

How to Work with Interpreters

By Gerry Schulze

Introduction

Colorless green ideas sleep furiously. --Noam Chomsky

'Twas brillig, and the slithy toves
 Did gyre and gimble in the wabe;
 All mimsy were the borogoves,
 And the mome raths outgrabe.
 Beware the Jabberwock, my son!
 The jaws that bite, the claws that catch!
 Beware the Jubjub bird, and shun
 The frumious Bandersnatch!
 --Lewis Carroll

Heu, modo itera omnia quae mihi nunc nuper narravisti, sed nunc Anglice.

--Henry Beard, Latin for All Occasions, p. 35.

What did you bring that book that I did not want to be read to out of up for? -- a boy to his father.

To move the cabin, push button of the wishing floor. If the cabin should enter more persons, each one should press the number of wishing floor. Driving is then going alphabetically by natural order. Button retaining pressed position shows received command for visiting station.

--Elevator directions in a Madrid hotel.

Is forbidden to steal hotel towels please. If you are not person to do this, please not to read notis. --"Notis" in a Tokyo hotel room.

English well talking. --Sign in a Majorcan shop.

The flattening of underwear with pleasure is the job of the chambermaid. --Notice in a hotel in Yugoslavia.

Policeman: What countryman are you?

Sailor: I am sailor belong to the Golden Eagle, the British ship.

Policeman: Why do you strike this jinriksha man?

Sailor: He told me impolitely.

Policeman: What does he told you impolitely?

Sailor: He insulted me, saying loudly "the Sailor, the sailor" when I am passing here.

Policeman: Do you striking this man for that?

Sailor: Yes. Policeman: But do not strike him for it is forbidden.

Sailor: I strike him no more.

--from "The Practical Use of (English) Conversation for Police Authorities," quoted in Jack Seward, *The Japanese*, 1972.

Some quick vocabulary

Source language: The language from which an interpretation or translation is made.

Target language: The language into which an interpretation or translation is made.

Translation. Written conversion of a document from one language to another.

Interpretation. The oral “unrehearsed transmitting of a spoken or signed message from one language to another.” *Consortium for Language Access in the Courts*, p. 5, April 2011.

How to understand the complexities of language.

One of the best ways to study one’s own language is to compare it to another language. If you happen to be bilingual, you understand some things about English that you probably never thought of if you only speak English.

Another way to appreciate differences between languages is to look at errors non-native speakers make when using your language. The errors cannot be corrected by applying the grammar we used in school. Word order, the meanings of various words, and the appropriate use of the right word in the right context will be “child’s play” to the native speaker but puzzling and confusing to the learner.

In the United States, opportunities to become fluent in a second language are rare. We don’t have much exposure to second languages. We start teaching languages too late. For the most part, language studies before high school are superficial, if they exist at all. You can be highly educated in the United States without ever having any serious exposure to a foreign language. Many high school and college students are exposed to some foreign language study, but that study is somewhat limited. Students can spend years in high school and college language studies, but remain unable to carry out even a simple conversation in any language other than English.

Because of this lack of familiarity with other languages, even well-educated Americans often have little appreciation of the complexities of interpretation and translation. It is fair to say that monolingual people cannot imagine the difficulties of translation.

One of the best ways to illustrate the phenomenon is to look at humorous translations from other languages into English. Remember the grammatical rules you were taught in school. Analyze these humorous translations and tell us what traditional rule of grammar you learned in school has been violated.

Computer assisted translation has gone from horrible to merely bad, but it is in no way adequate for any court proceeding. I often see translations that are obviously done by computer and make no sense. “The current results are rough, often clumsy, and can best be described as basic ‘tourist-level’ translation.”¹ Some translators use computer programs to support the translation process, but as of now, and for the foreseeable future, it will be necessary to have a human translator to correct errors, verify consistency, and assure that the translated material is comprehensible in the target language.

Any automatic translation program out there today depends on a flawless original. These programs can’t recognize errors. They will simply translate--or try to translate--whatever is there.

There are free computer translation webpages such as <http://translate.google.com>, <https://www.bing.com/translator>, <http://www.babelfish.com> and <http://www.online-translator.com/>. There are also some apps that link to these translation engines. On Facebook, for instance, Bing translations are available.

¹ <https://www.enago.com/blog/whats-the-difference-between-google-translate-bing-translator-babel-fish/>

Computer assisted translation is like a monkey riding a bicycle. He's usually not very good, but it's amazing that he can do it at all. Still, you wouldn't want to enter the monkey in a bicycle race against humans.²

²Traducción asistida por ordenador es como un mono que monta una bicicleta. No es por lo general muy bueno, pero es increíble que él puede hacerlo en absoluto. Sin embargo, usted no quiere entrar en el mono en una carrera de bicicletas contra los humanos.

Translated back:

Computer-assisted translation is like a monkey riding a bicycle. It is not usually very good, but it's amazing that he can do it at all. However, you do not want to enter the monkey in a bicycle race against human.

Translate.google.com [not bad, really; but don't count on it always working this well]

Asistida por ordenador la traducción es como un mono de montar en bicicleta. Generalmente no es muy bueno, pero es increíble que puede hacer en todos. Aún así, no quiere entrar el mono en una carrera de bicicletas contra los seres humanos.

Translated back.

Assisted by computer the translation is as a monkey of mounted on bike. It is usually not very good, but it's amazing what you can do at all. Even so, not want to enter the monkey in a career of bicycles against them humans.

<https://www.bing.com/translator>

El ordenador asistió la traducción parece a un mono que monta una bicicleta. No está por lo general muy bien, pero es asombroso que lo pueda hacer en absoluto. De todos modos, no querría entrar en el mono en una raza de la bicicleta contra la gente.

Translated back

The computer assisted the translation it seems to a monkey that it mounts a bicycle. It is not in general very well, but it is amazing that could do it by no means. Anyhow, I would not like to enter the monkey in a race of the bicycle against the people.

Online.translator.

Who can serve as an interpreter?

Do not assume that a person can translate just because he or she is bilingual. Translation is a completely different skill. Being bilingual is one of the minimal requirements, but it is not enough.

“Bilingualism on its own is not a guarantee of written fluency or skill in translation. Professional translators are first and foremost writers, capable of producing texts that read well in the target language. Bilingualism is something else. Bilinguals speak two languages fluently, but are not necessarily good at moving information between the two, especially in writing. Experience shows that many people who describe themselves as bilingual over-estimate their communications skills altogether.”

American Translators Association (ATA)- “Translation – Getting it Right; A Guide to Buying Translations” A. Aparicio & C. Durban 2003.

A professional interpreter must be fluent in at least two languages, but that is only the beginning. Training in the art of interpreting is also required. There are very demanding tests required to certify as a translator or interpreter. There are written tests and oral tests. There is a Federal Certification test as well. The applicant will have to take the English Language Assessment Exam. After that, the applicant must take the Oral Proficiency Interview examination. That examination is computerized, and is usually called OPIc (Oral Proficiency Interview--computerized). The Administrative Office of the Courts maintains a certification roster. As of April, 2016 almost all certified interpreters were certified for Spanish, although there was one for French and one for Marshallese.

There are similar requirements for American Sign Language interpreters.

In addition to passing language proficiency and translation skill tests, a court interpreter must also be familiar with court proceedings, and must understand legal terminology in both

English and the foreign language. As we know, legal terminology is often challenging for native speakers of English.

Language skill does not necessarily match up with the strength of a person's accent.

Some people have better ears than others, but may not be all that conversant. Some very fluent persons have what we would call a “thick” accent. I’ll give you a couple of examples I know. One guy, I’ll call him “Enrique”³ sounds like a native speaker of English. You only learn that he’s not when he has to ask for the English word for some fairly common concepts. Another guy, I’ll call him “Pedro”⁴ is a scientist and a scholar, who writes flawless English, speaks grammatically flawless English, uses an impressive vocabulary even for a native, but has such a thick accent that people often have trouble understanding him.

A few common complexities

Names. What could be easier? Actually, I am not sure there is anything less easy.

Names aren’t translated. In Spanish-speaking countries, most people go by an *apellido paterno* and an *apellido materno*. That is a combination of a father’s first last name and a mother’s first last name. Thanks to the extra names, what we call “middle names” in English tend to either become part of the first name or get dropped entirely. When I was at the University of Puerto Rico, my name was James Schulze Tilley. It is not at all uncommon for me to see reported cases in which the maternal last name has appeared as the surname.

³ Because that’s his name, and there’s almost no chance you could know him.

⁴ Even though that’s not his name, because it’s at least possible you may know him. Of course, if you really know him, my changing his name isn’t going to make any difference at all.

Married women often use their father's first last name, the preposition de, and their husband's father's first last name. My wife, therefore, is Helena McGill de Schulze.

Some Spanish-speaking people use hyphenated last names in the U.S., but the practice of using a hyphen is not common in Latin America.

I already had a confusing name because of my ethnic surname. My grandfather, though born in Texas, lived in a German-speaking community, in which my surname was pronounced in a manner that just doesn't Anglicize well. My father and his two brothers each chose a different way to solve the problem. My father chose the pronunciation SHULL-see. His older brother adopted the pronunciation of a similar but distinct name, Schultz. His younger brother gave up on it entirely and changed his last name to Kincaid.

Latinos tend to Anglicize their names as well. I know some people who pronounce their names such as Perez (Spanish Pérez), Trevino (Spanish Treviño), and the like.

The language confusion only got worse when I studied Russian. A Russian name consists of a given name, a patronymic, and a surname. So in Russian I'm Джемз Уилямович Шульций (Dzhemz Uilyamovich Shultsiy). My father is William. Formally, I was called James Williamovich. My wife is Елена Альбертовна Шульцая (Yelena Albertovna Shultsaya). Notice that the ending on the last name changes. There is a masculine and feminine form for surnames. Mrs. Tolstoy in Russian is Mrs. Tolstaya. A similar phenomenon occurs in Polish. Interestingly enough, some Slavic immigrants chose to adopt the female form of the name as their American surname.

Chinese names begin with the surname and then you have the given name. Chinese surnames tend to be one syllable. There are only a few hundred common surnames. The number is even smaller in transliteration, because tones are lost, making names that are really different words turn out to be written identically in English. Chinese given names tend to be bisyllabic. Think Xi Jinping (习近平), Mao Zedong (毛泽东), etc. But some given names are only one syllable. Li Peng (李鹏), for example. Chinese women tend not to change their names with marriage, unless influenced by western customs.

Some other nationalities (Hungarians, Japanese) put the surname first.

Mechanics of translation

Word-for-word translation is seldom possible. Dictionaries can create the illusion that word-to-word correspondences exist for every word. In fact, the meaning of words often depends on context.

If you go through a thesaurus of English, you will see lists of words with similar, but not quite identical, meanings. Ordinary bilingual dictionaries often do not explain the fine shades of meaning. There are some good resources out there for translators and language students and aficionados. Most of us have our favorites. I like the website wordreference.com. It covers a number of languages, but it is particularly good for Spanish and French. I recommend *Diccionario Merriam Webster de Sinónimos y Antónimos en Inglés* as a good guide to usage of common English words. Under the entry for “*fear*” for example, you see the words “Fear, dread, fright, alarm, panic, terror, horror, trepidation, phobia.” There is an explanation of all words as

a distressing (painful) agitation in the presence or anticipation of danger. Then there is a short explanation of the different connotations of each word. Fear is the most general term, fright indicates the shock of a sensation of sudden terror, etc.

Some languages are more “foreign” than others, and require special care. English is a member of the Germanic language family. Its vocabulary, however, is highly influenced by the Romance (Latin) language family. In fact, English has borrowed from Romance languages at many points in history. We borrowed from Latin, the mother of the Romance language family. With the Norman invasion, English once again borrowed from the Romance language family. That was from Norman French. More recently, we have borrowed vocabulary from Modern French.

Germanic languages are closer to each other than languages in even closely related families. To some degree, some European languages are closely enough related that they can be, to a degree, mutually intelligible. Swedish and Norwegian, for example are fairly mutually intelligible. Finnish, on the other hand, is from a completely different language family, and is as different from Swedish as Turkish or Swahili would be (except for a handful of borrowings).

We can't really illustrate mutual intelligibility. No other language is mutually intelligible with English. Dutch is a “sister” to English, but without study an English speaker can't understand Dutch. Romance languages like Spanish are “cousins” to English. Many languages have no relationship at all to English. Finnish, Hungarian, Estonian, and Basque are European languages completely unrelated to English. Chinese and Japanese are completely unrelated to

English. The less closely related languages are, the more problems there can be with translation and interpretation.

Some languages are more “unified” than others. For instance, we tend to think of Arabic as a single language. There is, of course, a classical Arabic, and there is a Modern Standard Arabic. But most speakers of Arabic speak a local dialect. Sometimes these dialects are not mutually comprehensible.

We tend to think of people from China as speaking Chinese. There are many different so-called dialects of Chinese. These dialects are better understood as different languages. Usually in the United States we only think of Mandarin or Cantonese. Mandarin and Cantonese are not mutually intelligible. For many years, the predominant Chinese dialect in the United States was Cantonese. In the last decade or so, Mandarin has begun to eclipse Cantonese in the U.S. When dealing with a speaker of “Chinese,” we must bear in mind that there are many dialects. If faced with someone from China who speaks little English, be sure to find out exactly which Chinese

People speak languages with varying degrees of fluency. Don’t assume that a person doesn’t need a translator because you’ve heard him or her speak English. Many people are fluent enough for some purposes, but not fluent enough for others.

Fortunately, we will usually be dealing with Spanish, and although the two languages are completely mutually unintelligible, there are a lot of “cognates,” most of which come from Latin or Latin-based languages.

Ambiguity. All languages are “ambiguous” to a degree. By “ambiguous” I mean that a word, phrase, or sentence is susceptible to more than one interpretation. We deal with ambiguities regularly in contract law. The ambiguity problems are even greater when translating between languages.

Obligatory and optional information. In English, we have a word “cousin,” which applies to a male or female. Spanish differentiates between male and female. If an interpreter is given the English sentence, “Pedro called his cousin on the telephone,” there’s a lack of information that the interpreter must fill in, and which could end up causing confusion if the translator guesses wrong.

Languages vary widely in what is obligatory and what is optional information. In Chinese and Japanese, for example, it is not always clear whether an object is singular or plural. “Number” is almost always obligatory in English and Spanish. [The few exceptions are words like “moose,” “deer,” and the like, which are identical in singular and plural.] In Spanish, in some circumstances, the subject can be omitted. In Japanese, the subject--if you can even call it that--is often omitted. Context is required to know who is doing the action.

False Friends. There are many words that look similar, but have very different meanings. The classic one is “embarazada” (pregnant, **not** embarrassed). “Intoxicado” is another one. It means poisoned. But in United States Spanish, words are borrowed from English with English meanings from time to time, so you will hear “intoxicado” used in the sense of

You might think that the source of most “false friend” problems would be English-speakers with little knowledge of Spanish. That’s not necessarily the case. The biggest source seems to be native Spanish-speakers who have lived in the United States so long they’ve picked up Spanglish as a second language.

Difficult words. Here are some words that can create confusion in translation.

Esperar. The Spanish word “esperar” can mean to hope, to wait, or to expect.

Get. The English word “to get” can be translated by several dozen different words in Spanish, depending on the context. The problem is complicated by the fact that one verb “*coger*” commonly used to translate the idea of “get” in some countries is considered a profanity in others.

Hole.

“Spanish does not have one general all-purpose word for ‘hole’ and it is therefore important to distinguish between the various types and ensure that each has the right image in your mind. *Agujero* is essentially a ‘roundish hole’ and usually goes through something, e.g. the holes punched in a piece of paper, the holes of a colander, the hole in my bucket, but the word derives from *aguja*, ‘a needle’, and so is basically the *type* of hole made by a needle, i.e., tubular and so can apply to a hole bored into anything.

A ‘hole in the ground’ whether natural or deliberately dug, is normally *un hoyo*, but if it were a carefully dug ‘round hole’ say for a telegraph pole then it might be referred to as *un agujero*. The same applies to a hole in a putting green; it might be either. A hole in the road a pothole might be termed *un hoyo* if it did not have a special word of its own, *viz. un bache*.

Cassell’s Colloquial Spanish, s.v. *agujero*.

The entry goes on to describe some of the half dozen other words for hole. (hueco, pozo, madriguera, perforación, perforado, trepado, etc.)

Sobremesa. Conversation after a meal. There isn't a good English word for this idea.

Consuegro(a). "the father or mother of your daughter or son-in-law."

Grant. I remember some governmental agency running a public service announcement discussing "grants" and pointing out that there wasn't a single Spanish word for "grant." I don't even remember which agency it was. But they were right. There isn't a single good word for "grant." But I think *subvención* comes close.

Some words are difficult to translate simply because the very concepts are different in English and Spanish. In many Spanish and English Legal Dictionaries, a term of art in one language will be translated by a short paragraph in the other. This is because other languages sometimes lack direct translations of words used in American courts, and English sometimes lacks direct translations of words used in other nations' legal systems.

Notario. If you look "notario" up in your Spanish/English dictionary, you'll find the translation, "notary." This translation is technically correct, but misleading. Latin American countries have civil law, rather than common law systems. Under the civil law, a *notario* is far more than a notary public. "In many instances notaries rank higher than attorneys." Henry St. Dahl, *McGraw-Hill Spanish and English Legal Dictionary*, s.v. *notario público*. A notario is usually at least a licensed *abogado* (lawyer) and in some countries additional requirements, such as a number of years of practice as an *abogado* or extra education may be required. Figueroa,

Dante. This is why there is a danger that Latin American immigrants may be confused by American notaries public holding themselves out as lawyers.

This is not merely a problem between English and Spanish. The concept of an “*adl*” (pl. “*udul*”) in the law of Arabic speaking countries is also different. The simple translation of “notary” in English understates the role of officers who authenticate documents in other legal systems.

WHAT TO DO IF YOU NEED AN INTERPRETER OR A TRANSLATOR

The Administrative Office of the Courts has an [online information sheet](#) about how to use their services. If your client is involved in a court proceeding, you should let the Court know of the need for an interpreter as early as possible. The judge is then required to appoint a qualified interpreter for the proceeding.

There are quite a few useful links on the AOC’s webpage, including a link to the governing statutes, a guide for judges, a guide for clerks, the Interpreters’ Handbook, and other valuable materials. See the links below.

CONCLUSION

Try to identify your language problems early. If you have any doubt that your client is fluent and comfortable in English, you have a duty to investigate. If you are concerned that a witness may need an interpreter in court, make sure to involve the Court’s personnel as early as possible. Be as aware as you can of the problems that can occur when there is a language barrier. Recognize that there will be problems that are not obvious. Do things to double-check and make sure you are communicating.

References

- Cassell's Colloquial Spanish: A Handbook of Idiomatic Usage (1980)
- Beeby Lonsdale, Alison, Teaching Translation from Spanish to English (1996)
- Diccionario Merriam-Webster de Sinónimos y Antónimos en Inglés (2006).
- Ivanchvili, Nina, A Lawyer's Guide to Cross-Cultural Depositions, 30 Vt. B.J. 36 (2004)
- Language Needs in Arkansas Courts, Administrative Office of the Courts (2012)
- McCaffrey, Angela, Don't get Lost in Translation: Teaching Law Students to Work with Language Interpreters, 6 Clinical L. Rev 347 (Spring 2000)
- National Center for State Courts, Consortium for Language Access in the Courts, Guide to Translation of Legal Materials Prepared by the Professional Issues Committee April 2011
- Nueva gramática de la lengua española*, Asociación de Academias de la Lengua Española
- Piña-Rosales, Gerardo, et al, *Hablando bien se entiende la gente* (2010).
- Saint Dahl, Henry, McGraw-Hill's Spanish and English Legal Dictionary (2004)
- Shipow, Mark S., Using Interpreters in Litigation, 31 L.A.Law 12 (2008)
- Sofer, Morry, The Translator's Handbook (1996)
- Vasquez-Ayora, Gerardo, *Introducción a la traductología* (1977)

Links

Statutes:

<https://courts.arkansas.gov/sites/default/files/tree/Arkansas%20Interpreter%20Statutes.pdf>.

Guide for judges,

[https://courts.arkansas.gov/sites/default/files/tree/Bench%20card%20\(new%20statutes\).pdf](https://courts.arkansas.gov/sites/default/files/tree/Bench%20card%20(new%20statutes).pdf)

Arkansas Professional Court Interpreter Handbook

<https://courts.arkansas.gov/sites/default/files/AR-Interpreter-Handbook.pdf>

Attorney's Guide

https://courts.arkansas.gov/sites/default/files/tree/Attorney%20Guide%20%28new%20statutes%29_0.pdf

Guide for Clerks

[https://courts.arkansas.gov/sites/default/files/tree/Clerk%20guide%20\(new%20statutes\).pdf](https://courts.arkansas.gov/sites/default/files/tree/Clerk%20guide%20(new%20statutes).pdf)

Interpreters' Code of Professional Responsibility

<https://courts.arkansas.gov/sites/default/files/CODE%20OF%20ETHICS%20FOR%20INTERPRETERS.pdf>