CHINESE-ENGLISH LEGAL TRANSLATION: 
ADAPTATION AND SELECTION
Lin Wei (林巍)

Translation is instrumental in transferring content through languages, but we must recognize that all translation is done under a certain set of conditions. In legal translation, the conditions are somewhat different from those in "normal" translation - there are specified relations as well as particular choices to be made. When professionals translate, they actually engage in a process of adaptation and selection.

Language, Law and Selective Context
The relationship between language and law is intrinsically close. It is said that language constructs law (Gibbons, 1994). For example, the basic concepts regarding the rights and obligations of a member of a community are deeply embedded in the fabric of language itself, and existed before there were codified laws. Language is the medium, process, and product in various arenas of law where legal texts, spoken or written, are generated in the service of regulating social behavior. Furthermore, concepts such as "guilt" and "murder" are available to us only through the medium of language. There is, then, a very important sense in which language constructs the law.

In all societies, law is formulated, interpreted, and enforced, and these different processes are expressed primarily through language. As Jean-Claude Gémart states: "Language does not escape with impunity the clash of legal languages and systems" (Maley, 1994).

In linguistic studies, language has been studied from the approach of semiotics and from the functional-systemic model developed by M.A.K. Halliday (Halliday, 1978; 1985a). Semiotics is the study of signs through which meaning is communicated; these signs may be linguistic or non-linguistic, or a mixture of both. In a given society, signs are not free-floating, but found in characteristic configurations in social situations. Linguistically, meanings constitute a discourse type (a register or genre) seen in lexicon, grammar, textual organization, and the structural shape of a given text

THE FIT WORLD CONGRESS IN SHANGHAI
Alexander Raïnof

The XVIIIth World Congress of the Fédération Internationale des Traducteurs, or FIT, the International Federation of Translators, was held in Shanghai, China, from August 4 through August 7, 2008. TAC, the Translators Association of China, comprising some 65,000 members, hosted the event, which is held every three years in a different venue. In TAC's invitation, they described the World Congress as "one of the most prestigious and influential international gatherings of the global translation community. It attracts translators, interpreters, linguists, terminologists, and educators, as well as leading players in the industry from around the world."
The theme was "Translation and Cultural Diversity," and the congress took place in the magnificent Shanghai International Convention Center in Pudong, the new business section of Shanghai by the shores of the Huangpu River. The Huangpu, a wide waterway that flows through the middle of Shanghai, is only sixty-eight miles long from its source in Dianshan Lake to its junction with the Yangzi River,
Message from the Chair

I am pleased to report that fall has been a productive and fruitful time for NAJIT. We are expanding our network with other organizations, connecting members to new services, and hearty advocating for our colleagues from Iraq and Afghanistan. The passionate involvement of our members continues to move NAJIT in a positive direction.

I recently traveled to Washington, D.C. to meet with the American Red Cross and the National Virtual Translation Center, to work on developing a national network of trained volunteer interpreters and translators who can be mobilized in times of disaster. I toured the Disaster Operations Center at the Red Cross headquarters, and discussed ways of expanding and improving the Disaster Relief Appeal from 2006. In August, you received a call for volunteers via Cybernews. The overwhelming membership response was heartwarming. I would like to sincerely thank all the volunteers for their generosity. If you are interested in volunteering in times of crisis, please see NAJIT’s website for more information. We will continue to work closely with the Red Cross and the NVTC to advance language assistance services in the event of disaster occurrences in the United States.

The NAJIT Board of Directors once again attended the Federal Interagency working group on Limited English Proficiency Conference. The working group’s mission is to build awareness of the need to ensure that limited-English-proficient persons have meaningful access to important federal and federally assisted programs. The conference provided a unique opportunity for NAJIT to share resources and information on issues and initiatives.

Responses to our recent membership survey made it clear that NAJIT members want additional insurance programs endorsed by our organization. In working toward that goal, we have recently made available a new best-in-class disability insurance program for all NAJIT members, including part-time independent contractors. This program will be posted on the website soon. I encourage you to check our website frequently for updates.

Our advocacy committee continues to closely monitor pending legislation on a state and national level in order to ensure that our voices are being heard. Among several other initiatives, NAJIT played an active role in supporting Amendment 50 to the recently passed Defense Authorization Act of 2009. This legislation will lead to the Defense and State Departments jointly establishing and operating a temporary program to secure employment as interpreters, translators, and cultural awareness instructors for Iraqi nationals who have worked for the United States government in Iraq. Thank you to the advocacy committee, Daniel Sherr, and all of our members who helped to promote this important amendment.

Looking forward, NAJIT will continue to reach out and establish relationships with organizations on the national and international levels. Dr. Alexander Rainof represented both NAJIT and SITI at the FIT conference in China and will be representing NAJIT at the forthcoming Translation Summit (date to be announced). In addition to our recent work with non-governmental organizations such as the Red Cross and the Brennan Center for Justice, we continue to strengthen connections with various governmental agencies.

All these activities are made possible by the generous contributions of volunteer time and energy put forth by so many of our members. Please do not hesitate to contact me, headquarters, or committee chairs if you are interested in continuing the advancement of our organization.

Isabel Frame, Chair, Board of Directors
There is a desperate need, both in the United States and in Mexico, for interpreters in Mexican and Guatemalan indigenous languages. It has become only too obvious from the number of articles in newspapers and journals, and from testimonies by fellow court interpreters, that both countries are inadequately prepared to fulfill this need. Both sides of the U.S.-Mexican border need interpreters who are bilingual in an indigenous language and English or Spanish, who can be used in relay interpreting scenarios. There is a terrible backlog in the state courts of the U.S. judicial system due to a lack of qualified interpreters of these languages, including in the “otherwise qualified” category. With the U.S. legal system struggling to identify interpreters to answer their needs, and since historically, the Mexican government has done little in this area, both countries have come to realize that there is a critical need for interpreter training in indigenous languages.

My concern with this cause stems from being a long-standing conference and court interpreter myself. But more importantly, I am currently the director of language policy at the National Institute for Indigenous Languages (INALI, for its designation in Spanish, Instituto Nacional de Lenguas Indígenas), where we have a special unit for training and certifying interpreters of Spanish and the Indian languages of Mexico, established by Clause XI, Article 13 of the Ley General de Derechos Lingüísticos para los Pueblos Indígenas, known as the Linguistic Rights of Indigenous Peoples’ Act.

The National Institute of Indigenous Languages was established on March 13, 2003, as part of the Linguistic Rights of Indigenous Peoples’ Act and began operations in 2005. Under Article 10, Chapter II of the Act, federal authorities involved in the administration of justice are responsible for providing speakers of Mexican indigenous languages with public defenders and interpreters who have knowledge of these languages and cultures. While this obligation does not necessarily extend to justice or the use of interpreters outside its borders, the Mexican government is called upon to establish policies, actions and measures to protect and preserve the use of national languages and cultures for migrating populations within and outside Mexican national territory. (The linguistic rights of Mexican migrants, many of whom speak Indian languages, are mentioned in Clause XIII, Article 13 of the Act.)

As the federal agency in charge of implementing the Linguistic Rights of Indigenous Peoples’ Act, it is incumbent upon INALI to establish standards and formulate programs to certify and accredit bilingual technicians and professionals, including interpreters and translators, to participate in the Mexican judicial system.

Mexico’s Linguistic Diversity

One of the pillars of Mexican cultural heritage is her linguistic diversity, yet this rich diversity also presents pragmatic problems when it comes to designing and applying language policies to train and certify interpreters in indigenous languages.

In addition to the responsibility that INALI has under the Act, Article 20 directs us, in collaboration with other prominent institutions in the country, such as the National Institute of Anthropology and History (INAH) and the National Institute of Statistics, Geography and Informatics (INEGI), to publish a Catalogue of Mexican National Indian Languages. Such a catalogue was published in the Official Gazette (Diario Oficial de la Federación) on January 14th of this year. (It can be found online at www.inali.gov.mex.)

As the language policymaking organ of the Mexican government, INALI has codified the following language structure for official government purposes, including the next national census in 2010: there are 11 language families in Mexico (Algica, Yukon, Coqui-cohu-cohu, Seri, Oto-mangue, Maya, Totonac-olotepehu, Tarasca, Mixe-Zoque, Chontal de Oaxaca and Huave). These families are broken down into 68 language groups (previously known as languages), and 364 variants of the 68 groups. The 364 variants are so different, according to their speakers, as to require different textbooks and national treatment, including different training programs for translators and interpreters.

For several years INALI and other municipal, state, and federal bodies have fielded requests from the U.S. for interpreters in several indigenous languages. Even before the establishment of INALI, the main question one needed to ask in these cases was “What variant of Mixtec [or any other language] does this person speak?” The variant can now be identified if it is known where the person is from, with reference to the 152 detailed linguistic maps in the Catalogue. If an interpreter speaks a different variant of that language group, there may not be enough mutual intelligibility for accurate and complete communication to take place. Therefore, it is essential for any public and private agency seeking an interpreter to provide sources in Mexico with as much basic information as possible regarding the geographic origin of the speaker in need of an interpreter.

The most critical shortcomings we face are:

- a lack of qualified interpreters and translators of Mexican indigenous languages throughout the legal system in both countries;
- a lack of bilingual candidates at the technical and professional levels;
- a lack of specialized training and certification programs for judiciary interpreters and translators;
- the difficulty of vetting speakers of indigenous languages in order to gauge their proficiency in the native languages and

> continues on next page
TRAINING INTERPRETERS IN MEXICAN INDIAN LANGUAGES
continued from page 3

their aptitude for grasping Western legal concepts;
- insufficient coordination among different branches of government to form a solid body of professional interpreters and translators able to cover the widespread linguistic diversity represented by the Mexican indigenous languages.

Referring Mexican interpreters to the U.S. is also complicated by the fact that judicial proceedings are radically different in Mexico, and usefulness for the U.S. legal process would require that the interpreter receive further training in the legal procedures of the United States.

The Multi-National Nature of the Problem

Over the years, Mexico did not respond to a growing need for properly qualified interpreters within its own borders, and it is only recently, with the founding of INALI, that there is a governmental agency charged with certifying interpreters for the justice and public health sectors. With as many as 364 linguistic variants of indigenous languages, the task is clearly overwhelming. As the country of origin of these language groups, Mexico also has the moral obligation to assist the receiving country by offering assistance whenever possible to the U.S. court system.

In two ways the task is easier on the U.S. side: 1) court interpretation is institutionalized with rules, regulations, and remuneration; and 2) there is no requirement that “exotic” language interpreters be federally certified. What there has not been, to date, is a way to expedite visas or cover expenses for Mexican interpreters to travel to the U.S. to actively participate in the U.S. judicial process. On the Mexican side, until a certification process is in place, there is no roster of qualified interpreters who could possibly be sent to the U.S., nor is there any way to transport them from remote areas or procure visas for them, since they usually don’t meet the legal and economic criteria for a regular visa. Fortunately, in a practical sense, there is less linguistic diversity of Mexican indigenous languages in the U.S. than in Mexico, since migration takes place from certain areas only and not from all regions of Mexico. However, the number of migrating communities is on the rise.

The INALI Operational Model

INALI now has an operational model for certification and accreditation for Mexican indigenous languages, which in late 2007 was pilot-tested in the state of Guerrero at a training course in the Amuzgo, Mixtec, Náhuatl and Tlapaneco languages. It is a three-tiered service model consisting of the following:

- a system of standardization and certification in language proficiency in the indigenous language (normally the mother tongue) to measure knowledge, skills, and language ability, no matter how acquired or learned;
- a program of academic recognition for self-taught learners or for knowledge acquired at the workplace, in an effort not to exclude individuals with little or no formal schooling;
- educational programs and training in the indigenous languages, so as to provide the tools necessary to perform well on the job as well as to offer opportunities in keeping with community needs.

This model is based on justice in a multicultural nation, a state of law that recognizes diversity, and a multilingual approach. The basic principles are that the model be inclusive, voluntary, flexible, impartial, participatory, transparent, objective, and with free access.

Pilot Project in the State of Guerrero

The pilot project was held on Thursday-Friday-Saturdays for eight hours each day, over a two-month span. The course included classroom and workshop sessions covering subjects such as strategies for reading and understanding legal texts; compilation of personal glossaries; linguistic and cultural diversity in the State of Guerrero and Mexico in general; theory and techniques of translation and interpretation; linguistic rights; the role of the interpreter in the judiciary process; ethical considerations, and many others. The main purpose of the project was to see if it would be possible, in a short period of time, to professionalize speakers of the four Indian languages native to the state. Students ranged from campesinos and bilingual teachers to civil servants and law students, all with limited practical experience. In addition, we hoped to get some idea of what adjustments would have to be made in the project design before taking it to other states where qualified interpreters were also needed.

The teachers of the theoretical courses were linguists and anthropologists, and the practical workshops were given by the author of the present article for non-language-specific techniques. The coordinators of each language group had at least five years of experience working as free-lance court interpreters in the state, but no formal training.

It was very difficult to work with students from such diverse academic backgrounds and levels of linguistic competence. While great progress was made in making students aware of the responsibility they must shoulder and the skills they would need in the courtroom, it was impossible to bring them to a professional level in such a short time. However, the pilot project was certainly a step in the right direction and laid the groundwork for courses to follow. More detailed observations will be available in the future.

Closing Thoughts

Through opportunities at professional conferences in the U.S., such as at ATA and NAJIT events, we have been able to meet with many colleagues who share the same concerns about access to justice on both sides of the border for speakers of Mexican indigenous languages involved in criminal cases or in need of other services. We have only seen the tip of the iceberg. We have to solidify the certification process for court interpreters in Mexico, and find a way to get them to the United States to perform professional duties in the host country as part of the administration of justice. Hopefully, by late 2009 a roster of certified interpreters and their contact information will be available through INALI. Meanwhile, we will continue to serve as a bridge for finding the right language brokering, and if we can determine the variant spoken, we are only too willing to be of assistance. In view of the previously mentioned hurdles, we need to consider the potential of telephone interpret-
Observations In A Mexican Courtroom

Lesley M. Walker

In recent years we've read and heard much about judicial reform in Latin America, and since I'll be spending two years in Mexico State on family business, I decided to observe the transition here in my municipality, Atizapan de Zaragoza. It's a town of about half a million inhabitants, located north of Mexico City. The local juzgado penal is small brown two-story building on a busy street, just in front of a strip mall.

When I approached, I saw attorneys and non‐attorneys walking freely in and out of the open double doors of the courthouse. A security guard was standing nearby, and I started to approach him, expecting to be asked for identification or what my business was, but he just smiled and greeted me with a buenas tardes. I headed inside and took stock of the different offices located on the first floor: the oficina de partes, the defensoria del pueblo, the juzgado de cuantia menor, and the centro de mediaciüm y conciliación. I opted for the juzgado de cuantia menor, where I would feel most comfortable asking questions. As I walked towards the counter where the public is received, I saw a woman standing in the doorway of what looked to be some sort of chambers, buttoning up what looked to be a judge’s robe. She asked, “¿Ya le atendieron?” I answered no, and she motioned for me to walk through the swinging door into the employees only area. It turned out that, indeed, she was the judge, and she answered all my questions thoroughly, with the utmost formality, informing me that all her office's hearings are public and that anyone was welcome to observe. She told me that a hearing was about to begin— if I wanted to watch, I had to enter before the doors were closed and would not be able to leave until the hearing was over.

I walked up the wide staircase to the second floor and waited on a bench for the courtroom doors to open. The judge followed not too far behind and entered a glass‐protected hallway beside the courtroom (I couldn't help but wonder if it was bulletproof). When the courtroom opened, I took my seat in one of the theater‐style chairs installed for the public. I had walked around the building, talked to a judge, and now entered a courtroom without ever having passed through a metal detector or undergone a minimal security check.

The room was small and clean and looked like a miniature version of the courtrooms in California where I've worked. A bar with a swinging door separated the public from officers of the court, and there was a table for the defense, another for the Ministerio Público and the parte lesionada, and a witness stand against the left wall. The judge's bench was two steps higher than the rest of the room. To the right of the bench against the right wall was a small desk with a computer. Several women were sitting at the tiny desk, typing and discussing what they’d pulled up on the computer screen. The dress code appeared to be business‐casual—black pants and button‐up shirts, but no jackets. One of them kept arranging paperwork and pencils on the judge’s desk, checking the microphones (there was one at every table), and coming in and out of a side room connected to the glass‐protected hallway that the judge had passed through. One person in the room appeared to be a defendant, a small, dark woman wearing a work uniform and looking stressed out. A defense attorney, a young man wearing an expensive‐looking suit, was sitting at the defense table. One of the clerks saw a woman in the audience fumbling with a cell phone, and told her to please put it on silent, or better yet turn it off, because if it rang, the judge, well... She opened her eyes wide as if to say that she'd seen it happen and it wasn't pleasant.

Finally the judge entered and announced that the Ministerio Público was running about twenty minutes late. Sitting and waiting, only to find out I’d be sitting and waiting some more—so reminiscent of California courtrooms! The judge said, “Por inasistencia, puedo diferir la audiencia,” and she asked the parties if they preferred to reschedule or wait longer. The defendant explained that she'd already asked for time off work and that she'd rather wait. Everyone was instructed to leave the courtroom.

From experience I knew that twenty minutes of court time can turn into hours. I left to do an errand and, when I returned, the courtroom doors were closed. They probably had started the hearing.

I went back downstairs to the office of the juzgado de cuantia menor, where a pleasant‐looking gentleman at a desk behind the counter told me that the hearing had already been held and concluded, but he checked a notebook and told me I was welcome to come back for a Monday hearing at 10 am, or really any day of the week at 10 am. He was so congenial that I decided to chat him up on the transition to oral trials. He told me that every state in Mexico was required to make the complete transition to oral trials by 2016. All criminal trials in Mexico State are now being conducted orally, he said. There are no juries, and the use of a jury is not only not part of the requirements for 2016, it simply has not been abordado as part of the judicial reform. There are videocameras taping every party (actor) in the courtroom: one on the judge, one on the witness stand, one on the defense table, one on the prosecution table, and one on the public area. Anyone requesting a record of the proceedings must provide a blank compact disk and later receives a copy of the video recording. There are no court reporters and no verbatim written record of courtroom proceedings. Each of the three women sitting at the clerk's table in the courtroom is either a secretaria de acuerdos, a técnico judicial, or an archivista.
OBSERVATIONS IN A MEXICAN COURTROOM continued from p 5 judicial. The gentleman who was politely answering my questions is called a notificador—he’s responsible for notifying anyone in his jurisdiction wanted for an appearance or anyone who has been summoned in this or another jurisdiction.

Nearly a month later, I finally found time to return to the juzgado penal to catch another hearing at the juzgado de cuantía menor. The same notificador was at the counter and told me an audiencia principal was about to start—I was welcome to go upstairs and take a seat. After I waited in the courtroom for about an hour, the judge came in with two other people who appeared to be touring the facilities. When they left, we were all asked to stand while the jueza licenciada/a abogada took the bench. She gave us permission to sit down and apologized for the late start—the two visitors had been from the comisión de derechos humanos.

They had been discussing the new principle of publicidad and the judge was showing them around the sala de oralidad. The judge then asked the licenciado secretario judicial at the clerk’s desk to announce the courtroom rules. On the record, he stated the names of all those present and walked their identifications (presumably their credenciales de elector) over to the bench. The parties were called and the secretario announced that the case was about el delito de daños a los bienes ocasionados por culpa en agravio de... from Apartado 309 of the state penal code. Then loudly sounding her gavel, the judge announced, “Declaro apertura de esta diligencia.”

She then inquired of each side, the defense attorney and defendant (a young woman) and the Ministerio Público and the parte lesionada, if they had by chance come to any agreement about an out-of-court settlement. The defense attorney stated that they could not agree on the amount of restitución to be paid. The judge then inquired if they were interested in making an appointment at the office of conciliación. The parte lesionada and Ministerio Público whispered to each other, and the M.P. told the judge that his client did not have time for the three meetings that would have to be scheduled. The judge reminded all parties that conciliación was an option open to them up until the sentence is pronounced.

Next the secretario judicial read off a list of evidencias, which the judge said were all admitted during the audiencia preliminar. The evidence consisted of declaraciones by various people as well as letters of carácter in support of the defendant.

Then the judge explained the principle of concentración under the new penal system: las pruebas se desahogan en una sola audiencia. She will have to diferir la audiencia because one of the main witnesses was not present—either he was not subpoenaed by the notificador of the neighboring municipality or failed to appear. A new date was set for the desahogo de pruebas and the judge promised that a fallo definitivo would be issued that day. The judge also announced that the missing witness will be fined if he or she didn’t show up at the next hearing, and all witnesses present were apercibidos that they will also be fined if they don’t appear at the next court date.

The defense attorney had five more cartas de conducta to submit as evidence on behalf of his client. He showed them to the M.P. and then handed them to the secretario judicial to give to the judge. (Notice I have made no mention of a bailiff or other courtroom paper work mover—there is neither. The secretario judicial gets up and down from his desk to transport all documents between parties). The M.P. objected to the letters because they were intended to be private correspondence and should be ruled nulas; the judge admitted them but stated that the objection would be noted and considered at sentencing.

Next the judge asked the secretario judicial to prepare the actas mínimas, instructing him to note that the hearing will be continued because the principle of concentración has to be respected. All parties sat quietly for ten minutes while the secretario prepared and printed the actas mínimas. The judge signed them and then the secretario approached the parte lesionada, the defendant, and two witnesses to sign as well, upon which he returned their identification cards, which had been left on the judge’s desk during the hearing.

Finally, with an authoritative pound of the gavel, the judge announced the hearing terminated and left the bench. As I waited around to see if there was anything else to observe, the M.P. came over to introduce himself. I explained who I was and my interest in observing the transition to juicios orales—he corrected me, saying that the trials are actually called juicios predominantemente orales because the only hearings open to the public are the audiencia preliminar and the audiencia principal. The rest is done behind closed doors, just as in the previous system. He invited me to attend another audiencia principal or desahogo de pruebas the following morning. He said they typically start around 9:30 a.m. and go until 6 p.m., with the judge issuing a final ruling and sentence before the day is over. I’ll have to do some schedule rearranging before I can observe an all-day hearing, but I hope to return. I assured the prosecutor that he’d be seeing more of me.
out that “Translation theory is concerned with choices and decisions, not with mechanics of either the source language... or the target language text” (Newmark, 1982).

In the translation process, a translator constantly makes decisions within a selective context in order to achieve “certainty” and “accuracy.” For instance, the process of achieving relative “equivalence” in legal language involves a series of multi-dimensional choices, as seen in the following examples.

**Adaptive Selections**

As the renowned translation scholar Nida points out: “A translator must engage in thousands of decisions involving both selection and arrangement to fit another culture, a different language, diverse editors and publishers, and finally a reading audience” (Nida, 1993).

“A translator, perhaps more than any other practitioner of a profession, is continually faced with choices for instance, when he has to translate words denoting quality, the words of mental world (adjectives, adverbs, adjectival nouns, e.g. “good,” “well,” “goodness”), rather than objects or events. In making his choice, he is intuitively or consciously following a theory of translation, just as any teacher of grammar teaches a theory of linguistics” (Newmark, 2004).

**Words of Authority: 語 (ying)**

The Chinese 語 (ying) can be translated differently as “may,” “shall,” “must” and so on. The translation will vary, depending on the context.

The text of a statute has as its central task the identification and empowerment of rights and duties. There are two chief ways of doing this – by saying what must be done and what may be done, what are called in law “mandatory or directory” and “discretionary or permissive” rules. Linguistically, this is achieved by modal verbs “may,” “shall,” and “must,” which carry the meanings of permission, order and prohibition (Kurzon, 1986).

Typical examples are:

“This Act may be cited as the Interpretation Act 1978.”

“This Act shall come into force on 1st January 1979.”

The first is permissive and the second sentence is mandatory. For centuries the distinction between what must be done and what may be done has been expressed by “must” and “shall” as opposed to “may.” Although this may be clear to the English speaker, it presents a challenge to the Chinese translator who needs to convey the legislative intent.

In translating the sentence “法律應設定各種行政處罰” (fa lü ying she ding ge zhong xing cheng chu fa), several choices can be made. However, considering the discretionary nature of the context, the best translation would be “different types of administrative penalty may be created by law.”

In the sentence “限制人身自由的行政處罰，只應由法律規定” (xian zhi ren shen you de xing zhi cheng chu fa, zhi ying you fa li she ding). “ying” is of a mandatory nature, thus it should be translated as “administrative penalty involving restriction of freedom of person shall only be created by law.”

> continues on next page
In law, capacity is an attribute of a person or entity having legal personality, denoting ability to bear and exercise rights or to be affected by legal duties or liabilities. A person may have full legal capacity or capacity that is qualified in certain respects. Capacity or incapacity may be determined by different rules in different parts of the legal system; capacity must be considered both actively and passively. Active capacity is concerned with one’s ability to have and exercise rights and to enter into and undertake legal transactions. Active capacity is distinct from power. A person of full legal age has the legal capacity to make contracts; but, if acting in a particular role, such as an agent or trustee, his power to make particular kinds of contracts may be restricted by the terms of his agency, trust deed or the law.

In Chinese, 力 (neng li) is translated as “capacity” in the following examples:

行為能力 (xing wei neng li) – capacity to act; 能力的法律低層 (neng li de fa lv di chou) – conflict of laws relating to capacity; 能力 ADV 資質 (neng li gong zhi) – wage system based on ability; 能力 視力 (neng li shen cha) – capability survey; 能力述 (neng li shuo) – capacity theory or burden theory, and so on.

“Competence” may be defined as the authority of a court to deal with specific kinds of matters. It may also be distinguished from or be synonymous with jurisdiction. In other words, it is a basic or mental ability to do something; or a qualification, especially to testify.

In this sense, the Chinese 力 (neng li) may be used as “competence,” such as 力的標準 (neng li biao zhun) – criterion of competence; 動力 (jian zheng neng li) – competence of a witness; in this event, he showed great professional competence in law.

However, in certain cases, “capacity” and “competence” may be interchangeably used, such as 力 (neng li fa) – “capacity penalty” or “capacity penalty.”

The concept of “competence” is not synonymous with “competence,” but refers to a defendant’s mental capacity to stand trial. In other words, to be competent is to demonstrate the mental ability to understand problems and make decisions, to understand the proceedings, to consult meaningfully with counsel, and to assist in one’s own defense. For example, “據調查，該被告沒有在法庭上自我辯護的可能” (ju diao cha, gai bei gao mei you zai fa tong shang zhi wo bian hui de neng li) – “It is said that he is not competent to assist in his own defense in court.”

Kill, murder, manslaughter, assassinate, execute, massacre — 殺人 (sha ren)

In translating the Chinese 殺人 (sha ren), the English words most commonly used are “kill,” “murder” or “manslaughter,” which are not terms of art, since their meanings vary. Words with fixed and definite meanings are one of the most distinctive features of legal discourse. However, the degree of technicality in legal discourse generally, and legislative discourse in particular, depends greatly on the subject matter.

For example, “他說，他在夜晚開車中無意識地殺死了那孩子” (ta shuo, ta zai ye wan kai che zhong wu yi shi di sha si le na hai zi)
- "He said that he killed the child unintentionally while driving at night."

"Massacre" is the killing of a large number of people at the same time in a violent and cruel way. For instance, the translation of "士兵大规模屠戮青年学生" (shí bīng dà guī mó tuō shēng qùn xìng shèng) could be "The young students were massacred by the soldiers." "日本兵大批謀殺南京市民" (rì bīng bīng dà pī móu shā le nán jīng shì mín) - "The Japanese soldiers murdered the citizens of Nanjing by the hundreds and thousands." "他謀殺了他的叔叔" (tā móu shā le tā yǒu qiān de shū shū) - "He murdered his rich uncle."

In most jurisdictions, "murder" and "manslaughter" are types of homicide; the terms "murder" and "manslaughter" are thus hyperonyms of the superordinate, or general term, "homicide." In some jurisdictions, further distinctions are possible, particularly among types of manslaughter. The ways these crimes are distinguished and defined may differ from one jurisdiction to another and have certainly changed from one era to another. (Maley, 1985)

"Manslaughter" is a homicide that does not amount to murder, but is nevertheless neither lawful nor accidental. It is the killing of a person by someone who may intend to hurt or injure them but who does not intend to kill them. Therefore, "那个強姦犯用鋼刀將受害者残忍地殺害了" (nuò qí qiáng jiān fàn yòng guāng dāo jiāng fù hà shí zuì cí rèn lǐn lǐ shā hài le) - "The rapist committed manslaughter [by killing] his victim with a razor."

"Assassinate" is a special form of murder, the killing of a well-known person. Therefore, "就是否存在暗殺那位著名作家的陰謀" (jiù shì fǒu cún zài an shā nèi zuò zhā fǎ de yīn méi) could be translated as "a televised debate on whether there had been a conspiracy to assassinate the famous writer."

"Execute" means to carry out a sentence of death imposed by a court. Therefore, the sentence "那个銀行搶劫犯被處以死刑" (nà gé yín háng qiǎng jié fàn bèi chǔ yì jīng sī) in which "sha" is replaced by its paraphrase "chǔ yì jīng sī." In this case, the translation is "The bank robber was executed on the gallows."

Abolish, abrogate, annul, rescind, revoke, repeal:
取消 (qu xiao) or 解除 (jie chu)

In Chinese legal documents, "取消" (qu xiao) and "解除" (jie chu) may be variously translated into English as: abolish, abrogate, annul, rescind, revoke or repeal.

"Abolish" means "to do away with wholly. It applies particularly to things of a permanent nature, such as institutions, usages, customs, as the abolition of slavery" (Black's Law Dictionary, 1991). Thus "舊的會計制度已被取消" (jiù de kuì jì dù zuò yī qu xiao) is translated as "The old accounting system has been abolished."

"Abrogate" is "to annul or repeal an order or rule issued by a subordinate authority; to repeal a former law by legislative act, or by usage" (Black's Law Dictionary, 1991). In this way, the sentence "政府應撤銷他們的一些特權" (zheng fu yìng què xiao tā men de yī) > continues on next page
The outside choice 结合 (jie he)

In translating Chinese terms, sometimes one may have to choose an equivalent outside the "normal range." For example, the Chinese 结合 (jie he) may have many equivalents, such as to be united, to form an alliance, integrate with, to associate, combine with, link with, marry/marrying, binding, cohesion, coalition, connection, joint, union, incorporation, coalescence, coupling, juncture, concurrency, nexus, valence, merging, consolidation, and so on.

However, in the following sentence, none of the above options is appropriate: "为了免于犯罪，保护人民，根据宪法，结合我国同犯罪作斗争的具体经验及实际情况，特制定本法" (wei le cheng fa fan zui, bao hu ren min, gen jin xian fa, jie he wo guo tong fang zai zuo dou zeng de ju ti jing yan ju zhi ji qing kuang, te zhi deng ben fa) - "In order to punish crimes and protect the people, this law is enacted on the basis of the constitution and in light of the concrete experiences and actual circumstances in China's fight against crime."

The Chinese word "jie he" here is not the normal meaning of "combine" as it usually appears, but to "take reference," "to learn the lesson." Therefore, in this case, the choice has to be made not on a linguistic basis, but on a socio-cultural basis.

The mixed use of "corporation," "company" and "firm" 公司 (gong si)

In translating the Chinese word 公司 (gong si) into English, three terms are commonly used, often interchangeably. However, in the English-speaking world, these three words are distinctive from one another.

Corporation refers to "in common law, the technical term for an entity having a legal personality as a corporation. The word company could refer to a partnership or other unincorporated association of persons." (Garner, 1995) A company is "a body corporate; a body corporate with shared capital" (Dukeow, 1991).

And a firm: "Traditionally, this term referred to a partnership, as opposed to a company; but today it is frequently used in reference to a company." (Garner, 1999).

Thus, the following Chinese expressions may be translated differently:

"本法的原则适用于全民所有制交通運輸、郵電、地質、勘探、建築安裝等公司" (ben fa de yuan zu ze shi yong you quan min suo you zhi jiao tong yuan shi, you dian, di zhi, kan tan, jian zhu an zhuang deng gong si) - "The principle of this Law shall be applicable to a corporation owned by the people in communications and transportation, the postal and telecommunications service, geological exploration, construction and installation," and so on.

合营企業的形成為有限責任公司 (he ying qi ye de xing shi wei you xian ze ren gong si) - "An equity joint venture shall take the form of a limited liability company."
REFERENCES:


[Lin Wei was born in Beijing, China and pursued his education in Australia, earning a Ph.D. at the University of Southern Queensland. He has taught at the University of Tasmania, TAFE College, and the Chinese University of Hong Kong. Currently he resides in Macao, where he is associate professor at Macao Polytechnic Institute. He has published three books and over a hundred articles on subjects related to translation and interpretation.]

Special thanks to Ruilan Lu for her help in editing the Chinese portions of the text. ▲

---

Wireless Audio Communications Equipment for Interpreters

Basic set of wireless transmitter and receiver including microphone and earphone, still available for under $100. Transmitters and receivers have a 1-year warranty.

Tie-clip microphone and earphones are included with each set. Optional headset microphones and headphones are available.

Multiple-channel equipment is also available.

Please visit www.tnccommunications.com for product specifications.

For more information, contact us at info@tnccommunications.com or call 1-888-371-9005
chilling words of one Norwegian delegate, the two police boats were a perfect target for someone with a rocket-launcher and evil design.) Additional proof of the Chinese government’s high regard for the FIT delegates was the high-ranking official who opened the congress, Mr. Wu Jianmin, a polished gentleman who had begun his career as an interpreter and had been appointed Chinese ambassador to France before occupying the position he now holds as President of the International Exhibitions Bureau. He addressed the participants in his welcoming speech in all three official languages, Chinese, English and French, with a high level of fluency in all three, although his French was better than his English.

English was the language used by most presenters and moderators. This created some problems for the listeners since many of the delegates, in particular those from China, were at times difficult to understand. The papers in general were both varied and interesting. I represented both NAITT (as former chair of the board of directors) and SSTI (as former president and current member of the board).

My paper was titled “Translation and Interpretation, the Law, and Language Barriers in the United States of America.” It was well received and has been published in the congress proceedings. (A CD of the proceedings costs only $14.00 and can be ordered from the home page of the congress at: www.fit2008.org/E_fit2008/index.htm)

It is sad to report that of the 1,500 participants at the FIT World Congress, only 3% (a total of 45 people) were from the U.S. Of these, only a dozen gave papers. It is likely that our sustained economic crisis in the United States has caused money to become scarcer for conference participation and travel. Probably many people who might otherwise have participated from the U.S. were unable to secure funding for an expensive congress held far away. The rather high $400 registration fee, by the way, was gracefully waived by TAC for the NAITT representative.

At the conclusion of the congress, a sumptuous banquet was held for all the delegates in a vast hall at the Congress Center, where participants were treated to a feast of exotic foods from many parts of China and entertained with a wonderful show of dancing, singing and acrobatics. The venue for the next FIT World Congress, three years hence, was announced: it will take place in San Francisco. See you there in 2011.
For a few years in the early 19th century, disgruntled textile workers brandishing hammers and mallets ran amok through northern English factory towns, attacking the mechanized looms they considered a threat to their livelihood. The outraged workers claimed a certain King Ludd (or Captain Ludd) as their leader. Ned Ludd was an obscure figure who had supposedly broken two knitting machines near Leicester some thirty years earlier. During the heyday of the Luddite movement (1811-1816), the Industrial Revolution was already in full swing and those opposed to mechanization ended up on the wrong side of history. Today, the term Luddite generally refers to anyone against or resistant to technological change.

While not exactly a Luddite myself, I'll admit to being resistant to change. My camera bag still holds my trusty Leica (German-made, circa 1960), which I hardly ever use now that I have a digital camera. My car has manual door locks and roll-up windows. When I bought my condo I ruled out a programmable thermostat for the heating and air conditioning, preferring the old-fashioned kind where you point the lever to the desired temperature. And when it comes to reference books, I hold true to my preferences. I'll always cherish the ten-volume Oxford English Dictionary I inherited from my father and when I sit at my desk I find it reassuring to see the two fat volumes of Maria Moliner's Spanish dictionary.

But I recently turned fifty, an age when many men (and women, for that matter) experience a mid-life crisis, and it occurred to me to take a second look at how I do things. Maybe I was getting a little stale. I should open myself up to new tools. What followed were adventures with new technology in the field of words.

**Good Things Come in Small Packages**

My first foray into laborsaving technology was an electronic dictionary resembling a brushed metal cigarette case from the Jazz Age. The Casio EW-33000 Ex-Word is a 5 ¼" by 4" by ¾" device with a qwerty keyboard and a fold-up screen. It boasts a complete version of the Oxford Spanish Dictionary 3rd Edition, the Oxford Advanced Learner's Dictionary 7th Edition, the Oxford Thesaurus of English 2nd Edition, The Larousse Gran Diccionario de la Lengua Española and the Oxford multilingual Word and Phrasebook. Courthouse colleagues peddling (praising—or were they really selling it?) the Casio had approached me in the past and my eyes had always glazed over. Now I took a look.

The first thing about the little gizmo is that it feels good in your hand. It has a solid metal case and secure hinges. The keys, large and easy to see, spring back smoothly. In fact, in overall appearance, design and feel, it is a sleek machine, like an old pocket watch or, dare I say, a fine German camera. But like most of us, I already have an ample selection of dictionaries, so the Casio Ex-Word would have to offer some really compelling features to justify the extra outlay.

Here's one such feature: when you turn the little bugger on, there's no delay in booting up or shutting down. One of my pet peeves is how long it takes for a computer to come to life or turn off in the night. But this little piece of Japanese ingenuity starts instantly and the cursor is always where you want it, in the word entry box. Separate buttons allow you to switch instantly between dictionaries without having to re-enter your search word. You can search for expressions by phrase, context, or by inclusion of a word. You can even search for words you don't know how to spell, since the device can intuit bad spelling. One of my favorite features is that it remembers previous searches, so you can always go back and retrieve information later on. I periodically review the words I've looked up and that memory function helps immensely to retain new vocabulary.

The Ex-Word's screen is very clear and easy to read with three different font sizes (which is called "zoom" function) and it also can be backlit at the touch of a button for low-light situations.

All these features make the Casio not only extremely useful, but also highly addictive. I find myself consulting it at stop lights, on the elevator, on the train, and, yes, even while interpreting. The other day the terms "rooster comb" and "wattle" came up in a cockfighting case (!) and I didn't miss a beat finding the correct terms (cresta and barba).

The only downside I see to the Casio is that it might be too addictive for some word lovers. It may also prove annoying to colleagues if you use the device constantly in casual conversation and turn into a detestable smarty-pants, 24/7. This phenomenon has been recognized with iPhone users who exasperate their partners or drinking buddies by fact-checking every little detail that comes up in conversation. However, after acquiring my Casio Ex-Word, I developed a new appreciation for technology and became much more willing to try new things. This willingness to experiment led to my next encounter.

**Better Living Through the Internet**

Flush from my first incursion into the world of high tech dictionaries, I began searching for other delights. The next item to come to my attention was a new automated reference, www. Visualthesaurus.com. In case you are an Information Age neophyte like me, this is a subscription website featuring an interactive dictionary and thesaurus that, as they explain, produces "word maps that blossom with meanings and branch to related words."

The idea, according to the good people at Visualthesaurus.com, is that most people's minds are stimulated to higher levels of creativity and learning by visuals and graphics more than by words on a dusty page. A traditional thesaurus lists words in text and these entries often lack context, hence, to the good people at Visualthesaurus.com, this was a glaring need filled by their website. This is truer than you might imagine, as a quick search through the Visualthesaurus will show you.

> continues on next page
CONFESSIONS OF A REFORMED LUDDITE continued from page 13 format, so wading through the information is rather like reading a book. In contrast to this old-fashioned format, VisualThesaurus.com provides a graphic representation of the different synonyms for each word. The main entry is displayed in caps at the center, and the various synonyms branch out from there, rather like the three-dimensional depictions of complex molecules we used to see in high school chemistry class.

[This is a sample word map from the home page, using the word “search”]

Most of the users who have posted their opinions on various web pages seem to be younger folks who rave about the design and patterns formed by the key words with their outstretched “spokes” of meaning.

But interesting graphics are not all VisualThesaurus.com has to offer. It also has an audio component so the user can hear the words pronounced in both British and American English. You can "roll over" (pass your mouse over) the meanings and see sample sentences using the term. Additionally, the program features multiple columns, rather like blogs, on various word-related subjects. One is on lexicographers, another about teaching, another about writing for business, and so on. All are interesting, well-researched pieces that appeal to the language-minded among us.

Feeling confident, I decided to sign up for the fourteen day free trial with "full refund, no questions asked, of the $19.95 annual fee."

As I prepared to sign up, I noticed that the home page recommends you not only add VisualThesaurus.com to your browser’s toolbar, but also include a link from your own blogs and web pages. The company has a program offering a 10% commission for all new subscriptions that you send its way on the web. Up until this point, my contact with the web was limited to email and word searches on Google, so all the web talk made me apprehensive. But I was determined to beat the middle-aged doldrums. While other men my age bought sports cars, I would race around the Internet.

To my chagrin, the program loads very slowly and, perhaps because I am one of those people who keeps an old computer until the ink wears off the keyboard, my computer kept crashing whenever I opened the application. This is apparently because the program requires a good deal of memory to run the graphics, making it run incredibly slowly on older computers. (Memo to self: get a new computer and a cable modem.)

Ten days after signing up, my email inbox was full of messages. They contained subjects like "isobar," "peignoir," "bibliophile" and "connoisseur" — the words of the day, a service which I vaguely remembered having signed up for with VisualThesaurus.com. Desirous of getting the full benefit of my subscription, I decided not to erase any until I had a chance to read them. There are now a slew of them in my inbox and I’m having difficulty finding my regular mail.

But perhaps the decisive factor for me with regards to my subscription is that there are many other web-based services that offer free access to synonyms, not the least of which is Roget's Thesaurus, the gold standard of thesauri. To my mind, reference works like Roget's display synonyms in a more useful fashion because they use a more traditional format. With VisualThesaurus.com, it can be difficult to tell if the words around the wagon wheel are nouns, verbs, adjectives or adverbs, or maybe all of the above. To know for sure you must consult the color key to decipher the color coding system that identifies the various parts of speech. And even the entire massive thesaurus on which VisualThesaurus.com is based, George A. Miller's Wordnet, is available on the Internet in a faster, more streamlined version (without the fancy graphics), providing exactly the same information without the hassle and expense of a subscription.

And so, after two weeks of VisualThesaurus.com, I decided to end my trial subscription. But I won't shut the door to new technology. I love my Casio ExWord and use it constantly. I would even consider signing up again for VisualThesaurus.com once I get a faster internet connection and more computer memory. Even to me, bibliophile that I am, it is obvious that electronic dictionaries and new language-related technologies are becoming increasingly easier to use and relevant to our lives. Now I'm eager to update my home computer system and take advantage of what's out there on the web.

It has been said that the Industrial Revolution, which so battered the Luddites of yore, produced greater change in the space of two hundred years than had occurred in all of human history up to that point. Back then it was mechanized looms, the bane of the Luddites, that provoked a battle to change the way goods were produced. Today the new transformation is driven by widespread access to information. This latest revolution is led by PCs, smartphones and other handheld devices we use to access the Web, among other functions. Although reluctant at first to embrace the tools of the Information Age, I recognize the error of my ways. Now I'm willing to be a part of the future, which most likely will be more about bytes than books.

But I'll still keep my paper dictionaries, even if, like my camera gathering dust at the back of the closet, I'm only holding on for old times' sake. ▲

REFERENCES:
www.visualthesaurus.com
www.Dictionary.com
Roget's Thesaurus (1911 Edition):
http://humanities.uchicago.edu/orgs/ARTFL/forms_unrest/ROGET.html
TEST YOUR GRASP OF IDIOMATIC ENGLISH

Interpreters' grasp of idiomatic English is often challenged at high speeds in situations where they least expect it. Colloquial equivalents are not easy to access at a moment's notice for language that is picturesque, informal or culture-based. Test your facility with the following expressions compiled by Dagoberto Orrantia for an idioms workshop he conducted on April 26, 2008 in El Paso.

Equivalence in Simile
- as fit as a fiddle
- as flat as a pancake
- as free as a bird
- as fresh as a daisy
- as gentle as a lamb
- as good as gold
- as good as new
- as green as grass
- as happy as a clam
- as stiff as a poker

Sports Idioms
- You're not even in the ballpark.
- He was way out in left field on that one.
- I just call balls and strikes, Mr. Pym.
- I got off base, your Honor.
- I'll go to bat for you.
- Don't jump the gun; we'll get to that subject.
- The prosecutor fired questions hard and inside.
- They're going to play hardball if we go to trial.
- The government lawyer lobbed a soft ball.
- They keep moving the goalposts on us.
- Mr. Aghost's attorney is not here, but I'll be pinch-hitting for him.
- Are you going to play chicken and see who goes first?
- Losers are toast.
- You want to play rough? All right, you're in contempt again.
- I wanted to touch base with you.
- We called their bluff; they challenged us to sue them and here we are.

(For answers in Spanish, see the following page.)

WEBSITES OF INTEREST

Indigenous Languages of Mexico
www.inalit.gob.mx
The go-to site for information on Mexico's indigenous languages. In Spanish only. Catálogo de las lenguas indígenas nacionales de México. El Instituto Nacional de Lenguas Indígenas is an organism academic that participates in the improvement of the linguistic conditions of the Mexican National and serves as a protective, support, and promote the indigenous languages, such as provide political actions that promote and protect the use of indigenous in all areas of life, within the respective territory and influence areas.

www.visualthesaurus.com
Your editor's favorite on-line language reference. Available by subscription, but a reasonable annual fee that is well worth it. Recently redesigned. Its editor is a lexicographer who used to work with Oxford. "We see the Visual Thesaurus website as a home for people who are passionate about words and language, a place where those who love words can explore the English language and participate in educated discussions with writers, linguists, and other creative people."

The National Association of Judiciary Interpreters and Translators Volume XVII, No. 4
Suggested answers for idioms in Spanish

**Similes**

as fit as a fiddle/ rebosante de salud
as flat as a pancake/ liso como una tabla
as free as a bird/ libre como el viento
as fresh as a daisy/ fresco como una lechuga
as gentle as a lamb/ suave como la seda
as good as new/ como nuevo
as green as grass/ verde como la esperanza
as happy as a clam/ feliz como una lombriz
as stiff as a poker/ tizo como una escoba

**Color**

blue blood/ sangre azul
blue collar worker/ obrero
blue ribbon/ primer premio, de élite, selecto, máximo
blue movie/ una película subida de tono
blue/ puritano
to blue-pencil/ censurar
to catch red-handed/ atrapar con las manos en la masa
red herring/ pista falsa
red ink/ déficit presupuestario
red letter/ muy especial, memorable
red light district/ zona de tolerancia, zona roja, barrio chino
redneck/ sureño, colombiano
red tape/ papeleo
white bread/ el americano medio
white collar crime/ delito de cuello blanco
white elephant/ elefante blanco
white knight/ caballero blanco
white paper/ libro blanco
white slave trade/ trata de blancas
white trash/ basura blanca
to whitewash/ tapar, encubrir

**Sports Expressions**

You're not even in the ballpark/ Ni siquiera se aproxima.
He was way out in left field on that one./ Estaba totalmente equivocado.
I just call balls and strikes, Mr. Pym./ Yo sólo soy el árbitro, Sr. Pym.
I got off base, your Honor./ Me fui por la tangente, Su Señoría.
I'll go to bat for you./ Yo te echo una mano. Te echo un capote. Te echo un cable.
Don't jump the gun, we'll get to that subject./ No se adelante, va a llegar a este tema.
The prosecutor fired questions hard and inside./ El fiscal lanzaba preguntas peligrosas.
They're going to play hardball if we go to trial./ Serán despiadados si vamos a juicio.
The government lawyer lobbed a softball./ El abogado del gobierno le tiró un globito.
They keep moving the goalposts on us./ Nos siguen moviendo la portería.
Mr. Agosto's attorney is not here, but I'll be pinch-hitting for him./ El abogado del Sr. Agosto no está aquí, pero yo batearé de emergente.
Are you going to play chicken and see who goes first?/ ¿Quieres ver quién es más gallito y ver quién cede primero?
You want to play rough? All right, you're in contempt again./ ¿Quieres jugar rudo? Muy bien, está en desacato de nuevo.
Losers are toast./ El que pierde está frío.
I wanted to touch base with you./ Quería comunicarme contigo.
We called their bluff; they challenged us to sue them and here we are./ Les cogimos la palabra. Nos desafiaron a que los demandaramos y aquí estamos.

A brief bibliography on idioms for further reading:

- Smets, Martine, et al. Translation of verbal idioms. Available at: www.ofai.at/_brigitte.krempel/coll/collc02/smetsEA.pdf
- Volk, Martin. The automatic translation of idioms: Machine translation vs. translation memory systems. Available at: www.ifi.uzh.ch/cv/volk/papers/TransIdioms98.pdf
ITEMS OF INTEREST

A presentation on the status of legal and court interpreting in the European Union and the efforts to harmonize standards, which took place at the EU DG Interpretation Universities’ Conference.
http://webstream.ec.europa.eu/scic/scic/univ2008/day1en-4.wmv [Thanks to Jonathan Hamilton Sanders.]

Helpful links and resources to continuing education presentations such as Katty Kauffman’s course, Latin America: A New System of Criminal Justice at http://www.ojd.state.or.us/osca/cpsd/interpreter/Resources.htm

NEW: The Supreme Court of Ohio has published a videotape on the role of interpreters in the legal system. It can be viewed at:
http://www.sconet.state.oh.us/Judicial_and_Court_Services/interpreter_svcs/interpreterVideo.asp

Guantanamo Interpreters’ Abilities are Questioned
www.thestar.com/News/World/article/517406
Anthony Barkow, executive director of the Center on the Administration of Criminal Law at New York University, described the quality of interpretation at a pretrial hearing as “ridiculous.” “I’ve never experienced a situation where it was so obvious that no one understood what was being said,” said Barkow, a former federal prosecutor, who is observing the 9/11 proceedings at Guantanamo for Human Rights First, a New York-based advocacy group.

Team Position Paper Convinces Court
After many discussion and lost battles, staff interpreters in El Paso, Texas are now authorized to work in teams in trials where the defendant needs an interpreter. NAJIT position papers were used as a reference. [Thanks to Rosa Alva Garcia.]

“Court Interpreting: Linguistic Presence v. Linguistic Absence” by Elena M. de Jongh was published in the Florida Bar Journal, Vol., 82, No.7. It is available on line.


For regularly updated information on meetings, conventions and other events, go to www.najit.org and click on “Calendar of Current and Future Events.”

Save the Date

NAJIT’s 30th Year Conference Celebration
May 15 - 17, 2009
Scottsdale, AZ

• Networking with national and international colleagues
• Educational sessions on many topics
• Continuing Education credits
• Help NAJIT celebrate 30 years of advocacy for judiciary interpreters; plan future campaigns
• Visit the beautiful southwest while you’re here!

More information to come in the next issue of Proteus.

photos by Sobek Ha En (2008), Wikimedia Commons
CALL FOR NOMINATIONS

The annual meeting of the association will be held on Saturday, May 16, 2009, at the DoubleTree Paradise Valley Resort in Scottsdale, Arizona, during the 30th Annual Conference. The terms of directors Isabel Framer and Rosemary Dann are expiring. Two directors will be elected for two-year terms. Members are invited to recommend potential candidates to the Nominations Committee:
- Susan Castellanos Bilodeaux, Chair
- Jeck Lenard Navarrete
- Sabine Michael

The NAJIT bylaws, Article IV, Section II – Eligibility, read as follows:

"Any Active Member who attains two years of continuous membership as an Active Member in good standing as of the return date specified on the 'Call for Nominations' shall be eligible for nomination to the Board of Directors."

1. Friday, December 5, 2008 has been established as the return date for all nominations.

2. Members may nominate themselves or may be nominated by fellow members. Please note, however, that the Nominations Committee has the responsibility of proposing the names of candidates for the election to the members, taking into account the need to ensure, to the extent possible, a balanced slate as far as language, geographical location and professional activity are concerned. Only active members who meet the criteria above — who have been active members continuously in good standing since December 5, 2006 — may be nominated to the board of directors. Members uncertain as to their status may verify the facts with headquarters.

3. All nominations must include a short biography and statement explaining why the nominee should be on the board of directors. This information must be limited to one page.

Please e-mail all nominations to the Nominations Committee at:

2009nominations@najit.org

VOTER ELIGIBILITY: Members of NAJIT as of the record date of Wednesday, April 1, 2009 will be eligible to vote by mail ballot or in person at this election.

Please contact headquarters with any questions on voting eligibility or the nominations process.
MEMBERSHIP BENEFITS

NAJIT’s activities are supported by membership dues and member donations. While there are no formal requirements for joining other than an interest in legal interpretation and/or translation, most of our members hold professional credentials such as federal and/or state court interpreter certification, national judiciary interpreter and translator certification by NAJIT, interpreter certification by RID (Registry of Interpreters for the Deaf), translator certification by ATA (American Translators Association), approval by the U.S. Department of State (for escort, seminar, or conference interpreting), and/or other credentialing by government agencies or international organizations.

Anyone who shares NAJIT’s interests and objectives is welcome to join. Our membership categories are: Active, Associate, Corporate, Corporate Sponsor, Organizational, and Student. Please refer to our website for a full description of the membership categories and fees, www.najit.org.

The benefits of membership are many. When you join, you will enjoy, among other things:

- Full listing in NAJIT’s On-line Membership Directory
- Subscription to Proteus, NAJIT’s quarterly newsletter dedicated to court interpretation and legal translation
- Subscription to CyberNews, NAJIT’s automatic e-mail updates on training opportunities, meetings, and other matters of professional interest
- NAJIT position papers on topics of critical interest to the profession
- Electronic access to NAJIT publications, including archived materials available at the Members’ Portal
- Right to use the NAJIT logo on your business card
- Reduced-rates for language-specific interpreting and translation skills-building workshops, including preparation courses for certification tests
- Access to required continuing education sessions at reduced rates
- Membership registration rates for NAJIT conferences and for regional and local workshops
- Right to vote and hold office (active members only)
- Opportunities for committee membership and participation in NAJIT special projects
- Opportunity to chair committees and to be actively involved in NAJIT decision-making and long-term planning
- Participation in NAJIT’s lively and informative members’ listserv, where members share expertise, information, and resources. Through this e-mail discussion list, members exchange terminology, discuss transcription and translation standards, and confer on ethical and professional dilemmas and association matters.
- Active involvement in state and national legislative matters and issues affecting the community of interpreters and translators
- Opportunity to present at NAJIT conferences, workshops and training events
- Networking and collegial relationships
- Participation in a national and international network of professionals
- Access to employment opportunities posted on the website and in special bulletins

Dues may be deductible as an ordinary and necessary business expense to the extent permitted under the IRS Code.
APPLICATION FOR MEMBERSHIP

Last name ___________________________ First name ___________________________ Middle initial ____________

Title __________________________________________ Company name ___________________________

Address ________________________________________________

City _______________________ State/Province ___________ Zip code ___________ Country ___________

Home tel: __________________ Office tel: __________________ Fax: ___________

PAGER: ___________________________ Cell: ___________________________

E-mail: ___________________________ Website: ___________________________

Referral by: ___________________________

Languages (If passive, prefix with P-): ___________________________

Credentials: 
☐ NJITCE: Spanish 
☐ Federal Court certification: 
☐ Haitian Creole 
☐ Navajo 
☐ Spanish 

☐ State court certification: From which state(s)? ___________________________

☐ ATA: What language combinations? ___________________________

☐ U.S. Department of State: 
☐ Consecutive 
☐ Seminar 
☐ Conference 

Academic Credentials: Instructor at ___________________________

☐ I am an interpreter 
☐ translator 
☐ freelance instructor 

☐ I am applying for the following class of membership: 
☐ Active 
☐ Associate 
☐ Student (NAJIT may validate applications for student membership) 
☐ Corporate Sponsor 
☐ Corporate 
☐ Organizational (nonprofit) 

(Corporate sponsors receive a longer descriptive listing on the website about their organization, one free quarter-page print ad in Proteus per year, and the grateful thanks of fellow members for their support of NAJIT and our profession.)

☐ Check here if you have ever been a NAJIT member. 
☐ Check here if you do NOT wish to receive e-mails from NAJIT. 
☐ Check here if you do NOT wish to be listed in the NAJIT on-line directory. (Student and associate members are not listed in the NAJIT on-line directory.) 

☐ Check here if you do NOT wish to have your contact information made available to those offering information, products or services of potential interest to members.

I certify that the above information is correct and accurate to the best of my knowledge and belief. I agree to abide by the NAJIT Code of Ethics and Professional Responsibilities.

Applicant’s signature ___________________________ Date ___________

PAYMENT SCHEDULE

<table>
<thead>
<tr>
<th></th>
<th>Active</th>
<th>Associate</th>
<th>Student</th>
<th>Corporate Sponsor</th>
<th>Corporate</th>
<th>Organizational (nonprofit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dues</td>
<td>$105</td>
<td>$85</td>
<td>$40</td>
<td>$300</td>
<td>$160</td>
<td>$115</td>
</tr>
<tr>
<td>Suggested voluntary contribution to SSI</td>
<td>$35</td>
<td>$25</td>
<td>$10</td>
<td>$100</td>
<td>$100</td>
<td>$65</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$140</td>
<td>$110</td>
<td>$50</td>
<td>$400</td>
<td>$260</td>
<td>$180</td>
</tr>
</tbody>
</table>

PAYMENT METHOD

☐ Check or Money Order (payable to NAJIT) 
☐ MC 
☐ VISA 
☐ Amex 

Card number ___________________________ Expiration date _____ / ____

Credit card verification value ___________________________ 

Signature ___________________________ $ ___________________________ Amount ___________________________

(REQUIRED FOR CREDIT CARD PAYMENT)

Contributions or gifts to NAJIT are not deductible as charitable contributions for federal income tax purposes. However, dues payments may be deductible by members as ordinary and necessary business expenses to the extent permitted under IRS Code. Contributions to the Society for the Study of Translation and Interpretation (SSTI), a 501(c)3 educational organization, are fully tax-deductible to the extent allowed by law.