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The few comments on interpreters to be found in English legal journals normally involve quasi-humorous or frustrated remarks, such as those by Jayne Willets following a visit to Brussels (The Law Society's Gazette, 13, p 44, 1991):

"The highlight of the afternoon was a two-hour speech in Flemish, given in the highest court in the country, the Court of Cassation. The speech was delivered by a professor on the history of the Flemish Bar Association. Headsets were available for simultaneous translation into English, French and German. The English interpreter became harassed at several points during the speech, and was heard to say: 'He is skipping out, I can't follow him' and 'Shut up you lot, I can't hear a thing!' Needless to say, the history of the Flemish Bar Association will not be my specialist subject. Perhaps I would have gained more from the French or German translations."

Inevitably, clients of such unprofessional interpreters will be confirmed in what is probably a distinct prejudice against interpreters as incompetents who invariably impede the communication process generally, and the legal process, specifically.

However, practice on the highest European level -- at the European Court of Justice in Luxembourg -- is a refreshingly far cry from such unprofessional performances. The highly competent interpreters who work at the ECJ are recognised as an integral and respected part of the legal process. At a recent seminar in Luxembourg, the head of the ECJ Interpreting Division emphasised the vital nature of the inter-relationship between linguists and jurists in the legal interpreting setting. Each of these two groups is a "client" of the other, and must act accordingly. As in any area of professional practice, there is a need for ongoing training, so that the challenge of legal interpreting can be tackled as competently as possible.

In this spirit, 70 professional interpreters -- both free-lance and staff, from a total of 14 different countries (Luxembourg -- 17, Germany -- 16, Belgium -- 7, France -- 6, Austria, -- 5, Great Britain -- 3, Spain -- 3, USA -- 3, Finland -- 3, Italy -- 2, Switzerland -- 2, Netherlands -- 1, Czechoslovakia -- 1, Norway -- 1) -- attended an introduction to the law seminar organised in January 1993 in Luxembourg by the AIIC (Association Internationale d'Interpretes de Conference) Court and Legal Interpreting Committee. Held at the ECJ, with the action co-operation of members of its interpreting department, the three-day programme gave participants insights into aspects of comparative law, the history and practice of various European institutions, the work of the ECJ, interpreting at the ECJ, and issues relating to the provision of interpreting in legal contexts.

Course participants observed ECJ proceedings, and were able to gain an impression of the performance of both the lawyers and the interpreters. Strikingly, the room's acoustics were found to be less than adequate -- a reminder of somewhat less-than-perfect conditions prevailing in national court rooms. A major difference, however, was the provision of microphones and headphones for all participants and the public -- a sine qua non for proceedings where simultaneous interpretation is provided, from booths, into up to nine languages.

An entire afternoon session was taken up by an erudite, and at the same time intelligible, introduction to aspects of common law and droit civil. Notably, questions following this presentation showed how much participants longed for a responsive interlocutor in the world of the law, as they showered the hapless lecturer, a Scottish judge at the ECJ, with

all manner of questions and comments. Considerable controversy arose over the issue of the quality of output that can be expected from interpreters, as compared with that of a written translation.

The discussion also touched upon the thorny problems that may arise in English or French legal settings due to the ambiguity of the term "interpretation", which is used in the area of the law as well as intralinguistic transfer. This problem does not exist in German-language settings, where the term for the oral language-shifting exercise is *Dolmetschen*, as distinct from *Interpretation*. A proposal to coin an alternative English-language term to "court interpreter" was not received with great enthusiasm by the audience, but it was felt that there was a need to deal with the implications contained in the legal establishment's frequent exhortation to court interpreters: "Translate, don't interpret."

Most seminar participants' experiences in the legal interpreting field lay outside the area of criminal proceedings, with -- not unnaturally -- a considerable proportion having experience in interpreting for the ECJ, as well as other European institutions. The wide range of legal settings in which interpreters are required was reflected by the participants' experience, which included the following areas: administrative hearings, arbitration, arraignment motions, civil and criminal cases, commercial law, depositions, ECJ proceedings, EEC hearings, pre-trial examinations, lawyers' preparations in federal prisons of clients for trial, proceedings for fees due, the hearing of witnesses in the Amoco Cadiz case, the Human Rights Tribunal (Strasbourg), the ILO Committee of Experts on the Application of Conventions and Recommendations, insolvency proceedings, juvenile courts, labour law, parole and preliminary hearings, pre-trial conferences, probation revocation, sentencing, war crimes trials.

On the whole, the free-lance participants were neither regular court interpreters (15 per cent) nor regular police interpreters (13 per cent). About 70 per cent of those attending had, however, worked in a range of formal legal settings. Some 30 per cent had interpreted for the police, and 60 per cent for the courts. The overwhelming majority were either members of a professional interpreters' association, or employed by a European or international organisation.

The following remarks from an interpreter with 30 years' experience of working for the international police organisation provide an eloquent comment on the facts of court interpreting life:

"I live in the Paris banlieue and, having approached the Paris court, I was told that I could only work in Melun (where, most probably, the number of days interpreted in my working languages must be next to nil). Furthermore, financial conditions are too unfavourable. Finally, I was told that I had to approach not the court as such, but each individual judge to propose my services. These working arrangements to me are unacceptable."

In a similar vein, a Californian interpreter said she was "unwilling to accept rates offered. I do administrative hearings and medical evaluations exclusively because the pay at the criminal courts is so low".

The reasons cited for not working regularly for the court system or the police reflect the conditions prevailing in most countries, where either practical aspects (including financial conditions, language requirements and availability) exclude most conference interpreters, or the authorities do not approach professional interpreters with a view to using them in the regular court system.

Responses seem to show that until recently most professional conference interpreters had not considered approaching the judicial authorities with a view to being placed on a list of court and/or police interpreters. Various considerations may now be bringing about a change in this situation. Those who attended the Luxembourg seminar showed an awareness of the need to understand the principles and workings of different legal systems. The AIIC Court and Legal Interpreting Committee will continue its efforts to encourage further ongoing training initiatives on the part of both international and national legal and interpreting circles.

The ethos of the AIIC Court and Legal Interpreting Committee is that the use of appropriate interpreting techniques by competent interpreters can put the language-handicapped participant on a nearly identical footing with the native speaker of the language of legal proceedings. To this end, the co-operation of practising lawyers will be vital in order to achieve a universal acceptance of the need for high calibre interpreters. Certain modifications of practice may also be required, such as making case papers available to interpreters in advance and improving the acoustics. On the whole, there is room for improvement in lawyers' and judges' awareness of how best to work with interpreters to achieve maximum efficiency. The Victorian Bar has been running a course for several years which gives new barristers an understanding of the disabilities faced by **non-English speakers** in Australian courts. Perhaps the English legal profession would consider introducing something similar?

The essence of the problem is that until the authorities are willing to consider interpreters as a valuable resource and treat them accordingly -- in terms of both fees and conditions -- the quality of interpreting in the courts will tend to remain low. Similarly, unless the legal profession calls for higher standards and accepts that good interpreters can provide high calibre language services not only in the ECJ but also in other legal settings, miscarriages of justice will remain a very real possibility because of incompetent performances by unqualified individuals used as interpreters by the police and courts.

There is a need for interpreters and lawyers world-wide, including in Britain, to examine the situation in each country and to develop specific solutions in order to ensure that linguistic -- and therefore human -- rights are respected. Unless this is done, whether blind or not, justice will certainly be very hard of hearing in the case of the language-handicapped participant.