6. Interpreting Techniques

> A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in colour and content according to the circumstances and the time in which it is used.
>
> Justice Oliver Wendell Holmes (1918; in Mellinkoff 1963:440)

> Of course I want counsel. But it is even more important to have a good interpreter.
>
> Hermann Göring (*Time*, 29 October 1945:38)

Ask a layperson about the work of the court interpreter and, to the extent that he has any idea at all what court interpreters do, his answer will probably focus on knowledge of a foreign language and of legal terms. Ask a judge or lawyer, and the answer will emphasize that interpreters must translate everything "verbatim", follow the law, and not interfere with the work of legal professionals. Stories in the press about interpreted trials often focus on miscarriages of justice due to incompetent interpreters, and the limited academic research that has been conducted in the field of judiciary interpreting also tends to put the spotlight on interpreter error (Berk-Seligson 1990, 1999; Hale 1997, 1999; Rigney 1999). Much of the discussion of court interpreting, including the preceding chapters in this book, examines the phenomenon externally, looking at the behaviour of the interpreter with respect to other actors in the courtroom and society at large. In this chapter we will shift the emphasis to the internal aspects of the legal interpreter's work, the nuts and bolts, if you will. After defining interpreting in general, we will examine each of the three modes of interpreting in detail as they are practised in the judiciary setting, and will then look at some of the ancillary tasks that court interpreters are often called upon to perform. The chapter will conclude with some practical exercises designed to enhance interpreting skills.

Definition of Interpreting

Briefly, **interpreting** is the transfer of an oral message from one language to another in real time (as opposed to **translating**, which is the transfer of a written message from one language to another and may take place years after the original message is written; note

that the term **translation** is also often used to denote the overall process of interlingual meaning transfer, regardless of whether it is written or oral). In the case of sign language, interpreting involves transferring a message from an oral mode to a visual mode or vice-versa, also in real time. This seemingly simple process is complicated by the fact that it is difficult to define all of the elements that make up a message, and to transfer all of those elements intact from the **source language** (the language of the original message) to the **target language** (the language into which the message is being interpreted or translated). In his book *Translation and Translating: Theory and Practice* (1991), Roger T. Bell cites a standard definition of translation as "the replacement of a representation of a text in one language by a representation of an equivalent text in a second language", but goes on to explain that the matter of equivalence is exceedingly complex:

> Texts in different languages can be equivalent in different degrees (fully or partially equivalent), in respect of different levels of presentation (equivalent in respect of context, of semantics, of grammar, of lexis, etc.) and at different ranks (word-for-word, phrase-for-phrase, sentence-for-sentence). (Hartmann and Stork 1972, quoted in Bell 1991:6)

Bell then concludes that "the ideal of total equivalence is a chimera" (1991:6). Gile (1995:49) attributes the problem to the fact that "languages are not isomorphic":

> [I]n other words, there is no one-to-one correspondence between them as regards lexical elements ("words") or linguistic structures associated with rules of grammar, stylistic rules, etc. In particular, there is no automatic equivalence between words in the source and target languages, and apparently similar structures may have different uses and different connotations.

The issue of accuracy or fidelity in translation and interpretation has been addressed extensively and masterfully in other works (most notably in Catford 1965; Seleskovitch 1968; Nida and Taber 1974; Wilss 1982; Bell 1991; and Gile 1995). The broadly accepted standard is that interpreters should strive to retain every element of the source-language message in the target-language version, including not only lexical content, but also style, tone, and nuance. In his book on conference interpreting, Jones (1998:4-5) stresses that "interpreters must bridge the cultural and conceptual gaps" in addition to the purely linguistic ones that separate speakers of different languages, and may deviate from the letter of the original "only if it enhances

the audience's understanding of the speaker's meaning".

What do interpreters need to know in order to bridge these gaps? According to Bell (1991:17), linguistics experts have identified different types of knowledge that go into language use:

> knowledge of the options available for (1) converting amorphous 'ideas' into concepts which are organized into propositions (semantic knowledge), (2) mapping propositions, which are universal and not tied to any language, onto the clause-creating systems of a particular language (syntactic knowledge) and (3) realizing clauses as utterances and texts in actual communicative situations (rhetorical knowledge).

In addition to this linguistic competence, interpreters also need to develop "communicative competence", which is defined as

> the knowledge and ability possessed by the translator [and interpreter] which permits him/her to create communicative acts – discourse – which are not only (and not necessarily) grammatical but ... socially appropriate. (Hymes 1972, quoted in Bell 1991:42)

With regard to the judicial setting in particular, González et al (1991:16) emphasize that

> the court interpreter is required to interpret the original source material without editing, summarizing, deleting, or adding while conserving the language level, style, tone, and intent of the speaker or to render what may be termed the **legal equivalence** of the source message. (emphasis in original)

In this setting, the interpreter faces far more constraints than colleagues in other spheres, where guaranteeing the audience's understanding of the message is an essential part of the interpreter's role. The court interpreter's function is not necessarily to ensure understanding, but rather to put the target-language audience on an equal footing with speakers of the source language, who themselves may not fully understand the language of the court. Thus, the interpreter in court does not have as much latitude for explaining, clarifying, or adapting the message as she would in a business meeting or a diplomatic encounter.

The unique demands on the court interpreter will be discussed in more detail in the context of the specific modes of interpreting that are practised in the judicial setting. In addition to the modes into

which interpreting is usually classified, namely, consecutive interpretation, simultaneous interpretation, and sight translation, another classification of interpreting has been established for the judiciary sphere. Hewitt (1995:34), who is writing about the United States, where English is the language of the courts, defines these categories as follows:

> **Proceedings interpretation** is for a non-English speaking litigant in order to make the litigant "present" and able to participate effectively during the proceeding. This interpreting function is ordinarily performed in the simultaneous mode. The interpreter's speech is always in the foreign language, and is not part of the record of the proceedings.
>
> **Witness interpretation** is interpretation during witness testimony for the purpose of presenting evidence to the court. This interpreting function is performed in the consecutive mode; the English language portions of the interpretation are part of the record of the proceeding. A variant of "witness" interpreting is assistance provided by the interpreter during communications between the judge or other English-speaking official on the case and a non-English-speaking defendant or civil litigant. Typical examples are communications who [sic] occur during arraignments, plea or sentencing hearings.
>
> **Interview interpreting** is interpreting to facilitate communication in interview or consultation settings. Interview interpreting may occur in conjunction with court proceedings or before or after court proceedings. Foremost among these are interviews or consultations that take place between attorney and client (sometimes referred to as "defence" interpreting) and between a non-English speaking person and bail screening or probation personnel. Interview interpreting may be performed in either or both the simultaneous and consecutive modes ... depending on the circumstances.

Consecutive Interpreting

In **consecutive** interpreting, according to Jones (1998:5), "the interpreter listens to the totality of a speaker's comments, or at least a significant passage, and then reconstitutes the speech with the help of notes taken while listening". Because the interpreter must wait for the speaker to finish before beginning the interpretation, consecutive

interpreting adds considerably to the length of a proceeding. It is therefore considered more appropriate for witness testimony than for proceedings, when all of the speakers share the same language and do not like to stop and wait for the interpretation. Consecutive interpretation is used for proceedings in many countries where a verbatim record is not kept but evidence is summarized. For example, in Japan, the judge, prosecutor, and defence attorney each summarize the case from their point of view, and the interpreter is expected to provide a consecutive interpretation for the defendant. This style of consecutive interpreting, sometimes known as **long consecutive**, is similar to that practised by conference interpreters, and is appropriate only for tightly controlled sessions in which the parties patiently wait for each utterance to be interpreted.

In the common-law criminal trial, which as we have seen is often characterized by rapid-fire questioning of witnesses and occasional emotional outbursts, long consecutive interpreting is not feasible. Instead, interpreters practise **short** or **sequential consecutive interpreting** of witness testimony, which operates at the sentence level instead of working with paragraphs or entire speeches (De Jongh 1992:38). The questions are posed in the official language of the court and then interpreted into the witness's language; the witness responds in the foreign language, and that response is interpreted back into the language of the court for the official record. When interpreting into the witness's language, the interpreter has an audience of just one person, and can speak *sotto voce* unless one of the participants has asked to monitor the interpretation. When interpreting the witness's answers into the official language of the court for the record, the interpreter must speak loudly enough to be heard by everyone in the courtroom.

Much has been written about the so-called "verbatim requirement" that prevails in court interpreting (González et al 1991; Morris 1995a & b; Mikkelson 1998), which has been imposed on interpreters by misguided judges and lawyers. Although the latter often instruct interpreters to "translate word for word" (Morris 1995) exactly what the witness says, it is clear to anyone who speaks more than one language that such a translation would render the message meaningless in the target language. What is really meant by a "verbatim" interpretation is that every single element of meaning in the source-language message must be accounted for in the target-language version. In the words of González et al (1991:16):

> The interpreter is required to render in a **verbatim manner** the form and content of the linguistic and paralinguistic elements of a discourse, including all of the pauses, hedges, self-corrections, hesitations, and emotion as they are conveyed through tone of voice,

> word choice, and intonation ... (emphasis in original)

This has profound implications for the training of court interpreters. The way consecutive interpreting is practised by conference interpreters, hedges, self-corrections, and hesitations are omitted, resulting in a more concise rendition that is sometimes more polished and better organized than the original (Weber 1984:49-50). This approach actually makes the interpreter's job somewhat easier, because she is free to concentrate on the speaker's ideas without being distracted by the paralinguistic elements of the message. A skilled conference interpreter can deal with "any length of speech" under these circumstances (Jones 1998:5). Because the interpretation of a witness's testimony must mirror the original utterance as closely as possible so that the triers of fact can assess the person's credibility, the court interpreter must burden her short-term memory with these additional elements. Consequently, a skilled court interpreter cannot be expected to retain more than 100 words (one or two sentences) before intervening to interpret. Fortunately, testifying witnesses are rarely given the opportunity to speak any longer than that, because attorneys want to maintain control over their statements.

The ability to coordinate speaker turn-taking is therefore an essential skill that all court interpreters must master. Deciding when to intervene in a lengthy statement is a critical judgement based on the interpreter's assessment of her own memory capacity, the witness's speaking style, and the impact an interpreter interruption will have on the witness's perceived credibility. Berk-Seligson (1990) has analyzed the impact of the interpreter on witness credibility with reference to O'Barr's (1982) research on powerful and powerless speech in the courtroom, and she has found that witnesses who are interrupted every few words by the interpreter are perceived as less credible than those who are allowed to speak at their own pace. The interpreter must thus weigh the risk of altering perceptions of the witness against the risk of failing to interpret accurately, and act accordingly.

As noted above, the consecutive interpreting practised in the courtroom tends to operate at the level of sentences or phrases. As a result, the notetaking techniques that are taught in interpreting schools where long consecutive is emphasized must be adapted for court interpreting to take into account the unique requirements. Some court interpreters do make use of the symbols representing key concepts, the notion of verticalization and indentation, the arrows and lines, and other features of consecutive notetaking developed by conference interpreters (Rozan 1956). An informal survey of prastising court interpreters in the United States revealed, however, that most take notes only on names and numbers (Mikkelson,

Vásquez and González 1989). The interpreters reported that they avoid elaborate notetaking because it requires losing eye contact with the witness, which they consider vital to exerting situational control. They always like to have a notepad and pen available, however, even if they take few notes.

The component skills required for consecutive interpreting can be broken down into three categories: lexical, communication, and retention skills. Lexical skills include familiarity with the legal register of the courtroom (especially the questioning style of trial lawyers), the characteristic registers of lay witnesses and defendants (colloquial, conversational speech, street slang, and the argot of the underworld) and the technical jargon used by expert witnesses (law enforcement personnel, criminalists, medical professionals, and scientists). Communication skills include voice projection and modulation, coordination of turn-taking, and familiarity with courtroom protocol. Retention skills encompass active listening, mnemonic techniques, and notetaking.

Simultaneous Interpreting

In **simultaneous** interpreting, according to Gaiba (1998:16),

> the information is transferred into the second language as soon as interpreters understand a "unit" of meaning. The word "simultaneous" is misleading, because interpreters have to understand a minimum of information before they can translate into the target language. The lag between the original and the interpreted version is called *décalage*, and its length varies according to the interpreters. It is usually no longer than seven or eight seconds.

The Nuremburg War Crimes Trial of 1945-46 is generally recognized as the first instance of the use of electronic equipment to make possible simultaneous interpretation of proceedings in multiple languages. Simultaneous interpreting equipment has become quite sophisticated, and it is now taken for granted that international meetings can be conducted efficiently with multiple working languages. Gaiba points out in her book about the Nuremburg Trial, however, that interpreting with such equipment is "seldom used in courts because of its cost to the government", and that the norm is whispered interpreting or *chuchotage*. In this method, "interpreters sit next to the people who do not understand the working language and whisper the translation in their ears" (Gaiba 1998:16).

In the United States, many interpreters are using wireless

equipment to enable them to speak into a microphone at a very low volume and be heard clearly by a defendant wearing earphones, even at a distance of several yards. Although this expedient is not as appropriate as the soundproof booths and high-technology equipment used for conference interpreting, it does allow the interpreter to position herself adequately so as to see and hear all participants, protect her voice, and avoid the strain of leaning in to whisper directly in the defendant's ear (Grusky 1988; Edwards 1995). Sometimes interpreters will combine simultaneous and consecutive interpreting for witness testimony, with questions being interpreted simultaneously for the witness alone to hear, and answers being interpreted consecutively in a loud enough voice for the entire courtroom to hear.

Unfortunately, even simultaneous interpreting without equipment, which creates more of a strain for the interpreter, is not the norm in courts everywhere. Due to the lack of trained interpreters and the ignorance of court personnel, many interpreted proceedings are conducted with summary consecutive interpretation (Tsuda 1995; De Mas 1999; Rivezzi 1999). It is widely agreed that simultaneous interpretation is really the only acceptable mode of interpreting to keep the defendant informed of what is happening in the proceedings, and that court systems should make a greater effort to recruit trained interpreters who can demonstrate proficiency in simultaneous interpretation (Driesen 1988, 1989; González et al 1991; Hewitt 1995; Nicholson and Martinsen 1997).

Simultaneous interpretation is a complex task that requires extensive training, and even skilled simultaneous interpreters make errors if they work under inadequate conditions. The interpreter needs to be able to see and hear the speaker clearly in order to render an accurate interpretation, and the speaker's rate of speech must be reasonable (Jones 1998). Furthermore, frequent breaks should be allowed to prevent interpreter fatigue (González et al 1991). Studies have shown that even experienced conference interpreters begin to make errors after 20 or 30 minutes of simultaneous interpreting, and it is therefore recommended that for proceedings that will last longer than that period, interpreters should work in pairs so that they can relieve each other frequently (Vidal 1997). Many courts will find this standard impossible to meet, given that there may be few or no qualified interpreters in some language combinations, but as the court interpreting profession becomes more widely recognized, training and working conditions will improve, and the courts will be better able to ensure due process for litigants who do not speak the official language of the legal system.

We have already noted that languages are not isomorphic, and therefore interpreters must "repackage" the message to make it understandable in the target language. This task is much more

difficult in simultaneous interpretation because of the time factor. When interpreting from a source language that is characterized by a subject-object-verb (SOV) syntax into a target language that follows a subject-verb-object (SVO) order, for example, the interpreter must often wait several seconds to hear the verb before rendering the message in the target language in the appropriate order. This waiting time is the *décalage* mentioned by Gaiba (1998), and is one of the most important strategies interpreters must learn. It takes a lot of concentration to lag behind the speaker long enough to restructure the message without forgetting any elements of meaning; Jones (1998:74) calls this "cultivating split attention". He also points out that the degree to which the interpreter lags behind the speaker varies tremendously depending on the syntax of the languages in question and the information available to the interpreter. The exercises listed at the end of this chapter are helpful for enhancing concentration and expanding *décalage*.

To wait for a key element such as the verb without long pauses, sometimes interpreters use "neutral" or "filler" phrases to "buy time" until they have enough information to complete the thought, while avoiding phrases that commit them grammatically or semantically to a certain meaning. Gaiba (1998:104) describes the strategy devised by the interpreters at Nuremburg for coping with long, convoluted German sentences in which the verb came at the end:

> [T]hey started the sentence with vague and general phrases and then became more specific once they heard the verb. This allowed them to keep pace with the speaker and to deliver a reasonable, even if not elegant, translation.

For example, a judge may say:

> You have the right to have a misdemeanor or felony charge against you dismissed if you are not tried within the statutory period of time.

The interpreter recognizes that the verb "to have" is likely to be an auxiliary in a split verb phrase ("to have [the charge] dismissed") and holds the initial phrase in short-term memory until she has enough information. The interpreted version, back-translated into English, would be as follows:

> With respect to a misdemeanor or felony charge, if you are not tried within the statutory period of time you have a right to a dismissal of the charge.

Another strategy often employed by simultaneous interpreters is

anticipation, whereby the interpreter applies her knowledge of the subject matter, patterns of usage in the source language, the speaker's style, and the context of the speech to predict what the speaker will say without having to wait for a key element such as the verb. This is a risky practice that requires a lot of experience to master. As Gaiba (1998:104) points out, it requires "native-like knowledge" of the source language. In the case of English, in which adjectives tend to precede the noun they are describing, and speakers will often reel off a whole string of adjectives before getting around to the all-important noun, an interpreter may need to restructure the message to put the noun before the adjectives in the target language. It may be possible for her to anticipate the noun based on the initial adjectives and the context of the speech. For example, an attorney may address the jury in a closing argument with this statement:

> Ladies and gentlemen of the jury, I submit to you that this is the most heinous, despicable, outrageous, unconscionable crime ever committed against a child.

The interpreter can safely predict the noun after hearing "heinous," which is a relatively rare word that almost always appears in a collocation with "crime". To be safe, however, she might use a more neutral term like "act" instead of "crime".

In languages with radically different syntaxes, interpreters may have to resort to more drastic restructuring. This technique is known as "salami" among conference interpreters, and Jones (1998:103) cites an example of a German-to-English interpretation in which this strategy is applied. The original German statement, translated literally into English, is:

> We have tried with the photographer, who the man [accusative case], who on the scene of this serious accident was seen, as he to the injured assistance brought, had identified, to get into contact.

The interpreter turns the many dependent clauses into short sentences that stand alone:

> A man was seen at this serious accident. He was helping the injured. He has been identified by a photographer. We have tried to get into contact with the photographer.

Thus, to perform simultaneous interpretation efficiently and accurately, interpreters must develop a number of component skills. In addition to the lexical, communication, and retention skills identified as important for consecutive interpretation, simultaneous

interpreters must possess 1) quick reflexes and mental agility for rapid restructuring of messages, 2) the ability to monitor their own output while also attending carefully to the speaker to make sure they are producing an accurate and intelligible target-language message, and 3) the stamina necessary to cope with the stress inherent in simultaneous interpreting.

Sight Translation

Sight translation is the oral translation of a written document. It is necessary when standard legal forms must be signed by litigants who do not speak the language of the court, or when documents written in a foreign language are submitted as evidence. Because the interpreter has little time to study the document and prepare to render it orally in the target language, sight translation is not appropriate for lengthy, technical reports or briefs. Particularly in countries where much of the evidence submitted to court is in written form, documents should be translated by professionals who are given adequate time for research and production of a polished translation. In the case of a standard form that an interpreter can become familiar with in advance, or a short document like a birth certificate that is used to prove a defendant's age, sight translation is an appropriate expedient.

González et al (1991:401) describe the process in this way:

> Sight translation is analogous to sight reading in music: the interpreter is given a [source language] document never seen before, and, with minimal preparation, the interpreter provides a complete oral translation of the document into the [target language]. Like accomplished musicians who play an apparently effortless version of a piece they have never laid eyes on, interpreters are actually drawing upon years of training and experience to perform this feat. The end product should be both faithful to the original text and pleasing to the ear (that is, in free-flowing, natural-sounding language).

The mental process of sight translation is very similar to that of simultaneous interpretation, except that the source message is in written rather than oral form. Consequently, the same component skills that go into simultaneous interpreting, i.e., quick reflexes and mental agility, plus the ability to monitor one's own output while carefully attending to the original, are required for sight translation. In addition, the interpreter must be able to grasp the meaning of a written text quickly and then convert a message that was originally

INTRODUCTION TO COURT INTERPRETING (TRANSLATION PRACTICES EXPLAINED)

intended to be read into one that can be understood in oral form. This may involve breaking up long, convoluted sentences into shorter, more direct statements, as well as using stress and intonation to clarify meaning. Interpreters must therefore be familiar with both the oral and written forms of their working languages, which sometimes differ greatly.

An added difficulty arises when handwritten documents are presented to the court as evidence, such as when a defendant writes a letter to the judge for the sentencing hearing, or correspondence between two individuals is introduced as evidence in a conspiracy case. Often the writers of such documents are not well-versed in the rules of grammar and punctuation in their native language – indeed, they may be putting in written form a language that does not even have an official orthography, as in the case of indigenous languages that have never been written down – and the interpreter may have difficulty deciphering the handwriting and understanding the intended meaning of the document. One strategy for coping with this problem is to read the document out loud before attempting to translate it, as writers are often simply transcribing the way they actually talk in conversation.

Ancillary Tasks

In addition to interpreting and sight translating documents in court, judiciary interpreters are sometimes called upon to perform related tasks. As stated earlier, written materials requiring translation are frequently submitted to the court, and court personnel may assume that interpreters will be able to translate them. In fact, translating and interpreting, while closely related, are different skills that not everyone is capable of mastering equally; in other words, some individuals possessing the prerequisite linguistic skills are better at translating than interpreting, and vice-versa. Unfortunately, however, laypersons are often unaware of this distinction. Moreover, legal translation is a highly specialized field within the translation profession, and many of the documents involved in court cases require the expertise of trained legal translators who are familiar with different legal systems and the conventions of legal documentation. In many countries, the law requires that all translations be produced by professionals who are legally authorized to use the title "sworn translator" or "public translator". In any case, it is important for interpreters to candidly assess their translation ability and to turn down translation assignments if they feel they cannot perform the task adequately.

Gile (1995:71) uses the metaphor of road signs pointing to a destination to illustrate the difference between oral and written language, and thus between translating and interpreting:

Page 76

> ... when writing a text, Senders have time to select the signs and place them carefully along the route, changing them until they are satisfied. When making speeches, Senders focus on the destination and tend to grab whatever signs are available at the time they believe they are necessary. When reading a translation, Receivers have time to stop and look at the signs along the way and note a particular selection or arrangement of signs. In interpretation, they travel at high speed and have less time to do so. This means that it can be important for *translators* to be able to select and place their target-language signs carefully so as to lead Receivers in a way closely resembling the one selected for them by the Sender; for *interpreters*, it is more important to be able to drive rapidly to their destination, following Speakers at their own speed, while also selecting and placing their own signs at the same time ... (emphasis in original)

Another task that court interpreters are being asked to perform with increasing frequency is the transcription and translation of recorded conversations, obtained through tapped phone lines or secret recordings made by undercover agents. In their books on court interpreting, González et al (1991) and Edwards (1995) each devote an entire chapter to tape transcription and translation, an indication of the complexity of this highly specialized task. Like sight translation, tape transcription involves both oral and written language, and the contrasts noted above must be taken into consideration. Furthermore, conversations involving criminal acts are even more cryptic and ambiguous than ordinary conversations between two people who share a great deal of background knowledge, making translation even more difficult. Edwards (1995) and other interpreters with experience in tape transcription and translation recommend the following guidelines:

1. Try to obtain the original recording rather than copies, because sound quality is extremely important for accuracy.
2. Use proper transcribing equipment, including earphones, foot controls, and features that enable you to slow down the tape and enhance the sound.
3. Transcribing tapes, especially those of poor quality, such as those obtained from body wires on undercover agents, is extremely time-consuming. Therefore, allow sufficient time to complete the assignment in a satisfactory manner. Transcribing poor quality recordings may require up to one

INTRODUCTION TO COURT INTERPRETING (TRANSLATION PRACTICES EXPLAINED)

hour for each minute of recorded material. Services should be billed by the hour.
4. Listen to the entire recording at least three times before attempting to transcribe it, to make sure you know the context and are familiar with the speakers' voices, accents, and vocabulary.
5. Everything you hear should be transcribed, including nonverbal utterances, pauses, and background noise. Overlapping speech and unintelligible portions should also be noted. Some indication of the length of pauses and the size of unintelligible segments should be given by means of dots, hyphens, or some other symbol representing the passage of time or the number of syllables. The transcript should be accompanied by a key indicating the meaning of these symbols.
6. Do not attempt to identify parties by name unless specifically instructed to do so. It is preferable to use labels such as Male Voice 1, Male Voice 2, etc.
7. After completing the transcription, begin the translation. It should be inserted next to the original in a side-by-side, two-column format so that the reader can compare the two easily.
8. Conversations recorded surreptitiously in undercover investigations are often characterized by deliberately vague language and code words. Keep the translation as vague as the original in order to avoid prejudicing the reader. For example, if a speaker says, "The merchandise is ready for pickup", do not say, "The drugs are ready for pickup", even though you know that is what he is referring to.
9. Any comments you feel are necessary to point out ambiguities (e.g., "he/she/it" when subject pronouns are not specified), describe sounds ("cough", "phone ringing"), or indicate unintelligibility should be clearly marked with square brackets so that they will not be mistaken for words uttered by the speakers. Sometimes translator's footnotes may be necessary for lengthy explanations.
10. Fragments of words in the original should be rendered with fragments of words in the translation whenever possible (e.g., "jue-" in the transcription of a conversation

Page 78

in Spanish can be rendered as "Thur-" in the English translation, if the translator has enough context to know that the speaker is talking about days of the week). If the meaning of the fragment is not clear, that should be noted as well.

11. When the transcription and translation are complete, they should be reviewed by another interpreter for quality control. Remember that you may be called to testify as an expert witness on the transcription, so you must be able to defend your work.

12. The identity of the transcriber(s) and translator(s) and their credentials should be included in a statement at the end of the document. The equipment used for the transcription should also be noted. A typical statement would read: "I, Holly Mikkelson, certified as a court interpreter by the Administrative Office of the U.S. Courts and accredited as a translator by the American Translators Association, do hereby declare that I prepared the foregoing transcription and translation to the best of my ability, based on what I was able to hear using a Sony 9000 transcribing machine".

Remote Interpreting

As communications technology improves, physical distance is no longer considered a barrier to communication. Consequently, with increasing frequency interpreters are being asked to provide services to parties who are not in the same room, city, or even country. Telephone and video-conference interpreting are becoming an attractive option for court administrators who want to save travel costs, gain access to qualified interpreters in rare languages, and enhance security (especially in the case of criminal defendants who are in custody). These are all valid considerations, although the savings in time and money are not always as great as originally envisioned. Even more important, however, are the disadvantages of impeded communication. It is widely recognized that interpreters must see the faces of the speakers they are interpreting in order to receive both the linguistic and paralinguistic aspects of the source message as reliably as possible (Seleskovitch 1968; Jones 1998). In telephone interpreting, not only does the interpreter lose the vital

information that can be obtained from observing the speakers' body language, but it is also much more difficult for her to exert the situational control required to manage turn-taking in consecutive interpreting (which is still the usual mode for over-the-phone interpreting, though improved technology will soon make simultaneous interpretation more feasible).

Telephone and video-conference interpreting have improved access to interpreting services in places like Australia and the United States, where distances are vast and the diversity of languages is great (Heh and Qian 1997; Ozolins 1998). Even proponents of this method acknowledge, however, that it is not suitable for all kinds of proceedings, and should be limited to short and simple transactions such as setting dates. Certainly a remote interpreter is preferable to a live interpreter who is incompetent or biased, or no interpreter at all. But given the complexity of court proceedings and the high stakes involved, due process cannot be fully guaranteed unless the interpreter is allowed to work under optimum conditions (Vidal 1998).

Practical Exercises

The following exercises are designed to be performed in a single language (e.g., repeating an English speech in English, or reading a Chinese text while listening to a recorded passage in Chinese). Do not attempt to interpret between languages. Try doing these exercises in all of your working languages. Always record your practice sessions and play back what you have done so that you can critique yourself and make improvements.

Active Listening and Retention

1. Obtain an audio or video tape of a presentation on a technical subject, such as instructions for repairing an appliance, or an explanation of a scientific process or concept. Listen to a segment of approximately five minutes without taking any notes, and then try to repeat the main ideas. Gradually increase the length of the segments you try to recall.

2. Repeat the preceding exercise, but as you listen, jot down key words to remind yourself of the main ideas. Then repeat as much as you recall. Gradually increase the length of the segments you try to recall. Compare the results you obtain with

and without notes.
3. Often we are unable to retain information because we disagree with the speaker, and we engage in a mental argument rather than listening attentively. This is a particular problem for court interpreters, who must interpret for individuals they may not like, or who they suspect may be lying. To improve your ability to listen attentively without interference from your own bias, obtain a recording of a speech on a controversial topic by a speaker with whom you disagree. After listening to the speech, try to repeat as much as you recall. State the ideas convincingly, as if you believed them.
4. To enhance your awareness of the non-verbal aspects of communication, watch a scene in a video recording of a movie or television programme in which the characters engage in dialogue, with the volume turned down. Try to guess what the conversation is about based only on what you observe. Then view the video with sound to check your assumptions.
5. Ask a friend or fellow student to describe in detail a recent incident, such as a shopping expedition, a trip to a nearby city, or an argument with a friend. Try to repeat the story verbatim. Compare your results with and without notes.

Communication Skills

1. Practise reading aloud a variety of texts, including narrative fiction, dialogue, news reports, and technical manuals. Record yourself and listen critically to your enunciation and intonation.
2. Give a speech on a controversial topic, defending a position with which you actually disagree (it helps to have an audience for this exercise).

Split Attention

1. Practise performing two unrelated tasks at the same time, such as repeating ("shadowing") a recorded speech while writing multiplication tables

or a favourite poem. Be sure to record yourself and listen critically to your enunciation and intonation. Gradually increase the speed and complexity of the recorded speeches (these can be obtained from the Internet, from international or national political organizations, or from schools for court reporters).
2. Read aloud a written passage (a magazine or newspaper article, for example, while listening to a recorded speech on an unrelated topic. Afterwards, give the main ideas of both the written passage and the recorded speech.

Restructuring

1. To enhance your linguistic flexibility, read aloud a speech or a passage from a magazine or newspaper, and as you go along try to change the wording without altering the meaning. For example, "the beginning of a new era" can be changed to "the dawn of a new age", and "the policeman was doubtful of the suspect's story" could be rephrased as "the version given by the detainee was received with skepticism by the law enforcement officer".
2. To further enhance your mental agility, repeat the preceding exercise, but with oral input (a recorded speech). The first time you hear the speech, you may not be able to rephrase very much, but as you repeat the exercise with the same speech, you will gradually find new and creative ways to state the same ideas in different words. This is a particularly useful exercise for your second language.
3. Practise paraphrasing both written and oral passages, as above, but make a conscious effort to alter the register, from formal to informal or vice-versa.
4. Paraphrase written and oral passages by stating the ideas more concisely. Repeat the exercise but state the ideas more verbosely.

Anticipation

1. Have a friend copy a passage from a newspaper

or magazine and obliterate words or phrases throughout the text. The obliteration may be random (e.g., every five words), or meaning-based (e.g., all verbs). Then read the redacted passage aloud and try to fill in the missing words based on your knowledge of patterns of usage in the language and the context and subject matter of the passage.

2. Play a recorded speech and press the "pause" button every few seconds; then try to predict what the speaker will say next.

Interpreting

When you make the transition from these exercises to interpreting consecutively or simultaneously between languages, begin with recordings of relatively slow speeches or stories (100 to 120 words per minute) on general topics. Be sure to record your interpretation and listen to it critically, repeating each speech several times until you are satisfied with your interpretation. Gradually increase the speed and complexity of the material you interpret.

Suggestions for Further Reading

The following works are particularly useful for learning the pragmatic aspects of court interpreting:

De Jongh, Elena (1992) *An Introduction to Court Interpreting: Theory and Practice*, Lanham, MD: University Press of America.

Edwards, Alicia (1995) *The Practice of Court Interpreting*, Amsterdam & Philadelphia: John Benjamins.

Gile, Daniel (1995) *Basic Concepts and Models for Interpreter and Translator Training*, Amsterdam & Philadelphia: John Benjamins.

González, Roseann, Victoria Vásquez and Holly Mikkelson (1991) *Fundamentals of Court Interpretation: Theory, Policy and Practice*, Durham, North Carolina: Carolina Academic Press.

Ilg, Gérard and Sylvie Lambert (1996) 'Teaching Consecutive Interpreting', *Interpreting* 1(1): 69-99.

Jones, Roderick (1998) *Conference Interpreting Explained*, Manchester: St. Jerome.

you are likely to encounter in your work as a court interpreter. Then we will discuss the resources that are available to help you research the subject matter and terminology related to these topics. The chapter concludes with recommendations for continuing education.

Criminal Cases

Traffic: Even the most law-abiding citizen will at some time in his life come into contact with law enforcement authorities in connection with a traffic violation. These offences are considered the least serious, and are often dealt with in a separate court. Nonetheless, the evidence presented in traffic cases can be quite technical, especially with respect to accidents and vehicle maintenance. For instance, a truck driver may receive a citation for not having the required safety equipment, or a police officer in a reckless driving case may present testimony about road conditions and signage. You must therefore know the correct terms for all parts of passenger and freight vehicles, road signs, features of public roadways (e.g., *median strip, fast lane, overpass, double yellow line*), and driving terms (e.g., *skid, swerve, pull over*).

Terms used by police officers in describing arrest procedures are also likely to come up in testimony. Specific terms related to driving while intoxicated, an offence which is being enforced with increasing vigour in many countries, are also important. These include the symptoms of intoxication and the tests that are administered to measure blood alcohol content. Because numbers are notoriously difficult to interpret accurately, you should prepare by learning the numbers of frequently violated code sections. Obtaining copies of vehicle or traffic codes in all of your working languages will help you not only with code sections, but also with terminology.

Controlled Substances: Drug abuse is a growing problem around the world, and you must be prepared to deal with evidence related to different illegal substances, how they are packaged, transported, sold, and consumed. You should be familiar with both the scientific names of the drugs and the names they are given on the street. Studying the laws governing controlled substances (usually the penal code or the health and safety code) will give you the scientific names and the appropriate terms for illegal drug paraphernalia. The drug subculture has a very elaborate language featuring many euphemisms and slang terms that will be repeated in testimony or heard in undercover recordings.

Law enforcement agents also have their own jargon for undercover operations (*stings* and *controlled buys*, for example) and arrests (*raids* and *busts*, for example). You may also encounter

technical testimony about hazardous materials, equipment, and chemicals found in drug laboratories. Money laundering is a drug-related offence that has only recently been defined in the penal codes of many countries. It involves channeling the large amounts of cash generated by illicit transactions into legitimate businesses in order to conceal criminal activities from the authorities. Testimony in money laundering cases will include financial, banking, and business terms.

Property Crimes: Testimony in these cases can be very challenging for interpreters because of the wide variety of personal property that may be stolen, including electronic equipment, clothing, jewelry, furniture, appliances, and vehicles, as well as any item that could be taken from a commercial establishment (toys, lingerie, snacks – the possibilities are endless). Professional shoplifters and pickpockets use certain paraphernalia to aid them in their crimes, and burglars carry certain tools for breaking into homes and businesses. Testimony about burglary cases will usually include terms related to locks and security devices, as well as architectural terms (e.g., *window sill, doorframe, eaves*). In the case of auto burglary (not to be confused with car theft), auto parts will be mentioned frequently.

Weapons: Criminal activities often involve the use of firearms or other weapons. Certain weapons seem to be preferred in some cultures, and firearms are much more prevalent in some countries than others, so you should become familiar with the weapons most frequently used in the country where you work. Testimony about firearms will include not only the names of different guns (*pistol, revolver, rifle*), but also the way the gun is fired, how it may malfunction, and how it may be modified (such as converting a semiautomatic weapon to full automatic by filing down the sear pin). Different types of ammunition will be mentioned, and there may be evidence about ballistics tests to determine the identity of weapons or the origin of casings or slugs found at the crime scene. Testimony about knives will include the shape, size and colour of the handle and blade, as well as specialized features such as switchblades. If wounds are inflicted, there will be forensic evidence involving angles of incidence, entry and exit wounds, powder burns, slash marks, and the like.

Sex Offences: These cases are particularly stressful to interpret, because explicit testimony must be presented regarding the acts that were performed. Reliving the experience can be traumatic for the victim, and the interpreter must take special care not to become emotionally involved. Reading penal code sections related to sexual assault, rape, child molesting, sodomy, incest, and other sex offences

will help you research related terminology in your working languages. It is also important to be familiar with the slang terms people use for body parts and sexual practices, as unsophisticated witnesses (especially children) may not know the appropriate clinical terms, or they may be asked to recount a conversation in which such language was used. Expert witness testimony in sex offence cases will deal with collecting evidence at the crime scene, giving the victim a medical exam, and testing substances such as bodily fluids, hair, and fibres. Recent developments in DNA profiling have resulted in sophisticated tests to determine the identity of perpetrators, and testimony about such evidence can be quite technical.

White Collar Crimes: These crimes, which derive their name from the fact that they are non-violent offences committed by people who are gainfully employed, tend to be financial in nature. In addition to money laundering, mentioned above, they include embezzlement, insider trading on the stock market, mail fraud, forgery, and larceny. As the Internet expands throughout the world, crimes committed in that medium will become more prevalent as well. In some countries, criminal charges may also be filed for acts such as sexual harassment or racial discrimination. Testimony in these cases can be very technical, dealing with complex regulations or sophisticated financial transactions.

Criminalistic Evidence: This kind of evidence can be presented in cases of any of the types mentioned above, as criminalists (who are not to be confused with criminologists, who specialize in the sociology of criminal behaviour) are scientists who apply their knowledge to any sort of criminal evidence. They usually work at crime labs, and specialize in fields such as accident reconstruction, ballistics, explosives, drugs, fibres, serology (the study of bodily fluids, including DNA profiling), chemistry, or fingerprints. A criminalist could testify about whether saliva found on a cigarette butt matches that of the defendant; whether the blood spatters found at the murder scene are consistent with eyewitness testimony about a physical altercation; whether the remnants of a match found at an arson site correspond to the matchbook found in the pocket of the defendant; or whether paint scrapings and tire tracks at an accident scene match those of a suspect vehicle. Interpreting such expert witness testimony for the defendant is challenging, and the best way to prepare for it is to request a copy of the criminalist's report before testimony begins.

Civil Cases

Divorce: Perhaps the most common type of civil case in which

interpreters become involved is divorce. The laws governing divorce vary a great deal from one country to another, which means that the kinds of evidence produced vary as well. There may be testimony about adultery or abuse, about marital and domestic relations, or about property and financial matters. If there are children, matters of custody and visitation will be discussed. Evidence may be presented concerning childrearing practices, religious beliefs, and household expenses for purposes of determining spousal and child support payments.

Wills and Probate: Wills are complicated documents that cannot be translated without extensive preparation. If you are asked to interpret in a law office for someone who is drawing up a will, or for the reading of the will in the presence of the heirs, you should obtain the relevant documents ahead of time to prepare. The terminology will most likely involve real and personal property, bequests and charitable contributions, trusts, executors and administrators, types of heirs and beneficiaries, taxes, and standard legal phrases that appear in notarized documents (e.g., *in witness whereof, hereby attest*). If a will is being litigated in court for some reason, there may be testimony about family relationships and the mental and physical state of the decedent. It is helpful to study sections of the civil code regarding wills and succession to prepare for these cases.

Adoption: Evidence in these cases will focus on the prospective parents' financial status and domestic relations, as well as legal regulations governing adoption in the country in question. Issues such as parental rights and obligations, birth and death records, religious practices, and powers of attorney may arise as well.

Landlord-Tenant Relations: The most common type of case heard in court in this category is eviction, in which a property owner seeks the removal of a renter, usually for non-payment of rent. There will be testimony about the terms of the rental agreement, the condition of the dwelling (including plumbing, wiring, heating, leaky roofs, faulty appliances, etc.), and tenant behaviour (such as noise, cleanliness, number of residents, relations with neighbors, etc.). Sometimes a government agency will hold a hearing based on complaints about substandard housing or racial and ethnic discrimination.

Labour Relations: Civil litigation in the area of labour law may deal with union organizing activities, labour disputes, industrial accidents and job safety, unemployment insurance, sexual harassment, or racial and ethnic discrimination. To prepare for interpreting in such cases, you should talk to the parties and find out what the issues are so that you can obtain copies of contracts or

regulations. Often there is very detailed testimony about the work itself, including machinery, materials, procedures, safety equipment, and the command structure of the workplace. A visit to the job site, if possible, is helpful for preparation.

Property Law: Evidence presented in these cases will include deeds, loan contracts, and other legal documents that require technical expertise to translate. Testimony may cover the terms of contracts and agreements, surveying boundaries, geographic features, environmental regulations, financial transactions, taxes, sewage and drainage, architecture and construction, and agricultural practices.

Business Law: In addition to the labour and property law cases mentioned above, other issues that may arise in litigation between businesses are contract enforcement, partnerships, insurance, investment, financial transactions (e.g., loans, bank accounts, stock offers, bond issues, dividends), accounting and bookkeeping, bankruptcy, product liability, bidding specifications, copyright and trademark violations, industrial secrets, and unfair competition. Clearly, business law is an extremely diverse and complex field, requiring a great deal of specialized knowledge on the part of translators and interpreters.

Resources for Research and Preparation

The novice interpreter who encounters an unknown term is likely to turn first to the most obvious resource, the bilingual dictionary. A few unpleasant experiences are usually enough to convince the interpreter that this is not always the wisest course of action. The meaning of a word may shift dramatically from one context to another, so interpreters cannot necessarily rely on dictionary definitions to help them solve translation problems. Bilingual dictionaries do have their place in the interpreter's library, of course, but they should be supplemented with more specialized dictionaries and reference works, as well as non-traditional sources of information. Gile (1995:133) identifies three different types of resources that interpreters and translators can consult: paper, human, and electronic. Listed below are resources that you will find helpful in your work as a court interpreter.

The Interpreter's Basic Library

There are certain reference works that should be present in every court interpreter's personal library for ongoing research:

1. A general monolingual dictionary in each of the interpreter's working languages
2. General bilingual dictionaries in each of the interpreter's language combinations
3. Monolingual legal dictionaries in each of the interpreter's working languages
4. Bilingual legal dictionaries in each of the interpreter's language combinations
5. Specialized bilingual or multilingual glossaries on topics of relevance to court cases
6. Legal texts such as civil and penal codes in each of the interpreter's working languages
7. Language references such as a thesaurus, style manual, grammar book, and dictionaries of synonyms and antonyms, phrases and collocations, slang, proverbs, and regionalisms in each of the interpreter's working languages
8. Periodicals of general interest such as newspapers and magazines in each of the interpreter's working languages

When considering the purchase of a dictionary or other reference work, which is no small investment, the following features should be evaluated: date of publication, country of origin, identity and credentials of author(s), reputation of publishing house, quality of binding and paper, and the presence or absence of usage notes regarding grammar, collocations, register, field of knowledge, and regionalisms. In the case of specialized dictionaries, it is also a good idea to look for "fillers", that is, general terms that could be found in any dictionary and are added simply to bulk up the volume. To test the reliability of a dictionary, look up a term you already know that is problematic and see how it is dealt with in this work.

Many novice interpreters wonder whether it is appropriate to bring dictionaries and glossaries to their interpreting assignments, fearing that their clients may doubt their competence. As pointed out in Chapter 4, just as legal professionals consult books in the courtroom (appellate reports, bench books, and codes, for example), interpreters need to bring the tools of their trade with them to the job. If you know in advance that a specific topic such as fingerprints or drug slang will be covered, you can come to the assignment prepared with specialized glossaries or notes from your research. It is always a good idea to have a comprehensive bilingual dictionary with you, in case an unknown term comes up unexpectedly or you suddenly have a memory lapse, something that afflicts all interpreters at one time or another. Portable electronic dictionaries are now available in many language combinations, making it easier

to have thousands of terms at your fingertips.

Additional references that can be purchased or consulted in a public or university library:

1. Monolingual dictionaries on topics such as medicine, chemistry, business, accounting, finance, automotive terms, tools, pharmaceutical products, illegal drugs, and weapons
2. Bilingual dictionaries or glossaries on the topics listed above
3. Monolingual dictionaries and textbooks on specialized areas of the law such as contracts, property law, family law, probate, and labour relations
4. Visual dictionaries such as the Oxford-Duden series or the *What's What* series, which are published in many different languages
5. Textbooks for students of law, medicine, chemistry, law enforcement, accounting, or business
6. Publications issued by government agencies to inform the public about their programmes or about laws and regulations governing motor vehicles, labour relations, employment, job safety, pensions, housing, family matters, education, social welfare, health care, disability, and environmental law (in some countries these materials may be available in several languages)
7. Specialized periodicals such as journals and magazines targeted at professionals in the fields of law, medicine, and law enforcement

Other paper resources that can be useful for researching terminology, especially newly coined terms that have not yet made it into established publications, are newspaper and magazine advertisements, billboards, catalogues, and phone directories. To keep up with the latest usage, you should also try to listen to radio programming and watch television shows and movies in all of your working languages, if possible. The more times you come across a term in different resources, the more reliable the term is. Conversely, if you find a term in just one source and cannot verify it by cross-checking, you should be cautious about using it.

Human Resources

The above lists of references include works that ideally should be available to every interpreter, but in fact there is a paucity of reference material in some languages of limited diffusion. Indeed, some languages are not written at all, and it is virtually impossible to find reference materials in them. An alternative resource that should not be overlooked, even in the case of major languages, is human experts: Bilingual or monolingual professionals, elders, missionaries, and scholars, regardless of what country they live in, may be of assistance in your terminology research (though it may be time-consuming and expensive to contact them). Even the defendant or witness for whom you are interpreting, or his friends or relatives, may be consulted about the meaning or appropriate translation of a term, provided it is done with the knowledge of all the parties in the case. As with the case of printed resources, information obtained from human resources should be cross-checked for verification.

Electronic Resources

The advent of the Internet is a boon to translators and interpreters, who no longer have to travel to other countries or wait for publications to arrive in the mail in their quest for authentic resources. It would be pointless to try to list websites of interest to court interpreters, since there are so many, and since they a changing on a daily basis, but some general categories can identified:

1. Terminology databases, of which Eurodicautom is the most well-known. Many international organizations maintain databases for their translation and interpretation staffs, and the public can gain access to them.
2. International organizations such as the United Nations, the International Court of Justice, the International Labour Organization, and the World Health Organization, from whose websites Internet users can download speeches and reports.
3. Private international organizations such as Amnesty International, Greenpeace, and Human Rights Watch, which also post reports on their homepages.
4. National institutions such as courts, legislatures, justice ministries and law enforcement agencies, which publish laws and regulations, information to educate the public, and glossaries.
5. Commercial entities that deal with legal matters,

INTRODUCTION TO COURT INTERPRETING (TRANSLATION PRACTICES EXPLAINED)

such as Court TV and private lawfirms, which post legal documents and information about prominent lawsuits and trials, as well as glossaries.
6. Bookstores and publishers, from which books and other materials can be purchased online.
7. Universities and their libraries. Some professors' and students' homepages have valuable links to other Internet sites in their area of expertise.
8. Public libraries, both national and local, such as the Library of Congress and the New York Public Library.
9. Professional associations of interpreters, translators, linguists, and others.
10. Listserves, chat rooms, and electronic bulletin boards help colleagues and speakers of a given language stay in contact through email. Translators and interpreters often post queries of the "how do you say ...?" or "what does ... mean?" sort on these lists and receive quick and reliable answers.

Continuing Education

It should be apparent by now that the work of a court interpreter includes a great deal of research. Early in your career you will spend much time and money developing your knowledge base and your library, but even though these expenditures will taper off as you gain experience, you will never abandon them entirely. Changes in language usage and the law, and the publication of new reference materials will oblige you to update your resources constantly. You may want to take courses in law, science, or medicine to gain more in-depth knowledge, or you may take advantage of seminars and workshops organized by professional associations. Reading crime novels and watching television programmes and movies about court cases is useful for keeping up with slang. Another way to engage in continuing education is by making field trips to workplaces or public institutions (such as a factory, a jail, or a crime lab), or participating in ride-along programmes offered by local police departments, to find out first-hand about the situations mentioned in the cases you interpret. Fortunately, most interpreters find that this professional development is an enjoyable aspect of their work, something that comes naturally to them as language lovers. In any case, it is an essential part of the job.

Suggested Activities

1. Invite guest speakers such as lawyers, criminalists, police officers, and judges to speak about specialized topics to your class.
2. Imagine that you have been assigned to interpret a trial involving money laundering and bank fraud. Explain how you will prepare for the case.
3. Clip photographs of vehicles, people, and buildings from magazines and newspapers, and use them as prompts for role-playing. For example, based on a picture of a car, one student will play a witness to an accident, another student will play the questioning attorney, and a third student will interpret. Pictures of people can be used for descriptions of suspects, and pictures of buildings can be used to describe burglaries or robberies.
4. Make a list of the specific reference works you think every interpreter in your language combination should have.
5. Find out what professional translator and interpreter associations in your country or region offer continuing education activities.
6. Obtain a catalogue from a local institution o higher learning and identify classes that would b appropriate for a court interpreter to take.