documents. Address: ATA 1800 Diagonal Road, Suite 220, Alexandria, VA 22314. Tel. (703) 683-6100; Fax: (703) 683-6122. CompuServe: 73564,2032

November 7-10, 1996. Indiana University, Bloomington, Indiana. Annual Meeting of the American Translators Association. Address: ALTA Headquarters, Tel. (214) 883-2093.

November 3-8, 1996. Mexico City. 5th Ibero-American Symposium on Terminology and General Assembly of the Ibero-American Terminology Network. Address: e-mail: VRITerm@pumas.iingen.unam.mx. Fax: (5) 616-15-14

November 9, 1996. Various locations. Federal Court Interpreter Spanish-English Written Examination. Address: Roseann Dueñas González, Tel. (520) 621-3687.

May 16-18, 1997. Seattle. 18th Annual NAJIT Meeting and Educational Conference. Address: NAJIT, 531 Main Street, Suite 1603, New York, NY 10044. Tel. (212) 759-4457; Fax (212) 759-7458; e-mail: headquarters@najit.org

Welcome New Members (continued)

Yasuko Kawakami, Honolulu, HI
Robert S. Kopec, Oakland, CA
Connie Landro, Wheaton, MD
Bruce H. MacAdam, Williams Bay, WI
Gloria R. Martinez, Leesburg, VA
David McConnell, Toronto, Ontario, Canada
Dr. Alberto Mendez, Quincy, MA
Luis A. Nigaglioni, Miami, FL
Carmen Sacco, Williamstown, NJ
Janina Z. Shenkman, Garden Grove, CA
Guillermo L. Suquet, Miami, FL
Stephanie Swank, Naples, FL
Miguel (Mike) Valenzuela, Miami, FL
Thomas L. West, Atlanta, GA
Cristobal R. Wong, Jamaica, NY

NAJIT on the Net

Headquarters: headquarters@najit.org

Board of Directors: president@najit.org

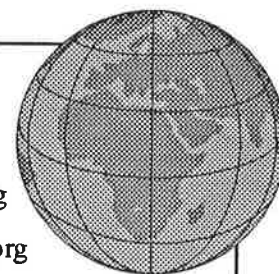
Proteus: proteus@najit.org

Website: http://www.najit.org

Listserver: to subscribe to COURTINTERP-L, an electronic mailing list for discussing court interpreting and related topics, send the command

subscribe courtinterp-l

in the body of an email message to majordomo@najit.org



MIDSTREAM CHANGES A NO-NO

Richard Palmer

How ideal a situation it would be for interpreters if lawyers were obliged to use more standard English in their summations and slang were relegated to more informal situations. As we all know, no such constraints exist. When witnessing some of the histrionics and listening to the hodgepodge of street talk interspersed with legalese, the interpreter may feel as though the attorneys are trying out to be stand-up comedians. A true life example that I remember painfully was "And here comes old buddy-boy boppin' down the avenue, eyeballin' the chicks in both directions... I should like to beg Your Honor's indulgence for a mere half second." Cicero would be twirling in his grave if he heard such rhetorical art.

Given that this mixture of registers is a reality in almost every trial, it behooves the interpreters' supervisor to ensure whenever possible the presence of the same interpreters throughout. The consequences of not doing so can be seen from the following example: during a trial several years ago, three informants were used by the prosecution. One of the defense attorneys in

his summation referred to them as The Three Stooges. Shortly after he had begun, the interpreters switched and the recent arrival knew nothing of the prior reference. Upon hearing "Shemp says to Moe"—always the present tense, more vivid, to be sure—she thought the name was "Shrimp," and later realized she had no idea how to say The Three Stooges in Spanish, much less their names. To make matters worse, reference was made to a bear stuffed with heroin found at the bottom of the cellar stairs. Had she been there for earlier sessions, she would have known that a toy plush bear had been cut open and used to hide the drugs.

To paraphrase a line from the charge to the jury, mere presence of the interpreter at the scene of a trial does not ensure flawless versions of what is being said. It can, however, reduce the stuttering and stammering of the non-initiated—although, just think what you would have done with "old buddy boy." Incidentally, that went on all through the trial. One more thing: in spite or because of his silver-tongued rhetoric, the defense attorney got his client off. 'Nuff said.

**NAJIT and The Association of Professional Legal Interpreters & Translators of
New Jersey, In Cooperation with Montclair State University,
will offer a**

**Preparatory Course for the
Federal Court Interpreter
Spanish/English Written Examination**

Six Consecutive Mondays:

September 30 Through November 4, 1996 -- 6:30 to 9:00 pm

**Montclair State University
Translation Lab at Dickson Hall (Old Building B)
Valley Road and Normal Avenue, Upper Montclair, New Jersey**

Instructors: Carmen Barros, Joanne Englebert, Sara García-Rangel and Dagoberto Orrantia

Fee: \$150.00 for APLIT-NJ and NAJIT members, \$200.00 for non-members

To register, send a personal check, money order or cashier's check made out to APLIT-NJ with your name, mailing address and telephone number to: APLIT-NJ, PO Box 28163, Newark, NJ 07101. All applications must be postmarked no later than September 20, 1996.

For more information, call NAJIT at (212) 759-4457.

18th ANNUAL MEETING AND EDUCATIONAL CONFERENCE
of the
NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND
TRANSLATORS

SEATTLE, WASHINGTON • MAY 16-18, 1997

CALL FOR PAPERS

NAJIT invites proposals for presentations (60 minutes) or interactive workshops (90-180 minutes) on any topic related to court interpretation and translation, including the following:

- Interpreter training
- Specialized terminology
- Interpreting languages other than Spanish
- Legal translation
- Computer technology for interpreters
- Tape transcription and translation
- Interpretation and translation theory
- Cross-cultural issues
- T&I applied to interdisciplinary fields (conference, medical, community, etc.)
- Self-study and skill enhancement
- Research and investigative techniques
- Professional concerns (i.e., employee vs. independent contractor status, financial planning, etc.)

Please note: Nonlanguage-specific presentations are of particular interest.

DEADLINE FOR SUBMISSION OF ABSTRACTS: NOVEMBER 15, 1996

Please submit the following information (in English):

1. Title of presentation
2. Abstract of presentation in paragraph form not to exceed 150 words
3. Proposed duration of presentation
4. Language of presentation
5. Your name, address, telephone number, and title or position
6. A biographical sketch in paragraph form not to exceed 150 words and résumé.

Send submissions to:

NAJIT
531 Main Street, Suite 1603
New York, New York 10044
E-mail: 75052,3441@compuserve.com
Fax: 212-759-7458

NAJIT

551 Fifth Avenue • Suite 3025
New York, NY 10176

THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS**551 Fifth Avenue • Suite 3025****New York, NY 10176****Tel. (212) 692-9581****FAX (212) 687-4016**

The objective of NAJIT is the advancement of the profession of court interpreting. All interested persons are encouraged to join. Membership entitles you to a free subscription to *Proteus*, a scholarly newsletter published quarterly; a listing in the Language Services Guide and Interpreters/Translators Directory; and the right to vote and participate in the activities of the Association. Membership is extended to individuals, students, and institutions.

APPLICATION FOR MEMBERSHIP

Last Name _____ First Name _____ Middle Initial _____

Business Name (if applicable) _____

Address _____

City _____ State _____ ZIP _____

Home Phone (_____) _____ Business Phone (_____) _____

Fax (_____) _____ Beeper (_____) _____

Languages _____

Passive Languages _____

Accreditation or Certification:

____ Federal ____ State: From which state(s)? _____

____ ATA: What language combinations? _____

____ Department of State: Escort ____ Seminar ____ Conference ____

Are you willing to travel? Yes ____ No ____

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

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

Applicant's Signature _____ Date _____

1996 PAYMENT SCHEDULE

Individual: \$75 ____ Student*: \$25 ____ Institution: \$150 ____

* Student membership is available ONLY to students of interpreting and translation who derive no income from employment as interpreters or translators.

Please make your check payable to NAJIT. Return completed application and your check to:

NAJIT

551 Fifth Avenue • Suite 3025
New York, NY 10176