



# PROTEUS

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

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New York, NY

## FREELANCE INTERPRETERS MOBILIZE FOR RATE INCREASE

*NAJIT is supporting a letter-writing campaign to the Administrative Office of the U.S. Courts requesting a rate increase for interpreters who work as independent contractors in the federal courts. The fee has remained unchanged since 1991. Proteus reprints below the model letter drafted by Daniel Sherr that NAJIT is circulating to all federally certified interpreters, as well as other translator and interpreter organizations, urging them to write their own versions and send them to: **Robert Lowney, Chief, District Court Administration Division, 1 Columbus Circle NE, Washington, DC 20544.** Please send a copy of your letter to NAJIT headquarters by regular mail, fax or e-mail so a record can be kept of the number of letters sent.*

Dear Mr. Lowney:

I am writing to express my support for an increase in the rate paid to contract interpreters working in the federal courts, which has remained unchanged for eight years. I understand that, in response to a recent inquiry, Diane McCallum of your office stated, "We do recognize that a rate increase is due... We are going to recommend a rate increase, how much, I don't know." Ms. McCallum urged federal interpreters to communicate their views to you regarding this issue. As a federally certified interpreter, I agree that a raise is due and am delighted to know that your office does as well.

The purpose of this letter is to (a) advocate a fair rate increase which would, as a minimum, cover the increase in the cost of living; and (b) encourage your office to establish a mechanism that would prevent future rate disparities by ensuring periodic reviews. After eight years without any change in rates, the most compelling reason for an increase is equity and fairness for the freelance interpreter. The prompt implementation of a rate increase should at the very least compensate for lost purchasing power. Indeed, according to the American Institute for Economic Research (AIER), \$250 in 1991 was equivalent to \$299.08 in 1998. (Figures for 1999 are not yet available.)

Since Title 28, Section 1827 of the US Code stipulates that "the Director shall prescribe, subject to periodic review, a schedule of reasonable fees for services rendered by interpreters, certified or otherwise, used in proceedings instituted by the United States, and in doing so shall consider the prevailing rate of compensation for comparable service in other governmental entities," it is appropriate to review prevailing rates in other governmental entities.

### PREVAILING RATES (Federal and State)

An examination of different governmental entities providing interpreting services indicates that most have given some pay increase in the eight-year period from 1991-1999. In percentage terms, these increases have at times been substantial. Some entities, such as the Department of Justice, simply pay freelance interpreters more in absolute terms. Others pay hourly rates that allow interpreters who work a full day to make more than the federal full-day rate.

### The Federal Sector

#### *District Court Staff Interpreters*

Before evaluating the prevailing rate of compensation for comparable service in **other** governmental entities, it would be worthwhile to evaluate the prevailing rate in the **same** governmental entity, namely the federal courts. As you know, staff

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## Message from the Board

As we enter 1999, I would like to welcome two new members to the Board of Directors, Holly Mikkelson and Jeannette Bustos Gilhooly. I know that the Board of Directors is thankful that so many members of this association were willing to come forward as candidates. It is only through everyone's willingness to share their time that NAJIT will continue to grow and thrive. The first order of business is for this Board to elect its officers, set its goals and develop its work plan. As I stated in my first message, everyone's input in this process is critical to our organization. My long-term goals have been to increase communication and feedback from all members, to provide continuing education opportunities, and to identify the needs and wants of our membership. As a part of this effort I would like to see NAJIT's membership include interpreters of all languages, oral or signed. One way to achieve this is through our Annual Meeting and Educational Conference to be held at the Shelter Pointe Hotel and Marina in San Diego, California on May 14, 15 and 16. By now, everyone will have received the tentative conference program. Please look it over, make your plans and spread the word. If you are a member of a local organization or other associations that may be interested in advertising or attending our conference, please let us know. It is very important that information concerning this gathering be widely distributed. Everyone is invited to attend. I believe the conference has something to offer to all interpreters and translators working within the U.S. legal system. So, please join us in beautiful San Diego this coming May for the NAJIT Annual Meeting and Educational Conference to share, learn and network with colleagues from all over the country and the world!

Cristina Helmerichs D.  
Chair, Board of Directors

## WELCOME NEW MEMBERS

October 1, 1998 - January 31, 1999

3D Word Inc, Loganville GA  
Christine A. Aaron, Merced CA  
Mara L. Abraham-Cawthorn, Eustis FL  
Kirk C. Allison, Minneapolis MN  
Martin N. Anderson, Flushing NY  
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Ludmila R. Davis, Mahopac NY  
Maria E. De La Torre, Portland OR  
Graciela R. Delgado, El Paso TX  
Pei Wan DiCicco, Tacoma WA  
Diana Eugenia Doniz, Brooklyn NY

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## Freelance Interpreters Mobilize for Rate Increase

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interpreters have yearly cost of living increases. In addition, they receive regular increases as they move from step to step within their grade. Obviously, different staff interpreters have different starting salaries in light of their previous experience, but current rates show that staff interpreters in the G-30 grade have step increases of over \$3,000 (i.e., \$26,395; \$29,726, \$33,050, etc.). Furthermore, a step increase is usually granted yearly. In 1999, staff interpreters received a 3.5% cost of living increase. Had the freelance rate been increased by even 3% per year from 1991 to the present, the per diem rate this year would be \$317.

Freelance interpreters do not have the step increases their staff counterparts enjoy. Nor do they have annual leave or health insurance. They have no guarantee of steady work. Such arguments usually justify higher rates for freelance interpreters (and indeed, played a role in bringing about the rate increase in California, as indicated by the comments of Administrative Director of the Courts William C. Vickrey reproduced below). In our case, however, though we are considered independent contractors, we are not free to set our rates. And unlike our staff counterparts, in eight years, we have not received a single cost of living increase.

### *The State Department*

Current per diem rates for interpreters who have passed the seminar and conference examinations are \$260 and \$400, respectively. Interpreters provided by the State Department to the U.S. courts or the U.S. Attorney's Office in Washington, D.C. are paid at the seminar rate. Seminar interpreters working in the court system are not paid a half-day rate. Consequently, a seminar interpreter working a half-day in the courts will earn \$260, or \$125 more than his federally certified counterpart.

### *Other Federal Agencies*

Certified court interpreters do simultaneous interpreting at workshops and seminars organized by the Department of Justice, the DEA, or the US Department of Agriculture at rates of between \$400 and \$450/day. This federal agency market, combined with a flourishing private sector in the Washington D.C. metropolitan area, led one interpreter with extensive experience in the federal courts to comment, "I don't bother with the federal courts anymore. Why should I work for practically half the price I get in other federal agencies?"

### **The States: A Sampling of Various Courts**

The **California** state courts recently informed interpreters of their intention to raise the rates to \$250 statewide by this summer. (Until now, different pay scales have been in effect throughout the state.) The examples below demonstrate the magnitude of the increases received by **California** state interpreters between 1991 and 1999:

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<sup>1</sup>The State Department's policy of providing seminar-level interpreters (paid at a rate of \$260/day) in lieu of conference-level interpreters (paid at \$400/day) is certainly debatable. Indeed, in November 1987, the Federal Court Interpreter's Advisory Board, chaired by Sofia Zahler, researched the matter and in a report submitted to the Director of the Administrative Office, came to a diametrically opposite conclusion.

At the time, Spanish was the only language for which a federal certification exam was administered. The Board was called upon to determine the qualifications for "otherwise competent" or "otherwise qualified" interpreters, who would be paid at the same rate as the Spanish federally certified interpreters. To do so, it surveyed various organizations and institutions that prepare or employ interpreters, as well as several interpreters' associations, including the State Department Office of Language Services, the UN, the International Association of Conference Interpreters (AIIC), and the American Association of Language Specialists (TAALS).

Despite noticing many differences between court and conference interpreting, the panel "formed the opinion that good conference interpreters are easily trainable [for court interpreting]... Most of them adjust quickly and well to the court system." Consequently, the first requirement the Board established for aspiring court interpreters for the "otherwise qualified" category was that "they work as freelance conference level interpreters, under contract, for the Office of Language Services of the U.S. Department of State, or for the United Nations and related or similar agencies (or were employed by such agencies) which have examined them for relevant interpretation skills."

Freelance conference interpreters working for the State Department or the UN make substantially less than their counterparts in the private sector. Nevertheless, despite the Advisory Board's recommendation 11 years ago, the Administrative Office does not even pay anything remotely comparable to government conference-level rates.

<i>Place</i>	<i>Year 1991</i>	<i>Year 1999</i>	<i>% Increase</i>
<i>San Diego</i>	<i>133</i>	<i>250</i>	<i>88%</i>
<i>Sacramento</i>	<i>160</i>	<i>250</i>	<i>56%</i>
<i>Imperial Valley</i>	<i>120</i>	<i>250</i>	<i>108%</i>

Many state courts pay by the hour rather than the day or the half-day. Even where the per-hour rate may seem low, interpreters working trials with 7 or 8-hour days can equal or surpass the federal rates. **Colorado** state interpreters have been charging \$30/hour since 1990. The state's Chief Justice has just appointed a commission to start an interpreter certification program. A rate increase is anticipated this year. In **Minnesota**, each county sets its own rate. With fees ranging from \$40 to \$70 per hour, the state's 23 certified Spanish interpreters can easily make more than in the federal courts.

From 1991 to 1999, the freelance rate for the **New York** state courts increased by 56%. Pay rates for federally certified interpreters working in the **New Jersey** state courts are now equal to the current federal rate, and exceed it for the half-day (\$160) and overtime (\$50/hour) rates. Before 1995, rates in New Jersey varied from county to county. Although no rate information is available for the period prior to 1995, a study conducted by the Administrative Office of the New Jersey state courts in 1989 showed that the average rate in New Jersey in 1987 was \$46 for a half-day and \$74 for a full day. In the ten years from 1987 to 1997, rates in the Garden State more than tripled. In **Fairfax County, Virginia**, state or federally certified court interpreters working in the Circuit Court Criminal Division earn \$70 an hour, with a 2-hour minimum and a \$300/day maximum.

The above statistics refer to Spanish-language court interpreters working in the state courts. However, uncertified interpreters of other languages charge much more. A human resource analyst in the Colorado courts reported that Mandarin interpreters there charged up to \$85/hour. An interpreter coordinator in an East Coast federal court recently commented that the Spanish interpreters were a "bargain" compared to uncertified interpreters of other languages who charged in excess of \$70 an hour.

### **The State Court-Federal Court Gap**

In all state courts surveyed, there was agreement that the federal court certification exam is more rigorous than either the local state exam or the exam designed by the National Center for State Courts. Consequently, most state courts accept federal certification in lieu of their own. Federal interpreter rates used to be commensurate with the greater degree of competency tested by the federal exam. The New Jersey court survey (see above) revealed that in 1987, when the federal courts were paying \$210, the average high rate for state courts was only \$113/day. In ten years, however, state court rates have caught up to the federal rates, and in some cases, surpassed them. The federal Spanish exam is still considered more rigorous than its state equivalents, but this difference is no longer reflected in prevailing rates of compensation.

### **Stagnating Wages Equal Undervalued Work**

America today has the most dynamic, competitive, job-creating economy in history. Nevertheless, during America's longest peacetime economic expansion, with wages rising at more than twice the rate of inflation, rates for certified contract interpreters working in the federal courts have not risen at all in absolute terms, and have dropped in relative terms. The federal government's failure to enact an increase in rates for contract interpreters over an eight-year period would seem to indicate that our work is undervalued and underappreciated.

### **A Demanding Profession**

It is perhaps necessary to underscore what for many is common knowledge: interpreting is a very demanding profession.

- Tatiana Konowicz has examined stress in simultaneous interpreting and concluded: "The data indicate that simultaneous interpreting [SI] requires allocation of considerable effort as measured by cardiovascular activity... At present, it can be said that SI is indeed an effortful task. The workload and the high external demand for successful performance

may constitute a **health risk factor**...The question arises as to why people take up this **hazardous occupation** [emphasis added]."

- In California, Administrative Director of the Courts Vickrey justified the California Judicial Council's support for a \$250 rate statewide by mid-1999 in these terms: "This is a long overdue step toward ensuring the availability of the skills of a **highly demanding profession** that are essential to our system of justice. This [rate] increase is not a complete or perfect solution for meeting the needs of the public courts and interpreters, but it is significant progress. It is a critical but necessary step in an effort to establish uniform rates that fairly compensate those **highly skilled professional interpreters as contractors who do not receive benefits or a guarantee of daily employment** [emphasis added]."
- Dr. Humphrey Tonkin of the University of Hartford put the issue into sharp focus in *The Economics of Language Use*: "Given that the world speaks many languages, and given that communication among language groups is increasingly important... we must ask ourselves how much, materially and intellectually, we are willing to pay to enhance communication. At the same time, we must also ask ourselves how much we are willing to pay for not enhancing communication."

The price that the federal judicial system will pay for not enhancing communication may prove to be surprisingly high.

### THE CASE FOR PERIODIC REVIEW

The U.S. Code indicates that the schedule of interpreters' fees shall be "subject to periodic review." Ms. McCallum recently confirmed that no periodic review mechanism is currently in place. However, such a mechanism is necessary to avoid a repetition of the current crisis, where staff rates within the federal court system, rates paid interpreters in other governmental entities, and the cost of living itself have outstripped per diem rates for federal freelance court interpreters.

In response to an earlier request for a review of per diem rates, the AO claimed a lack of difficulty in finding available certified interpreters as grounds for denying a rate increase. Nevertheless, periodic reviews of fee schedules, taking into consideration rates for comparable services in other governmental entities, should not be linked to interpreter availability. They are the course of action mandated by the U.S. Code, and, we believe, would help to ensure consistently fair rates.

#### History of Rate Adjustments

In the past, rates rose in increments of \$35 and \$40 approximately once every four years. In 1991, the 1987 rate of \$210 was raised to \$250. Nevertheless, even then, the rate increase did not keep up with inflation, as the following graph demonstrates.

<i>Year</i>	<i>1987</i>	<i>1991</i>
<i>Federally certified rate</i>	\$210	\$250
<i>Value of \$210 in 1987 constant dollars (AIER)</i>	\$210	\$251.78

Since one \$40 and one \$35 rate increase were granted over four-year periods in the past, and two four-year periods have now elapsed, a \$75 increase (bringing the rate to \$325) merits consideration. Even an increase of \$50 would only compensate for the rise in the cost of living registered over the last eight years.

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<sup>2</sup> *Bridging the Gap: Empirical Research in Simultaneous Interpretation*, John Benjamins Publishing Company, 1994.



Today, federally certified court interpreters are not just treading water; we are being pushed backwards. AIER statistics show that \$250 in 1998 is equivalent to \$209 in 1991 dollars. In 1999, this sum is worth even less. In real terms, it is as if the clock had been turned back to 1987, when the federal certified rate was set at \$210. A rate increase and a mechanism for periodic review, as mandated by the Code, should go hand in hand. If, for example, a rate increase of \$50 were to be approved this year and no rate review mechanism were in place, by the year 2000 interpreters would once again be earning less in real terms than in 1991.

In fiscal year 1997, freelance certified Spanish interpreters worked at more than 30,000 proceedings, almost a quarter of all foreign language proceedings throughout the U.S. court system. It seems paradoxical that the very justice system in which interpreters are so important a link should not think it advisable to establish just and equitable rate increases. And yet the data compiled above make it patently clear that the compensation paid federally certified court interpreters, the most qualified judicial interpreters in the country, is at times equal, and sometimes less than that paid in many state courts, and lower than the rate paid by other federal agencies. While rates for interpreters doing comparable work for other governmental entities have increased, per diem rates for federally certified interpreters have stagnated. I believe a rate increase is overdue and should be promptly implemented.

Thank you for taking the time to consider these views. I look forward to your positive response.

## IDAHO INAUGURATES STATE CERTIFICATION

Mirta Vidal

In an unprecedented move, a joint committee of state and federal courts has been created in Idaho to deal with interpreter issues, according to Cameron Burke, Clerk of the U.S. District Court for the District of Idaho. A February 23 news release announcing that six candidates have passed the exam administered by the Consortium for State Court Interpreter Certification proclaims that "now for the first time the Idaho Supreme Court and the United States District Court have certified court interpreters to facilitate translation and interpretation of court proceedings." Idaho is the twelfth state to join the consortium. The testing, obtained with a \$30,000 appropriation by the Idaho Legislature, was preceded by training workshops, which more than 100 interpreters attended last year, according to the news release.

In a telephone interview, Mr. Burke confirmed that the U.S. District Court "will certainly use" the newly state-certified Spanish interpreters, since no one in Idaho has ever been able to pass the federal certification exam and it is "not cost-effective to fly people in" for proceedings involving Spanish-speaking litigants. Proceedings requiring interpretation in other languages have apparently merited the expense, since Mr. Burke cited the example of a trial for which Hmong interpreters were brought from out of state.

Asked about the difference between the federal exam and the consortium test, Mr. Burke explained that the exam designed by the University of Arizona's National Center

for Interpretation Testing, Research and Policy--the only credential offered by the federal courts since the Court Interpreter Act requiring certification went into law two decades ago--is more rigorous and very hard to pass. The question, he added, is "Do we need that level of competency in most court proceedings?" Mr. Burke acknowledged that interpreted proceedings in the Idaho federal courts include trials, but insisted that the interpreters newly certified by the consortium's state exam are more than adequate for the task. "We've been using them for years and we've never had a problem," he asserted.

According to Mr. Burke, per diem interpreters who are not federally certified are paid \$125 per day by the federal courts.

***Time Is Running Out!***  
**Register Now**  
**For NAJIT's**  
**20th Annual Meeting**  
**&**  
**Educational Conference**

*See page 15 for more information.*

**Editorial****Idaho Points the Wrong Way Forward**

The training and testing now offered to interpreters who work in the Idaho state courts is a positive development that will hopefully improve the quality of language services provided to those who go before those courts. As such, it should be lauded and supported. But what seems on the surface like good news has a troubling underside: the announcement by the Idaho U.S. District Court of its intention to use those newly certified by the consortium test in lieu of federally certified interpreters.

Since the enactment of the Court Interpreters Act of 1978, which mandated that interpreters working in the federal courts be tested for competency, the only certification recognized by the Administrative Office of the U.S. Courts has been the one it offered, now administered by the University of Arizona. The fact that no one in Idaho has been able to fulfill that requirement is no excuse for the federal courts to now adopt lower standards for determining interpreter competency. Even though some 700 candidates nationwide have passed the exam that U.S. District Court Clerk Cameron Burke considers "too hard," many states must still rely on flying in interpreters from neighboring areas to comply with due process requirements, and they do so. To say that a much less rigorous exam--meant more as a screening device than a performance measure--is acceptable because providing federally certified interpreters "is not cost-effective," is to flout the law and the rules set by the very administration for which he works.

Most disturbing, however, is Mr. Burke's questioning "whether we need that level of competency for most court proceedings," among which he admits are trials. Even its creators are quick to point out that the exam only tests the *minimum level* of proficiency that a person must have to perform this highly demanding and specialized work. If Mr. Burke, for the sake of expediency, can set himself up as the arbiter of the "level of competency" that federal court interpreters must have, what is to stop every other local court administrator from doing the same? Why give a rigorous exam at all, if a screening test with much lower standards can give courts the cover they need to claim that the interpreters they contract are sufficiently qualified? And why would aspiring interpreters strive for the excellence that the federal certification exam demands, if in some states, the highest paying courts will not require that credential?

The example set by the Idaho federal court should be repudiated by all those who defend the due process rights of non-English speaking litigants.

**NEW MEMBERS**

*(continued from page 2)*

Allendy Doxy, Cape Coral FL  
 Angelika Duffy, Pembroke Pines FL  
 Bente Eilertsen, Portland OR  
 Isabel A. Fierros, Phoenix AZ  
 Gregory J. Figaro, Milton Village MA  
 Florida A&M University, T&I Studies, Tallahassee FL  
 John F. Furey, Nashua NH  
 Cynthia Garcia, Seaford NY  
 David R. Gervino, Tulsa OK  
 Elena Goldis, Alpharetta GA  
 Judith E. Grasberg, New Brunswick NJ  
 Haard Translating Services, Miami FL  
 Lynn S. Hallett, Portland ME  
 George M. Hanna, Staten Island NY  
 Nilba T. Hansinger, Cape Coral FL  
 Julia Ho, Los Angeles CA  
 Housing Authority of the City of Los Angeles

JJ Translation PLUS, Boston MA  
 Karoleanne King, Wilmington DE  
 Linguistic Consulting Enterprises, Inc., Tucson AZ  
 Maria Lozano, Albuquerque NM  
 Susan A. Martino, Alexandria VA  
 Gabriela Meilij-Romero, Winthrop MA  
 Tsuruko I. Moenckmeier, Orlando FL  
 Virginia E. Moore, Capitola CA  
 Larry G. Moreno, Salina KS  
 Samuel A. Moreno, Irving TX  
 Rosalinda Negrón, M.D., Philadelphia PA  
 Sean C. O'Rourke, Princess Anne MD  
 Young J. Park, La Canada CA  
 Lourdes B. Pearce, Mount Vernon WA  
 Kathleen Penney, Tempe AZ

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# Is Court Interpreting Finally Coming of Age in Europe?

Holly Mikkelson

Europe is widely recognized as the birthplace of conference interpreting, home of the finest interpreting schools in the world, and a haven where interpreters enjoy high status and favorable working conditions. For this reason, interpreters around the world look to their European colleagues to set the standards of the profession. One would expect, therefore, that European judiciary interpreters would be similarly privileged compared to the rest of us.

Sadly, this is not the case. In fact, the profession is far more developed in North America and Australia, where interpreters are required to pass proficiency exams if they wish to work in the courts (if not in every jurisdiction, at least in a growing number of them). While the right to an interpreter is guaranteed in the European Convention on Human Rights, there has been a tremendous disparity in the way different countries apply that provision.

For a variety of reasons, including (a) the civil law tradition prevalent in Europe gives priority to written rather than oral proceedings; (b) until very recently Europe was a land of emigration rather than immigration, and (c) multilingualism is so common that it is assumed foreign defendants can always be assigned defense counsel who can communicate with them, European justice systems have not paid a lot of attention to the needs of litigants who do not speak the official language of the courts. New developments are changing this picture, however: immigration from non-European countries is on the rise; the expansion of the European Union has focused more attention on language rights; and many national court systems are undergoing reforms due to factors such as the breakup of the Soviet Union, compliance with EU norms, and domestic politics. In any event, local court systems are having trouble keeping up with the demands of the new multilingual environment.

One consequence of these changes is that legal translators (known as sworn translators in many countries) are being asked more frequently to work as interpreters in oral proceedings. Professional associations, responding to the concerns of their members, are beginning to examine the situation and look for solutions. For example, the proceedings of the Third International Forum of Legal and Specialized Translation, held in Krakow in 1996, reveal some of the problems that have arisen. Szkodzinska (1997) points out that in Poland, legislation passed in the mid-1980s provides for sworn translators to be appointed for

non-Polish-speaking litigants, but to become a sworn translator one merely has to show proof of "command of a foreign language," which is "proved by a graduation diploma in the appropriate philologies or applied linguistics." Nowhere does the law even require any test of translation skills, let alone interpreting skills.

In the same proceedings, Martonova (1997) reports good and bad news in the Czech Republic. The good news is that remuneration for court interpreters was increased several times above the "peanuts" formerly paid, and that a one-year program in court interpreting has been instituted at the Law School of the Charles University in Prague (in German and English). Plans called for a state-sanctioned examination to be administered to attest to graduates' interpreting skills, and anyone wishing to work in the courts in German or English would have to show proof of having passed this exam. The bad news is that, as is the case in so many other jurisdictions introducing certification exams, the existing roster of court interpreters will be used until the new program is fully in place. Martonova laments that there is a "Catch 22": The state (complacently?) assumes it has qualified, recognized, experienced, court interpreters. Where do they come from? Well, from the official rosters. How do they get on the rosters? Well, they are appointed. By virtue of what are they appointed? Well, by virtue of being highly qualified, recognized, experienced, etc. How do you know they have all those qualities? Well, they are on the rosters, aren't they?

A similar plight is reported by Manganaras (1997) of Greece: the law does not impose any standards or qualifications for court interpreters, nor does it introduce any mechanism for qualifying them as such. It does not provide for any list of interpreters kept by the court from which the selection shall be made; it simply authorizes the judge or the investigator to find someone who may be able to perform the duty of such interpretation and leaves it at his discretion. In other words, the court interpreter can be anyone.

Manganaras goes on to say that "[t]he official tariff is so low for Greek standards, as to effectively render court interpreting volunteer work"; the rate amounts to about US \$10.00 per day. As a result, not surprisingly, the courts have trouble finding qualified interpreters. What follows is an inimitable description of the situation (reproduced here exactly as it appears in the proceedings): "How can



then interpreters be found? Although there is no relevant legal provision, the Court Secretariat, for his own convenience draws up an unofficial list of people who have asked to be included on the list, trying to select for each particular trial one of them, but without success. With the exception of a very few idle or desperate, who live not far from the Courthouse, the majority of the potential interpreters refuse to come. Why they ask for their name to be included on the list is a question for which no logical answer can be given. They are probably people who thought that volunteerism is fun, until they discovered that that is not the case. The Court Secretariat resorts then to the good will of the foreign Embassies, asking them to send their own interpreter or translator, sometimes with some results. ... Western European Embassies do not respond, obviously not caring about their criminals, leaving them interpreting-wise unprotected in the hands of St. Jerome. After having failed to receive help from the foreign Embassies, the Court Secretariat will then take anything ... A policeman who happens to speak some English, a waiter who once worked in Germany, a Philippino mariner working on Greek ships, ... Often the translator is 'caught' the same day of the trial 'on the spot': a witness of another case awaiting his trial in the Courtroom ..."

By comparison, circumstances in the United States look fabulous. To be sure, these papers were presented in 1996, and the writers expressed guarded optimism about the future. Another conference on legal translation and interpretation was held in Graz, Austria, in November 1998, and some of the same participants provided progress reports. In addition, court interpreters from Spain, Italy, Austria, Germany, Belgium, France, and the United Kingdom discussed conditions in their countries. The proceedings of that conference have not yet been published, but in general the reports were discouraging. Court systems in European countries appear to be overwhelmed by the rising tide of immigration, and in most language combinations they are still resorting to unqualified interpreters recruited on an ad hoc basis. A few valiant efforts at training are occurring here and there, and interpreters in the U.K., Austria, and Germany are winning some measure of recognition, but progress is slow. The problem is particularly critical in the so-called languages of limited diffusion, but even in major languages such as German and French, in which qualified interpreters abound, the courts are rarely willing to pay enough to attract trained professionals. One interpreter noted that judges and attorneys who understand the language of the defendant or witness, however inadequately, will grow impatient with incompetent

interpreting and simply conduct the proceedings in the other language, or attempt to interpret themselves, rather than trying to find a more qualified interpreter.

As a result, many established conference interpreters refuse to work in the courts and regard anyone who accepts such assignments as undermining the hard-won working conditions prevailing in the conference market. Not all conference interpreters share this attitude, however. The three members of the Court Interpreting Committee of the Association Internationale des Interprètes de Conférence (AIIC), Christiane Driesen, Ruth Morris, and Liese Katschinka (all conference interpreters who do court work as well) recognize that the only way judiciary interpreters will gain equality and uphold high standards is with the support of veteran conference interpreters. For the past 10 years, the Committee has been organizing seminars for AIIC members to inform them of the nature of court interpreting and to emphasize the similarities between the two types of interpreting. They hope that in this way, conference interpreters will be encouraged to accept judiciary interpreters as colleagues and make common cause with them rather than turning their backs, thereby exacerbating the disparities in working conditions.

At a recent meeting of the AIIC Council in Berlin, the Court Interpreting Committee invited me to give a presentation on the current situation of the judiciary interpreting profession in the United States. I must confess that I projected the images through a rose-colored filter, emphasizing the rigors of the federal certification exam, the proliferation of training programs, the academic research now focusing on forensic interpreting, and efforts by NAJIT and other organizations to make team interpreting a requirement and improve working conditions in general.

My objective was to show the conference interpreters that we support their high standards wholeheartedly and do not want to undermine their efforts in any way, and I think I succeeded. Many of them were unaware that court interpreters are expected to be very proficient in simultaneous interpretation in the U.S., and that the entire proceedings must be interpreted, no matter how technical or complex (in most of Europe, consecutive summary interpreting is still the norm in the judiciary). I was able to clear up some misconceptions about the role of the interpreter in the U.S. criminal justice system, and I pointed out that although our rates are still well below theirs, we are striving mightily to raise them. Furthermore, whereas freelance conference interpreters expect to work an average of 100 days a year, court interpreters in strong markets can work 250 days a year, thus bringing their annual incomes

much closer to that of AIIC members. They were pleased to hear about new initiatives to train judges and attorneys on working with interpreters, and one colleague remarked that AIIC should make a similar effort toward client education.

In conclusion, I reminded the interpreters that a stratified profession is a weak profession, and I expressed the hope that some sort of alliance could be forged so that the two branches of the profession would work in concert rather than at cross-purposes. Of course there were some skeptics in the audience, but I think that the persuasive arguments of Christiane Driesen and Liese Katschinka from within

AIIC, and my perspective from across the Atlantic, overcame much of the mistrust, resentment, and—to be honest—snobbery that had characterized conference interpreters' attitude toward court interpreting. The time is ripe for collaboration between court and conference interpreters, and I hope NAJIT will seize this opportunity. I believe that in AIIC we will find a most willing partner.



## Items of Interest

### Welcome ATA Interpreters Division

The Interpreters Division submitted its bylaws and was approved by the Board as an ATA division at its meeting of Nov 7-8, 1998 (ATA Chronicle, 27.11:7).

## Calendar

**April 22-25, 1999. Madrid, Spain.** Expolingua: Exhibition for Language, Culture, and Communication. Address: Expolingua, Guzmán el Bueno 99, 1a. planta. E-28015 Madrid.

**April 28-30, 1999. Havana, Cuba.** Centro Nacional de Conservación, Restauración y Museología: Segundo Encuentro de Traductores e Intérpretes Iberoamericanos y Caribeños. For information write to Leo Fontana at: cuba@gamma.aei.ca

**May 12-15, 1999. Vic, Spain.** Training Translators and Interpreters: New Directions for the Millenium. For information write to Teresa Julio at: tjulio@cesca.es or tjulio@uvic.es

**May 14-16, 1999. Shelter Pointe Hotel and Marina, Shelter Island, San Diego, CA.** Twentieth Annual Meeting and Educational Conference of the National Association of Judiciary Interpreters and Translators. Address: NAJIT, 551 Fifth Avenue, Suite 3025, New York, N.Y. 10176. E-mail: headquarters@najit.org

**June 3-5, 1999. Sherbrooke (Quebec).** Twelfth Congress of the Canadian Association for Translation Studies.

Address: Prof. Denise Merkle, Dept. of Translation and Languages, Univ. of Moncton, Moncton, NB E1A 3E9, Canada. E-mail: merkled@umoncton.ca

**June 28-July 1, 1999. Birmingham, U.K.** Fourth Biennial Conference of International Association of Forensic Linguists. E-mail: S.A. Blackwell@bham.ac.uk

**August 6-10, 1999. Mons, Belgium.** International Federation of Translators World Congress. Address: FIT 1999 Congress, Ecole d'Interpretes Internationaux, 17 avenue du Champ de Mars, B-7000 Mons, Belgium; e-mail: fit99@writeme.com (<http://www.fit.ml.org>)

**August 30-September 3, 1999. Bolzano, Italy.** 12th European Symposium on Language for Special Purposes: LSP '99--Perspectives for the New Millenium. The focus of the symposium will be on language and the law. Address: LSP99@eurac.edu or <http://www.eurac.edu/LSP99>

**October 1999. Castella de la Plana, Spain.** Universitat Jaume I Fifth Translation Studies Conference: Audiovisual Translation in the 21st Century. Address: agost@trad.uji.es or chaume@trad.uji.es

**November 3-7, 1999. St. Louis, Missouri.** Regal Riverfront Hotel. Conference of the American Translators Association. Address: ATA, 1800 Diagonal Road, Suite 220, Alexandria, Virginia 22314. E-mail: 73564,2032@compuserve.com

**April 28-30, 2000. Manchester, England.** University of Manchester Institute of Science and Technology. Research Models in Translation Studies. Address: Departmental Events Secretary, Dept. of Language Engineering, UMIST, P.O. Box 88, Manchester, M60 1QD, United Kingdom. E-mail: mona@ccl.umist.ac.uk

## NO PICNIC, BUT BETTER THAN TWO WEEKS IN THE GULAG

Laura E. Wolfson

Imagine the following scene: you are interpreting at a probation interview with a Russian-speaking defendant.

"Were you ever incarcerated in your home country before you came to the United States?" asks the probation officer.

"No," the defendant replies, looking boldly back at the officer.

The former is seated with his hands folded on the table in front of him, across from the probation officer. The officer's gaze drops to the interviewee's hands, where he sees a tattoo in the Cyrillic alphabet. "Magadan," you read silently. Your heart gives a little jump.

"What does that say on your hand?" inquires the probation officer idly, squinting at the cryptic letters.

"Magadan," replies the defendant.

"What is Magadan?"

You are from the old Soviet Union, though you've been in the West so long that the world order has changed several times since you've been here. Magadan embodies some of the very reasons you changed hemispheres. You know Magadan as one of the most feared penal institutions in the system called the Gulag, which housed millions of common criminals as well as political prisoners.

A shiver runs down your spine as you look at the faded dark green inscription across the veins on the man's hairy hand. You imagine snowy, wind-scoured wastes, rations of dried bread and watery gruel in dented tin bowls. The name Magadan is as familiar to you as Sing-Sing or Attica is to the average American. The emaciated prisoners dragged heavy loads through ice and mud in a desolate corner of the Russian Far North, eleven time zones east of Moscow.

You assume an expectant pose, pen suspended over your pad. What will the defendant say?

"Oh," he answers, "it's a Russian resort on the Black Sea. I got this tattoo when I was there on a summer vacation, back when I was young." He smiles, as if basking in pleasant recollections of golden sands and gentle sea breezes. Your knowledge of Russian slang tells you that among convicts, "resort" has a second meaning—"prison."

What do you do? Are you duty-bound to share your cultural knowledge with the probation officer?

We Russian interpreters, unlike our Spanish-speaking colleagues who constitute the majority of NAJIT's

members, rarely have the opportunity to gather together in language-specific groups to debate this sort of issue and perfect our craft in other ways. One does not have to look far for the reason: over ninety per cent of interpreted judicial proceedings involve Spanish. Russian is not even a distant second on the list of languages.

And yet, Russian is becoming an ever more important language in the world of interpreted judicial proceedings, as indicated by an unprecedented event in the interpreting community: this past January the federal court in the Southern District of New York sponsored a two-week training course for Russian court interpreters, at which conundra like the one above could be discussed at length and with feeling. (Incidentally, there was initial disagreement on how an interpreter should handle this situation, but following consultation with a judge, the instructors concluded that the interpreter should remain silent.)

The course was organized and funds to cover all associated costs were secured by the indomitable Nancy Festinger, Chief Interpreter for the Southern District of New York. How she was able to convince the black-robed colossi of the court that raising the quality of Russian interpretation and increasing the pool of qualified, available Russian court interpreters justified an outlay of ten thousand dollars, is a mystery.

But we do know this: Russian judicial interpreting is a growth industry. The recent trial of a Russian-speaking woman who, with the help of her cousin, chopped her husband into dozens of pieces and disposed of them in numerous garbage bags in a river in New Jersey has convinced many of this. Ditto the case of Yaponchik, a well-known Russian crime figure who stated with a straight face after his arrest for extortion last year that his primary activity in New York was writing children's books. According to one of the course instructors, Russian "guest artists," i.e., criminals who come here on a temporary basis (as opposed to the more settled, émigré criminal) now consider a U.S. prison term—preferably a brief one, to be sure—as prestigious an entry on their résumés as an MBA from the Wharton School is for up-and-coming entrepreneurs.

Crime among Russian-speakers in America has come a long way since the old days when émigré pickpockets opened freshly-filched wallets only to find them empty of cash and full of credit cards, whose use the new arrivals

could not fathom, leading them to toss aside their haul in disgust.

The seventeen select Slavists who started off the new year by attending this course were chosen from a pool of fifty applicants from in and around the New York area. The geographic factor was a crucial one, as graduates of the course will be— in fact already have been— called upon to interpret in the courts in Manhattan, often on extremely short notice. The first stage in the selection process involved submission of résumés. Those who made the first cut were called in to take a tape-recorded test covering consecutive and simultaneous interpretation.

The resultant roster of Russophones was diverse in age and experience, from interpreters with decades of high-level and conference experience to talented neophytes. The class brought together thirteen native Russian speakers, three native English speakers and a solitary fearless Pole. Participants included a staff interpreter from family court, (all the others were freelancers), an interpreter who also does Hebrew (and doubles as a certified massage therapist), a graduate of the Monterey Institute's Russian interpreting program, a sign language interpreter, a poet, a Ukrainian translator who is also conducting a one-man crusade to standardize the English translations and transcriptions of Russian and Ukrainian geographic designations, an erstwhile professional pianist, and a sprinkling of present and former college English instructors.

The lucky linguists benefited from the wisdom of two seasoned Russian interpreters who served as their primary instructors, the Oxbridge-accented Valerii Schukin, formerly on the faculty of the Minsk Institute of Foreign Languages, and the dryly humorous Andrew Taroutz, who interprets in diplomatic as well as judicial settings. These two were spelled by an astonishingly varied lineup of guest speakers. Among the latter were two federal judges; a linguist/former dissident who is now an editor and crime reporter at *Novoye Russkoye Slovo* (a Russian-language daily newspaper published in New York); the author of a four-volume dictionary of Russian criminal slang (who, when asked how he gathered slang words for his dictionary, replied nonchalantly, "Oh, my sources generally call me collect from prison!"); the top-ranking FBI Russian linguist in New York, a deputy chief assistant U.S. attorney; a lawyer from the office of the federal defenders; and two members of the FBI Russian organized crime squad.

The latter were of particular interest to the author of this article, an American-born interpreter of Russian, for they provided hard-to-find historical and cultural background about Russian organized crime going back to the last century, and described how crime traditions have

changed with the collapse of the Soviet Union.

The atmosphere in the class was rambunctious and collegial. In terminology sessions led by Andrew Taroutz, the participants discussed such issues as the correct Russian renderings of terms of art: verdict, lawyer, grand larceny, beyond a reasonable doubt, evidence, arguments, Mirandize, money-laundering (rendered memorably under pressure - how else does an interpreter ever render anything? - by one participant as "money bleaching"), letters rogatory, speedy trial exclusion, subpoena, background check, deposition, affidavit, stipulation, probation officer and essential colloquialisms such as tramp and deceived husband.

The seminar was held in a courtroom, which lent an air of verisimilitude to the proceedings. During frequent sessions of simultaneous practice, the decibel level gave a deceptive impression of chaos. While one person (often one of the three native English speakers) read out various specimens of judicial boilerplate such as an advisement of rights or the judge's instructions to the jury, the remaining sixteen participants scattered to far corners of the room and whispered into tiny tape recorders all at the same time - giving a whole new meaning to the term "simultaneous interpretation."

During consecutive practice, the witness stand came in handy. One person played the witness, another interpreted, while the rest took notes assiduously and afterward provided copious commentary on the strong and weak points (mostly weak points, actually) of each interpreter's performance, from a mistranslation of "prickling sensation" as "acu-puncture" to mention of a woman who underwent surgery to have her uterus "cut off."

One session, taught by Valerii Schukin, was devoted to the subject of tape transcription in all its complexity: what equipment is the most appropriate for this task; conventions for indicating inaudibility; whether to attempt to identify speakers (don't); how to transcribe various sounds, such as knocking, clicking and slamming; what to do when several languages are spoken on the tape and you know only one or two of them, and so on. All this was punctuated with humorous true-life tales; for example, on one wiretap the suspect said, "Isn't it great that we're not in Russia any more and we don't have to worry about the police listening in!" And an excited flurry of telephone calls picked up by a bug as a group of suspects went down their informal phone tree to leave the message: "Come over to Sasha's at eight tonight, we're watching 'The Godfather!'"

The final session was devoted to how to market one's services. While not directly related to court interpreting,

this is a subject of perennial interest to all self-employed people. Valerii shared pointers gleaned from decades in the business and a Dale Carnegie course in salesmanship. Subjects covered included cold calling, résumé, business card and brochure design, and not despairing when work diminishes to a trickle.

The course graduates (all of whom took an exit exam) went away loaded with numerous glossaries and other reference materials. Among the loot was the Russian tape set for the ACEBO court interpreting course— a truly lavish gift from the courts to each participant— and an annotated bibliography several pages long.

The crucial question on everyone's lips was: would the participants receive more work as a result of clearing our calendars for two weeks in order to take the course? The answer became abundantly clear during the lunch break on the very first day, as the instructors began approaching attendees with offers of assignments, both in translation and interpretation. We had been sternly advised at the outset that anyone absent for more than five hours during the two weeks would not receive a certificate of completion; however, several participants were pulled from the class and assigned by the course organizers to interpret at court proceedings, and of course they were not penalized for carrying out these tasks. Which simply goes to show those who pooh-pooh continuing education as hopelessly irrelevant and out of touch with marketplace concerns, that the people who put this course together were not only serving the needs of the court by providing a larger pool of qualified Russian interpreters; they were also serving the needs of those same interpreters in the most immediate and tangible way, by helping us pack our calendars with interpreting dates and increase our accounts receivable.

The course ended with a swanky champagne reception, courtesy of NAJIT, attended not only by course participants and instructors but by a delegation of European interpreters from the Association Internationale des Interprètes de Conférence, visiting the U.S. to learn about court interpretation. Apparently the members of this august body felt that they, too, had something to learn about interpreting from the federal court of the Southern District of New York.



## Translation Studies in Colombia: Graduate Programs

- *Escuela de Ciencias del Lenguaje, Universidad del Valle, Cali.* Specialist in Translation.  
(<http://www.univalle.edu.co/~eslengua/programas/traduccion.html>)
- *Escuela de Idiomas, Universidad de Antioquia, Medellín.* Specialist in Translation.  
(<http://www.udea.edu.co>)
- *Newport University at Cartagena.* Translation Studies at the masters and doctorate levels. Contact: Juan Castro, [newportu@colomsat.net.co](mailto:newportu@colomsat.net.co).
- *Facultad de Ciencias Humanas, Universidad Nacional de Colombia, Bogotá.* Es pecialización en traducción español-inglés o español-alemán  
(<http://www.unal.edu.co>)
- *School of Modern Languages, Politécnico Colombo Andino, Bogotá.* Especialización en Técnicas de traducción inglés-español  
(<http://www.polcolan.edu.co>)
- *Universidad de los Andes, Bogotá.* The Department of Modern Languages, School of Social Sciences. Specialist in Translation.  
(<http://www.uniandes.edu.co>)
- *Colegio Mayor de Nuestra Señora del Rosario, Bogotá.* The French Language Institute offers a program in Spanish, French and English translation  
(<http://www.urosario.edu.co>)

In Colombia, the *técnico* or *tecnología* o *tecnológico* degrees are undergraduate three-year programs. A *licenciatura*, almost always to train teachers, takes four years. The three rankings at the graduate level are: Especialización: 3 semesters; Magister: 4 semesters, and Doctor: 4 to 5 years.

*Proteus* thanks Guillermo Alberto Cortés Tapias for the above compilation. E-mail: [mery@angel.ut.edu.co](mailto:mery@angel.ut.edu.co)

# Report of the Election Committee

Alee A. Alger-Robbins, Chair

On December 7, 1998, each NAJIT member in good standing was mailed a secret ballot for the election of two members of the Board of Directors, to serve two-year terms, along with biographical information about the seven candidates for office, which was also published in the fall 1998 issue of Proteus. The ballots were to be returned postmarked not later than December 31, 1998. 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.

874 ballots were mailed. A total of 404 ballots were returned, of which 335 were valid and 69 were invalid. The 335 valid ballots tallied as follows:

Holly M. Mikkelson	193
Jeannette Bustos Gilhooly	112
Ana-Cecilia Rosado	105
José L. Varela-Ibarra, Ph.D.	81
Fritz G. Hensey, Ph.D.	75
Dr. Alexander Rainof	64
Myrna L. Wallace	31

The candidates receiving the largest number of votes were Holly M. Mikkelson, of Spreckels, California, and Jeannette Bustos Gilhooly, of Dover, Massachusetts.

NAJIT extends its gratitude to Ana-Cecilia Rosado, José L. Varela-Ibarra, Ph.D., Fritz G. Hensey, Ph.D., Dr. Alexander Rainof, and Myrna Wallace for their willingness to serve.

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

February 26, 1999

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## NEW MEMBERS

(continued from page 7)

Leonard Polis, Philadelphia PA  
Marcia H. Resler, Phoenix AZ  
Elsa B. Rivera, Los Angeles CA  
Alessandra Rober-Christensen, Miami Beach FL  
Monica Saperstein, Staten Island NY  
Elsa M. Sebastiao, Baltimore MD  
Shiue-ching Shee, Chia-yi Taiwan  
Tina Sofia, Philadelphia PA  
Javier A. Soler, San Juan PR  
Superior Court of Arizona, Pima County, Tucson AZ  
Amy Y. Szal, Westport Point MA  
Kuddy S. Thomas, Seaman OH  
Sunetr Tokahuta, Los Angeles CA  
Nara Venditti,, Bridgeport CT  
Roman Volsky, Ellicott City MD  
Michelle Wang, Phoenix AZ  
Mireya GuerraWhitaker, Mt. Sterling KY  
Amy G. Williamson-Loga, Saipan MP  
Pauline Wimmer, Miami FL  
Woyno and Associates, Inc., Minneapolis MN  
Jennifer M. Yamazawa, Durham NC  
Sylvia Zetterstrand, Cambridge MA





## National Association of Judiciary Interpreters & Translators

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### **!! ANNOUNCING !!**

#### **National Association of Judiciary Interpreters and Translators 20th Annual Meeting and Educational Conference**

May 14, 15, 16, 1999

Shelter Pointe Hotel and Marina • Shelter Island, San Diego, California

Preconference Workshops - Friday, May 14, 9 a.m. - 12 noon; 2 - 5 p.m.

Gala Opening Reception - Friday, May 14, 6 - 9 p.m.

Educational Sessions - Saturday, May 15, 8:30 a.m. - 6 p.m.

Annual Meeting and Luncheon - Saturday, May 15, 12:30 - 3 p.m.

Educational Sessions, Sunday, May 16, 9 a.m. - 12 noon

Exhibition of Foreign-Language Book Vendors and Interpreter and Translator Technologies - All Days

#### **PRECONFERENCE WORKSHOPS**

Translating Crime Scene Investigations Terminology

"Speak the Speech, I Pray You....": Using Hamlet's Advice to Develop the Power and Quality of Your Voice!

Terminology and Context: What, When, and Why

#### **EDUCATIONAL SESSIONS**

- Community Interpreting in Spain
- Depositions and Other Civil Matters
- Adventures in Space Interpretation: Infinity 2317
- The Ins and Outs of E-Mail and Internet Browsers: The Basics on How Not to Go Crazy and Enrage the Rest of the World
- Beyond Court Interpreting
- The Translator/Interpreter, Sherlock Holmes of Tape Transcription and Translation
- Russian Interpreter Training Module: How an Interpreter Supervisor Obtained Funding
- The Use of Interpreters in Forensic Assessments
- Redefining the South African Court Interpreter: Conduit or Broker?
- Cross-Cultural Issues: Interpreting in the Criminal Justice System of Europe
- Sign Language Interpreters in Trial: An Oral Interpreter's Perspective
- Asian Language Forum
- Ethics Workshop
- From Wiretap to Witness Stand: An Overview
- Labor Concerns for Court Interpreters in the California Courts
- The Court Interpreting Profession at a Crossroads
- Adventures in the Life of an Interpreter
- Court Interpretation: Face to Face vs. Over the Phone

#### **DISTINGUISHED PRESENTERS**

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Cristina Grau-Mestre • Linda Haughton, Ph.D. • Xavier F. Keogh, J.D. • Holly Mikkelsen • Raymond Miranda  
Rosemary M. H. Moeketsi • Stephanie Moore • Marianne Pripps-Huertas • Prof. Alexander Raïnof • Gladys Segal  
Inés Swaney • Victoria F. Vázquez, J.D. • Donna Whitman • Dianne J. Winslow • Angela Zawadzki

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\_\_\_\_\_ ATA What language combinations? \_\_\_\_\_

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

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