

PROTEUS

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Hold the Phone Telephone Interpreting Scrutinized

David Mintz

elephone interpreting has been a hot topic of late in the world of court interpreting. It is viewed with skepticism, if not outright hostility, by many interpreters who fear that it compromises the quality of the interpreting, while some administrators regard it as an effective cost-saving measure and/or a necessary evil.

As president of NAJIT and a member of the federal Court Interpreters Advisory Subgroup—a body that advises the Clerks Advisory Group, which advises the Judicial Conference—I felt duty-bound to learn more about the federal telephone interpreting project, see it in operation, and try it for myself so I could develop an informed opinion. In November 1997 I traveled to Las Cruces, New Mexico, to observe the U.S. Court Telephone Interpreting Project in action. The project is the brainchild of Chandler Thompson, Spanish interpreter at the district court in Las Cruces, where he has been on staff since 1989. Sharing the experience with me were Irene Tomassini, the chief interpreter, and Margarita Lloyd-Godsk, one of several staff interpreters, for the Southern District of Florida. They were interested in learning about the system in order to set up one of their own for short proceedings in their satellite courts in Fort Pierce and West Palm Beach.

I went to Las Cruces trying my best to keep an open mind. Hitherto my experience had been with the crudest forms of telephone interpreting, and I thoroughly disliked it. I had done a probation interview where I sat with the PO and his mediocre speaker phone as we interviewed an inmate. I had done impromptu interviews where an attorney collars me and says, "I need to talk to my client's sister-in-law about his bail and she doesn't speak English, here's her telephone number," and then stands over me while I talk to her on the telephone. I expected the federal telephone interpreting system to be far more sophisticated, and indeed it was.

On day one we started out with a briefing about the use of the equipment, followed by a demonstration. Thompson has been doing telephone interpreting since 1991, and last year his office covered over 500 proceedings in remote locations. The interpreter wears a headset with an attached microphone that leaves both hands free. The headset is plugged into a metallic gray box, about the size of a 40-quart cooler, with various dials and switches. There are two telephone connections established between Las Cruces and the remote courtroom, both of which feed into the interpreter's headset. One line is for English, the other for Spanish. The interpreter hears the courtroom proceedings through the headset on the

English line, and delivers the interpretation into the microphone over the Spanish line, which the defendant hears through a regular telephone handset (or with his own hands-free unit, if he is so equipped). When asked a question by the Court, the defendant answers in Spanish into his telephone. The interpreter's box has a toggle switch with which to flip the interpreter's output back and forth between the two telephone lines. When interpreting into English for the court, the interpreter flips the switch to the appropriate line so as to broadcast the interpretation over a conference speakerphone in the remote courtroom. In this instance, the speakerphone is a high quality unit manufactured by Polycomm that costs around \$2,000. The equipment also features a device called a side-tone suppressor, which prevents the interpreter's voice from interfering by coming back at him through the headset.

Test Driving the System

During the three-day visit, each interpreter tried telephone interpreting in an actual proceeding once or twice. All of us felt at least some initial apprehension working in an unfamiliar and unusual situation. Lloyd-Godsk interpreted for an initial appearance while the rest of us took turns listening in through an extra telephone plugged

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Message from the Board

USA Today

Interpreters and Translators" flickered briefly across the consciousnesses of hundreds of thousands of readers of *USA Today* when the nationally distributed daily ran a 1000-word article about court interpreting (Maria Puente, "Keeping the Courts Free of Babel," Page 3A), along with a 300-word sidebar about telephone interpreting ("Increasingly, courts are dialing for interpreters who work long-distance.") The article is characteristically simplistic but fundamentally accurate, and NAJIT picked up at least two new members who discovered the Association through the article. However one may feel about *USA Today*, this media exposure surely does no harm and perhaps some good for NAJIT in particlar and court interpreting in general.

Conference

At this writing we are in the process of finalizing the program and making arrangements for the 19th Annual NAJIT Meeting and Educational Conference in San Antonio next May 15-17. Shortly after if not before you read this, you will receive/will have received complete conference information and registration materials. Please register and make travel arrangements early, as past experience shows that the conference hotel may sell out. Again this year we have excellent program, and we look forward to another superb conference.

Bylaws revision

One of the issues to be taken up at our annual business meeting is an amendment to the Bylaws that will modify the Bylaws amendment process itself. As it stands now, members have to be present at the annual meeting in order to vote on amendments to the Bylaws; the proposed revision will enable them to do so via proxy ballot. Another proposed revision will change the requirements for student membership. The existing language stipulates that student members must not earn any income from interpreting or translating. The objective was to prevent parsimonious members from abusing student status; in fact, however, abuses still occur while genuine students are unjustly penalized. The revision would remove the no-income stricture while making student membership applications subject to review. These proposed changes will be submitted to members no less than 30 days before the annual meeting.

Membership Continues to Climb

In the last quarter of 1997, NAJIT headquarters sent invitations to join to some 2000 non-members who had at some point contacted NAJIT to request information. This effort brought 120 new members and more than paid for the investment in postage and printing. Our membership now stands at an all-time high of 796, representing a projected 15% annual increase. But this is no time to rest on our laurels. There are 228 members who have yet to renew for 1998, and we need to keep expanding so the organization can continue to develop. There must be several thousand court interpreters in the United States and they should all be NAJIT members.

David Mintz Chair, Board of Directors

Phone interpreting

(continued from page 1)

into the system. She sounded superb, and reported afterwards that she did not feel uncomfortable with the system, nor did she find the absence of the visual component disconcerting. Later, after

Irene Tomassini did a masterful job of a rather involved sentencing hearing in an illegal re-entry case, I asked for her impressions of this system. "I didn't have a problem with it. The communication was good, the sound was crisp and clear, and it was just your basic simultaneous. It worked. [The telephone system] was not an issue. I felt quite comfortable after I got control of my adrenalin." Both interpreters concurred that if the sound is sufficiently clear and the proceeding brief, they could do without seeing. When asked if she would have interpreted any better had she been there live, Tomassini pondered the question ever so briefly before answering no.

Lloyd-Godsk interpreted an attorneyclient conference in which attorney and client were in an office and in jail, respectively, both in Alaska. The audio quality for all concerned was entirely satisfactory. With the side-tone suppressor and toggle switch it was a straightforward matter to do a simultaneous rendition, which is difficult in an ordinary conference call where all the voices interfere. I was favorably impressed. On the other hand, in this telephonic configuration all the participants are in different places, as opposed to the typical remote courtroom scenario where only the interpreter is someplace else.

On the morning of day two, my heart beating like a drum, I interpreted an initial appearance, and had trouble hearing because of too much white noise. I handed the headset to Chandler and let him finish the proceeding. He later told me you can usually find a sweet spot where various dials are set to just the right levels and the sound is good. Though one may well get used to dealing with monitoring the equipment, the remote interpreter has another task to think about besides interpreting.

The following day, I again interpreted a first appearance for a defendant in Omaha. Unable to see, I felt apprehen-

Nonverbal cues are all the more important when subjective judgements are being made and the delicate process of interlingual transfer of meaning is in play.

sive and insecure. I had a little trouble hearing and was not sufficiently proficient with the controls to adjust them on the fly. At one point the government attorney's voice faded almost to *niente* so I flipped the switch to the English line and announced to the court that the interpreter was unable to hear. The judge reminded the attorney to stay close to the microphone.

I speculate that with this system perhaps I stumbled a bit more than I would have if I had been in the courtroom live. Then again, my apprehension may have been heightened by having three interpreters there in the room listening to my every word, although it didn't seem to bother them when the roles were reversed.

As a result of my experience in New Mexico, I come to several conclusions. One is that if this system is going to be used, interpreters should first undergo systematic training involving simulated proceedings so that real defendants are not used as guinea pigs. Interpreters need to get used to the equipment until the controls become second nature; otherwise, the technical details can get too distracting and interfere with interpreting. Second, advance preparation is

especially important when interpreting for unfamiliar people and places. Thompson says he habitually requests that relevant documents be faxed to him and generally finds that court personnel are accommodating.

Third, I tentatively conclude that this particular form of telephone interpreting—with optimal equipment and capable, cooperative people all around—can work adequately for short, simple hearings, especially ones that are largely administrative and predictable. Most or all of the interpreting is simultaneous from English into Spanish. After our discussions and observations, I think it is hard to argue against using this system under certain circumstances. Consider the case of Alaska. The Court Interpreters Act leaves it to the discretion of the presiding judicial officer to decide what "reasonably available" is. If there is no federally certified Spanish interpreter in Alaska, and an Alaskan judge is not going to approve the cost of flying one in from British Columbia for a 12minute status conference, then the alternatives are either a certified interpreter via the telephone system or a local interpreter of unknown and/or untested ability.

Important questions persist. Does the fact that a good remote interpreter is better than no interpreter or a poor interpreter make this system justifiable? Are there situations where only live interpreters should be used? Why or why not? Where, if at all, should one draw the line?

Need to See?

Some interpreters are disturbed by the inability to see the speaker, and find alarming the notion of interpreting, for example, trial witness testimony over the telephone. Nonverbal cues are an enormously important component of human communication under any circumstances, but all the more so where subjective judgements of such things as credibility are being made, and the deli-

cate process of interlingual transfer of meaning is in play, with all its complexities, ambiguities and nuances. The countless subtleties of facial expression and body language have an effect on our (live) interpretation, whether or not we are conscious of those effects. All this is lost over the telephone, raising the question of what impact that loss might have. Obvious though the fact of this loss may seem, there is not much published research on interpreting, less on court interpreting, and probably zero on telephone interepreting. So the debate remains speculative on both sides insofar as no one can say, "studies have shown conclusively that..." To do their best to understand and be understood, interpreters need all the sensory input they can get; they need to see the people for whom they are interpreting.

Or do they? "I can't recall a time where I really felt that the interpreting was going south because I couldn't see," says Thompson. "Once you get into it, you become more aware of the fact that other people have got eyes and they're there. You become better at listening. You learn to focus in on it." When he first started telephone interpreting he used to peer uselessly out his office window at the horizon in the direction where the proceeding was happening a thousand miles away. But, Thompson says, you get used to it and you adapt. Some interpreters say that interpreting "blind" not only forces but also frees the interpreter to focus attention on speech alone. Live interpreters do rely heavily on visual cues to facilitate witness interpreting, the classic example being signalling a witness to pause in order to let the interpreter translate before recall capacity is exceeded. But according to Thompson, such cues can be equally or more effectively given verbally via the telephone.

When it comes to actual trials, Thompson does recognize the usefulness of having one interpreter on site while a second interpreter is on the telephone. The live interpreter can read notes or documents and has the mobility and flexibility to move around, and assist with quick attorney-client exchanges wherever needed, regardless of the availability of telephone lines. Thompson believes this one-live, one-remote interpreter arrangement is a workable, money-saving system.

Indeed, I had an opportunity to try it with a trial being held in Alaska, where Yolanda Salazar (a NAJIT member) had traveled from British Columbia. During the course of the proceedings the defense attorney decided, for reasons that were never made clear, that he didn't want telephone interpreting, and the sole live interpreter was left to fend for herself. But before that happened, I had a chance to try simultaneously interpreting over the telephone the testimony of an agent through whom various government exhibits were being introduced—pager, cell telephone, photograph, driver's license. The sound quality was fairly good, although I could not raise the volume of the input channel without also raising white noise to levels that were excessive.

Even if one agrees in principle that a remote interpreter is acceptable for trials so long as there is another interpreter on site, there are technical problems, not the least of which is the difficulty of comunication between the interpreters over the same line on which the remote interpreter is working. As I was interpreting I heard what I pre-

sumed to be the voice of the other interpreter trying to tell me something helpful. Coming over the same channel as the source that I was supposed to be interpreting, it was just a distraction. Earlier on, when Thompson was trying to get the on-site interpreter's attention to suggest that they switch off, he could not because she had evidently removed her earpiece. Even the simple matter of timing a change of interpreters to coincide with a momentary break in the action can be problematic over the telephone, since the remote interpreter cannot see.

Competing Objectives

If having an interpreter off-site is potentially detrimental to the quality of interpreting, then the question, in most cases, boils down to an all-too-familiar conflict between the competing objectives of justice and economy. However, when non-English speakers appear before the courts unexpectedly or with minimal notice—as with the newly arrested, or the domestic violence victim seeking a restraining order—and a competent interpreter is unavailable, there is tension between the right to an interpreter and the right to an immediate hearing. Here it seems that a competent interpreter over the telephone with top quality equipment on both ends is a reasonable solution. Anything short of that is no solution.

The U.S. Court Telephone Interpreting Project represents great savings for the courts that use it. If courts see no reason to prefer a live interpreter, then might they not do away with live interpreters altogether? Thompson, who has been accused by freelance interpreters of taking work away from them, says he has no interest in disturbing contract interpreters' relations with the federal courts: "There are plenty of places where there's nobody certified, so why waste resources on places where there are?" He sees the demand for certified interpreters in remote areas

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increasing faster than interpreters will move to those areas.

The Administrative Office contends that telephone interpreting will make capable interpreters available where interpreting would otherwise be done by lay people or interpreters of questionable competence, especially for languages in which good interpreters are rare. In Thompson's view, high quality telephone interpreting should be expanded to extralegal realms such as the medical field so that the ultimate impact is a net improvement in the quality of interpreting generally, as the competent displace the incompetent.

There is merit to the argument that, for example, a good interpreter over the telephone for a domestic violence hearing is better than using the victim's child-or alleged assailant-to interpret. On the other hand, according to ample anecdotal evidence, the worstcase scenario is one that takes place already, especially in those courts whose interpreting standards are relatively low: a poorly trained interpreter doing important proceedings over the telephone with inadequate equipment. Moreover, there is a disturbing tendency to frame the question as either/or, as though the third option of a live competent interpreter were beyond the boundaries of the possible. In some instances, surely this is so; on the other hand, the encroachment of telephone interpreting will make it harder to get competent interpreters on site if it is they who end up being displaced—or busy interpreting over the telephone themselves.

AllC Standards

The question of whether telephone interpreting is appropriate under any circumstances is hardly closed. In its published standards for videoconference interpreting, the International Association of Conference Interpreters (AIIC) states:

Pour mener à bien son rôle de vecteur de la communication multi-

lingue, l'interprète de conférence doit réaliser simultanément plusieurs tâches complexes:

- écouter celui qui parle, observer les signaux non verbaux de son message, ainsi que les réactions qu'il suscite auprès des destinataires du message, et entre ces derniers;
- analyser un message éphémère et vivant dans sa globalité (le dit et le non-dit):
- interpréter le message dans une autre langue en respectant les caractéristiques de forme et de fond propres à une autre culture;
- établir avec son auditoire un contact visuel-gestuel pour confirmer la réception du message.

Dans ce contexte, la vue directe sur l'ensemble de l'évènement dans lequel s'inscrivent les messages à interpréter est essentielle.

While international conference interpretation and court interpretation are for different audiences, the basic processes of interpreting are substantially the same. Thus, it is noteworthy that AIIC and several other international organizations that have adopted this code regard the interpreter's "direct view" of the participants as "essential." Here they are referring only to conferences with some of the participants in remote locations. As for interpreters themselves working from an offsite location, the language is unequivocal:

[L]a tentation de détourner certaines technologies de leur but premier en imaginant, par exemple, de placer les interprètes devant des moniteurs/écrans pour interpréter à distance une réunion dont tous les participants se trouveraient réunis dans un même lieu (téléinterprétation), est inacceptable [emphasis in original].

Thus, according to AIIC standards, court telephone interpreting would be

doubly unacceptable: first, because there is no visual contact; and second, because everyone is in the same place except the interpreter.

Tough Questions

What position should individual court interpreters take? What position should a professional association adopt? Will courtroom telephone interpreting expand inexorably and in ways beyond interpreters' control whether we like it or not? Is it hopelessly naive to oppose the indiscriminate use of telephone interpreting? Does it matter what court interpreters themselves think?

It is important for court interpreters to discuss these issues so we can determine what our position is and ponder the question of what to do. As a group, we need to make ourselves heard as much as possible in the planning and implementation phases of various telephone interpreting initiatives. Equally important, we need to continue to educate and foster solidarity among interpreters to ensure that we have the ethical sense and integrity to make sound individual judgments as to the conditions under which we agree to work. Most interpreter codes of ethics include canons that require interpreters to bring to the court's attention any circumstance that impedes their compliance with the oath of accuracy.

In years to come, the terms of the debate will change radically if, as technology experts predict, wireless networking, bandwidth and data compression and transmission speeds reach a point where we will be able to see and hear events happening practically anywhere. Until then, whether framed as an issue of conscience, convenience, competence or pure economics, the last word has not been said; court interpreters who want to do their job properly will be compelled to grapple with the technological, administrative, psychological and ethical aspects of telephone interpretation.

PROTEUS

From Catalonia to Cuba and Back Again

Daniel Sherr interviews Josep Peñarroja Fa

Members of NAJIT may be familiar with Josep Peñarroja Fa, President of the Association of Sworn Translators and Interpreters of Catalonia (l'Associació de Traductors i Intèrprets Jurats de Catalunya), whose newsletter regularly reprinted excerpts from Proteus. Recently, Peñarroja took time out from his flourishing practice as a self-employed sworn translator to talk to Proteus correspondent Daniel Sherr. The interview was conducted in Peñarroja's office, situated in a modern building constructed for the 1992 Olympic Games in Barcelona. (The roof leaks and the basement gets flooded, but Peñarroja feels he got a good deal; he lives on an intermediate floor.) In the interview that follows, Peñarroja discusses the role of the sworn court translator in the Spanish legal system, his recent contacts with Cuban translators, and a lawsuit that has virtually paralyzed the activities of the ATIJC.

Proteus: Who needs the services of a sworn translator?

Peñarroja: Normally, lawyers do. Our clients are attorneys, notaries, the people who need to furnish the court with documentation. In Spain, a document in English is not official. It must be translated by a sworn translator.

Proteus: And the very fact that the document was translated by a certified translator means that it is official?

Peñarroja: Just as if it were the original. There is no doubt that if we asked two translators to translate the same document, their translations would be different, but both versions would be official. There is even a procedure—we are human and can make mistakes—to challenge the translation and let the Ministry of Foreign Affairs,

which certifies us, decide if indeed there are discrepancies.

Proteus: For our readers who may not be familiar with the role of the sworn translator in Spain, we should say that the translator, by virtue of his being certified by the government, charges a higher rate than average because his translation is considered official.

Peñarroja: Yes, that's it exactly. To give you an idea, certified translations are usually 33% more expensive. For example, out of 100 pesetas charged for a sworn translation, 66 are for the translation itself, and 33 represent the certification surcharge. Roughly speaking, one 9-word line costs about \$.90. The minimum charge for an average document is 5,000 pesetas (\$35). Sworn translations are far and away the best paid translations in Spain.

Proteus: So there is a minimum fee.
Peñarroja: These are recommended
fees. It's a free market. There is,
though, a certain anachronism in our
profession. In January of each year, we
have to notify the civil governments of
each province of our fees.

Proteus: Just to give our readers an idea, how much can a good translator earn in Spain?

Peñarroja: About 3 million pesetas (\$20,700) per year.

Proteus: I understand that you recently returned from a trip to Cuba. What was the purpose of your trip?

Peñarroja: Actually, it was kind of an excuse to get acquainted with colleagues from Cuba and learn about their reality. It was a get-together of literary translators, although other specialties were also represented. A week is not much time, but I was able to get some-

what of a vision of what is going on, a feeling.

Proteus: What are the principal challenges facing Cuban translators today?

Peñarroja: Well, as I see it, when you discuss Cuba, you have to adopt a totally different mindset [tienes que cambiar de chip]. We're talking about a very different economic system. This was my first trip to Cuba. It is a reality that must be viewed by altering one's Western perspective. Cuba is a country visibly going through a difficult time. Translators, as members of that society, are facing hard times. For me this came as quite a shock, because I wasn't prepared.

Proteus: But what was it about the translators that had the greatest impact on you?

Peñarroja: Well, the situation is utterly different from our own. Imagine, I figured I can earn in half an hour what a Cuban translator earns in a month. That's easy to say, but it has serious consequences. It is true that the standard of living is lower, but the fact that I can make in a few minutes what a colleague makes in a month in another part of the world tells me that economically speaking, something is not working right somewhere.

I want to make a point here. Without a doubt, there are political problems in Cuba. But I went as a colleague to meet other colleagues. And really, I disregard the political problems. I saw the reality of some interpreters who were really having a tough time. Cuba is in a special period. I know of interpreters who can't have dictionaries in their homes; first, because no dictionaries are sold, and second, because they can't afford any.

In the face of this, my reaction was, what can be done? A solution on a personal level was my decision to offer some courses on Italian-Spanish legal translation at the Translation School of the University of Havana this January. My "students" will themselves be teachers; in this way, we hope to achieve a sort of multiplier effect.

Proteus: What are the languages most in demand in Cuba?

Peñarroja: There has been a radical change. A few years ago, as one might assume, Russian was the big language, and now Russian is fading fast. As a matter of fact, people studying Russian in the Translation School are obliged to study Italian because it is clear that Russian has no future. Right now, Italian is compulsory for anyone who chooses Russian.

And the Translation Department... I'm sure that any American high school has more resources than the Translation Department. You've got to give them credit. They are performing miracles, because with the limited means at their disposal they manage to turn out people with an adequate level of training.

Proteus: The colleagues you met worked in private companies?

Peñarroja: The concept of private companies does not exist. Self-employment is a possibility but the theoretical restrictions make it impossible. Right now, there are virtually no self-employed translators, because in any case, the economic system does not allow you to seek out clients. It's all very complicated. There are two large entities which are empowered to certify translations. And the position of court interpreter does not exist.

On behalf of our organization and personally, since we lend a hand in interpreter training, I wanted to comment on what happened with a previous controversy that arose in the pages of *Proteus*. When one talks about the Cuban situation, there is the question of politics and the question of the people. In other words, it is one thing for some-

one to disagree with the politics but quite another to know there are colleagues who need our help. Is cooperating with our colleagues tantamount to collaborating with the Cuban government? I would not venture to affirm the truth of this axiom. I would not say I am collaborating with the government; I am cooperating with colleagues who need our help. A controversy arose in part because two official Cuban translators went to NAJIT's Miami conference in May of 1996, and it was alleged that they had been sent by the government, but I don't think that's true. As a matter of fact, I met the people who went to the United States, and I don't think they deserve being referred to in those terms; quite the contrary.

Proteus: Because they didn't view themselves as representatives of the government?

Peñarroja: In this specific case, they work at the Instituto de Información Científica y Tecnológica, one of these entities I just described. Now the fact that they work for an official agency that does official translations, good heavens, I don't think that automatically means they represent the government. In short, political aspects are one thing and professional aspects another.

Take me, for example. I spent the first part of my life living under the Franco dictatorship. And I have always understood that foreign countries might declare a boycott on the government, but not a boycott on its citizens. I think these two facets have to be distinguished. I know this may be difficult to swallow in America, but I believe one needs to come out in support of this way of thinking.

Proteus: Will the Association of Sworn Translators and Interpreters of Catalonia pay for your trip to Cuba?

Peñarroja: Actually, no. We're going through difficult financial times, and although in theory I am going as president of the Association, I will be defraying the expenses myself. The fact

is, the Cuban university can't pay anyway. They will help out with some of the teaching materials, but as I said before, in the face of the abysmal financial disparity, I must do something. I am sure that rather than giving, I shall be the one receiving.

As regards legal translation, Cubans who have majored in translation have had few opportunities. Cuba as a country is somewhat isolated from the outside world. In the case of the language I will be working with, Italian, Cuba gets Italian tourists, but there is no exchange of documents, of contracts. So in this sense, I think the seminar will be something of an innovation.

Proteus: I would imagine that translation students are also lacking in good teaching materials in English.

Peñarroja: I think there is also a definite need for an English-Spanish course in Cuba on legal translation. The subject matter is promising because to date there has been no exchange of documents. The problem, though, is that when we speak of English, English is, like it or not, the "language of the enemy." In Cuba, the terms "English" and "language of the U.S." are often closely linked. So, while there were no difficulties in planning an Italian course, I am sure that had the course been in English, there would have been a much more elaborate screening process.

Proteus: Why is your Association of Sworn Translators and Interpreters of Catalonia going through hard times?

Peñarroja: Our Association has a newsletter and that newsletter has two alternatives. We could be a newsletter of "light features" or we could adopt a critical line. Our newsletter chose the latter course. On one occasion, some material was published which, in hind-sight, shouldn't have been published. It was an anonymous letter very critical of translation agencies. One agency felt the article was a direct reference to them and sued for libel [injurias]. That puts us on some slippery terrain; since

crimes are committed by people, not associations, I was sued, as president of the Association. I had to go to court. The other side is requesting five million pesetas (\$35,000). We now know that there are insurance policies precisely for such situations. It would be a good idea for NAJIT and other organizations to bear this in mind. You never think something like this will happen, but when it does, you should be insured to avoid potentially tragic consequences. If the judge finds for the plaintiff and we are sentenced to pay five million pesetas, it would be the death of the Association.

Proteus: You say "if we are sentenced," but in reality that means you.

Peñarroja: Since companies [personas jurídicas] don't commit crimes, sentence is passed on the person [persona fisica]. As president of the Association, yes, that means me. If that happened, I would appeal to my colleagues for help, but legally speaking, I am personally liable. So we have voted to freeze our financial resources, put our publication on hold and wait for the courts to decide [que la justicia se pronuncie].

Proteus: When do you expect a ruling?

Peñarroja: The Spanish justice system is unpredictable. We have been waiting for a year now. The magistrate is still conducting his investigation [Estamos todavía en período de instrucción]. We assume the matter will go to trial

Proteus: What were the accusations made in the letter?

Peñarroja: The letter accused the agency in question of Mafia-like tax behavior, because no invoices were ever issued. The writer said he had serious financial problems because he was underpaid. He complained of agencies that underpay. I suppose the problem is the same in the States. There are people who are very good translators, but perhaps they don't know how to demand a good price for their work. That's why there is a need for organizations like our own or like NAJIT so that we can establish some guidelines. As it turns out, someone is always willing to exploit you.

Proteus: Have the other members of the Association been supportive? Because in the end, it's your head on the line.

Peñarroja: There has been a whole range of responses. Some colleagues have supported me unconditionally. Others, though... The problem could have been solved if someone had stepped forward to testify to the truth of matters alleged. Neither the author of the anonymous letter, whose identity is still unknown, nor any other colleague who could have helped out, has seen fit to do so.

Proteus: Do you think the anonymous letter writer knows what has happened?

Peñarroja: No doubt about it. The person hasn't stepped forward. If he did, liability would be joint, with me as the editor responsible for publication and him as the author of the letter. Of course, nobody wants to be slapped with a potential fine of five million pesetas. To be honest, the lack of response has been disappointing.

In any case, in spite of our problems, and despite the fact that everything is more or less on hold in the Association, our relationship with NAJIT will continue. As a matter of fact, I hope to be able to visit New York soon and greet our colleagues on the other side of the Atlantic.

Drugs Suppressed on Linguistic Issue Questions of Interpretation

You are the interpreter at a suppression hearing where an agent testifies that he spoke in the language of the defendant to obtain consent to search his person and belongings. When asked to write down the exact words he spoke to the defendant, the agent uses a verb in the form of a command rather than a request, although according to his testimony, he was requesting consent. What should a court interpreter do, if anything? Interpreters in the Southern District of New York were recently faced with this very situation. The account of what followed is taken from Southern District Judge John F. Keenan's Opinion and Order in the case of U.S. v. Roldan, 978 Cr. 567, granting the motion to suppress as evidence cocaine found on Roldan, a native of Puerto Rico:

"During the lunch recess, one of the two certified court interpreters on this case... approached the Court's deputy clerk and requested to speak with the Court. Upon the Court's agreement to see her in the robing room, she informed the Court that the literal meaning of the word busquemos, the word used by Agent McAleer, is 'let's look for it.' Immediately after the lunch recess, the Court placed the substance of this conversation on the record and asked if both certified court interpreters... agreed that busquemos means 'let's look for it?' Both court interpreters responded 'yes.' Towards the end of the hearing defense counsel made further inquiry of both court interpreters regarding the literal meaning of hablemos contigo, as well as busquemos, as used by Agent McAleer in speaking with the Defendant. [One interpreter]

stated that the phrase ¿hablemos contigo? as written by McAleer on Defense Exhibit A is in the imperative form as opposed to the interrogative form. [She] also stated that ¿busquemos en su bolsa? as written by McAleer...is in the imperative form as well. When asked whether the imperative form means 'an order or a direction,' [the interpreter] responded 'that's correct.' [She] also stated that the use of the question marks on each side of ¿hablemos contigo? and ¿busquemos en su bolsa?, as written by Mc Aleer was grammatically incorrect. [The other interpreter] stated that she agreed with [the first interpreter's] testimony.

matically incorrect. [The other interpreter] stated that she agreed with [the first interpreter's] testimony.

Upon the Government's request, on October 1, 1997 the Court reopened the evidentiary hearing to allow the Government to elicit testimony from [another] Spanish interpreter [who] testified that both hablemos and busquemos were exhortations rather than

and busquemos were exhortations rather than commands. However, she did state that hablemos contigo means '[w]e want to speak to you,' and that busquemos en su bolsa means 'let's look in your bag.'

The Court concludes that while Agent

This case turns upon the fact that [the agent's] use of the imperative form in speaking to Roldan, which this Court finds to be a signficant and inacceptable error, created a coercive atmosphere pursuant to which the Defendant acquiesced to a search under the reasonable belief that he was not free to withhold consent to the search... This Court concludes... it was [the agent's] significant error that caused Defendant to act in a manner which [the agent] interpreted as consent, but was in reality the Defendant's indication of his submission to police authority." ■ BUSQUEMOS EN SU BOLSA

that 'consent [to a seach] was in fact voluntarily given, and

not the result of duress or coercion, express or implied.'...

McAleer believed that he was asking the Defendant if he was willing to speak with the agents, in actuality Agent McAleer told the Defendant in the imperative form that the agents wanted to talk to him. Indeed, the Defendant testified the he understood McAleer to have said to him, 'We want to talk to vou.' The Court also concludes that while Agent McAleer believed that he was asking the Defendant if he consented to a search of his bag, in actuality Agent McAleer told the Defendant in the imperative form 'Let's look in your bag.' The Court believes that the testimony of all three interpreters supports this finding. However, to the degree that there was conflicting testimony between the two court interpreters and [the third interpreter], the Court accepts the version of the two official court interpreters ... The Court found the testimony [of the third interpreter] to be often confusing and, at times, internally inconsistent." The Government bears the burden of proving

PROTEUS



Web on the Web — Part II



Alexander Rainof

n Web on the Web Part I we had shown how some documents available on the Court TV Web site http://www.courttv.com/> could be used for purposes of translation, both written and sight. Some documents could be used for consecutive and simultaneous interpretation as well. We had selected Jacqueline Onassis' and Elvis Presley's testaments to demonstrate how a specific legal topic could be selected for training purposes—probate in this case—and how levels of difficulty could be established within this specific area. This can be done, of course, for other semantic areas as well.

The Court TV site provides such a vast selection of documents that practically every topic the forensic interpreter/translator might encounter is extensively covered. For instance, under the topic "Miscellaneous Documents and Cases" http://205.181.114.35/library/misc/, under the link "China Weapons Smuggling Case," a fairly lengthy document can be downloaded which outlines a U.S. Government case, pursuant to a grand jury indictment, against fourteen people who, together with a Georgia company allegedly schemed to smuggle several million dollars worth of automatic weapons into the United States from China. The indictment is based on evidence presented by federal agents who smashed an arms smuggling ring which, according to them, involved two government-run Chinese munitions firms. The document abounds in legal and firearms terminology. It retells how the United States Customs Service and the Bureau of Alcohol, Tobacco, and Firearms seized 2000 AK-47 type fully automatic 7.62 mm machine guns smuggled into the United States in a

container on board a Cosco ship. Also seized were 4000 30-40 round ammunition magazines. The serial numbers had been removed, obliterated or altered. Chinese AK-47 bipods were illegally imported as well. Plans included the smuggling of grenades, conversion kits to convert weapons from semi-automatic to fully automatic, bolt-carriers, weapons with full stocks and folding stocks, even rocket launchers of the "shoulder-fired" type with a "guidance system," to mention but some of the goodies available. All this weaponry was to be sold to "gang-bangers" (gang members).

Another extensive document found in "Miscellaneous Documents and Cases" under the link "Cali Cartel Indictment" involves fifty-nine alleged Cali cocaine cartel operatives, a great deal of narcotics-related terminology, and three Miami lawyers who apparently secured false affidavits, used and laundered drug money, and helped convey threats against cartel enemies. The text, as can be seen below, is an excellent tool for training in written, sight and simultaneous interpretation using legal and drug terminology.

The "Cali Enterprise" case against this army of defendants charges that "they associated in fact for the purposes of importing and distributing cocaine, laundering the proceeds and profits from cocaine trafficking through the use of foreign and domestic corporations and financial institutions, concealing the source and true owners of the finances for the acquisition of these assets and protecting the leaders of the Enterprise from arrest and prosecution." It further claims that the defendants "did knowingly and willfully combine, conspire and confederate and agree

together and with each other to conduct and participate directly and indirectly in the conduct of the affairs of the Enterprise through a pattern of racketeering activity . . ." This document is not only very useful for training, but reads at times like a best-seller. In the indictment, one discovers that the defendants resorted to a variety of methods to ship the drugs: in cocainefilled lumber and in frozen vegetables, in concrete posts, etc. The shipments came into south Florida from some ten different countries to be redistributed all over the United States. The case involved a variety of "front" companies throughout the United States and hundreds of millions of dollars in laundered monies.

One of the most impressive features of the Court TV Web site is that often important court documents are posted the very day that they are made available to the public. Such was the case with the June 2, 1997 verdict reached by the jury in the Timothy James McVeigh trial, which was read at 1:30 PM in open court by Federal Judge Richard P. Matsch, and was posted on the Court TV site the same day. Let it be said that Court TV is doing an excellent job with the materials contained in the 130 volumes of the McVeigh trial. One can download from http://www.courttv.com/casefiles/ oklahoma/> the daily unedited transcripts of the trial, the grand jury indictments, FBI affidavits, pre-trial hearings transcripts, motions transcripts, etc. which can be used for both consecutive and simultaneous interpretation purposes. Similarly, as soon as Judge Hiller Zobel rendered his decision in the case of the Commonwealth of Massachusetts vs. Louise Woodward, all fourteen

pages of the ruling were posted at http://www.courttv.com/news/
zobel.html>. One interesting feature
Court TV has added is that one can also listen to an audio clip of the decision (which can, of course, also be used for simultaneous interpretation training).

The Court TV site also offers a variety of materials relating to the O. J. Simpson civil suit. Surprisingly enough, Court TV did not cover it as fully as the O. J. Simpson criminal trial. There is another site, however, at Indiana University, entirely devoted to the trial http://www.cs.indiana.edu/hyplan/dmiguse/trial.html. This site allows the browser to view and download the official Simpson criminal trial transcripts (testimony, motions, arguments, court orders, documents introduced into evidence, and other related materials)

using Mr. Walraven's WWW page <ftp://ftp.islandnet.com/Jack Walraven/OJ-stuff/>. Close to two hundred links, ranging from January 3, 1995 to October 31, 1995 cover thousands of pages of legal proceedings. The Rosa Lopez testimony, for instance, can be downloaded and printed in its entirety from the February 24, 27, 28, and March 1, 2, and 3 links—as can the opening statements by Christopher Darden (January 24, 1995) and Johnnie Cochran, Jr. (January 25, 1995) and all the closing arguments (September 27, 28 and 29, 1995). DNA, medical testimony, and Mr. Gilbert Aguilar's fingerprint testimony are also noteworthy, available for vocabulary acquisition, translation, consecutive interpretation (testimony) and simultaneous interpretation (motions, rulings,

opening and closing arguments).

This concludes today's Web on the WWW in Charlotte's Corner, Please remember that a byte in time saves nine, so we would be most grateful if you were to share with us any useful site 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), or through my Web site (http://www.electriciti.com/~trey/ alexis/) which has an e-mail link. With your help, Charlotte's Corner will be terrific.

Welcome New Members September 1 - December 31, 1997

Christina K. Eljasz, Phildelphia, PA

Nuraddin A. Abdulmannan, Berwyn Heights, MD Rasheed Akhter, Woodside, NY Elena A. Alvarez, Chevy Chase, MD George Angeloff, Sarasota, FL Consuelo V. Astete, Phoenix, AZ Berta A. Baez, Woodhaven, NY Janice Becker, Chicago, IL Frank G. Beltran, Rochester, NY Margo O. Bender, Greensboro, NC Deborah A. Berry, San Diego, CA Michael T. Berry, Las Vegas, NV Georgia Betcher, Pacific Grove, CA Christine Brodie, San Pedro, CA Dina M. Bromann, McNaughton, WI Stacy Brunson Miranda, M.S., Austin, TX Deborah Buchanan, Irvine, CA Ana I. Camino, Chicago, IL Mayra Cardona, J.D., Guaynabo, PR Lourdes M. Ceballos, A.B., D.M.D., M.S., Chicago, IL Guy V. Ceide, E. Orange, NJ Luis A. Cespedes, Kew Gardens, NY Yvonne Chao Badger, Concord, CA Lupe Chavez, Anchorage, AK Kwang S. Chough, University Place, WA David G. Coons, Fargo, ND Edith Copelman, Washington, DC Magda E. Corredor, Amherst, MA Heide M. Crossley, Falls Church, VA Ok-Soon Dang, Montclair, NJ Mary Danilyants, Brooklyn, NY Guy Danjoint, Camden, DE Sergio De Paulis, Miami, FL Evans Delva, New York, NY

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REPORT OF THE ELECTION COMMITTEE

Alee A. Alger-Robbins, Chair

On November 21, 1997, each member in good standing of NAJIT was mailed a secret ballot for the election of three members of the Board of Directors, to serve two-year terms, along with biographical information about the six candidates for office. The ballots were to be returned postmarked not later than December 15, 1997. Members outside the continental United States were given an extension on the return date to accommodate delays in mail delivery, and were also given the option of faxing back their ballots if they wished to waive their anonymity. Members were informed that ballots received without name, address, and signature on the mailing envelope would be invalidated.

759 ballots were mailed. A total of 302 ballots were returned, of which 248 were valid and 54 were invalid. The 248 valid ballots tallied as follows:

Mirta Vidal Orrantia	182
Cristina Helmerichs D.	146
Susana Stettri Sawrey	131
Fritz G. Hensey, Ph.D.	114
Elena Rojas	79
Buddy Strittmatter	67

The candidates receiving the largest number of votes were Mirta Vidal Orrantia, of Brooklyn, New York; Cristina Helmerichs D., of Austin, Texas; and Susana Stettri Sawrey, of Seattle, Washington.

NAJIT extends its gratitude to Fritz G. Hensey, Ph.D., for his service as Secretary of NAJIT since 1996, and to Fritz, Elena Rojas, and Buddy Strittmatter for their willingness to serve.

Congratulations to the new members of the Board. We look forward to a productive year.



Please note: if you have not renewed your 1998 NAJIT membership dues, this is the last issue of *Proteus* you will receive. Send in your renewal today, or visit www.najit.org and renew online.

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More on Phone Interpreting

I read with interest the comments on telephone interpreting published in the spring 1997 issue of Proteus. I believe that NAJIT and other organizations that represent interpreters should take a strong position against the interpretation by telephone of any legal proceeding that requires an exact equivalent in the target language of the source language utterance, conserving not only the message but as much as possible the register, tone, phrasing and other paralinguistic elements of the communication. This would include initial appearances, preliminary hearings and immigration court proceedings.

I am a graduate of the certificate program in legal interpretation and translation at California State University, Los Angeles. For the past two years, I have been working full time as a telephone interpreter for a major, and as I understand it, reputable organization. During this time I have occasionally been required to interpret initial appearances and preliminary hearings in criminal courts in various parts of the United States. More frequently, I have interpreted for immigration court matters. I also interpret perhaps one recorded statement a day, usually having to do with an automobile accident investigation.

As I see it, there are several major problems in doing legal interpretation by telephone. First is the impossibility of guaranteeing good sound transmission. Typically, a judge will use a speaker phone to connect the interpreter with the courtroom. The speaker phone itself produces substantial sound distortion The echo effect in the courtroom, the amplification of other sounds

through the speaker and the inherent distortion and unreliability of telephone transmission itself all contribute to an environment that is emphatically not conducive to complete and accurate interpretation.

"NAJIT should take a strong position against the interpretation by telephone of any legal proceeding that requires an exact equivalent in the target language of the source language utterance."

As Inés Swaney noted in her article. telephone interpreting is appropriate when the objective is to "gather simple facts and have some questions answered with the assistance of an interpreter." Problems with sound transmission and lack of visual cues necessitate, as Hu Quian noted in a 1993 article in the proceedings of the XIII FIT World Congress, "an increase of verbal confirmation exchanges" during interpretation by telephone. One study indicated that "almost 33% of the language spoken during interpreted phone calls was exclusively concerned with the verification of information." I would add that in my experience, the lack of contextual clues also contributes to problems of comprehension and to the need for multiple clarifications and repetitions. In the highly formalized environment characteristic of much of legal interpreting, this creates obvious problems in the flow and accuracy of the interpretation.

Other factors affect the quality of interpretation by telephone. As a telephone interpreter, I field perhaps one actual legal proceeding per month. Legal interpreting is highly specialized, and when that call comes in, I am, frankly, rusty. Although legal language tends to be fairly standardized, there is enough regional variation in the formal language of the court to be confusing at times for interpreters who are expected to handle proceedings from different areas of the United States. Last, but not least, are the working conditions. The percentage of time spent interpreting on line is routinely high enough for the busiest languages—well over fifty percent-to produce stress, fatigue and errors. The interpreter has minimal control over the flow of work or rest periods, which are scheduled in assemblyline fashion. Shifts are long, the pay is low, and there is typically little time during the day to develop professional skills.

To summarize, my position is that it is virtually impossible to render adequate interpretations of court proceedings by telephone. Therefore, I believe that NAJIT should energetically oppose court interpreting by telephone. At the same time, I am glad to see NAJIT taking an interest in the field of telephone interpreting, which provides an important and even vital service in many areas and is certainly here to stay.

Dana Markiewicz Thousand Oaks, CA

ITEMS OF INTEREST

- March 23-April 3, 1998, Oxford, UK. Course in Spanish>English conference interpretation. Debra Jenkins, University of Oxford Department of Continuing Education, 1 Wellington Square, Oxford OX1 2JA, UK. Tel +44 1865 270456; fax +44 1865 270314; e-mail ip@conted.ox.ac.uk
- April 23-25, 1998, Buenos Aires, Argentina. 2°
 Congreso de Traductores e Intérpretes. For further information: Colegio de Traductores Públicos, Avda. Callao 289 4° piso, (1022) Bs. As. Cap. Fed. Argentina. Tel 011-541-371-8616 or 372-7961; fax 011-541-476-2961; e-mail postmaster@bibtra.edu.ar
- May 15-17, 1998, San Antonio, TX. The 19th Annual NAJIT Meeting and Educational Conference. Complete information will be posted on this site.
- May 19 to 23, 1998, Vancouver, British Columbia, Canada. Second International Conference on Interpreting in Health, Legal, Education, and Social Service Settings. For further information see http://www.terpsnet.com/crlink/
- July 13 to 31, 1998, Tucson, AZ. The Agnes Haury Institute for Court Interpretation. National Center for Interpretation Testing, Research and Policy. Modern Languages #67, Rm. 445, University of Arizona, Tucson, AZ 85721. Tel (520) 621-3615; fax (520) 624-8130; e-mail ncitrp@ccit.arizona.edu

NEW MEMBERS

(continued from page 11)

Pablo Salinas, Texas City, TX Sonia M. Santiago, Barrington, NJ Asghar M. Sayed, Baltimore, MD Christa M. Schaertel, Alexandraia, VA Valerii M. Schukin, Forest Hills, NY Hatem R. Shaaban, Los Angeles, CA Nadia N. Smith, Minneapolis, MN (Angela) Merie Spring, Brisbane, Queensland, Australia Zayda C. Stewart, Chicago, IL Gisela Sundahl, Woodland Hills, CA Izumi Suzuki, Novi, MI Susanne E. van Eyl, Brighton, MA Grazyna A. Vincunas, Longmeadow, MA Cristina Visus, San Francisco, CA Ruth A. Warner, Denver, CO Frank P. Wen, Woodside, NY Patricia N. Yengle, San Jose, CA Gerald Z. Young, Castaic, CA Zalman M. Zager, M.S., Monsey, NY Rafael H. Zamora, Ocoee, FL

NAJIT 1998 budget

Income			
Dues	61,700		
Advertising	150		
Workshops	6,000		
Bank interest	300		
Book sales	500		
Annual meeting	55,000		
Mailing list rental	150		
Subscriptions T-shirt sales	25		
Miscellaneous	600 500		
Miscellarieous	500		
Total income	\$124,925		
Expenses			
Management .	24,000		
Office supplies	300		
Telephone	3,000		
Postage	4,000		
Printing & photocopying	7,000		
Web site	1,000		
Conferences	2,500		
Gifts	300		
Accountant	1,000		
Lawyer	3,000		
Board expense Certification committee	6,000 500		
Publications	1,000		
Proteus	5,000		
Workshops	4,000		
1998 Annual Meeting	40,000		
1999 Annual Meeting	800		
2000 Annual Meeting	800		
Travel	200		
Refunds & bounced checks	500		
Bank fees	425		
Credit card fees	1,500		
Contract services	1,000		
Miscellaneous	200		
Total Expense	\$108, 025		
Total Surplus/(Deficit)	\$16,900		

SAVE THE DATES!



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19th Annual Meeting and Educational Conference

May 15 -17, 1998 Four Points Hotel Riverwalk North San Antonio, Texas

Preliminary Schedule

Pre-conference Workshops
Gala Opening Reception
Educational Sessions
Annual Meeting and Luncheon
Educational Sessions

Friday, May 15 (morning and afternoon sessions)
Friday, May 15 (6 - 10 p.m.)
Saturday, May 16 (all day)
Saturday, May 16 (12:30 - 2:00 p.m.)
Sunday, May 17 (morning sessions)

PLUS:

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NOTE: Members automatically receive conference information and registration materials. If you are not currently a member, please call NAJIT at (212) 692-9581, or visit our Web site (www.najit.org) to obtain complete conference information.

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Credentials:		
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ATA What language combina	tions?	
Dept. of State: Escort Se	eminar Conference	
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I was referred to NAJIT by	TOTAL CONTRACTOR OF	
Academic Credentials	111	
If you are a language instructor at a col	lege, please indicate which one:	
I am an interpreter \Box , translator \Box .		
I certify that the above information is correct as	nd accurate to the best of my knowledge and belief.	
Signature	Date	
	PAYMENT SCHEDULE	
Individual: \$75	Student: \$25	_ Institution: \$150
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