



## NEW POSITION PAPER ISSUED ON TEAM INTERPRETING

# TEAM INTERPRETING IN THE COURTROOM

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The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at [www.najit.org](http://www.najit.org)

#### Introduction

In court settings, team interpreting refers to the practice of using two rotating interpreters to provide simultaneous or consecutive interpretation for one or more individuals with limited English proficiency. Team interpreting is recommended for all lengthy legal proceedings and is an effective tool in the administration of justice. With team interpreting, the non-English speaker or person of limited English proficiency hears the proceedings without interruption or diminution in the quality of interpretation.

#### How does team interpreting work?

Team interpreting is the industry standard in courtrooms, international conferences, negotiations and other venues where continuous interpreting is required for periods of over one hour. The typical team is comprised of two interpreters who work in tandem, providing relief every 30 minutes. The interpreter engaged in delivering the interpretation at any given moment is called the *active* interpreter. His job is to interpret the court proceedings truly and accurately. The other interpreter is called the *support* interpreter. His job is to (1) interpret any conversation between counsel and defendant while the proceedings are taking place; (2) assist the *active* interpreter

by looking up vocabulary, or acting as a second ear to confirm quickly spoken names, numbers or other references; (3) assist the *active* interpreter with any technical problems with electronic interpreting equipment, if in use; (4) be available in case the active interpreter has an emergency; and (5) serve as an impartial language expert in the case of any challenge to interpretation at the witness stand.<sup>1</sup> Team interpreting enables court sessions to proceed at the pace the judge requires without a need for extra breaks.

#### Why use team interpreting?

The advantages of team interpreting are many, and the reasons for it are compelling. Team interpreting is a quality control mechanism, implemented to preserve the accuracy of the interpretation process in any circumstances.

Every defendant (and in some states, the plaintiff) in the United States has the right to hear and understand the proceedings against him at every stage of the legal process. When matters of life and liberty are at stake, a trained and qualified interpreter is a vital link in the provision of due process. To do his job, a court interpreter, under oath to provide a true and accurate interpretation, must maintain an intense alertness to all courtroom speech, including questions, answers, legal arguments and colloquy. The subject matter of court hearings varies, but may include legal arguments in a motion to suppress evidence; cross-examination of experts; syntactically dense jury instructions; nervous witness testimony; or a complex or under-articulated recitation of facts. There is a limit to the focused concentration needed to comprehend complex language at high speed and render it accurately in another language. Inattention, distraction or mental exhaustion on the part of the interpreter can have adverse consequences for defendants, litigants, witnesses, victims, and the judicial process in general.

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## Message from the Chair

Once again, it is with great pride that I report to you on NAJIT's achievements and contributions to our profession. March was a banner month, when NAJIT participated both in the March 12th Translation Summit in Salt Lake City, and in the March 15-16, 2007 Federal Interagency Conference on Limited English Proficiency held at the National Institute of Health (NIH) in Bethesda.

The Salt Lake meeting was truly a summit conference, with an impressive list of participants. Presentations were given by the chief of translation services of the United Nations, the head of interpretation at the State Department, the presidents of ATA (American Translators Association), ACTFL (American Council on the Teaching of Foreign Languages), and ATISA (American Translation and Interpretation Studies Association).

I discussed and illustrated various methods for the training of interpreters, with examples in Spanish, French, and Russian. The Modern Language Association was also represented, and Everett Jordan represented the National Virtual Translation Center. Professor Alan Melby from Brigham Young University and his team did a superb job of organizing the conference. The meeting stressed the crucial importance of our profession for business and governmental entities. Some of the horrors that mistranslations can cause in the business sector were outlined, such as the death of many babies due to a mistranslation on the labels of cans of baby formula.

Business entities were well represented and attentive to the many illustrations of how poor quality language services in the commercial sector can result not only in a considerable loss of money, but also sometimes in devastating loss of life.

In another connection, I suggested that all participants at the summit could make a significant philanthropic contribution by organizing free translation services in third world countries in the micro-credit endeavors sup-

ported by Dr. Muhammed Yunus' Grameen Foundation. Dr. Yunus, a Bangladeshi banker with a Ph.D. in economics from Vanderbilt University, was recognized with the 2007 Nobel Peace Prize for his work in systematizing small loans, mostly under \$100, for entrepreneurs too poor to qualify for traditional bank loans. Many women have availed themselves of such loans and have started businesses that prospered and enabled them to support their families. Dr. Yunus' bank has lent over two billion dollars in micro-credit, with an astounding repayment rate of over 98%. In cooperation with the business sector, translators could band together to help impoverished borrowers with translations of any necessary paperwork. My suggestion was welcomed and has resulted in a very exciting project launched by those in attendance at the summit. Professor Melby's incredible talent to convert ideas into reality was one of the moving forces in implementing it.

No less momentous than the summit was the Federal Conference on Limited English Proficiency. Held at the NIH, a beautiful campus of some 180 buildings, the conference took place in a building equipped with the most up-to-date audio-visual equipment. The Department of Justice was the prime mover of the conference and many other federal agencies participated, such as the Department of Transportation, the Department of Labor, the Social Security Administration, the Environmental Protection Agency, the Department of Education, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Health and Human Services, the Department of Treasury, and the National Virtual Translation Center. This was the first time that all these agencies joined in a conference focused on language access as a civil right. The amount of information provided was staggering, and its quality of the highest order. One could develop an entire university course in translation

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NAJIT occasionally makes its member information available to organizations or persons offering information, products, or services of potential interest to members. Each decision is carefully reviewed and authorization is given with discretion. If you do not wish to have your contact information given out for this purpose, please let headquarters know and we will adjust our records accordingly.



# LINGUISTS NEEDED IN TIME FOR DISASTER PLANNING

Isabel Framer

*The 2007 Federal Interagency Conference on Limited English Proficiency held on March 15-16 in Washington, D.C. included a panel entitled "The Importance of LEP Planning in Meeting the Challenges Associated with Responding to Disasters." The panel speakers were: Everette Jordan, Director of the National Virtual Translation Center; Isabel Framer, NAJIT Board member; Rebekah Tosado, Esq., Director for Review and Compliance in the Office for Civil Rights and Civil Liberties, Department of U.S. Homeland Security; Juliet Choi, Esq., Senior Associate for the National Partnership Development with the Preparedness and Response Department of the American Red Cross. The following is an edited excerpt of the remarks by NAJIT's representative.*

We have a national problem that affects all government agencies in their ability to carry out their job: we suffer from a lack of qualified interpreters. There are few incentives to recruit and retain existing certified and qualified interpreters, and a lack of awareness of how to tap into existing resources. Even when resources are available or rules in place, agencies resort to hiring unqualified individuals because they are cheaper.

Interpreters eventually have to move or find other full time jobs not related to the field. Aspiring interpreters have no incentive to seek education or certification because there are no long term payoffs.

The media has widely reported a shortage of qualified interpreters. In recent legislative hearings, Senators Akaka, Voinovich, Kohl and U.S. Supreme Court Justice Kennedy have highlighted their concern about this shortage.

In reality we have a couple of thousand federal and state court certified Spanish interpreters, hundreds of qualified individuals in other languages, thousands of practicing but untrained bilinguals and many aspiring interpreters. Yet we are still lacking in funding for training or certification efforts.

Certified and qualified interpreters have skills that go beyond bilingualism. When we speak of skills, we are not referring to language proficiency or the learning of specialized vocabulary, although these are crucial components. The skills we speak of are cognitive skills: possessing the ability to listen, comprehend, retain, reproduce and transfer information from one language into another language, without distorting or losing meaning. These skills require years of practice and cannot be developed overnight or in the course of a few interviews, hearings or medical appointments.

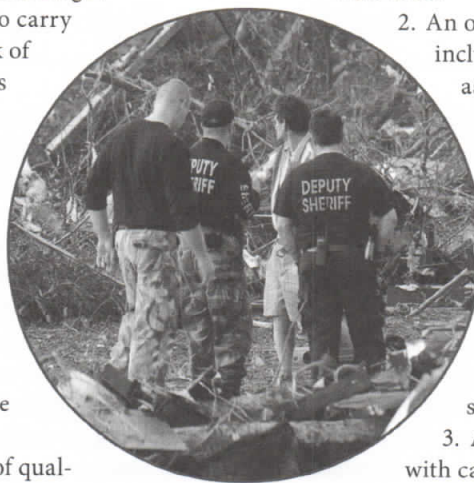
Communication problems affect people's rights, equal access, equal protection, health, life, safety, and national security.

Because I work in the field, I see and hear first hand some of the tragedies that take place at every level of our justice system due to the use of unqualified and untrained bilinguals as "interpreters" or because there are no policies in place. Let me give you a few examples.

1. A police department received a 911 call from Spanish speaking individuals reporting a fire in a building. There was no policy in place to provide language services. Additional calls in Spanish were made, but it wasn't until they received a fourth call in English that the fire department was dispatched to the location. When they arrived, seven people were dead.
2. An officer who took a Spanish immersion course, including a department paid trip to Mexico, served as interpreter in an interrogation. The officer was not sufficiently bilingual and the suspect spoke limited English. They both resorted to Spanglish (a mixture of English and Spanish). The suspect began to confess to something but, since his account was so distorted, no one could determine exactly what he was confessing to. The case resulted in a lesser charge and a sentence of probation. This was a matter of an alleged sodomy of a six-year-old child.
3. A 37-year-old Korean woman was diagnosed with cancer. One evening after receiving chemotherapy treatment for several hours she tried to tell the medical staff that she was tired and wanted to go home for the night. The nurse gave her a "consent to terminate treatment" form, which she signed, thinking she was agreeing only to be released for the night. She didn't hear from the hospital again for several months. When she did go back, the cancer was everywhere and impossible to contain. She died shortly thereafter.

The above cases are few of many, and to begin to address our deficiencies and avert further tragedies, we need to begin to develop the connective tissue between professional organizations and governmental agencies. We need to build relationships that allow the flow of best practices and information so we can get the job done right the first time. Government agencies only need to tap into already established resources and form partnerships with

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TEAM INTERPRETING *continued from page 1*

Interpreters in the courtroom can play a dual role, interpreting the actual proceedings and also interpreting for attorney-client consultations when needed. Especially in multi-defendant cases, working in a team allows one interpreter to continue interpreting the proceedings while the second interpreter assists during any attorney-client discussions at defense table.<sup>2</sup>

**The interpretation process**

Interpreting is cognitively demanding and stressful, requiring many mental processes to occur simultaneously: the interpreter listens, analyzes, comprehends, and uses contextual clues to convert thought from one language to another in order to immediately render a reproduction in another language of each speaker's original utterances.<sup>3</sup> In courtrooms with imperfect acoustics, cramped seating, security requirements, miscellaneous noise, mumbled diction, interruptions, the tension of litigation, and lawyers or clients who may need the interpreter at any moment for a private consultation, interpreters need to channel dozens of stimuli and effectively sort them in order to fulfill the task at hand. Even thirty to sixty minutes of continuous interpreting leads to significant processing fatigue. Thus, simultaneous interpretation can be seen as a "cognitive management problem." After a certain amount of time on task, an interpreter inevitably reaches a saturation point, at which time errors cannot be avoided because mental circuits get overloaded.<sup>4</sup>

**Interpreter error and fatigue**

Scientific studies have shown that mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in a marked loss in accuracy. This is so regardless of how experienced or talented the interpreter may be. A 1998 study conducted at the École de Traduction et d'Interprétation at the University of Geneva demonstrated the effects of interpreting over increasing periods of time. The conclusion of the study was that an interpreter's own judgment of output quality becomes unreliable after increased time on task.<sup>5</sup>

Remarkably, these recent studies ratify the results obtained the very first time that simultaneous interpreting was attempted at an international conference, in 1928. The engineer's report stated: "It was observed that an average of 30 minutes of consecutive work was the maximum time during which a satisfactory translation could be done; after this time, one runs the risk of deteriorating results, due to fatigue."<sup>6</sup>

Empirical observations of interpreters at work in many venues have borne out the need for a relay approach to simultaneous interpreting, for the protection of both the interpreter and the end user of interpreting services.

**Minimizing possibility of interpreter error**

Due process guarantees the right of a litigant to see and hear all evidence and witnesses. Case law holds that on the basis of the 4th, 6th, and 14th Amendments to the U.S. Constitution, a non-English

speaking defendant has a right to be provided with a complete interpretation of the proceedings rather than a summary.<sup>7</sup>

It is unrealistic to expect interpreters to maintain high accuracy rates for hours, or days, at a time without relief.

If interpreters work without relief in proceedings lasting more than 30-45 minutes, the ability to continue to provide a consistently accurate translation may be compromised. Further, since an interpreter is under oath to provide a fair, complete and impartial interpretation, due process rights are best protected by a team of interpreters for all lengthy proceedings.<sup>8</sup>

Like a marathon runner who must maintain liquid intake at regular intervals during the race and not wait until thirst sets in, an interpreter needs regular breaks to ward off processing fatigue, after which the mental faculties would be impaired. Team interpreting allows the active interpreter to remain mentally fresh, while the support interpreter takes on other functions that would lead the active interpreter to cognitive overload.

Planning and coordination are needed to ensure a high level of reliability in interpreter output.

Court proceedings are sometimes unpredictable. What may begin as a brief matter always has the potential to get more involved as new matters come to the court's attention. When a hearing is extended unexpectedly, if

possible, a relief interpreter should be provided to rotate into the assignment. Alternatively, periodic breaks should be taken to prevent mental exhaustion by the interpreter.

**Judges and interpreter administration**

Judges are uniquely situated to understand the importance of language skills in the courtroom, and different courts may view interpreter administration differently. However, it is universally recognized that the team approach is the best insurance policy against errors in the interpretation process. In some courts, team interpreting is established policy and automatically coordinated by the interpreting department. In other courts, local rules state that judges "may appoint" multiple interpreters if the proceeding warrants it. Local guidelines and practices can establish team interpreting as a necessary technique of quality control in proceedings lasting more than a certain length of time. In general, it is recommended that simultaneous interpreters rotate every 30-45 minutes when conveying general court proceedings and when interpreting for non-English-speaking witnesses.

The job of conveying meaning in two distinct languages at a moment's notice is unlike that of anyone else in the courtroom. It is a demanding task, and the cost of errors is high. When judges work together with interpreter administrators to ensure adequate working conditions for court interpreters, everyone benefits. From a human resources perspective, teaming also promotes the long-term effectiveness of interpreter departments by encouraging cooperation, sharing responsibility and preventing burnout or attrition.

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## Conclusion

Due process rights are best preserved with faithful simultaneous interpretation of legal proceedings. Court interpreters work for the judiciary and their goal is accuracy and completeness, not a particular party's agenda. In a controlled study, it was shown that interpreters' work quality decreases after 30 minutes. In the challenging courtroom environment, team interpreting ensures that the comprehension effort required to provide accurate interpretation is not compromised. To deliver unassailably accurate language service, court interpreters work in teams. ▲

### References:

- 1 *Professional Ethics and the Role of the Court Interpreter*, 3rd Edition, 2001, Judicial Council of California p. 25, (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).
- 2 *Ibid*, p. 26
- 3 Moser-Mercer, B., Kunzli, B., and Korac, M. 1998. "Prolonged turns in interpreting: effects on quality, physiological and psychological stress." University of Geneva, École de Traduction et d'Interprétation. *Interpreting* Vol. 3 (1), p. 47-64. John Benjamins Publishing Co.

4 Gile, Daniel. "Conference Interpreting as a Cognitive Management Problem" in Franz Pochhacker and Miriam Shlesinger, eds. *The Interpreting Studies Reader*. Routledge, 2002.

5 Op cit, *Interpreting* Vol. 3 (1), 1998, p. 55-61

6 Baigorri Jalón, Jesús. 2000. *La Interpretación de conferencias: el nacimiento de una profesión. De París a Nuremberg*. Editorial Comares, Granada, p.188

7 See *People vs. Aguilar* (1984) 35 Cal. 3d 785, 790 (California appellate case) and *Negrón vs. New York* (434 F 2d 386, 2nd Circuit, 1970) (federal appellate case).

8 Vidal, Mirta. 1997. "New Study on Fatigue Confirms Need for Working in Teams" *Proteus*, Vol. VI (1).

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Note: This position paper can be downloaded from [www.najit.org](http://www.najit.org)

Issued March 1, 2007

**LINGUISTS NEEDED IN DISASTER PLANNING** *continued from page 3*  
those who already have expertise and experience in translation and interpretation.

Many experts in the field suggested that a government sponsored national database of certified and qualified individuals be prepared for national emergency response. The National Virtual Translation Center organized the infrastructure. NAJIT and NVTC worked together to recruit certified and qualified interpreters for the database. Currently the NVTC has 1,000 interpreters and translators representing 60 languages in the database.

This database is essential for national emergency preparedness and response and should be tapped into not just in times of national emergency, but for other Government work, thus, creating an incentive for the recruitment and retention of qualified individuals. It is also important to have one single entity (a hub). Having one single point of contact will avoid confusion and replication of work already done. Forming partnerships among organizations and entities is the best way to accomplish what no entity can do on its own.

NAJIT has developed other partnerships, such as with SAKHI for South Asian Women and Sanctuary for Families.

Before any policies were in place for law enforcement, NAJIT worked with Ohio local law enforcement in Summit/Lorain county to create a model policy manual to address many of the language problems that affect law enforcement's ability to serve and protect all persons. The Summit/Lorain initiative has been replicated by other law enforcement agencies in other states.

The collaborative effort moved from the local level to a state-wide collaboration with the Ohio Criminal Justice Services (OCJS), a division of the Ohio Department of Public Safety. OCJS, together with NAJIT and ATA, created a language identification booklet titled "I Speak" in 47 languages, which had national and international distribution. These and many other types of initiatives can also be encouraged at the federal level with all of us joining forces:

NAJIT's experts, consultants and trainers, the NVTC and the American Red Cross.

We need to move forward with a more coordinated plan and partnerships with all of the necessary stakeholders. Certified and qualified interpreters are the nexus between all government entities and the LEP population. As communicators, we know that without communication, nothing can happen. ▲

*At the American Red Cross, we recognize the changing and dynamic demographics of so many local communities across the country and the growing unmet needs of individuals and families requiring language assistance. We take particular note of the absolute need and wonderful opportunity to partner with organizations with specialized expertise such as NAJIT so that collectively and collaboratively we may better serve the LEP, immigrant and disability communities. On behalf of the Red Cross, it is with great pride that I am able to share with you that earlier this year, NAJIT and the American Red Cross agreed to a formal partnership in principle. Over the weeks to come, we will sit down and hammer out the practical next steps of the partnership which will include, among other activities, NAJIT members becoming part of the Red Cross disaster team while educating us about how to better incorporate language assistance practices into our disaster work. We are delighted and grateful for this partnership.*

*NAJIT, please accept our heartfelt thanks for partnering with the American Red Cross.*

*—Juliet Choi*



MESSAGE FROM THE CHAIR *continued from page 2*

and interpretation based solely on the material received at the conference.

Participation in the conference was by invitation only. Significantly, NAJIT's entire board of directors was invited to participate. Director Framer also participated on a panel (for an edited version of her remarks, see page 3). Federal agency after federal agency referred to the work NAJIT is doing and referenced our work in their bibliographies. I am sure that every one of you would have been as proud as I was at the repeated accolades NAJIT received. The work we do together and the recognition and prestige received reflects on every one of us.

Our activities were also carried out at the international level. Director Feuerle gave a presentation and participated on a panel at the Critical Link conference in Sydney, Australia; a meeting which *Proteus* editor Nancy Festinger also attended. Director Framer was

quoted extensively in a February 2007 article by Nicola Laver titled "Interpreters and the Judicial Process" published in *International Bar News*.

NAJIT's annual conference in Portland, Oregon this coming May looks like one of our best ever. A wealth of information regarding the conference can be found on our website. The topics and presenters this year have been chosen with care to give the participants a great deal of information in interesting formats (remember Horace's advice to teach and entertain). Portland is a beautiful location which I am sure you will all enjoy. Many members have already registered and I urge those of you who can attend to make arrangements to register as soon as possible. ▲

Alexander Rainof,  
Chair, NAJIT Board of Directors

The National Virtual Translation Center (NVTC) has a shared database that contains up-to-date information on available certified translators to conduct the work of the Center. We offer access to an ever-increasing pool of translation resources that was previously unavailable to the government. The Center is able to offer to our customers flexibility and responsiveness in finding the right translators with the right skills at the right time and national connectivity among elements of the U.S. Government, academia, and the private sector.

The professionals that work for the NVTC are American citizens who have passed a vigorous national security background check; have passed a comprehensive language test; come from all walks of life, including stay-at-home parents and career professionals. These professionals face

challenging and varied work assignments and have access to a significant volume of tasks in a variety of languages and topics. The Center offers the flexibility to work full time, part time or as needed, from home or from designated Government facilities, and also provides language tools to facilitate translation efforts. The NVTC has invited members of the American Translators Association (ATA) and the National Association of Judiciary Interpreters and Translators (NAJIT) to participate in this effort to provide translation services at a critical time to our nation's security.

—Everette Jordan

Note: Further information on the March 15 & 16, 2007 Federal Interagency Conference on Limited English Proficiency is available at: <http://www.lep.gov/whatsnew.html>

Stories that make plain the challenge of addressing the needs of LEP populations are not hard to find. Even in small towns, it is common to find isolated populations who speak languages that are infrequently encountered elsewhere. When these individuals do not have meaningful access to important services, troubling things can happen. People may be denied emergency services or fundamental legal protections. But we know that it doesn't have to be that way. We can reach the right result and do the right thing if we collaborate to address the needs of the limited English proficient population.

—Assistant Attorney General Wan J. Kim

For full text, see [http://www.lep.gov/wan\\_kim\\_31507.pdf](http://www.lep.gov/wan_kim_31507.pdf)

## CALENDAR

**July 12-15, 2007. Seattle, WA.** International Association of Forensic Linguists, 8th Biennial Conference on Forensic Linguistics, Language and Law. To register: [www.iafl.org](http://www.iafl.org)

**July 28-29, 2007. Buenos Aires, Argentina.** INTERPRETA 2007. To register: [www.interpreta2007.org](http://www.interpreta2007.org)

**August 3-8, 2007. San Francisco, CA.** RID Biennial Conference. See [www.rid.org](http://www.rid.org)

**October 31-November 3, 2007. San Francisco, CA.** ATA's 48th Annual Conference. See [www.atanet.org](http://www.atanet.org)

**November 15-18, 2007. San Antonio, TX.** ACTFL Annual Convention & Exposition. See [www.actfl.org](http://www.actfl.org)

**August 1-7, 2008. Shanghai, China.** FIT's XVIII World Congress. See [www.fit2008.org](http://www.fit2008.org)

NAJIT offers this calendar as a service to its members. No endorsement of courses or events offered by other organizations is implied.



## NAJIT ADVOCACY IN ACTION

Over the past six months NAJIT has been more active than ever on the local and national fronts, advocating for increased funding for court interpreter programs, encouraging courts to use certified interpreters, providing support

for legislative initiatives on interpreter-related issues, and espousing effective working conditions for interpreters at every level of the judiciary. In the section that follows, we offer an overview of some of the pending campaigns.

### Advocacy for Senate Bill 702

NAJIT has recently expressed its support of S.702, which would grant the Attorney General the authority to award grants to states to develop and implement state court interpreter programs.



National Association of Judiciary  
Interpreters and Translators

April 12, 2007

Fax number: 202-228-2294

Email: Caroline\_Holland@judiciary-dem.senate.gov

Hon. Herbert Kohl  
Senate Judiciary Committee  
224 Dirksen Senate Office Building

Washington, DC 20510

Re: S. 702 to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs.

Dear Senator Kohl:

On behalf of the National Association of Judiciary Interpreters and Translators, a professional association with over 1000 language specialists in the legal interpreting and translation field, we write in support of S. 702 to authorize the Attorney General to award grants to states to develop and implement state court interpreter programs.

Court interpretation is a highly-skilled profession requiring specialized training and experience. Even bilingual individuals who speak languages at a high degree of fluency are not qualified thereby to provide legal interpreting or translation services in judicial or quasi-judicial settings. In a courtroom, language and the law combine to demand excellence and full command of technical language, nuance, register and vocabulary. In addition, there are skills that an interpreter must possess to interpret in the modes of interpretation already established by federal statutes, court rules, case law, and the profession, including knowledge of strict ethical requirements in these settings.

NAJIT members labor every day in federal, state, and municipal courtrooms, jails, prisons, attorneys' offices, law enforcement agencies, and in other justice agency settings. We strive to provide services of the highest quality and invest time, energy and money in improving our skills because court interpreting is such demanding work. We see first hand and up close some of the challenges that our courts and other justice partners are experiencing in the use and misuse of interpreters.

NAJIT is aware that some states have established solid interpreter programs but have been hampered by diminishing or non-existent funds to recruit, train, test and retain certified and qualified interpreters. Some states

are still struggling to organize and provide reliable language services to the limited English proficient population; others have had to rely on a scattershot approach to providing language service: their interpreters lack linguistic competence, or skills, or are unaware of their role and professional responsibilities due to lack of orientation and training. We see or hear of reports where interpreters are not provided, or untrained bilinguals, friends, family members, bystanders and even children are utilized because the court is either unaware of what constitutes minimum standards of competency or does not have funds for competent interpreter services.

Haphazard use of untrained and uncertified individuals ultimately costs the judicial system much more than seed funding for court interpreter programs that include reliable standards and certification. The lack of competent interpreter services also negatively impacts the efficient administration of justice and affects the court's ability to function effectively. Use of untrained and uncertified individuals as interpreters has led to cases being reversed, dismissed, re-tried or being processed with reduced charges.

The United States is a diverse country. Every day thousands of citizens or residents who have not yet mastered English come in contact with the judicial system which they cannot fully understand nor effectively access due to language barriers. We are well aware that this diversity poses unique challenges in providing effective delivery of government services, particularly in the courts.

In recent years, the shortage of qualified interpreters has been widely reported in the media. In recent legislative hearings, many have expressed concern about this shortage. September 11 and other disastrous events have alerted us to our pressing language needs and the need to organize our certified and qualified interpreters and translators. Katrina reminded us of our deficiencies in this area. Yet there have been few incentives and no funding to recruit, train, and retain either existing certified and qualified interpreters or aspiring interpreters.

Serious communication problems not only affect people's rights, equal access, equal protection, health, life, and safety, but also our national security. Too many officials at the national and local levels miss the critical link between legislated interpreter and translator credentialing and our country's compromised ability to respond to national disasters. Only through legislation and appropriation can we improve access to services throughout all levels of local and state government.

**For all the above reasons, NAJIT commends S. 702 for its recognition that court interpreter programs need support, and strongly urges its passage.**

Sincerely yours,  
Alexander Rainof, Ph.D.  
Chair of the Board of Directors  
National Association of Judiciary Interpreters and Translators



## Advocacy Regarding Use of Uncertified Interpreters

*This letter was drafted in response to concerns expressed by members about the practice in some courts of using non-certified*

*interpreters when certified interpreters are available.*



National Association of Judiciary  
Interpreters and Translators

March 1, 2007

Dear Judge [insert name]:

I write on behalf of the National Association of Judiciary Interpreters and Translators, a professional association with over 1100 members who practice in the state and federal courts.

Our association advocates the use of tested interpreters whenever possible.

We are aware that the Judicial Council of Virginia is taking reasonable steps to provide a reliable certification process for court interpreters. This process is designed to better ensure that Spanish-language interpreters are competent to perform services in a court environment through training and testing. The Certified Spanish Language Interpreter List (<http://www.courts.state.va.us/filist.htm>) is distributed to the courts in order to identify those interpreters who have fulfilled all certification requirements. Individual state courts and others may use this list to contact certified interpreters directly and arrange for services. (Sample orders for appointing an interpreter may be found in the *Handbook for Judges and Clerks*.)

The Judicial Council of Virginia has recommended that certified interpreters be called as a first-step resource.<sup>1</sup> However, it has come to our attention that some courts in Virginia routinely call non-certified Spanish interpreters, or contract the services of private sector language agencies. These agencies do not necessarily provide the courts with certified, trained or tested interpreters, despite the fact that there are certified Spanish and otherwise qualified interpreters readily available in the state.

Court interpretation is a skilled profession requiring specialized training, knowledge and experience. The interpreting process requires a high degree of fluency in both languages. Even bilingual individuals with native-like fluency in both languages are not necessarily qualified to provide interpreting services in a courtroom. A legal setting demands excellence and full command of technical language, nuance, register and vocabulary. In addition, technical mastery of simultaneous and consecutive interpreting skills is essential. These skills require extensive practice and development.

Further, the acceptable modes of courtroom interpretation have been established by federal statute [28 USC §1827], state statute or rules, and case law [See our position paper on "Modes of Interpretation" at [www.najit.org](http://www.najit.org)]. The experienced interpreter knows when to use these different modes.

<sup>1</sup> Guidelines for Policy and Best Practice Office of the Executive Secretary, Supreme Court of Virginia November 1, 2003 <http://www.courts.state.va.us/interpreters/guidelines.pdf> Judicial Council of Virginia Frequently Asked Questions <http://www.courts.state.va.us/interpreters/faq.html#court>

There are also strict ethical requirements that all court interpreters must learn and apply.

For reasons of fundamental fairness, due process, equal access and equal protection under the law, all non-English-speakers who come before the courts are entitled to the assistance of an interpreter. Of course, it is preferable that the interpreter be demonstrably competent. Without a competent interpreter, neither the court, the state, nor the defense can carry out their respective duties, thus putting into jeopardy basic constitutional safeguards and the integrity of the justice system.<sup>2</sup>

The Virginia Criminal Procedure Code, § 19.2-164, requires court approval of a competent interpreter for a non-English-speaking defendant. Interpreter competency requires more than self-identification as a bilingual or an interpreter. We understand that determining who is a "competent interpreter" may place an unnecessary burden on the courts, given that court personnel may be unfamiliar with interpreter credentialing issues.

This is why we urge the Virginia courts to implement throughout the state the prudent recommendations made by the Judicial Council of Virginia regarding the use of certified Spanish interpreters and otherwise qualified professionals (in languages where certification does not exist). The certified Spanish interpreters who are available should be called in the first instance. Having gone through the certification process, they are the most reliable interpreters the court can identify.

If our association can assist the court in any manner, please do not hesitate to call on us.

Sincerely yours,

Alexander Raïnof, Ph.D.  
Chair, Board of Directors  
National Association of Judiciary  
Interpreters and Translators

<sup>2</sup> Santos Adonay Pagoada vs. Commonwealth of Kentucky NO. 97 CR - 1002, October 5, 2001. Fayette Circuit Court, Criminal Branch, Fifth Division [Ineffective Assistance of Council Claim. Judgment of the conviction set aside and a new trial ordered. Competency of the interpreter (lack thereof) went hand in hand with the attorney's ability to secure his client's constitutional rights]. Also refer to the case article "Through the Eyes of an Interpreter" at <http://languageaccess.us>. State v. Ramirez, 732 N.E.2d 1065, (Ohio App. 1999) and its accompanying article "Interpreters and Their Impact on the Criminal Justice System: The Alejandro Ramirez Case" and "Interpreter Issues on Appeals" located at [www.najit.org](http://www.najit.org) under Proteus.



# ADVOCACY PAYS OFF IN WASHINGTON STATE

Kenneth Barger

The advocacy committee of the Washington State Court Interpreters and Translators Society (WITS) has been hard at work in support of House Bill 2176 and Senate Bill 6005, which may affect conditions for court interpreters and the provision of language services in our courts. It's been a fascinating opportunity to make our voices heard and to join forces with our sister organization, the Northwest Translators and Interpreters Society (NOTIS), as well as NAJIT.

House Bill 2176 and Senate Bill 6005 were introduced as companion bills in the state legislature; that is, they were identical in their original forms. This proposed legislation would require courts to create a language assistance plan to ensure delivery of language services to limited-English-speaking litigants. The state would reimburse one-half of the local jurisdictions' expenses incurred in securing interpreter services on condition that the courts comply with several requirements such as the development of the language assistance plan, the use of certified or registered interpreters in languages for which such credentials exist in Washington, and payment in accordance with standards set by the Administrative Office of the Courts.

WITS Advocacy, chaired by Claudia A'Zar, became keenly interested in this legislation because as is the case in many states, unqualified interpreters are being used in far too many court proceedings in Washington. This is due in large part to payment inconsistencies from one jurisdiction to another, which render it difficult to make a living in many areas of our state. When we set about advocating for these bills, we took on a role that was new to us as an organization.

On January 10, Emma Garkavi and Ann Macfarlane testified before the House Judiciary Committee in a work session. Sharing a panel with several other interested parties from the legal profession, Emma and Ann represented the point of view of language professionals. Then we had to wait to see when public hearings would be scheduled, knowing that could happen at a moment's notice.

Once we got word on the hearings, we sprang into action and sought official support from the boards of WITS, NOTIS and NAJIT. All three organizations responded quickly and expressed their support for this legislation. On February 20, Linda Noble and I testified before the House Judiciary Committee. Linda's testimony was particularly compelling. Samuel Mattix transcribed it afterwards, and we have included it at the end of this article.

The next day, several of us went to testify before the Senate Judiciary Committee, which was considering Senate Bill 6005. Ann Macfarlane, Samuel Mattix, Emma Garkavi and myself were there, but only three people were allowed to testify: Jeff Hall from the

Administrative Office of the Courts, Judge Michael Spearman, and myself. I testified on behalf of the others present and underscored support from NOTIS and NAJIT.

On March 1, a public hearing on House Bill 2176 was held in the House Appropriations Committee. Karen Horn testified on behalf of interpreters and was joined by several other interested parties. Two days later, Appropriations voted to report the bill out of committee, and the next stop was the Rules Committee. Meanwhile, the Senate Judiciary Committee also voted to report Senate Bill 6005 out of committee and refer it to the Ways and Means Committee.

As of this writing, the legislative process is still in full swing, and final results of this effort will not be known until the session is over. The original funding package for these new policies was just under eight million dollars. The House is looking to whittle this figure down to one million, while the Senate is considering six and a half million. Then the bills have to go from the originating body to the other for final passage. Updates on the progress of these bills are available at [www.leg.wa.gov](http://www.leg.wa.gov). WITS will keep readers informed at [www.witsnet.org](http://www.witsnet.org) and in our newsletter.

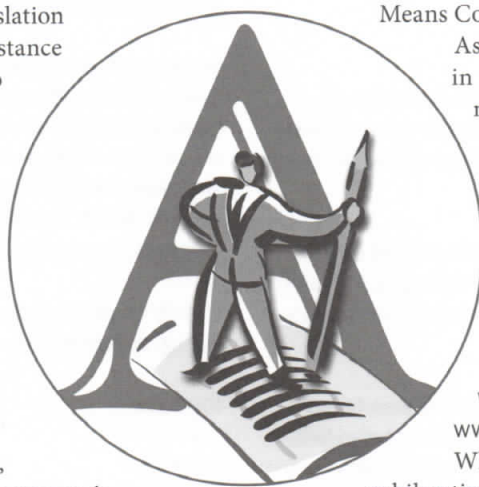
Whatever the results of this effort, it has been an exhilarating experience. We learned much about the legislative process, and above all, increased the visibility of members of our profession in Washington. One of the most encouraging aspects of this effort was the rapid affirmative response from our allies in NAJIT and NOTIS. Court interpreting in its current form is still a little-understood field, and it behooves us to work together in order to raise the profile of our profession. WITS remains dedicated to improving the state of court interpreting, and we look forward to more opportunities to collaborate with others who share our goals.

*[The author, a federally certified Spanish interpreter and ATA-certified translator (Sp>Eng; Eng>Sp), currently serves as president of WITS.]*

## Testimony by Linda Noble before the Washington State House Judiciary Committee, February 21, 2007. [Edited version]

Thank you very much, Madam Chair, for giving me the opportunity to speak this morning. I came down from Seattle and am very honored to be here today. I'm a certified court interpreter in Russian. I obtained my certification in 1996, the first year that this certification was introduced in this state due to the growing number of refugees from the former Soviet Union.

> continues on page 11





# ADVOCACY IN HAWAII:

## Testimony in support of Hawaii HB600 HD1 requiring certification of court interpreters

The following letters of support were instrumental in garnering legislative support for the interpreter certification bill.



National Association of Judiciary  
Interpreters and Translators

E-mail: Testimony@Capitol.hawaii.gov

TO: Sen. Clayton Hee, Chair; Sen. Russell S. Kokubun, Vice-chair; Senate  
Judiciary and Labor Committee

FROM: National Association of Judiciary Interpreters & Translators

HEARING: Feb. 2, 2007, 9 a.m., Rm. 229

RE: Support for SB 625, Relating to Court Interpreters

The National Association of Judiciary Interpreters and Translators (NAJIT), founded in 1978, is the only nationwide organization of active court interpreters. Current membership stands at 1100 and includes state and federal court interpreters of many languages.

We include among our stated purposes: a) to advocate training and certification of interpreters through competent and reliable methodologies, b) to promote professional standards of performance and integrity, and c) to advance the highest quality services.

NAJIT's membership supports certification as an objective, science-based method of testing to ensure that court interpreters meet *minimum standards* of competence. General consensus in the field holds that testing is an essential step to guaranteeing the provision of competent, cost-effective court interpreter services. These services are fundamental to equal access to the courts and linguistic due process for the deaf and Limited English Proficient (LEP) individuals.

We agree with the publication of the National Center for State Courts (NCSC) Consortium for State Court Interpreter Certification: *"Court Interpretation: Model Guides for Policy and Practice in the State Courts,"* which states "To address the causes of problems with court interpreting, comprehensive, statewide mechanisms and procedures need to be formalized by statute...." "Formalized testing of language and interpreting proficiency (certification testing) is the best way to assess interpreter qualifications." (NCSC, 1995, pp. 12, 89, available from [http://www.ncsonline.org/D\\_Research/CourtInterp.htm](http://www.ncsonline.org/D_Research/CourtInterp.htm)).

We are aware that the Hawaii judiciary began examining court interpreter issues in 1994 and joined the Consortium in 1997. It is our hope that the pending legislation will definitively implement a certification program. SB 625 is a good bill, largely based on the Model Act in the NCSC report cited above. We believe it will put Hawaii on track to improve the quality of court interpreter services. With it, Hawaii will be able to create a meaningful, effective, cost-conscious and legally defensible court interpreting program.

We fully support this bill, which will mandate a court interpreter training, testing, and certification program. Please pass SB 625.

Thank you.

Sincerely,  
Alexander Raïnof, Ph.D.  
Chair, Board of Directors  
National Association of Judiciary Interpreters and Translators



### Testimony In Support of Court Interpreters

House Finance Committee  
PERTAINING TO HB 600 HD1  
Feb. 27, 2007, 1:45 pm

Hawai'i State Capital House Conference Room 308  
Office of The House Sergeant at Arms,  
Ph: 586-6500, Fax: 586-6501

Tessie Oculito, RN, President  
Philippine Nurses Association-Hawaii (PNAH)  
92-1269 Umana St.  
Kapolei, HI 96707

To: The Honorable Rep. Marcus R. Oshiro, Chairperson  
The Honorable Rep. Marilyn B. Lee, Vice Chairperson

Members of the House Finance Committee

My name is Tessie Oculito. As president of the Philippine Nurses Association

—Hawaii (PNAH), I am providing this written testimony on behalf of our more than 50 members to highly recommend the passage of HB 600 HD1, which proposes to certify court interpreters and to appoint and use certified court interpreters in legal proceedings. (HB600 HD1)

English is not the first language for most of our members, including myself. As nurses, we know firsthand the challenges of needing accurate interpretation, especially in medically related cases. Please support the passage of HB 600 HD1. It will build the capacity of our court system to ensure language access for everyone. Thank you for the opportunity to provide this testimony.

Sincerely,  
Tessie Oculito, RN, President  
Philippine Nurses Association-Hawaii



## BENEFITS OF SUPPORTING COURT INTERPRETERS



House Finance Committee  
PERTAINING TO HB 600 HD1

Feb. 27, 2007, 1:45 pm

Hawai'i State Capital House Conference Room 308

Reginald Ho, MD, Principal Investigator  
Miles Muraoka, PhD, Research Director  
Charlene Cuaresma, MPH, Community Director  
Asian American Network for Cancer Awareness, Research and Training  
A National Cancer Institute Community Network Program  
c/o 728 Nunu St., Kailua, Hawai'i 96734  
Phone/Fax: 254-4522

To: The Honorable Representative Marcus R. Oshiro, Chair  
The Honorable Representative Marilyn B. Lee, Vice Chair  
Members of the House Finance Committee  
Office of The House Sergeant at Arms, Ph: 586-6500, Fax: 586-6501

My name is Charlene Cuaresma, Community Director for the Asian American Network for Cancer Awareness Research and Training or AANCART. I am speaking on behalf of myself, Dr. Reginald Ho, and Dr. Miles Muraoka, who serve respectively as Principal Investigator and Research Director. As leaders of AANCART, we strongly encourage you to consider the benefits of requiring certification of court interpreters by the judiciary, and to appoint and use certified court interpreters in legal proceedings.

According to the 2000 U.S. Census 26.6 percent of Hawai'i's population speaks a language other than English. Nationally, only 17.9 percent of the population speaks a language other than English. Furthermore, Asian and Pacific Islanders make up the majority of Hawai'i's households whose primary language is not English. Of these households, 20.2 percent do not speak English well or at all. Filipinos represent 61% of Hawai'i's immigrant groups.

Last year, Gov. Lingle signed into law the Language Access Bill, HB2778 HD2 SD2 CD1 (Act 290). "This new law represents the state's commitment to ensuring that no individual living in the State of Hawai'i is denied his or her right to critical services because they might not be able to speak or read English," she stressed. Immigrants and individuals who are limited English proficient make significant contributions to Hawai'i's economy. Whether legal proceedings are related to health or other issues, linguistically isolated individuals deserve equal protection under the law. Investing in this certification process provides accountability and sets quality standards for all parties involved.

Thank you for considering the merits of this proposed policy.

Sincerely,  
Charlene Cuaresma, Reginald Ho, Miles Muraoka  
AANCART Hawai'i

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**ADVOCACY IN WASHINGTON STATE** *continued*

I'm here today to urge you to support House Bill 2176. I feel that this bill is a crucial step to ensuring consistently professional interpretation in all languages at all levels of our judicial system throughout the state. It mandates the use of qualified interpreters in court, and I also urge you to approve the funding that will make the program possible and realistic.

During my career as a professional court interpreter, I have provided simultaneous interpretation for persons accused of crimes ranging from simple misdemeanors to the most egregious felonies. Under due process all these people have the right to know everything that is happening in court, whether their personal integrity, driving privileges or liberty is at stake. I've also been responsible for interpreting witness testimony, where every word spoken is of the utmost importance and an error or omission can change the outcome of the trial and change a person's life forever. These are duties which should neither be taken lightly nor administered carelessly. The casual speaker of a second language or relatives or court clerks, who lack the education and professional training in this field, should not be expected to interpret under these circumstances.

I want to give you a short example of how this played out recently in a trial in King County Superior Court. The defendant grew up here, spoke perfect English and did not require an interpreter. But several witnesses in this case required my services. On

direct examination, one witness launched into a very lengthy narrative. As soon as I started to interpret her response, an objection was raised by defense counsel because she was potentially touching on testimony that was inadmissible. Then there was lengthy argument from both sides and colloquy between the judge and the attorneys. The judge then called a sidebar and the court reporter, attorneys and myself were called back into chambers, where there was further discussion, after which the judge said, "Okay, what was the answer?" By then about ten minutes had gone by, and I was expected to recall verbatim the very lengthy response that the witness had given. Fortunately, I have a lot of experience, am well trained in proficient notetaking and have developed very good retention skills, so I was able to recall her entire response for the record so that the judge could rule on its admissibility. I point this out because the person whose liberty was at jeopardy was not a limited English-speaking person, and yet the test of my professionalism and accuracy was just as vital to his fate as to that of any non-English speaking person in this state.

So I want to tell you that court interpreters — educated, professionally trained and experienced — are absolutely vital to ensuring due process in our courts. Again, I urge you to support House Bill 2176 and move Washington State to the forefront in providing its residents with equal access to justice. ▲



ADVOCACY IN HAWAII *continued*

House Committee on Finance  
February 27, 2007 at 1:45 p.m.  
Conference Room 308

TO: The Honorable Marcus Oshiro, Chair  
The Honorable Marilyn Lee, Vice Chair

FROM: Nanci Kreidman, Executive Director  
Domestic Violence Clearinghouse and Legal Hotline

RE: Testimony in Support of HB600 HD1 – Relating to Court Interpreters

On behalf of the Domestic Violence Clearinghouse and Legal Hotline (DVCLH), I submit this testimony in support of HB600 HD1. In recognition of the barriers confronted by immigrant and non-English speaking survivors, DVCLH has created a Community Building and Program Development department (CBPD) to improve both the cultural and linguistic accessibility of our direct services. We are committed to supporting legislation that aims to provide meaningful access to justice for all which includes providing adequate and proficient language access for those who are not proficient in English.



House Finance Committee  
PERTAINING TO HB 600 HD1  
Feb. 27, 2007, 1:45 pm  
Hawai'i State Capital House Conference Room 308

To: The Honorable Rep. Marcus R. Oshiro, Chairperson  
The Honorable Rep. Marilyn B. Lee, Vice Chairperson  
Members of the House Finance Committee  
Office of The House Sergeant at Arms, Ph: 586-6500, Fax: 586-6501

From: Raymund Liongson, PhD, President, Filipino Coalition for Solidarity  
c/o 91-892 Nohoihoewa Place, Ewa Beach, Hawai'i 96706

RE: Testimony in Support of HB600 HD1 – Relating to Court Interpreters

My name is Raymund Liongson. I am submitting this testimony as president of the Filipino Coalition for Solidarity. I represent more than 45 Filipino community leaders whose aim is to work for social justice issues to empower our community to make socially responsible contributions to Hawai'i and our global neighbors. I also serve as Philippine Studies professor at Leeward Community College.

The Coalition strongly supports HB 600 HD1, which requires the judiciary to certify court interpreters and to appoint and use certified court interpreters in legal proceedings. HB 600 HD1 is essential to safeguard the right to due process under the law for individuals whose first language is not English, and who are limited English proficient.

Filipino immigrants comprised 61% of the State's immigrant group, which is larger than all immigrant groups combined. According to the 2000 U.S. Census Bureau, 10% of Filipinos were reported to be in linguistically isolated households

HB600 HD1 requires that the judiciary establish a certification program for court interpreters. We agree that the quality of interpretation especially in a court setting is critical to the protection of the constitutional and civil rights of non-English speaking individuals. Like other direct service agencies, we are the advocates who become the voice for non-English speaking individual who are denied meaningful access to the courts. We are informed by the voices of our immigrant and non-English speaking clients of the language barriers that undermine their ability to effectively assert their rights, to make informed decisions, or to obtain benefits for which they and their children are entitled. Interpreter certification is a critical steppingstone for those individuals to receive a fair hearing and for the professional development of qualified interpreters and translators in our court system.

DVCLH recognizes the larger demographic context in which this bill arises. According to the 2000 census, Hawaii has the fourth largest percentage of foreign born residents in the country and the fifth largest percentage of limited English proficient (LEP) residents. It is imperative that the state make every effort to have the necessary infrastructure and sustainable practice to strengthen our judiciary and to ensure that the constitutional and civil rights of immigrants and LEP individuals are secured. Thank you for the opportunity to testify on this bill and we urge your support of the passage of HB600 HD1 with the effective date of July 1, 2007.

in the Counties of Hawai'i, Honolulu and Kaua'i. Maui County reported 16% of linguistically isolated households. Filipinos reported to be limited English proficient or speaks English less than very well were 16% in Hawai'i County, 23% in Honolulu County, 20% in Kaua'i County, and 30% in Maui County.

The Filipino community has reached out to the Coalition for assistance to navigate through the legal system. Language access is critical to settle legal issues and disputes. The Filipino Coalition for Solidarity supports initiatives to build the capacity for Hawai'i's court system to provide certified court interpreters. We urge you to pass HB 600 HD1.

Maraming salamat sa inyong lahat,  
Raymund Liongson, PhD  
President, Filipino Coalition for Solidarity

TO: Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair  
Committee on Finance

FROM: Lynn Gutierrez, President  
Oahu Filipino Community Council (OFCC)

HEARING: February 27, 2007  
1:45pm, Conference Room 211

RE: Testimony in Support of HB 600 HD 1 – Relating to Court Interpreters

On behalf of the Oahu Filipino Community Council (OFCC), I submit this testimony in support of H.B.600 H.D.1

OFCC is an umbrella organization comprised of sixty-two members (62) that represent a network of non-profit civic groups with a unified vision to improve the lives of our Filipino communities. HB 600 HD 1 is a bill that is a definitive



commitment by our State to establish a certification program for court interpreters that will guarantee that professional court interpreters exemplify both the competence and qualifications necessary to engage in their practice. We acknowledge that formalized standards implemented under this program to measure the competence of interpreters will increase the capacity and effectiveness of our judicial system to better address the social and legal needs of those in our communities, especially immigrants. It is apparent that the success of a certification program needs to be formalized by statute as a requisite mandate issued by the Legislature will advance our commitment to language access and promote the continued assessment of the quality of the interpreter pools.

Generally, it is the linguistic barrier faced by immigrants and limited English proficient (LEP) who seek help through the judicial system. It is with a sense of urgency that we ask for support for this bill as our constituents recognize the reality for Filipinos who currently represent almost 50% of incoming immigrants to Hawaii each year. H.B.600 H.D. 1 will make a profound impact on the quality of court interpreter services and protect LEP individuals from injustices already occurring as a result of untrained and untested interpreters.

In light of the profound impact that this pending legislation will have on a variety of ethnic communities, it also represents a single process by which our state is readily accountable to LEP populations. We support certification of interpreters by the judiciary as it is the first fundamental step toward compliance of both federal and state mandates designed to ensure the delivery of meaningful language access to communities such as ours. We urge your support of HB 600 HD1.



#### CONGRESS OF VISAYAN ORGANIZATIONS

To: Sen. Marcus R. Oshiro, Chair  
Sen. Marilyn B. Lee, Vice Chair  
House Finance Committee

From: Margarita Hopkins, President

Date: Tuesday, February 27, 2007, 1:45 pm

Subject: Support of HB 600 SD1, Court Interpreters

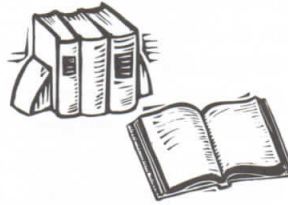
My name is Margarita Hopkins, President of the Congress of Visayan Organizations, a statewide umbrella organization representing 22 unit organizations of Visayan ancestry.

Honorable Chair, Vice Chair, and members of the House Finance Committee, I testify in support of HB600 SD1. The passage of this bill will certify court interpreters and appoint and use certified court interpreters in legal proceedings. (HB600 HD1)

We urge your committee to pass SB 600 SD1. A certification program is needed to provide quality interpreting services for legal proceedings. Growing numbers of Filipinos, Hispanics and Pacific Islanders who are limited English proficient require that our court system prepare to meet the demands for language access. Please enact HB600 HD1.

Thank you for this opportunity to testify.

For the President:  
Serafin Colmenares Jr.  
Executive Vice President ▲



## Book Review

Nancy Schweda Nicholson

### Witness to Nuremberg

Richard W. Sonnenfeldt  
New York: Arcade Publishing, 2006  
230 pp.

"Private Sonnenfeldt!! The general needs an interpreter!"

Thus began Richard Sonnenfeldt's experience as an interpreter and interrogator for the Americans at the end of World War II. In this memoir, Sonnenfeldt traces his personal odyssey from Germany to England — initially to boarding school to escape the Nazis, followed by internment there several years later — and later to Australia, India and ultimately the United States in 1941, where he arrived at age 17. He had already seen much of the world, been separated from his parents at 12 and forced to become independent, but all these adventures were just a prelude to the remarkable life to follow.

A German Jew by birth, Sonnenfeldt was drafted into the US Army in 1943. After 3 weeks of basic training in Florida, he was called to a room one day, told to raise his right hand and, with no preliminaries, was made into a U.S. citizen. Incredibly, his dream of so many years became a reality.

Just as the Allies were preparing for the Nuremberg War Crimes Trials, Sonnenfeldt, who was serving as a private in the U.S. Army in Salzburg, was recruited by the OSS to act as an interpreter and translator in Paris. At 22, with his own office and receptionist, he was given the title "Chief of the Interpretation Section of the Interrogation Division of the Office of U.S. Chief of Counsel." He was on a first name-basis with many top American military officers. His special papers with "presidential priority" authorized by General Dwight D. Eisenhower allowed him access to special flights and made it possible for him to lodge in the officers' quarters, close to those who required his interpreting services.

Sonnenfeldt's first encounter with Hermann Göring, former *Reichsmarschall* and head of the *Luftwaffe* and *Gestapo*, occurred when he accompanied the commandant of the prison to a cell in order to read the indictment. Before Sonnenfeldt began to translate the charges, Göring asked for an attorney. Shortly thereafter, he looked at Sonnenfeldt and said: "Now I need a good interpreter even more than a lawyer" (43). He was not wrong.

Sonnenfeldt vividly describes when Göring (whose nickname was *Der Dicke* or "Fatso") was brought into an interrogation room to be questioned by Colonel John Amen, chief interrogator for the American prosecution. After stating his name and swearing to tell the truth, Göring asked if he was "before the judge." Colonel Amen replied that *he* would ask the questions. Sonnenfeldt, sensing the need for some additional ground rules, asked Amen's permission



BOOK REVIEW *continued*

to instruct the witness regarding the procedure to be followed. He deliberately (and cleverly) mispronounced Göring's name as *Gering*, which means "little nothing" in German. He told Hitler's anointed successor not to interrupt him while he was interpreting. If Göring disagreed with his rendition, he could make a comment after the stenographer had finished taking it down. Then the interpreter would decide if the comment was worthy of consideration. Sonnenfeldt also remarked that he could proceed without an interpreter if he so desired. Göring knew some English, but not enough to make his case articulately and forcefully. So the interrogation went ahead with an interpreter. In the same breath, Sonnenfeldt promised Göring that he would never again mispronounce his name. After this testy exchange, Göring insisted that Sonnenfeldt always be his interpreter.

Once Sonnenfeldt's interpretation during an interview with Göring was called into question by General Donovan. Although the original German was not provided, Sonnenfeldt interpreted: 'I don't admit that I said that.' Donovan claimed that Göring had really said 'I don't agree to that.' Sonnenfeldt stood by his interpretation and began to defend his choice of words. Because Göring did know some English, he was able to follow their discussion. He smiled and said: "*I ssaitt, I du not attmitt to zat.*" Donovan conceded and permitted "accuracy to triumph over rank" (19).

After a while, when interrogators gained confidence in Sonnenfeldt, some would simply hand him an English translation of a document which implicated a witness and instruct him to "ask the right questions," encouraging him to take on the role of interrogator. During an interview with Wilhelm Keitel, Hitler's Chief of Staff, Sonnenfeldt reports that he once changed an investigator's question from "Are you telling the truth?" to "Why are you lying like a coward?" Keitel became visibly shaken as this lowly private challenged him in such an insulting manner. Today, such liberties would, of course, be frowned upon as violations of the court interpreter's code of ethics.

During the one-month period between the handing down of the indictments and the opening of the trials, the prosecution worked tirelessly to gather more evidence against the twenty-one Nazis being held at Nuremberg. Sonnenfeldt decided to act as an investigator himself. He obtained orders issued to travel to a place he invented (St. Valentin) so that he could contribute to the prosecution efforts. He succeeded in locating Göring's and Himmler's wives, as well as Himmler's daughter, among others. Although he questioned all but the young girl (who fled the room in tears), Sonnenfeldt was unable to gather any incriminating information about the Nazi leaders from the principal females in their lives.

I was interested to read Sonnenfeldt's description of how interpreters were recruited for Nuremberg. He writes that the State Department was in charge of the effort, sending many unqualified people over from the U.S. However, Siegfried Ramler and Peter Less, both Nuremberg trial interpreters I've interviewed, had different experiences than those described here.

Sonnenfeldt names many American military officers, judges and attorneys (as well as the prominent Nazis) in his book, but never identifies any interpreter colleagues by name. This is a curious omission. For example, of Colonel Léon Dostert he says "[t]he

tribunal's own chief interpreter was a colonel and a French linguist of reknown" (51). (After the trials, Colonel Dostert was instrumental in implementing simultaneous interpretation at the United Nations.)

Interestingly, it was Dostert who asked Sonnenfeldt to be on the official tribunal team. On the first day of trial, Sonnenfeldt interpreted from English into German. He soon realized, however, that interpreting in the courtroom was very different from assisting with interrogations. He was unable to control the pace of the proceedings, had to look up unfamiliar legal terms, could not ask for clarification or a break. He characterizes the courtroom interpreters as "true robots—one language in their ears, the other out of their mouths!" (51), a constraint that did not interest him. Admitting that "the speakers' linguistic versatility and knowledge of legal terms were beyond my capabilities" (51), Sonnenfeldt decided not to return to the courtroom booths. The prosecution was pleased with his decision; now he could act as an interrogator as well.

Sonnenfeldt's description of the work of the "check" interpreter contrasts with the function of such a person today. Currently, a second interpreter may be brought into the courtroom to monitor the work of the official interpreter(s) to see whether the target language rendition matches the source language original. At Nuremberg, however, the "check" interpreter listened to compare a witness's testimony in court to what he or she had said during interviews or interrogations. Yet no mention is made of prior transcripts being available for this purpose. It must have been a daunting task to try and remember everything that the defendants, witnesses or victims had said during hours and hours of interviews.

Sonnenfeldt's tale will be of interest to history lovers as well. His depictions of life as a young Jew are highlighted by amusing and touching anecdotes about family dinners, school life and the neighborhood in which he spent his earliest years. His childhood in Gardelegen unfolds as he skillfully weaves his personal experiences into a rich tapestry that offers a young child's perspectives on the rise of Hitler and the Nazi party. On the occasion of the 1932 German election, he recalls his father saying: "That man Hitler sounds like a pretty sane man." His vivid accounts bring those dark days to life, as he describes some of the important events of World War II and its aftermath. He writes about President Hindenburg's appointment of Hitler as Chancellor and the latter's hunger for absolute power. Jews and Gentiles alike thought that Hitler's days were numbered—Hindenburg would surely rein him in before he went too far. It was when Hindenburg suddenly died in 1934 that Hitler moved to take complete control of Germany. Sonnenfeldt's father was sent to Buchenwald but was miraculously released when Göring (in an uncharacteristically sentimental gesture) decided to free men who had earned the Iron Cross in World War I. Sonnenfeldt also describes the Hitler Youth, his family's embrace of Judaism, the staggering effects of the Great Depression, and the slow disintegration of his neighborhood as its residents disappear under the death grip of Hitler's power.

A vocabulary-building exercise assigned by his English teacher in England was to memorize a number of pages from the *New Oxford Concise Dictionary* on a daily basis, but Sonnenfeldt acquired other useful vocabulary when working as an electrician in Baltimore in 1941. A black co-worker with a seemingly limitless vocabulary

> continues opposite



## ITEMS OF INTEREST

### The Dangers of Outsourcing: Madrid

A February 27, 2007 article in the Spanish daily *El País* quoted an anonymous court official who described the interpreting service as "deficient" since a private company took over interpreter management, previously under the aegis of the Bureau of Justice and the Interior. The new company reduced interpreter fees by 30%, rendering the interpreters' ability to make a living even more precarious than it already was. "The Community put out bids for the service to be managed faster," sources from the Justice and Interior Bureau said. Yet soon after the new service was put in place in January of this year, 20% of the proceedings in which interpreters were needed in the region's courts had to be put over for lack of interpreters. Approximately 1,000 proceedings per month in the Madrid courts require interpreters of some thirty-seven languages according to CSIT, a professional labor union. The most requested language is Arabic (Moroccan dialect), followed by Romanian, Wolof and Bengali.

### Technical Problems in Terrorism Trial in Madrid

A March 23, 2007 editorial in *El País* titled "Respect for Interpreters" written by two AIIC members decried working conditions for interpreters in the so-called mega-trial against those accused of the Atocha train station terrorist bombing on March 11, 2004 in which hundreds of people died and were injured. On the first day of trial the presiding judge reprimanded the interpreters publicly for an equipment malfunction — though no interpreter had been consulted about the installation. Nor were interpreters provided with the full panoply of documents ahead of time, a further encumbrance to their work. A team of 24 interpreters is servicing the trial, in which 8 defendants do not speak Spanish and are receiving interpretation. Eighteen interpreters assist attorneys in consulting with their clients.

### Bumbling in Barcelona

In another piece in *El País*, this one on March 27, 2007 ("A

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Legal Tourist") about the more run-of-the-mill cases in the legal system, a journalist described the court atmosphere in Barcelona as reminiscent of Laurel and Hardy. Sordid facilities, interminable waits, lack of signage, absent judges, and court personnel who shrugged or gave conflicting information characterized the day in which the journalist was to give eyewitness testimony in an accident case. The telegram advising him that the matter had been adjourned arrived the next day. ▲

### BOOK REVIEW *continued*

of real-world, earthy language taught Sonnenfeldt a slew of racial epithets as well as down-home idiomatic expressions, all of which helped later on when he served in the US military, where it was important for him "to sound and act like an American" (171). He vowed to lose any vestiges of his German accent so as not to be taken for a German by the American soldiers.

After the war, Sonnenfeldt returned to Johns Hopkins University, and earned a degree in engineering. He and a group of collaborators created the first color TV in the 1950s. He holds thirty-five technology patents. In the 1960s, he was active in the NASA Space Program, working on computers, communication satellites, and nuclear power plants, among other technological innovations. Sonnenfeldt was also an executive vice president for NBC. After retiring in the 1980s, he remained active as a

consultant. Honored in his hometown of Gardelegen, he has returned to Germany several times.

*Witness to Nuremberg* is an engaging and fascinating read. Sonnenfeldt's intensely personal recollections create a vibrant and multidimensional picture of the events immediately following World War II and, at the same time, contribute significantly to the literature on court interpreting. ▲

*[The reviewer, an interpreter trainer and consultant, is professor of linguistics and cognitive science at the University of Delaware.]*

NOTE: This book was published first in German translation, under the title *Mehr als ein Leben* (More than One Life). 2002, Frankfurt: Fischer Taschenbuch Verlag. The author included supplementary material to the English original, published in 2006.





# PROTEUS

THE NEWSLETTER OF THE NATIONAL ASSOCIATION OF JUDICIARY INTERPRETERS AND TRANSLATORS

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