



Universidad
de Alcalá

El Papel de los Intérpretes de la Corte en el Estado de California: Enfoque Histórico y Evolución del Examen

**The Court Interpreter's Role in the State of
California: Historical Approach and Evolution of
the Examination Process**

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Resumen:

Hoy en día, la interpretación en los servicios públicos en el Estado de California sigue siendo una profesión poco valorada y, por desgracia, aún bastante desconocida. Sin embargo, actualmente tiene un papel muy importante en la Corte de California. Para ello, los futuros intérpretes judiciales deben pasar un examen de certificación que les acredite para trabajar para el Estado y llegar a ser intérpretes certificados o registrados. Pero el problema reside en la dificultad del examen, así como en la enseñanza y preparación previa necesaria para llegar a ser intérprete. Otro problema que destacar es la falta de formación para trabajar con intérpretes que presentan los jueces y abogados, profesionales que están en contacto constante con los intérpretes.

Por eso, este trabajo de investigación se centra en demostrar en profundidad la importancia del trabajo que realiza un intérprete en el juzgado y su evolución histórica, explicando la diferencia entre las clases de intérpretes que existen en el Estado de California y la complejidad y estructura del examen oficial. A su vez que se hablará del papel que desempeñan los jueces y abogados en el día a día de estos intérpretes.

Las hipótesis expuestas tratan sobre la existencia actual de un examen que evalúe de manera adecuada a futuros intérpretes judiciales, que los intérpretes certificados están mejor preparados que los registrados, que existe una falta de métodos de enseñanza para futuros intérpretes, que los jueces y abogados no han recibido formación previa para aprender a trabajar con intérpretes, y que, además, en muchos casos, no entienden la función principal del intérprete judicial.

Para ello, se ha realizado un estudio cualitativo a través de dos cuestionarios, uno que fue preparado para los intérpretes judiciales y otro para los jueces y abogados. Los resultados muestran que el examen no evalúa las competencias de los futuros intérpretes, que a los intérpretes certificados se les consideran mejores que los no certificados, y que los jueces y abogados no reciben formación previa para trabajar con intérpretes y comprender mejor la función del intérprete judicial.

Palabras clave:

Intérprete, interpretación, interpretación judicial, profesionalización de TISP

Abstract:

Today, interpreting in public services in the State of California remains an undervalued and, unfortunately, still a largely unknown profession. However, it currently plays a very important role in the California Court System. In order to do so, future court interpreters must pass a certification exam to work for the State and become certified or registered interpreters. But the problem lies in the difficulty of the exam as well as in the training and preparation required to become an interpreter. Another problem to highlight is the lack of training to learn how to work with interpreters on the part of judges and lawyers, professionals who are in constant contact with interpreters.

Therefore, this paper focuses on demonstrating in depth the importance of the work an interpreter performs for the Court and its historic evolution, explaining the difference between the groups of interpreters that exist in the State of California and the difficulty and structure of

the official exam. At the same time, taking a closer look at the interaction between judges, lawyers and the interpreter will be discussed in depth.

The hypotheses presented deal with the current existence of a fair test that is adequately prepared to evaluate future court interpreters, that certified interpreters are better prepared than registered ones, that there is a lack of teaching methods for future interpreters, that judges and lawyers have not received prior training to learn to interact adequately with interpreters, and in addition, fully understand the primary role of the court interpreter.

To this end, a qualitative study has been carried out through two questionnaires, one that was prepared for court interpreters and the other for judges and lawyers. The results show that the examination does not assess the skills of future interpreters, nor that certified interpreters are better prepared than non-certified ones, that judges and lawyers are not receiving the proper training to work effectively with interpreters.

Key words:

Interpreter, interpreting, court interpreting, professionalization of TISP

1. Motivación

Decidí escribir sobre este tema en particular gracias a una conversación que tuve con mi abuela, sus años de experiencia como intérprete y las historias que me ha contado desde pequeña. Ella trabajó como intérprete en la Corte de California durante más de 30 años, fue una de las primeras en realizar el examen de certificación en 1979, y me animó a investigar sobre la historia de los intérpretes en California y su evolución. Tengo la suerte de estar rodeada de una familia multicultural que ha sido mi inspiración en el desarrollo de mi investigación.

Desde el comienzo, una de las dudas que me surgieron era si el examen evalúa de una manera objetiva la competencia de los intérpretes. Mi tío trabaja como intérprete en los juzgados de California desde hace diez años, pese a no haber aprobado el examen oficial para ser intérprete certificado. Este es un tema importante en mi investigación, ya que se podrá ver que hay ciertas personas que están más que cualificadas para hacer el trabajo de un intérprete judicial pero debido al nuevo formato del examen oficial, del cuál hablaré y desarrollaré, les resulta difícil conseguirlo.

Al desarrollar la parte de la metodología he descubierto que no es fácil conseguir que intérpretes, jueces y abogados llenen un cuestionario “a ciegas” sin conocerme previamente, para contactar con ellos, realicé una búsqueda exhaustiva en páginas oficiales de intérpretes, jueces y abogados, por LinkedIn y a través de mis familiares y sus contactos en el sector.

Espero, a través de esta investigación, enseñar la importancia de la interpretación en los servicios públicos, centrándome en la interpretación judicial en la Corte de California, para así demostrar que el trabajo que realiza un intérprete es esencial, especial y único.

2. Introducción

2.1 Objetivos del trabajo

El enfoque principal de este trabajo de fin de máster es mostrar la importancia de la interpretación en los servicios públicos, centrándose en la interpretación judicial en la Corte de California. La interacción continua del intérprete con jueces y abogados nos lleva a la segunda parte del trabajo que consiste en extraer la opinión de estos últimos sobre la importancia del trabajo de un intérprete judicial y en qué consiste su rol en el juzgado.

Al ser un estudio orientado a la interpretación judicial, se verá que, desde la década de los 60s, California se empezó a dar cuenta de la importancia de las necesidades y derechos que tenían aquellos individuos que no hablan la lengua nativa del estado, el inglés. La historia de la interpretación en California tiene un recorrido relativamente corto y se hablará de como ha ido avanzando a lo largo de los años, además de lo mucho que queda por hacer para seguir profesionalizando la interpretación, empezando por la ley que se implantó en 1978, *Public Law No. 95-539 (the federal Court Interpreters Act)*, que dio comienzo a lo que realmente sirvió para darle importancia y a convertir a la interpretación judicial en lo que es hoy en día (Berk-Selington. 2017: 1).

Hay dos clases de intérpretes principales en el Estado de California, y según informa la página web oficial de la Corte de California: “para ser un intérprete certificado o registrado, una persona debe ser mayor de edad y poseer buenas habilidades lingüísticas”. Para concretar, un solicitante debe poder facilitar la comunicación entre el tribunal y los clientes dentro de un juzgado. Esto incluye la habilidad de interpretar con alta precisión y la habilidad de traducir la terminología en este contexto correctamente de una lengua a otra. Para alguien sin conocimiento previo de la profesión puede parecer una tarea para nada compleja, por eso es muy importante definir qué es y qué significa ser un intérprete judicial.

Se puede definir como alguien que interpreta en los procedimientos judiciales para un acusado o testigo con baja o nula capacidad para entender y expresarse en inglés. Es necesario que tengan un vocabulario amplio en terminología legal y que tengan una educación extensa, pero también que sean capaces de comunicarse con alguien que tenga habilidades lingüísticas limitadas o sin educación previa. Al tratarse de un intérprete judicial, que está en contacto constante con el personal de la Corte de California, y en vez de pensar en las dificultades que pueden surgir interpretando en un juicio, surge también la diferente opinión que tienen tanto los intérpretes judiciales de sí mismos, así como de su rol, en comparación con como son vistos por los demás profesionales de este ámbito (Berk-Selington. 2017: 2).

Con la realización de este proyecto, se pretende informar en detalle a los lectores de los siguientes objetivos:

- 1) Destacar que, como muchos autores (Baigorri-Jalón: 2000; Pöchhacker: 2004; Giambruno: 2008; Bancroft and Rubio-Fitzpatrick: 2009) mencionan, la interpretación ha sido una profesión que ha existido durante siglos, y en el sector de la interpretación judicial en los servicios públicos, estos profesionales tienen que estar en contacto constante con abogados y jueces, tras el cuestionario que se ha repartido para jueces y abogados se verá el conocimiento real que tienen sobre los intérpretes, a la vez que se verá si reciben formación para aprender a trabajar con intérpretes judiciales y hasta qué punto entiende un juez o un abogado la posición de un intérprete.
- 2) Según el *Departamento de Trabajo de los Estados Unidos* (U.S. Department of Labor) los trabajos para intérpretes seguirán creciendo alrededor de un 42% desde 2010 a 2020 debido a su gran necesidad dentro del ámbito del sector público (U.S. Department of Labor. 2012: n.p.). En la Corte de California hay dos tipos de intérpretes judiciales. Los intérpretes certificados son aquellos que deben presentarse al examen de certificación de intérpretes de la Corte, y tras aprobar, se inscriben en el Consejo Judicial para comenzar a trabajar. No hay un examen de certificación para todos los idiomas, de hecho, sólo existe la posibilidad de examinarse en quince idiomas. Así que, por otro lado, la Corte dispone de otra clase de intérpretes, los intérpretes registrados de la Corte, para los que no hay un examen oficial de certificación. Se verá exactamente cuál es la diferencia entre estos dos tipos y también en qué consiste la preparación de cada uno de los exámenes a los que se deben presentar para llegar a ser un intérprete certificado o registrado.
- 3) El sistema judicial de California establece que cualquier individuo que pueda tener problemas de comunicación o no entienda el idioma, en este caso el inglés, tiene el mismo derecho a un juicio justo que cualquier otro miembro de habla inglesa de la comunidad, y, por lo tanto, el derecho a tener un intérprete. En este trabajo se entrará en detalle en esto, viendo si realmente un intérprete está siempre disponible para aquellos

ciudadanos que no entiendan la lengua de origen (Fact Sheet. 2017: n.p.). Aunque actualmente esto es cada vez menos frecuente, sigue habiendo casos en la Corte donde tienen que depender de un familiar del acusado, alguien que hable la lengua nativa, o incluso personal bilingüe de la misma Corte de California para ejercer como intérprete al no estar disponible uno.

4) En relación con el examen, aspecto clave para poder ser intérprete para el Estado, se trata de un examen largo y difícil y hay grandes discusiones sobre la manera de examinar. ¿Deberían modificarlo? En caso de que sí, ¿qué deberían modificar? ¿Realmente evalúa la manera de interpretar de cada candidato que se presenta? En caso de que no, ¿de qué manera podemos cambiar eso? Y, sobre todo, ¿qué opinan los intérpretes que han superado el examen y que llevan años trabajando para la Corte? ¿Y los que se presentan al examen y no consiguen aprobar? En este trabajo la intención es explicar en profundidad cómo funciona el mundo de la interpretación en la Corte de California contando con la opinión de profesionales con experiencia. Hay que mencionar que previamente al examen al que se someten los participantes, hay, en muchos casos, años de preparación mediante cursos, títulos universitarios, etc., que estos profesionales necesitan para poder aprender y emprender un trabajo correcto. Hay autores (Hale. 2007; Corsellis. 2009; Kainz Prunc y Schögler: 2011; Vargas-Urpi: 2011) que comentan como la interpretación en los servicios públicos ha mantenido un estatus relativamente bajo y esto, consecuentemente, influye en el incentivo de crear cursos para formar los futuros intérpretes. Se comentarán los puntos esenciales de aprendizaje y la falta de cursos que reúnan todo lo necesario para formar a un buen intérprete judicial según los criterios de autores como (Hale. 1997: 177, Valero-Garcés. 2011: 137, Pérez and Wilson. 2011: 249).

5) Otra parte de esta investigación era descubrir las experiencias personales de los intérpretes judiciales con la intención de desvelar tanto aquellos momentos positivos, como aquellos no tan agradables. Es una profesión que, por desgracia, aún es desconocida por muchos. Estos tienen que lidiar con otros profesionales que no son conscientes del duro trabajo que conlleva ser intérprete judicial, las situaciones delicadas emocionalmente en las que se encuentran y en ocasiones en las que no pueden intervenir.

Con la realización de este estudio cualitativo a través de dos cuestionarios que fueron repartido entre intérpretes y jueces y abogados, se pretende analizar y conocer en profundidad como funciona la interpretación judicial en la Corte de California.

2.2 Hipótesis

Por todo lo expuesto, tras una investigación profunda y con la ayuda de dos cuestionarios que se repartieron entre intérpretes, abogados y jueces, se llegará a conocer realmente cómo funciona esta profesión, qué se puede mejorar a la hora de examinar y formar a futuros intérpretes, y se tratará de demostrar las siguientes hipótesis:

- Los intérpretes certificados no están más preparados que aquellos intérpretes que no han aprobado el examen oficial del estado de California.

- El examen oficial para ser intérprete en los juzgados de California está bien estructurado y planteado para evaluar a futuros intérpretes judiciales.
- No existen suficientes métodos de enseñanza (cursos, grados, másteres, etc.) que preparen a los intérpretes judiciales para el examen oficial.
- Los jueces y abogados no han recibido ninguna formación para trabajar con intérpretes en el ámbito judicial.
- Los jueces y abogados no saben cuál es la función principal del intérprete judicial.

Debido a que este campo de la interpretación es muy extenso y a que el número de encuestados es limitado, se tratará de destacar aquellos datos más relevantes para el desarrollo de esta investigación obtenidos de los dos cuestionarios preparados junto con la información pertinente obtenida tras la extensa lectura de diferentes estudios, artículos, libros y análisis sobre la interpretación en la Corte de California.

3. Theoretical Framework

3.1 What is interpreting

Interpreting is when a spoken message is conveyed from one language to another while maintaining the speaker's original ideas and registration (AIIC. 2012). Interpreters work with oral messages and require certain mental efforts and abilities such as using intonation or using gestures.

Interpreting is done in the moment, meaning that the communication is immediate, and it involves an interaction between speakers, giving the interpreter no time to look through resources, prior preparation is key before each interpreting job.

An interpreters' working languages are divided into different categories (A, B and C). Category A refers to the interpreter's mother tongue, into which they work from all their other working languages. Category B is a language that the interpreter is perfectly fluent in but may not feel comfortable interpreting in all interpretation modes. And, category C is a language that the interpreter will interpret from but not into. This last category can be considered a passive language, whereas categories A and B are active languages for the interpreter.

3.2 Modes of Interpreting

Although the modes of interpreting have evolved through time, they can be divided into three different parts that have been recognized for use in a court setting: simultaneous interpreting, consecutive interpreting, and sight translation (NAJIT. 2006). During this section the definition of each mode will be explained in detail with the hope to show why interpreters are necessary when working with people that have limited English proficiency (LEP) in a legal setting.

It is important to keep in mind that an interpreters job is to render the message in the same emotional register as the speaker without changing the meaning, and sometimes changing from one mode to another is necessary and it can be tremendously challenging especially in the courtroom setting where their client can be dealing with an upsetting situation.

3.2.1 Simultaneous

Simultaneous interpreting can be defined as rendering the spoken language into a different language while the original language is being issued. It usually involves the use of technical aids or is done from a soundproof booth, which will be explained below. Usually this mode is used when a LEP litigant plays a passive role in court proceedings and needs to know what is being said but is not necessarily required to speak at that precise moment, stage of the hearing, or trial. This is done for the defendant to be able to understand what is going on during the trial, enabling them to be present during the whole process.

For simultaneous interpreting to be done correctly the interpreter must be able to do several things at the same time (London Translation. 2014). They need to be able to listen carefully to whatever party is speaking and interpret from the source language into the target language and be prepared to switch from one to the other whenever the LEP party is directed and ready to switch to consecutive if required. There are different subtypes:

3.2.1.1 Whispered interpreting or *chuchotage*

This is just one of the different types of simultaneous interpretation. Although it may be called whispered interpreting, the interpreter does not always have to whisper, but can speak in a soft voice to the listener. It is a requisite for the interpreter to be placed next to the listener in order to be able to interpret the ideas into the target language in a lowered voice. This type is not as frequent as the others and it is normal for there to be more than one interpreter to take turns due to the fact that it is an uncomfortable technique not just for the interpreter but for the listener as well.

It is important to keep in mind that this is usually done in conferences with few participants, and in public services when it is necessary to speed up the communication. It can be used in the court room so that the non-native speaker (NNS) knows what is being said during the whole entire process without the need of the interpreter interpreting every sentence after a couple of minutes.

It can be extremely unconformable for the interpreter because they need to speak loud enough so that their voice is not lost over the voice of the speaker, they may need to interpret closer to the listeners ear while paying attention to what is going on or adopt uncomfortable positions during the speech. Something else to keep in mind is how the listener may get distracted by the background speech and have a difficult time listening to the interpreter. But this is a practice that allows the communication to flow in a much faster way without using any equipment that can be necessary for other techniques.

3.2.1.2 Simultaneous interpreting in booths

(Chmiel. 2008: 261-276) This type of interpreting is usually done in pairs since it is performed under stress and time constraints, that can lead to fatigue. According to the AIIC

(International Association of Conference Interpreters): An interpreter shall not, as a general rule, work alone in a simultaneous interpretation booth, without the availability of a colleague to relieve her or him should the need arise (2008).

The booth where the interpretation takes place is soundproof and involves the use of technical equipment with an *ad hoc* sound system. This style is suitable for big conferences or for events with more than one working language. Although it does require the most complex equipment, it has the benefit of not having a limit of listeners or languages since it is done in real time.

3.2.1.3 Simultaneous interpreting with *infoport*

This type of simultaneous interpreting involves the use of a transmitter that has a microphone for the main speaker, another one for the interpreter and receivers for the audience. It is used for smaller events where the use of a booth may not be necessary, and the participants are around 20-30 and usually not all of them need the interpreting.

3.2.1.4 Simultaneous remote interpreting

Remote interpreting (RI) can be defined as the interpreter no longer being physically present in the room where the interpretation is taking place, but present through a screen and earphones without a direct view of the meeting room or the speaker (Mouzourakis. 2006). This practice allows the interpreters to do their job without commuting to the place of the interpretation and allows the organizers to save money as no technical system is needed.

The problem can be that for RI to work correctly there needs to be proper equipment of audio and video for the interpreters to be able to hear what is going on and for the people who the interpreter is working for to receive the interpretation correctly, involving both parties to make extra efforts for everything to go smoothly.

3.2.2 Consecutive

Consecutive interpreting requires the speaker to stop every couple of minutes, normally when the speaker has finished a complete thought, for the interpreter to render what has been said into the target language, although it has been established that up to two hours is the maximum time to retain a full message ensuring that an interpretation stays true to the original message.

The most important skill for this style is note-taking, since it is difficult to memorize a full thought without forgetting any of the details. Interpreters need to be able to stand or sit near the speaker and when rendering their speech, it is important that they interpret the whole thought, this will allow for a more accurate interpretation.

Consecutive interpreting is a true and accurate interpretation of one language to another without omissions or embellishments, so that the parties can understand each other slowly and deliberately (NAJIT. 2006). Its main use is for when LEP speakers take on an active role during a court hearing or other proceedings. It can also be used for when the witness or defendant is being directly spoken to. It is commonly used during interviews, especially in a question-answer setting.

In this type of interpretation, it is said that maintaining 100 % of the original message is next to impossible, this being said, while interpreting we must know what details are irrelevant when rendering the message always ensuring that the communication is flowing correctly and that all parties are getting the message clear.

Interpreters must follow an internal process of active listening, where they receive the message and therefore process the message; understand the message, where they decode the message received and extract the main ideas to be able to interpret what has been said although they may not use the exact same words; discourse analysis, where they organize speech through the notes they have taken; and lastly, reformulation, which is to render the message faithfully through the notes.

Liaison Interpreting is considered a form of consecutive interpreting because it respects the message of the original speech, it can also be known as “bilateral or dialogical interpretation” and may be the most “informal” mode of interpreting. It is mostly used in business meetings, interviews, or exhibitions and is mostly rendered sentence by sentence, and is more like a conversation in the sense that it usually happens between two people who do not understand the same language. It is bidirectional, as the interpreter is constantly changing from one language to the other (direct and in reverse).

The presence of the interpreter in this case is important because although invisibility is always something the interpreter stands out for, he/she also needs to be in control of turn taking, and in advance should explain to the parties how the interpreting works, and how that particular situation is going to take place.

Liaison interpreting is also characterized for the ability to overlap one type of interpreting with another, the interpreter must be prepared to start simultaneously interpreting if the situation calls for it. For example, during a trial an interpreter might feel the need to stop rendering the speech bilaterally and began simultaneously if they prevail the speech of one of the speakers to be longer.

3.2.3 Sight translation

Sight translation can be common in courtroom settings and is defined as the oral interpretation of a written document. In this setting it is used for the defendant or witness with limited English proficiency to be able to understand the document that he/she may need to sign or understand as it may be relevant to the proceeding.

The interpreters may be given the document prior to the sight translation, although that normally is not the case and they must give the document a quick read trying to anticipate the content of the text without reading the full text.

The skills needed to provide a good quality sight translation can be those needed for simultaneous interpretation, in the sense that predictive skills can help those interpreters process the information in a quicker way being able to complete a message without having all the information.

3.3 Court interpreting

An interpreter's function is essential in a courtroom and they carry out a tremendous amount of responsibility as they act as the communication bridge between the people in the courtroom and the NNS (non-native speaker). It is important for courtroom interpreters to express the message using the correct words, but also captivate the feelings behind the message as well. They are also considered to be the voice of every single participant in the courtroom. Court interpreting can also be known as forensic, legal, or judiciary interpreting, referring to any type of interpreting service carried out in legal cases. Gonzalez et al (1991) states that:

Legal interpretation refers to interpretation that takes place in a legal setting such as a courtroom or an attorney's office, wherein some proceeding, or activity related to law is conducted. Legal interpretation is subdivided according to the legal setting into (1) quasi-judicial and (2) judicial interpreting or what is normally referred to as court interpreting (25).

A courtroom interpreter entitles equal access to justice to speakers of all languages under the law. Although to become a court interpreter one must go through rigorous study and due to the difficulty of the exam, most who try fail not meeting the necessary qualification. According to the California Rule of Court, rule 2.890(b):

An interpreter must use his or her best skills and judgment to interpret accurately without embellishing omitting or editing. When interpreting for a party, the interpreter must interpret everything that is said during the entire proceedings. When interpreting for a witness, the interpreter must interpret everything that is said during the witness's testimony. (3)

All interpreters must take an oath swearing to "well and truly interpret" the proceeding to make sure that non-English speakers are equally able to understand what is being said in a legal proceeding and to ensure that the official record of the proceedings in English are exact to what was said in the other language by any party authorized to participate in the proceeding.

Something to keep in mind is how the judge and jury, if there is one, rely completely on the interpreter as a way of drawing the necessary conclusions about the witness and their testimony, in the same way that attorneys will do to decide on how to proceed with the case. For that reason, it is extremely important for interpreters to absorb every single relevant piece of information from the original message to interpret in the most natural possible form from one language to the other.

It is extremely important for interpreters not to add on to the message that is being interpreted, even if they believe that the person that they are interpreting for is not understanding the full message. Their function is not to make the message more logical in the target language, but to repeat the exact same thing said in the source language and if any of the parties have trouble understanding what has been said they can ask the other party until the message seems to be clear. It is important to keep in mind that while interpreting in a courtroom setting there are some answers that a witness may give that can be inappropriate, in these such cases if they were to say "uh-huh" it would be acceptable for the interpreter to rephrase and say "yes". When interpreting in this setting, interpreters must be cautious not to add on anything said by the witness.

Clarifications are highly recommendable while interpreting in court, one must never “read in-between the lines” of what a party is saying nor interpret two possible answers if they are not sure what the correct word is. If an interpreter were to do that while in court, it could suggest that a witness is hesitant when answering the question provided by the attorney or judge. If a word can have more than one possible meaning or knowing and interpreting the correct word is crucial, informing the attorney or judge is one’s duty, if they believe that it is relevant, they will ask the pertinent questions. Although an interpreter should remain invisible, they may need to step out of their role to make sure that the communication is flowing correctly and that the testimony is accurate. Usually an interpreter will step out of the role to clarify language or cultural aspects that may or could affect the case. Sometimes they may be the only one in the room that knows that without clarification the message may be lost, those are the cases where the interpreter must clarify so no confusion arises. When asking for clarification, it should be done in third person: “Your Honor, the interpreter would like to clarify a matter regarding....” (Judicial Council of California. 2013: 4). Using the third person is important, it separates the interpreter from the person they are interpreting for in the court.

It is not the interpreter’s decision to decide when or when not to omit something said by one of the parties, the message should always be rendered fully into the target language. They have sworn on oath that they will interpret everything said in the courtroom during a trial or proceeding whether it has been said by a member of the court, a witness, a judge, an attorney, a defendant, etc. It is common that people may direct their speak to the interpreter in third person: “Tell him that...” or “Ask him if...” instead of directly asking the other party. If it continues to repeat and the judge has not commented on the correct procedure due to being unacquainted with how it works, you may explain how the correct way to interpret is done.

It is common for interpreters to interpret for witnesses or defendants that are nervous or shy when talking, hesitant while answering, etc., and conveying that message to the judge, jury, attorney, and courtroom is important for their testimony. If someone were to repeat the same word (example: “I, I, I wasn’t there”) that should be interpreted, whereas if someone stutters due to a condition, that should not be interpreted, although this can be difficult and may require clarification if the interpreter does not notice the condition until later on in the interpretation. Sometimes a question towards the witness may seem redundant, but that redundancy could be intentional so modifying the question would be incorrect. A witness may be asked a question and start answering but then change and begin saying something else, when interpreting for them it is crucial to make sure that the other party knows that they started saying one thing and then decided to change to something else, it could be relevant to the proceeding. When an interpreter corrects a misspeak of their own, they must notify everyone saying something like “interpreter correction” to make it clear that it was not a misspeak from another one of the parties.

While rendering a message one must never alter the register for either of the parties they are interpreting for, even if they can clearly tell that someone may not be understanding what they are being told, it is not their place to level the language down to the witness’ intelligence. According to the way that an interpreter interprets, conclusions will be drawn towards the sophistication of the witness due to their word choices and style of speak. This is applicable as well with idiomatic expressions, proverbs and figurative language that may come up in the courtroom, the best-case scenario would be coming up with an equivalent in the target language although they do not always exist. Explaining the expression can always be an option or asking

for an equivalent as well. If the only option is to give a literal interpretation, the other party should be informed.

Nuances and obscenities in a courtroom tend to be extremely important. The words that are said could be crucial to the case interpreting vulgarity must not be edited out. Remember that the interpreters are not the ones that are talking, they simply transmit what is being said by one of the parties. Jurors are the ones that usually make judgements about the witness, they should be able to know what is said at all moments and not be in disadvantage ever because of not knowing the source language. In some cultures, obscenities can be difficult to interpret, and a word-for-word interpretation may not convey the entire meaning of what has been said, in these cases it is important to find an equivalent in the other language that could engage the same response from the other party.

Court interpreters sometimes must interpret exceedingly difficult and delicate situations, sometimes the person they are interpreting for has already given their testimony to different individuals and expects that everyone knows what is going on. This makes it hard to interpret and select the correct words when the witness talks about a topic if the people in the room know what they are talking about. It is important to try to make an effort to interpret everything said even if it might seem illogical or out of order, and in these particular difficult situations where the interpreter may not be aware of the whole situation it is okay to inform the judge that one believes they are missing pertinent information to be able to convey the correct message. The emotions of these witnesses may skyrocket at any moment and as the interpreter those emotions much be shown through their voice and gestures. If an attorney or judge is being stern with a witness, an interpreter's tone of voice must match, if a witness answers in a shy tone that must be reflected as well. But interpreters are not actors, and moderation is key in this setting.

Although sometimes it can be hard due to graphic images that can be shown in the courtroom, or an unintentional funny phrase coming for one of the parties, it is important for the interpreter to stay emotionally neutral when not interpreting. If one has the opportunity to inform themselves about the case they are going to be interpreting for or if they can see any of the images before this can help their interpretation for later, but this is not usually the case. Attorneys may understand the position of an interpreter and have a chat with them prior to the interpretation to inform them of what to expect.

Nonverbal communication can be difficult to interpret, and many times culturally bound as well, witnesses tend to use many hand gestures to explain what they are trying to say. The interpreter must not interpret those hand gestures in court, but simply interpret the witness's words, the rest of individuals are staring at them and should be able to know what is going on, if that is not the case it is not an interpreters job to explain it to the rest of parties. If a gesture is used with hands but is not spoken, an interpreter must not try to acknowledge what they thought has been said. The interpreter must restrain from using any type of gesture, their job is to facilitate the communication while remaining neutral so as not to affect the proceeding, their presence in the courtroom should go on as unnoticed.

While interpreting in any context difficulties can arise, such as diverse meanings for one specific word or ambiguities, and it is important that those ambiguities are resolved for a correct interpretation. There are certain words in English such as "kid", that can mean either boy or girl, in other countries the need to specify gender is necessary. In order to provide an adequate interpretation, clarification would be needed. Something to keep in mind while interpreting

ambiguities is that an attorney may ask an ambiguous question on purpose, and in this specific case there should be no need for clarification unless translating the ambiguity is not possible.

An important part of interpreting in a courtroom is the presence of the court reporter. As the Association for Court Reporters and Captioners explain:

Court reporters are highly trained professionals who share a unique ability to convert the spoken word into information that can be read, searched, and archived.... Court reporters, also known as guardians of the record because of their impartiality and role within the judicial process, capture the words spoken by everyone during a court or deposition proceeding. Court reporters then prepare verbatim transcripts of proceedings. (2020: n.p.)

When something has been said in the courtroom and the interpreter has not understood the question or heard it correctly, they can ask for the court reporter to read it back to them. If the entire sentence is not necessary but just one word, clarification for which part of the question or sentence was misheard can be asked for as well. According to the California Rules of Court, rule 2.890(c):

An interpreter must be impartial and unbiased and must refrain from conduct that may give an appearance of bias...An interpreter must disclose to the judge and to all parties any actual or apparent conflict of interest. Any condition that interferes with the objectivity of an interpreter is a conflict of interest. A conflict may exist if the interpreter has an interest in the outcome of the case...An interpreter must not engage in conduct creating the appearance of bias, prejudice, or partiality...An interpreter must not make statements to any person about the merits of the case until the litigation has concluded. (18)

It is important for each interpreter to know what they can and cannot take on. If they believe that their role could be compromised, if taking a certain job could affect their reputation, if they know any of the individuals, etc., it is their responsibility to act.

Interpreters in courts are surrounded by judges and attorneys and may very well hear opinions regarding a case they are interpreting from and they need to remember to stay neutral and try not to develop any personal opinions based on what they might have heard. This can be difficult, but interpreters are not an advocate for non-English speakers. They must know how to detach themselves from all parties regardless of who they are and focus on helping the communication flow correctly.

Please bear in mind that any case information that an interpreter receives, any preparation towards a case or interview with a witness is completely confidential. It is important for an interpreter to let the parties know that everything said during any interaction where they are present will remain confidential. As stated in the California Rules of Court, rule 2.890(d): “An interpreter must not disclose privileged communication between counsel and client to any person.”

The most important job for an interpreter is to make sure that they are always on top on their working languages, continuing their education and preparing for what might come up in the next job they take on. Increasing their vocabulary in the legal setting, making sure that they know how to act both ethically and professionally when interpreting.

The definition and role of what a court interpreter is, what is expected of them and their place in the courtroom has been established. In the following section, the evolution that court interpreting has had in the specific State of California will be discussed as a way of getting to know the history that it has gone through until today, and where it still stands in the courtrooms of California.

3.4 California Court Interpreting

As mentioned in the introduction, interpreting has always been a profession that has existed for centuries. Although, it was not until 1964 that sign language interpreters opened the path into the professional world when the Registry of Interpreters for the Deaf (RID) was founded. In that same year, the Civil Rights Act was passed and although it did not explicitly mention language rights it paved the way for the passage of legislation in 1978 for the mandatory use of interpreters called the Court Interpreters Act. In the 1990s, The Americans with Disabilities Act expanded the Deaf communities' rights, and Executive Order 13166 required that all federal funding institutions must provide their limited English proficiency (LEP) clients with interpreters if they did not want to lose that funding. Due to this and to different legislative acts and decisions, it started to become a known resource to provide clientele with translators and interpreters if they were needed.

Due to the above mentioned, the Public Service Interpreter as a profession is constantly growing and will continue to grow in the years to come. The U.S Department of Labor (2010: n.p.) states that:

Employment of interpreters and translator is expected to grow 42 percent from 2010 to 2020, much faster than the average for all occupations. ... In particular, job opportunities should be plentiful for interpreters and translator specializing in healthcare and law, because of the critical need for all parties to fully understand that information.

The Act established that a court-appointed interpreted must be provided:

In any criminal or civil action initiated by the United States in a United States district court (including a petition for a writ of habeas corpus initiated in the name of the United States by a relator), if the presiding judicial officer determines on such officer's own motion or on the motion of a party that such party (including a defendant in a criminal case), or a witness who pay present testimony in such action --

- (1) speaks only or primarily a language other than the English language, or
- (2) suffers from a hearing impairment (whether or not suffering also from a speech impairment) so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness' comprehension of questions and the presentation of such testimony. (Court Interpreters Act, 1978, 1827 (d) 1-2).

Something to keep in mind is that before this became recognized as a profession, many interpreters in the healthcare and law setting were bilingual employees who provided interpreting apart from their regular job obligations. These employees are known as "adjunct or dual role interpreters", according to Bancroft and Rubio-Fitzpatrick (2009: 13), and it can

lead to some sort of confusion because there is not a clear distinction between those who interpret from one language to another and those who simply provide service in another language. It had also been argued that these employees should receive the same training that any other interpreter would need.

As the role of an interpreter became more universal, officials declared the need to set certain requirements to assure quality, and the first sector to do so was the judiciary. When the Court Interpreters Act of 1978 was legislated, the response was to establish a certified examination process. An important part of the examination process was to prepare the future candidates for the exams, and there was one existing school for interpreting that incorporated court interpreting into its educational program, the Monterey Institute of International Studies. There were many other programs that also focused on this type of training, but they began to flourish after the creation of the certification exams (González, Vásquez and Mikkelson. 2020: 1145-47).

Healthcare and medical interpreting did not begin until around the 1990s. Roat (2006: 1) states that it began due to an interest in the real need for interpreting to be done by experts who were prepared after major demographics changes in the United States, research on the poor interpreting in health care, etc. Healthcare interpreters took it into their own hands rather than relying on legislatures to impose standards and regulations and in 1995 the Medical Interpreting Standards of Practice by the Massachusetts Medical Interpreter Association was established (Roat. 2006: 80).

The most developed public service interpreting (PSI) sectors without a doubt are court and medical interpreting. Although there are many associations that hold annual conferences regarding other types of public service interpreting, there is no specific training for the other sectors apart from some workshops. Regulations such as the Executive Order 13166 required all public service entities to meet the language needs of all citizens, although it does not require them to meet any sort of qualification in order to provide the language service.

It has always been a known fact that a large amount of the individuals that reside in California are limited English proficient (LEP). According to a census in 2010, chart 1, around half of the people in California were LEP, although the number has most definitely risen since then. There is a major variety of languages spoken by these citizens, however the following are considered to be those that are the most spoken: Spanish, Chinese, Vietnamese, Tagalog and Korean.

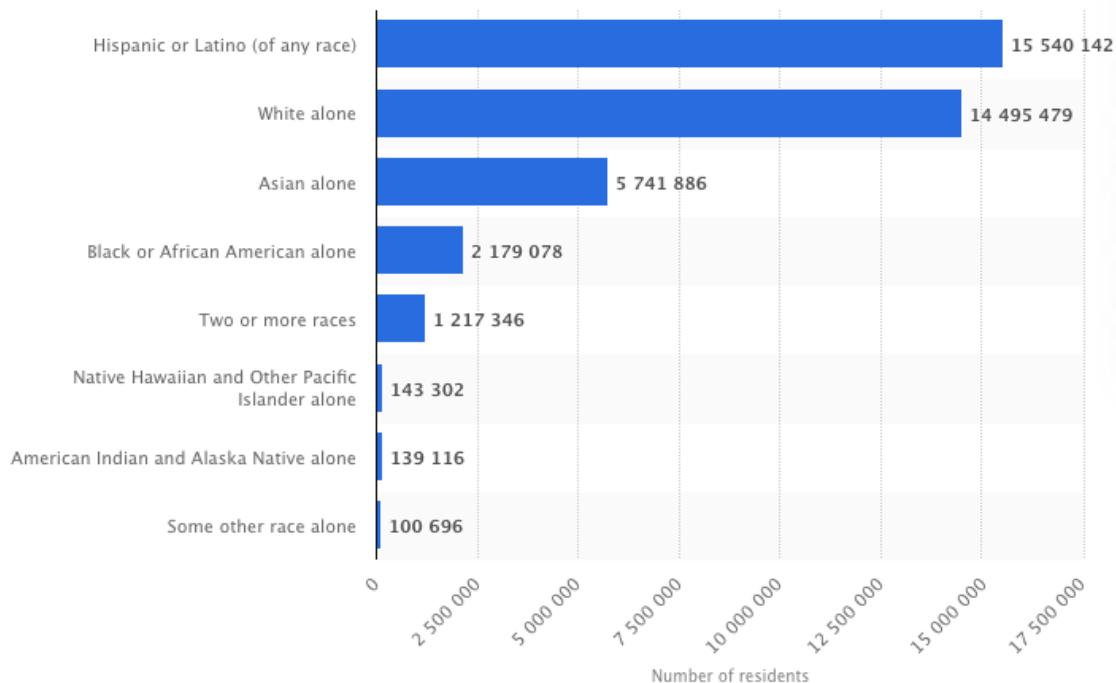
Chart 1. Census 2010.

| | African American | Latinos | Native American/ Alaskan Native | Asian | Native Hawaiians/ Pacific Islander | White |
|-----------------------|------------------|------------|---------------------------------|-----------|------------------------------------|------------|
| Percent of population | 5.8% | 37.6% | 0.4% | 12.8% | 0.3% | 40.1% |
| Number of people | 2,163,804 | 14,013,719 | 162,250 | 4,775,070 | 128,577 | 14,956,253 |

Source: U.S. Census 2010, U.S. Census Bureau

When looking at the following chart, chart 2, from 2018, we can see that over the years the limited English proficient individuals has grown tremendously when compared to the census carried out in 2010. The Hispanic and Latino population in the State of California has even exceeded in growth surpassing the white population, whereas the Asian population comes in third place. This can give the understanding of just how abundant foreigners are in the state of California and the reality of how many non-natives actually live there.

Chart 2. Population of California by race and ethnicity 2018.



Source: Erin Duffin. (2019). Population of California by race and ethnicity 2018. *Statista*. Retrieved from <https://www.statista.com/statistics/306026/california-population-ethnicity-race/>

When it comes to court settings we are faced with the problem that the language in which the proceedings are conducted in is English, and when we are dealing with a population who has many LEP citizens it is unfair for them not to be able to participate due to their lack of proficiency in English. We depend on language as our main source of communication during a legal proceeding and that also depends on each party's ability to understand the language in which the proceeding is being held. As written by Jena MacCabe (2016):

Before 2014, California was one of the ten states without legislation providing free interpreters to civil litigants. On September 28, 2014, Governor Jerry brown signed a bill ("Bill 1657") into law granting civil litigants the right to a court interpreter. (685)

According to the Fifth and Fourteenth Amendments of the United States Constitution, an interpreter must be available for anyone at risk of losing life, liberty, or property from a criminal charge (MacCabe, 2016: 688). The Sixth Amendment also grants criminal defendants the right to have assistance for his defense. This meaning that anyone who is denied an interpreter is also being denied these constitutional rights in trial because of not understanding what is being said in the court room. The same rule applies in civil cases, the right to an interpreter is obligatory, federal, or state legislation must provide the right. In the same way that the Court Interpreters Act obliges to provide an interpreter in court to anyone that may not be able to understand the trial or communicate properly (28 U.S.C. § 1827 (2012)). Thanks to

Bill 1657 two California Statutes related to civil court interpreters suffered drastic changes (Assemb. B. 1657, 2013–14 Leg. Reg. Sess. (Cal. 2014).):

1. Section 68092 of the Government Code: a general rule for who must pay for the service of an interpreter (CAL. GOV'T CODE § 68092(b) (West 2011)).
2. Section 755 of the Evidence Code: the exception for certain family law cases (CAL. EVID. CODE § 755 (repealed 2014)).

Before the approval of Bill 1657, California still provided the right of an interpreter to those defendants who did not understand English at no additional cost, all fees were paid by the court following section 68092 of the Government Code, whereas in the all civil cases, any fee for an interpreter was paid by the litigant. Under section 755, interpreters were called to deal with cases regarding domestic violence, parental rights, and marriage dissolution or legal separation cases (MacCabe. 2016: 692), and all interpreters' fees would be waived for anyone appearing *in forma pauperis*. Another curious thing that stands out is that this section specifically authorizes people such as family members or friends to assist any LEP person, although it has been proven that such individual cannot provide a correct interpretation for these proceedings. There were still certain areas in California which remained untouched by Bill 1657. Courts still provided an interpreter for non-native speakers (NNS), although there are cases where they allowed a non-lawyer to assist a non-English-speaker. A non-lawyer is someone who does not practice law as a profession (Merriam Webster. 2020). California's history continued to grow in the aspect of interpreting for those with disabilities, especially people with hearing difficulties considered a protected disability, charging the courts with all fees.

The Californian Law after Bill 1657 assumed all financial burden of compensating courts for providing court interpreters to those who are present in court and are not able to understand or speak with a proficiency level of English for civil actions and proceedings. The court provides this service at no cost, regardless of the income of the parties, under Government Code section 68092.1 (CAL. GOV'T CODE § 68092.1(b)). It may seem that Government Code section 68092.1 is incompatible with Government Code section 68092, but the latter states the right to a court interpreter for all criminal defendants. In addition, under Government Code section 68092.1, depending on the funds there may be cases where a litigant has to pay for their own interpreter.

Be that as it may, California recognizes that well prepared interpreters are not cheap and decided to establish a ranking on the most important cases when needing an interpreter. The categories at the top of the ranking were those who received interpreters first, while those at the bottom only received interpreters if there were sufficient funds left. The ranking is as follows according to EVID. § 756(b).:

1. Domestic violence; protective orders involving the Uniform Parentage Act or ending a marriage or domestic partnership; orders restraining future violence, threats, and stalking; physical abuse or neglect of elders;
2. Unlawful detainer;
3. Termination of parental rights;
4. Conservatorship or guardianship;

5. A parent's sole child custody or visitation rights;
6. All the orders prohibiting harassment and elder abuse;
7. All other civil case.

The intention is to make all court proceedings available to all litigants, but until there are enough funds, California tries to focus on the subject of the cases making it prohibited to discriminate depending on the financial status of the limited English proficient individual or the language they speak. The Department of Justice (DOJ) reprimanded the Superior Court for not succeeding in providing all limited English proficient individuals access to the resources of the court, in this case interpreters, so California began to prioritize the cases that would receive interpreters at no cost.

To sum up, the creation of Bill 1657 was for all civil defendants to have the right to a fair proceeding that they can understand. The problem is that California is already one of the states that pays more for PSI services, meaning that spending more money on this particular subject could very easily burden California's tight court budget. Another thing that is problematic is that the United States provides a criminal right to court interpretation but does not provide the same for a civil right. This is mainly because of the difference between civil and criminal are extremely different according to the law, but the fact that the possibility of ignoring ones right to an interpreter because the case is civil seems unfair when the right in the criminal case is the same. The court continues to treat all civil cases differently than those criminal, although this continues to change in California.

California is the state with the most developed use of court interpreters. This is probably due to the fact that it is the state with the most diverse linguistic and cultural population. The California Evidence Code (section 752 [a]) mentions that:

(...) when a witness is incapable of hearing or understanding the English language or is incapable of expressing himself in the English language so as to be understood directly by counsel, court and jury, an interpreter whom he can understand and who can understand him shall be sworn to interpret for him (Berk-Seligson. 1990: 27).

California also makes it mandatory for interpreters to go through a training program and pass an examination process with entitles them to be certified interpreters to work for the court, selecting which individuals are considered to be qualified to work as interpreters. California began to adopt certification requirements for testing interpreters in 1979 (Mikkelson. 1999: 1). Even though we are still a long way from interpreting becoming a well-recognized profession, the growth of professional associations helps tremendously. The first organization to be established in the United States was the California Court Interpreters Association, established in Los Angeles by a group of Interpreters in 1971 (CCIA. 1999). This organization pressured for the legislation leading to the certification exam for California. On the other hand, New York created its own organization in 1978 called the Court Interpreters and Translators Association (CITA), today known as the National Association of Judiciary Interpreters and Translators (NAJIT).

Something that is still a problem today is the sum that interpreters are paid. States that tend to have better pay scales are those that have required interpreters to pass an exam and at

the same time have developed professional associations. The State of California has historically had higher paying rates than other states. According to the table below from the U.S. Bureau of Labor Statistics, interpreters were paid around \$20.82 per hour. Although it has been noted that it has lately fallen behind in pay rates in comparison to other states.

Table 1. Median Pay

| Quick Facts: Interpreters and Translators | |
|---|---------------------------------------|
| 2010 Median Pay | \$43,300 per year \$20.82 per hour |
| Entry-Level Education | Bachelor's degree |
| Work Experience in a Related Occupation | None |
| On-the-job training | Long-term on-the-job training |
| Number of Jobs, 2010 | 58,400 |
| Job Outlook, 2010-20 | 42% (Much faster than average) |
| Employment Change, 2010-20 | 24,600 |

Source: *Bureau of Labor Statistics (2010)*

If we compare this amount to the U.S. Bureau of Labor Statistics of 2019 (table 2), we can see that there has been an increase in the median pay.

Table 2. Median Pay 2

| Employment (1) | Employment RSE (3) | Mean hourly wage | Mean annual wage (2) | Wage RSE (3) |
|----------------|--------------------|------------------|----------------------|--------------|
| 58,870 | 3.1 % | \$27.40 | \$57,000 | 1.4 % |

Source: *Bureau of Labor Statistics (2019)*

While looking at these two tables, it is seen how in 2010 they stated that there was to be an increase of 42% in this setting. But while looking at the numbers, it is obvious that that did not occur. We can say that compensation has gradually occurred since this profession began to become more professionalized due to the associations, although there is still a long way to go. There is nothing more satisfying than having a chosen vocation go from not being considered a profession to slowly gain the status of one. There are many definitions of what a profession is, but Brante (1990) explains it as followed:

Professions are non-manual full-time occupations which presuppose a long specialized and tendentiously also scholarly...training which imparts specific, generalizable and theoretical professional knowledge, often proven by examination (79).

And when talking specifically focusing on the profession of an interpreter, there are many standards that must be met and keep in consideration. Witter-Merithew (1990) specifies the following:

1. A profession is an established field of expertise governed by standards of performance and behaviors to which practitioners comply.
2. A profession is a field of expertise that consists of a body of knowledge and skills that require academic pursuit to master.

3. A profession has a mechanism for testing and determining who is qualified to function as a practitioner and assumes responsibility for monitoring conformance to standards.
4. A profession has a mechanism for self-examination, contrast of perspective, evolution of theory and practice and a system for publishing this information (71-74).

These four simple standards mentioned by Witter-Merithew can be seen as followed when discussing the profession of an interpreter. (1) To be a court interpreter, they must follow the Code of Ethics, in this case, they must stay true to the performance and behaviors that comply what an interpreter's job consists of and how the fellow individuals of the courtroom see them and expect them to behave. (2) All court interpreters, according to the Code of Ethics as well, must be educated individuals, who have taken courses, degrees, masters', etc., as well as keep up to date on all legal terminology of the court. (3) In order to be a court interpreter, they must have passed the official examination process that entitles one to become a certified or registered interpreter for the Courts of California. (4) All court interpreters must have the capacity to understand their own profession, as well as the ability to self-evaluate ones work as a way of evolving. As seen, the profession of a court interpreter of the State of California, entitles all standards of what Witter-Merithew states as requirements to be considered a profession.

3.5 Professional Standards and Ethics for California Court Interpreters

All court interpreters in the State of California must follow the *Professional Standards and Ethics for California Court Interpreters* (Judicial Council of California. 2013). The manual is divided into different sections with a total of 89 pages where different aspects of interpreting for the court of California is explained through definitions and examples. It also begins each section with a specific rule from the California Rules of Court. It clearly states that:

This manual is intended to inform interpreters of their professional and ethical responsibilities so that they are better able to deal with the difficulties that commonly arise in matters involving non-English-speaking parties in the judicial system...In addition to the regulations and recommendations provided here, it is important to note that different courts have their own rules and ways of conducting business. It is the interpreter's duty to learn and follow these rules as well...The judge is the final arbiter of what is appropriate. The more prepared and informed you are about professional practices and the purpose of the established norms and principles, the more you, together with all officers of the court, will be able to further the interest of justice. (vi)

The first section would be the *Representation of Qualifications* where they difference spoken-language interpreters, certified, registered and provisionally qualified interpreters, as well American Sign Language (ASL) interpreters qualified through the Registry of Interpreters for the Deaf, Inc. (RID).

The second section, *Complete and Accurate Interpretation*, establishes what an interpreter should do when it comes to language aspects (omissions, additions, register, idiomatic expressions, ambiguities, errors, clarifications, etc.), everything mentioned comes

with examples so as to better understand how to deal with any of the situations they could possibly be faced with while interpreting.

Impartiality and Avoidance of Conflicts of Interest is the third section of the manual. We can see how in this section the main focus is how to remain bias at all times, making sure that any feelings that an interpreter may have at the time being are kept under control.

The fourth section, *Confidentiality*, discusses how “an interpreter must not disclose privileged communications between counsel and client to any person” (California Rules of Court, rule 2,890(d)).

There are certain boundaries that an interpreter must not cross, and section five goes on to talk about *Giving Legal Advice*. According to rule 2.890(e) of the California Rules of Court, “an interpreter must not give legal advice to parties and witnesses, nor recommend specific attorneys or law firms”.

It is inevitable for interpreters to establish a relationship with co-workers, but this section, *Professional Relationships*, discusses how maintaining certain distance with all court officers, attorneys, jurors, parties and witnesses is a must (California Rules of Court, rule 2.890(f)).

Another very important aspect of the manual is how is the seventh section, *Continuing Education and Duty to the Profession*, establishes that:

An interpreter must, through continuing education, maintain and improve his or her interpreting skills and knowledge of procedures used by the courts. An interpreter should seek to elevate the standards of performance of the interpreting profession. (California Rules of Court, rule 2.890(g)).

It is a requirement for all interpreters to continue their studies and in order to main their certification or registration (Judicial Council of California. 2013: 29). For every compliance period, all certified and registered interpreters must prove that they have committed to at least 40 law-related interpreting jobs.

According to section eight, *Assessing and Reporting Impediments to Performance*, any interpreter is allowed to ask for a break if they believe they need one. The California Rules of Court states that:

An interpreter must assess at all times his or her ability to perform interpreting services. If an interpreter has any reservation about his or her ability to satisfy an assignment competently, the interpreter must immediately disclose that reservation to the court or other appropriate authority. (Rule 2.890(h))

For interpreters to avoid being physically and mentally fatigued, team interpreting is tended to be used for court proceeding by alternating interpreters every 30 minutes to an hour. The Judicial Council of California states that arranging team interpreting with fellow interpreters and possibly with the defense attorney and court will help as well:

- How often you will trade off

- The availability of the second interpreter for attorney-client communications
- The signal indicating that the defendant wished to confer with his or her attorney
- Whether and how the interpreters may confer with his or her attorney
- Whether and who the interpreters may confer on questions of terminology
- How the court prefers to handle any challenges to the interpretation (for example, in open court, at sidebar, with one or both interpreter). (2013: 34)

Section nine discusses how all interpreters are to report any misconduct towards the interpreter's compliance with the law, this rule, of any other official policy regarding court interpreting (California Rules of Court, rule 2.890(i)). No one should try to make you violate any rules nor regulations and, as an interpreter, it is mandatory for you to report any inappropriate behavior to the court, judge, or whoever may be assigned to the case.

The tenth section, also being the last, discusses three main points. The first point being the California Rules of Court, Rule 2.890 are discussed in the following section, rules that are covered from (a) to (h), some of which were mentioned above. Rule 2.890 was effective on January 1 of 2007 (Judicial Council of California. 2013: 42). The second point discussed is the sections from the California Evidence Code Sections 750-755.5, which are those regarding interpreters. It states how an interpreter should behave in accordance with the law, how they must go under oath and stick to being true and faithful during their whole interpretation, how only "qualified interpreters" will be used for court proceeding, meaning that they must be registered or certified, etc. The last part of this section deals with the California Standards of Judicial Administrations, Standards 2.10 and 2.11. Both standards 2.10 and 2.11 were effective on January 1 of 2007 (Judicial Council of California. 2013: 50-52). On the one hand, standard 2.10 handles how and when to determine that an interpret is needed, this includes previously "interviewing" the party that may need an interpreter and presenting them with questions for them to answer, avoiding those that are "yes" or "no" answers. Then the court would establish if an interpreter is needed or not depending on the particular situation of the party. On the other hand, standard 2.11 deals with giving interpreters specific instructions on how to deal with proceedings:

- (1) Do not discuss the pending proceedings with a party or witness.
- (2) Do not disclose communications between counsel and client.
- (3) Do not give legal advice to a party or witness. Refer legal questions to the attorney or to the court.
- (4) Inform the court if you are unable to interpret a word, expression, special terminology, or dialect, or have doubts about your linguistic expertise or ability to perform adequately in a particular case.
- (5) Interpret all words, including slang, vulgarisms, and epithets, to convey the intended meaning.

- (6) Use the first person when interpreting statements made in the first person. (For example, a statement or question should not be introduced with the words, “He says...”)
- (7) Direct all inquiries or problems to the court and not to the witness or counsel. If necessary, you may request permission to approach the bench with counsel to discuss a problem.
- (8) Position yourself near the witness or party without blocking the view of the judge, jury, or counsel.
- (9) Inform the court if you become fatigued during the proceedings.
- (10) When interpreting for a party at the counsel table, speak loudly enough to be heard by the party or counsel but not so loudly as to interfere with the proceedings.
- (11) Interpret everything, including objections.
- (12) If the court finds good cause under rule 2.893(e), hold a pre-appearance interview.
- (13) During the pre-appearance interview with a non-English-speaking witness, give the witness the following instructions on the procedure to be followed when the witness is testifying:
 - (A) The witness must speak in a loud, clear voice so that the entire court and not just the interpreter can hear.
 - (B) The witness must direct all responses to the person asking the question, not to the interpreter.
 - (C) The witness must direct all questions to counsel or to the court and not to the interpreter. The witness may not seek advice or engage in any discussion with the interpreter.
- (14) During the pre-appearance interview with a non-English-speaking party, give the following instructions on the procedure to be used the non-English-speaking party is not testifying:
 - (A) The interpreter will interpret all statements made in open court.
 - (B) The party must direct any questions to counsel. The interpreter will interpret all questions to counsel and the responses. The party may not seek advice from or engage in discussion with the interpreter. (Judicial Council of California. 2013. 51)

Under standard 2.11 there are also specific instructions for the counsel to follow while working with interpreters:

- (1) When examining a non-English-speaking witness, direct all questions to the witness and not to the interpreter. (For example, do not say to the interpreter, “Ask him if...”)
- (2) If there is a disagreement with the interpretation, direct any objection to the court and not to the interpreter. Ask permission to approach the bench to discuss the problem.

- (3) If you have a question regarding the qualifications of the interpreter, you may request permission to conduct a supplemental examination on the interpreter's qualifications. (Judicial Council of California. 2013: 51)

All court interpreters of California have the obligation to read and understand what the professional standards and ethics for the court comply while at the same time applying all rules and regulations established to their interpretations. They are federally certified professionals specialized in court interpreting and, in some way, officers of the court with the responsibility of helping those who do understand the English language for a fair proceeding (Judicial Council of California. 2013: 53).

3.6 Court interpreting skills

ALTA Language Services (2017: n.p.) conducted a qualitative and quantitative study through surveys and interviews of the examination process and testing instruments for the certification and registration of California state court interpreters, as requested by the Judicial Council of California. Through the study the intention was to help better the design of the test and help emphasize the training process as well.

Through the study they were able to discover the main knowledge, skills, and abilities (KSAs) that define a state court interpreter, which include more than the oral ability to transmit a message from one language to another.

Based on their findings they discovered that the following skills, which have been defined in detail below, were most essential:

1. Linguistic Skills. Writers (Seleskovitch, 1978a; Jones, 1998; Gonzalez et al, 1991; Frishberg, 1986; Gentile et al, 1996) note that this skill consists of the native-like proficiency in all the interpreters working languages, along with the ability to think and communicate in all those languages as well. Having an extended vocabulary in legal terminology but also slang is important, due to the fact that interpreters work with clients with no previous education to judges and lawyers with subject-specific terminology use. Acknowledging cultural nuances, colloquialisms, regional variations, idiomatic expressions, etc. in all working languages is a plus when it comes to this skill.
2. Speaking Skills. Being an interpreter, it is important that while interpreting you make sure your pronunciation and intonation is clear to avoid misunderstandings. Using a neutralized accent, speaking softly and projecting your voice in your working languages will help the people surrounding you understand the message and avoid repetition.
3. Listening Comprehension Skills. Listening and comprehending different rates of speech, understanding diverse accents and dialects and the ability to ignore possible distractions and focus on the person who is speaking while interpreting is what define this particular skill. Gentile et al (1996: 44) mention that "Effective interpreting requires effective listening skills."

4. Reading Comprehension Skills. This skill can be linked to sight reading during a court proceeding, an interpreter must be prepared to read quickly and sometimes unexpectedly so as to transmit the content to the client. For this to be done properly, the interpreter must have knowledge in both formal and informal texts, including a broad vocabulary from legal to informal terminology to be able to comprehend the meaning of written text in all working languages.
5. Interpreting Skills. This skill is one of most important ones, it defines what each court interpreter should know how to do and practice while interpreting. The ability to concentrate and focus in order to be able to process the linguistic information and make linguistic decisions rapidly regarding terminology or a specific word choice is essential. When an interpreter understands the message thoroughly, they become able to anticipate messages, think analytically, and apply short-term memory of small information. Transferring the message from one language to another accurately while selecting the appropriate vocabulary, idiomatic expressions, and phrases is equally as important as being able to explain rapidly the meaning of a phrase or word when an interpreter cannot seem to remember the equivalent at that precise moment. One must remember that while interpreting the register from one person to another must maintain the same, so as to conserve the message. Self-correcting oneself is not incorrect, but the contrary, it is important for an interpreter to correct a message, word or phrase that has been misinterpreted.
6. Behavioral Skills. Interpreters need to be able to follow and practice ethical standards while being aware of cultural aspects that may affect their working languages. The ability to “hide” certain emotions at times while interpreting can be difficult and needs to be practiced, due to the fact that there are times while interpreting in court proceedings that they may be faced with problematic situations where they will need to conduct following a professional manner.

3.7 Difference between a certified and registered interpreter

According to the *Candidate Information Bulletin for those taking the Written Exam, Oral Proficiency Exam, and Bilingual Interpreting Exam* (Judicial Council of California. 2017), the main difference between a certified and a registered interpreter is the languages that they work with. Interpreters that can become certified are those whose languages have a Bilingual Interpreting Exam available.

Interpreters of languages that do not appear as certified can also attempt a step process to becoming a registered California court interpreter. A language can only have one status: “certified” or “registered”. An interpreter who is registered cannot use exam scores to interpret in one of the “certified” languages.

There is a total of 15 certified languages, as see below in table 3. Although these languages are certified, there is not an official Bilingual Interpreting Exam for all of them.

Table 3. Certified languages.

| CERTIFIED LANGUAGES | OFFICIAL EXAM |
|---------------------------------|------------------------------|
| Arabic (Egyptian and Levantine) | Available for 2 combinations |

| | |
|--------------------|---|
| | - Egyptian: Modern Standard Arabic (sight and simultaneous sections) and Arabic Colloquial (consecutive section) - Levantine: Modern Standard Arabic (sight and simultaneous sections) and Arabic Colloquial (consecutive section) |
| Eastern Armenian | Available |
| Western Armenian | Not available |
| Cantonese | Available for sight translation. Candidates choose at the exam between simplified/traditional written script |
| Farsi | Available |
| Japanese | Not available |
| Khmer | Available |
| Korean | Available |
| Mandarin | Available for sight translation. Candidates choose at the exam between simplified/traditional written script |
| Portuguese | Available |
| Punjabi (India) | Available |
| Russian | Available |
| Spanish | Available |
| Filipino (Tagalog) | Available |
| Vietnamese | Available |

Source: *Candidate Information Bulleting for those taking the Written Exam, Oral Proficiency Exam, and Bilingual Interpreting Exam* (Judicial Council of California. 2017)

This examination process is different for interpreters depending on the language combination they are testing for as seen in table 3. To become a certified court interpreter, it is necessary to pass the Bilingual Interpreting Exam, complete the application and enrollment process with the Judicial Council. The exam consists of written and oral components, and only those candidates who pass the written test may go on to the oral test. The oral test is where their skills in simultaneous, consecutive, and sight translation are tested. Those who want to become interpreters of one of the languages that are not among the 15 certified languages that complete the examination and enrollment process are called “registered interpreters.” They must pass the Written Exam, the English Oral Proficiency Exam, and an OPE in one or more non-English languages. The oral part of the examination process tests functional speaking abilities in the language being examined. You may take the Written Exam and the Oral Proficiency Exams in any order.

3.8 Exam process

The examination process is different for certified and registered interpreters (see table 4). According to the *Candidate Information Bulleting for those taking the Written Exam, Oral Proficiency Exam, and Bilingual Interpreting Exam* (Judicial Council of California. 2017), as of January 2018 the score obtained in the written exam is valid for the next four years.

Table 4. Examination requirements.

| Required Elements | Certified Language | Registered Language | Exam Time |
|---|--------------------|---------------------|------------|
| Written Exam | ✓✓✓ | ✓✓✓ | 2.25 hours |
| Oral Proficiency Exam (English) | Optional | ✓✓✓ | 30 minutes |
| Oral Proficiency Exam (Non-English Language) | Optional | ✓✓✓ | 30 minutes |
| Bilingual Interpreting Exam | ✓✓✓ | Not available | 45 minutes |
| Submit Application with on-line course | ✓✓✓ | ✓✓✓ | |
| Attend Judicial Council Code of Ethics Workshop | ✓✓✓ | ✓✓✓ | |

Source: *Candidate Information Bulletin for those taking the Written Exam, Oral Proficiency Exam, and Bilingual Interpreting Exam* (Judicial Council of California. 2017)

As seen in the table above, to become a certified or a registered interpreter it is mandatory to pass the written exam, submit an application stating that the “Interpreter Orientation: Working in the California Courts” course has been completed and that they have attended the Judicial Council Code of Ethics Workshop.

The **English Oral Proficiency Exam** (OPE) is only necessary for those interested in taking the registered interpreters test, although if a certified interpreter is interested in registering an additional language and has previously passed the Bilingual Interpreting Exam, they will only have to take the OPE in that specific language.

The **Bilingual Interpreting Exam** can only be taken four times in a given language, if an interpreter does not pass the fourth time, they will need retake the Written Exam before retaking the Bilingual Interpreting Exam again. It includes different sections that each require a passing score. The first section is a sight translation from English into a non-English language, the second section is a sight translation from a non-English into English, the third section is a consecutive interpretation from English into the non-English language and vice versa, and the last section is a simultaneous interpretation from English into the non-English.

The **OPE** measures an interpreter’s ability to communicate in the language being tested and is given by a certified American Council on the Teaching of Foreign Languages (ACTFL) interviewer over the telephone. The conversation lasts for around 20-30 minutes and it will be recorded. It consists of four components: warm-up, level checks, probes and wind down.

The **Written Exam** focuses mainly in three different areas: the English language, court terms and their usage and ethics and professional conduct. All participants will be notified two weeks before either by email or a written letter informing when and where the test will take place. In order to pass the written examination participants must answer correctly 80 % of the questions (108/135). The first main part of the exam evaluates how proficient who is in the English language, evaluating the degree of literacy while at the same time testing the written comprehension of vocabulary and idioms. The second part tests the familiarity of terminology that can be used during court while measuring if one can recognize common vocabulary and

court situations. The third part consists in asking questions to see whether they are familiar with the ethical behavior and professional conduct. It has a total of 135 multiple-choice questions with 4 choices each. It is divided into two parts: General Language Proficiency, and Court-Related Terms & Usage, Ethics & Professional Conduct. Each part is individually divided into different sections integrating related questions under the same category with specific instructions on how to proceed.

There are different types of instructions that can be found before each question such as, select the answer that (NCSC. 2012: 8):

- Is closest in meaning;
- Most appropriately completes a sentence;
- Best answers a question or provides the best solution to a situation;
- Has the correct sequence of events; or
- Is opposite in meaning.

Selected below are some example questions from the General Language Proficiency part of the exam:

1. Sentence Completion. Items 1 through 9 consist of unfinished sentences. The candidate is instructed to select from a list of four words or phrases the one that best completes the sentence.

Example: A person who feels persecuted in his/her home country may apply for political

A. appellation

B. appraisal

C. asylum

D. ascendance

(C is the best answer)

2. Synonyms in Context. Items 10 through 17 consist of sentences that contain an underlined word or phrase. The candidate is instructed to choose from a list of four words or phrases the one that is closest in meaning to the underlined word or phrase.

Example: It was done pursuant to the proceedings of the court.

A. in accordance with

B. in addition to

C. in conjunction with

D. in spite of

(A is the answer that is closest in meaning)

3. Synonyms. Items 18 through 38 consist of words or phrases. The candidate is instructed to select from a list of four words or phrases the one that has the same meaning or closest to the same meaning as the word or phrase provided.

Example 1: Scaffold

A. platform

B. table

C. prop

- D. curtain
(A is the answer that is closest in meaning)

Here are some examples questions from the Court-Related Terms & Usage, and Ethics & Professional Conduct:

1. Sentence Completion. Items 76-111 consist of unfinished sentences that are likely to be heard in the court environment. The candidate is instructed to select from a list of four words or phrases the one that most appropriately completes the sentence.

Example 1: A case decided without prejudice means that

- A. there is no right to a new trial
B. there is an automatic appeal of the case
C. there is a right to a new trial
D. there are no racial overtones in the case

(C is the answer that most appropriately completes the sentence)

Example 2: A defendant is required to give up certain constitutional rights

- A. after being found guilty at trial
B. before entering a plea of guilty
C. only if represented by a public defender
D. only after probation is granted

(B is the answer that most appropriately completes the sentence)

2. Court-Related Questions. Items 112 through 121 consist of questions on court-related topics. The candidate is instructed to select from a list of four choices the one that is the best answer.

Example: Which of the following would be a concurrent sentence?

- A. two years for burglary, two years for robbery: two years in jail
B. two years for theft, two years for assault: four years in jail
C. four years for rape, three years for a second rape: seven years in jail
D. four years for rape, two years for assault: two years in jail

(A is the best answer)

3. Sequence. Items 122 through 125 consist of questions about the proper sequence of events in court-related situations. The candidate is instructed to select from a list of four choices the one that correctly describes the order in which the events should occur.

Example: Which of the following is a correct sequence of event?

- A. Jury Charge, Jury Deliberation, Jury Instructions, Jury Verdict
B. Jury Sworn, Jury Verdict, Jury Charge, Jury Deliberation
C. Jury Deliberation, Jury Sworn, Jury Instructions, Jury Verdict
D. Jury Sworn, Jury Charge, Jury Deliberation, Jury Verdict

(D is the correct sequence of events)

4. Professional Conduct Questions. Items 126 and 127 consist of questions about the appropriate course of professional conduct an interpreter should take. The candidate is instructed to select from a list of four choices the one that is the best answer.

Example: Which of the following is most important for you to do when you are interpreting at the witness stand?

- A. keep your eyes on the jury
B. keep your dictionary and note pad at hand

- C. keep eye contact with the witness at all times
 - D. keep the judge informed of contradictory testimony
- (B is the best answer)

The **Court Interpreter Oral Examination** consists in identifying which participants possess the skills and knowledge required, and to determine if they would be able to assist the court completely in court proceedings. The test is divided into different parts that normally take a total of 60 minutes, focusing on how much knowledge and fluency the participant has in both languages and their ability to render from the source language into the target language through simultaneous and consecutive interpreting and also a sight translation of a document. The goal is to see whether they are proficient in both of the languages, if they are able to convey the meaning faithfully from one language to the other while at the same time enunciating so that all parties are able to understand them. The exam has four different parts that are based on actual court documents and simulate actual situations that have occurred in court. The parts are:

1. The sight translation of a document in English interpreted into the participants target language. This part of the test simulates an interpreter reading an English document to a non-native English speaker (NSCS. 2012: 7). The document is normally around 225 words long and the participant has six minutes to complete this task.
2. The sight translation from the participants target language into English. This part of the test simulates an interpreter reading a document from a non-English language into English (NSCS. 2012: 7). The document is also around 225 words long and the participant has six minutes to complete this task.
3. Consecutive interpreting from English into the target language and then from the target language into English. This usually is the appropriate form of interpreting during a court proceeding for non-English witnesses, so this part of the examination lasts around twenty-two minutes. The interpreter will interpret utterances into the foreign language and vice versa with the format or question – answer – question, although there may be times when the format changes to see how the interpret reacts. The test is carried out by test proctor who plays the prerecorded courtroom simulation on a CD player (NSCS. 2012: 7).
4. Simultaneous interpreting from English into the target language. Simultaneous interpretation is sometimes necessary, for example during procedural hearings and trials it is easier and saves time for the interpreter to adapt to the situation and interpret simultaneously. This part of the exam is also a CD recording of a simulated attorney's opening or closing statement to a judge or jury. It is around 800-850 words and is recorded at a speed of 120 words per minute (around seven minutes long). The passage heard is mostly a monologue, although there can be a brief section including another voice (representing a judge, attorney, or a witness). The examinee must put on headphones and listen to the prerecorded English passage and interpret aloud into the target language. The candidate's interpretation is recorded on a tape recorder to be later evaluated by test examiners. In total it takes around ten minutes.

In order to pass this part, the candidate must score at minimum of 70 % on each of the three scorable parts of the test. There is a total of 25 units in each of the sight translations, 75 units for simultaneous interpreting, and depending on the version used for the test there can be either

75 or 90 units for consecutive interpreting. Each test is reviewed by two raters independently and then they do a comparison of results.

3.8.1 Dilemmas in the testing process

Court interpreting credentials suffer many challenges when it comes to identifying competent judicial interpreters so that a speaker of any language can be promised a fair process under the law and equal access to justice (Wallace, M. 2013: 221). It is not just the candidates that suffer but also the entities providing the examination process, they both face two main dilemmas: the high rate of exam failure (candidates not meeting the minimum requirements to be able to interpret in court) and the need for interpreters with sufficient qualification for languages of lesser diffusion (LLD). When talking about languages of lesser diffusion, we are referring to those language with very few speakers in a geographical area, meaning that in one region it may be extremely common to interpret in that language whereas in the neighbor region it is not. The question of whether it is necessary to provide examination for those LLD as well arises. The answer seems crystal clear, it is necessary to have interpreters of all languages including LLD well prepared and to make an exception in the testing process with the idea of giving all NNS of English the opportunity to a fair trial.

The entire exam process is meticulous and is extremely difficult to pass, there are also not sufficient qualified practitioners to help prepare for the examination process which can lead to failure as well. Many of the participants that take the test and fail state how the oral exam does not evaluate how you interpret at all, it is not fair to be recorded and evaluated later, it is necessary for someone to evaluate your interpretation in that precise moment and make a more realistic simulation to actually evaluate a candidates ability to interpret. Due to this type of examination process it is completely understandable how high the rates of failure are, and it is easy to think of many solutions that could lead to a proper examination process that would be able to detect interpreters that are well prepared for the job.

3.8.2 Training for the test

ALTA Language Services (2007: n.p.) conducted an analysis to get a closer look at the available training opportunities for court interpreters in California to come to the conclusion that those language other than Spanish (OTS) were rare. Spanish has always been the dominant foreign language (FL) in the United States and although there are many other languages spoken apart from English and Spanish, the training programs to help interpreters prepare for the exam offer courses in Spanish, ignoring the other languages so to say. Most degree programs also focus around Spanish PSI, although there are “language neutral” programs as well, focusing mainly on basic subjects in English and then creating specific language groups with bilingual instructors to focus on the interpretation.

Hale (2007) explains that there are factors that make training more complicated than it should be:

1. Lack of recognition for the need for training;
2. Absence of a compulsory pre-service training requirement for practicing interpreters;
3. Shortage of adequate training programs; and

4. Quality and effectiveness of the training. (163)

There are many authors that agree that there are certain knowledge, skills and abilities that public service interpreters need to acquire and also should be included in training programs before someone begins working professionally as an interpreter. Below are some of the KSAs identified by Hale (1997: 177), Valero-Garcés (2011: 137), and Pérez and Wilson (2011: 249):

1. Advance language competence (colloquialisms, idioms and slang)
2. Excellent short- and long-term memory
3. Public speaking skills
4. Mental dexterity
5. Long and short consecutive (also note-taking)
6. Simultaneous *chuchotage*
7. Sight translation
8. Management skills
9. Being able to handle briefings and debriefings
10. Knowing the code of ethics
11. Being able to engage in reflective practice
12. Interpersonal skills
13. Cross-cultural awareness
14. Understanding of the field in which you interpret
15. Knowing the terminology of the field
16. Knowing the theories (linguistics, sociolinguistics, pragmatics, discourse analysis, translation theory)

These authors believe that without having the correct training with what is seen above, you cannot accurately become a professional and qualified interpreter in the public service setting.

Court interpreting has been ignored by schools for interpreters for many years, offering conference interpreting courses, sometimes including a course for legal interpreting, but no specialized degrees in judiciary interpreting (Mikkelsen. 1999: 3). The first institution to offer a course in court interpreting was the Monterey Institute of International Studies in 1983 as part

of the M.A. in conference interpreting (MIIS, 1999), that same year the University of Arizona began its Summer Institute of Court Interpretation (NCITRP. 1999).

Murray (2004) explained how adequate training courses are needed, but it is just as important to have adequate instructors who have experience in interpreting training as well to prepare those students not only for the exam, but also to prepare them for future interpreting jobs.

There is a clear lack between accreditation and training when it comes to testing, especially for those languages that are considered a minority

As seen through the questionnaire, many interpreters said that they had taken specific language courses and done training programs to help them prepare for the job that they were going to be doing, but there are also some that mentioned that they had been “self-taught”, this is interesting and can strike as surprising due to the level of concentration and difficulty that is needed to be an interpreter, especially when in a court setting, it seems close to impossible to be self-taught. This is because the process of interpreting also requires pertinent knowledge regarding the Code of Ethics, learning how to interpret specifically for the judicial system, etc. It can make us question whether these interpreters are sufficiently prepared for interpreting at such a professional level.

In the following section, the methodology that was conducted throughout this investigation will be explained in relation to the hypotheses that were to be proven or disproven prior to the results.

4. Metodología

Para la parte de la investigación de este trabajo se ha usado el método cualitativo a través de cuestionarios con la intención de averiguar la opinión de diferentes profesionales acerca de aspectos generales de la interpretación en los juzgados. En concreto, centrándose en los intérpretes del Estado de California, para indagar en la formación que estos tenían, dónde la habían adquirido, y qué experiencias habían tenido ya sea con jueces, abogados o otros compañeros intérpretes.

En el método teórico, se ve que la preparación del examen es escasa en muchos aspectos, resultando bastante más complicado aprobar hoy en día que años atrás, y parece que tampoco determina si una persona es un buen intérprete o no. Algunas de las personas que han contestado al cuestionario han dejado ver que cuando ellos se presentaron al examen era muy diferente a como es actualmente, y que la propia experiencia los preparó luego para la realización del examen y poder superarlo. Otros mencionan que realizaron el primer examen que se llevó a cabo para el estado de California, y que era un examen que no había sido diseñado correctamente y que, además, no era difícil aprobar. El examen ha ido evolucionando durante los años, adaptándose a las nuevas necesidades del mundo de la interpretación en la Corte de California, pero con grandes fallos que hay que corregir para que sea un examen justo donde realmente se evalúe como interpreta cada uno que se presenta.

Para poder saber cuál era la opinión de los intérpretes, se llevó a cabo la realización de un cuestionario dirigido a intérpretes que trabajasen o que hubiesen trabajado en los juzgados de California.

También se preparó un segundo cuestionario donde se tomó la decisión de intentar contactar con jueces y abogados para ver si habían trabajado con intérpretes previamente, si era frecuente ese contacto e intentar ver también la opinión de estos profesionales acerca de los intérpretes judiciales.

Las instrucciones de cada cuestionario eran idénticas y se informa a los participantes que sus datos personales serán anónimos y la razón de la investigación.

El cuestionario dirigido hacia los intérpretes consistía en 42 preguntas y una parte final para dejar comentarios. Se publicó el cuestionario en páginas de Facebook que tuvieran alguna relación con la traducción y la interpretación, en LinkedIn con la intención de captar a personas que pudiesen estar interesados en llenar el cuestionario, y también a personas conocidas. No se tuvo en cuenta si el intérprete estaba o no ejerciendo en la actualidad, ya que esto también ayudaba a realizar una comparación entre aquellos que seguían trabajando y aquellos que no, para así también poder contrastar como era antes y como es ahora.

Debido a la longitud del cuestionario muchas de las preguntas son de opción múltiple, aunque también hay preguntas que son de respuesta corta. Se agruparon las preguntas en diferentes categorías para que fuese más fácil y fluida la contestación de estas para los participantes.

La primera parte consiste en saber el género, edad, lengua materna u otras lenguas, si interpretaban en todas las lenguas que hablaban, y los años que habían trabajado como intérpretes los participantes. Esto se hizo con la intención de poder ver y evaluar los datos personales de cada individuo y poder relacionar todas las respuestas de los participantes.

La segunda parte se centra en el conocimiento que tienen los intérpretes acerca de los cursos, grados y másteres que existen para su formación y si han realizado cursos o si tienen algún título universitario para demostrar que tienen la formación necesaria para ejercer como intérpretes judiciales. También se centra en su experiencia personal, si han sido capaces o no de aprobar el examen oficial para ser un intérprete para el estado de California, cómo se prepararon para el examen en concreto, y en general sus ideas principales acerca de la dificultad del examen, prestando especial atención a lo que opinan sobre la manera actual de evaluar a futuros intérpretes judiciales.

La tercera y cuarta parte pregunta sobre las experiencias personales que haya podido tener cada intérprete, con la intención de conocerlas y compararlas con las que hayan podido experimentar los demás intérpretes. Otra pregunta trata sobre la importancia de ser imparcial, seguir el código deontológico y sobre si se debe o no interpretar insultos o expresiones malsonantes, tema que para algunos puede resultar desagradable. Se les pregunta por situaciones en las que se hayan encontrado con una persona difícil para interpretar y cómo pudieron resolver la situación finalmente, cuál es la relación que establecen con cada individuo cuando están interpretando, teniendo en cuenta que muchas situaciones son muy delicadas tratándose del sector judicial. También sobre temas más personales, y en general cualquier experiencia que les haya emocionado y que quisieran compartir para la investigación de este trabajo. Al final de esta sección hay una parte donde pueden dejar comentarios por si hubiera algún punto que quisieran comentar acerca del cuestionario.

La forma en que una persona pronuncia su discurso puede tener un gran impacto en los oyentes también, por lo que cuando se trata de la interpretación judicial es muy importante que el intérprete pronuncie su discurso lo más parecido posible a las declaraciones originales del testigo. La percepción del testigo por parte del jurado, en este caso, depende completamente del estilo de discurso que elija el intérprete, aunque pueden ver las expresiones faciales en el momento que el testigo los ponga, es inevitable que centren su atención en el intérprete. Por esta razón, se planteó una pregunta en el cuestionario de cómo creían los encuestados que un intérprete afectaba la opinión del jurado sobre la persona interrogada. La mayoría de las respuestas, que se verán en detalle en el apartado de los resultados, fueron que es completamente posible que un jurado tenga una idea equivocada del testigo, como respondió uno de los encuestados:

Unfortunately, it does affect the Jury's view. Many jurors are unable to separate the visual impression given by the interpreter (who could be a sweet old lady with white hair, or a young man dressed in a suit with tie) from the words spoken by the witness (who might be a seasoned criminal).

Hale (2005: 27) afirma que está claro que el "estilo del testimonio" influye en la percepción de los testigos por parte del jurado, por lo que es necesario haber explicado previamente al jurado cómo trabajan los intérpretes, qué esperar, y tratar de dejar claro que la atención se centra en el testigo y no en el intérprete. Para las personas que no saben en qué puede consistir el trabajo de un intérprete, es evidente que se pueden dejar influenciar fácilmente por lo que escuchan del intérprete en lugar de centrarse en el testigo propiamente dicho.

El trabajo de un intérprete en la sala del tribunal es interpretar los procedimientos judiciales para los acusados o testigos con conocimientos limitados de inglés, personas sordas, etc. Es muy importante tener una buena memoria y capacidad de comunicación, y la habilidad de poder cambiar de un idioma a otro con facilidad. Cuando un intérprete en un tribunal está interpretando hay aspectos que se deben tener en cuenta: no debe elaborar ni añadir palabras al mensaje que está interpretando, aunque sea para hacer el mensaje más comprensible para los oyentes, ya que su único trabajo es asegurar que el mensaje que se transmite del idioma de destino al idioma de origen sea correcta y fiel al original. Es importante que se conserve el estilo del lenguaje, durante un juicio, a veces un intérprete puede sentir la necesidad de pedir aclaraciones para poder entender las respuestas de una de las partes y así poder interpretarlas correctamente, entonces la información recibida debe ser transmitida al idioma de origen para que todas las partes puedan comprender lo que está pasando. Si el testigo proporciona varias respuestas o términos que puedan ser mal entendidos, el intérprete debe decirlo para que así, la parte correspondiente pueda pedir aclaraciones si es necesario, teniendo siempre en cuenta que no es su responsabilidad pedir información adicional, sino la del abogado, juez o quien corresponda.

El segundo cuestionario, dirigido hacia jueces y abogados, consistía en un total de 16 preguntas. Se publicó el cuestionario en páginas de Facebook que tuvieran alguna relación con los juzgados en California, en LinkedIn con la intención de captar a personas que pudiesen estar interesados en llenar el cuestionario, y también a personas conocidas. No se tuvo en cuenta si el abogado o juez continúa o no ejerciendo, ya que esto también daba lugar a poder hacer una comparación entre aquellos que seguían trabajando y aquellos que no, para poder comparar como era la relación con los intérpretes antes y como era ahora.

Las preguntas del cuestionario son de opción múltiple, aunque también hay preguntas que son de respuesta corta. Se agruparon en diferentes categorías para que fuese más fácil y fluida la contestación de estas para los participantes.

La primera parte consiste en saber el género, edad, profesión, si eran abogados o jueces, y los años que habían trabajado los participantes en el sector. Esto se hizo con la intención de poder ver y evaluar la experiencia personal de cada individuo y hacer una comparación entre todos los participantes.

La segunda parte se hizo para saber si habían trabajado previamente con intérpretes para conocer la experiencia real que tenía con los intérpretes y la frecuencia con la que han trabajado con ellos.

La tercera y última parte trata de ver como ven estos profesionales a los intérpretes, si realmente creen que el trabajo que hacen es un trabajo importante y útil, y también ver si ciertamente un intérprete se le proporciona a cualquier persona que no sea anglohablante en el juzgado. Una de las preguntas consiste en saber si han realizado algún curso para aprender a trabajar con intérpretes, esto es interesante ya que muchas veces vemos que les falta formación a estos profesionales, formación que podría evitar dilemas y confusiones cuando un intérprete esté realizando su trabajo. Al final de esta sección hay una parte donde pueden dejar comentarios por si hubiera algún punto que quisieran comentar acerca del cuestionario.

Las preguntas de ambos cuestionarios son de cosecha propia, aunque basados en artículos leídos a lo largo de esta investigación. Era importante la creación de dos cuestionarios por separado, aunque entre sí relacionados porque, pese a que el trabajo se trata en general sobre temas de la interpretación judicial en la Corte de California, la intención era agrupar las respuestas de cada uno de estos profesionales para evaluarlos por separado.

Hay que tener en cuenta que en el cuestionario dirigido hacia los intérpretes contiene preguntas mucho más concretas sobre la profesión y profesionalización de este sector de la interpretación en los servicios públicos. Esto se hizo ya que se podía intuir que estos profesionales, siendo intérpretes judiciales, entenderían aquellas preguntas más complejas siendo capaces de justificar sus respuestas en aquellas preguntas de respuesta corta. Mientras que el cuestionario de los jueces y abogados concierne sobre una temática más amplia del sector, con la idea ya precavida de que su conocimiento sobre como funciona la interpretación judicial en el Estado de California no es tan extenso.

Cada pregunta que se plantea en cada uno de los cuestionarios se construyó con la intención de recibir una contestación en concreto, ya fuese para tratar de dar respuesta a una de las hipótesis planteadas que se pueden ver en la introducción, o para conocer el pensamiento de los participantes sobre alguna temática en concreto y desarrollarla con el fin de hacer una comparación entre los demás encuestados.

Se ha decidido usar el método cualitativo con la determinación de aceptar o rechazar las cinco hipótesis planteadas al principio de este trabajo. La importancia entre distinguir los intérpretes certificados de los demás intérpretes con la intención de demostrar que aquellos que se habían presentado y aprobado el examen oficial del estado de California no están más preparados que los que no habían conseguido aprobar es interesante, ya que a través de diversas preguntas del cuestionario se podrá apreciar la opinión de los intérpretes.

Se han destacado las diferentes partes que forman el examen oficial, viendo en que consisten y como están planteadas las preguntas a los que someten los futuros intérpretes certificados. En los resultados se espera ver si los intérpretes están conformes con la estructura del examen, también con el propósito de ver si modificarían alguna de las partes del examen. La importancia de la preparación para el examen oficial mediante cursos, grados y másteres se ve definida en parte del método teórico, pero se quiso ver a través de algunas de las preguntas del cuestionario la preparación que habían llevado a cabo los intérpretes antes de presentarse al examen oficial para ver si estos métodos estaban o no planteados correctamente para que estos profesionales pudiesen presentarse al examen habiendo realizado solamente algún curso, grado o máster.

También era importante no dejar de lado a los jueces y abogados, ya que son dos profesionales que trabajan con intérpretes judiciales cuando un testigo no entiende la lengua nativa del juicio, en el caso específico de California, el inglés. En el marco teórico se habla relativamente poco de estos dos profesionales, centrándose más bien en el trabajo que realiza un intérprete judicial, pero en el apartado de los resultados se ve claramente el trabajo que estos desempeñan y dónde encaja dentro del trabajo que realiza el intérprete. En el cuestionario se plantean preguntas acerca de la formación que estos reciben para trabajar con intérpretes, en los resultados se analizan las respuestas obtenidas, observando si estos han recibido alguna formación previa a trabajar con intérpretes en el ámbito judicial.

En el estado de California existe una comunidad no anglohablante muy amplia, como se ha podido ver en el marco teórico, los jueces y abogados trabajan frecuentemente con estas personas y, por lo tanto, también con intérpretes para que puedan entenderse ambas partes. Se quiso ver a través de varias preguntas si estos entendían cuál era la función principal del intérprete.

Por eso, dentro del siguiente apartado donde se habla de los resultados obtenidos de los dos cuestionarios, se entrará específicamente en detalle con aquellos resultados que ayuden a contrastar las hipótesis previamente planteadas. Gracias a las experiencias personales de los intérpretes, se podrá ver y entender como funciona esta profesión del intérprete en la Corte de California.

5. Results

5.1 Results obtained from the interpreters' questionnaire

The first question of the questionnaire was to narrow it down and see whether there were more male or female interpreters which had taken the questionnaire. As seen below in figure 1, the majority of participants were women.

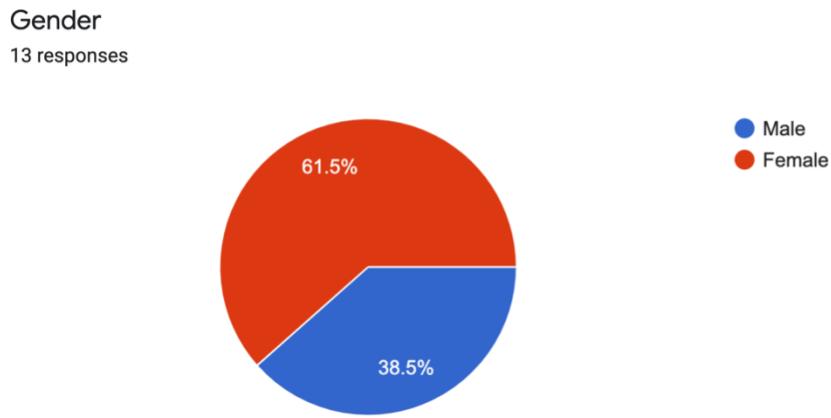


Figure 1. Gender.

The majority of interpreters who were sent the questionnaire were found on the official list of interpreters of the State of California. This is shocking because when you look at the ages of the respondents of the questionnaire (figure 1) most have been retired for quite some years. This could mean that the official list has not been updated in decades or that they have just added on to the list without keeping in mind that there are many interpreters whom might have retired and/or are not active.

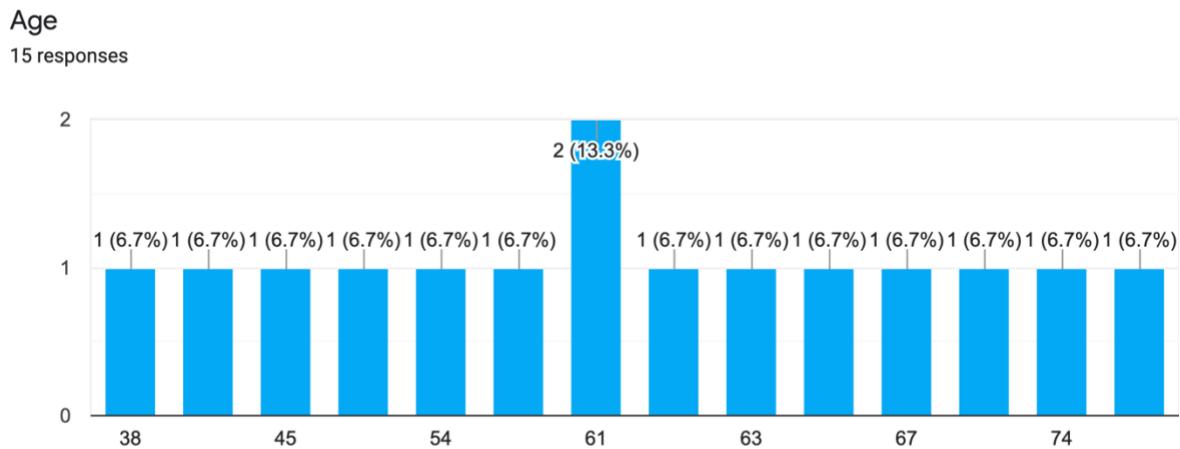


Figure 2. Ages of the interpreters.

Most of the interpreters have been in the profession for more than 30 years. This could also have an influence on how most of them have answered the questionnaire.

How long have you worked as an interpreter?

15 responses

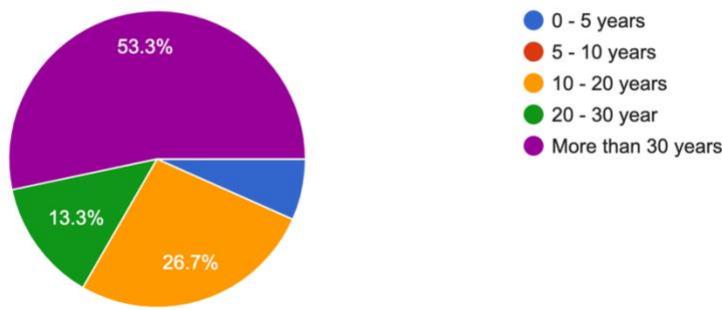


Figure 3. Years in the profession.

We have talked about the difficulty of the exam during various parts of this investigation, and how nowadays most candidates have trouble passing all parts due to how the test is structured, especially how unrealistic it is to evaluate a future court interpreter by a tape recording to be later listened to by two professional who were not present during his/her testing. For this reason, they were asked if they had passed the official state exam. Most of them answered that they had indeed passed the test (see figure 4), but when looking at the medium age of the respondents of the questionnaire, it may point to the fact that most took the test before the establishment of the final taped session of the exam.

Did you pass the state exam?

15 responses

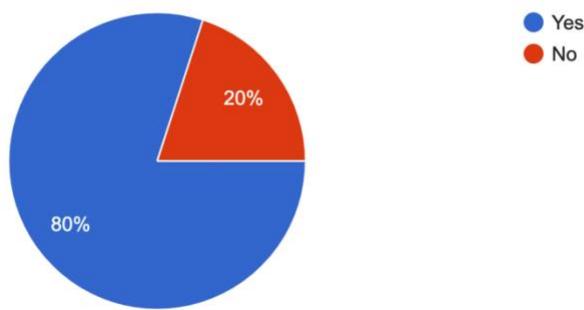


Figure 4. Official state exam.

One of the main problems can also be the preparation of the exam, the majority have responded that they have taken courses, have universities degrees, but what is also curious is how some of them have said that they were self-taught or simply learned to interpreter through direct experience before taking the certification exam.

This last point mentioned takes us on to another curious discussion, most respondents answered that it was necessary to be a certified interpreter, meaning that you need to have passed the official state exam, to be able to interpret in the courts of California. Although it has

been seen that in theory the court should rely on qualified and certified interpreters, the reality is that sometimes they must depend on someone who is not a qualified interpreter due to time restrictions, availability and language barriers.

Do you have to be certified to interpret in the courts in California?

15 responses

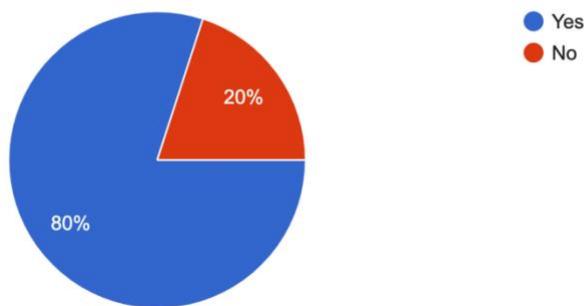


Figure 5. Interpreting for the court of California.

Although most respondents answered that to be able to interpret for the courts you must be certified, that is actually not the case. The *Professional Standards and Ethics for California Court Interpreters* (Judicial Council of California. 2013: 1) establishes that an interpreter that is not certified can actually interpreter for the California courts. These interpreters are called “provisionally qualified interpreters” and they can be appointed to interpret in specific cases by the Judicial Council of California.

Do you think that interpreters that are certified are better than those who aren't?

15 responses

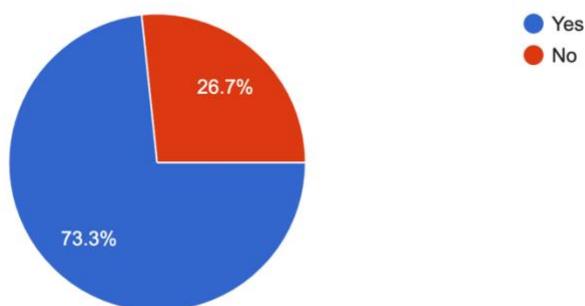


Figure 6: Certified interpreters.

The question seen in figure 6 was mainly asked to see what opinion other interpreters had on those who were not certified. It is interesting how most said that those who are certified are better than those who are not certified. We once again come back to the difficulty of the official examination process, on how there are many qualified interpreters that are seen as not as professional as their own peers due to the fact that they have not been able to pass an exam that signs them off as certified interpreters.

A related question to figure 6 was presented to the participants of the questionnaire, “what would you say the main difference is between a certified interpreter and one who is not certified?”. What was being looked for were answers that stated that a non-certified interpreter does not necessarily have to be so different than a certified interpreter, what mostly differentiates them is the actual certification. This question was answered differently. On one hand, surprisingly, some answered that those who are not certified did not have the obligation to comply with professional standards nor continuing education, stating that therefore there are no professional repercussions for unethical behavior. This is shocking and brings us to think that these questionnaire respondents have forgotten that there is a code of ethics for interpreters, with rules and regulations that they must follow, certified or not, unethical behavior is not allowed according to those codes. Others responded that a certified interpreter means that you are “more professional and efficient” or that they have “studied the local system and terminology”, and these points may be valid, but it also is a gross generalization on the majority of the interpreting community in California which is not certified, seeming to establish that one is better than the other.

On the other hand, there were participants that gave coherent answers that actually coincided with what was hoping to be found. Among some of the responses, a couple are worth mentioning and discussing:

1. Certified interpreters are not necessarily better but if they have passed the exam, there is at least a minimum proven level of skill. There may be excellent interpreters who simply haven't taken the exam or cannot pass it for a variety of reasons.
2. Because there are problems with exam administration, sometimes people who fail are not actually bad interpreters, but there are exceptions. Also, many languages are not even tested.
3. Passing the test. Some very good interpreters cannot pass the state test.

These three answers were the ones that stood out the most for various reasons. Answer number one clearly states something that is obvious, non-certified interpreters have not proven their level of interpreting skills to be interpreters for the court. Answer number two is intriguing, why aren't all languages tested? It could be because of the low demand of certain languages and the concept of a registered interpreters exist. But being a registered interpreter is different than being certified due to the fact that these “in low demand” languages are not tested in the same way as those that are certified languages. Are defendants given the opportunity to a fair trial, in this case, if the interpreters level has not been correctly examined? Answer number three simply states that the main difference between those that are not certified and those that are passing the test, stating how there are many great interpreters that have tried to pass the test but cannot due to different factors.

Accuracy is another term that one of the respondents says differentiates an interpreter from being certified from one that is not certified. In a courtroom, it is an interpreter's job to interpret for those witnesses that do not speak the language. Accuracy of interpretation in the courtroom implies more than delivering content in the target language, it implies interpreting what the speaker has says and, more importantly, how they have said it in the target language (Hale. 2005: 25). Therefore, it can be said that accuracy is obviously extremely important, especially while in the courtroom setting. Also, can it be assumed that a non-certified interpreter has not has the opportunity to develop this ability due to lack of experience and study? Even if that was

accurate, that does not seem like an answer that actually should differentiate a certified interpreter from one who is not certified.

We must not forget that in the answers given by some of the participants, they may have forgotten that there are other types of interpreters that do not necessarily need to pass the official state exam as it is not required and have no intention of interpreting in a court setting. That does not mean that these interpreters are less prepared than those of the California court system. It does suggest a different focus and precipitates a different set of requirements.

Do you think that the state exam actually evaluates your interpreting level?

15 responses

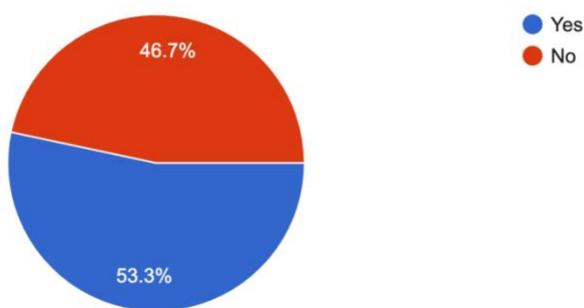


Figure 7: Interpreting level.

Above in figure 7, this question was asked in relation with the question below that which was “What would you change in the exam?”. This was done intentionally to see what interpreters’ thought was needed to change in the exam process, mostly hoping that those who answered “that it does not evaluate your interpreting level” would explain in detail what they thought needed to change.

Several of the participants answers go straight to the point of how the written exam is monolingual, in English, and suggest to “include a bilingual written exam rather than simply an English written exam as a prerequisite for taking the oral exam.” This could be a good option to directly cut off those who do not have a sufficient level of English and/or the target language and focus on those who are proficient in both languages to continue on to the next phase, the oral exam.

Others suggest that the whole entire exam needs to be “revamped” making it “difficult but feasible”, “something that would truly test the candidate in the areas that he/she will actually face in court interpreting... And I would create a system by which people are guided about what they need to study to get tested on that subject, and I would make sure they can perform the tasks we have to perform in real life as part of the oral exam.” “The exam got more difficult in the 1990s”, as one of the participants mentions is their answer while they then go on to talk about how who really needs more training are the raters in all language with the exception of Spanish. Another of the responses was how “the exam is designed to make people fail”, reading these responses there is clearly a problem with the examination process that needs to be fixed.

A problem that was noted in the examination process was how the oral examination is recorded and later evaluated by raters. One of the participants mentions how one change needs to be the incorporation of onsite interpreters evaluating your skills in that precise moment you

are taking the exam. This seems like something extremely simple to provide, having professional interpreters trained to evaluate their peers performance in real time.

Do you think the exam is more difficult now than it was before?

15 responses

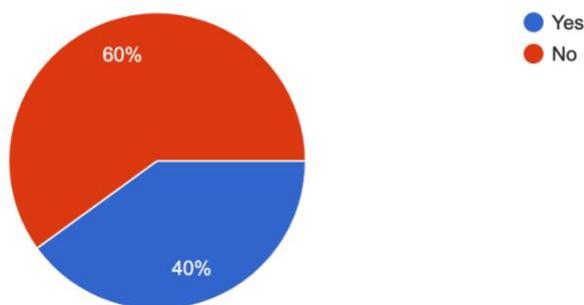


Figure 8: Exam difficulty.

Most answered that the difficulty of the exam has not evolved since they first began the certification process. The exam is quite straight forward in terms of what is needed to be known and what they are looking for exactly in an interpreter, but the training for this is not correct. Knowing specific legal terminology is extremely important while working in the courts, but this seems to be something that most interpreters stay on top of, so the first part of the examination process is not that hard to complete. It requires determination and the study of many legal and court related terms, although this is something that most anyone could do. The difficulty begins with adequate training; the need for qualified teachers to prepare interpreters for the official state exam is essential. For the respondents to answer that the exam is not more difficult than before, as seen in figure 8, seems fair, and to be honest, it has not become extremely more difficult than it was beforehand. But, the changes to the examination process that have taken an important part away on how interpreters were tested before, are found in the oral exam. The court interpreter oral examination is divided into different parts as seen in the exam process section of this project. When they first decided that testing to gain certification was mandatory to qualify as a court interpreter, they had raters that were present in the room to observe whoever was taking the oral exam and to evaluate them at that precise moment. Nowadays, everything is recorded on a cassette and later listened to by raters and evaluated. This is a major change in the examination process.

5.2 Results obtained from the judge & lawyers' questionnaire

What first must be stated is that this questionnaire was directed towards both lawyers and judges, there were five answers received from lawyers and one answer from a judge. Sending out a questionnaire to lawyers was with the intention of trying to see what interaction these two types of professionals actually had with interpreters in court, if they knew what a court interpreters' job actually was, and if they thought it was necessary to have an interpreter during trials with non-English-speakers.

The first question of the questionnaire was to narrow it down and see whether there were more male or female respondents which had taken the questionnaire. As seen below in figure 9, the majority of participants were men.

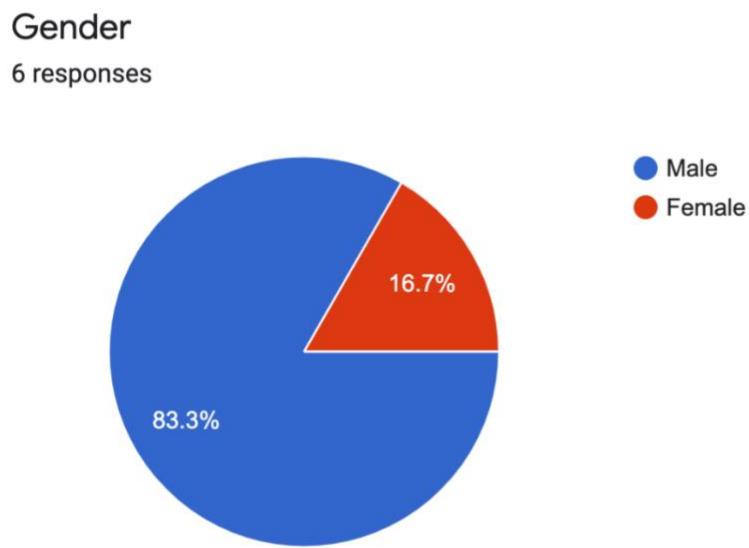


Figure 9: Gender.

The next two questions, as seen in figures 10 and 11, were in relation with their age and experience working in this field of expertise, this was basically based to see how much experience working they had actually had and as a way to contrast their answers with the amount of time they say they actually work with interpreters as well.

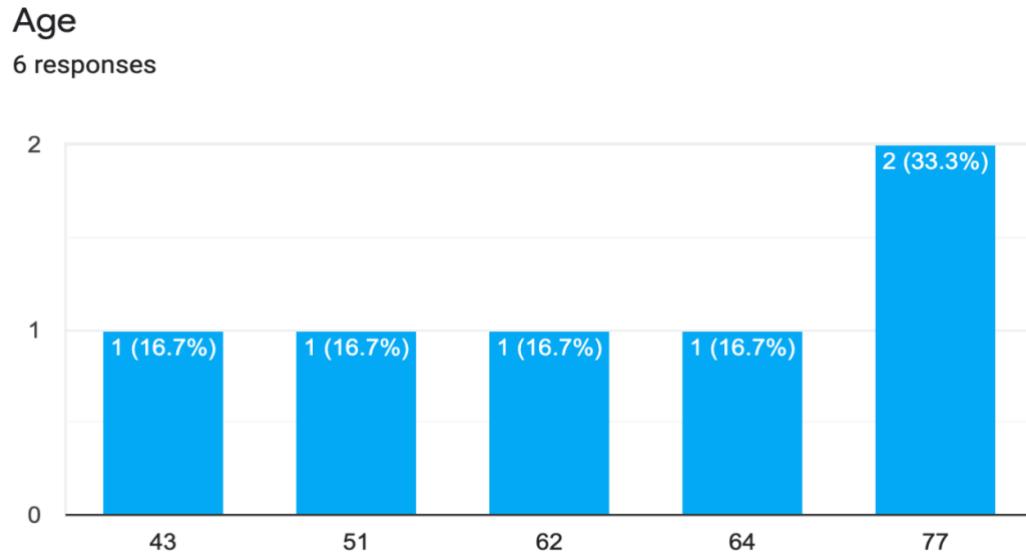


Figure 10: Age.

How long have you been working in this profession?

6 responses

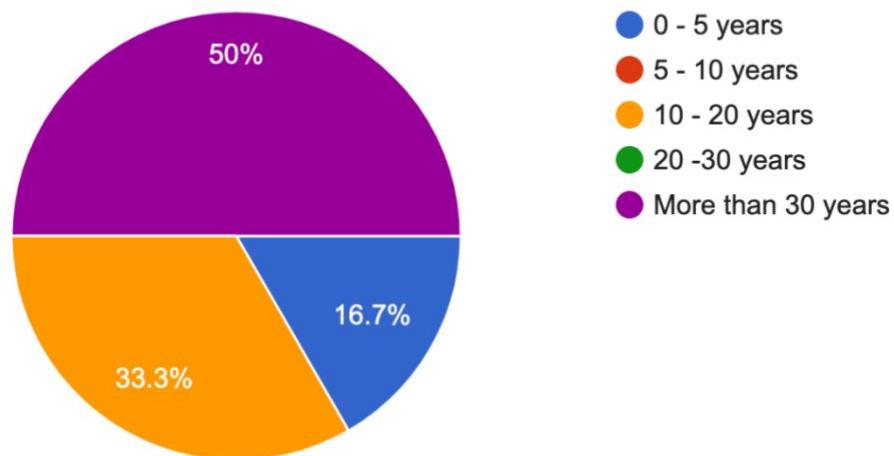


Figure 11: Years in profession.

The following two questions asked, see figures 12 and 13, were to see whether the respondents have previously worked with interpreters, and if so, how often they tend to work with interpreters. The first question is interesting because out of all the answers only one person replied that they had never previously worked with an interpreter before, whereas the other answered clearly state that they had worked with an interpreter.

Have you ever worked with an interpreter?

6 responses

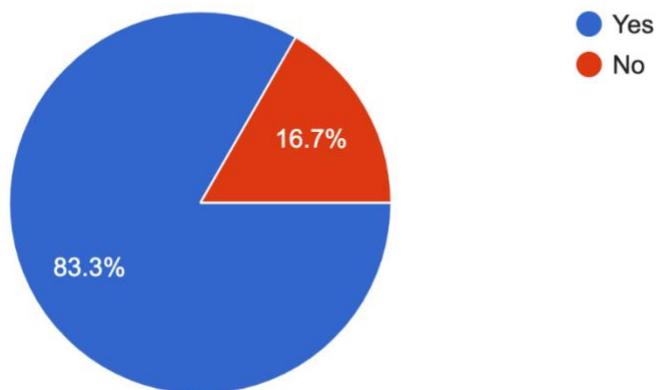


Figure 12: Working with Interpreters.

The question regarding figure 13 was to see the frequency the respondents actually had of working with interpreters. Out of all the respondents, 50% answered that they tend to work

with interpreters once a month whereas 33.3% answered that they tend to work with interpreters once a week, only one respondent answered that they tend to work with interpreters 3 – 5 times per week. This is a noticeable difference to work once a month with an interpreter compared to once a week, but this could basically depend of the type of clients each lawyer or judge handles, meaning that those that work with non-English-speakers obviously have the tendency to use the service of an interpreter rather than those who normally do not deal with non-English-speaking clients.

How often do you work with interpreters?

6 responses

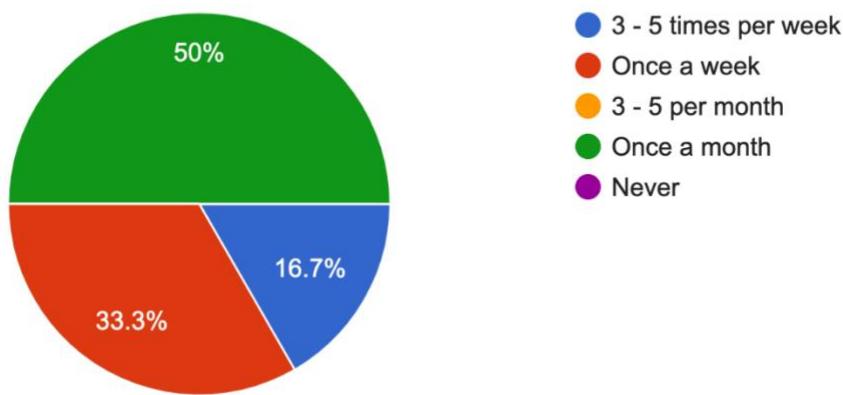


Figure 13: Frequency of working with interpreters.

There was an intention to try to figure out what the respondents actually thought of what an interpreter does and if they actually believed that their job was important. Through figure 14, we can see that they do know that an interpreter's job is extremely important, 83.3% of them answered that, on a scale from 1 to 10, an interpreter's job is a 10.

On a scale from 1 to 10, how important do you think an interpreter's job is?

6 responses

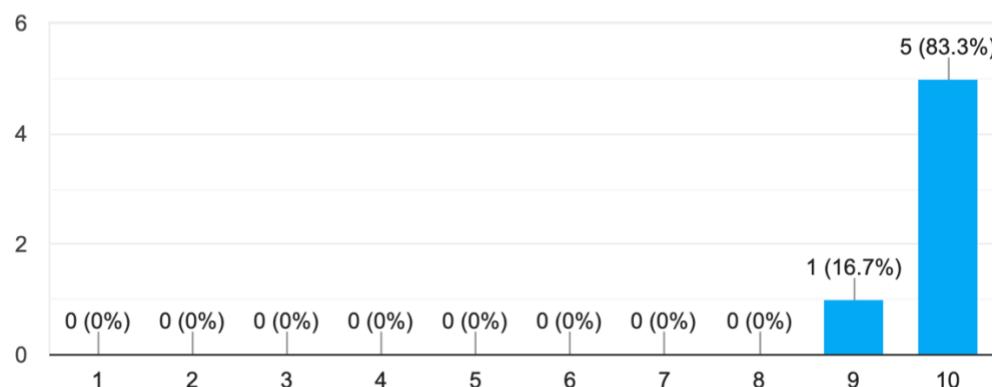


Figure 14: The importance of an interpreter.

There is an erroneous assumption that anyone who knows two languages fluently can be an interpreter. In an attempt to see what professionals who should know what an interpreter's job consists in due to working with them in the legal setting, this question was asked. It is refreshing to see that all respondents answered that not anyone who knows two languages can be an interpreter (see figure 15).

Do you think that anyone who speaks 2 languages fluently can be an interpreter?

6 responses

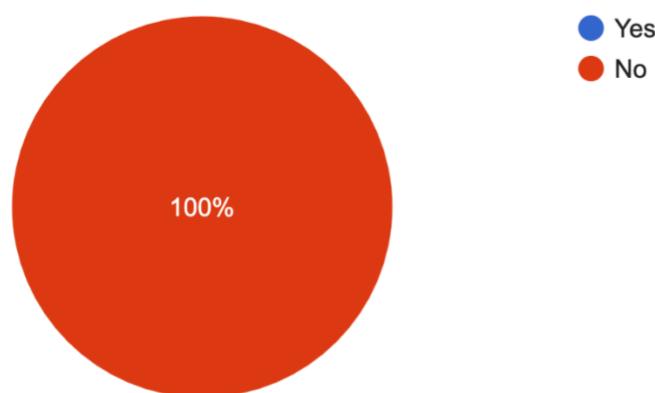


Figure 15: Can anyone be an interpreter?

The intention was also to try to relate question from figure 15 to question from figure 16. Did they respond that not everyone who speaks two languages can be an interpreter because of personal experiences? The answer had to be that because when looking at figure 16, it can be seen that none of them have undergone any classes or workshops to know what an interpreter actually is and how to work with them.

Have you ever taken classes or gone to a workshop to help you work with an interpreter?

6 responses

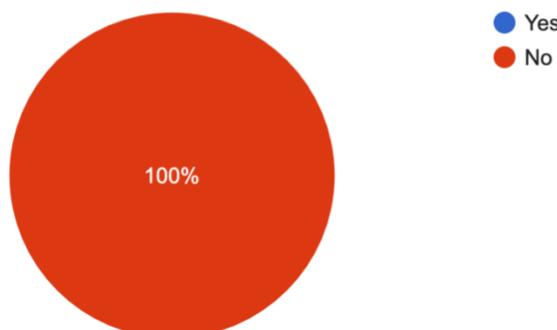


Figure 16: Classes and workshops.

Learning from personal experiences can be extremely helpful, but in this particular profession it is important to know how interpreters work and why they do certain things the way they do before working with them. For that reason, the question of “In what way can the relationship between a lawyer or judge be improved with the interpreter?” was asked. Out of the answers of the respondents, it is important to discuss a couple answers that stand out the most. The first answer being: “Judges and lawyers have sometimes asked interpreters to play roles which are no appropriate (i.e. interpreting complicated plea forms without the lawyers present). Knowledge of the maximum punishments, likely rulings by judges, the chances of acquittal if trial proceeding, etc., cannot be fairly communicated. A lawyer’s advice is needed.” This answer is interesting and from what is said it has a simple solution. If lawyers and judges were obligated to receive classes or go to workshops, complicated situations where interpreters are asked to play “roles which are not appropriate”, as seen as the statement above, could easily be avoided if this were to be included as part of their education. Another interesting answer from one of the respondents is how they say that “judges and lawyers should read the ethic proclamations of the professional court interpreters’ organization, as well as review the ethical principles which apply to their own disciplines”. This respondent has a very interesting point of view, it would be interesting for not only judges and lawyers to read the code of ethics that interpreters follow but also for everyone who is present in the courtroom when there is an interpreter present, giving them the opportunity to fully understand what their job consists of and maybe in that way understand better. On the official website of the California Courts there is a link that leads you to the figure found below (figure 17), it can be seen that they explain “how to use a court interpreter” in three different languages with eight simple steps, although this is not directed towards lawyers and judges but rather towards those who will be using a court interpreter, is can also be helpful for judges and lawyers who begin working with interpreters and do not know what defines their job nor how to work with them.

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| <p>How to use a court interpreter</p> <p><i>The interpreter is your voice in court.</i></p> <p><i>So, it is important to...</i></p> <p>Listen carefully to the interpreter.</p> <p>Wait for the interpreter to finish talking before you answer.</p> <p>Speak slowly so the interpreter can hear everything you say.</p> <p>Do NOT speak in English, even if you speak a little. It is confusing for the judge.</p> <p>Do not interrupt, even if someone in court says something bad about you. You will get a chance to speak.</p> <p>Take notes. If someone says something untrue, write it down. Then when it is your turn to speak, you can tell the judge your side.</p> <p> ACCESS San Francisco Superior Court 400 McAllister Street Room 208 San Francisco, CA 94102-4514 415.551.5880 www.sfgov.org/courts</p> | <p>Cómo usar intérprete en la corte</p> <p><i>El intérprete es su voz en la corte.</i></p> <p><i>Es muy importante hacer lo siguiente:</i></p> <p>Escuche bien lo que le diga el intérprete.</p> <p>Deje que el intérprete termine de traducir antes de contestar.</p> <p>Hable despacio para que el intérprete pueda escucharlo bien.</p> <p>No hable en inglés, aun si lo habla un poco. Es confuso para el juez.</p> <p>No interrumpa aun si alguien dice algo que no sea cierto en su contra. El juez le dará oportunidad de hablar después.</p> <p>Tome apuntes. Si alguien dice algo que no sea cierto, apúntelo. Luego, cuando sea su turno de hablar, usted puede dar su lado.</p> <p> ACCESS San Francisco Superior Court 400 McAllister Street Room 208 San Francisco, CA 94102-4514 415.551.5880 www.sfgov.org/courts</p> | <p>如何使用法庭口譯員</p> <p><i>在法庭上，口譯員是您的聲音。</i></p> <p><i>請聽他說……</i></p> <p>請聽他說您的話。</p> <p>等口譯員把話說完再回答。</p> <p>慢慢講話，以便口譯員能夠聽清楚每一句話。</p> <p>不要講英語，即使你會說一點點，也不要這樣。這樣法官會聽不清楚。</p> <p>不要打斷別人的講話。即使某些人在法庭上說些壞話，都不要打斷他。你會有機會三言兩語記筆記。如果有人說錯了話，請可以在紙上記下來，等輪到你說話時再說出來。</p> <p> ACCESS San Francisco Superior Court 400 McAllister Street Room 208 San Francisco, CA 94102-4514 415.551.5880 www.sfgov.org/courts</p> |
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Figure 17: Tri-Cut Use Interpreter (Intérprete de la corte: n.p.)

Asking what an interpreter’s job consisted of was relevant to the investigation because when dealing with judges and lawyers who have worked with interpreters previously or may have the opportunity to work with one in the future, it seems important for them to know what their fellow colleagues works consists of. The responses that stand out the most are the following:

1. The interpreter's job is to help the court, the lawyers, and the jurors to do their jobs. Without clear communication, the non-native speaker will not receive a fair trial.
2. Explaining word for word what is being said in the courtroom.
3. Interpreting the English language into the foreign language native to defendant.
4. To assist the court and counsel and the witness. To translate accurately from one to the other.
5. Making sure the individual being assisted understands all the proceedings in his/her native language.

When looking at these answers, we can see that in general they all tend to “know” what an interpreter does, although some answers are more concrete than others. For instance, answer number 1 and 4 state that an “interpreters job is to help the court, the lawyers, and the jurors to do their jobs” and “to assist the court and counsel and the witness”, these answers can be misleading because an interpreter is not there to help anyone with their jobs, they are strictly there to facilitate communication between parties who do not understand each other, resulting in a fair trial for the defendant, as one respondent says “without clear communication, the non-native speaker will not receive a fair trial”. The rest of the answers seem to sum up in a very short way what an court interpreters role is although answer number five is the only one that seems to acknowledge that the interpreter does not assist the court but rather the witness/defendant: “making sure the individual being assisted understand all the proceedings in his/her native language”.

They were also asked how they thought an interpreter affected their work in a court proceeding. Three of the respondents answered that an interpreter made their job a lot easier, which in this case is completely understandable. They are there to help the communication flow and for all parties to understand each other. Another answer states that “using interpreters lengthens the time legal proceedings require. Interpreting issues can complicate a proceeding so as to break up or distort the rhythm of a trial. Rhythm is a vehicle whereby trial lawyers hope to create persuasion”. It is obvious that when using an interpreter during trial it is going to last longer because they are mostly interpreting consecutively, it can be exhausting for everyone present, but especially for the interpreter. Although rhythm is important for a trial, we must keep in mind that when dealing with non-English-speakers it is impossible for a trial to have the same pace as any other trial where all participants speak the same language. As another respondent answers, “it presents a new challenge to the ability to communicate” and having an interpreter at times can also remedy “any problems that may have arisen between myself and my client”.

Having an interpreter present during a trial does not only affect how the process of the trial goes but also how the witness or defendant is seen by those present in court. For that reason, and also as a comparison to what interpreters responded for this same question in the questionnaire prepared for them, the lawyers and judges were asked “how do you think having an interpreter affects the jury’s view of the person being questioned?”. There are three answers that must be mentioned:

1. The manners, look and behavior of an interpreter can act like a silent credibility witness in a jury trial. The jury will observe all the interactions of an interpreter with the judge,

the lawyers, courtroom personnel, or any witness or party they interpret for. For example, if an interpreter for a criminal defendant sends signals that they “want nothing to do with this person,” a very negative message is sent to the jury. Jurors will observe the interpreter from the moment they arrive at the courthouse on the first day until the case concludes. It is the same for all courtroom personnel, including the judge. Interpreters should try their best to be neutral and fair to every witness and party.

2. Anyone who cannot be understood directly by the jury runs a risk of being more misunderstood. I think it is harder to convey subtle emotions and experiences through an interpreter.
3. There is little prejudice because of the many number of people who do not speak English, particularly in the larger cities. There may be more prejudice in rural areas, particularly if the person has been in the country for a long time and does not speak English.

These three answers from three different respondents are worth mentioning because they talk about important points to keep in mind while interpreting, how the courtroom may see them and how interpreter’s invisibility is important. The first respondent states that from the beginning the jury will observe the interpreters every movement and, therefore, notice if the interpreters sends any type of signal that may make the jurors believe that they “want nothing to do with this person”, as the respondent says. As they also state, “interpreters should try their best to be neutral and fair to every witness and party”. It is an interpreters job to keep their emotions in check during any type or proceeding, whether they be interpreting for a witness in criminal court or in civil court, they must retain all emotions so as not to effect the way that the rest of the courtroom sees the witness they are interpreting for. If they cannot contain their selves, they would need to inform the court to reassign the job to a different interpreter. As we can see in response number 2, “it is harder to convey subtle emotions and experiences through an interpreter”, this respondent it correct, one of the most difficult jobs for interpreters is to make sure that all the emotions that the person they are interpreting for are shown in their interpretation, without exaggeration nor leaving anything out of the message being transmitted. The third response deals with prejudice towards those non-English speakers while mentioning at the same time that this can especially happen in rural areas where “the person has been in the country for a long time and does not speak English”. This response does not affect the interpreter directly, but it is important to mention that when the interpreter is interpreting we must keep in mind that the way the rest perceive the witness or defendant is not their problem, they are there to transmit the message from one language into the other truthfully and faithfully.

The California judicial system supposedly entitles anyone who does not understand English to an interpreter, as seen throughout this investigation that is not always the case. Although in figure 18 below we can see that all responses say that this is the case.

The California judicial system entitles anyone who does not understand English to an interpreter, is this actually the case?

6 responses

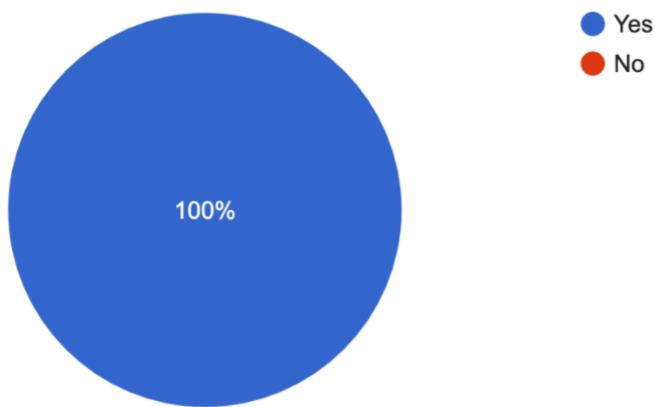


Figure 18: California judicial system.

But in another question, they were asked: “what have you done when the court has not provided an interpreter?”, and out of the all the answers two respondents said that they have sometimes used family members to interpret when this has happen whereas the rest of respondents answered that they have not proceeded and waited until an interpreter was appointed to the case. Court interpreters are trained and prepared to take on any type of work for the court, when placing a family member in their spot who is not prepared, does not know the protocol to follow nor has prior knowledge of the code of ethics, is not familiar with the vocabulary spoken in court proceeding, etc., can do a poor interpretation and therefore is more likely to cause errors or misunderstandings. It is important to keep in mind that we should not replace an interpreter who is prepared with family members or someone who simply speaks both languages, those individuals are not qualified to interpret in a courtroom setting.

Through both sections regarding the results of the two questionnaires, it can be seen how the hypotheses discussed in the introduction have been answered. Although the hypotheses will individually be debated later under the section of conclusions where it will be confirmed if they have been proven true or false, it can be stated that many answers were exactly what was expected to be found, whereas others left an open range towards questions regarding the examination process, such as what can be corrected to create an exam that truly evaluates future court interpreters.

Throughout the questionnaire created for the interpreters, it was important to include personal questions for them to disclose experiences that they had had during their years interpreting. Anyone who is familiar with what a courtroom interpreters job consists of, knows that they face many different types of situations and that when they go to work that day, they might not know what they will be facing. There are many joyful moments that involve interpreting, but there are also many bitter moments where they must keep their composure, both involve self-control which is gained throughout experience. In the following section, we will see through personal experiences how different interpreters have maintained their calm and kept interpreting in diverse situations.

6. Experiencias Personales de los Intérpretes - *Spanglish*

Cuando un intérprete judicial está interpretando en un juicio delante de otras personas tiene que ser rápido y resolutivo, ya que hay muchas ocasiones dónde no tiene la oportunidad de parar a pensar en la palabra correcta o exacta. Hay veces que tiene que trabajar con un compañero, puede que sin conocerle previamente y eso no es siempre una tarea fácil, o trabajar con otros profesionales que no entiendan cuál es la postura de un intérprete en la Corte de California, haciendo que el trabajo de éste sea más complicado. También hay que tener en cuenta que, en el Estado de California, se pueden encontrar con muchos términos en *Spanglish*. La intención era incluir varias preguntas en el cuestionario para poder ver el lado de la interpretación que puede poner a cualquier intérprete en un aprieto, resultar a veces desagradable o dejar mal sabor de boca, como también aquellas situaciones que resulten graciosas, tristes o agradables. Por eso, se les incluyó varias preguntas en el cuestionario sobre su mejor y peor experiencia al interpretar durante un juicio.

California fue el primer estado que adoptó leyes para los intérpretes profesionales, creando normas para su conducta y su certificación. En junio de 1993, el entonces presidente del Tribunal Supremo, Malcolm Lucas, nombró al Grupo Asesor de Intérpretes de los Tribunales (CIAP) como un nuevo comité asesor permanente del Consejo Judicial, según lo especificado en el Código de Gobierno § 68565. Por lo tanto, se puede ver en la página oficial de la Corte de California que los intérpretes que trabajen ahí deben reunir las siguientes características:

- Interpretar de una forma completa y exacta.
- Ser imparciales, objetivos y que su conducta lo parezca.
- Evitar todo conflicto de interés que puedan tener o parezcan tener.
- Mantener la confidencialidad.
- No brindar asesoramiento legal.
- Indicar si tienen dificultad o les resulta imposible hacer bien su trabajo. Por ejemplo, si no pueden oír lo que se dice o no conocen cierta terminología, o si hay cualquier razón por la que no pueden interpretar bien en cualquier momento, tienen que decirlo. (Intérpretes de la corte. s.f.)

Teniendo en cuenta las reglas establecidas para los intérpretes de la corte, se irán viendo ejemplos de experiencias personales dónde estas reglas se han visto puestas en evidencia, poniendo al intérprete en el lugar de elegir cómo reaccionar. Primero se hablará se aquellas experiencias complicadas emocionalmente o las que resultasen más difíciles de llevar a cabo, destacando, de todas, las que sean más relevantes mencionar:

1. When an attorney just picks up a random Word (and not the concept) and starts asking about it in a round and round way!
2. I once interpreted with a hangover with an inexperienced partner.

3. Being called to interpret for multiple defendants at a cockfighting event!
4. Interpreting in a criminal case where a father has repeatedly raped and impregnated his own daughter. The subject matter was horrible and not something you can forget.
5. Having a “bilingual” attorney try to correct my interpretation while I was on the witness stand (she was not correct). In this particular case the court also instructed me to interpret for the witness (at the witness stand) and both parties (plaintiff and respondent) at the same time. Impossible!!!
6. Interpreting for a child torturer and murderer.
7. Having been asked to be replaced because of someone complaining about accuracy in a conference being attended by public from all over the world.
8. Being under the pressure of interpreting for witnesses in a high-profile murder case. Being “at the stand” was always stressful and exhausting.
9. When I have to interpret for speakers who mumble, are incoherent, or speak very softly or very quick.
10. Judges who demanded I interpret Tagalog or other languages I don’t know.

Como se puede observar, de las diez respuestas seleccionadas, los participantes han mostrado diferentes situaciones en las que se han encontrado en sus años de experiencia como intérpretes, ya sea con otros compañeros intérpretes, o con jueces y abogados que no han entendido cuál es la función del intérprete, el hecho de tener que interpretar situaciones muy delicadas emocionalmente que puede ser estresante, lidiar con profesionales que entienden los dos idiomas, o interpretar sobre un tema del que no tienen formación previa ni tampoco tiempo para poder prepararse la terminología , etc. El trabajo de un intérprete judicial consiste en estar preparado para diferentes situaciones que puedan surgir, ya sea con un juez que pida que un intérprete interprete en combinaciones lingüísticas que no conoce, interpretar para un asesino o un violador, o tener que trabajar bajo presión, por muy estresantes que sean las circunstancias.

Aunque haya partes cuando uno está interpretando que sean más complicadas emocionalmente, también se trata de una profesión muy bonita donde se viven momentos gratificantes, por eso se ha hecho una selección de las mejores experiencias de los intérpretes para que también se puedan tener en cuenta:

1. When I helped in Alcohol Anonymous program, as it was very interactive and spiritual to interpret.
2. The best interpreting experiences have consistently been in the private sector when I hear businessmen repeating words that I chose to convey a message and that had an impact for them. There is no single moment I can call the best, but rather those moments when you see two or more people truly connect because I as the interpreter was there to get the message across and my presence is practically unnoticed.

3. Interpreting for a defendant in a traffic trial who passionately fought his case through an interpreter and won.
4. Interpreting for the Olympic Committee.
5. Too many to choose from. I would say every time I finish an assignment, and someone comes to thank me because he/she understood completely everything that was said. It doesn't get old and it is the most rewarding experience an interpreter can have.
6. The best part of working as an interpreter was the "everyday work" of interpreting for defendants in consultation with the attorneys or filling out forms or explaining proceedings and information to them or the court staff; that is, serving as a "cultural ambassador".
7. A very long deposition of an elderly lady who started in Spanish, as time went by interspersed German and finally ended up speaking Polish. Luckily, I speak these languages.
8. Interpreting for a child with learning disabilities and talking about an individualized educational plan that helps the child immensely.

Hay muchos momentos buenos, especialmente aquellos en los que un intérprete se siente satisfecho tras una interpretación donde ha ayudado a una persona, o momentos en los que otras personas reconocen el buen trabajo que se ha llevado a cabo. Es importante mencionar también como un intérprete se puede sentir cuando se da cuenta que su presencia pasa por desapercibida y que las personas para los que está interpretando están totalmente conectados sin tener en cuenta la presencia del intérprete.

Se ha visto en el marco teórico que una inmensa parte de la población del Estado de California son personas no anglohablantes, donde sin duda destacan los hispanohablantes. Otro tema que surge es el asunto del *Spanglish*, por eso fue interesante incluir una pregunta para que aquellos intérpretes de español pudiesen proporcionar ejemplos concretos de *Spanglish*, o contarnos como habían resuelto el problema al no entender lo que el acusado o testigo estaba diciendo. Abajo se enumeran algunas de las respuestas más relevantes:

1. I have been tripped up by *Spanglish*. One of my favorites is "fure". The client claimed to have fallen in a "fure". Took a while to arrive at "furrow". Another is "no vine porque estaba en "uofule". "Uofule" turned out to be "work furlough"! I've heard the now enshrined "roofero" for "roofer", "yardero" for "gardner". I once heard "video" for "vidrio"; a great deal of confusion ensued. "Sispa" is common for "six-pack", but "tuelpa" got me when I first heard it.
2. Sometimes the judge or attorney actually hears the English word that was *Spanglishized* better than you do and tells you what it is.
3. I asked the person what they mean by the given term. Usually I can understand *Spanglish* because I live here. One example would be, "yo estaba kikeándolo en el parque con mis cuates" = "I was kickin' it in the park with my buddies (homies)".

4. I ask for clarification. Sometimes in the Worker's Compensation system, workers learn terms on the job, which are English originally, but due to Spanish pronunciation, makes it very difficult to identify. One must ask for clarification. ("roofero" (works on roofs/techos) "weedero" (works cutting weeds)).
5. I repeat the mispronounced word (the attorneys and officer generally know what they're talking about) to get the other party to ask what they mean, I ask them to repeat whatever is mispronounced to try to figure out what the standard word is, and, when it's crucial for the testimony, I use the term they are using if it's the one they understand (lots of tools and driving terms are used in *Spanglish* or mispronounced English because people learnt and misheard the words here so they have no idea as to what their name is in Spanish).
6. You ask for clarification. I had a guy who was asked the title of the job he held. He said: "Yo soy florero". I said: "I'm a florist" and we continued with the questioning for about 15 minutes and nothing that was being exchanged between the questioning attorney and this man made any sense. When he described that he would be on his knees most of the day, the questioning attorney followed up with: "Is this like when you are arranging a church or ballroom for an event or what?" And finally, that's when the guy explained that he was installing ceramic tile on the floors. We had to basically start over the interrogation. Thus, as embarrassing as it may seem, you ask to clarify anything that sounds suspicious.
7. Two *Spanglish* terms I learned: "sispa" and "tuelpa" which were used for "six-pack" and "twelve-pack".
8. Whenever I hear an unknown term, after long experience, I consider the possibility that it may be an English term that's being pronounced with a Spanish accent. One time I heard a farmworker talk about "saidresing" and I said "side-dressing" in English without even knowing what it was. I was correct, in that case, and learned what it meant. In another case, a witness said she was "trineando" grapevines, and I had heard cannery workers use the term for trimming vegetables before packing them. I used "trimming", and it turned out she meant "training" the vines. Sometimes another person in the room is familiar with the case (I work in a lot of employment cases and other employees or managers are often present) and will clarify a term that I didn't understand. I have resigned myself to using words like "aseguranza" instead of "seguro" to avoid confusion, because workers use "aseguranza" for workers compensation insurance carriers and "seguro" for Social Security. It really gets confusing when they use a word like "librería" and I'm not sure if they mean a library or a bookstore; same with "colegio". I usually have to ask for clarification.
9. I have to ask the court for permission to check with the witness to explain. For ex: once a witness kept on saying "me salí por la Madonna" and after a short conversation I learned that what was meant was that he left the freeway using the MacDonald's exit.

Se puede ver por las respuestas de arriba que el *Spanglish* es extremadamente común, pero que la mejor opción es siempre preguntar si no queda claro desde un primer momento a qué se refiere el testigo o acusado, ya que si no puede llevar a confusiones que se podrían haber

evitado. Es gratificante ver como a lo largo de todas las respuestas sobre este tema la mayoría de los intérpretes piden aclaración cuando no les queda clara una palabra, ya que esto es lo que se espera de ellos en estas ocasiones. Es posible observar como algunas palabras de *Spanglish* que se mencionan entre las contestaciones de los participantes se repiten, como por ejemplo el uso de “sispa” para hacer referencia a lo que los norteamericanos llaman un “six-pack”, que es normalmente un pack de seis cervezas. Se puede observar, por los distintos ejemplos, como la mayor parte de palabras son palabras en inglés pronunciados con acento en español. Algunas son fáciles de adivinar, mientras que otras resultan realmente difíciles de descifrar sin pedir aclaración acerca del significado. A veces puede ocurrir, como se ve en los ejemplos números seis y ocho, que un intérprete cree que sabe a lo que se refiere el no anglohablante y, por lo tanto, procede a interpretar la palabra que cree haber escuchado cuando finalmente se da cuenta de que está intercambiando frases entre dos individuos que no tienen sentido ninguno y entiende que se ha cometido un error y rectifica. Otra cuestión que se ve en las respuestas de los participantes es como la mayoría de las veces que no entienden una palabra la suelen repetir y los propios abogados son los que entienden la palabra y se lo aclaran al intérprete, esto puede ser por la costumbre de trabajar con personas que no hablan inglés y haberse familiarizado con algunas de las palabras que se han *Spanglishized*, como menciona un intérprete en la respuesta número dos.

Trabajar con personas que no entienden cuál es la función principal de un intérprete, preguntándoles cosas que harían que se tuvieran que salir de su papel o ir en contra de su código deontológico es más común de lo que parece. Esto hace que el trabajo del intérprete se vuelva más complejo. Se les sugirió en el cuestionario que relatasen alguna experiencia que habían tenido con alguna persona con el que resultase complicado trabajar.

1. The attorneys were the most difficult. I had to step between a very rude attorney and his client to keep the client from punching him.
2. There was a high-pressure situation interpreting for a defendant who was testifying on the witness stand. He was accused of several murders in connection with a drug trafficking case. He was very animated and at one point I thought I heard the sheriff unsnap his holster. One thing that helped was having a colleague who was observing but not interpreting. When I felt pressured, I looked to her, and when she would nod to me or otherwise express that I was doing a good job, it helped me to relax and it lowered my stress levels, so I was better able to concentrate.
3. A client kept asking for advice from me directly. I simply interpreted his words to the lawyer.
4. I was interpreting for a Spanish woman who was detained last week, and she started screaming at the judge in Spanish. I interpreted everything she was saying very loud in English. When they took her back to the lock-up I went back to try to help calm down with the deputies. It was very difficult.
5. Other interpreters making mistakes on the stand: I talked to them during a break to suggest they correct their misinterpretation, even though some of them got offended. Attorneys who spoke very quickly or using a lot of foul language: I asked to slow down or explained to them the impact of their obscene language on their interlocutor. I had the advantage of having been the mentor of many of the

interpreters and of the attorneys respecting my suggestions after so many years in the field.

6. When you are the interpreter, you are the member of the support cast. Most attorneys and Doctors feel they are the star of the show and they love to be the center of attraction. The interpreter should never call attention to his or herself. In a rather complicated case when the claimant had complained of injury to her back, shoulders and arms, she made a comment regarding the origin of her diabetes. Jokingly, she said: “I get so mad at people dumping the clothing on the floor and then it is my job to pick it up and put it back in its place, that out of so much anger that must have been the cause of my diabetes!”. I was smiling with her as she finished her comment, when her attorney turned to me and said: “stop smiling and ask her again if she truly believes her job caused her diabetes” I just looked at him, whipped off the smile from my face and asked the question he wanted me to with a stern look...After the deposition was over, he apologized and said: “I didn’t realize she was the one joking about the statement and I just unloaded my anger at you. I’m so sorry...” I said: Hey, I’m glad you noticed. I firmly believe that there is no need to be rude to get a point across.
7. One difficult person was a judge who was unfortunately very ignorant. For example, he called me one time to interpret for a defendant who turned out to be a speaker of Portuguese, not Spanish. The judge insisted that I interpret for him because “the languages sound very similar.” I had to explain to him that they are two distinct languages and I simply didn’t speak Portuguese. He finally relented. Unbelievable but true!
8. I’m usually pretty stoic, so even if I’m seething inside, I don’t show any emotions. Recently a bilingual attorney interrupted every single question and every single answer with objections, either to the attorney’s phrasing of the question or to my interpretation of the answer. Everyone got very frustrated and irritated with her. I defended my interpretations as best I could, though there were times when she was correct, and I amended my interpretation. I did occasionally let my anger flare up, but I tried to control it. The opposing attorney just got up and walked out of the room after a while, and the deposition had to be continued to another date. A different attorney took the deposition on the second occasion, and the client’s attorney was equally obnoxious. After that proceeding I asked the interpreting agency not to assign me to work with her ever again.
9. I had witnesses that instead of talking just burst into tears and I couldn’t understand a word. Usually the judge would notice and ask for a break, or I would ask the court for a break.
10. People sometimes take things personally. My role was to remind the person I’m there to help them. This reminder created more harmony in the difficult person.

Como se puede extraer de los anteriores ejemplos, hay situaciones en las que los intérpretes, por desgracia, tienen que aprender a mantener la calma, sin dejar que circunstancias o factores externos influyan en su trabajo por muy difícil que les resulte. En las respuestas podemos ver como mencionan en varias ocasiones que han tenido experiencias más complicadas con jueces y abogados. En la primera respuesta vemos como el intérprete se tuvo

que salir de su rol para impedir que un cliente le pegara un puñetazo a su abogado debido al comportamiento de este último, un intérprete no debe salirse de su rol nunca y en caso de que tenga que hacerlo siempre debe avisar para que no haya confusiones, como se ha visto en el marco teórico, aunque en este caso no tuvo tiempo para avisar y tuvo que reaccionar rápido para lidiar con la situación en la que se veía comprometido. Interpretar para un asesino no debe ser nada fácil, y más cuando se puede notar que hay mucha tensión entre las personas para las que se interpreta, mantener la compostura le costó al intérprete, como vemos en la respuesta dos, pero tener a un compañero presente le ayudó a relajarse para realizar el trabajo correctamente. En la respuesta cinco, separa su argumento en dos grupos. Primero menciona que trabajar con otros intérpretes puede resultar difícil ya que uno puede querer ayudar a su compañero y se puede sentir ofendido, como le ocurrió en este caso.

Se ve como hay veces que un intérprete tiene que enseñar a los abogados para que aprendan como se trabaja con un intérprete, y en la segunda parte de su respuesta menciona como algunas veces le ha tenido que explicar que hablar más bajo es importante para que pueda interpretar el mensaje correctamente y también como el uso de su lenguaje obsceno puede afectar al testigo o acusado. Cuando un intérprete parece que ha desaparecido totalmente dejando que la conversación fluya entre los dos individuos es que está haciendo su trabajo correctamente, por desgracia y pura ignorancia hacia como funciona el trabajo de un intérprete algunas personas se lo pueden tomar de mala manera, como se puede observar en las respuestas seis y diez el intérprete tuvo que recordar que solo estaba interpretando lo que decía el testigo y que lo que decía no eran palabras suyas, sino de la persona para la que interpretaba. El tono de una persona influye mucho en el trabajo de un intérprete, ya que es la voz de aquella persona no anglohablante, y es importante que los oyentes escuchen el relato lo más parecido a como lo ha relatado el testigo o acusado. Pero como se puede ver en las respuestas cuatro y nueve, no es fácil interpretar para una persona que está chillándole a un juez, ni tampoco a una persona que no hace más que llorar mientras habla. En estas ocasiones un intérprete no tiene que chillar ni romperse a llorar, pero es crucial que el intérprete sí le ponga hincapié en el tono por mucho que los demás oyentes puedan escuchar el discurso del no anglohablante.

En relación con la pregunta anterior, se les preguntó por ejemplos donde su moralidad como intérprete había sido puesta a prueba con la intención de ver si finalmente llevaron a cabo el trabajo o no. Por las respuestas de abajo se ven que los intérpretes en estas situaciones tienen que elegir qué es moralmente correcto hacer, qué forma parte de su trabajo como intérprete y qué no, y en caso de que no forme parte de su trabajo informar de ello para que poco a poco se pueda ir educando a los demás acerca de los límites en la profesión de un intérprete.

1. I had a good client that gave me lots of legal translation work. The end client insisted I translate Chapter 7 as Chapter 11 bankruptcy terminology because that would benefit that end user. I showed multiple multilingual and monolingual sources to back up my position and refused to change or sign the translation. I lost a good-paying client who sent me lots of work over it.
2. I was once asked by a district attorney to give him some confidential information I had translated between the defense attorney and his client, I refused.
3. Overworked public defenders would often hand me a file and ask me to explain it to the defendant. It was part of my job to translate the content of the file, but the client often had questions or asked for advice. The interpreter is put in a situation to decide which questions to answer and which are solely responsibility of the attorney.

4. I was asked to interpret on a case that my husband was covering as a journalist. I declined to interpret on that case.
5. ...asked me to call a friend for her in order to ask him to post bail for her. I told her I couldn't do so. It was difficult because she was a single mother with a child, but I can't operate outside of my duties as an interpreter.
6. There was a time when I was interpreting for a Mexican witness being represented by a Cuban attorney. The witness used to work as a busboy in a restaurant. I used the term "garrotero" which is the Mexican regionalism for busboy. The attorney objected and said I was not interpreting correctly as "garrotero" in Cuba means loan shark. I pulled the English-Spanish dictionary and showed him the translation for busboy into Spanish. Sure enough, it was right there. My answer on the record was: "The deponent is from Mexico and the interpreter picked a Mexican regionalism for the word buser or busboy. The defendant is familiar with that term as proven by his answer. The interpreter showed counsel the translation of the term used by the interpreter. The interpretation stands." We proceeded without any further objections.
7. I was once offered by a doctor to help him do some "filing" I knew this was an invitation to some kind of sexual contact, so I said no thank you and left.

En las siete respuestas mencionadas, se puede observar diferentes situaciones en la que el código deontológico del intérprete se ha visto cuestionado, y también cómo cada intérprete reacciona ante el problema que se le había planteado. En la primera respuesta un cliente le pide que modifique algo en la traducción para que el usuario se viera beneficiado, en este caso el pide que ignore la regla que establece que todo intérprete judicial debe usar sus mejores habilidades para interpretar con precisión sin embellecer, omitir o editar. Cuando interpreta para una parte, el intérprete debe interpretar todo lo que se dice durante todo el procedimiento (California Rules of Court, rule 2.890(b)). Por desgracia, el cliente no era capaz de entender por qué el intérprete no podía modificar nada del contenido y debido a esto perdió un cliente importante. Se puede observar en la respuesta número dos como un abogado le pide al intérprete que obvie la regla 2.890(d) del código deontológico para revelar una conversación confidencial entre un testigo y su abogado. Esta es una regla principal que ya viene establecida en el sistema legal y la presencia de un intérprete no cambia esto, está obligado a cumplir con la regla de confidencialidad. Según la regla 2.890(e), un intérprete no debe dar asesoramiento jurídico a las partes y a los testigos, ni recomendar abogados o bufetes específicos, y en la tercera y quinta contestación se ve que los intérpretes se ponen en la tesitura de tener que decidir si deben contestar o no a las preguntas que tiene un testigo. Hay que recordar siempre que los intérpretes no deben dar consejos ni contestar a preguntas, ese es el trabajo del abogado o juez en cuestión, en el caso de que un testigo le pregunte directamente algo al intérprete la mejor opción sería que lo interpretara para que el oyente pueda tomar la decisión que crea conveniente. En la respuesta cuatro, el participante rechazó interpretar para un caso ya que su marido era el periodista que cubría el caso, hizo lo correcto ya que si lo hubiera aceptado estaría incumpliendo la regla 2.890(c) de las Reglas de la Corte de California que establece que un intérprete debe revelar al juez y a todas las partes cualquier conflicto de intereses real o aparente. Cualquier condición que interfiera con la objetividad de un intérprete es un conflicto de interés. Puede existir un conflicto si el intérprete conoce o está relacionado con algún testigo o parte de la acción o si el intérprete tiene un interés en el resultado del caso... El intérprete no debe adoptar una conducta que dé la impresión de imparcialidad o prejuicio. La insinuación desagradable

por parte del médico de la repuesta número siete va en contra de la relación profesional que establece la regla 2.890(f), el intérprete debe mantener en toda ocasión una relación profesional con todos los oficiales de la corte, abogados, jurados, partes y testigos.

Como se ha podido observar, los intérpretes tienen que lidiar con personas poco profesionales en muchas ocasiones, quienes les pedirán que lleven a cabo acciones que van en contra de su código deontológico. Lo importante es que sepan su lugar, se lo expliquen a los demás para intentar concienciar y enseñar a los demás cuál es la función del intérprete judicial en la Corte de California, con el propósito de disminuir estas ocurrencias.

Hay ocasiones donde los intérpretes se encuentran en situaciones incómodas, donde se les pide que expliquen la elección de sus palabras, o que les echen la culpa de algo que ocurra en la sala o un malentendido, son estas circunstancias donde la profesionalidad del intérprete es importante. Una de las preguntas del cuestionario era que mencionasen alguna experiencia donde no les quedó más remedio que mantener la calma. Se han destacado las siguientes respuestas:

1. I once interpreted at a meeting of leftist revolutionary groups (ELN, FARC, Zapatistas, etc.) where violence broke out and I had to rip out the equipment at the end and flee. I kept calm and interpreted until the last moment. Then I ran out of the building.
2. Some attorney will lay blame on the interpreter for the shortcoming; not meeting with their clients, deficient communication; or blame the interpreter for misunderstanding. You bite your tongue in the courtroom and have a chat with the attorney in the hall.
3. I was at a deposition where the lawyer kept asking the same question over and over again. I bit my tongue and laughed about it afterwards.
4. One time I was interpreting for an extremely sad case and I was eight months pregnant. The minor I was interpreting for started sobbing and I started sobbing (I couldn't help it because of my hormonal state.) I just got through it the best I could, but I made everyone else in the courtroom cry too. It was very embarrassing for me because I was unable to maintain my professional demeanor.
5. A Guatemalan witness was asked: "Where did your car come to a complete rest?" and she answered: "P'os así, nomas pa' 'llasito... así pa' 'llasito..." I said: Well, just a little ahead, just a bit ahead..." Council stands and says: "Objection, Your Honor. I have a limited knowledge of the Spanish language and I am sure my client just made reference to a clown and the interpreter omitted that part of my client's testimony." I asked if I could respond and he allowed me to. I took a marker and wrote as I did above the question in English and then the Spanish translation I gave, paying special attention to the apostrophes and the contractions of the words. Then I explained to the judge the spelling of the word "payasito" and how phonetically may easily be mistaken. Though what I wanted to say to the attorney was "the only clown here, my friend, is you pretending to know more Spanish than the interpreter..."
6. One of the most unforgettable times when my patience was tested: it was a Monday and I was called in to interpret for the arraignment calendar in Corning, California (a rural, agricultural town with a large Mexican population). When I arrived, I met one of the defendants, a young man who was clearly in distress. I found out he was accused of

“trespassing”, “drunk in public” and “causing a disturbance”. This had allegedly happened on Friday evening, which had been Día de los Muertos (coinciding with the night after Halloween). The man had been arrested, without any explanation in Spanish, and had spent two nights in jail awaiting arraignment; he was extremely fearful of the outcome. I finally showed up and was able to answer his questions and listen to his account of what had happened: he had gone to the cemetery to visit his wife’s grave (she had died the previous year); he had taken some flowers, candles, food, music and beer to “share” with her, as is the custom on that day in Mexico....I immediately asked to speak to the judge in chambers to give him a lesson on Día de los Muertos. After that all charges were dropped but the poor guy had already spent a very stressful, painful weekend in jail. I managed to remain calm even as I felt impatient and incredulous of the level of cultural ignorance that is prevalent in our courts and in our society.

7. More often than not my patience was tested by judges who had no understanding of what I was doing. Once a judge in a juvenile court, where I was interpreting for the parents of the accused, asked me to sit in the back with the, I explained to the judge it was impossible to hear there, and he responded “you don’t have to hear, just interpret”. At the break I tried to explain to the judge my role, but he didn’t seem to understand.
8. I really had to work hard to stop from crying while interpreting for an asylum case for a woman that had been used as a sex slave.

Es importante destacar estas ocho respuestas del cuestionario ya que en todas se puede ver como los intérpretes se encontraban en situaciones diversas donde no les quedaba más remedio que intentar mantener sus emociones bajo control para poder seguir realizando su trabajo correctamente. En la primera respuesta podemos ver como su interpretación fue interrumpida por una pelea repentina entre partidos donde el intérprete mantuvo la calma hasta que ya no pudo interpretar más y debido a la situación tuvo que salir corriendo. Puede que supiese que el trabajo que había aceptado realizar ese día podría complicarse, pero hay que recordar que no siempre se sabe qué tendrá que interpretar ni para quién, y esto hay que tenerlo en cuenta, siempre intentando ir con la mentalidad abierta por lo que pueda ocurrir. En la segunda respuesta se observa como hay veces que, durante un juicio, un abogado puede tratar de culpar al intérprete por algo que está fuera de su control, en este caso, el intérprete hizo lo correcto manteniendo la compostura para luego hablar fuera del juicio con el abogado acerca de su comentario. Un intérprete es la voz del personal de la Corte, no están ahí para defenderse, si no para ayudar a que la comunicación fluya. Las emociones de cada uno pueden florecer en cualquier momento, un intérprete no es de piedra, tiene sentimientos y por mucho que tras años de experiencia puedan tener un caparazón que les ayude a mantener sus emociones bajo control, hay veces que incluso eso no es suficiente. Se puede ver en la respuesta número cuatro como la intérprete estaba embarazada de ocho meses, con las emociones a flor de piel y interpretando para un menor en un caso extremadamente triste y no pudo contenerse y comenzó a llorar, ella siguió interpretando como pudo hasta terminar la interpretación, haciendo que también todos los demás llorasen. La importancia de mantener un muro entre las emociones personales que pueda tener cada uno e intentar mostrar tan solo las emociones para la persona para la que se interpreta es importante, aunque también difícil. Puede que por llorar hiciese que los demás miembros que le estuviesen escuchando influyera en su manera de ver este caso en particular, y esto es algo que hay que evitar a toda costa. En la respuesta número ocho nos encontramos en la misma situación que la mencionada anteriormente, llorar debido a la situación incrementa la posibilidad de influir en la opinión de los oyentes y lo mejor es evitarlo, o en caso de creer

que uno no se capaz de seguir interpretando lo mejor es pedir un descanso para poder controlar las emociones.

Teniendo en cuenta la influencia del español en California, es probable que un intérprete judicial se encuentre con alguien que tenga algún conocimiento del idioma, y esto fue lo que le ocurrió a uno de los participantes, como se puede observar en la respuesta número cinco. El resultado final fue que el intérprete estaba en lo cierto y el abogado se equivocaba, por mucho que se sepa desde el principio que la interpretación que se había realizado era correcta, se debe explicar la ocurrencia para que los demás puedan entenderlo también. Las diferencias culturales son temas complicados, en muchas ocasiones las personas no se dan cuenta de las diferencias culturales tan grandes que puede haber entre dos países. Si se mira la respuesta número seis, se ve como por un desconocimiento cultural entre la cultura americana y la mejicana, un hombre fue encarcelado y se le mantuvo retenido durante un fin de semana entero hasta que pudieron contactar con un intérprete que pudo explicar la situación con tranquilidad para que pudiesen entender las acciones del hombre. Por último, queda destacar la respuesta número siete, que trata un tema recurrente del que se ha hablado en este estudio, la ignorancia de entender realmente en lo que consiste el trabajo de un intérprete judicial. Podemos ver como el juez le informa al intérprete de que simplemente interprete, sin darle importancia al lugar donde se debe colocar un intérprete para poder realizar una buena interpretación, y como el intérprete asiente hasta tener la oportunidad de explicarle como funciona su trabajo e incluso así, seguir sin darle importancia.

Como se puede ver, el trabajo de un intérprete judicial consiste en mucho más que sólo interpretar de una lengua a otra, hay obstáculos ajenos que pueden influir en la interpretación repentinamente, y del intérprete depende saber como controlar sus emociones en cada situación.

Hay que tener en cuenta que el trabajo que realiza un intérprete es confidencial y muchas de las situaciones pueden ser difíciles de soportar emocionalmente. Pero es importante también que puedan desahogarse sin romper esa confidencialidad y mediante el cuestionario que han llenado, se puede observar como han podido expresarse libremente relatando diferentes situaciones en las que se han encontrado durante sus años de experiencia trabajando como intérpretes judiciales sin poner en peligro la confidencialidad que prometen a sus clientes antes de cada interpretación que realizan.

7. Conclusiones

Una vez analizados los resultados del cuestionario dirigido a intérpretes judiciales, se ha podido hacer una comparación entre las respuestas de los intérpretes contrastándolo con la información del marco teórico para demostrar o rechazar las hipótesis. Se plantearon al principio de esta investigación tres hipótesis en relación con los intérpretes judiciales del Estado de California y dos en relación con los jueces y abogados. Primero se evaluarán las tres primeras hipótesis y luego las dos restantes.

La primera hipótesis que trataba de demostrar que los intérpretes judiciales certificados no están más preparados que aquellos intérpretes que habían aprobado el examen oficial, ha sido rechazada, teniendo en cuenta los resultados del cuestionario. La mayoría de los participantes han respondido que aquellos intérpretes certificados, por lo tanto, los que han aprobado el examen oficial, son mejores intérpretes que los que no son certificados. Teniendo en cuenta las respuestas de aquellas personas que no estaban de acuerdo con eso, se ha de

destacar cómo esos tres participantes han coincidido en que hay muchos que se presentan al examen que no consiguen aprobar y no por eso son peores que aquellos intérpretes que son certificados y han aprobar el examen oficial.

Hay que tener en cuenta que el que aprueba el examen oficial ha demostrado su nivel de competencia para interpretar en la Corte de California para aquellas lenguas que está preparado el examen, pero esto no quiere decir que aquellas personas que, en vez de presentarse al examen de certificación preparado para aquellos futuros intérpretes certificados, se presentan al examen para ser intérprete registrado no sean capaces de realizar el trabajo de la misma manera porque el modo de examinación sea diferente. Es importante mencionar cómo no hay exámenes preparados para todas las lenguas, las lenguas minoritarias son excluidas del examen de certificación, por lo tanto, aquellos que quieran ser intérprete en alguna de esas lenguas, ni siquiera tienen la opción de optar a ser un intérprete certificado. En el apartado de los resultados, uno de los participantes responde que es cierto que muchas lenguas no se evalúan, esto hace que uno piense en el por qué de eso. Se entiende que no hay examinadores suficientemente preparados en las lenguas minoritarias para que haya un examen distinto para cada uno, pero la idea de modificar el examen de acceso para ser un intérprete registrado haciendo que se parezca al examen de acceso para los intérpretes certificados sería una buena idea, ya que el examen de acceso para un intérprete registrado excluye una parte importante que es la prueba de interpretación bilingüe para evaluar la competencia lingüística de las dos lenguas.

La segunda hipótesis que trataba de demostrar que la estructura actual del examen oficial para ser un intérprete certificado está bien estructurado y planteado para evaluar correctamente a los futuros intérpretes, ha sido demostrada. En realidad, la recogida de datos sobre esto ha estado muy equitativo, un 53.3 % de los participantes creen que el examen oficial del estado evalúa correctamente a los individuos que se presentan, mientras que un 46.7 % de los participantes han respondido que no creen que evalúe correctamente el nivel de interpretación de cada individuo.

Se ha hablado en profundidad sobre el examen oficial, mencionando cada parte y explicándolo, también teniendo en cuenta que hay partes del examen que necesitan mejora. Una respuesta digna de hacer mención es la que critica que el examen escrito está sólo en inglés, que para poder evaluar correctamente a los intérpretes sería necesario también hacerles una prueba escrita en su segunda lengua como requisito para presentarse al examen oral. Si se hiciera un examen bilingüe, sería más fácil descartar a aquellas personas que no estén preparados para el examen oral y, por lo tanto, descartarles desde un primer momento. Otra crítica hacia el examen es la idea de que es demasiado difícil, que está diseñado para que los participantes suspendan, y que, además, no se parece al trabajo que luego realiza un intérprete en un juicio. Para esto sería necesario crear un sistema que informe a aquellos que quieran realizar el examen sobre qué necesitan estudiar y cómo es mejor prepararse para el examen oficial. Un problema para destacar es cómo el examen oral es grabado para después ser reproducido y evaluado por dos personas que han sido preparados para ello. Resulta incomprensible que se pueda evaluar la interpretación de una persona sin estar presente en el momento de la interpretación y sin poder ver a esa persona en el acto. Es importante también la comunicación no verbal durante una interpretación, ya que un gesto o un movimiento del cuerpo puede hacer que los oyentes entiendan el mensaje de una manera diferente y no intencionada, por lo tanto, sería importante que se replanteara la manera actual de evaluación de la parte oral teniendo en cuenta aspectos que se han pasado por lo alto y que son importantes para tener en cuenta para una interpretación judicial. También es importante mencionar el porcentaje de aprobados entre el año 2000 y el año 2010, que es solamente de media un 12 %

(Administrative Office of the Courts. 2011: 2), y como en el año 2017, el porcentaje bajo incluso más llegando a un 10 % de media de aprobados (Racoma. 2017).

La tercera hipótesis que se planteó cara a esta investigación es que no existen suficientes métodos de enseñanza que prepararen a los futuros intérpretes para el examen oficial, se ha visto rechazada. Existen muchos programas, cursos, grados, y másteres dirigidos hacia los futuros intérpretes judiciales, pero por mucho que existan, el problema de estos es la organización de esos cursos. No hay ningún curso que reúna todos los requisitos necesarios para formar a buenos intérpretes judiciales y que encima los prepare para que aprueben el examen.

En los resultados obtenidos del cuestionario de los intérpretes, se ha visto como muchos intérpretes que se han presentado y aprobado el examen oficial era también gracias a la práctica obtenida interpretando durante años previos, a parte de cursos que hayan podido hacer para su formación. En el apartado donde se habla de la formación del examen se ve como muchos de estos programas se centran en la lengua del español, más bien ignorando las demás lenguas, o en otras ocasiones la creación de programas en inglés con asignaturas básicas y luego grupos más reducidos dependiendo de la segunda lengua que dominen, aunque lo segundo mencionado es menos común. En el marco teórico hemos visto como muchos autores mencionan como la interpretación judicial ha sido ignorada durante mucho tiempo, y que hasta hace relativamente poco no había cursos especializados que se centrasen solo en eso. Por mucho que en estos últimos años se haya empezado a abrir las puertas de la interpretación judicial con más cursos, sigue existiendo la necesidad de tener a profesionales que también tengan experiencia en la enseñanza de la interpretación, como por ejemplo Holly Mikkelson, intérprete, profesora y autora de muchos artículos leídos para el desarrollo de esta investigación, para poder reunir las cualidades necesarias para poder preparar a aquellos individuos que se quieran presentar al examen oficial.

Las últimas dos hipótesis están relacionadas con el segundo cuestionario que fue diseñado para jueces y abogados, ya que estos dos profesionales también tienen un contacto constante con intérpretes cuando tratan con personas no anglohablantes. En general, se quiso ver cuál era la opinión general de estos dos, como era la relación que mantenían con los intérpretes, ver si eran conscientes del trabajo que realiza un intérprete, y también averiguar si entendían cuál era la función general de estos profesionales.

La cuarta hipótesis era demostrar que los jueces y abogados no habían recibido ninguna formación previa para aprender a trabajar con intérpretes, la cuál fue demostrada. Tras ver los resultados del cuestionario sobre esta pregunta, se pudo ver como ninguno de los participantes había recibido formación sobre esto. A través de otras respuestas que se recibieron a lo largo del cuestionario, como la que menciona que hay veces cuando los jueces y abogados le piden tareas a los intérpretes que no les corresponde, se ve con claridad la falta de formación. Sería muy fácil proporcionar cursos para aquellos profesionales que estén en contacto con intérpretes, aunque también es entendible que estos profesionales no dispongan de mucho tiempo y que cuántos más trabajos realicen con intérpretes van aprendiendo como funciona el trabajo de uno, pero el hecho de intentar evitar situaciones incómodas para todos con una simple formación sería una forma más correcta de enfrentarse a esto. En el apartado de los resultados de los jueces y abogados hay un tríptico (figure 17) que explica cómo trabajar con un intérprete, es un folleto sencillo que explica los pasos a seguir cuando uno se encuentra en la situación de trabajar con uno. El problema es que la figura está hecha con la intención de ayudar a personas no anglohablantes que necesiten la ayuda de un intérprete, pero la idea en sí no está mal, aunque

los jueces y abogados necesitan una formación más completa que el uso de un simple tríptico que les explique todo, para aquellos que no quieran o no tengan tiempo para realizar un curso, tener la posibilidad de leer un folleto que explique en detalle como trabaja un intérprete evitaría muchos casos donde los intérpretes están sometidos a propuestas en contra de su código deontológico y principios como intérprete judicial para la Corte de California.

Algo importante a destacar es una de las respuestas recogidas del cuestionario dirigido hacia abogados y jueces que mencionaba como el uso de un intérprete puede hacer que un juicio se alargue demasiado e incluso como el uso de un intérprete puede interrumpir el ritmo natural de un juicio. Tener que usar a un intérprete para que facilite la comunicación entre aquellos de la Corte de California y la persona no anglohablante hace que el proceso sea más largo ya que se debe transmitir la información de una persona a otra y viceversa. Es importante educar a estas personas para que entiendan como funciona el trabajo de un intérprete, intentando que no vean tedioso el tener que trabajar con uno, pero resulta bastante complicado cuando en la página oficial de la Corte de California informa que “el uso de un intérprete de la corte puede ser difícil y pesado” (Intérpretes de la corte: s.f.). Esto se debería modificar, es importante ir educando a las personas sobre el trabajo que realiza un intérprete judicial, pero si desde el primer momento en una página oficial del Estado de California uno se encuentra con una explicación como esta, puede causar cierto reparo en el uso de un intérprete.

La quinta hipótesis sobre la ignorancia de la función principal del intérprete judicial que tienen los jueces y abogados fue rechazada. A lo largo de las respuestas de estos, en general parecen conocer cuál es la función de un intérprete, coincidiendo todos en que están para hacer la comunicación fluya entre los oyentes presentes asegurando que todos entiendan lo que se está diciendo. Sí que es cierto que se ha de mencionar que los intérpretes no están para ayudar a que los jueces y abogados hagan su trabajo como se menciona en varias respuestas, están para darle voz a los que no entienden la lengua en la que se está llevando a cabo su juicio.

Con los ejemplos sacados del cuestionario de los intérpretes, se puede observar que se tienen que adaptar a diversas situaciones, muchas de las cuales no son nada agradables. Estar en la tesitura de tener que dar explicaciones constantes sobre cuál es su función y trabajar con personas que aún así no terminan de entenderlo es complicado. También es importante tener en cuenta que las situaciones en las que se encuentran no los pueden compartir con los demás debido a la confidencialidad de la interpretación y esto, psicológicamente, cansa mucho al intérprete. También hay momentos muy gratificantes que conlleva el trabajo de un intérprete, y por eso se incluyó un apartado de experiencias personales, para que esto también se tuviera en cuenta.

Este estudio trató de demostrar y enseñar lo que es y lo que significa ser un intérprete para la Corte de California, centrándose en el aspecto histórico que ha tenido la profesión durante todos estos años a la vez que se indagaba en el actual trabajo de un intérprete contando con la opinión de diferentes intérpretes que habían trabajado en esto, así como también la opinión de jueces y abogados. Está claro que por desgracia queda aún mucho para que esta profesión se le dé el valor que realmente merece, hace falta modificar el examen oficial para que se pueda contar con intérpretes preparados para hacer un buen trabajo tras realizar un examen que evalúa sus competencias correctamente y demuestre que están preparados para entrar en el mundo profesional de la interpretación. Por otro lado, se necesita educar a los jueces y abogados sobre cómo se trabaja con un intérprete, qué deben esperar y qué no al trabajar con uno. Esto es importante para evitar situaciones incómodas en los cuales se les pide a los

intérpretes que se salgan de su papel, o que se les solicite hacer algo que va en contra del código deontológico.

7.1. Limitaciones del estudio, comentarios y opinión

Hay que hacer hincapié en la falta de datos para poder llevar a cabo un estudio bien fundamentado gracias a una recogida abundante de respuestas de encuestados, en este caso tanto de intérpretes como de jueces y de abogados, acerca de diferentes aspectos de la interpretación judicial en la Corte de California. Así como, también, mencionar aquellos aspectos que, tras haber leído diversos artículos al igual que las contestaciones de los participantes de los dos cuestionarios, se debe seguir mejorando en esta profesión que poco a poco parece que va empezando a cobrar sentido en el mundo de la traducción e interpretación en los servicios públicos. Se ha de destacar como los datos recogidos en la parte de los resultados y expuestos en la conclusión realmente no son los suficientes para contrastar las hipótesis a gran escala, y que hace falta llevar a cabo un estudio en más profundidad con una recolecta de datos más amplia de la que se ha podido ver es esta investigación. También aludir que el cuestionario que fue preparado para los intérpretes consistía en un total de 42 preguntas, y aunque en media hora se podía llenar, a primera vista parece muy extensa, y esto también ha podido influir en la baja recolecta de respuestas recibidas por parte de intérpretes judiciales.

Otra cuestión interesante hubiera sido la investigación acerca de qué lenguas se usan más en la Corte de California, teniendo en cuenta que aquellas lenguas que históricamente han sido más comunes han sido aquellas lenguas que trajeron los que migraron a los Estados Unidos de Europa y Latino América: español, italiano, alemán y polaco; en comparación con aquellas lenguas que son consideradas más exóticas, siendo estas las lenguas provenientes de Asia, África, etc. (Berk-Seligson. 2017: 3).

Algo digno de señalar es la manera en la que se intentó contactar con los intérpretes con la intención de que rellenasen el cuestionario creado. Es cierto que el Estado de California es probablemente el que tiene las ideas más evolucionadas en cuanto a la necesidad de proporcionar a intérpretes cualificados para los no anglohablantes, y que, además, según la ley A.B. 2400, redactado en 1978, específicamente hace referencia a una lista pública con los nombres e información personal de los intérpretes certificados y registrados que el estado debe proporcionar para que se puedan contactar en caso de necesitar a un intérprete pero, la lista, que se usó para esta investigación para mandar un correo a los intérpretes junto con el cuestionario, no está actualizada. Muchos de los que contestaron informaron de que ya no eran intérpretes, otros que habían realizado el examen oficial pero que nunca habían llegado a ejercer como intérpretes por diversas razones, también que muchos eran examinadores del examen oficial de intérpretes, pero no ejercían como intérpretes. Esto es importante mencionar, ya que según establece la ley debe haber una lista real de intérpretes en caso de poder necesitarlos, pero como se ha podido observar esa lista no se mantiene actualizada.

Como se ha definido en el marco teórico y en las conclusiones, el examen oficial parece estar construido para el suspenso y se cree que no está bien planteada para la evaluación de futuros intérpretes. El primer examen que se preparó una vez se decidió que lo justo era que los intérpretes que trabajasen para los juzgados fueran certificados o registrados, fue un examen muy sencillo para que pudieran aprobar aquellos que ya llevaban años interpretando para la Corte de California y que, por lo tanto, tenían mucha experiencia previa. Esto, por un lado, le

dio la oportunidad a todos aquellos que llevaban años trabajando a sacar su título de certificación correspondiente y seguir trabajando como hasta entonces, pero, por otro lado, les dio la oportunidad a personas no cualificadas a presentarse y aprobar. En los 90s, se volvió a reestructurar el examen oficial haciéndolo más complejo, pero aún tenía fallos y no terminaba de evaluar la manera de interpretar de los futuros intérpretes correctamente. Se ha ido retocando el examen, viendo cómo se pensaba que era mejor estructurarlo, pero, aún así, para que sea un examen justo dónde realmente se pueda ver que intérpretes son cualificados y están preparados para trabajar para la Corte de California sería necesario que los siguientes puntos se modifiquesen:

1. El primer fallo que es necesario destacar es como el examen escrito que se realiza para poder ser un intérprete certificado se encuentra solamente en inglés. En la parte escrita se evalúa el nivel de inglés a través de la terminología específica en la Corte de California y también el código deontológico. En el cuestionario, uno de encuestados menciona como no tiene sentido que sólo se evalúe el vocabulario y nivel en inglés, ya que ese mismo vocabulario se usará en ambas lenguas de trabajo. Otro menciona como el vocabulario que se evalúa es arcaico, y en muchos casos ni siquiera se sigue usando en la Corte de California hoy en día. Sería importante que el examen lo modifiquesen para que hubiera una parte en la lengua de origen y otra en la lengua meta, esto evaluaría, desde un primer momento, el nivel de competencia que aquellos participantes tienen en ambas lenguas, como también se vería quienes saben manejar el vocabulario correctamente para poder descartar a aquellos que no. Otra parte a mejorar es la actualización de la parte del vocabulario, asegurándose de que sea el que se usa actualmente en la Corte de California, ya que esto también puede variar. El examen escrito consiste en 135 preguntas de respuesta múltiple, ¿realmente son necesarias 135 preguntas? Haciendo un examen de este estilo, puede que haya alguien que simplemente tenga más suerte que otro y acierte en el 80 % (el porcentaje para pasar a la siguiente fase), reducir esta parte a la mitad e incluir una parte escrita en ambas lenguas de trabajo dónde se pueda ver cómo se defiende el que se presenta al examen oficial es otra forma de mejorar el examen y evaluar correctamente el nivel de competencia en ambas lenguas de trabajo.
2. El segundo fallo es la manera en la que se evalúa la parte oral, que está formada por una traducción a vista de inglés a la lengua meta, una traducción a vista desde la lengua meta al inglés, una interpretación consecutiva de inglés a la lengua meta y viceversa, y, por último, una interpretación simultánea del inglés a la lengua meta. Es un error que estas cuatro partes sean grabadas con una grabadora y luego evaluadas por dos “expertos” que ni siquiera pueden ver como el intérprete ha realizado las interpretaciones. No consiste en una simulación real del trabajo de un intérprete en la Corte, no es posible evaluar a los intérpretes sin ni siquiera verlos mientras realizan su interpretación. Hubo un tiempo en el que se evaluaba a los intérpretes que se presentaban al examen presencialmente, viendo su interpretación, sus movimientos, su expresión facial, etc., ya que estos elementos también determinan y definen lo que es un buen intérprete. Volver a como se evaluaba presencialmente, ayudaría a determinar y elegir a los intérpretes que efectivamente están cualificados para interpretar para el Estado de California.
3. Como se ha visto en el apartado de los dilemas que se presentan en el proceso de examinación, uno de los grandes problemas es el hecho de no tener a personas cualificadas para evaluar correctamente a futuros intérpretes judiciales con el fin de

que todo no anglohablante tenga derecho a un juicio justo. Hace falta más formación en esta área, formación para aquellos que tengan que evaluar los intérpretes que se presenten y que puedan reconocer a quien podría llegar a ser un gran intérprete tras realizar el examen. Sería interesante que intérpretes certificados que siguiesen ejerciendo fuesen aquellos que evalúasen a sus futuros compañeros de trabajo, recibiendo la formación necesaria para ello.

4. La necesidad de tener a intérpretes competentes para aquellas lenguas de menor difusión (LLD) es crucial, el problema que surge es, ¿cómo conseguimos a evaluadores competentes en esas lenguas?, y, ¿cómo preparamos a aquellos intérpretes de estas lenguas para ser intérpretes competentes? Por otro lado, es relevante hablar de como separan a los intérpretes que trabajan en la Corte de California en dos grupos: intérpretes certificados e intérpretes registrados. En este caso la examinación que se lleva a cabo para aquellos intérpretes registrados es diferente que los que realizan los intérpretes certificados. La gran diferencia que se presenta entre estas dos clases de intérpretes es la combinación lingüística y el proceso de examinación al que se somete cada grupo. Se entiende que las quince lenguas en las cuales es posible examinarse (véase tabla 3), son las más comunes en el Estado de California, y que los idiomas que no entran dentro de este grupo son lenguas minoritarias. Pero ¿por qué se ha decidido evaluar a un grupo de lenguas de una manera y a otro grupo de otra? Lo justo sería que todas las lenguas se evalúasen de igual manera, lo cuál puede resultar prácticamente imposible debido a la falta de profesionales cualificados para la enseñanza de estas lenguas minoritarias, así como la falta de cursos especializados como se ha mencionado antes. Si se vuelve a mirar el apartado donde se habla del proceso del examen y se observa la tabla 4, se puede ver en que consisten las dos pruebas y las diferentes partes que hay que realizar para cada tipo de intérprete. Lo que es importante destacar es como no existe la opción de que los futuros intérpretes registrados realicen el examen oral como los certificados, por lo tanto, no se ha evaluado su manera de interpretar antes de ser intérprete, lo cuál no tiene ninguna lógica. La respuesta es sencilla, aunque luego llevarlo a la práctica sea más complicado. Por un lado, hace falta la creación de cursos de grupos pequeños que se centren en estas lenguas minoritarias y en la enseñanza específica de no solo la lengua en sí, si no también en aquellas diferencias culturales que los pueden diferenciar más aún de otras lenguas. Por otro lado, el examen para aquellas lenguas minoritarias necesita modificarse para que su creación sea justa para todas las lenguas, en este caso, el examen que se realiza para ser intérprete registrado, necesita sin duda alguna incluir una parte donde se pueda evaluar la competencia de la interpretación de cada individuo, no basta con evaluar si habla correctamente el inglés y en la lengua no anglohablante, ya que se ha visto que en una interpretación influyen muchos más factores aparte de saber los dos idiomas.
5. Antes de que un intérprete se presente al examen oficial, hace falta una preparación previa. Se ha podido ver como la existencia de cursos que se centran en la combinación lingüística de inglés-español son comunes, el problema es la existencia de cursos que se centren en otras combinaciones lingüísticas igual de importantes. Cierto es que en el Estado de California la lengua extranjera predominante siempre ha sido el español, pero hay más lenguas aparte de esta y por desgracia en los cursos que se centran en la interpretación en los servicios públicos suelen también estar centrados en la combinación de inglés-español. Hay que tener en cuenta que hay

diferentes factores que implican una mejora en este ámbito, como la falta de reconocimiento para la necesidad de programas o una mejora en la calidad y efectividad en aquellos cursos ya existentes. La creación de cursos que se centren en las diferentes partes de la interpretación judicial, en la preparación hacia el examen oficial y que, además, que exista la posibilidad de que se puedan cursar en diferentes combinaciones lingüísticas sería una mejora para este ámbito en los servicios públicos.

La dificultad del examen sugiere que buscan a intérpretes ya formados y con experiencia, y es necesario cambiar esa mentalidad para crear un examen justo teniendo en cuenta lo mencionado anteriormente, y, a la vez, intentar reducir el porcentaje alto de suspensos que existe actualmente. La creación de cursos, grados y másteres que reúnan los requisitos necesarios para preparar a los futuros intérpretes es una necesidad, sin perder la importancia de contar con profesores con experiencia como intérpretes judiciales profesionales para que puedan impartir las clases. Habría que buscar la manera de encontrar a intérpretes con experiencia y que, además, estuvieran interesados en formar a otros futuros intérpretes. Pero claro, esto no es una labor fácil, sino todo lo contrario y haría falta realizar un estudio en profundidad para poder ver que posibles opciones son las mejores para poder llevar esto a cabo e intentar también que aquellas lenguas minoritarias tengan más importancia de la que se les da actualmente en el Estado de California.

Algo de lo que se ha hablado en este trabajo de investigación es el papel que desempeñan los jueces y abogados en la vida diaria de un intérprete judicial. Un intérprete judicial de la Corte de California está en contacto constante con estos dos profesionales, y como se ha podido ver a través de los cuestionarios repartidos entre los intérpretes como también de los jueces y abogados, que hay veces que a través tanto de su comportamiento como de su conocimiento acerca del trabajo que realiza un intérprete judicial se puede observar la falta de experiencia que tienen trabajando con los intérpretes. Por eso, es relevante destacar lo siguiente: se ha podido observar a través del cuestionario que llenaron los intérpretes el nulo conocimiento que pueden llegar a tener a veces los jueces y abogados hacia el papel que desempeña un intérprete judicial en la Corte de California.

Por desgracia, y esto no es nada nuevo, el personal de la Corte sigue viendo al intérprete judicial como una máquina que convierte la lengua extranjera en la lengua materna, el inglés, de ellos, y como luego convierte el inglés a la lengua materna del testigo o acusado, pero se les pasa por alto en muchas ocasiones que una máquina no es perfecta y que los intérpretes son personas que también se equivocan, puede ocurrir que transmitan un discurso perfecto, aunque también existe la posibilidad de que su discurso se aleje de lo que se haya dicho (Berk-Seligson. 2017: 2). Otro problema que plantear es la contradicción de como el propio intérprete se define en comparación con como le ven los demás, esto puede complicar el proceso judicial, ya que pueden pedirle al intérprete que haga alguna acción que no le corresponda. La mejor opción para que estas situaciones se eviten, sería la creación de cursos especializados obligatorios para los profesionales que tienen la obligación de trabajar con intérpretes y, por lo tanto, dónde puedan aprender la función real de un intérprete, y saber y conocer los límites de estos mismos. Aunque esto no es una tarea fácil, ya que sería exigirles a estos profesionales que realicen cursos obligatorios cuando a lo mejor no tienen tiempo para ello, pero es algo esencial, ya que se ha podido observar como en muchas ocasiones el personal de la Corte de California ha podido complicar más el trabajo de un intérprete por pura ignorancia a como se trabaja con uno, alargando el todo el proceso más de lo debido.

Como se ha podido ver a lo largo de todo este trabajo de investigación, el tema de la interpretación judicial en el Estado de California abarca a su vez subtemas que también son igual de importantes para entender en qué consiste esta profesión realmente. Se ha intentado demostrar la importancia de esta profesión, su complejidad y la necesidad de formación específica y concreta para poder contar con intérpretes cualificados y preparados. Se ha visto como puede que no sea la mejor manera el dividir a los intérpretes que trabajan para la Corte de California en dos grupos, sino que la unificación de los intérpretes certificados y registrados con la igualdad de condiciones y preparación necesaria para alcanzar a ser intérprete sería la mejor opción. Esto también evitaría lo que se ha visto en los resultados del cuestionario de los intérpretes, dónde la mayoría ha respondido que creen que un intérprete certificado es mejor que uno que no sea certificado. Se ha intentado mostrar la necesidad de la creación de un examen justo que evalúe las competencias reales de un futuro intérprete, a través del análisis de diferentes estudios y artículos leídos, como también a través de las respuestas recibidas de los cuestionarios entregados a los intérpretes.

Lo más importante a tener en cuenta es que lo que se ha mencionado en este último apartado se basan en críticas constructivas que se han ido desarrollando tras la lectura extensa de artículos en relación con esta temática y las respuestas obtenidas de los distintos cuestionarios repartidos entre intérpretes, jueces y abogados, y que para ver si las ideas propuestas son válidas se necesitaría que se estudiasen en profundidad a través de un estudio más extenso con una recolecta masiva de respuestas para demostrar que realmente las propuestas expuestas mejorarían el sistema existente actual de acceso para llegar a ser un intérprete certificado o registrado para la Corte de California. También que, la formación que se recomienda implantar para los jueces y abogados y, de hecho, para todo miembro que forme parte de la Corte de California y que trabaje con intérpretes.

8. Abbreviations

KSAs: knowledge, skills and abilities

OTS: other than Spanish

OPE: English Oral Proficiency Exam

ACTFL: American Council on the Teaching of Foreign

LEP: limited English proficiency

NNS: non-native speaker

AIIC: International Association of Conference Interpreters

RI: Remote interpreting

RID: Registry of Interpreters for the Deaf

FL: Foreign language

PSI: Public Service Interpreting

ASL: American sign language

DOJ: Department of Justice

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10. Anexo 1: Cuestionario de los Intérpretes – Respuestas

| Preguntas | Respuestas | | | | | | | |
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| Gender | Male | Female | Male | Female | Female | Male | Male | Female |
| | Male | Female | Female | Female | Female | Female | Female | |
| Age | 50 | 68 | 63 | 54 | 55 | 61 | 38 | 66 |
| | 61 | 42 | 76 | 74 | 45 | 67 | 62 | |
| Is English your mother tongue? | no | yes | no | yes | yes | yes | no | no |
| | no | yes | no | no | no | yes | no | |
| What languages do you speak? | English | Spanish | English, Spanish, French, Italian | English | Portuguese | Portuguese, Tetum | Nepali | Spanish |
| | Spanish | Spanish | English, Spanish, Russian, Polish | Spanish, English | Spanish | Spanish | Spanish | |
| Do you also interpret in all of those languages? | Yes | No | Yes | Yes | No | No | Yes | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |

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| How long have you worked as an interpreter ? | 10 - 20 years | More than 30 years | More than 30 years | More than 30 years | 10 - 20 years | More than 30 years | 0 - 5 years | 10 - 20 years |
| | More than 30 years | 10 - 20 years | More than 30 years | More than 30 years | 10 - 20 years | More than 30 years | 10 - 20 years | |
| Have you taken classes/workshops to expand your education and skills to help as an interpreter ? | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Most professions require a college degree. Is there an equivalent course of study at university level? Translating degree? | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes |
| | Yes | No | Yes | Yes | No | Yes | Yes | |

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| Where have you gained the experience necessary to perform the job as an interpreter ? | Workshops, court. | Community, school, working at international conferences, doing translations | Working for international organisations and the court system | court | MA, BA in Spanish, Certificate in Court Interpreting | First, experiencing, because there were no courses. For years as a missionary, I would interpret videos and services in English for the Portuguese congregation and sight-translate Christian | Courts and hospitals | University studies and on the job training/experience |
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| | After having taken several courses in a handful of institutions ranging from private classes to the UCLA extension course, I signed up to take the Court interpreter Program offered by Southern California School of Interpretation. Once I completed their course line up, I | Interpreting courses, continuing education workshops, self study, mentoring | at work | Self- study; workshops; conferences. | Working in the field and trainings | I graduated from a master's program in translation and interpreting, but no one had heard of court interpreting at the time. After graduating the majority of the work I did was in legal proceedings, so I | While practicing at school and at work | |
| Did you take the California state exam? | Yes | Yes | Yes | Yes | Yes | No | No | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Did you pass the state exam? | No | Yes | Yes | Yes | Yes | No | No | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |

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| How did you prepare for the state exam? | Online courses. | Certificate program at UCLA and independent study | I went to the Instituto Superior de Interpretes y Traductores in CdMx and UCLA | courses, self taught and University | Court Interpreter Training Program and LOTS of outside practice! | I work as an 'ad-hoc' court interpreter in California. | NA | Studying legal vocabulary and forms; practicing |
| | I already answered that, but I can add that until I dedicated all of my free time to practicing the materials offered by SCSI, I was still failing one of the components of the exam or the other. The candidate cannot pass that test unless he/she can demonstrate almost perfect | Interpreting courses, self study courses, mentoring | I was already an interpreter for several years. | Self-study | Studied in groups, and alone about 1 hour per day, had a colleague checking my interpretations. Also I took a workshops focusing on passing the exam | I took the very first exam that was given in California, and I passed it the first time. It was a poorly designed exam, though, so not a lot of preparation was necessary. By the time I took it I had been working as an | Earned a Certificate in Legal Court Interpreting at San Francisco State University. Took many courses at the Monterey Institute of Int'l Studies (now Middlebury) and purchased and used as many materials available | |

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| Are there interpreting schools/classes that prepare you for the state exam? | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Do you think the exam is more difficult now than it was before? | No | Yes | No | No | No | Yes | No | No |
| | Yes | No | No | No | Yes | Yes | No | |
| Do you think that the state exam actually evaluates your interpreting level? | No | Yes | No | Yes | Yes | No | No | Yes |
| | No | No | Yes | Yes | No | Yes | Yes | |
| What would you change in the exam? | On sight interpreters evaluating your skills. | Improve the training of the proctors | Include an exam in the other language, besides the English test. | don't know | Re-establish the written requirement in both English and target language. | An exam is a snapshot of one's abilities at a given moment in time. | NA | Not sure because I took the exam in 1980 and I'm not aware of changes that have been made to it since then. |

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| | I would revamp the entire exam by making it difficult but feasible. Something that would truly test the candidate in the areas that he/she will actually face in Court interpreting but I would be fair at the grading it. And I would create a system by which people are guided about what | Once again include a bilingual written exam rather than simply an English written exam as a prerequisite for taking the oral exam. Include an additional simultaneous portion that is solely for the | I don't know the most recent exams | Some good interpreters are bad test takers. Perhaps use an alternative evaluation tool. | I think the exam is designed to make people fail. I know colleagues that had to take it up to 3 times or more to pass. I believe they need to poll professional interpreters to get a real assessment of what is | The exam is more difficult than it was when I took it in 1978, but that's not saying much. It got much more difficult in the 1990s, and then it got somewhat easier in the last 10-15 years because the exam compone | | |
| Do you consider that anyone can be an interpreter ? | No | No | No | No | No | No | No | No |
| | No | No | No | No | No | No | No | |

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| Why or why not? | It's a very difficult skill to master. | Bilinguals cannot do the job properly without a combination of training and experience. | You require a special ability and personality to act and react quickly to linguistic challenges. | Natural aptitude, excellent memory is required | Modes of interpreting are very difficult skills to acquire and require a lot of practice. It is also necessary to have a native-level fluency in both languages. Not everyone has the discipline or background to be | Anyone who can speak multiple languages well should be able to interpret at a certain level. It takes specific innate skills to interpret at a higher level and I do not believe anyone can learn them. Like NA for the language | Interpreting is a profession; it is not simply an activity that a bilingual person can automatically do accurately or well. |
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| | being bilingual is not enough. You need to be trained in the techniques, the terminology and the environment you will be interpreting. Otherwise you will make a fool out of yourself. | Not everyone has the ability to multitask and maneuver between two languages at the speed required for simultaneous or consecutive interpretation | I organized the faculty and taught Judicial Interpreting at San Francisco State, I had students who could do it instantly, others with some practice, and some who could never learn. I | Interpreting is a skill honed by studying and practice. Just speaking two languages won't cut it. | Not everyone that is bilingual knows what's involved in being a professional Interpreter. There are people out there who are Interpreting without any idea of standards of conduct or protocol. | Being an interpreter of any sort requires a lot of training and enhanced language proficiency, and being a court interpreter requires knowledge of legal proceedings and terminology, as well as the code of ethics. | It is best to be a native speaker and to get formal instruction in interpreting. Also, having a university degree is important. | |
| Do you have to be certified to interpret in the courts in California? | No | Yes | Yes | Yes | Yes | No | No | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Do you think that interpreters that are certified are better than those who aren't? | No | Yes | No | Yes | Yes | Yes | Yes | No |
| | Yes | Yes | Yes | Yes | No | Yes | Yes | |

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| What would you say the main difference is between a certified interpreter and one who is not certified? | Certified interpreters get paid more. | If you are not certified you have never proven your capacity | It depends on the individual, but basically it's the certification | knowledge of protocol | Accuracy . | They have studied the local legal system and terminology. | Certified is more professional and efficient. There may be excellent interpreters who simply haven't taken the exam or cannot pass it |
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| | <p>Those that are certified have demonstrated their ability to do what we are supposed to do. A non certified interpreter, despite experience, has no leg to stand if there is a dispute as to the accuracy of his/her interpretation.</p> | <p>"One who is certified has made it a priority to comply with professional standards and will have the obligation to comply with continuing education. Interpreters who are not certified</p> | <p>the non-certified often can not simultaneously listen to new speech while speaking the last sentence heard</p> | <p>Passing the test. Some very good interpreters cannot pass the state test.</p> | <p>Persistence and discipline to study every day and linguistic knowledge.</p> | <p>Because there are problems with exam administration, sometimes people who fail are not actually bad interpreters. In general, certified interpreters are better than non-certified interpreters, but there are exceptions.</p> | <p>We have worked very hard to prepare and pass the certification exam. After that, we must continue earning professional education units and work a minimum of hours every two years to maintain our</p> |

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| What is your worst experience while interpreting? And your best? | Not remembering words. Best: Doing a good job. | Working where it is hard to hear / working with good information to prepare | Worst: Interpreting for a child torturer and murderer. Best: Interpreting for the Olympic Committee | Can't remember.... | "Worst: Having a ""bilingual"" attorney try to correct my interpretation while I was on the witness stand. (She was not correct.) In this particular case the court also instructed me to interpret for the | I once interpreted with a hangover with an inexperienced partner. I used to interpret for a prime minister regularly and I was sometimes so in-tune with him as he pleaded his country's case in international fora that I | Best Experience is when I helped in Alcohol Anonymous program. as it was very interactive and spiritual to interpret. The worst experience when an attorney just picks up a random word(and | "The worst was working under the pressure of interpreting for witnesses in a high profile murder case. Being ""at the stand"" was always stressful and sometimes exhausting. One had to be |
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| | The worst: Having been ask to be replaced because of someone complaining about accuracy in a conference being attended by public from all over the world. The best: Too many to choose from. I would say every time I finish an assignment and someone comes to | Worst experience was interpreting in a criminal case where a father had repeatedly raped and impregnated his own daughter. The subject matter was horrible and not something you can forget. | worst: judges who demanded I interpret Tagalog or other language s I don't know. Best: a very long depositio n of an elderly lady who started in Spanish, as time went by interspers ed German and finally | Being called to interpret for multiple defendant s at a cockfight ing event! I had little to no knowled ge of cockfight ing terminolo gy. As far as the best, I would say I had so many good days interpreti | "Worst: Interpreti ng in the ICU for the parents of a child who had committe d suicide. Best: interpreti ng for a child with leaning disabilitie s and taking about an individua lized education al plan that helps the child | The worst is when I have to interpret for speakers who mumble, are incoheren t, or speak very softly or very quickly. The best is when I get attorneys who ask clear, straightfo ward questions | Professio nals, e.g., attorneys with big egos and without interpers onal skills. Assisting at a renown universit y hospital and work as an interpreti ng assisting their patients and care teams. | |
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| <p>What do you do when a specific translation for a word comes up and you don't know how to interpret it at that moment?</p> | <p>I pause, and ask for a moment to look it up.</p> | <p>Inquire</p> | <p>Ask permission to look it up or consult with a colleague if I'm team interpreting.</p> | <p>I state the fact that I cannot think of the term</p> | <p>I'm not sure I understand the question, but if a word comes up that I don't know, I look it up quickly in an electronic dictionary that I always keep with me. If it is simul and not a critical word, I will use a more</p> | <p>I usually understand the context so would paraphrase. Sometimes, if it is technical jargon at a technical event where the audience knows the terminology, I say it in the source language.</p> | <p>Google</p> | <p>I interrupt the proceedings by saying something like "Your honor, the interpreter does not understand the term _____. May she ask for clarification from the defendant?"</p> |
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| | <p>It totally depends of the setting. I will first ask permission to clarify a term being used by the person and you can ask for clarification right there and then provide a clear interpretation of either the question or the answer you were interpreting. If you have access to the internet, you</p> | <p>Use a synonym or use a work around to not lose momentum and make sure the message still gets across in its entirety.</p> | <p>If possible I ask permission to find the translation, if not, I use a phrase to explain the word.</p> | <p>I try to explain the concept and hope the word will come to me. If it doesn't, I ask for a moment to look it up.</p> | <p>I look it up, sometimes I explain it in my own words. If there's no time to look it up. Mainly I look up the word.</p> | <p>I stop the proceedings and let the presiding officer know that a term is unknown, ambiguous, or not at the tip of my tongue. Then the party that used the term can be asked to give a synonym or definition, or I can</p> | <p>I may look for an alternative or apologize and research it.</p> | |
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| What is the most difficult part of being an interpreter ? | Getting paid in a timely fashion | Making sure you don't laugh at something that strikes you as funny | Educating people about our profession | can't say, I love my work | 1. Precision 2. Working alongside a colleague who is hypercritical. | Maintaining calm and focus. | Being emotionally detached afterward | When interpreting simultaneously, the most difficult part is keeping up, retaining information and providing consistently accurate interpretation even when the brain feels overwhelmed! |
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| | <p>Admitting an assignment was too much for you to interpret. It is very seldom that we get the entire information regarding an assignment. Many times I am the only warm body they could find to cover that assignment. You get there and realize you have no knowledge</p> | <p>It is difficult when people interrupt, or assume the communication issues are due to interpretation rather than a poorly formulated question or a lack of cultural awareness. It is also</p> | <p>The mental strain of having your brain multitasking at such speed gets tiring after a few hours. That can be remedied either by having several breaks, or better yet, two interpreters taking</p> | <p>You are expected to have at your fingertips a very wide ranging vocabulary. Most good interpreters do.</p> | <p>The human element can be very difficult. Being an interpreter puts you in some very emotionally draining situations sometimes.</p> | <p>Remaining neutral when I dislike one of the parties (mostly attorneys!).</p> | <p>Lack of knowledge of the people one assists of the profession.</p> | |
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| <p>Being a court interpreter, you sometimes have to deal with complicated situations, and you are not always on the “good side”, how do you deal with those situations? (you are not an advocate).</p> | <p>Ignore everyone and stick to your job.</p> | <p>That needs to be handled by the lawyers and the judge.</p> | <p>I was able to remain a neutral party during my last 30 years in court.</p> | <p>I always try to be detached from the situation</p> | <p>I focus on the language and stay true to the interpretation. It is not my job to decide who is right or wrong, good or bad, that is the job of judge or jury. It is my job to provide an accurate interpretation so</p> | <p>I have very strong personal political, religious and other beliefs. When I am in the booth, I leave those behind and focus on being as accurate as possible.</p> | <p>I take it professionally and convene the exact meaning, without caring favorable or unfavorable.</p> | <p>You have to think of yourself simply as a facilitator of communication, staying as neutral and "invisible" as possible; avoiding eye contact with the interlocutors is a good idea so they look at each</p> |
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| | You are NEVER an advocate. You are a neutral party and you have to keep that clear for all the people involved. | Remember what your role is, first and foremost and detach emotionally from the proceedings or the parties involved. Understanding you are there to ensure the process can take place and you are not there | I try to keep my cool. We are sworn to remain impartial as employees of the courts. | Keep a professional distance. You are not there to pass judgement. | I try to remain impartial and remember my role is being a tool for communication. I'm not there because they want my opinion and it's not appropriate to give it at the time of interpretation, it'd be unprofessional. | For the most part I strictly interpret. I may intervene when there is a misunderstanding that the parties don't seem to be aware of, but the relationship is basically between them, so if they're angry or unhappy, so be it. | One is able to gain more confidence throughout the years of practice. | |
| Do you always follow the Professional Standards and Ethics of California Court Interpreters? | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |

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| Have you ever not followed them? Why not? | No. | I always follow them | No. I have always followed it. I was one of the first two instructors who taught the Code of Ethics throughout the State when it became mandatory. | I have always followed them | I have been court ordered not to follow them before, for example I was once ordered not to provide an interpretation of the answers if the bilingual defense attorney said the answer was non- | I believe standards are good and must be followed. | Not participated | I can't remember purposefully not following them. |
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| | They do not apply to Medical interpreting. We have another set of Standards of Conduct to follow there. It makes our life quite a bit more complicated to have to know them both and know when to follow one and then the other. It would be nice to have some sort of hybrid between | The only time I have not followed ethics would be in changing register. While interpreting for children, I have reverted to interpreting 3rd person rather than 1st person - which I don't think really is | Yes. Once I refused to work because the attorneys from a company who had contracted me in a labor case asked me to sit in the waiting room with the workers and tell the company what I heard. I | No, I believe I have followed the standards and ethics. | No. I've always followed them. | I don't think the Professional Standards and Ethics of California Court Interpreters provide adequate guidance for intervening when misunderstandings occur. They are based on adversarial proceedings, and | Not that I remember. | |
| The California judicial system entitles anyone who does not understand English to an interpreter. Is this actually the case? | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes |
| | Yes | No | No | No | Yes | Yes | Yes | |

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| Is sight translation common while interpreting in court? | No | Yes | No | Yes | No | Yes | Yes | Yes |
| | Yes | Yes | Yes | No | Yes | Yes | Yes | |
| Do you have the ability to adjust to speakers with diverse accents speaking rapidly at times? | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Is it important to be impartial? Why? | It is crucial in interpretation | I am not a judge, attorney, or juror. I am just providing them with the linguistic information they need to do their job. | Yes. We're officers of the court and can be called to interpret for either side. If we keep our emotions and bias out of our interpretation, we render more faithfully the speakers words. | You only enable communication, period. | Extremely important in order to bring out the true facts of the case and to win the trust of all of those who are relying on you for an accurate interpretation. (You may have your own opinions but you must | There are nuances even in synonyms that denote ethical values. Everyone has biases. We must recognize and guard against letting them affect our interpretation. Words matter, especially in court. One | Yes. For an accurate and complete conveyance of meaning :) | It's very important to remain impartial because the interpreter's role is only to facilitate communication and comprehension of certain proceedings. |

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| | <p>It is vital. You can give the appearance of not being impartial and it could impact your career as the other side will see you as part of the other side's team. It could lead to not only losing work opportunities but even to allegations that you were a reason to appeal the result of the case. it can</p> | <p>We are there to provide access to the court system, not to specifically help non-English speaking people. We can't get caught up in whether a person is guilty or innocent but must focus on the language spoken</p> | <p>Otherwise, you make a mockery of the whole judicial system.</p> | <p>Absolutely. You take an oath; you are not there to advocate for one side or the other.</p> | <p>Because again my main role is to be a tool to facilitate communication not to give my opinion</p> | <p>The interpreter serves all the parties, not just limited-English-speakers. Any display of partiality leads to a lack of trust in the interpretation, even when it's accurate.</p> | <p>It is in the code of ethics that one must follow at all times.</p> | |
| Are you comfortable with interpreting vulgarity, profanity and unpleasant information in court? | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |

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| If not, why? | I don't mind it | It really doesn't come up that often. When it does, it is necessary information for all parties to evaluate | We have to. If you can't, you shouldn't be interpreting for the courts. | Mute point, I am comfortable | I love it! This creates an extra challenge for me and is kind of fun to see the reactions on people's faces when the | The interpreter is not responsible for what is being said. Just to transmit it. | NA | Everything must be interpreted. |
| | it doesn't bother me because I am not the one saying it. I am just the conduct for those who are present to understand what is being said. | It is only difficult if the term is unfamiliar | | However, no matter how hard I tried my "obscenity" vocabulary was sadly lacking. People can be incredibly creative | Sometimes it can be very hard to interpret in cases where there has been abuse. | | | |

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| How do you think having an interpreter affects the jury's view of the person being interrogated? | Probably not everyone is happy | Juries do tend to be prejudiced against non-English speakers, but a good interpreter can help overcome that to a large extent. | It depends on the composition of the jury and the charges. | Can't tell | Unknown. The jurors can observe the witness' demeanor and body language while they are speaking. I think it is mostly similar to someone who testifies in English, as long as the interpreter is true to the | The interpreter can affect the jury even with the tone with which s/he speaks, as well as the words. | Jury will better understand the non English speaker in a clear and accurate ways. | Someone on the jury may have a prejudice against a person who has not learned English, believing that it is everyone's obligation to learn the "official language" of this country. |
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| | <p>if the interpreter is not precise in his performance it could change completely the perception of the person you are interpreting for.</p> | <p>It depends on the juror specifically and it depends on the ability of the interpreter. An interpreter's behavior could prejudice a juror against a witness. In a perfect world, the interpreter would</p> | <p>Unfortunately, it does affect the Jury's view. Many jurors are unable to separate the visual impression given by the interpreter (who could be a sweet old lady with white hair or a young man dressed</p> | <p>I think it generally softens the image of the defendant. The interpreter becomes a buffer between the jury and the person questioned. This is an interesting situation.</p> | Favorably | <p>In California it's so common that jurors may not even think about it. I'm sure there are some who think all immigrants should speak English and taxpayer money shouldn't be wasted on</p> <p>I would not know.</p> |

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| <p>(If your working languages are English-Spanish)</p> <p>Working in California you must deal with "Spanglish". What do you do when you do not understand one of those words? (give examples)</p> | <p>I will ask the defendant what it means</p> | <p>If you don't understand, inquire. Sometimes the judge or attorney actually hears the English word that was Spanglishized better than you do and tells you what it is.</p> | <p>I repeat the mispronounced word (the attorneys and officer generally know what they're talking about) to get the other party to ask the person what they mean, I ask them to repeat whatever is mispronounced</p> | <p>Seek clarification</p> | <p>I ask the person what they mean by a given term. Usually I can understand "spanglish" because I live here. One example would be, "Yo estaba kikeándolo en el parque con mis cuates." = I was kickin' it</p> | <p>I interpret from Spanish into English as a 'C' language for conference interpreting. I do not interpret SP<>EN in court. It's a problem. I've run into Portingles in worker compensation deposits. I had</p> | <p>Without hesitation, I would ask humbly the to explain.</p> <p>I ask for clarification. Two Spanglish terms I learned: "sispa" and "tuelpa" which were used for "six-pack" and "twelve-pack."</p> |
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| | You ask for clarification. I had a guy who was asked the title of the job he held. He said : "Yo soy florero." I said: "I'm a florist" and we continued with the questioning for about 15 minutes and nothing that was being exchanged between the questioning attorney and this man made any | Experience helps us to understand Spanglish. When in doubt, asking the court for permission to inquire of a witness, or having a colleague (team interpreting) who can provide assistance can | I have to ask the court for permission to check with the witness to explain. For example once a witness kept on saying "me salí por la Madonna" and after a short conversation I learned that what was | I have been tripped up by Spanglish. One of my favorites is "fure". The client claimed to have fallen in a "fure". Took a while to arrive at "furrow". Another is "no vine porque estaba en uofule". "Uofule" turned | | Whenever I hear an unknown term, after long experience, I consider the possibility that it may be an English term that's being pronounced with a Spanish accent. One time I heard a farmworker talk | I ask for clarification. Sometimes in the Worker's Compensation system, workers learn terms on the job, which are English originally, but due to the Spanish pronunciation, makes it very difficult to identify. | |
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| <p>Could you give me examples from past experiences where you demonstrated the ability to concentrate while interpreting for extended periods? (how much can you retain, what is a reasonable time)</p> | <p>30 min is reasonable</p> | <p>Interpreting for a UN event with just one interpreter per language. It was not easy.</p> | <p>I can't really answer this question because I rarely went past half an hour. I always ask the judge or attorneys for breaks alleging interpreter's fatigue.</p> | <p>Jury trials</p> | <p>Once I was in a trial and my partner took a break and didn't come back. I was interpreting simultaneously for extended periods.</p> | <p>I have never had trouble simultaneous interpreting for extended periods. Up to 1 week alone.</p> | <p>Productivity decreases over time. It takes a toll on my health as well.</p> | <p>Not interested</p> | <p>A few times I interpreted for over 3 hours without a break, but never "at the stand." The reason there is a need for breaks every 20-30 minutes is because the ability to retain and concentrate lessens</p> |
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| | <p>"It seems to me you are talking about consecutive technique. When you have to retain in your short term memory what some one is relating, you must vividly visualize what you are hearing as you take notes to help you keep track of the details. if you are doing this</p> | <p>Interpreting for school board meetings where individuals are given 3 minutes to address the board has helped me to increase my confidence and ability to interpret increasingly longer segments</p> | <p>If it is a common, usual case, I can last 3 to 4 hours. If it is an unusual, complicated case, maybe 2 to 3 hours. For peak performance I would suggest 2 interpreters taking turns, for anything longer.</p> | <p>I have interpreted entire trials on my own. The court often forgets to give the interpreter a break. If interpreting consecutively on the stand, I tell the client I will signal him with my hand when I need him to pause</p> | <p>I have interpreted for over 2 hours and it was mentally draining. It's not recommended to do so for accuracy's sake. Reasonable time is 45 minutes to an hour.</p> | <p>When I first started out we interpreted alone all day long. I knew the standard for conference interpreting called for teams to relieve each other every 30 minutes, but it wasn't possible to expect that in</p> | <p>After an hour, it is always best to take a short break. When working on simultaneous, it is best to do team interpreting with another colleague .</p> | |
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| Please share an experience you had in dealing with a difficult person and how you handled the situation. | I have never had difficult people, just difficult attorneys | A client kept asking for advice from me directly. I simply interpreted his words to the lawyer. | Other interpreters making mistakes on the stand: I talked to them during a break to suggest they correct their misinterpretation, even though some of them got offended. Attorneys who spoke very | Defendant didn't want to use headsets, I went to the Judge. | I was interpreting for a Spanish woman who was detained last week and she started screaming at the judge in Spanish. I interpreted everything she was saying very loud in English. When they took | I am known for getting along with difficult colleagues. I ignore their provocations. | Not interested | One difficult person was a judge who was unfortunately very ignorant. For example, he called me one time to interpret for a defendant who turned out to be a speaker of Portuguese, not Spanish. The |
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| | <p>When you are the interpreter, you are a member of the support cast. Most attorneys and Doctors feel they are the star of the show and they love to be the center of attraction. The interpreter should never call attention to his or herself. In a rather complicated case where</p> | <p>There was a high pressure situation interpreting for a defendant who was testifying on the witness stand. He was accused of several murders in connection with a drug trafficking case. He was very animated</p> | <p>I had witnesses that instead of talking just burst into tears and I couldn't understand a word. Usually the judge would notice and ask for a break, or I would ask the court for a break.</p> | <p>The attorneys were the most difficult. I had to step between a very rude attorney and his client to keep the client from punching him. The defendant, as a general rule, were at their best behavior in court.</p> | <p>People sometimes take things personally. My role was to remind the person I'm there to help them. This reminder created more harmony in the difficult person.</p> | <p>I'm usually pretty stoic, so even if I'm seething inside I don't show any emotions. Recently a bilingual attorney interrupted every single question and every single answer with objections, either to the</p> | <p>Perhaps, at the beginning of my career I did not have the confidence to speak up that I have now. Depending on the situation, I am not afraid to speak up respectfully and professionally whenever this is necessary</p> | |
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| Provide an example when your ethics were tested. | I can't think of one | I was asked to interpret on a case that my husband was covering as a journalist . I declined to interpret on that case. | New attorneys trying to convince their clients who had acknowledge their guilt to go to trial for a misdeame anour because the attorneys wanted to practice their trial skills. | Never | The same woman I was just referring to above asked me to call a friend for her in order to ask him to post bail for her. I told her I couldn't do so. It was difficult because she was a single mother with a child but I can't | I had a good client that gave me lots of legal translation work. The end client insisted I translate Chapter 7 as Chapter 11 bankruptcy terminology because that would benefit that end user. I | Not interested | Well, I think I remained ethical in the majority of cases, but at times, especially in family court, my ability to remain neutral was tested for sure. Actually, I felt anger and blamed the accused party sometime |
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| There was a time when I was interpreting for a Mexican witness being represented by a Cuban attorney. The witness used to work as a busboy in a restaurant. I used the term "garrotero" which is the Mexican regionalism for busboy. The attorney objected and said I was | n/a | "Many witnesses think that I am there to help them, but my role is only to interpret what they say. At times I've had to explain that to the witness, and a couple of times to an attorney also. " | "I was once asked by a district attorney to give him some confidential information I had translated between the defense attorney and his client, I refused. Overworked public defenders would often | I was once offered by a doctor to help him do some 'filing' I knew this was an invitation to some kind of sexual contact so I said no thank you and left. | Many years ago I interpreted for a medical-legal evaluation in which the doctor was extremely rude to the patient. When walking out to the parking lot afterward s, I saw the patient and | I am happy to say that usually the professionals I work with know better. It is not always the case, and if I have a bad experience, as a freelance, independent contractor, have the |

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| <p>Name a time when your patience was tested. How did you keep your emotions in check?</p> | <p>When they are non responsive to my questions</p> | <p>I was at a deposition where the lawyer kept asking the same question over and over again. I bit my tongue and laughed about it afterward s.</p> | <p>Long and convolute d interview s by new attorneys who are trying to reinvent the wheel. Just concentrat ed on the interpretati ng task at hand.</p> | <p>At the end of the day, when I am tired</p> | <p>One time I was interpreti ng for an extremely sad case and I was eight months pregnant. The minor I was interpreti ng for started sobbing and I started sobbing (I couldn't help it because of my hormonal</p> | <p>I once interprete d at a meeting of leftist revolution ary groups (ELN, FARC, Zapatista s, etc) where violence broke out and I had to rip out the equipment at the end and flee. I kept calm and interprete d until</p> | <p>Not interested</p> | <p>"One of the most unforgettable times when my patience was tested: It was a Monday and I was called in to interpret for the arraignm ent calendar in Corning, California (a rural, agricultur al town with a</p> |
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| | A Guatemalan witness was asked: "Where did your car come to a complete rest?" and she answered: "P'os así, nomas pa' llasito... así pa' llasito..." I said: Well, just a little ahead, just a bit ahead..." Council stands and says: "Objection, Your Honor. I have a | n/a | More often than not my patience was tested by judges who had no understanding of what I was doing. Once a judge in a juvenile court, where I was interpreting for the parents of the accused, | Some attorneys will lay blame on the interpreter for their shortcoming; not meeting with their clients, deficient communication; or blame the interpreter for misunderstanding. You bite your tongue in the courtroom, and | I really had to work hard to stop from crying while interpreting for an asylum case for a woman that had been used as a sex slave. | See above, with the bilingual attorney. I'm used to repressing my emotional reactions (not so healthy in everyday life, but it's the way I was raised and it prepared me well for court interpreting!). I compartmentalize. | I consider myself a patient person, which is helpful. | |
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| <p>When you are interpreting, do you try to establish a relationship with the person, or do you try to keep the relationship formal and more detached?</p> | <p>Detached</p> | <p>It depends upon the circumstances. I try to be pleasant, but still stay formal.</p> | <p>Formal and detached, except when there was a child witness and a rapport was needed so the minor would feel less terrified of testifying .</p> | <p>Formal, always</p> | <p>I try to establish a friendly, professional relationship with the person in order to put him or her at ease. Court is a very difficult and intimidating place. I try to make it less so.</p> | <p>It depends. Not in court or medical settings. I have been fulltime interpreter to CEOs, directors, etc and part-time to researchers, government officials, etc. I have established relationships</p> | <p>Not interested</p> | <p>Beyond common courtesy and kindness, I try to remain formal and somewhat detached. But I try to let defendants know that they can count on me for whatever it is they want to communicate.</p> |
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| | No. That leads to the appearance of bias and that is something you cannot do as it will hunt you back. | Very formal, very detached, very professional. | Always formal and detached. Sometimes, before a hearing if I have a chance, I will ask the witness what country he is from, just to make sure I will be able to understand him. | Keep the relationship formal and detached. | I'm polite but I'm also detached and keep the professionalism. | Formal and detached, though I try to be kind. | I work with so many different professionals, individuals who are Limited English Speakers, but usually it is only for the assignment on hand, for example a deposition. After that, it is unlikely that one | |
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| <p>When working in court what relationship do you establish with the judge? Do you think he fully understands what your place is in the court room?</p> | <p>Not always</p> | <p>I am respectful to the judge and make my needs known. Some judges are better than others in terms of their comprehension of interpreter needs, but in general the situation is improving.</p> | <p>Formal. I'm lucky I worked in the Los Angeles Criminal Justice Centre. Most judges are already aware of our importance in the judicial process.</p> | <p>Professional</p> | <p>I establish a courteous and professional relationship with the judge.</p> | <p>I think Judges understand more and more our role and treat us with respect. When interpreting in court, I treat the judge with the same deference as any other actor in the system.</p> | <p>Not interested</p> | <p>Formal, detached. I try to remember to refer to myself as "the interpreter" and to maintain a professional demeanor. I don't think all judges completely understand the interpreter's place in the court room, but</p> |
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| Yes. And it is your responsibility to educate the judge and everyone else about the roll of the interpreter and what we do and what we don't do. It is baffling to find out how little people know about the responsibilities and limits of the court interpreter's performance | Each judge is different. The longer you work in court, the more likely you will have worked with the judge while they were practicing as an attorney before having been elected or appointed to the bench. | Most of the time the judges who have dealt with interpreters do understand. Once in a while there is a visiting judge who has no idea what is going on. The I try to explain during a break. | If the interpreter is doing her job, she becomes pretty much invisible. It is, however, important to maintain a cordial relationship with the court. | Yes. I've had cordial relationships with several judges. | I haven't worked in court in many years, but when I did most of the judges were very understanding of the role of the interpreter because interpreted cases were so common. There were occasional incidents | Most of them do, at least the ones I get to work with. |

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| Comments | I love interpreting | Sight translation, though common, is usually off the record. | Good luck. | Good luck! | I think I may know your grandmother. I lived in Chico when I was first studying to become an interpreter. I believe I may have observed her in court several times. She was very nice. | I have a lot of general legal interpreting experience. I worked for the UN Serious Crimes Investigation Team for 5 years as a translator. My court experience has been as an ad-hoc Portuguese | Very long and time consuming | "I have not worked in the California courts for well over 15 years; I interpreted full time from 1980 to 2000; after that I've interpreted now and then but no longer maintaining my certification because I |
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| | <p>Best of luck in your Masters.</p> <p>Please try to include a good explanation of how interpreters and translators, though using the same tools are two completely different professions and the end result is totally different.</p> <p>Also that the mere fact of being bilingual</p> | <p>I have worked in the courts and in depositions since 2001, and have been court certified in California since 2003. I am also a federally certified court interpreter since 2015. Each court and each</p> | <p>The question about which language s I speak and/or interpret did not allow me to respond correctly. The question about important skills did not specify whether the numbers from 1 to 6 went in</p> | <p>I thoroughly enjoyed my job as court interpreter. It is not the faint of heart. We like to say that interpreting in court is characterized as hours of boredom punctuated with moments of sheer panic. I think that is a good</p> | <p>Please provide clarification for the question they asks to rate from 1-6 (1 is higher or 6 is higher)? Thanks!</p> | <p>Some of these yes/no questions were very difficult to answer. It would have been nice to have extra space to explain my answers.</p> | <p>As with any profession, I feel that I am blessed to be able to provide a service that is really needed. But, most so, that I love what I do and get paid for it. I also feel that everything that I did and learned professio</p> | |
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11. Anexo 1: Cuestionario de los Jueces y Abogados – Respuestas

| Preguntas | Respuestas | | | | |
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| Gender | Male | Female | Male | Male | Male |
| Age | 77 | 43 | 51 | 62 | 64 |
| Are you a lawyer or a judge? | Lawyer | Lawyer | Lawyer | Lawyer | Judge |
| How long have you been working in this profession? | More than 30 years | 10 - 20 years | 10 - 20 years | More than 30 years | 0 - 5 years |
| Have you ever worked with an interpreter? | Yes | Yes | No | Yes | Yes |
| How often do you work with interpreters? | Once a month | Once a month | Once a month | Once a week | 3 - 5 times per week |
| Do you speak any other languages apart from English? | No | No | No | Yes | Yes |
| On a scale from 1 to 10, how important do you think an interpreter's job is? | 10 | 10 | 10 | 9 | 10 |
| Do you think that anyone who speaks 2 languages fluently can be an interpreter? | No | No | No | No | No |
| The California judicial system entitles anyone who does not understand English to an interpreter, is this actually the case? | Yes | Yes | Yes | Yes | Yes |

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| How do you think having an interpreter affects the jury's view of the person being questioned? | <p>The manners, look and behavior of an interpreter can act like a silent credibility witness in a jury trial. The jury will observe all the interactions of an interpreter with the judge, the lawyers, courtroom personnel, or any witness or party they interpret for. For example, if an interpreter for a criminal defendant sends signals that they "want nothing to do with this person," a very negative message is sent to the jury. Jurors will observe the interpreter from the moment they arrive at the courthouse on the first day until the case concludes. It is the same for all courtroom personnel, including the judge. Interpreters should try their best to be neutral and fair to every witness and party.</p> | <p>Anyone who cannot be understood directly by the jury runs a risk of being more misunderstood. I think it is harder to convey subtle emotions and experiences through an interpreter.</p> | <p>haven't had a trial with an interpreter involved.</p> <p>There is little prejudice because of the many number of people who do not speak English, particularly in the larger cities. There may be more prejudice in rural areas, particularly if the person has been in the country for a long time and does not speak English.</p> <p>Not at all</p> |

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| What have you done when the court has not provided an interpreter? | If a witness or party needs an interpreter to communicate, the hearing or trial should not proceed until an interpreter is available. | I think i have used a family member to interpret once or twice. | continue the case until interpreter is available. | Usually continued the case to another day. At times, we have had an attorney or family member communicate with the defendant or witness, but generally only on a minor point or to tell them the date the case was being continued to. | continued the matter to obtain one |
| Can you please explain what an interpreter's job consists of? | The interpreter's job is to help the court, the lawyers, and the jurors to do their jobs. Without clear communication, the non-native speaker will not receive a fair trial. | Explaining word for word what is being said in the courtroom. | interpreting the english language into the foreign language native to defendant. | To assist the court and counsel and the witness. To translate accurately from one to the other. | making sure the individual being assisted understands all the proceedings in his/her native language |
| Have you ever taken classes or gone to a workshop to help you work with an interpreter? | No | No | No | No | No |

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| | <p>"Judges and lawyers have sometimes asked interpreters to play roles which are not appropriate (i.e. interpreting complicated plea forms without the lawyer present). Knowledge of the maximum punishments, likely rulings by judges, the chances of acquittal if trial proceeds, etc., cannot be fairly communicated. A lawyer's advice is needed.</p> <p>Judges and lawyers should read the ethics proclamations of the professional court interpreters organization, as well as review the ethical principles which apply to their own disciplines."</p> | | <p>anything that improves communication is important. timeliness and respect are important.</p> | <p>Probably with better use of technology, and probably with better coverage throughout the state for less common languages, such as Russian, Farsi, etc.</p> | i think it's a great relationship already |
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| How does the addition of an interpreter in a court proceeding affect your work? | <p>Using interpreters lengthens the time legal proceedings require.</p> <p>Interpreting issues can complicate a proceeding so as to break up or distort the rhythm of a trial. Rhythm is a vehicle whereby trial lawyers hope to create persuasion. (I.e. You are fighting “downhill”).</p> | <p>It presents a new challenge to the ability to communicate.</p> <p>However I have worked with interpreters who were incredibly kind and patient, and who remedied any problems that may have arisen between myself and my clients.</p> | <p>makes it easier.</p> | <p>A lot. Without an interpreter we often cannot have the appearance.</p> <p>Makes it easier!</p> |