An autoethnographic study on linguistic-communicative challenges and myths of court interpreting

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Dedication

I dedicate this dissertation first to my grandchildren, Tiago and Isabella, they are the joy of my life.

I also dedicate this dissertation to my children, Luis Enrique and Caro, you are my reason to live.

I dedicate it to my children's fiancés, Fernan and Summer, I love that you are in my life.

I dedicate it to my parents.

I dedicate it to my siblings, their wives and children.

Abstract

The role of the interpreter is to facilitate understanding between two or more persons who do not share the same language. In the legal system, that understanding requires accuracy, completeness, impartiality, and maintaining the same register when applicable, delivery style, and tone. The right to understand proceedings is inherent to a fair trial. The interpreter's responsibility is to place the judge, jury, defendant, and witnesses in the same linguistic position so that all parties can receive the information and have a similar linguistic comprehension of what has been said throughout the process.

This dissertation is an autoethnographic study of a career in interpreting, and it intends to serve as a mentoring tool for future aspiring interpreters. As such, I initially present an overview of court interpreting within the US federal justice system. In the literature review, I provide a history of interpreting and present several mainstream theories, such as the relevance theory, implicatures and presuppositions, equivalence, and meaningful legal equivalence. These theories are the backbone of court interpreting. Then, based on Hymes' Ethnography of Communication model, as adapted by Muriel Saville Troike, I compare consecutive interpreting with simultaneous interpreting in the federal court in Puerto Rico, as viewed by other interpreters within the communicative event.

Following that, I discuss the concept of autoethnography, its theoretical framework, and methodology. I provide my background, life achievements, and career highlights within these parameters.

Finally, I finish this study by looking back at, and reflecting on what I have

achieved, thus providing a list of recommendations for future interpreters. A number of appendices help clarify many references to federal institutions, requirements and other important information.

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Chapter 1

Introduction[1]

1.1 Objectives of the Study

The objective of this dissertation is, first and foremost, to serve as a mentoring tool for aspiring interpreters. It presents an overview of the theory of interpreting and the different challenges interpreters face in the field. Within that context, it addresses Puerto Rico's idiosyncrasy, where the island's two official languages are Spanish and English, yet most of our work as interpreters is into and from the English language. As a territory of the United States, Puerto Rico has a Title III federal District Court. The federal government regulates interstate commerce and trade, and many companies doing business in Puerto Rico have their main offices in the United States, which gives federal courts jurisdiction over any litigation in which these companies may be involved.

As a practicing interpreter with thirty-five years of experience in Puerto Rico, I have had the opportunity of working in a wide variety of cases and settings. In criminal cases, I have interpreted at initial hearings, evidence suppression hearings, changes of plea hearings, sentencing hearings, and trials, among others. The subject matter of the cases has also been varied, ranging from drug and weapons felonies, robberies, murders, carjackings, fraud to the government, and others. In many cases, there are expert witnesses who testify on specialized matters such as ballistics and forensic sciences. I have worked mainly in the federal District Court in Puerto Rico, but I have also had the opportunity to work in the federal courts of other jurisdictions, such as the ones in St.

[1] For additional information about the history and jurisdiction of the United States District Court for the District of Puerto Rico, the Federal Justice System, Federal Civil Procedure, the Court Interpreters Act Interpreting Certification, and the Code of Ethics of the United States District Court for the District of Puerto Rico, consult the list of appendices.

Thomas, Virgin Islands; Rochester and Buffalo, New York; and Jackson, Mississippi.

In civil cases, I have also interpreted in a wide variety of cases because, for many years, that was the main focus of my professional practice. Cases ranged from those related to labor law, insurance claims, political discrimination, medical malpractice, environmental claims, and torts or wrongful acts involving an endless number of issues.

I believe that this project is necessary for the profession and Academia.

1.2 Justification: Importance of the role of court interpreters in Puerto Rico and of the knowledge they must have.

The Constitutions of the United States and Puerto Rico guarantee due process of law to all individuals before depriving them of their life, liberty, or property. In the United States Constitution, that guarantee is provided by the Fifth and Fourteenth Amendments. In Puerto Rico, it is contained in its Bill of Rights.

The Court Interpreters Act (28 U.S.C. § 1827) reflects the overwhelming need for professional interpreters. Most of the literature on court interpreting in the United States is based on the premise that English is the language of the courts and government. The Civil Rights Act of 1964 (42 U.S.C. § 2000e) set the stage for the Court Interpreters Act by prohibiting discrimination against persons within the protected categories of race, color, religion, sex, and national origin. Although English language proficiency had not been explicitly included as one of the protected categories, national origin presupposes that the person may not speak or understand English. In 2000, President Clinton signed Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

The driving case for the Court Interpreters Act was United States Ex Rel Negron

v. State of New York (434 F.2d 386, 2nd Cir. 1970.) Rogelio Negrón was a Puerto Rican farmer who had recently emigrated to the United States, knew no English and had a sixth-grade education. He was working as a potato farmer and killed a fellow worker in a fight while drunk. Negrón's attorney did not speak Spanish and was only able to communicate with his client through an interpreter twenty minutes before trial and sporadically during the four-day trial. Out of fourteen witnesses for the prosecution, only two testified in Spanish. Negrón was devoid of any interpretation. The testimonies in Spanish by the two witnesses and by Negrón himself were translated into English for the benefit of the prosecutor, judge, and defense counsel. He was convicted of second-degree murder and sentenced to twenty years to life. The Court of Appeals of the 2nd District overturned the conviction on the grounds of due process because it became evident that Negrón had been denied the right to participate in his own defense.

In the US judiciary system, persons accused of crimes have the constitutional right to understand the proceedings against them and to actively assist in their own defense. Therefore, they must be in a position to understand all proceedings and, in turn, be understood by others in the court, without any language barrier whatsoever. Because of these constitutional rights, the courts provide the services of the staff and independent contract interpreters to assist the defendant(s) and their witnesses throughout the entire communication process with the court and counsel. That same guarantee is afforded to the government witnesses in criminal cases and to private litigants in civil cases where interpreters are retained. It is also afforded throughout all stages of the proceedings.

The proceedings entail appearances in court, filing of documents with the court, and engaging in different stages of appeal, which could reach the Supreme Court. If

documents are presented into evidence, they must have been translated by a certified interpreter under the Local Rules for the U.S. District Court in Puerto Rico, for the benefit of the Appeals Court and/or Supreme Court (United States v. Rivera Rosario, 300 F.3d, 2002.)[2]

In the legal system, a full understanding of all communication during court proceedings requires accuracy, completeness, impartiality, maintaining the same delivery, tone, and register, as appropriate, (Administrative Office of the United States Courts, Court Services Office, 2020). It is vital that the interpretation be accurate so the defendant and witnesses can understand what is said to them and for them to respond to what they are told or asked. The right to understand proceedings is an inherent characteristic of a fair trial. The interpreter's responsibility is to place the judge, jury, defendant, and witnesses in the same linguistic position. Depending on the type of proceeding, the interpreter may work in the simultaneous or consecutive mode. She may also be required to perform sight translation, reading a document in one language (source language or SL) into another language (target language or TL.)

Court interpreters are expected to interpret everything that is said without additions, omissions, or changes to the speaker's intended meaning and without summarizing content. Even offensive, crude, insulting, or embarrassing language must be

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[2] United States v. Rivera Rosario, 300 F.3d, 2002
It is clear, to the point of perfect transparency, that federal court proceedings must be conducted in English. Even if this practice were not intuitively obvious in Puerto Rico, Congress enacted section 42 of the Jones Act, which requires that "[a]ll pleadings and proceedings in the United States District Court for the District of Puerto Rico... be *conducted* in the English language." 48 U.S.C. § 864 ("Jones Act" or "English language requirement") (emphasis added); *see also United States v. De Jesús Boria,* 518 F.2d 368, 370-71 (1st Cir. 1975) (upholding the constitutionality of the English language requirement). This requirement is significant not only because it guarantees that the District of Puerto Rico remains "a viable part of the federal judicial system," *United States v. Valentine,* 288 F.Supp. 957, 964(D.P.R. 1968), but also because it allows this Court to review evidence in the same language in which it was presented to the district court.

faithfully interpreted to maintain the register and nuances of the speech.

Dueñas González, Vásquez, and Mikkelson (2012) have indicated that the primary goal of an interpreter is to render a legal equivalent, "a linguistically true and legally appropriate interpretation of statements spoken or read in court from the second language into English and vice versa." Legal equivalence requires the interpreter to render the message without editing, summarizing, deleting or adding, while conserving the same register, intonation, style, intent, and meaning of the source message. It is not only essential for the interpreter to render into the target language the correct sense of the original message, including the original speaker's style. The true message is often reflected in the speaker's demeanor, so it is crucial to convey the paralinguistic elements, such as hesitations, silences, false starts, repetition, and tone. Reference to these elements, also called linguistic pragmatics, can be found in studies by Susan Berk-Seligson (2002), Marianne Mason (2008) and Sandra Hale (2014), among others.

Interpreting is a complex set of integrated cognitive tasks involving an exceptional level of bilingual linguistic processing speed, extensive working memory, multitasking, and rapid access and retrieval of appropriate linguistic, conceptual, and cultural information, all of which require sharp concentration, abstract thinking, cognitive flexibility, analysis, and synthesis in two languages. The interpreter must be capable of analyzing discourse at various structural and meaning levels and negotiate fine semantic distinctions based on split-second comprehension and decision making. The competent interpreter must have the ability to restructure ideas syntactically and semantically from SL to TL and the cognitive flexibility to respond to a wide range of changing linguistic demands, such as false starts or abrupt changes of subject (Spiro & Jihn-Chang, 1990).

Below, I discuss in detail the three types of interpreting that may occur.

1.3 Court interpreting

Professional interpreters have fluency in at least two languages (the source and the target), expertise in the two main types of interpretation (simultaneous and consecutive), in-depth subject-matter vocabulary knowledge, and the mental and physical endurance to keep up with lengthy sessions. Experts in several languages, court interpreters translate on the spot, either simultaneously or consecutively. The speaker's words are interpreted into the listener's native tongue. An interpreter's job is to take someone else's words and quickly understand their meaning and tone so that they may explain it in another language. People often make the mistake of assuming that everyone who understands more than one language can translate or interpret.

The Administrative Office of the United States Court (2020) establishes the following characteristics as necessary for efficient interpreting:

- Fluency in both the original and target languages.
- Ability to listen, comprehend, and discern the message conveyed in the source language.
- Ability to grasp and maintain communication logic and distinguish between primary and secondary points.
- The cognitive skills necessary for effective note-taking, simultaneous listening, and short-term memory.
- Advanced vocabulary, expert use of jargon, and broad understanding of an array of fields.
- Message production, good diction, and pronunciation.

- Knowledge and experience of varying dialects, colloquialisms, regionalisms, and cultural differences.
- Capacity to maintain linguistic register (from formal to formal, and from informal to informal) when communicating with people with varying levels of education.
- Familiarity with idiomatic expressions in both languages.
- A strong sense of professionalism and regard for ethical matters.

While it may seem that knowing legal terminology is an essential skill for a court interpreter, the truth is that the subject matter to be interpreted is frequently very broad. In a typical criminal trial, specialists in interpreting forensic evidence such as handwriting, ballistics, fingerprints, chemicals, DNA, and drugs would testify alongside complex legal arguments. Active and passive vocabularies must be well developed, and interpreters must be well-versed in the regional and idiomatic nuances of the languages they work in. Due to the varied backgrounds of potential witnesses and defendants, it is essential that court interpreters have access to such linguistic variants.

There are three modalities of interpreting in the courts, simultaneous, consecutive, and sight translation. Simultaneous interpreting is done when one person speaks for short or lengthy periods of time and the interpreter interprets the message at the same time. Consecutive interpreting occurs when there is a dialogue or when more than one person speaks. Turns are taken for the interpreter to render everything that is said, right after it has been said. Sight Translation is done when a document that is drafted in one language is read out loud in another language.

1.3.1 Simultaneous Interpreting

Simultaneous Interpreting (SI) is the process by which the interpreter renders the

message in the TL at the same time as the speaker of the SL, with a very short lag. The term *simultaneous* implies that the interpreter is conveying the TL message at exactly the same time as the SL speaker, but there will necessarily be a delay, a time lag. This is known as ear-voice span or *décalage*.

While the speakers of the SL deliver their message, the interpreter is listening to the content, analyzing, and mentally converting it into the TL. The message is then conveyed in the TL maintaining the original style with grammatical correctness, while actively listening to the next message of the SL speaker (Van Dam, 1986). Simultaneous interpreting requires an extreme degree of concentration to keep the pace of the source language speaker and convey the interpretation accurately and correctly.

It is vital to remember that interpreters are not just translating word for word but rather conveying the whole meaning of a conversation or presentation from one language to another. Therefore, it is essential to have suitable listening circumstances, acoustics, proper use of microphones by speakers, and appropriate equipment available to accurately portray the original content (Administrative Office of the United States Courts, Court Services Office, 2020).

> Gerver (1976) describes the complexity of the simultaneous interpreting process:
>
> The task is extremely complex: though simultaneously listening and speaking rarely occurs in everyday verbal behavior, simultaneous interpreters manage not only to listen and speak simultaneously for reasonable lengths of time, but also to carry out complex transformations in the source-language message while uttering their translation in the target language. From the point of view of cognitive psychologists, the task is a complex form of human information processing

> involving the perception, storage, retrieval transformation, and transmission of verbal information. Furthermore, linguistic, motivational, situational, and a host of other factors cannot be ignored. (pp. 166-167)

This complex mental process takes only fractions of a second. The SL speaker does not wait for the interpreter, nor can the interpreter stop the speaker. Similar to conference interpreting, simultaneous court interpreting is performed in most courts using sound equipment. With this equipment the defendant is provided with a headset to listen to the interpretation. The interpreter uses a microphone and a headset connected to the courtroom's sound system. This allows the interpreter to listen in amplified mode everything stated in court and gives her the ability to raise or lower the volume as needed. Additionally, using a headset prevents the interpreter from listening to her own voice while interpreting. However, contrary to conference interpreting, where the interpreter can adapt the style of the source language for clarity and accuracy in the target language, the court interpreter cannot take such liberties (Jones, 2002).

In court, simultaneous interpreting is done for the benefit of the Limited English Proficiency (LEP) defendants, because they are entitled to have an interpreter in all proceedings. These may be hearings, jury selection, jury instructions, argument between judge and counsel, objections, and rulings of the court, among others.

As to simultaneous interpretation, Dueñas González, Vásquez, and Mikkelson (2012) indicate how the interpreter with the greatest proficiency can interpret simultaneously following the speaker's pace. Using the appropriate *décalage* (lag), the capable interpreter can provide meaningful interpretation and make the syntactic transpositions and grammatical adjustments necessary to convey the transfer of the

message from the SL to the TL. At this level, the interpreter must recognize and transfer the formal language and rhetorical features of persuasive language, argumentation, and narrative characteristic of opening and closing statements, as well as adapting smoothly to colloquial or expert testimony from a variety of witnesses. The competent interpreter can easily process normal conversational speech rates of up to 160 words per minute (Administrative Office of the United States Courts, Court Services Office, 2020). However, interpreters are often confronted with accelerated rates of text read out loud or other routine, formulaic speech delivered at the higher ranges of conversational speech rates or texts read out loud at more than 300 words per minute (Uchanski, 2005). Interpreters who master simultaneous interpreting demonstrate cognitive dexterity, endurance, pacing, mental and linguistic agility, language analysis and retrieval skills for extended periods of up to 30 minutes with minimal errors (Moser-Mercer, Künzli, & Korac, 1998).

To perform simultaneous interpreting at the required level, the interpreter must be able to simultaneously access multiple processing modalities. According to interpreting models for information processing, interpreters employ a multitude of discrete cognitive skills in the simultaneous mode (Moser-Mercer & Lambert, 1997). Among these are: (a) listening to the original message by focusing on units of meaning; (b) extracting conceptual verbatim meaning; (c) comprehending and processing the message by trailing the speaker (décalage); (d) formulating a meaningful legal equivalent in the TL by searching for semantic and syntactic equivalents; (e) producing the utterance; (f) monitoring for meaning, register, grammatical usage, and word choice of the interpretation; (g) self-correcting perceived errors during the monitoring process; (h)

focusing on the next unit of meaning of the speaker to be interpreted, while at the same time (i) filtering the sound of the interpreter's own voice to pay attention to the speaker's message. These stepwise functions take place while the interpreter listens to the next linguistic unit to be processed and, at the same time, controls her own voice output (Gerver D. , 1971). To perform in the simultaneous interpreting mode with the required level of accuracy, interpreters must demonstrate exceptional attention control, with the ability to tune in to certain inputs and filter out others at the same time, while simultaneously processing new information.

1.3.2 Consecutive Interpreting

Consecutive interpreting is the oldest form of interpreting, and many deem it the most difficult. In court, it is used for testimony at the witness stand, in depositions (process of a witness giving a sworn statement), or in proceedings where the judge addresses the defendant. It may also be used out of court in attorney/client meetings or interviews with Probation and Pretrial Services. The speakers and the interpreter take turns. The question is posed in English, the interpreter interprets the question into Spanish—or the witness' foreign language—and when the witness answers, the interpreter renders the answer into English for the record.

In the "question and answer" form of consecutive interpretation, the speaker finishes a sentence, and the interpreter begins interpreting immediately after. Witnesses in court typically provide their testimony in consecutive order. The practice of consecutive interpretation has traditionally been broken down into long and short forms. The lengthy technique is more commonly used for conference interpreting. In contrast, the short method is favored in the legal environment because of its greater emphasis on

the verbatim rendition necessary in court procedures. In the short consecutive interpreting mode, the interpreter repeats the speaker's exact words in the target language immediately after the speaker finishes their original ones. When using consecutive interpretation, several specific factors and abilities come into play. Among these are: 1. length of testimony, 2. interrupting the speaker, 3. note-taking, 4. gestures and emotions, 5. mathematical conversions, and 6. corrections by the interpreter.

When there is lengthy testimony, even though natural pauses may occur to allow for interpretation, this is not always the case. Because of the intricacy or duration of a statement, translators may not be able to recall the entire message and will require the speaker to halt. Defense attorneys and prosecutors should stop at suitable intervals when addressing questions in direct or cross-examination. Doing so will allow the interpreter to represent the words precisely and entirely into the target language (Administrative Office of the United States Courts, Court Services Office, 2020).

The interpreter may need to interrupt the speaker who extends for long utterances. She should gently signal to the speaker to pause when the necessity arises for an interruption. Some examples of such nonverbal communication include making hand gestures, nodding, or making direct eye contact. If the interpreter feels that the signal is insufficient, she will interrupt the speaker.

The process of consecutive interpreting requires the interpreter to listen to the message in the SL and retain it in short term memory while analyzing it, and mentally decoding it into the TL. After the speaker has uttered a full unit of meaning, which may be one or more sentences, the interpreter then conveys it in the TL. The second speaker then utters a message, the interpreter again listens to the message in the SL and retains it

in short term memory while analyzing it and mentally decoding it into the TL. Thus, the cycle continues throughout the question-and-answer session or dialogue exchange.

Interpreters should always be prepared to take notes when interpreting. It is strongly recommended that dates, numbers, proper names, lists, addresses, etc., be written down. Note-taking should be simple, individualized, and designed to assist memory. Interpretation requires good short-term memory and note-taking abilities. In fact, consecutive, simultaneous, and sight interpreting need a complicated cognitive process in which the short-term memory processes speech sounds to comprehend the information. Thus, much of interpreting involves retaining and digesting the original speaker's meaning to communicate it in a foreign language. However, when the syntactic structure and semantic unit of source and destination languages are substantially dissimilar, it might be challenging to decipher dense information. Note-taking helps interpreters relax, concentrate, and recall material quickly. Therefore, interpreters should exercise to improve their short-term memory and design their own note-taking system to help them interpret (Naseri, 2017).

The interpreter who masters consecutive interpreting in the legal field can perform dialogic interpreting with ease, interpreting immediately after the speaker has finished speaking. In this mode, the interpretation should be fluent, following the natural rhythm of the questions and answers in the witnesses' testimony, without unnecessary hesitation or frequent requests for repetition (Dueñas González, Vásquez, & Mikkelson, 2012). The interpretation performed must achieve legal equivalence, preserving the meaning, style and register of the question or answer, including paralinguistic features, such as hedges, fillers, and false starts. The interpreter must perform an interpretation that

preserves the features of the speaker's original speech without inserting pauses, hedges, and fillers that the speaker did not include. The interpreter must also be able to preserve the illocutionary force (the speaker's intent) of questions and statements. The competent interpreter must also develop strategies that allow for effective and efficient transfer of meaning. In order not to interrupt witness testimony, interpreters must be capable of storing approximately 50 words or more in memory before interpreting consecutively (Administrative Office of the United States Courts, Court Services Office, 2020). The competent interpreter typically uses an efficient note-taking system, a visualization strategy, or a combination of mnemonic techniques. The interpreter must also have the ability to perceive detailed evidentiary information and convey it accurately in the TL. Trained interpreters are expected to convey understandable messages in each language, not only to ensure communication with the LEP client, legal actors and investigating judges, but also to protect the record (Dueñas González, Vásquez, & Mikkelson, 2012).

During consecutive interpreting, the interpreter must (a) listen for linguistic and pragmatic meaning: (b) comprehend; (c) abstract the message from words, word order, and pragmatic elements; (d) store ideas in memory; and (e) continue listening until the speaker has completed the utterance, which, in the case of witnesses, is usually spontaneous discourse and, therefore, unpredictable. All these cognitive tasks are performed at the same time in a demanding communicative situation where speakers, styles, turns, and speed change in rapid and unpredictable succession within an often emotionally charged environment that includes a high level of distractions for the interpreter. When the speaker completes a reasonable unit or group of units of meaning, the interpreter reproduces that message in the TL combining short- and long-term

memory. The cognitive process involves: (a) the search for conceptual and semantic correspondences to construct the message, preserving the speaker's meaning, style and intention in the TL according to the cultural and linguistic constraints and the rules of operation of the TL language (long-term memory); (b) preserving linguistic elements (e.g., discourse markers, hedges, fillers, pauses) (short-term memory); (c) monitoring output against the message stored in the TL to revise or correct any inaccuracies; and (d) monitoring output against the phonetic, syntactic, grammatical, pragmatic, and sociolinguistic rules of the TL. This process requires extensive and highly developed memory and cognitive acuity (Dueñas González, Vásquez, & Mikkelson, 2012).

The Administrative Office of the United States Courts, Court Services Office (2020) advises as to when a witness makes hand gestures, i.e., indicating distances or size, interpreters should refrain from attempting to duplicate these gestures since it is impossible to preserve accuracy in such instances. Interpreters should always strive to maintain a professional demeanor and be aware not to call unnecessary attention by making gestures or facial expressions while interpreting. Susan Berk-Seligson (2002) has established in her studies of court-interpreted sessions that the actions and manner of the interpreter can influence the jury's perception of the defendant or witness. She discovered that jurors were impacted by the interpreter's use of politeness, hedging, and degree of formality, unconscious manipulation of grammatical forms or change of speech styles of witnesses, and prolonging or shortening of evidence.

Mathematical conversions should be avoided to avoid confusion. This includes monetary amounts, lengths of measurement, or weights and measures.

In the event of an error by the interpreter while testifying, the interpreter is to

promptly notify the presiding judge for the record.

1.3.3 Sight Translation

Sight translation is the oral interpretation into the TL of a document written in the SL. The document may be computer generated, typewritten, or handwritten. In federal court, it is a frequent occurrence that documents in English be sight translated to the defendant so she or he can understand it; the interpreter may also be requested to read Spanish documents into English for the record.

The Administrative Office of the United States Courts (2020) establishes that the interpreter with superior skills can spontaneously and accurately interpret orally a written text with limited or no preparation time, depending on the length and complexity of the document. Sight translation is a hybrid skill that requires both reading comprehension and the ability to orally interpret the entire text in the TL, preserving meaning, style, intent, and register. An interpreter with superior sight-translation skills can negotiate the multidimensional aspects of meaning found in a text, at the linguistic, structural, semantic, rhetorical, discursive, and pragmatic levels. The interpreter must be able to manage documents ranging from formal to informal and representing a broad spectrum of complexity and subject matter.

1.4 The language of the courts

O'Barr (1982) identified four varieties of language that are used in trials. His study is known as the Duke Study and, although it did not examine bilingual courtrooms, it does provide a view of discourse as used in courtroom settings. These varieties are: (1) formal spoken legal language or *legalese*, (2) formal standard English, (3) colloquial English, (4) sociocultural varieties.

Formal spoken legal language is most similar to written legal language. Although it comprises a small portion of courtroom discourse, judges most often use formal spoken legal language when addressing jurors, defendants, the record, and entering rulings, among others. Linguistically, it employs complex syntax, lengthy phrases, and extensive professional jargon. This variety of language could be characterized as hypercorrect.

Formal Standard English is the variety most commonly used throughout the court by the majority of participants. It is described as formal English, as it is not as relaxed a speech as everyday language.

Colloquial English or casual English is mainly used by witnesses. It is most similar to everyday language. Although attorneys do not generally use the form, they may adapt their style when examining witness who do. O'Barr's (1982) project showed that not all participants use all four registers, even though some would switch registers depending on the context. One of the main hypotheses of the study is that having the option to choose among the levels of register in a legal proceeding is indicative of power. He coined the term *powerless speech as* a manner of speaking characterized by a range of characteristics that make the speaker come across as less knowledgeable, honest, persuasive, intelligent, and trustworthy. Hedging, excessive politeness, tag questions, hypercorrect language, and a specialized vocabulary are all hallmarks of this writing style. In a bilingual setting, the number of registers is twofold, and still, the interpreter must have ample knowledge to be able to switch between registers in both languages with ease and fluidly.

Appendix A provides a Brief History of the US District Court of Puerto Rico and its Jurisdiction. Appendix B, an Overview of the Federal Justice System, provides the

reader with information concerning the important role played by interpreters within this system. It serves as a guide to the different actors within it. Appendix C, Federal Civil Procedure discusses the formal process followed in a civil action. Here, interpreters will also be required to attend when the situation merits it. In any of the functional aspects, whenever there is any person, be it the accused, the plaintiff, a witness, who does not understand English, the interpreter will be called in.

1.5 Statement of the problem

Most of the literature from the United States, I have found on court interpreting deals with the situation where most participants speak English, except the defendants, litigants, or witnesses (Bancroft, Feuerle, Bendana, and Bruggeman, 2013; Berk-Seligson, 2002; Grasso, 2020.) Internationally, the situation is similar, where the person needing an interpreter may be the only one who does not speak the language of the court (Ellis M., 2017; Hale, 2013; Jacobsen, 2002; Wadensjö, 1994.) Due to Puerto Rico's history and relationship with the United States, and the presence of both Spanish and English, the interpreter is in a position in which her work is constantly scrutinized and reviewed. My fellow interpreters in Puerto Rico and I work in circumstances where most, if not all, participants, other than the defendants, litigants, and witnesses who use our services, are bilingual. Therefore, judges and attorneys alike are very watchful of the interpreter's renditions. Not only are they watchful, but they actively participate in assuring a correct interpretation. If for any reason, the interpreter makes a mistake, she can rest assured that she will be confronted about it. There may be an objection to the translation, or a statement correcting the rendition. There may be outbursts, or there may be subtle nudges and hints to aid the interpreter in word retrieval.

Because of the mental demands of interpreting, such commentary may affect the interpreter's concentration, but other times, they may serve to assist the interpreter. If an interpreter recognizes she has made a mistake, for whatever reason, she has the duty to inform the court of the mistake as soon as she realizes it. Therefore, interpreters meet a plethora of problems intrinsic to their job. Should the role of the interpreter in the context of the legal litigation be better identified? How? The methodology utilized in interpreting could be at the root of the problem. Perhaps the problem is that the situational and interactional nature of the setting where the participants are engaged in, all have command of the two languages in question. Lastly, the lengths of the engagement in interpreting can cause fatigue and thus become an obstacle to excellence in interpreting. Indeed, the problems for court interpreting are truly multifaceted.

It is a particular trait of legal proceedings in Puerto Rico that most participants in federal court are fully bilingual and have specific knowledge of their cases. That, and the problems mentioned above, led us to set forth the research questions that guided us in this investigation as to what an aspiring court interpreter must know in order to have a successful career.

1.6 Research questions

1. What is the role of the interpreter in the legal setting and what are the parameters of her ethical and professional duties and responsibilities?

2. Is the current methodology used for Spanish-English Interpreting in the Federal Courts of Puerto Rico maximally meeting the needs for all stakeholders? Explain.

3. If your answer is no, how can the methodology be improved to better meet the needs of all stakeholders?

4. How can the interpreter take advantage of the particularity that most participants in the proceedings know English and Spanish and scrutinize every interpreted rendition?

5. What steps can an interpreter take to maintain control and composure during prolonged periods of interpretation?

6. Based on the data collected, what are the most salient points about interpreting that this study provides to an aspiring interpreter?

In striving to answer the above questions, I discuss in Chapter 3 two theoretical frameworks and their corresponding methodologies that best aided me in addressing the questions posed.

The chapter that follows discusses the history of interpreting throughout time, the variety of domains that require interpreting, and a detailed conversation about the mainstream or dominant principles that guide interpreters.

Chapter 2

History of interpreting

2.1 Chronological presentation of the history of interpreting

Interpreters have always been necessary and present since the origins of cross-linguistic communication; throughout history, they have had an important role in enabling communication across cultures and languages. Interpreters have been essential in facilitating communication between individuals in multilingual and highly advanced civilizations and helping them resolve their differences (Angelelli, 2004).

Marzena Chrobak's (2016) history of oral interpreting is very enlightening. It focuses on early references to the profession, dating back to the Bronze Age:

> Since the collapse of the Tower of Babel, or even earlier – Yahweh was not the only deity to have muddled human languages – people speaking different tongues have tried to communicate in formal and informal situations, in political, economic, military, religious and private matters, both independently and aided by more or less qualified interpreters. (p. 88)

The first mention of the profession in Mesopotamia is dated 2600-2450 BCE in a clay tablet that contains a list of words pertaining to professionals who work in a temple. It has the phrase *eme-bala*, "to interpret," which literally means "to turn (*bal*) language (*eme*)." The phrase is immediately below *kingal,* which means "the overseer," and *sag-du*, "head of cadaster." The position of the word eme-bala reflects its rank in the social hierarchy (Chrobak, p. 88).

The term *eme-bala* also appears in the bilingual Sumerian-Eblaic glossary, dated

2350 BCE. It is also right below *gal-unken*, "the great councilor," and *sag-du*, "head of cadaster." The term *eme-bala* has evolved into *inim-bala*, meaning "word turner" and *targumannu*, from which *drogoman* evolved.

A cylindrical seal from the time of the Sargon's Empire (2334-2279 BCE) is believed to have the first image of an interpreter, Shu-ilishu. The cuneiform marking states EME.BA.ME.LUH.HA.KI, which means "Meluhha language interpreter." The interpreter is depicted as above or seemingly seated on the lap of a long-haired man with a long tunic sitting on a stool. His hand is raised in a similar fashion as the person next to him, who is carrying an animal on his shoulder and is accompanied by a person carrying a vessel. There is also a man kneeling in front of three vases. Chrobak (2016) indicates that scholars have interpreted the image as a meeting of two representatives of the Meluhha culture with an Akkadian dignitary. Although the interpreter seems to be sitting on the lap of the dignitary, she hypothesizes that he is actually sitting behind the dignitary. The image is a reflection of the importance of interpreters for the temple and court economy.

(Possehl, 2006)

Ancient Egypt's first reference to interpreters is dated between the twenty-fourth and twenty-second century BCE. The term *jmy-r (A) aw*, "overseer/chief of interpreters," appears for the first time in the tomb of Harkuf, Prince of Elephantine. Interpreters participated in expeditions abroad and were members of the armies.

The most notable depiction of an interpreter appears in the tomb of Horemheb. Horemheb had been a general under several Pharaohs and later became a Pharaoh himself. The interpreter, shown as a double figure, is in the middle, between Horemheb and foreign envoys from Syria, Libya, and Nubia who had come to plead for help from the Egyptians because "their lands are starving and they are living like animals in the wilderness" (Chrobak, p. 93). The double figure of the interpreter means that he is actively interpreting back and forth between both parties.


(Piller, 2021)

Another example of the presence of interpreters in Egypt relates to the Biblical story of Joseph, who was sold into Egyptian slavery by his jealous brothers. He later became an assistant to the Pharaoh and met his brothers, who did not recognize him because he spoke through an interpreter.

Baigorri-Jalón (2018) analyzes one of Herodotus' passages as a reflection of the importance of interpreters throughout history.

> On the pyramid, it is declared in Egyptian writing how much was spent on radishes and onions and leeks for the workmen, and if I rightly remember that which the interpreter said in reading to me this inscription, a sum of one thousand six hundred talents of silver were spent. [Cited from Histories, II, 125 Macaulay and Lateiner's translation; Herodotus 2004] (p. 13)

From his analysis, Baigorri-Jalón (2018) deems that Herodotus' interpreter not only acted as a linguistic mediator but possibly played other roles such as tour guide, facilitator, assistant, and 'field producer.'

Angelelli (2004) reflects that in Ancient Greece, interpreters, beyond being linguistic mediators for ordinary business transactions, were deemed semi-gods and multi-taskers. Because the Greeks were not amenable to foreign languages, they relied much on interpreters. As to the Roman Empire, she indicates that it was practically bilingual, with Latin and Greek having equivalent status in schools. The Empire valued foreign languages, and interpreters were held in high esteem in positions in Roman society.

As to first-century China, Baigorri-Jalón (2018) identifies three poems as one of the earliest records of interpreting and translating activities. He also highlights Tian Gong as an interpreter who "played the multiple roles of 'cultural ambassador,' interpreter, and facilitator for the imperial inspector and escort interpreter for the tribesmen in their tribute journey to the capital." Interpreters in China helped in drafting historical records.

During the Middle Ages, the Christians embarked on the Crusades to recover their

Holy Land from Muslim control. Since the arrival of the Muslims in 711 through 1492, the Iberian Peninsula underwent constant war between Christians and Muslims, with Jews fighting along both sides. The figure of the *alfaqueques* arose as a need for mediators to rescue captives (Baigorri-Jalón, 2018). "*Alfaqueque*" is derived from fakka al-aseer, which means to 'emancipate, ransom or redeem.' In the Middle Ages, the *alfaqueques* in the Iberian Peninsula were those appointed to negotiate the release of Christians imprisoned by the Moors (Dillman, 2016).

Alphonse the Wise established the Toledo School of Translators during his reign. Scholars engaged in translating great works such as the writings of Aristotle and scientific texts from Arabic, Hebrew, or Latin (Ramos, 2016).

The strengthening of the Christian Kingdoms of the Iberian Peninsula over Muslim territories enabled the Crowns to expand toward Africa. Joan Fayer (2003) explains how the Portuguese exploration of West Africa required obtaining and training interpreters. She cites Aloyisius Cadamosta, who describes how:

> Each of our ships had negro interpreters on board brought from Portugal who had been sold by the lords of Senegal to the first Portuguese to discover this land of the blacks. These slaves had been made Christians in Portugal and knew Spanish [sic] well; we had them from their owners on the understanding that for the hire and pay of each we will give one slave to be chosen from all our captives. Each interpreter, also, who secured four slaves for his master was to be given his freedom. [Crone 1937:55] (p. 281)

Interpreters were so crucial that if they could not communicate, Cardamosta would return the ship to Portugal. Some African interpreters became very professional

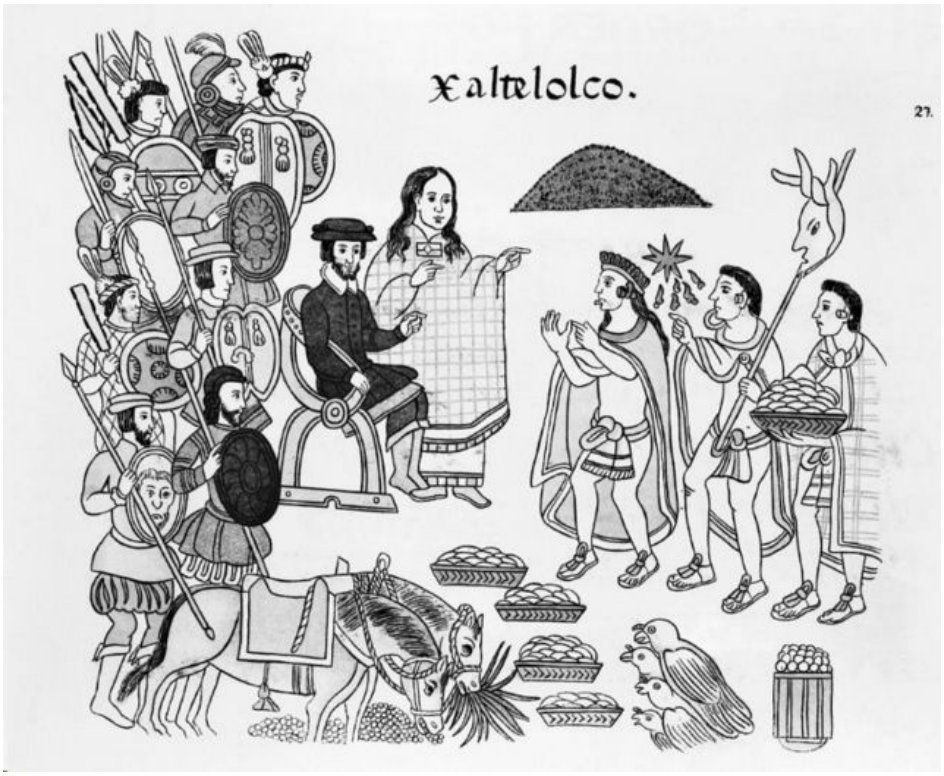
and had “books” or letters of recommendation that they could present to ship captains to be hired. Later, the practice of using enslaved Africans as interpreters continued throughout the Age of Discovery.

Christopher Columbus took interpreters on his voyage intending to reach Asia; one was Luis de Torres, who was skilled in Arabic, Hebrew, and Chaldean. Because he arrived in the Caribbean, it turned out that the language combination was wrong. Thus, his men kidnapped Tainos to convert them to Christianity and teach them Spanish. Because two escaped, on future voyages, Columbus brought his men with their families, thus enslaving the men as interpreters.

In Fayer’s (2003) research, she found very few mentions of female interpreters; most interpreters were men, and the interpreting was for males. However, one famous female interpreter is Doña Marina/Malintzen/Malinalli/La Malinche. Malitzen was a Nahua woman born into a wealthy family, but her father died. After her mother remarried another indigenous chief and had another child, it is believed she was given away. She was later sold and resold as an enslaved person, which led her to travel and learn to speak Yucatec and Nahuatl. When Hernán Cortés arrived in Pontonchan, he was given a group of twenty enslaved women as a peace offering. Baptized as Marina and having learned Spanish, Cortés took her as his personal slave. She became his interpreter, assistant, and partner. Given her status, she was given the title of *Doña*. She was in every meeting Cortés had with leaders; Montezuma addressed her directly in correspondence; she negotiated with leaders and uncovered schemes to attack the Spanish. Cortés admitted that his success in conquering Tenochtitlan was because Malitzen was “second only to God.” Malitzen continued living with Cortés, and they had a son. However, she later

married Juan Jaramillo, one of Cortés's captains, with whom she had a daughter. It is believed that Cortés arranged the marriage because his wife was arriving soon. Being married allowed Malitzen's children to be part of the Spanish nobility in Mexico and Spain. She died very young, at age 29, due to smallpox and is known as the "mother of the mestizo race." Because of her influence on Hernán Cortés and her contribution to the Spanish conquest of the Aztec empire, she has been historically viewed as a traitor to her country. The term *malinchismo*, has been defined as favoring the foreign with disdain to one's own, "actitud de quien muestra apego a lo extranjero con menosprecio a lo propio" (Real Academia Española, 2021).

Angelelli (2004) mentions that a young Mexican boy, Orteguita, who reported directly to Hernán Cortés, was to supervise Malinche's interpreting and report to Cortés whether she was being accurate.



(Brooks, 2019)

As to the practice of interpreting in the courts, Baigorri-Jalón (2018) identified Spanish legislation dated 1563, *Leyes de las Indias*, that required interpreters present at all proceedings, hearings, and prison visits (p. 16). In my research, this is the first instance that views interpreting as a right. And according to Angelelli (2004), it was then that interpreters achieved professional status. The laws address training, accreditation, and a professional code of ethics. The Spanish authorities were interested in preserving the communication rights of Indian subjects, assuring fair trials. To Christianize the colonies, the Spaniards needed to disseminate the Spanish language; thus, interpreters were essential to their purposes.

In another area of the world, interpreters (*dragomans*) were necessary for the relations between the Ottoman Empire and Western Europe. The dragoman held high positions in government and diplomatic relations (Abbasbeyli, 2015).

Sacajawea, a Shoshone woman in North America, was key in the Lewis and Clark expedition. Clark referred to her as an 'interpretress.' Baigorri-Jalón (2018) cites W. Dale Nelson, who studied the expedition and indicated "she proved a resourceful and hardy traveler as well as an interpreter but except on rare occasions that she was not a guide." He also cites Frances E. Karttunen, "Sacajawea could be a 'topography' guide only in the limited areas she knew, but she sometimes interpreted nature."

It is in the Lewis and Clark expedition that I first find some indication as to the modality of interpreting, not only mention of interpreters, interpreting, or translators. The interpreting in the expedition was in the relay mode. Charbonneau, Sacajawea's son, and his wife, spoke the Hidatsa language and communicated with the English-speaking persons of the expedition through a French interpreter, and Sacajawea communicated

with the Shoshones. Because the message went through so many people, even through sign language, it took a long time to finally be conveyed. It is most likely that communication was plagued with miscommunication.

Baigorri-Jalón (2018) cites Lewis:

> …by the assistance of the snake boy and our interpreters were enabled to make ourselves understood by them altho' it had to pass through the French Minnetare, Shoshone and Chopunnish languages. The interpretation being tedious it occupied nearly half the day before we had communicated to them what we wanted. (p. 18)

Although relay interpreting was used in that instance and many others, the most common forms of interpreting have been consecutive and whispering (chuchotage).

One of the earliest international events where interpreting was necessary was the Pan-American Conference of 1890, called by U.S. Secretary of State, James Blaine. The Pan-American Union, later reconstituted as the Organization of American States, was organized between the U.S. and the countries of Latin America to promote cooperation and reach agreements (Brittanica, The Editors of Encyclopaedia, 2011).

The Mexican Minister to the United States who participated in the Conference stated:

> One of the principal difficulties which arose in the Conference, and which, although apparently insignificant, had an influence that can hardly be appreciated, was caused by the different languages spoken by the delegates. Only one of the United States delegates, Mr. Flint, spoke Spanish; one, Mr. Trescot, could read it; but the other delegates of the United States knew nothing of it. Several of the Latin-American members, and among them the Argentine delegates, who took

> such an important part in the proceedings of the Conference, did not speak English, although one of them by the end of the session understood it tolerably well. These circumstances made indispensable the services of interpreters. It is well known how difficult it is to translate a speech properly. Besides a perfect knowledge of the language in which it is delivered and of that into which it is translated, other conditions are required, which seldom are found in any one person, as, for instance, perfect familiarity with the subject matter of the speech, a very good memory, the ability not to forget any of the points made, and great facility of expression for the purpose of translating with correctness and precision, if not with elegance, the views expressed. (Romero, 1890)

The interpreter has always been viewed as a communication mediator through trade, diplomacy, exploration, governance, colonization, and war in different settings. Because of the oral nature of interpreting, there isn't much detail about how it was performed before the invention of sound recording devices. Most importantly, the need for interpreting arose after the First World War in international conferences. By then, French was the only official diplomatic language. At the Congress of Vienna in 1814-1815, "participants were either diplomats with a perfect knowledge of French or high-ranking officers who had been selected expressly because they knew French" (Gaiba, 1998). Russel and Takeda (2018) explore several studies indicating that "CI in diplomatic settings prior to the end of WW1 was performed in a sentence-by-sentence matter." (p. 102)

It is a widespread conception that the conference interpreting profession, as presently viewed, started at the Paris Peace Conference in 1918. The British demanded

that, in addition to French, English be considered an official language. The two multilingual organizations resulting from the Paris Peace Conference, the League of Nations and the International Labor Organization, also had Spanish, English, and French as working languages. Interpreting consecutively in these organizations had a very distinct particularity: interpreting a whole speech in length or divided into long segments. One session of interpreting could last one hour or more. Many speakers wished not to be interrupted "for fear of losing their illocutionary force." Also, the audience that understood the speaker's language preferred listening to speeches entirely instead of breaking them down into short segments. Interpreters needed excellent memory and analytical skills to process all the information contained in a long speech. Therefore, they depended on the notes they took while listening to the original speech. Because interpreters were also seen by the audience, it was necessary to have good public speaking skills; they rendered their interpretation on the dais. (Russel & Takeda, 2018, p. 102) Baigorri-Jalón (2018) calls the period between World War I and World War II "an era of splendor for consecutive interpreting" (p. 20).

Edward Filene devised 'telephonic' equipment that would allow many persons to also listen to simultaneous interpreting. The idea came to him at the League of Nations. Filene had written to Sir E. Drummond on April 2, 1925:

> One high-quality microphone will be placed on a pedestal or stand at the speaker's location to pick up his words. This microphone will be connected through an amplifier to a number of headsets which will be installed in an adjoining quiet room. Each headset will terminate at an interpreter's booth or position in the room. The interpreter's booth will be provided with an ordinary

> telephone desk stand on which a high-quality close talking microphone will be connected through another amplifier to several headsets located at a designated section of the auditorium or meeting hall. The translated speech of each interpreter would follow simultaneously with the delivery of the original speech, the only delay being that of recording the speech and the ability of the interpreter to translate directly and rapidly from the stenographic notes received from the recorder. (Flerov, 2013)

Filene partnered with Alan Gordon Finlay, an army engineer, and they devised the "Filene-Finlay simultaneous translator." It was first installed and used at the League of Nations in 1931. The system allowed listeners to dial into their native language channel and listen to pre-translated speeches simultaneously with the original.

Under the guidance of IBM founder Thomas Watson, Sr., the system was modified and patented as the "IBM Filene Finlay Translator." It was used at the Nuremberg Trials and became the major breakthrough in the interpreting profession, allowing simultaneous interpreting to happen as we know it today.

As stated in this paper, interpreting had always been in either long or short consecutive or simultaneously whispered. Simultaneous interpreting, as currently done, was impossible and unheard of without equipment. It should be noted that simultaneous interpreting, either whispered or with equipment, will always entail a delay, or decalage, of a few seconds to allow the interpreter to capture entire ideas before rendering them. During simultaneous interpreting, the interpreter rarely has the script of everything that will be said in front of her.

Gaiba's *The origins of simultaneous interpretation: The Nuremberg trial* (1998) is

a masterpiece on one of the most critical events in the twentieth century and that which relates the most to the birth of this aspect of the profession. It should be noted, as Gaiba explains, that the Nuremberg Trials are composed of one major War Crimes Trial (commonly known as *The* Nuremberg Trial) and 12 subsequent trials held in Nuremberg, Germany, all between 1946 and 1949.

Because of the atrocities committed by the Axis forces, especially the Germans, throughout World War II, the Allies established the United Nations War Crimes Commission that would draft the Charter for the International Military Tribunal. Such Court would prosecute war criminals, and the main categories under its jurisdiction were crimes against peace, crimes against humanity, and conventional war crimes. The Charter also established, as a priority, that the defendants would be guaranteed certain rights throughout all proceedings:

> The defendants were entitled to receive a copy of the indictment at a reasonable time before the trial, with the possibility to give explanations to the charges against them. They were granted the right to have preliminary hearings and the proceedings conducted in or translated into their language. They were given the choice to defend themselves or be represented by counsel. Finally, they would be allowed to cross-examine prosecution witnesses and introduce evidence for their defense. (Gaiba, p. 26)

Judge Geoffrey Lawrence presided over the trial from November 20, 1945, through October 1, 1946. It was held in Nuremberg, a prominent Nazi city, then, occupied by the United States. There were prosecutors from the Soviet Union, France, the United Kingdom, and the United States. There were 22 German defendants. In all

Nuremberg trials, a total of 199 defendants were tried.

Two factors created a particular linguistic situation in the Nuremberg Trial: the rights of the defendants and the need for a speedy trial. Because the defendants were guaranteed a fair trial, all proceedings had to be translated into a language they understood. An expeditious trial was needed "to reduce costs and time and to keep the attention of the public and the media" (Gaiba, p. 32). It was also decided that every Allied nation involved in the process would use its own language. Therefore, there would be four working languages throughout the trial, English, French, Russian, and German. The multiple language aspect of the trial gave it the nickname "the trial of six million words" (Sambells, 2021).

Gabia's (1998) research indicates that although Justice Jackson, the chief U.S. Prosecutor, has been accredited with the inclusion of the simultaneous interpreting equipment to the trial, she believes there is more underlying evidence that it was actually Léon Dostert who introduced the system, and who became the Chief of the Translation Division in Nuremberg.

The acquisition and installation of the IBM Filene Finlay Translator system did not lack shortcomings. It was an extremely new system that needed to be installed and thoroughly tested. IBM offered to supply the system with 200 headsets and cables at no cost as long as the government paid for the transportation. The Army provided transportation for six crates of equipment and several technicians and engineers. The court that was to be used for trial had been partially destroyed during the war, and even during the restoration process, part of the roof collapsed, killing two workers. The two hundred headsets turned out not to be enough, so three hundred more had to be acquired

elsewhere.

Three weeks before the trial was to commence, almost everything was ready except the pool of interpreters. Dostert established a plan that originally required six interpreters for the four languages, an administrative officer in the interpreting division, 12 translators, and nine stenographers. Near the start of the trial, it was determined that 36 interpreters would be needed instead of 24; thus, over 24 translators would be required.

The recruitment process was not void of issues either. The testing process was in two steps. The candidates' language skills were first tested in their home countries, and if they passed, they were sent to Nuremberg. Once there, they were tested for simultaneous interpreting in mock trials. The interpreters were placed in a booth and had to interpret simultaneously as if in actual court. Speed played a crucial role in testing. As the pace of speech or reading increased, those who could not keep up were deemed unsuitable for the job.

As to selection criteria, it was determined to require the same skills for consecutive interpreting: mastery of both languages and a broad cultural and educational background. The knowledge of the language had to be that of a native speaker. Fluency and mastery of the language entailed a broad range of vocabulary in different subjects, such as medicine, law, and current events. They were also seeking candidates that met specific characteristics required for interpreting simultaneously, "such as composure and the ability to remain calm in stressful situations" (Gaiba, p. 46).

The testers were aware that interpreting simultaneously requires mental agility to hear and speak at the same time. It requires that the interpreter adjust instantly to the

content and form of the source language, and if the best translation does not come to mind, they need to find a suitable alternative in order not to stop. They need to adapt to the speed and tone of the speaker. Interpreters need to have self-control under high stress and must maintain acute concentration under challenging situations for long periods of time. Accurate decisions must be made in seconds. They were also seeking persons with "good voice and clear enunciation so that it would be easy to listen to them for hours at a time" (Gaiba, p. 47). Some interpreters were removed because their voices were not pleasant.

Another factor that limited the recruitment of the interpreters was the actual nature of the trial itself: the atrocities committed by the defendants. Many candidates who seemed to meet the language skills were emotionally disturbed by the facts that would be presented at trial, such as the treatment of the Jews and the conditions in the concentration camps, and could not cope with the stress of the job.

Because of such strenuous requirements, it is not surprising that a very low percentage of the persons tested were hired as simultaneous interpreters. The main reason was the work's difficulty, but none of them had ever trained in interpreting. It was a very novel craft. The 36 simultaneous interpreters were chosen after testing two hundred persons before trial. Up to 500 persons were tested during the whole process. Of those selected, most interpreters were between 35 and 45 years old. Men's voices were preferred over women's, but Gabia (1998) cites Alfred Steer in saying, "when women are good, they are very good indeed" (p. 47).

Gabia describes the interpreters who worked at Nuremberg as well-educated and intelligent people who came from different countries with diverse educational and

professional experiences. Some were college professors, lawyers, medical people, graduate students, radio broadcasters, army officers, and professional interpreters. Although they were very individual persons, as a group they were the ones who were seen and heard the most throughout the trial.

After being selected to work, the interpreters, translators, and stenographers were trained with mock trials to prepare them for the most important trial of the century. The mock trials turned out to be dress rehearsals for the rest of the court personnel and actors. Attorneys and prosecutors needed to be aware of their pace when speaking for the benefit of the interpreters. And it was essential not to speak at the same time as others.

Source: National Archives, College Park, MD.

Figure I—The International Military Tribunal in Nuremberg, Germany, 1945-1946. From left to right: the defendants and defense counsel. In the left corner in the back, interpreters' booths, the monitor and the Marshal of the Court. In the center, the speakers' rostrum, facing the witness box. On the right, the stenographers, the officers of the court and the Judges' Bench. On the bottom of the picture, the four tables of the Prosecution teams plus a table for court personnel. The picture is taken from the elevated gallery for the public.

(Gaiba, p. 60)

Judge Geoffrey Lawrence presided over the trial that started on November 20, 1945. His words were heard in English, Russian, French, and German at the same time. The equipment used was the IBM Filene-Finley system.

The interpreters worked at four language desks. Each language desk had three interpreters. Interpreters were to translate in only one direction, and there would be no relay interpreting. For example, at the English desk, there would be an interpreter from German to English, one from French to English, and one from Russian to English. At the Russian desk, there would be an interpreter from German to Russian, one from French to Russian, one from English to Russian, and so on for the German and French desks. In all, there were always 12 interpreters in the booths, although only one interpreter at each desk worked at a time. Each desk was divided by a glass panel.

The interpreters' area was positioned so that they could observe almost everything in the courtroom. But they were positioned in a way that the witness stand was at side view for them.

Source: National Archives, College Park, MD.

Figure III—Defendants, defense counsel and interpreters. Defendants, defense counsel and interpreters rise as the eight members of the Tribunal enter the courtroom. Monitors, front: Léon Dostert, back: E. Peter Uiberall and Joachim von Zastrow.

(Gaiba, p. 64)

There was a system of channels through which listeners could hear the interpreted

renditions. Channel one was the channel for the original language spoken. The other languages interpreted were assigned their own; English was channel two, channel three was Russian, channel four was French, and channel five was German. The channels were selected by a switch connected to the seat.

Source: National Archives, College Park, MD.

Figure VIII—Interpreters during a session of the IMT. Front: the English desk; back: the German desk. To the right, Lt. Walter Selogson, monitor. Note that German is spoken because the English, French and Russian desks are active; the three interpreters turn to their left to see the speaker at the witness stand.

(Gaiba, p. 76)

There were three teams of interpreters, who each worked two out of three days. On every given day, two teams worked, and one had the day off. On the working days, one team of interpreters would work in shifts of 85 minutes while a second team was on standby in an adjacent room to rotate and relieve an interpreter if necessary. Early in the trial, the third team was off work, but it was later decided that off-court did not mean off-duty. They were then required to also be present in the interpreter room.

The electronic system of microphones was quite complex and took some getting used to by the participants at the trial. Judges or counsel sometimes forgot to turn off

their microphones, and confidential conversations were heard. Lawyers were forced to learn to wait for others to speak and not to interrupt each other for the benefit of the interpreters.

During the mock trials, it was discovered that a monitor would be needed to ensure the smooth flow of the interpreted renditions. A system of lights was created to advise counsel, judges, and witnesses to speak at a slower pace if they were speaking too fast. A yellow light meant to slow down, whereas a red light was a request to stop proceedings completely until the interpreting issue had been resolved. The monitor also had to ensure the accuracy of the interpreting and that it was being heard clearly through the system.

In addition to simultaneously interpreting the trial, court reporters transcribed into each language, and translators translated all documents presented at trial. In total, there were "42 volumes of transcripts and associated documents plus one index volume: 5,000 copies of all volumes in English, and 2,500 copies in German, French, and Russian, a total of something in excess of 500,000 volumes" (Gaiba, 1998, p. 98). The proceedings were also recorded in video and audio.

Gaiba (1998) emphasizes that one of the most critical aspects of interpreting at the trial was "its impact on the fairness of the proceedings" (p. 100). The purpose of the simultaneous interpreting system was precisely to guarantee the defendants' rights to a fair trial.

Because of the novelty of the technology and the multiplicity of languages working at once, the interpreting at Nuremberg was not without harsh criticism by participants. Many prosecutors felt coerced in having to slow their pace when speaking,

making them feel their examinations and cross-examinations were hindered. A few defendants also attacked the interpreters and their interpretations. But most were grateful and felt they could understand the proceedings and knew they were being understood. One of the defendants even stated, when informed of the charges and rights, “Of course I want counsel. But it is even more important to have a good interpreter” (Gaiba, 1998, p. 65).

Gaiba (1998) states that the simultaneous interpreting at Nuremberg did have imperfections and created inconveniences, but it fulfilled the need for a speedy and fair trial. Journalists who had been present at the hearing commended the interpreters for their ‘high quality and extraordinary proficiency.’

> People more knowledgeable about translation issues, such as language personnel, were astonished at its success, considering the limitless scope of the issues involved, technicalities of politics, military terms, or the empty phrases of Nazi jargon. It was noticed that with excellent interpreters, even the liveliness of the original speech could be reproduced through the modulation of the voice. (p. 112)

One of the surviving interpreters from Nuremberg, Siegfried Ramler (2007), explained the significant linguistic challenges the interpreters faced during the trial in a lecture given in 2006 at the Tokyo University of Foreign Studies. One of these was the language structure and the struggle in anticipating the German verb, usually placed toward the end of the sentence. Another challenge was the extensive technical and medical terminology and the language ambiguities used purposefully by the Germans. The fact that they were not always provided with documents in advance or even at the hearing caused great stress amongst them. But the greatest challenge was the emotional

impact the trial caused on the interpreters due to the “graphic testimony of brutality in concentration camps, of torture, of medical experiments on prisoners” (p. 13). He admited that they focused on the linguistic challenges and doing a good job. Later in his life, he reflected on the meaning and impact of Nuremberg.

Gaiba (1998) cites Judge Jackson in his praise of the work of the interpreters: “The success and smooth working of this trial is due in no small measure to the system of interpretation and the high quality of the interpreters who have been assembled to operate it” (p. 112).

The interpreters at Nuremberg have been deemed the “pioneers of simultaneous interpreting and the forerunners of modern-day conference interpreting” (Dueñas González, Vásquez, & Mikkelson, 2012, p. 92). The subsequent Nuremberg trials were also multilingual, but they were only in German and English, and simultaneous interpreting continued to be essential for communication. Thereafter, the Tokyo Trials followed suit with Japanese and English. The League of Nations was dissolved in 1946, and the United Nations was established. Today the United Nations has six official languages, English, Spanish, French, Arabic, Russian, and Mandarin Chinese.

Thus, the end of WWII brought forth a demand for interpreters and the need for interpreter training, which paved the way for its incursion into academia. Universities in Europe, Asia, Oceania, the Americas, and Africa began offering courses, programs, and degrees in conference interpreting. According to Angelelli (2004), this was because the need was to “ensure communication between heads of state, rather than by the communicative needs of communities of speakers who did not share the societal language. Members of the less-dominant cultures needing to communicate in their

everyday lives received low priority on the list of interpreting needs" (p. 11).

By this time, interpreting was booming internationally, with power issues at stake. However, countries that were receiving many immigrants and refugees, such as the U.S., Canada, and Australia, subscribed mainly to the assimilation model where newcomers were "expected to learn almost immediately to function in the dominant language of their adopted country" (Dueñas González, Vásquez, & Mikkelson, 2012, p. 84). This situation permeated throughout the 1970s and 1960s with the Civil Rights movement. The focus then turned to linguistic minorities and civil and human rights in the U.S. Court interpreters started to be required more and more frequently. Thus, a need to establish standards for the profession arose. The passage of the Court Interpreters Act of 1978 in the U.S. and other watershed events helped forge the court interpreting profession. It paved the way for the rights of limited and non-English speaking (LEP) individuals as they currently stand. Appendix D presents the Court Interpreters Act of 1978.

After reviewing the history of interpreting, I find it necessary to present different settings, albeit briefly, where interpreting takes place in addition to the legal setting, which is the focus of this dissertation. Some main interpreting settings are conference, community, healthcare, mass media, remote interpreting, and sign language, among many others.

2.2 Other settings that require interpreting

2.2.1 Conference interpreting

Ebru Diriker (2018) lists several settings where conference interpreting takes place: international conferences, multilateral meetings, workshops, official dinners, parliamentary sessions, and others. The most prevalent mode is simultaneous

interpreting, where the interpreter renders a speech at the same time as the speaker, with a lag of a few seconds. The ideal setting is to interpret in a soundproof booth with electronic equipment. Simultaneous interpreting may be done in some settings without a booth, using portable equipment, or without equipment using whispered interpreting. In the latter setting, the interpreter would need to sit near the person for whom she is interpreting. With equipment, the interpreter sits away from her listener, speaks into a microphone, and the listener can hear her through headphones. A soundproof booth is ideal because it allows the interpreter to control the volume in her headset, and the booth blocks any background noise. Not having a booth is extremely taxing for the interpreter because she cannot control the incoming sound. When whispering without a headset, she can hear her own voice, which requires greater concentration to hear and understand everything the speaker says. Also, whispering for long periods of time can cause undue stress and hurt the throat, which may result in hoarseness.

Conference interpreting may be done in the consecutive mode. The interpreter must wait for the speaker to finish all or part of his speech before rendering her interpretation. The interpreter usually sits near the parties. The consecutive interpretation may be long or short. Long consecutive interpreting may take more than 20 minutes and requires excellent notetaking skills to “reconstruct the speech in the other language” (Diriker, p. 172).

2.2.2 Community interpreting

Marjory A. Bancroft (2018) cites Miriam Shlezinger when defining community interpreting as serving “to enable individuals or groups in society who do not speak the official or dominant language to access basic services and communicate with service

providers" (p. 219). She indicates that its primary purpose is to give voice to those who need essential services but do not speak the language. Community interpreting is also known as liaison, ad hoc, public service, cultural, contact, and language mediation, among other terms (Mikkelson, 1999).

2.2.3 Healthcare interpreting

Roat and Crezee (2018) define healthcare interpreting as taking place in any kind of health care related interactions, including rehabilitation and mental health. They indicate that the driving force for professionalizing the healthcare interpreter arises from four areas: social justice, legal requirements, quality of care/patient safety, and cost. Social justice movements drove the enactment of the Americans with Disabilities Act which requires institutions to provide reasonable accommodations to support access to their services by individuals with disabilities. Clear communication is essential for patient safety. "Communication lies at the heart of healthcare. Without it, providers cannot provide good care, and patients are at risk" (p. 242).

2.2.4 Educational interpreting

Often included under community interpreting, educational interpreting is a rapidly expanding specialty, especially among sign-language interpreters. It includes translating in the classroom for children who cannot understand the language of instruction and interpreting between teachers and parents during school board meetings and disciplinary hearings. Depending on the circumstances, successive or simultaneous interpreting may be necessary (Gentile, Ozolins, & & Vasilakakso, 1996).

2.2.5 Escort interpreting

Interpreting for government officials, corporate executives, investors, observers,

and others on site visits. The spontaneity and variety of scenarios interpreters may encounter during escorted interpreting range from formal meetings to factory visits to cocktail parties. The most common form of interpretation for this sort of text is consecutive and is often confined to a few phrases at a time (Mikkelson, 1999).

2.2.6 Interpreting for the mass media

This type of interpreting encompasses television, radio, press conferences, interviews, and others. Interpreting is mainly simultaneous, live, and broadcast, also known as simulcast. It may take place on location or in a studio.

2.2.7 Remote interpreting

Sabine Braun (2018) finds that Eva Paneth made the earliest mention of remote interpreting in 1957, saying that telephone interpreting "was 'a very neat and obvious use of interpreters' which 'might easily be developed further'" (p. 353). The first country to establish a telephone interpreting service was Australia in 1973; the service has been provided in the U.S. and Western European countries since the 1980s and 1990s. The telephone interpreting market blossomed in the healthcare, legal, and business industries. The 2000s paved the way for video teleconference interpreting (VTC); the Covid Pandemic has driven VTC sessions almost worldwide.

2.2.8 Interpreting sign languages

Sign languages are visual, gestural languages with their own grammar and lexicon. They are not universal as they are not based on the spoken language of a particular country or region. Sign languages have a "complete set of linguistic structures, [are] complex, and highly nuanced and are as sophisticated as natural spoken languages" (Bontempo, 2018, p. 112). Because the deaf or hearing-impaired use sign languages,

sound and voice are irrelevant. The key features of sign languages are hand shape, palm orientation, hand movement, hand location, and gestural features such as facial expression and posture (National Institute on Deafness and Other Communication Disorders, 2019).

Interpreting in sign language can be unimodal or bimodal. Unimodal interpreting occurs when interpreting between two sign languages, whereas bimodal interpreting is done when there is a combination of spoken language and sign (Napier, 2018). On the other hand, deaf persons may not be familiar with sign language, so spoken language interpreters may have to mouth their interpretations for the person. I personally had to do this once. It was not an easy task, but it was very fulfilling.

Holly Mikkelson is on point when she indicates that "Individual interpreters may wear a variety of hats, working one day in a conference, the next in an escort situation, and the next in a court proceeding" (1999, p. 9). In real life, interpreter-mediated events are so complicated that it is hard to construct clear-cut categories.

2.3 Mainstream theories related to interpreting

In this section, I discuss the most important theories that pertain to the ideas, that explain, rule and give credence to interpreting. They are basic to the study of both translation and interpreting. Any individual who is pursuing a career in interpreting must heed these theories.

2.3.1 Relevance theory

Stroinska and Drzazga (2018) offer an insightful view of the Relevance Theory. They set forth an overview of several scholars on the subject and begin by exploring the simplest model of communication, which is between two participants: the sender, who

encodes the message, and the receiver, who decodes it. But due to its simplicity, this coding model disregards all the complex mental processes that occur during communication.

Scholars who have elaborated on the model are Bühler (1934/1990), Shannon and Weaver (1949), and Jakobson (1960), with their respective models: the Organon Model, the simple transmission model, and the model based on language functions.

H.P. Grice (1975) stated that for successful communication to happen, both parties must be aware of a set of maxims he coined as the Cooperative Principle (CP). This principle urges you to: "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose and direction of the talk exchange in which you are engaged" (p. 45). There are four maxims in the CP: the maxim of Quality ("tell the truth"), Quantity ("say as much as required"), Relation ("be relevant"), and Manner ("be orderly and avoid ambiguity"). The CP presupposes that the conversation participants are aware of these maxims and speak accordingly. It assures that when decoding a message, the receiver can discern the message sent and choose the meaning that best conveys it.

Sperber and Wilson (1986/1995) elaborated on Grice's theory, saying that communication is based on intentions and interpretations by focusing on a cognitive perspective. Their premise is that people pay attention to what they deem more relevant to a particular situation. They went beyond the simple communication models because, in their understanding, a message is sent when the sender considers it relevant. In their definition, "an assumption is relevant in a context if and only if it has some contextual effect in that context (p. 122)."

Ernst-August Gutt (1991/2000) believes that because interpreting and translating are acts of communication, they can be explained through the Relevance Theory. He understands that the only difference between translation, interpreting, and any other kind of communication is that two languages are involved. The goal of translation study is to select the meaning with the most significant amount of cognitive effect with minimum effort. Thus, he understands that from the Relevance Theory's premise, the translation process "focuses on the comparison of interpretations, not on the reproduction of words, linguistic constructions or textual features" (p. 233). Gutt argues that Relevance Theory applies to many types of translation, from travel brochures and rhymes to simultaneous interpreting. He suggests that when interpreting, "the translator will often settle for renderings that resemble the original less but get across easily what he considers to be adequately relevant aspects of the original" (p. 123).

Kliffer and Stroińska (2004) explore how cognitive effects improve one individual's knowledge by adding new assumptions and discarding others or by combining an input stimulus with an existing assumption to yield a unique cognitive effect called contextual implication.

According to Sperber and Wilson (1986/1995), explicatures and implicatures must be formed to comprehend an utterance. Explicatures are inferences that offer the details required to assess the truth value of a claim, while implicatures are ideas that strongly suggest the truth or existence of something as a logical consequence, but is not expressly stated. By including additional propositions, implicatures enhance understanding. The cognitive and communicative relevance principles must be considered while developing implicatures and explicatures. According to the cognitive

principle, human brains are pre-wired to favor inputs, ideas, and ways of reasoning that are most relevant or have the most significant cognitive impact with the least effort.

Under the communicative principle, every seeming stimulus elicits the most reasonable anticipation in the hearer, given the producer's knowledge, skills, and preferences. The idea of skills is crucial in this context because when people communicate under different physical and psychological restrictions, the message they generate (the ostensive stimulus) does not always correspond to their intended communication goal. Both the speaker and the interpreter must deal with a variety of issues during court proceedings, such as the psychological strain of testifying in front of a judge, discussing potentially upsetting or traumatic events, and, in the case of the interpreter, translating utterances on the spot without having full context or the speakers' backgrounds to guide them. The hearer (and also the interpreter) may still assume that the ostensive stimulus used by the speaker (the message uttered) is relevant enough for it to be worth the addressee's effort to process it and that it is the most relevant one given the communicator's abilities and preferences based on the presumption of optimal relevance (Sperber & Wilson, 1986/1995).

The discovery of a complex link between semantic representations of sentences and actual communication is one of the fundamental principles of Relevance Theory. This gap "is filled not by new coding but by inference" (Sperber & Wilson, 1986/1995, p. 607). An inferential procedure must occur, accounting for a context that both the message's sender and receiver should be aware of (or the speaker and the hearer). The intended meaning of a message may be deduced by analyzing the context and the evidence of the speaker's purpose in communicating the message, according to this

differential model based on Grice's work.

2.3.2 Implicatures and presuppositions

Cui and Zhao (2018) discuss the importance of implicature and presupposition in translation and interpreting. Both translation and interpreting, the former in written form and the latter in oral and occasionally sign language forms, entail the transfer of meaning between languages and cultures. Translation is the process of conveying the meaning of a text from one language to another in written form. Additionally, the translator typically has the time and resources necessary for a reliable translation. When interpreting, which facilitates oral communication between speakers of different languages, the interpreter lacks the time and resources required to provide the most exact translation.

While there are some differences between translation and interpreting—for example, interpreting calls for a quicker response from the interpreter, who does not have as much time to consider the issues as translators do and must make decisions immediately—they also have some similarities, such as the need to analyze the source text or utterance and replicate its meaning and implications in the target language.

Translators and interpreters must consider meaning outside of the text and read between the lines to generate accurate and valuable translations when analyzing the source text or utterance and replicate the meaning in the target language. Often, implicatures and presuppositions are used to convey this extra-textual meaning. The word 'implicature,' which refers to what is implied in actual language use, comes from the verb 'to imply.' Presupposition is a term used to describe speakers' beliefs before producing an utterance. It is similar to implicature in that it is something that is implied in a text but is more complex or even contentious in spontaneous speech, partly due to its scope (Cui

& Zhao, 2018).

A fundamental rule of human interaction is politeness, which is the consideration of others. It is an interpersonal relations framework that reduces the likelihood of conflict and confrontation, which inevitably occurs in all human relationships, and fosters connection. Cui and Zhao (2018, p. 109) explore Leech's (2014) Politeness Principle's (PP) six maxims: Tact (maximizing advantage to others while minimizing cost to others); Generosity (minimizing one's own profit while maximizing the benefit to others); Approbation (maximizing approval of others and minimizing criticism of others); Agreement (minimizing conflict between self and other while maximizing agreement between self and other); Modesty (minimizing self-praise, maximizing self-dispraise); Sympathy (minimizing hostility toward others and increasing sympathy toward others).

Understanding and interpreting conversational implicatures require taking into account a speaker's future consideration of benefit, acclaim, sympathy, and agreement when communicating. In many instances, speakers' attempts to be polite and adhere to the PP's rules result in them breaking the CP's rules. Conversational implicature, as opposed to conventional implicature, is produced by the language used in specific contexts, such as speakers, speakers' intentions and attitudes, and the circumstances surrounding the discourse. Conventional implicature is attached to the semantic meaning of words or expressions, and the pragmatic assumption is related to this conversational implicature (Cui & Zhao, 2018).

Cui and Zhao (2018) discuss three main presuppositional methods in linguistics. First, according to the semantic perspective, the presupposition is an entirely logical phenomenon that may be classified according to its truth and entailment. Second, the

pragmatic approach, which explains the occurrence using the Gricean CP's conversation maxims and ideas from speech act theory, believes that presuppositions are derived from the speaker's and hearer's prior knowledge and views. Third, there is an opinion that presupposition is only a deceptive name used to describe several fundamentally unrelated occurrences (Sandt, 1988).

While pragmatics focuses more on language use or conversational implicatures, semantics is more interested in the conventional meaning of language. Pragmatics considers the context, such as the attitudes or interests of participants, while semantics concentrates on the text's substance, particularly truth conditions (Stalnaker 1998b, 28).

Translation and interpreting are affected by implicature and presuppositions since they both have to do with the meaning of linguistic expressions and have a part to play in bearing implicatures that are both semantic and pragmatic. Therefore, if interpreters and translators pay attention to implicature and presupposition when evaluating the original text and when presenting the target text, they are more likely to comprehend the context of their source text to provide an appropriate target text (Cui & Zhao, 2018).

There are more things that the translator and interpreter need to consider than just linguistic meaning and communication principles because translation and interpreting entail linguistics, social, cultural, and even psychological factors. The translator or interpreter must consider how the intended readers or audiences will receive specific words or expressions and, as necessary, make alterations or provide clarifications. Presupposition is more complicated in the context of translation because it requires identifying the presupposition and the portion of the presupposition that is most relevant for translation and interpreting. This is necessary so that translators and interpreters can

comprehend the original text and produce a translation or interpretation that is accurate and incorporates all of the original implicatures (Cui & Zhao, 2018).

Language can cause presuppositions, but they only persist when our understanding of the world and the current context permit it. Every time a sentence makes a suggestion, it must be taken into account in the context of that suggestion (Heim, 1992). The original contextual settings, the target readers, and the target texts must all be assessed for a correct transfer from one language and culture to another. This is why context is so essential for translation and interpreting.

Under normal circumstances, both simultaneous and consecutive interpreters must ensure that the recipients receive the information the speaker is convergent on in a timely and accurate manner. The interpreter is expected to be clear about the recipients' needs to interpret in a way that meets their goals and purposes. Particularly in such modes of consecutive interpreting as liaison interpreting, where the interpreter works directly with the recipients, the interpreter must pay attention to the maxims of the CP and the PP to provide the material accurately and effectively. The interpreter must be adaptable, evaluate how the audience will react to the material, and respect the recipients' customs and values (Cui & Zhao, 2018). The coherence of the simultaneous interpreters' rendition is frequently in jeopardy as they listen, think, and talk at the same time. Therefore, to save time and follow the speaker's pace during simultaneous interpreting, interpreters must pay close attention to ensure that what they provide is understandable, clear, and expressable.

Translators and interpreters can use semantic presupposition and implicature when analyzing the implications of the original text and effectively and efficiently

delivering information. First, a thorough and correct understanding of the original texts is essential for translation and interpreting. Making a conscious effort to disclose the claims suggested in the original text by evaluating semantic presuppositions and implications can help translators and interpreters. Second, transferring some information via semantic presuppositions or implicature can make a document more concise because not all claims need to be explicitly stated, which can save space. Third, textualizing information obliquely can strengthen a text's ability to persuade.

People infer all kinds of things when reading or listening to a speech. Semantic presuppositions or implicatures suggest certain information, increasing the audience's participation and encouraging them to consider and deduce the implicatures.

Pragmatic presuppositions are relevant to translation and interpreting, much like semantic presuppositions. These entail various contextual elements, such as the requirements and expectations of the intended reader. The translator and interpreter can better translate and interpret decisions by better understanding the author's or speaker's goals and attitudes and exploring any contextual presuppositions the original author may have about the text recipients (Cui & Zhao, 2018).

Additionally, translators and interpreters must consider their presuppositions about the intended audience and the environment when deciding what information to convey and how to provide it. Such presuppositions fall under a variety of headings because they include almost everything that could be related to translation and interpreting work.

Translators and interpreters must determine how much the target readers are likely to share their presuppositions, which is "difficult to judge and involves a delicate

balancing act" (Saldanha, 2014, p. 5). Translators and interpreters must frequently rely on their own judgment or impressions.

2.3.3 Equivalence

Although this work focuses on interpreting, this portion on equivalence addresses translation theory, the foundation for interpreting theory.

> Equivalence was a keyword in the linguistics-based translation theories of the 1960s and 1970s, although its basic mode of thought may be traced back to Cicero and later to the Renaissance theories that began to presuppose languages of equal status. Close inspection reveals that some theories assume pre-existing equivalents and are thus concerned with a search for "natural" equivalence. Other theories allow that translators actively create equivalents, and are thus concerned with "directional" equivalence. The first kind of equivalence is concerned with what languages ideally do prior to translation; the other deals with what they can do. These two approaches are often intertwined, giving rise to many misunderstandings and unfair criticisms of the underlying concept. The historical undoing of the equivalence paradigm came when the directional use of the term allowed that equivalence need be no more a belief or expectation at the moment of reception, which need not be substantiated on the level of linguistic forms. At the same time, source texts became less stable and languages have been returning to more visibly hierarchical relations, further undermining the concept. Contemporary localization projects may nevertheless fruitfully be interrogated from the perspective of natural and directional equivalence, since the presumptions are being used by contemporary technology precisely at the moment

> when the terms themselves have been dropped from critical and exploratory metalanguage. (Pym, 2007, p. 271)

When comparing texts written in different languages, it is necessary to have a theory of equivalence. Many distinct interpretations of the concept of equivalence have been elaborated in the last few decades within the realm of translation theory. The discussion regarding its definition, significance, and applicability continues to be one of the most critical topics in translation. (Aslan, 2016). To say that equivalence is crucial in translation studies would be an understatement. Still, it has been quite divisive, sparking passionate disputes among scholars concerning its origins, scope, and meaning (Panou, 2013).

Simply put, the idea of translation equivalence is crucial to the study of translation and is one of the main principles of Western translation theory. One of the most fundamental challenges of translating is identifying translation equivalents, and the essential difficulty of translation practice is identifying target language counterparts. The definition of the characteristics and requirements for translation equivalence is a significant goal of translation theory (Catford, 1965).

According to Anthony Pym (2010), because of the professional and academic proximity of translation and scientific discourses since the 1950s, there has been an increasing concern with accuracy, and hence an emphasis on making translation theory seem as scientific as possible. This trend touched literary and technical translation and was linked to a rising awareness of the need for translation and interpreting training.

Since the concept of equivalence is intrinsic to both the theory and practice of translation, it has been the subject of much discussion among professionals in the field

for quite some time. This idea of equivalence between the Source Text (ST) and the Target Text (TT) became crucial to the study of translation in the 1960s and 1970s, and there was a lack of clarity on the causes of the emergence of distinct types of equivalence (Panou, 2013).

To have a clear view and understanding, I will present significant contributions by the most prominent scholars and several paradigms on equivalence.

Panou (2013) references how in 1958, Jean-Paul Vinay and Jean Darbelnet conducted a stylistic comparison of the French and English translation processes. They proposed seven strategies, and borrowing, calque, literal translation, transposition, modulation, equivalence, and adaptation are all examples of these methods. They claim that equivalence is best understood as a process involving repetition using different words. This requires that the target text retain the stylistic effect of the source text. Therefore, the search for equivalents for proverbs, idioms, and clichés is conducted at the level of sense rather than visual. Pym (2010) describes this as a cultural adaptation necessary for the *function* to remain equivalent – the notion of equivalence was functionalist from the start. This type of equivalence might be called 'natural' because it is thought to exist before the translator's participation.

Furthermore, Vinay and Darbelnet (1958) contend that the acceptance of equivalence of words in various language pairs is contingent upon their appearance in a bilingual dictionary as complete analogs. However, they acknowledge that simply looking up the equivalence of an SL word in a dictionary or glossary and assuming the translation would be correct is inadequate due to the importance of the surrounding context in developing the translation approach. Thus, translators should consider the ST's

perspective before rendering their output (Panou, 2013).

The advancement of translation theory owes much to renowned linguist Roman Jakobson (1959/2000). The idea of 'equivalence in difference' (p. 233) that he presented was crucial to advancing translation theory. In his work, Jakobson distinguishes between three distinct types of translation: intralingual (dealing with one language), interlingual (dealing with two languages), and intersemiotic (dealing with sign systems).

Jakobson claims that a translator will look for a synonym in the target language to convey the intended meaning in a translation. As a result, it is essential to note that the concept of "intralingual translation" should not be taken to indicate semantic equivalence between two languages. As Jakobson puts it, "translation includes two equivalent signals in two separate codes" (p. 233). Since ST and TT have different grammatical, lexical, and semantic structures, the translator's job is to achieve message parity despite these differences. Discovering appropriate counterparts allows for translation despite linguistic differences in grammar and vocabulary.

Nida and Taber (1969) take a more systematic approach to studying translation by using theoretical notions from semantics and pragmatics and influences from Chomsky's (1965) generative-transformational grammar.

For Nida and Taber (1969), there are two primary kinds of equivalence: dynamic and formal. Dynamic equivalence is founded on "the principle of equivalent impact," while formal equivalence "focuses emphasis on the communication itself, in both form and substance" (Nida, 1964, p. 159). Dynamic equivalence holds that a translation should communicate the same message in the same way as the original text. In other words, the meaning of the text should be conveyed accurately and effectively. Nida believed that

meaning is not conveyed through words alone but also through the way the words are used; that meaning is determined by the context in which the words are used, as well as the culture of the speaker.

On the other hand, formal equivalence emphasizes the importance of paying attention to both the form and content of a message. Formal equivalence denotes that the message in the target language should correspond to the various components in the source language. Formal equivalence seeks to establish equivalence between the original text and the translated text and, to some extent, represent the linguistic aspects of the original language, such as vocabulary, grammar, syntax, and structure, which significantly influence accuracy and precision (Kim, 2015).

Nida and Taber (1969) argue that a translated text should have an immediate meaning — intelligibility — for the target text readers and evoke an equivalent response from the receiver. In their words, "intelligibility is not to be measured merely in terms of whether the words are understandable, and the sentences grammatically constructed, but in terms of the total impact the message has on the one who receives it" (p. 22). Meaning is context-dependent, and receivers from different historical-cultural contexts will likely arrive at distinct interpretations and exhibit non-equivalent reactions. Based on this discovery, they assert that the focus of translation should move from the form of the message to the reaction of the receiver and emphasizes the importance of dynamic equivalence over formal correspondence (Kim, 2015).

House (1997), drawing on pragmatic theories of language use, has developed a translation model in which functional equivalents between ST and TT are the primary criterion for equivalence. Similar pragmatic means should be used to accomplish this

purpose. Therefore, the translation quality is only considered satisfactory if it successfully conveys the ST's intended meaning and textual profile. House has distinguished between overt translation and covert translation based on his contrasting German and English discourse analyses. As the name suggests, an overt translation is a TT from which it is obvious that it has been translated from another language. A covert translation, on the other hand, serves the same purpose as the ST because the translator has eliminated as many cultural barriers as possible. One could argue that House's theory takes into account the pragmatics of translation through the use of real-world examples.

One of the most prominent German scholars working in translation studies is Werner Koller (1979). His concept of correspondence involves comparing two language systems where differences and similarities are described contrastively. He attempts to answer the question "what is equivalent to what?" by identifying five distinct kinds of equivalence: (a) denotative equivalence, which pertains to the text's extralinguistic content; (b) connotative equivalence, which pertains to the text's lexical choices; (c) text-normative equivalence, which pertains to text-types; (d) pragmatic equivalence which pertains to the receiver of the target text and (e) formal (which pertains to the formal-aesthetic qualities of the source text (p. 186-191). Having distinguished several forms of equivalence, Koller (1979) argues that a hierarchy of values may be maintained in translation only if the translator establishes such a hierarchy for the target text (p. 89). Koller's contribution to translation studies is recognized for drawing translators' attention to numerous sorts and methods in which the then-fashionable desideratum of equivalence may be attained, even if the ordering of equivalents is up for discussion.

Peter Newmark offers a framework for dealing with challenges faced in the

translation process rather than advocating any single translation philosophy (Panou, 2013). Semantic translation, which Newmark advocates, is concerned with interpreting an ST's intended meaning, whereas communicative translation is more concerned with delivering the intended message. Thus, semantic translation considers the ST and attempts to preserve as many of its original features as feasible in the target text. Complexity, specificity, and a tendency toward over-translation are hallmarks of its character. Instead, communicative translation prioritizes meeting the demands of its target audiences. Generally speaking, communicative translation is less literal in this regard; it is more streamlined, straightforward, and readable. Thus, the target audience for a communicative translation is broader than a literal one, but the original author's intentions are given more weight in a semantic translation. It is important to note that, in practice, translators do not necessarily prioritize communicative over semantic translation. Some sentences in a literary work may call for a communicative translation, while others may call for a semantic translation. Consequently, both approaches to translation can be utilized together, but their emphasis will naturally differ depending on the context.

Mona Baker (1992) argues that equivalence is relative because it depends on language and culture. Baker defines "word" and notes its complexity because a single word can have multiple meanings in different languages. Therefore, number, gender, and tense must be considered when translating a term (p. 11-12).

The difficulty in finding a corresponding phrase in the TT goes to grammatical equivalence, and it arises from the fact that grammatical categories and rules vary from language to language. Indeed, she emphasizes that variations in grammatical patterns

may significantly impact how the message is conveyed.

On the other hand, textual equivalence refers to equivalence that may be achieved between an ST and TT as to cohesion and information. Baker (1992) argues that texture is of immense importance for translators since it facilitates their comprehension and analysis of the ST and helps them produce cohesive and coherent text in the TL. The translators' decision to maintain (or not) the cohesive ties and the coherence of the SL text mainly rests on three main factors: the target audience, the purpose of the translation, and the type of text.

Implicature is the fundamental focus of pragmatic equivalence. Baker uses Grice's (1975) definition of implicature to demonstrate that the term refers to figurative rather than literal meaning. That is to say, it is not what is spoken *per se* that is important, but rather what is meant or inferred. If implicatures exist in the ST, the translator must determine their meaning and carry them across to the degree practicable.

Finally, Pym (2010) points out that there is no perfect equivalence between languages, which is always assumed. He defines equivalence as "equal value" between ST and TT segments on any linguistic level, from form to function. He distinguishes natural and directional equivalence (p. 7). However, theories of directional equivalence allow the translator to choose from several ST-independent translation strategies. There are many ways to translate, but directional equivalence strategies fall into two poles: SL norms and TL norms. Perhaps the most crucial assumption of directional equivalence involves some kind of asymmetry since translating one way and creating an equivalence does not imply the same when translating another way (p. 6).

Having viewed the different trends in equivalence from the point of view of

scholars, it is proper to mention some paradigms that have developed from the concept of equivalence. According to Pym (2010), in the 1950s, translations were evaluated through the lens of equivalence in language studies. However, despite its robustness and complexity as a mode of cognition, it is no longer the dominant lens. Indeterminacy, a competing realm that threatened the stability of anything that appeared to be equal, was a contributing factor; however, actual conflicts between the two translational paradigms were uncommon. Indeterminacy was a rival realm that threatened the stability of anything that appeared to be equal. However, later paradigms focused on several issues that theories of equivalence had overlooked, such as the translation's *Skopos* or purpose (which challenges the dominant role of the source text), historical and cultural relativism (which challenges any absolute equivalence equations), localization (which deceptively blurs the lines between translation and adaptation), and cultural translation (seeing translation in terms of interpersonal processes rather than an affair of texts). Every one of these problems brings about a paradigm shift, which in turn brings about conceptual displacements that are so fundamental, the only reason why so many disagreements have arisen is because different people have used the same words to mean different things.

2.3.4 Meaningful legal equivalence

Dueñas Gonzalez, Vásquez, and Mikkelson (2012) coined the term "meaningful legal equivalence," which is tantamount to the purpose of the court interpreter. The basic duties of the court interpreter are to act as an intermediary between the court actors and the LEP individual, providing an interpretation that is both meaningful and legally equivalent.

The first objective of a court interpreter is to ensure that those with limited

English proficiency have full linguistic participation in all aspects of a court hearing or other judicial event. A defendant with limited English proficiency should be given the same access to information as a person with native English proficiency. The defendant must be made aware of all communications and interactions that take place throughout the court session, including jokes and utterances that are not intended to be made public. In order to participate in their own defense and make critical decisions regarding any factual aspects of their cases, defendants with limited English proficiency must have access to the whole message stated by a witness, judge, or counsel.

The second objective is to enable the judge and jury to respond to the testimony of an LEP witness in the same manner as they would to the testimony of an English-speaking witness. The court interpreter's rendition becomes part of the official record and serves as the basis for any potential appeal. For the court interpreter, protecting the record requires disciplined and meticulous attention to the transfer of the conceptual meaning and message style from the SL to the TL. The judge and jury can only make informed judgments about the witness's general socioeconomic, educational, and cultural background based on the speaker's speech style and lexical choices with the assistance of an interpreter. The legal implications of the latter point are particularly crucial.

The perception of witnesses by jurors can change when interpreters fail to achieve accuracy of content and manner, including the maintenance of seemingly superfluous features, such as hesitations, fillers, hedges, and mistakes, as well as the omission of vulgar language or changes in pragmatic force or levels of politeness (Berk-Seligson, 2002).

Hale, Martschuk, Ozolins, and Stern (2017) assert that in the adversarial system,

the central aspect of a case is the testimony of witnesses. Lay witnesses who answer questions about what they heard or observed that may be relevant to the case, and expert witnesses who provide their expert judgment on connected subjects provide oral testimony. Therefore, the credibility of witnesses is vital to the result of any lawsuit. The impression of a witness's credibility depends not just on the content of their statements. Similarly, the speaker's appearance and demeanor might affect their perceived credibility. Early research on jury decision-making revealed that jurors tended to focus on the speaker's perceptions rather than the substance (Chaiken, 1980).

Non-verbal behavior and communication are equally important in the courtroom. They might include fidgeting and eye movement, but they can also apply to other non-verbal cues like facial expressions and body language. They establish how important these nonverbal clues are in shaping how credible a witness is deemed. Interestingly, Hale, Martschuk, Ozolins, and Stern (2017) discuss in their article on witness credibility how the more attractive someone was deemed to be, the more likely they were to be seen as trustworthy, kind, and smart.

The right to an interpreter stems from fundamental constitutional rights guaranteed by: (1) the Fourth Amendment's prohibition of unreasonable searches and seizures; (2) the Fifth Amendment's right to due process and the right not to self-incriminate; and (3) the Sixth Amendment's right to a speedy trial by an impartial jury, to be informed of the nature and cause of the accusation, to confront adverse witnesses, to have practical assistance of counsel, and to obtain witness protection. Each of them protects LEP individuals' right to meaningful language access within the legal system.

The United States was established on the tenets of justice and equality before the

law, making it a global symbol of democracy. The principle of social justice and the U.S. Constitution both serve as moral pillars for the pursuit of these values. To pursue a good quality of life, social justice affirms each person's intrinsic worth and unalienable right to meaningful participation in all facets of society. The goal of social justice is to guarantee that everyone has a voice in choices that directly impact their personal well-being and the welfare of their children. Anyone may benefit from social justice, regardless of socioeconomic situation, race, country of origin, or level of English proficiency. Assuring justice for historically marginalized groups, such as limited- and non-English-speaking minorities—whose access to equal opportunities has traditionally been denied based on language—is necessary for the fair application of social justice principles in the United States (Dueñas González, Vásquez, & Mikkelson, 2012).

To achieve social justice, individuals with limited English proficiency must have access to a comprehensive array of language services, including bilingual personnel in public service agencies, validly tested and certified interpreters and professionally translated materials. Language access does not give LEP individuals any advantage over English speakers, but it does provide them with a fair and impartial process that ensures legal equality and justice (Arizona v. Natividad, 1974)[3] (U.S. v. Carrion, 1973)[4] (United

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3 Natividad, 526 P.2d 730 (1974)

> The inability of a defendant to understand the proceedings would be [not only] fundamentally unfair but particularly inappropriate in a state where a significant minority of the population is burdened with the handicap of being unable to effectively communicate in our national language. A defendant's inability to spontaneously understand testimony being given would undoubtedly limit his [or her] attorney's effectiveness, especially on cross-examination. It would be as though a defendant were forced to observe the proceedings from a soundproof booth or seated out of hearing at the rear of the courtroom, being able to observe but not comprehend the criminal processes whereby the state had put his [or her] freedom in jeopardy. Such a trial comes close to being an invective against an insensible object, possibly infringing upon the accused's basic right to be present in the courtroom at every stage of his [or her] trial.

4 U.S. v. Carrion, 488 F.2d 12 (1st Cir. 1973),

> Holding that "whenever put on notice that there may be some significant language difficulty, the court should make such a determination of need [for an interpreter]."

States Ex Rel. Negron v. State of New York, 1970)[5]. LEP individuals are unquestionably excluded from the legal system without access to certified or highly qualified interpreters.

Language minorities have historically been marginalized in U.S. society due to exclusionary policies and discriminatory practices in employment, education, healthcare, social services, and the legal system. While remedies for these inequalities have been addressed through civil rights legislation and case law, it is well documented that language minorities continue to struggle for equal access and have measurable socioeconomic and educational achievement disparities. This disempowerment or lack of agency for language minorities is nowhere more apparent than in the legal context (Dueñas González, Vásquez, & Mikkelson, 2012).

Despite the fact that the courts have recognized the need for language services for two centuries and that unprecedented efforts have been made to correct these injustices since the Court Interpreters Act of 1978 and the strengthening of Title VI of the Civil Rights Act of 1964, LEP individuals continue to be excluded from access to the legal process, denied the same rights, protections, and benefits as their English-speaking counterparts. They are expressly denied opportunity, equality, and fairness due to their language, which is a trait of their national origin. Without a qualified interpreter, substantial portions of their testimony will likely be distorted by interpreters who lack the

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[5] U.S. ex Rel Negron v. State of N.Y, 434 F.2d 386 (2d Cir. 1970)
Holding that a defendant who spoke no English, and "s[a]t in total incomprehension as the trial proceeded," was not sufficiently "present" to satisfy the dictates of the Sixth Amendment. The Negron court noted that the confrontation clause of the Sixth Amendment was made applicable to the states, via the Fourteenth Amendment. Regarding the importance of language comprehension to a non-English-speaking defendant's Sixth Amendment right to counsel, Judge Weinstein forcefully argued that "[d]efense counsel loses a valuable resource if his or her client cannot understand the charge and supporting facts. Significance of detailed factual representations may escape the lawyer, but not the client who is familiar with the circumstances surrounding his case. Ultimate success in court may depend on careful pre-trial investigation based on hints from the client." 816 F. Supp. at 175."

proper education and training, resulting in loss of information contained in the original testimony, adding information not stated, or altering the illocutionary force of a speaker, e.g., their tone and intent (Dueñas González, Vásquez, & Mikkelson, 2012). Many LEP individuals are unaware of their right to an interpreter during all stages of the legal process in criminal matters and some civil matters under the Title VI of the Civil Rights and Executive Order 13166.

A commitment to social justice entails the conviction that it is the responsibility of the government to enact robust and consistent public policies ensuring equal opportunity and fair treatment under the law for all citizens. Although the United States has always been a culturally and linguistically diverse society, English-only policies have dominated public life, impacting how business is conducted, how government interacts with citizens, how education is provided, how the political process operates, and how justice is administered. These English-only policies have failed to promote social justice; instead, they have erected a barrier between LEP populations and significant cultural institutions, perpetuating a cycle of educational, economic, and social inequality (Dueñas González, Vásquez, & Mikkelson, 2012). Effectively, these policies have determined who is eligible for the benefits and protections accorded to all persons living in the U.S. and who is not.

The goal of court interpreting is to provide a legal equivalent, a linguistically correct and legally acceptable translation of courtroom remarks from the second language into English or the other way around. Legal equivalence sets court interpreting apart from all other types of interpreting. “Interpreters must have the ability to translate correctly... while accurately portraying the speaker’s subtleties and level of formality” (Federal

Judicial Center, 1989, p. 7). LEP individuals are treated equally in the legal system only when the interpreter can reliably provide a legally equivalent rendition.

Court interpreters are tasked with rendering all SL words, statements, and utterances into their TL equivalents when interpreting testimony. To achieve legal equivalence, the interpreter must capture the speaker's register, style, tone, and intent, as well as all pauses, hesitations, false starts, and other characteristics of the speaker's speech performance. For fact-finders, this precision is equivalent to hearing a native English speaker. Thus, fact-finders can make informed decisions based on the speaker's credibility, veracity, and trustworthiness. By analyzing a witness's testimony this way, lawyers can better gauge their client's strategy and pinpoint questions that need answering. A competent court interpreter will ensure that the judge's or attorney's questions retain their original style and tone. Additionally, LEP litigants can actively participate in their defense by comprehending critical parts of the proceedings, such as adverse witness testimony when the witness and the defendant do not speak the same language, thanks to the interpreter's ability to transfer statements and questions exactly as they were originally spoken. Court interpreters have a duty to provide clients with "meaningful" interpretation under Title VI, which is applicable in all state courts thanks to the Fourteenth Amendment's due process clause and case law that extends the federal right to an interpreter to the states under the equal protection clause of this Amendment.

Interpreters should imitate the speaker's mannerisms and delivery as closely as possible. However, interpreters are trained not to replicate gestures or mimic paralanguage, such as crying and shouting, but to render the emotional content of the SL message in a subdued manner through tone of voice and word selection.

According to Dueñas Gonzalez, Vásquez, and Mikkelson (2012), since Title VI's revitalization, the court interpreter's mission has been refined to encompass meaningful legal equivalence. It is important to understand that this aim is just a refinement considering the listener's comprehension and not a replacement for legal equivalency. Under Title VI, interpreters must provide communications that meet all accuracy requirements and help LEP court participants achieve meaningful comprehension. This guideline demands that the interpreters employ terminology, paraphrases, and definitions to improve the listener's understanding of the legal equivalent.

> The movement towards the meaningful legal equivalence standard is supported by judges, attorneys, and litigants who argue that meaningful comprehension is necessary for language access. When strict legal equivalence is used as the interpreting criterion, without consideration for listener comprehension, litigants frequently leave the court without understanding their obligations, duties, or responsibilities to the court, according to the experience of these legal actors. This results in numerous delays, rescheduled events, and increased time lost on the job as litigants attend multiple hearings without clearly understanding the pending legal issues. State court judges are aware of the problem and frequently order interpreters to provide further clarification to LEP individuals before they leave a hearing or request interpreters to meet alone with LEP individuals to ensure they understand what to do after leaving court (Dueñas González, Vásquez, & Mikkelson, 2012, p. 15).

Such unacceptable, unethical practices can be eliminated if court interpreters use terminology that the client understands and use additional definitions when it is evident

that the legal equivalent is not being understood.[6]

Dueñas Gonzalez, Vásquez, and Mikkelson (2012) compare meaningful legal equivalence with Nida and Taber's (1969) concept of dynamic equivalence as the idea that the message should have the same effect on the TL audience as it did on the SL audience. Dynamic equivalence, as defined by Nida and Taber (1969), is "the degree to which the receptors of the message in the receptor language respond to it in substantially the same manner as the receptors in the same source language" (p. 24). This, of course, must take into account cultural differences that impede the same target language receptor's response to the message for lack of shared referents with the source language receptors of the same message. Meaningful legal equivalence, on the other hand, goes one step further by recognizing that the form and style of the message are just as crucial to its meaning as the listener's successful comprehension of the message.

Within the spectrum of linguistically and legally equivalent possibilities, the interpreter chooses the terminology and syntactic arrangements that not only respect the register, meaning, and style but also have the best potential of being understood by the target audience. As a result, the interpreter should choose what is most transparent and

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[6] Cambridge Mgmt., Inc. v. Jadan, 149 Haw. 56 (2019).

> "The courtroom setting is often intimidating, its language, technical. In light of this reality, it is the court's responsibility to determine whether a litigant can speak and understand English such that they are able to meaningfully access justice in this extraordinary setting — not simply whether their English is passable, adequate, or otherwise good enough to meet ordinary day-to-day demands./ The district court abused its discretion by denying requests for an interpreter in a landlord-tenant dispute because it failed to conduct an adequate inquiry into the tenant's language access needs in accordance with Haw. Rev. Stat. §§ 321C-3(a) (Supp. 2012), 321C-4 (Supp. 2012), the Hawai'i Rules for Certification of Spoken and Sign Language Interpreters (HRCSLI), Appendix B, § I, and the Hawai'i Language Action Plan for Persons with Limited English Proficiency, which required specific findings about English language proficiency in the context of court proceedings; [2]-Because HRCSLI Rules 1.2, 1.3 provided for equal access and assistance of interpreters in all proceedings before Hawai'i courts and legal proceedings, the meaningful language access mandate extended to appellate proceedings, although language access standards tailored to appellate proceedings were lacking."

meaningful to the listener from a range of feasible counterparts that retain the register, meaning, and style of the original message. Attaining this aim necessitates extraordinary language and interpreting abilities, a goal shared by all exceptional court interpreters.[7]

How, then, can the interpreter determine what falls within the boundaries of legal equivalence and which variants are most likely to be understood? Dueñas Gonzalez, Vásquez, and Mikkelson (2012) establish three. First, a command of both the source and target languages at the level of a native speaker enables the interpreter to adapt the TL message to the audience's needs while preserving meaning and register. Second, an interpreter's experience with a diverse range of speakers is a valuable asset. Third, sensitivity to nonverbal and verbal audience feedback improves the interpreter's ability to adjust word choice and other elements in response to audience needs within the parameters of legal equivalence.

To meet the interpreter's complex aims in a legal setting, she must have outstanding language and interpreting abilities, as well as cognitive flexibility. While bilingualism is a crucial necessity for an interpreter, it is simply one component of a complex collection of linguistic knowledge, cognitive abilities, and tactics required to conduct judicial interpreting. A complex interaction of language ability, metalinguistic

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[7] Araiza v. State, 149 Haw. 7 (2020).

> "...if a court appoints an interpreter who is not certified by the judiciary as proficient in the foreign language, the court 'should conduct a brief examination of the interpreter to determine if the interpreter is qualified to interpret the proceeding.' HRCSLI Appendix B, § I(D). (...) When a Trial Court Appoints an Interpreter who has not been Certified by the Judiciary, the Court Must Conduct a Brief Inquiry on the Record to Establish that the Interpreter is Qualified. (...) "All persons involved in proceedings before the Hawai'i State Courts, regardless of literacy or proficiency in the English language, have the right to equal access to the courts and to services and programs provided by the Hawai'i State Courts." HRCSLI Rule 1.2. (...) HRCSLI Appendix B comports with the HRE, which establishes that an interpreter is regarded as an expert under HRE Rule 702 'for the purpose of determining his qualifications to interpret or to translate in the matter at issue.' HRE Rule 604 cmt. In other words, in accordance with HRE Rule 702, there must be evidence in the record that the interpreter was 'qualified as an expert by knowledge, skill, experience, training, or education'."

awareness, an extensive repertory of learned interpreting techniques, and acquaintance with a wide range of professional topic areas or semantic fields determines the quality of the interpretation. In reality, every facet of life and subject of study can give insight into the nature and function of language and is thus vital to the professional training of court interpreters. Because of the intricacy and length of their preparatory skills and formal education, interpreters and translators are said to have the "longest apprenticeship of any profession" (Baker, 2011, p. 3).

The interpreter in a court setting needs to have a high level of fluency in two languages, as well as the ability to shift between formal and informal registers and speech styles, such as the formal language of an attorney or expert witness and the more informal, idiomatic, and occasionally incoherent and nonreferential language of a witness (lacking context or antecedents). A wide variety of subjects may arise in a legal situation; thus, the interpreter's vocabulary needs to be broad enough to cover them. The interpreter must also be able to juggle all these linguistic activities while concurrently and consecutively translating for people who talk or read aloud at extremely high speeds.

The court interpreter's ability to protect the civil and constitutional rights of defendants and litigants is crucial to the administration of justice. The court interpreter promotes the principles of social justice for language minorities by facilitating the fair administration of justice in the courtroom. Competent court interpreters not only facilitate clear linguistic communication but also bridge the vast cultural, social, and economic gap between LEP defendants and litigants and the legal system. And this cannot be done if the interpretation for a litigant or defendant fails to take into account their understanding of the original message (for lack of shared knowledge, experiences, institutional

referents, etc.) without the interpreter's agency when converting SL to TL.

Furthermore, the interpreter is the only means by which historically powerless linguistic minorities, typically exposed to exclusionary laws and discriminatory practices, may access social institutions and justice. When a person with a language barrier can communicate effectively with the court, the interpreter acts as a power-equalizing agent, bringing the LEP person's standing closer to their English-speaking peers and decreasing the LEP person's vulnerability. When LEP litigants have a firm grasp on what is going on in court, they can better cooperate with their attorneys, gather evidence for their own defense, question witnesses, and weigh their alternatives and potential outcomes. A qualified interpreter may significantly level the playing field during a hearing or trial, regardless of the LEP person's standing in other areas of life, allowing the LEP person to have a real shot at realizing the procedural fairness promised by the U.S. Constitution and other statutes (Dueñas González, Vásquez, & Mikkelson, 2012).

Chapter 3

Theoretical frameworks and corresponding methodologies

3.1 Introduction

This chapter delves into a discussion of the two theoretical frameworks that sustain this work. In order to provide the future interpreter with a clear picture of the typical trial courtroom scene, and the ensuing communicative event that takes place, I selected Hymes' Ethnography of Communication model (1972, 1974) to describe the different communicative events that make up a trial, the componential analysis and the two modes that, as an interpreter I can be expected to assume in my role.

The second theoretical framework and accompanying research methodology is that of autoethnography. It is, in all truth, the basic coneptual framework for this dissertation, since it provides the reasoning behind the final product— the sharing of a lifetime experience and knowledge of a court interpreter. I will first discuss Hyme's model.

3.2 Hymes' Ethnography of communication

A prevailing theme of Hymes (1962/1968, 1972, 1974) is the inseparability of language's essence from its function and the need to consider language's use in order to recognize and understand much of its form. While acknowledging the need to investigate the code and the cognitive processes of its speakers and hearers, the ethnography of communication views language primarily as a socially instituted cultural form that is, in fact, constitutive of much of culture itself. Accepting a narrower range of possibilities for linguistic descriptions runs the risk of trivializing it. It precludes the possibility of knowing the inner workings of language as it exists in the speech and cognitive processes

of its speakers. Engaging in Hymes' comparison and contrast model provides us with a path to understand the "ways of speaking" of court interpreters, and by doing so, we can uncover the many communicative behaviors that are taken for granted as natural or logical; yet are as culturally unique and traditional as the language code itself. This analysis of a speech situation within the context of the courts in which I have also participated in my capacity as a court interpreter allows me to explore specific aspects of a more generalized bilingualism found in the United States Court for the District of Puerto Rico.

To perform a study using Dell Hymes' (1974) model as methodology, it is necessary to explore his analysis. He defines a speech community as a community sharing rules for the conduct and interpretation of speech and rules for the understanding of at least one linguistic variety. Hymes also refers to the speech community as an 'organization of diversity' (1974). Muriel Saville-Troike clarifies that a speech community is not necessarily expected to be linguistically homogenous (2003).

Fundamental to the field of communication is Hymes' contribution. Hymes does not dispute formal linguistics' significance; instead, he gives a fresh perspective to view communication as a whole. The foundations of linguistics (particularly formal linguistics) and a broader view of human behavior with origins in anthropology, sociology, and psychology serve as the foundation for Hymes' Ethnography of Speaking, (later renamed Ethnography of Communication). According to him, sociolinguistics is the field of linguistics that may contribute to the ethnography of communication (1974, p. 8). However, he carefully defines this word in accordance with an ethnography of speaking to set his focus apart from other subfields also included under sociolinguistics. For him,

sociolinguistics, as seen from the perspective of speaking ethnography, must be a component of the study of communication as a whole. He claims that to fully grasp spoken ethnography's significance, several approaches toward language must change. He distinguishes the following seven factors:

> For what has to be inventoried and related in an ethnographic account, a somewhat elaborated version of factors identified in communications theory, and adapted to linguistics by Roman Jakobson (1953, 1960), can serve. Briefly put, (1) the various kinds of participants in communicative events—senders and receivers, addressors and addressees, interpreters and spokesmen, and the like: (2) the various available channels, and their modes of use, speaking, writing, printing, drumming, blowing, whistling, singing, face and body motion as visually perceived, smelling, tasting, and tactile sensation: (3) the various codes shared by various participants, linguistic, paralinguistic, kinesic, musical, interpretative interactional, and other: (4) the selling (including other communication in which communication is permitted, enjoined, encouraged, abridged: (5) the forms of messages, and their genres, ranging verbally from single-morpheme sentences to the patterns and diacritics of sonnets, sermons, salesmen's pitches.
>
> And any other organized routines and styles: (6) the attitudes and contents that a message may convey and be about; (7) the events themselves, their kinds and characters as wholes—all these must be identified in an adequate way (p. 9).

He distinguishes speech communities from languages by defining them as "a social, rather than a linguistic reality" (1974, p. 47). This divergence sets Hymes' approach apart from that of Bloomfield or Chomsky, who have equated speech

community to language. Following Hymes' Ethnography of Speaking, the concepts of speech patterns, fluent speakers, speech communities, speech situations, speech events, speech acts, norms of speaking, and function of speech are crucial for an interpreter.

In his original Ethnography of Speaking model of 1972, Dell Hymes establishes sixteen components of speech or communicative events, which Saville-Troike later modified into 11 in 1982 (2003, p. 110).

1. Genre is the type of communication, the category of speech. It implies the possibility of identifying formal characteristics traditionally recognized (Hymes, 1972). It may be a poem, myth, tale, lecture, letter, proverb, or conversation. Though often coincidental with speech events, genres must be treated as analytically independent.

2. Topic or referential focus. It identifies what the event is about. "It requires culture-specific inferencing since it is frequently not overtly identified" (Saville-Troike, 2003, p. 111).

3. Purpose or function of the communication, the goal, and the expected outcome may be at different levels. The various participants may have different purposes and outcomes in the speech event.

4. The setting refers to time and place, the physical circumstance of the speech act. Time may refer to the date, season, or time of the day. The place may be an office, a home, or a business, wherever the communication event occurs. The scene refers to the "psychological setting"; it may entail the placement of furniture, which may include physical barriers and participants' positions.

5. The key is the emotional tone of the communication, the spirit of the communication, whether it is serious, happy, solemn, adversarial, sarcastic, or others. The

key may be inferred by nonverbal language, choice of language, paralinguistic features, or a combination of elements (Saville-Troike, 2003). The key is important because it may override it if it conflicts with the message.

6. The participants are the persons who interact in the speech event (age, sex, ethnicity). Some participants may be active or passive, such as an audience in the event of a speech. The participants will continuously exchange their roles as speakers and listeners in a conversation.

7. Message form refers to how the message is transmitted. Instrumentalities are the channels or modes of discourse used in the speech event. The channel may be oral, written, or telegraphic. The form varies from the language used, the dialect, code, varieties, or register. Three criteria seem to require recognition: the historical provenience of the language resources; the presence or absence of mutual intelligibility; and the specialization in use (Hymes, 1972).

8. Message content or "surface level denotative reference" is the actual message, the context, and the meaning (Saville-Troike, 2003, p. 110).

9. Act sequence is the information on the ordering of the communicative or speech acts. It includes turn-taking and overlapping phenomena, and their function may characterize them.

10. Rules of the interaction are the rules that govern the speech event. Depending on the setting, scene, context, and content, there will be rules to follow in the interaction, such as interruptions, turn-taking, silence, and others. Social structure and relationships are implied in the required behaviors and how people should act.

11. Norms of interpreting imply a competency of context, of familiarity with

the subject matter. It includes common knowledge, relevant cultural presuppositions, or shared understandings.

As Alma Simounet (1987) indicated in her doctoral dissertation, most linguistic studies of the 1960s were based on Chomsky's theory of linguistic competence. According to Chomsky (1965), linguistic competence is concerned with an ideal speaker and listener who know their language perfectly in a completely homogeneous speech community. For Chomsky, language is divided into competence and performance. Competence represents the set of all linguistic knowledge existing inside the heads of native speakers of a language. All the rules allow language speakers to identify phonemes potentially useful to build morphemes, to identify morphemes, to assemble syntactically valid utterances by combining morphemes that communicate meaning, and to interpret utterances produced by others. Performance is the application of competence, including mistakes. Mistakes are defined as violations of the rules that are specified within competence.

Simounet (1987) points out that Hymes is only one of several sociolinguists who have taken issue with Chomsky's (1965) definition of competence. Chomsky's idea of competence was criticized for emphasizing grammatical perfection, which he argued did not consider language's communicative purposes. His concept of communicative competence—knowledge of grammatical norms between speaker and listener in a homogenous speech community untouched by socio-cultural or psychological constraints—is flawed. However, according to Hymes, studying sociolinguistic competence is just as crucial as studying grammatical competence when analyzing performances. As a result, Hymes argued that the field of applied linguistics required a

theory capable of addressing issues of competence and sociocultural influences, including but not limited to linguistic norms, discourse units, and other aspects of a diverse range of speech communities. Therefore, he proposed a broader notion of competence, communicative competence, which included not just grammatical competence (a firm grasp of grammar) but also contextual or sociolinguistic competence (skill in understanding and adhering to sociolinguistic norms).

Theresa Lillis (2020) explores Dell Hymes' (1971, 1962/1968) coinage of the term "communicative competence" in the late 1960s. As she puts it, Hymes used it to express the following key beliefs about information and communication:

- For proficient use of a language, one must be aware of (consciously or unconsciously) when and when to apply one's linguistic skills.
- There is more to fluency in language than just knowing the rules of grammar.
- Whether a certain form of expression (such as speaking, writing, singing, whistling, or drumming) is suitable depends on the circumstances.
- The socialization process into certain ways of using language is crucial to learn what qualifies as appropriate language through involvement in particular groups.

Lillis (2020) explains how Hymes' emphasized appropriateness according to context, in his use of the term "competence," challenging Chomsky's view about what exactly counts as knowledge of a language – knowledge of conventions of use in addition to an understanding of grammatical rules. In addition, and more fundamentally, Hymes problematized the dichotomy advanced by Chomsky between 'competence' and 'performance' and the related claim about what the study of linguistics proper should be. Chomsky's interest was in the universal psycholinguistics of language, the human

capacity for generating the syntactic rules of language. His interest in knowledge, captured in his use of 'competence,' was, therefore, at an ideal or abstract level rather than in any actual knowledge that any one speaker or group of speakers might possess. For Chomsky, linguistics as a discipline should focus on understanding and describing the general and abstract principles that make the human capacity for language possible. In contrast, 'performance' or actual utterances – what people say and hear with all the errors, false starts, and unfinished sentences – could add little to an understanding of the principles underlying language use and was, therefore, not deemed to be a relevant focus of linguistic study.

Both Simounet (1987) and Lillis (2020) discuss four forms of information from a sociocultural perspective:

1. The presence or absence of formal possibility;
2. Whether or not anything is possible, and to what extent, given the resources at hand:
3. The degree to which something is suitable (sufficient, pleasant, successful) for its intended purpose;
4. Whether or not anything is done, whether or not it is performed, and what constitutes its doing.

Simounet (1987) explains how this communicative competence is viewed as the interaction of the speaker-hearer in their choice of the grammatical (what is formally possible), psycholinguistic (what is feasible in terms of human information processing), sociocultural (what is contextually appropriate), and probabilistic (what occurs) knowledge and the ability to use this knowledge to communicate effectively. Lillis argues

that any specific performance may partially reflect the nature of the conventions governing an individual or a community's knowledge of the language. In setting up a framework for developing an adequate theory of language, Hymes argued that both what is known (competence) and what is done (performance) must be taken into account.

For purposes of analysis, Hymes identifies three units of analysis within the speech community: the speech situation, the speech event, or ideal units for the purpose of analysis, and the speech act. The speech situation refers to the context of the communication; the speech event is the fundamental unit of analysis in which participants engage in an interaction about a topic, the speech act stands for each individual move or moves by the speaker. According to Saville-Troike (2003),

> a single event is defined by a unified set of components throughout, beginning with the same purpose of communication, the same general topic, and involving the same general topic, and involving the same participants, generally the same language variety, maintaining the same tone or key and the same rules for interaction, in the same setting. An event terminates when the significant participants, their role relationships, or the focus of attention changes. (p. 23)

Before I discuss the example of a trial in which I participated, I would like to make clear the distinction between simultaneous and consecutive modes of interpreting. I agree with and echo Claudia Angelleli's (2000) reasoning in comparing simultaneous and consecutive modes of courtroom interpreting. I also share her opinion that they reflect two places on an interpreting continuum rather than a binary choice. There are several significant distinctions when the simultaneous and consecutive modes interact in courtroom interpreting scenarios, as seen below.

Consecutive	Simultaneous
Dialogic mode	Monologic mode
Equal amount of work from and into both languages (language of the Court and the language of the LEP person)	Most of the work into one language (language understood by the LEP person)
Possibility of controlling the flow of discourse	Inability to control or interrupt the speaker
Maximum potential for different backgrounds between the parties, thus difference in registers	Potential for different backgrounds between the parties, thus difference in registers
Maximum possibility for the same code to be used in different languages (in both languages)	Minimum possibility for the same code to be used in different languages (in both languages)
Maximum potential for different registers	Potential for different registers

Now, in order to exemplify a typical case in which an interpreter might find herself in, I will use Hymes' model and methodology to carry out the analysis of a court event in a criminal trial held in the United States District Court for the District of Puerto Rico. In this analysis, I will not use personal names and will identify participants by their function or position within the proceedings. It was a three-day trial in which I was the interpreter for the government witnesses. I provide a summary of the trial and events in order to then perform the analysis.

To facilitate visualization, I include a photograph of the courtroom:


(Highsmith, 2019)

The judges sit at a large desk, called a bench, from which they preside, facing the entire courtroom. In front of the judge sit the courtroom deputy (now called the case manager) and the court reporter. The courtroom deputy performs the case and court management duty, keeping track of the day's calendar and participants, assisting the judge with exhibits and other documents, and monitoring the courtroom's electronic evidence presentation system, among many other duties. The court reporter is a stenographer who takes down and later transcribes the record of all proceedings. To one side of the judge is the witness stand with space for the witness and an interpreter for the witnesses (this arrangement is typical in Puerto Rico but not always available in other jurisdictions.) Near that desk is another desk for the staff court interpreters or the contract interpreters hired by the court. These interpreters work in tandem (in pairs) to simultaneously interpret all proceedings to the LEP defendant through the electronic equipment integrated into the court's public address (P.A.) system.

The jury box is to the other side of the Judge. Counsel for each party sits with

their representatives and client at tables facing the judge, with the prosecution always at the table closest to the jury box. The defendant is entitled to sit at the table next to his attorney.

In this example (details modified to preserve confidentiality), the defendant (A) was charged with violations of drug trafficking offenses consisting of conspiracy to import 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine on or around June 30, 2022, from the Dominican Republic to the United States, through Aguadilla, Puerto Rico. The defendant and two other persons (Defendants B and C) used vessels to transport the controlled substances by sea. Agents from the Puerto Rico Police *FURA* (*Fuerzas Unidas de Rápida Acción* [Joint Forces of Rapid Action]) intercepted them near the shore of Aguadilla, Puerto Rico. FURA is a section of the Police Bureau. The defendants were also found in possession of firearms; therefore, they were also charged with illegally possessing firearms because they did not have permits to possess the weapons lawfully. Defendants B and C, who were with Defendant A, pleaded guilty to their offenses and did not face trial. One of them, Defendant B, a Dominican national, did not cooperate with the government. The other one, Defendant C, a U.S. citizen, became a cooperating witness who testified at trial against Defendant A. Furthermore, since no firearms are manufactured in Puerto Rico, they affect interstate commerce and trade, which grant the Court jurisdiction to hear the case.

This trial entailed opening statements, the testimonies of the cooperating witness, law enforcement officers and experts, objections and arguments by counsel, jury instructions, closing arguments, and reading of a verdict. Because Defendant A did not speak or understand English, he was assisted by the staff interpreters throughout the

proceedings, with simultaneous interpreting, except during the questioning of witness testimony, which was consecutively interpreted from Spanish into English by me, having been retained by the government for that purpose.

The trial began on a Monday and lasted three days. It began with the calling of the case by the courtroom deputy and the attorneys making their appearances, in other words, introducing themselves to the court. As soon as the court security officers brought the defendant into the courtroom, a staff interpreter provided him with a headset to listen to the interpretation throughout all proceedings. As typical in many cases, the attorneys discussed with the judge several "housekeeping matters" regarding the case management, such as the number of witnesses and whether there would be physical evidence presented, among other details.

Jury selection lasted most of the morning. The court and attorneys were presented with a pool of forty potential jurors for selection. Court security officers escorted them into the courtroom, having been assigned a number to identify themselves. The selection process entails a short questionnaire, where they each identify themselves by number and several circumstances, such as profession, marital status, the area where they live, whether they have been jurors in another case, and whether they believe they could be impartial in deciding the case. The parties decide whether to recuse some of the jurors from the information provided through those questions. Both parties were entitled to excuse potential jurors based on the peremptory, or discretional challenges allowed by the court. Some jurors were challenged for cause, meaning that a compelling reason prevented the juror from serving on this jury.

The jury selection process ended when twelve jurors and two alternates were

selected and directed to sit in the jury box. Upon taking their oath and after the judge gave them preliminary jury instructions, they were given a pen and pad and instructed to use them during the trial but to return them to the court security officer when not performing jury functions. A lunch break was taken, and the trial began after we all returned from the lunch break. The opening statements by the attorneys allow the court and everyone present to get a glimpse of the theory of the case, the facts to be presented by each party, and the evidence they each intend to submit. The prosecution opened with a statement that lasted approximately twenty minutes, followed by the defense attorney for about fifteen, and then the prosecutor gave a short rebuttal statement.

While there is no foreign-language witness testimony presented during the proceedings, the staff interpreters take turns simultaneously interpreting for the defendant. They customarily trade places every thirty minutes, depending on the flow and pace of the case. Simultaneously interpreting proceedings is not an easy task. As indicated earlier in this chapter, the interpreter's work in simultaneous interpreting is to take in the message spoken in the source language, mentally process it, and then verbalize it in the target language. The delay is measured in seconds, and the process is repeated continuously as long as the speaker is talking.

However, the interpreter does not interpret only what one person says but rather what several persons say. There are moments, such as when the judge issues jury instructions or during opening and closing arguments, where the discourse is a monologue. On the other hand, when there are arguments between counsel and the judge, the communication is three-way. The interpreters need to adapt their tone and rendition to that of the speaker and switch tones and styles when there is a change in speaker to make

it clear to the defendant whose message is being interpreted. The verbal exchanges may become heated, and the participants may speak louder or faster than usual. Sometimes the attorneys or the judge may talk over each other or speak far away from the microphone, making it very difficult to understand what is being said. Typically, an interpreter would not interrupt proceedings, but if it becomes impossible to hear or render, she will probably need to raise her hand or request assistance from the judge. The interpreter must be competent in the legalese (legal language) that prevails in a courtroom.

On the other hand, in the consecutive mode, the interpreter must listen to the question or answer, store it in short-term memory, and after the question has been rendered, convert it mentally into the target language and then render her interpretation and vice versa with the answer by the witness. The interpreter can control the flow of the interpreting process by stopping the witness and inserting her rendition, then allowing the witness to proceed. In many cases, this one was no exception, the judge instructs the witness to be aware of the interpreter and to pause after complete thoughts to allow the interpreter to perform her task. In the consecutive mode, the interpreter is faced with multiple registers; attorneys and judges may speak legalese amongst themselves, but when addressing witnesses, they tone down their register to be understood by their listener. Different witnesses use different jargons; law enforcement agents use code language of which the interpreter must be cognizant. Expert witnesses usually have a much higher register than lay witnesses. In this case, one of the cooperating defendants was a Dominican national with minimal schooling.

During the afternoon and the following day of the case, the government presented the testimony of two law enforcement officers who participated in the interception of the

vessel and the subsequent arrest of the defendants, the testimony of experts on ballistics and drugs, who identified and presented the weapons and ammunition possessed by the defendants and the controlled substances as well. On the third day, the prosecution presented the testimony of one of the co-defendants who pleaded guilty to the offense charged and testified against the defendant at trial.

I interpreted in the consecutive mode during the testimonies of these witnesses. As is very common, defense counsel posed many objections for various reasons. When they were raised, the judge denied or sustained the objection outright, but there were many occasions where both parties argued their point to the judge before his ruling. At times, the attorneys or the judge requested a sidebar to discuss the matter outside of the hearing of the jury and the open court. During objection arguments, I would abstain from interpreting, and the staff interpreters simultaneously interpreted for the defendant all discussions, except when the attorneys and judge would have discussions at sidebar.

The summary of the testimonies was as follows: the first witness was an agent who participated in the intervention of the vessel and arrested the defendants. He explained how he had obtained prior knowledge of the individuals on board the vessel and that they were carrying approximately 200 kilos of cocaine in concealed compartments and three firearms with ammunition. A second agent testified that he performed field tests of the substance, which yielded positive for cocaine. A ballistics expert testified about the firearms and that the rounds of bullets were the same caliber as two of the firearms found in the vessel.

The cooperating defendant testified as to the defendants' activities during the weeks prior to and leading up to the date of the arrest. He testified that they had

purchased the controlled substances in the Dominican Republic and that the defendant on trial had been an informant for law enforcement officers. Most of the objections posed by the defense were related to the activities of the charged defendant that undermined his participation as an informant for the law enforcement agents. In fact, some of the objections by the defense resulted in the exclusion of one of the firearms from the evidence introduced by the prosecution.

After the presentation of all witnesses, and the prosecution resting its case in chief, the defense requested acquittal under Federal Rule 29, alleging that the government had not met its burden of proof to find the defendant guilty of the crime charged. The judge denied it.

In this case, the defense did not present any witnesses, nor did the defendant testify, so the case continued to the closing statements. Like opening statements, the prosecution had one turn, the defense could rebut, and the prosecution had a second chance to wrap up the closing statements. After that, the judge issued the final jury instructions. As an interpreter retained by the government, I was excused at the end of the presentation of evidence but was asked to remain available should my services be needed again. However, I was not present when the jury rendered their verdict, so I do not know the outcome of the case.

Following Hymes' distinction of communicative components, the speech community is constituted by the members of the courtroom personnel, including the judge, attorneys, interpreters, administrative and security staff, and the defendants and witnesses. The speech situation object of our analysis is the trial, and the speech events are the interpreted portions of the trial. The speech acts compose all sequences of speech

actions (individual speaker's moves) rendered during the trial.

The following is an analysis of the speech events that occurred during the trial.

Components of Speech	Simultaneous Mode	Consecutive Mode
1. Genre	Legal	Legal
2. Topic or referential focus. (In this example, the topic of both modalities is the same because it is the same event.)	The culpability and subsequent release or incarceration of the defendant. The prosecution intends to prove the guilt of the defendant. In contrast, the defense counsel needs only to shed doubt about the prosecution's evidence for not proving the defendant's guilt beyond a reasonable doubt.	The culpability and subsequent release or incarceration of the defendant. The prosecution intends to prove the guilt of the defendant. In contrast, the defense counsel needs only to shed doubt about the prosecution's evidence for not proving the defendant's guilt beyond a reasonable doubt.
3. Purpose or function of the communication	The simultaneous mode is used exclusively to maintain the defendant aware and cognizant of the proceedings. To understand the process and be able to	The consecutive mode is used to present evidence through witness testimony. However, although the defendant has no obligation to speak or to

	assist in his defense.	present evidence, he does have the right to do so if he deems it could help his case. In that event, the defense could present LEP witnesses who would need the interpreter's services.
4. The setting, scene	As with genre and topic, the setting is the same for both modalities. A court of law in criminal proceedings. As to the scene, the simultaneous modality focuses on maintaining the LEP defendant informed of the process against him.	As with genre and topic, the setting is the same for both modalities. A court of law in criminal proceedings. The scene in the consecutive mode reflects the adversarial tone of the proceedings.
5. Key	Because of the nature of the proceedings, a serious and somber tone permeates virtually all criminal cases.	Because of the nature of the proceedings, a serious and somber tone permeates virtually all criminal cases.
6. Participants	Speakers: judge, counsel	Speakers: judge, counsel

	for the government, and counsel for the defendant. The interpreter is a listener and speaker but speaks only to the defendant.	for the government, and counsel for the defendant. The interpreter, in turn, becomes the speaker and listener, and everyone in the courtroom is the audience when she works.
7. Message form	The interpreter receives and transmits the message orally.	The interpreter receives and transmits the message orally.
8. Message content or "surface level denotative reference."	The interpreter who simultaneously interprets for the defendant will interpret whatever is not interpreted by the interpreter who is interpreting testimony. The simultaneous interpreter will interpret opening and closing statements by counsel, jury instructions by the judge, and objection argumentations between	The interpreter interprets in the consecutive modality only when counsel questions LEP witnesses on the stand. The attorney who calls the witness will perform a direct examination, and opposing counsel is entitled to cross-examine the witness as to the testimony questioned in direct examination. The attorney calling the witness

	counsel and the judge. The interpreted content varies depending on the speaker, and the interpreter has to model her rendition accordingly.	is entitled to redirect only the matters addressed on cross-examination, but recross is only allowed at the judge's discretion. The interpreted content varies depending on the speaker, and the interpreter has to model her rendition accordingly.
9. Act sequence	During simultaneous interpreting, the interpreter performs continuously regardless of the change of speaker. In some instances, it may be necessary for the interpreter to change her tone, look or surreptitiously point to identify the current speaker.	When interpreting consecutively, the interpreter "takes turns" with the interlocutors with whom she interacts since the interpreter renders her interpretation immediately after a speaker.
10. Rules of the interaction	Courtroom decorum has very strict rules of interaction, including dress	Courtroom decorum has very strict rules of interaction, including dress

	code, behavior, noise, use of the third person to refer to oneself, and polite forms of address, among others. When interpreting simultaneously, the interpreter has minimal interactions with the rest of the court participants but must maintain proper courtroom decorum at all times.	code, behavior, noise, use of the third person to refer to oneself, and polite forms of address, among others. When interpreting consecutively, the interpreter is expected to abide by the decorum required by the court at all times. If necessary, the interpreter can request a repetition of inaudible statements and is also permitted to briefly interrupt an interlocutor who speaks for extended periods.
11. Norms of interpreting (Interpreting in this item refers more to the mental process of the interpreter instead of the rendition of the translated message.)	While in simultaneous mode, the interpreter shifts her mode of discourse to reflect that of the speaker she is interpreting at any given time. The LEP	While in consecutive mode, the interpreter shifts her mode of discourse to reflect that of the speaker she is interpreting at any given time. Because of the

	listener may notice transitions of interlocutors through the context or the nonverbal language of the interpreter.	turn-taking modality, the switch of discourse modality is obvious.

In this analysis, I have compared both interpreting modalities. Several components are the same as was anticipated, given that the speech situation and event are the same for both modalities, consecutive and simultaneous. As we can see, the differences that characterize consecutive and simultaneous interpreting are found mostly at the level of the speech act, given the vast differences in English-speaking and LEP speech communities in a legal setting.

In the next section, I present the theoretical framework and methodology of autoethnography, in order to provide the reader with information about my background, achievements, and career highlights with the various settings and issues I have worked with throughout the years.

3.3 The research approach and methodology of autoethnography

"Autoethnography is a research method that uses personal experience ('auto') to describe and interpret ('graphy') cultural texts, experiences, beliefs, and practices ('ethno')" (Adams, Ellis, & Holman Jones, 2017, p. 1). It is a research and writing method that uses the author's first-person account to describe and carefully examine cultural experiences. Autoethnography aims to describe and methodically analyze one's own experience to gain insight into those of other cultures. This method reframes

research as a political, socially just, and socially conscious action, challenging conventional methods of inquiry and representation. When conducting or composing an autoethnography, a researcher draws on principles from both autobiography and ethnography.

Autoethnography, then, is not just a technique but both an action and an outcome, a process and a product (Bochner & Ellis, 2016; Ellis; Ellis, Adams, & Bochner, 2011) Autoethnography is an emerging type of qualitative study that allows the author to write in a first-person, firsthand manner, drawing on their own experiences to deepen the reader's knowledge of a social issue. It allows for alternative modes of inquiry and expression by recognizing the inseparable link between the individual and their culture (Wall, 2006).

Mariza Méndez (2013) explores how the qualitative method has been widely recognized as beneficial in research, despite its disagreement with the positivist viewpoint. Positivists hold that reality is objective and independent of the researcher. Many different approaches are used in qualitative research, all of which suggest a humanistic position in which the phenomena under study are viewed and analyzed from the perspectives and experiences of the people actively involved in the research. In this kind of investigation, individuals' accounts of their own lives and their own interpretations of events are rich sources of information that can help researchers move closer to the elusive answers they seek.

Autoethnographers engage in rigorous self-reflection, sometimes called "reflexivity," to identify and question the intersections of self and social life since they think that personal experience is filled with political/cultural norms and expectations.

Autoethnographers, at their core, want to depict individuals who are still making sense of their lives and challenges (Bochner & Ellis, 2016). Autoethnography seeks to allow for alternative modes of inquiry and expression by recognizing the inseparable link between individuals and their cultures.

The term was first coined in the 1970s by Heider (1975) as "auto-ethnography" to define the method through which individuals of a culture provide an account of that culture. Goldschmidt (1977) declared that all ethnography was self-ethnography since it relied so much on the author's own beliefs, experiences, and perceptions. According to Hayano (1979), autoethnography occurs when scientists study and write about their own culture. While these writers did distinguish between cultural insiders and outsiders and highlighted the influence that a researcher's bias might have on a study's methodology and findings, they disregarded the importance of using personal experience (Adams, Ellis, & Holman Jones, 2017).

Many researchers, predominantly qualitative and interpretive social scientists, continued to write in the 1980s about the significance of storytelling and personal narrative, the limitations of traditional research practices, and the ways in which a researcher's perspective informs and facilitates research processes, products, and the creation of culture. Many of the ethnographer's findings started to reveal more about the ethnographer and the ethnographer's goal than about the cultural "others" being studied. Therefore, it was no longer possible for ethnographers to hide behind or try to sustain an illusion of impartiality and innocence (Bochner & Ellis, 2016).

Adams, Ellis, and Holman Jones (2017) explain how a "crisis of confidence" sparked by postmodernism presented a wealth of new chances to rethink the goals and

methods of social research. They list how scholars such as Thomas S. Kuhn and Richard Rorty started to demonstrate how the "facts" and "truths" scientists "found" were inextricably tied to the vocabularies and paradigms the scientists used to represent them. Michel de Certeau and Jean François Lyotard acknowledged the impossibility of and their contempt for master, universal narratives. Barthes, Derrida, and Radway recognized the shifts in the interconnections of writers, readers, and texts. Tony E. Adams, Arthur P. Bochner, and Walter Fisher saw that tales were not only a kind of entertainment but also a complicated, constitutive, significant phenomenon that served to instill values, introduce new ways of thinking and feeling, and aid in the process of making sense of one's place in the world and the lives of others. Dwight Conquergood, Carolyn Ellis, and Agnes Riedmann expressed a growing need to fight against the colonialist, sterile research impulses of entering a culture authoritatively, exploiting its members, and then carelessly leaving to write about the culture for financial and/or professional gain, all the while disregarding relational ties to the members of that culture.

Scholars began to question what would happen if the social sciences were more like literature than physics if they provided narratives rather than equations and if they were upfront about their value judgments rather than trying to skirt them. Many of these researchers turned to autoethnography to bolster their defense of the conventional understanding of what research is and how it should be conducted in the face of widespread criticism. Research that would sensitize readers to issues of identity politics, research that would shed light on experiences that have been kept in the shadows, and research that would use forms of representation to increase our capacity for empathy toward people who are different from us, all piqued their interest. They sought ways to

produce meaningful, approachable, and evocative research based on personal experience (2011).

Traditional scientific approaches require researchers to minimize their selves, viewing the self as a contaminant and attempting to transcend and deny it. The researcher ostensibly puts bias and subjectivity aside in the scientific research process by denying their own identity. Postmodernism provided a theoretical foundation for autoethnography, which is related to the expanding discussion of reflexivity and the researcher's own voice in social research (Wall, 2006). When doing research, autoethnographers are well aware of the myriad ways in which their personal experiences inform their work. This includes, but is not limited to, the researcher's selection of research subjects, methodologies, and other contextual considerations.

Autoethnography, the practice of utilizing one's own lived experience and self-reflection to investigate other people's cultures, particularly in the context of dialogue, rose to prominence in the 1990s. Ellis, Adams, and Bochner (2011) compare the works of several academics and conclude that even though some scholars such as Paul Atkinson, James Buzard, and Sara Delamont insist that scientific study may be conducted without bias, neutrality or prejudice, the vast majority of scholars such as Arthur P. Bochner, Norman K. Denzin, Yvonne S. Lincoln, and Richard Rorty, disagree. Autoethnography is one approach that does not downplay or dismiss the importance of issues related to subjectivity, emotion, and the researcher's influence on the research.

Since the postmodern era, critical theories have become widely used in research, leading to a wider variety of feasible research methods. For example, feminist ideas and research have employed a wide range of research methodologies to challenge the male-

oriented paradigm that has dominated the history of social science (Neuman, 1994). Feminist writers increasingly call for research that centers on individual stories (Ellis, 2004). They stress the subjective sympathetic process-oriented and inclusive features of social life, in contrast to the mainstream objective of competitive rational masculine worldview (Wall, 2006).

Political and cultural representation has been called into question since the critique of traditional ethnography and the exploration of experimental writing. This includes the question of who should represent whom and what forms of representation should be used concerning hegemonic practices (Clandinin & Connelly, 1994).

Conventional methods of conducting and conceptualizing research were also seen as too narrow, limiting, and parochial by academics who began to realize that different types of people possess different assumptions about the world, including various ways of speaking, writing, valuing, and believing. Those who promote and insist upon traditional methods of doing and reporting research typically have a white, male, heterosexual, middle-to-upper-class, Christian, able-bodied worldview. By adhering to these norms, a researcher is implicitly saying that all other means of knowing are unreliable and wrong. According to Ellis, Adams, and Bochner (2011), autoethnography

> expands and opens up a wider lens on the world, eschewing rigid definitions of what constitutes meaningful and useful research; this approach also helps us understand how the kinds of people we claim or are perceived, to be influence interpretations of what we study, how we study it, and what we say about our topic. (p. 275)

As to the process of engaging in autoethnography, Ellis, Adams, and Bochner

(2011) emphasize that it is a hybrid research strategy, a combination of autobiography and ethnography. A writer uses hindsight and selective memory to create an autobiography. In most cases, the author does not go through these events just so they may be written about; instead, the author combines their recollections of the past with the benefit of hindsight. A writer might review texts such as images, diaries, and audio recordings to aid with memory and conduct interviews with others. Most autobiographies focus on "epiphanies," or defining moments that the author believes changed their lives forever, as well as existential crises that compelled the author to pay attention to and reflect upon their own experience of the world.

Ethnography is the study of human societies to improve mutual understanding between natives of the culture being studied and those who are not natives of the culture being studied (Maso, 2001). That is why ethnographers immerse themselves in the culture they are studying and record everything from their own participation to the reactions of those around them in field notes. Other resources that Ellis, Adams, and Bochner (2011) mention are: conducting in-depth interviews with community members, analyzing the language and social practices of the culture, observing how people interact with their environments; examining physical artifacts like clothing and buildings; and literary works like books, films, and photographs. They state that autoethnographers must consider how their readers may have analogous ones; they must draw on their own stories to highlight aspects of the cultural experience, making the peculiarities of a society accessible to both natives and visitors. This might be done by contrasting one's own experiences with those of others, by conducting interviews with members of the culture in question, or by analyzing artifacts from the culture in question.

Méndez (2013) agrees that autoethnography is storytelling and that the information gleaned via this kind of introspection on our own lives and experiences might be expressed in the form of a poem, a narrative, or a story. This explains why autoethnography's rhetorical structure ranges from formally written texts to more conversational narratives. The necessity for academics to be skilled storytellers is a point made by specific authors. Autoethnography, on the other hand, is supposed to hook readers' attention and make them feel something. Since the significance of the meaning is prioritized above the creation of a highly scholarly book, it appears that there are no strict guidelines for creating an autoethnographic narrative.

Méndez (2013) distinguishes between analytic autoethnography and evocative autoethnography. Analytic autoethnography strives to write and analyze a group objectively. In contrast, evocative autoethnography seeks to have researchers reflect on a topic to have readers relate to the researchers' emotions and experiences. Researchers have been increasingly adopting both vivid and emotive autoethnography to better convey their findings to the experiences of their target audiences.

Moustakas (1990) coined the phrase "heuristic inquiry" based on the researcher's own struggle. Objectives include providing a technique that acknowledges creativity, intuition, self-reflection, and the tacit dimension as legitimate means of pursuing information and understanding and awakening and motivating researchers to establish contact with and respect their own concerns and challenges. Six stages—initiation, immersion, incubation, illumination, explication, and culmination in creative synthesis—comprise the backbone of a heuristic research project's fundamental design.

Moustakas' (1990) first step in getting involved with a research subject is

discovering a deep interest, a passionate concern that is not just personally important but has more considerable societal repercussions. An inquiry is formed as a result of prolonged contemplation at this point. The term “immersion” refers to a method of study in which the researcher completely submerges him or herself in the topic at hand to acquire a deep comprehension of the issue at hand. However, during the incubation stage, you put your idea out of your mind for a while. During this time, you focus on unimportant details so that your mind has something else to do while the research concept develops in your unconscious. During this time, novel concepts materialize, much like a long-forgotten name that suddenly comes to mind when we are preoccupied with something else. The lighting stage appears to be a time of confusion, during which a whole new aspect of a familiar object is recognized. The researcher provides an in-depth summary of the critical themes in the explanation. Combining the researcher’s introspection and the information gleaned through conversations with others explains the phenomenon’s fundamental elements. To wrap things up, the researcher presents the interpretations and thoughts linked with the question in the form of a narrative with verbatim information and examples, poetry, drawing, painting, or any other creative form. Notes, notebooks, interviews, and/or artwork created by the researchers themselves are all possible data sources. Discussion, reflection, and contemplation (immersion and incubation) until themes and meanings emerge are the hallmarks of data analysis. Because of its emphasis on experience and meaning, as well as its use of recognized data sets and analysis methods, heuristic research is akin to other popular types of qualitative inquiry. It is, however, profoundly and introspectively personal and, as Moustakas (1990) puts it, almost obsessive in its depth and severity.

Wall (2006) explores personal narrative as another method researchers employ to incorporate themselves into their studies. Autoethnography frequently features personal stories as a common byproduct, but personal narrative has also been offered as a viable methodology in its own right. Autoethnography teaches us that methodologies can range from introspective to the more conventionally qualitative or the relatively experimental in literary terms when viewed through the lens of writing as research.

Adams, Ellis, and Holman Jones (2017) discuss four primary purposes of autoethnography. One of the first purposes is to challenge or provide alternatives to preexisting, detrimental cultural scripts, tales, and prejudices. Personal narratives written by autoethnographers often supplement or even replace more traditional forms of academic inquiry. These stories may demonstrate how researchers' desire and generalization practices can obscure the complexities of cultural issues like eating disorders, depression, social class, physical appearance, and gendered expectations of masculinity, sexuality, and the body.

A second purpose of autoethnography is to communicate firsthand cultural knowledge. Based on this premise, it may be deduced that the author has access to information on cultural life that may be unavailable to other researchers. Someone having had a personal experience with institutional oppression and/or cultural difficulties like racism, loss, or disease may discuss these concerns in ways that someone with less direct exposure to these issues cannot. An autoethnographer's insider status does not imply that they have access to more factual or honest information than those on the outside; instead, it means that we have a unique perspective as storytellers that others may not have.

A third purpose is to encourage autoethnographers to write against harmful

ethnographic accounts made by others, particularly cultural "outsiders," who try to exploit or irresponsibly regulate other cultures by demonstrating how researchers are implicated by their observations and conclusions. Authors of autoethnographic works are not restricted to a particular subject matter. They may discuss everything from private moments in the bedroom or bathroom to everyday interactions in which improper comments are made or the author's own dissonance or confusion.

The fourth purpose of autoethnography explored by Adams, Ellis, and Holman Jones (2017) is to produce works that readers can read and understand outside academic circles. Autoethnography's accessibility makes this kind of focus conceivable; it is a way researchers may employ to captivate academic and non-academic audiences.

Autoethnography professors teach by example: "I start with my personal life. I pay attention to my physical feelings, thoughts, and emotions. I use what I call systematic sociological introspection and emotional recall to try to understand an experience I've lived through. Then I write my experience as a story. By exploring a particular life, I hope to understand a way of life…" (Ellis & Bochner, 2000, p. 737). They explain how autoethnographers glance back and forth, first via an ethnographic wide-angle lens, concentrating outward on social and cultural components of their own experience; then, they turn inward, exposing a sensitive self that is moved by and may move through, refract, and reject cultural interpretations. As they zoom back and forth, within and outward, divisions between the personal and cultural become muddled, sometimes beyond recognition.

Autoethnographic texts, which are usually written in the first person, take many forms, including short stories, poetry, fiction, novels, photographic essays, personal

essays, journals, fragmented and layered writing, and social scientific prose. Concrete action, dialogue, emotion, embodiment, spirituality, and self-consciousness are featured in these texts. These texts appear as relational and institutional stories influenced by history, social structure, and culture, dialectically revealed through action, feeling, thought, and language.

As to the process of drafting and writing autoethnography, Ellis, Adams, and Bochner (2011) elaborate by indicating that the best autoethnographies are those that are aesthetically pleasing and evocative, that keep the reader interested and that use narrative devices such as character and scene development, plot advancement, point of view, and description.

Autoethnographers can make their writings more aesthetically pleasing and evocative by employing exhibiting strategies intended to transport readers into the scene—specifically into thoughts, feelings, and actions— for them to experience. Showing lets authors make events more interesting and emotionally rich. 'Telling,' on the other hand, is a writing approach that, unlike 'showing,' gives readers some distance from the events reported, allowing them to think about the events more abstractly. Adding some 'telling' to a tale that 'shows' is an effective means of conveying information essential to grasp what is going on and communicating information that does not require the immediacy of dialogue and sensual interaction.

Autoethnographers can add creative depth and emotional impact to their works by adjusting their own points of view or perspectives. When offering an intimate and direct depiction of what they have personally seen or experienced, autoethnographers frequently recount their events in the first person or using the "eyewitness account" style.

Sometimes autobiographers may write in the second person to make the reader feel as though they are right there with the protagonist, experiencing the event with the writer. Memoires frequently turn to the second person when detailing more sensitive or painful circumstances. They may use the third person to create the scene, share research findings, or recount the actions or words of others.

In conclusion, as to the autoethnography methodology, as stated by Ellingson and Ellis (2008), autoethnography demonstrates complex levels of awareness by bridging the gap between individual and communal experiences. Whether a short story, poem, book, photographic essay, personal essay, diary entry, or complex snippet of social science prose, autoethnographic writings come in many shapes and sizes. The inner workings of the mind, body, and soul are all depicted in these works. Concrete action, emotion, embodiment, spirituality, and reflection are included in these writings. These themes occur as relational and institutional tales impacted by history, social structure, and culture, all of which are exposed dialectically through action, feeling, cognition, and language. To convey meaning, the author uses literary devices like dialogue, situations, and characters in autoethnography. There is a desire to be inclusive rather than exclusive and to emphasize similarities rather than differences across terminology and initiatives.

Autoethnography as a genre allows us to go beyond standard writing approaches by fostering narrative and poetry genres, artifact exhibits, photography, drawings, and live performances. The most common form consists of short tales written by researchers who methodically reflect on and document their experiences to elicit an emotional reaction from readers. Thus, autoethnographers combine literature's vivid language with the rigor of social scientific ethnography.

After this detailed discussion of the development of the autoethnographic model, I would like to engage myself solely in my life story from this research perspective, both evocatively and analytically (Méndez, 2013) in my professional role as a court interpreter, I could have proceeded with it as a final section of Chapter 3, but I felt that both the model and the flow of memorial work within the culture of court interpreting would best be served if it stood alone. For that reason, I now extend an invitation to you to move with me into a looking back at my life in Chapter 4.

Chapter 4

My life story: An autoethnography

In this portion of the dissertation, I present my background, life achievements, and a few highlights of the beginning of my career. I then present the various settings and issues I have worked with throughout the years.

I was born in 1966 in Sumter, South Carolina, and lived my first five years in Birmingham, Alabama. I am the third of five children. At home, my mother would never speak to us in English; she would always speak to us in Spanish. In school, we learned English and spoke English outside the house with our neighbors and other relatives who lived in the area. Growing up in a bilingual setting was a significant building block for what was to be my future. I recall, as a child, receiving visits from our cousins who lived in Puerto Rico and didn't speak English, so my older brother, my sister, and I would interpret for them and our friends in the neighborhood. That's where my career in interpreting began!

I was also very fortunate when we came to live in Puerto Rico in 1972 and was enrolled in a school where most of the teaching was done in English. My favorite classes were always Spanish and English, and I was one of those kids who liked school. I took French as an elective, and one of my personal techniques to help me learn was to make correlations and equivalences between French and Spanish or English. I fell in love with the language and the culture, and that summer, I enrolled at *La Alliance Française*.

I attended the University of Puerto Rico (UPR) after graduating high school in 1984. I was mostly interested in studying foreign languages and intended to pursue a degree in interdisciplinary studies. As for my course load, except for my first semester

during my first year, I took 18 credits in most semesters. In my senior year in high school, I took and passed advance placement tests in Spanish and English, which allowed me to earn first-year credit for both subjects. So, in my first semester, I only took four classes, 2nd-year Spanish literature, social sciences, humanities, and physics. My second-semester first-year English course was Film and/as Literature with Prof. Diane Accaria. The class met on Tuesdays and Thursdays, and every week we discussed some literary text that had been made into film. I have never learned so much in such an entertaining way. Inspired by her knowledge and passion for literature, I later enrolled in a comparative literature class and was enthralled again. Most of the students were at the master's level, so learning so much was quite challenging and thrilling.

I was able to study in Paris during the summer between my sophomore and junior years and the first semester of my junior year through a program created by The American Institute for Foreign Study. The curriculum focused on the French language and culture, and we took classes at *La Université de Paris-La Sorbonne*. We received language lessons, lectures on French culture, and access to a phonetic laboratory to improve our pronunciation. The experience of studying abroad was fulfilling and very enrichening. I took enough courses in French from Sorbonne and UPR and literature at UPR to complete a double major in both subjects. After I graduated, I received a letter from the College of Humanities to attend an Honors ceremony for recent graduates. Yet, I did not have a clear vision for my future, and I ended up applying for law school.

My lack of vision for the future changed drastically during the last weeks of college. I ran into a friend who asked me to assist some delegates from the Caribbean at a NORCECA meeting (North, Central America, and Caribbean Volleyball Confederation).

The meeting was conducted in Spanish, but there were delegates from some Caribbean islands who only spoke English. My friend asked if I could help with the meeting's discussions. I sat at a table in a huge conference room with three delegates from St. Thomas and St. Croix, and I started explaining what was being said in Spanish, but it became difficult after a while because the speakers made no pauses. As I explained something, the speakers were already on a different subject. So, I took it upon myself to simply tell them exactly what was being said. Without knowing what I was doing, I became a simultaneous interpreter. The gentlemen were very appreciative for understanding what was going on and participating in the meeting, thanks to my help. They asked a few questions, which I then interpreted consecutively to the floor and simultaneously interpreted the answers. To me, this was the turning point in my life. I found my vocation and what I wanted to do from that moment forward.

I remember back in high school, the first time I saw an interpreter working was at the *Cerro Maravilla* legislative hearings broadcasted on television. The Senate Judiciary Committee of the Puerto Rico Legislature was investigating the deaths of two pro-independence activists the police had killed. The then-Governor had declared the officers heroes for thwarting a terrorist attack. After investigations from local and federal authorities found no wrongdoing by the officers, the legislative inquiry discovered that the police had ambushed and murdered the young men. I cannot remember the name of the interpreter, the witnesses, or even the subject of the testimonies being interpreted at the hearings. I do remember thinking how interesting it would be to do something like that.

I relished my newfound vocation and told a friend what I had done at NORCECA

and how much I enjoyed it. She told me her uncle, Ernesto Quidgley, was an interpreter at the federal court, and he also interpreted for a local 24-hour news channel. She introduced him to me by phone; he asked me a few questions and asked whether I was willing to work on this.

Mr. Quidgley told me he had a case where he was interpreting at depositions but that the plaintiff's attorney needed an interpreter for attorney-client prep. I believe he sensed my lack of knowledge of the law, so he explained. The case was about a woman plaintiff who was in her vehicle waiting for the stoplight to change when she was hit from behind by another car, causing the car to blow up in flames. Her 15-year-old daughter was able to escape from the front seat, where she was seated, but the mother could not drag out her 2-year-old daughter, who was in the back seat and therefore, was burned alive. She ended up losing most of one hand and fingers of the other; her nose and face were charred. It was a sad, horrible accident.

I believe the driver of the vehicle had initially been charged, but at some point, it was discovered that the car had been manufactured with the gas tank placed too far back in the car, and that is why the vehicle blew up in flames during the collision. Her local attorneys retained a law firm from Texas specializing in product liability or cases that involved products that are deficient, thus the cause of damage. They then proceeded to sue the car manufacturer in federal court. In civil cases, attorneys take depositions in order to interview the other party's possible witnesses and experts. In federal court, all proceedings are in English. Because the plaintiff and her family did not speak English, her attorneys retained Mr. Quidgley as their interpreter. The Texas attorney needed to confer with his clients and prepare them for the depositions; that was the job he offered

me. It was a week of daily depositions, and I was allowed to see the interpreter's work firsthand. During breaks and lunch, Mr. Quidgley answered all my questions and opened the door to a dream career.

He provided me with articles he had written about the field. He was a very knowledgeable and outstanding interpreter. His renditions were flawless. Even though he took notes, they were minimal, maybe one word every few sentences. It was a wonder how he never left out any information. I was in awe seeing how he seemingly changed the same exact meaning from English into Spanish and vice versa, with all nuances and details. He made everything sound completely natural in the language he was speaking at the moment.

I believe that seeing first-hand the work of such an excellent mentor is an image I have ingrained in my mind as my north star. I also had the pleasure of working with him quite a few times. But after he retired and moved away, we lost touch.

Many years later, his son contacted me because he needed to have some documents translated. I was sad to learn that his father had passed on. It was not a small job, but I could not allow him to bill me. I told him I owed my career to his father and was very thankful for everything he taught me and the doors he opened.

The lawyer from Texas was Craig Ball, a true southern gentleman. My task was to be the interpreter in his meetings with the family for a few hours every evening. I didn't know then, but I was doing escort interpreting, which takes place in informal settings, not under oath, and without many formalities. He was very understanding of the fact that I was a college graduate with absolutely no formal experience or training in interpreting.

Yet, I instinctively performed at a level that allowed him to fully communicate

with the family. Mr. Ball had brought a legal assistant from Mexico in case there were hurdles in communication. After my first session with them, they agreed that the assistant needed not to be present and could attend to other matters in preparing the case. The fact that I was able to help these persons with similar levels of education, whose only barrier was the language, opened doors for me. Mr. Ball spoke no Spanish at all and did not understand it, but the plaintiff and her family understood English and spoke it a little but were rather shy to speak it. This was the start of my professional life, and I knew I could contribute so much and feel accomplished.

There were quite a few weeks after that with the same drill of depositions and meetings. After the discovery phase had finished, Mr. Ball hired me to go to court every day to see if the other party had made any filings. If they did, I was to make a copy and FedEx it to him that day or the next. He would send me documents via UPS for me to file in court. The expeditiousness in knowing immediately about the other party's filings gave him an edge. The case was settled for a multi-million-dollar sum. All the money in the world would never bring that woman's baby back to life, but she could get physical and mental health treatment for herself and her family. I remember running into her years later. She had moved from her humble home to a larger, more comfortable house and created a Foundation for Burned Victims.

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That summer was also the start of the Puerto Rico DuPont Plaza Hotel fire litigation. The hotel fire happened on December 31, 1986. The *El Nuevo Día* Newspaper headline that morning read, "No big news in 1986". There had not been a single major

event for the newspaper that year; everything seemed minor. Yet, at approximately 3:00 p.m., the television stations started broadcasting news about a fire at the Dupont Plaza Hotel. People were jumping out the windows and climbing up to the roof. It was a horrific sight. Ninety-eight lives were lost, and 140 persons were injured. It was the deadliest fire in Puerto Rico's history.

There had been an ongoing labor dispute with the hotel management, and tensions were high. With the hotel at almost peak capacity and the union voting for a strike at midnight, three union employees lit chafing-dish heating cans in a storage room full of furniture. The fire spread in minutes into the lobby and casino, where most people died. This happened because the doors opened inward; the crowd of people trying to escape could not open them; the heat had sealed them, preventing them from getting out.

The three employees who had lit chafing-dish heating cans were found guilty of arson and murder and sentenced to over 99 years in prison in the criminal case. However, the ensuing civil case entailed hundreds of lawsuits filed by thousands of plaintiffs against over 250 defendants, including management, insurers, product manufacturers, service providers, and the Union. They were filed in Puerto Rico and several states, but they were consolidated into one case in the U.S. District Court for the District of Puerto Rico. A Plaintiffs' Steering Committee was created to manage and coordinate all the court work for plaintiffs. At the same time, a Defendants' Document Depository was also created to coordinate the work on the defendants' side.

Hundreds, if not thousands, of depositions were taken during the discovery process. Several procedural tracks were going on at the same time for many weeks. Mr. Quidgley called me, told me to have my business cards ready, and brought me on board

as one of the case interpreters. If the previous case was high school-like, this case was a bachelor's, master's, and doctoral degree in interpreting, all in one. The learning experience was so vast, it is difficult to itemize everything. The depositions ranged from the testimony of victims, their relatives, hotel employees, eyewitnesses, and representatives from the different companies that provided products or services to the hotel.

I worked through the summer and through the first semester of law school at the University of Puerto Rico. I started taking night courses so I could work. Being able to work allowed me to create a network of clients, which many still remain.

I was first requested to translate documents during my first year of law school. Attorney Luis Núñez from the Cancio Nadal law firm in Puerto Rico, whom I had met at some depositions, needed translation work. I did not even have a computer, so I would handwrite the translation, and his secretary would type it. He would then review it and return it to me so I could see his changes and corrections. It was wonderful to be paid to learn. After some time, I bought a computer and printer and established the second arm of my career, translating documents.

At the end of my first year of law school, I received a call from a friend of a friend, asking me out on a blind date. He told me his brother's girlfriend wanted us to meet. She later called and confirmed that she had set us up. I met him and was swept off my feet; he was cute and funny and had an excellent job at United Parcel Service (UPS). We married the following year. Two days before our wedding, they assigned him to work in Mexico City and Guadalajara to start the air cargo division there. He would be away three weeks out of every month. After his first trip, we conceived our first baby.

Interpreting and translating are mentally exhausting work, and, combined with law school, it turned out to be quite the challenge. I was fortunate that starting my second year, my Family Law professor, Juan Luis Passalacqua, offered me work as a student researcher.

Still, even though the law is a very interesting career path, I had already developed a passion for interpreting, which remained close to my heart. I was convinced I did not enjoy the adversarial nature of the law. To me, helping people communicate was much more enriching than fighting legal battles. I almost withdrew from law school at the end of my second year to enter the Graduate Program in Translation. Family pressures kept me in law school until graduation in 1992. I did not pass the Bar Exam when I took it shortly after graduation. I was pregnant and had little energy to study for the bar during my first trimester. I even laid my head down on the desk during the notary portion of the test and slept through it.

I was admitted to the Graduate Program in Translation at the UPR in 1992, as soon as I graduated from law school. Although there was no training in interpreting, studying translation significantly improved my language skills. One of my professors, Carmen Díaz, had a translating and interpreting agency, Atabex, and she hired her students for interpreting jobs and translation work. One such job was a deposition in an arson case. A grandfather had been charged with setting fire to the house where his daughter and grandchildren lived. My recollection is that the grandfather was accused of negligence, not that he had done it intentionally. The grandfather's attorney wanted to interview the surviving granddaughter, who was about six years old then (the fire had been the year before).

The parents were present during the deposition, and the attorney was very gentle when questioning the little girl. At the start, it was a little confusing for her because she knew no English, and the attorney was asking her questions in English. I requested the attorney to allow me to explain the interpreting process to her, but he preferred not to. It took a little while for the little girl to understand the process, so I made every effort to ensure she understood the questions. After a while, she eased in and answered the questions very candidly. The attorney asked her very open-ended questions to allow her to explain what had happened that evening. It turned out that she and her sister (I cannot remember who was older) had found some matches and were playing with them until there was a spark, so she threw the match under the bed. A while later, everything became hot, and a fire broke out. It was a heart-wrenching testimony. We all realized that it had never been the grandfather's fault. As a mother, it broke my heart to see the suffering in the parents' eyes; they had already suffered the loss of their daughter, the grandfather had been charged, and their little girl had started the fire. It was extremely difficult for me to keep my composure and maintain a straight face at the deposition.

I believe it was while studying translation that Berlitz called me. They had a contract with the immigration court and needed interpreters, and they tested me over the phone and offered me a contract. To this day, I feel more than gratitude for the experience of working in the court of Judge Ortiz Segurola. He encouraged me to pass the bar and have that credential.

During the two years after graduating from law school and while studying for the master's in translation, I continued working sporadically, mostly in depositions and doing some translation work. On a few occasions when I went to work in court, I was *voir*

dired. A *voir dire* is a series of questions as to a person's capacity to be a juror, witness, or expert. I was examined regarding my qualifications and felt that stating I had not passed the bar was somewhat frowned upon. Thankfully, I was never recused.

So, two years after graduating, I decided that I would study for the Bar Exam, I mean really study. A friend taking the review course with Professor Miguel Velázquez— someone with whom I had also taken the review course two years earlier— let me borrow the materials provided by the professor. I had six weeks to study, so I would spend the days at an apartment my family had in Isla Verde and come home in the evenings to be with my husband and children. I would arrive around 8:00 a.m., study until noon, have lunch, watch a midday show until one o'clock, then study until five. After all that, I would jog on the beach, do a workout video, shower, and go home.

To study, I would summarize the materials and copy the highlights onto a poster board that I would hang on the wall. Every night, I would read the posterboards one more time. By the third week, I realized I had not finished half the material, so I decided to come home only once every three days and spend three nights at the apartment. I would then get up at seven o'clock and go for a run in the morning, followed the same schedule, except that now, after working out and showering, I would study from around seven to midnight.

The plan paid off. In addition to getting in probably the best shape of my life, I finished studying all my material two days before the test, so I went home, spent time with my children and husband, and rested my mind. The night before the test, a classmate from law school who lived in my neighborhood came to my house and asked me if I felt ready to take the test. I told him, "What I do know, I know it well. I don't know

everything, but what I know, I know it well." He told me, "When you answer the discussion questions, make sure you answer them the way they are asked." Each question consisted of four parts: summarizing the facts, identifying the issue, stating who was right, and why. He told me it was imperative to answer in the order it was asked. When I was handed the test papers, I smiled; I felt so at ease. But by the end of the third day, I had two circles of pain in the back of my head as if they had yanked out my scalp. To this day, I can still remember that feeling of having part of my brain yanked out.

Shortly after taking the Bar Exam, I received a job offer from Bill McNeese, for whom I had interpreted during his divorce hearings. He was the manager at a warehouse storage company, "San Sebastián 6," and needed an "in-house" counsel to act as liaison between the law firm and the company. It was an outstanding offer with great benefits. Since I had been studying for the Bar, I had the law relatively fresh in my mind. I figured it was worth it to work in the field, at least for a while.

I learned I had passed the Bar Exam while working there. My hard work had paid off, and passing the Bar was an accomplishment and a vital credential. At the same time, I realized that the knowledge acquired in law school and studying for the Bar Exam would be an asset that not many interpreters have. As Dueñas González, Vásquez, and Mikkelson (2012, p. 14) state, "[i]t is the most proficient interpreters and those with the most profound knowledge of legal processes, procedure, and terminology which are best suited to communicate legal concepts in words that are comprehensible to an LEP person who may have limited understanding of the U.S. justice process."

Working as an attorney was a great learning and networking experience, but my passion for interpreting always pulled me back. I quit my job and focused all my time on

my master's degree studies and my young children. I kept working sporadically during my master's; I wanted to stay in the workforce, but I also wanted to have time to study and attend to my family. The Graduate Program in Translation had excellent professors who went out of their way to help the students achieve their goals. I had great esteem for Andrew Hurly, Marshall Morris, Carmen Díaz, Sara Irizarry, and Ángel Casares. I still have contact and recently worked with Yvette Torres on a translation assignment. All my professors in the Program were outstanding and significantly contributed to my life.

While working at a conference together, a colleague, Aída Ríos, told me she needed help taking notes when interpreting. I also felt that I could benefit tremendously from better note-taking skills. My mentors, as excellent as they were, did not rely much on taking notes. They relied mostly on memory. They only jotted down dates, proper names of people and places, and numbers. I was aware that I needed to improve my skill. So, when she told me she had approached Professor Casares, who was willing to give her some pointers and asked me whether I wanted to join her, I seized the chance. Our improvised workshop gave me the skills to learn a very essential and extremely helpful tool in my work. He taught us his techniques which I adapted.

I received a call in 1997 from a lady working with Channel 6. The Channel was broadcasting the Congressional Hearings on Puerto Rico's status presided by Congressman Don Young from Alaska, and they wanted simultaneous interpreting or simulcast. This meant interpreting the televised hearings live from the radio station by myself.

The first time I did the simulcast was highly stressful. I was aware I was being heard on the radio throughout the island because it had been announced that simultaneous

interpretation could be heard on Channel 6's sister radio channel. This created even more pressure on me to perform. I cannot say it was an easy task. Most of the hearing was quite orderly, but there were quite a few times that the members of Congress got into arguments and discussions and spoke over each other and very fast. I barely had time to take a sip of water, and when I had a few coughing bouts, I simply had to turn off the mic for a few seconds. It was undeniable that this kind of setting requires tandem interpreting, as done in big conferences.

The first hearing lasted about three hours, and it was evident there would be more and longer. The Channel 6 management authorized two interpreters to work in tandem, which was the ideal situation. I brought my colleague Javier Soler on board, and we instinctively followed the best practices with team interpreting. We helped each other to make sure we interpreted accurately. When any difficulty arose, we wrote notes to each other to request assistance or hint at a suggestion.

While one of us was interpreting, the other could attend to technical issues if they arose and assist in researching terms or ideas. This allowed us or me to devote less mental energy to matters unrelated to interpreting. When there was one speaker for an extended period, we switched every 20 to 30 minutes. But if it was a question-and-answer session, we alternated speakers. Alternating speakers helped the listeners to better understand who was speaking. Later, Governor Roselló required simulcast for all his televised messages.

Interpreting live from the radio station meant that people from all around the island would be listening. One such person was another fellow interpreter, Paco Guitérrez. He also had a law degree and a great portfolio of clients. Paco Gutiérrez was

another extraordinarily talented and superior interpreter. His renditions, like Mr. Quidgley's, were flawless, and he rarely resorted to notes; he mainly relied on his outstanding memory. And he could interpret very long utterances without pause. Just like Mr. Quidgley, he had excellent mental acuity, richness of knowledge, and precision, even and especially dealing with idiomatic expressions. Paco had one characteristic that some people loved, others loathed. He overdramatized his utterances. Even if the witness barely gesticulated, he would act out the statement. I asked him why he tended to gesticulate more than the witnesses, and he told me that it was the way his mind allowed him to mentally retrieve what had been said.

He called me one day, saying he had heard me on the radio and was impressed. He had some new clients needing an interpreter but wasn't interested in the job, so he referred me to them. The president of Bass Shoes was visiting their factory in Puerto Rico to thwart employees' attempts to unionize. We met in the lobby of the renovated Dupont Plaza hotel, where he and his staff stayed, to discuss the work ahead. The following day there would be a meeting with all employees, and he would address them for about an hour. We did the consecutive mode on stage in front of about three hundred employees. Afterward, they gave me a tour of the factory. They asked me what size shoes I wore and my hourly rate at the end of the tour. The staffer came back with a beautiful pair of penny loafers and my paycheck. He couldn't believe it when I thanked Paco for such wonderful clients. After that, he continued referring me to other client's work that he could not take because he was already booked.

The working relationship with Bass Shoes was quite productive. They also had another factory in Santiago, Dominican Republic, and we traveled there by Lear Jet from

San Juan. We went a few times and had other meetings at the Puerto Rico factory. I was was given a watch and a purse as a thank you gift. I was very sad to learn a few years later that the factory in Puerto Rico had shut down.

The Graduate Program in Translation (PGT) began offering its courses, as an experimental program, in 1970. The Academic Senate of the Río Piedras Campus approved the creation report in 1972. In 1974, upon receiving certification from the University Board, the PGT was officially incorporated into the Master's degree programs of the College of Humanities. The focus of the PGT is that translation is done in language combinations or language pairs. Language A is considered the translator's mother tongue and language B is considered any other foreign or non-native language that the translator is proficient in. The PGT works with English and Spanish as A or B languages and focuses on training translators in these language combinations.

The core courses I took were the following, Translation Criticism, Spanish Grammar, Spanish Superior Syntax, Literary Translation, Writing and Style, Sight Translation, Translation into English, English Syntax and Narrative Writing. The excellent education I received from such great professors allowed me to polish and hone my language skills in such way, that I do not believe I would have such mastery of the language, if I had been lacking it in my education.

Graduation requirements for the Master in Translation include 45 credits of coursework, a comprehensive examination, and a thesis. The comprehensive examination entailed the translation of two passages, one page long each. The thesis had to be the translation of a 100-page text. I wanted to translate something that could be published, so I spoke to Prof. Sara Irizarry, the Director of the Department, to inquire about options.

She had been approached by Prof. Jorge Rodríguez Beruff, who was interested in having the memories of the last military governor of Puerto Rico, Admiral William D. Leahy, translated. Prof. Rodríguez was writing a book on Leahy's memoirs, "A Sailor's Adventure in Politics," and wanted to include the translation.

The project was quite interesting, and part of my research entailed reading the many historical works, archives, and the major newspapers of Puerto Rico for every day of the years 1939 to 1940 in microfiche. It was an enlightening experience that allowed me to explore a glimpse of the way U.S. government officials viewed Puerto Rico and the Puerto Ricans at that time. Prof. Rodríguez Beruff's encouragement and assistance were crucial in obtaining an Outstanding Qualification in my thesis defense of *La aventura política de un marinero en Puerto Rico* (Cardona Durán, 1997). The Deanship of Graduate Studies (DEGI, for its Spanish acronym, Decanato de Estudios Graduados y de Investigación) of the UPR awarded me a grant for the translation and Prof. Rodríguez Beruff published the bilingual book in 2001. It is rich in color photographs and historical documents. I treasure my autographed copy dearly. I graduated with Honors from the Translation Program in 1998.

While studying at the Translation Program, I learned of and joined different organizations related to the field, the American Translator's Association (ATA), National Association of Judiciary Interpreters and Translators (NAJIT), and the Puerto Rican Association of Interpreters and Translators (APTI, for its Spanish acronym, *Asociación Puertorriqueña de Intérpretes y Traductores*). The Graduate Program and APTI organized several symposia and seminars together. During that time, I was still in the process of taking the written portion of the Federal Court Interpreter Certification Exam

that Mr. Quidgley had suggested I take. The written portion is a standardized test in which most parts are multiple choice and there is one reading comprehension section. The test measures proficiency in Spanish and English and knowledge of vocabulary (synonyms, antonyms, word usage.) More information on the Federal Certification Exam can be found in Appendix E.

One must pass the written phase of the test in both languages to be eligible to take the oral exam. The test phases are administered in alternate years. I'm unsure if I took the test the first time, I was scheduled to take it. It was a pilot test, but I got lost on my way to the test site and have a very dim recollection of those events. I do recall taking the test three more times. The second time I took it, I was pregnant with my daughter; the third time was the day of my sister's wedding. In every instance, I was two to three points short of passing the English portion of the test. I believe the most difficult parts of the test were the synonyms and antonyms because the words were at an extremely high register. Then, for my fourth time, I prepared and studied from a book I had used in high school titled *1,100 Words You Need to Kno*w. Then I finally passed the written test in 1997.

The oral exam tests simultaneous, consecutive, and sight translation. Once I passed the written exam, I needed to make sure I passed the oral exam. Otherwise, I would have to wait two more years for another chance. The first time I interpreted, I did so practically in the simultaneous mode. After that, much of my work was in legal depositions, where interpreting was almost always in the consecutive mode. I didn't feel that my simultaneous interpreting (SI) skills were up to par, so I took a course taught by a colleague, Janis Palma. I also purchased the materials prepared by Holly Mickelson from the Monterey Institute of International Studies. I don't believe I would have passed the

test had I not prepared with that additional help. The audio portions of Spanish were spoken by Mexicans with a very local jargon. There were some phrases and words that stumped me. I believe I figured out what most everything meant because when I received the letter indicating I had passed, one of the comments from the evaluators was that I was "very resourceful."

Passing the federal certification exam was another achievement! It meant being included in the Court's Roster of Federally Certified Interpreters. It also opened the door to work *in* court. Until then, most of my work had been out of court, in depositions, arbitrations, meetings, and other similar proceedings. Having passed the exam gave me the confidence to work in the simultaneous mode; I started accepting jobs in conferences, which brought with it another range of clients and issues.

One of the first significant conferences I worked in was on renewable energy. It was an international conference with people from all over the world. From then on, I established a professional relationship with Brave Audiovisual, which hired interpreters for most of the conferences in Puerto Rico. There were also medical, architectural, and even gaming conferences. Many were held annually, which meant repeat business.

Another benefit of working at conferences was meeting and sharing experiences with colleagues. Sometimes the conferences were so large that there were several rooms, each with a booth for two interpreters. We would all meet for lunch and spend time together during breaks. The professional bonds created from working together extended beyond work, and we'd get together socially quite often.

In 1998, I had the wonderful experience of interpreting at the press event of the *Dance with Me* movie starring Vanessa Williams and Chayanne. It was held at the Caribe

Hilton Hotel. The production had hired three interpreters for the event. I was assigned to interpret for the director, Randa Haines, another interpreter was assigned for Vanessa Williams, and a third for the producer, Shiwa Egawa. The event was divided into two sessions; the morning would be one-on-one meetings between the press and the principal ladies in the film, actress, producer, and director. There were three small rooms where Vanessa Williams, the director, and the producer would each sit with their assigned interpreters for individual interviews with different reporters.

One of the questions most asked was how they had chosen the cast. The director always responded that the film script had been written with Vanessa Williams, *Ruby,* in mind all along. However, they had to do an extensive casting search for the co-star. After weeks of trying to search for the actor who would portray *Rafael*, they were almost giving up until Puerto Rican Chayanne walked into that casting room. She narrated how the ladies were slouched and just plain tired and down. She said the room's temperature increased six degrees the instant he walked in and smiled. They all sat up, blushed, and immediately decided they had found their *Rafael*.

During the one-on-one sessions, I interpreted consecutively for the producer and the individual members of the press. No recordings were made, but the women were photographed. The press conference was then held that afternoon in one of the large ballrooms of the hotel. There was a long table on the stage. I was to sit between the director and the producer to simultaneously interpret (whispering) everything that was stated and asked of them. Vanessa Williams was with her assigned interpreter, and the third interpreter would sit with two dancers of the film who did not speak Spanish in case they needed her. The first question was asked of the director; it was the question that had

been asked most often. The second question was addressed to the producer. In both instances, I simultaneously whispered the question and then consecutively interpreted the answer. The third question was posed to Vanessa Williams; her interpreter followed my lead. The fourth question was asked of Chayanne. The first thing he answered was that he thought he would never get to speak with so many women ahead of him. The press conference lasted nearly an hour, and when it was done, everyone stood up, and as the cast and crew of the film were leaving, members of the press stopped them to ask questions. I moved toward the door, and as Chayanne was about to exit, he saw me, told me, "Good job," and kissed me on the cheek.

That evening I watched almost every television news show, and the press conference news reports were very minimal. My friend from Channel 6 called me a few days later and gifted me their footage, which included my interpretation of the director's answer. Although I had been a little nervous interpreting on stage and with an audience that would reproduce it for the rest of the world, I concentrated more than ever to make sure that I interpreted everything correctly and in a way that was well understood. Seeing the footage made me realize that the efforts had paid off.

It was also in 1998 when I divorced my husband. For some reason, after my divorce, I started receiving requests from friends to legally represent them in their personal cases. I decided to give the law one more shot and accepted a few cases. I was able to collect the debt of a court reporter from an attorney who had not paid him for his services. In a child support case, I got the defendant arrested for not paying. He was only detained for a couple of hours, and suddenly got the money to be released. I defended a friend for contempt of court and got him acquitted. The one case that drove me away

completely from litigating was representing a friend whose daughter was very a good friend of my daughter's. They had had a very contentious divorce and were having visitation disagreements. My friend had not made me fully aware of some details and I was not prepared for the animosity. I decided then that my knowledge of the law was an advantage in my career of interpreting, but being a litigator requires a very different set of skills that I did not wish to pursue.

Looking back, although I had wanted to quit halfway through, I am aware that having finished law school and passing the Bar Exam have been two of the most important events that placed me in a position of advantage in my career. I understand the proceedings firsthand from an attorney's point of view because, albeit briefly, I have worked as an attorney. I have thorough knowledge of legal terminology which has become second nature, and the legal researching skills are an excellent asset. The Master's in Translation was also an outstanding experience that formed me linguistically.

Depositions are one of the most common settings in which interpreters provide their services in Puerto Rico, outside of court. They have definitely comprised the greater part of my interpreting career. In federal cases, depositions will be held in English like in federal court, but in state cases, Spanish is the language of the record. Depositions are part of the discovery process in civil, criminal, and administrative cases. The purpose is to question persons with knowledge of the case under oath. There will be a court reporter or someone recording the proceedings in audio and/or video, to later transcribe and have a record of everything said in the deposition. The transcript can later be used in court for several reasons: to refresh a witness's recollection of events, to rebut the testimony of a witness, or to preserve the testimony for a witness who is no longer available to testify.

Depositions may take place in various other venues, such as hotels, law offices, private homes, or even in a courtroom.

Because depositions are examinations of witnesses—meaning questions and answers— the consecutive mode is used. But I have also been retained by parties to cases which are not the deponent but wish to be present at a deposition, and I am to simultaneously interpret all the proceedings for that person. I have a portable simultaneous interpreting system for up to 13 listeners, but I use it mostly for depositions depending on the subject and number of participants.

I purchased the equipment out of necessity. I had been retained to interpret at an administrative hearing at the Environmental Quality Board. It was an environmental case where the Board had fined a company for causing environmental pollution. It was a week-long hearing, and when I arrived on the first day, I was requested to simultaneously interpret for six company representatives. It was quite stressful to perform "chuchotage" to six robust men around me without any equipment. I contacted Brave Audiovisual, and they rented me portable simultaneous equipment to provide headsets and receivers for the gentlemen and a headset with transmitter for me. Knowing now what I didn't know then, I should have urged them to provide an interpreting booth because it was an extremely exhausting week. In addition to the transmitters, receivers, and headsets, I also have a playback recorder which I attach to my headset with cables to create a "booth environment without the booth."

A crucial environmental case I worked on was on the Vieques cleanup phase. The U.S. Navy had occupied the entire eastern and western ends of the island of Vieques for

military war training from 1941 until 2003[8]. After the death of David Sanes, a civilian who worked at the naval base, protests erupted throughout the island, demanding the exit of the Navy from Vieques. The local government also joined in the claims for the Navy to leave Vieques. Because of the nature of the military activities in Vieques, Congress declared the island an area of environmental concern under RCRA[9]. This was in response to public safety, human health, and environmental concerns. Congress demanded the Navy perform a comprehensive cleanup of the island. This entails oversight by the Environmental Protection Agency (EPA), the Environmental Quality Board, the United States Fish and Wildlife Service (USFWS), the Puerto Rico Department of Natural and Environmental Resources (PRDNENR), and CH2M/Jacobs, the environmental company performing the cleanup.

As part of the cleanup, Congress required the Navy to implement a community outreach program to keep the community informed of the process. They established the Restoration Advisory Board (RAB) to meet quarterly. The RAB comprises members of the Vieques community and the overseeing agencies.

The cleanup process entailed the removal of ordinances (bombs) that may have been exploded or remain live. It involved the removal of vegetation covering the ordinances without knowing exactly where they were. Because of the nature and size of these, at times, the workers would perform 'burn-in-place' of such ordinances. There were air and water quality monitoring and wildlife habitat protections. The processes

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[8] Culebra had also been occupied by the Navy since the same time, but Congress ordered its exit in 1974.
[9] Resource Conservation and Recovery Act (RCRA) 40 CFR § 30.1
RCRA is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program mandated by Congress that gave EPA authority to develop the RCRA program. The term RCRA is often used interchangeably to refer to the law, regulations and EPA policy and guidance.

involved extensive engineering and environmental work, and the knowledge of vocabulary, including military terms, that required a lot of research. Because the meetings were quarterly, the information provided in each one updated the previous one, so after the first couple of meetings, most of the terminology became familiar. However, every so often, new terms that needed researching came up. There was one special word that was never translated; everyone used it the same whether speaking English or Spanish, SWMU (solid waste management unit). It means areas where solid waste, hazardous or not, was stored on the base. But it was used to identify the different locations throughout the base. The one thing special about the word was that it was pronounced '/shmju;/.'

Having worked in Vieques earned me being retained by the Vieques Conservation Trust several times in seminars they held regarding environmental protection. A very memorable one was on Light Pollution.

The subject matter of depositions seemed to come in waves. After elections and a change in government administration, there were usually quite a few complaints filed against the incoming administration for either wrongful terminations or constructive terminations. Wrongful terminations are alleged when the employer terminates the employee without a lawful reason. Constructive terminations are alleged when an employee feels forced to resign because of their employer's actions. Usually, these cases entailed many plaintiffs against the government, especially the administrative branch, which could be the state or municipal governments. Since each plaintiff is entitled to assert their own rights, they would each be deposed individually.

In one political case, one of the plaintiffs testified that she was eight months

pregnant when she received her letter of termination. She understood that the letter affected her to such extent that it caused her to have a miscarriage. I had recently given birth to my daughter, so her testimony was extremely distressing to me. It was very difficult for me and everyone in the deposition to keep a straight face and not shed a tear. The attorney asked for a short break and then decided to conclude her testimony. I believe her case was settled very soon thereafter.

After Congress passed an important primary law, many cases were then filed under that new statute. Sometimes amendments to existing law expanding rights also tend to result in increased litigation. The Americans with Disabilities Act[10] (ADA), is one example. In addition to having worked in many depositions taken for cases filed under ADA, I also participated in the seminars held in Puerto Rico to explain and promote understanding of the new law. Seminars were held at the Puerto Rico Bar Association, the Architects' and Engineers' Association, and other entities in addition to the School for the Deaf. The chief counsel from the Equal Employment Opportunity Commission of the U.S. Department of Labor was the speaker for all sessions. He is deaf, so he brought two sign language interpreters who interpreted his signing into English. I would simultaneously interpret (in a booth) into Spanish for those present who did not speak English. I was provided with the text of the law to prepare for the seminars. In terms of my work, all sessions were the same. The only session that was different was when we visited the School of the Deaf. There, all participants understood American Sign

[10] The Americans with Disabilities Act of 1990 42 U.S.C. § 12101 et seq. (1990) (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities. The ADA prohibits discrimination on the basis of disability just as other civil rights laws prohibit discrimination on the basis of race, color, sex, national origin, age, and religion. The ADA guarantees that people with disabilities have the same opportunities as everyone else to enjoy employment opportunities, purchase goods and services, and participate in state and local government programs.

Language except for one lady. She did not sign or understand English but could lipread in Spanish. I was requested to mouth my rendition and not make a sound.

A proceeding that I have interpreted often is arbitration. Arbitration is a form of alternative dispute resolution. It is a process in which the parties agree to resolve their disputes by an impartial third party, an arbitrator, or a panel of arbitrators. It could be similar to a trial, but it is much speedier, less expensive, and less rigorous regarding evidentiary rules. The parties agree on the issue to be resolved and the decision by the arbitrator(s), including any award granted, is legally binding. It is widespread in commercial, trade, banking, construction, maritime, labor, environmental, and other subjects. Crimes, marital and family matters, guardianship, and probate matters, among others, are not subject to arbitration. Mediation is another form of alternate dispute resolution where the parties present their disagreements to a neutral third party, who then recommends a mutually agreeable solution. They are not usually binding, but the court may consider the mediator's recommendations if the matter is brought before the court.

Other work venues in Puerto Rico include conferences, conventions, and training seminars. They are usually at convention centers and hotels. Some of these events have plenary sessions for some portions of the events, with interpreting teams working from a booth and then breakout rooms, also with a booth, to cover a variety of topics, each of which will have a separate team of interpreters.

I have worked in meetings with government officials, meetings to agree on collective bargaining agreements, and board meetings. The format is often consecutive, but occasionally I am asked to use my portable simultaneous interpreting equipment.

Focus groups are marketing research strategies that many companies use to

understand the consumer and the market. Focus groups are usually conducted by a moderator with around 10 participants. They typically sit around a table in a large conference room with a one-way mirror on the wall. The clients and/or representatives sit in a room behind the one-way mirror to observe and hear the participants' reactions and responses. The moderator has them introduce themselves at the start and usually ask questions about the product they are researching without giving away what it is. After they have enough background, they present the product and ask more specific questions. Focus groups last approximately one to one and a half hours and may require an interpreter. Depending on the research company, the interpreter has a separate room and sees the participants on a television monitor, or she may be in the same room with the clients. Focus groups can be very exhausting when the participants get very excited about the products and sometimes speak over each other.

In the field of sports, I worked on two series of World Baseball Classic in 2009 and 2013. I was to interpret during each team's press conferences after every game. The press conferences lasted approximately 20 minutes, and I was to interpret into English for the ESPN transcribers when they were on the Spanish-speaking teams. I had to wear khaki pants and a t-shirt they provided. They required that I watch the games, so they granted me an all-access pass to the stadium. Needless to say, it was the most fun interpreting job ever.

Another sports-related event that was quite interesting was an Investors' Meeting at the El Comandante Racetrack. The morning session was a seminar on the Racetrack and the proposed renovations, and then a tour around the stables of the thoroughbred horses.

The most recent sports-related event I had to work on was at Jazmin Camacho Quinn's welcome reception by the Puerto Rico Olympic Committee after she won the Olympic gold medal. She was received at the JetBlue terminal, and I provided headsets for her and her family. She was presented with some awards and answered questions from the press. She was then transported to the Legislature, where she was presented with an official recognition of her achievement.

I recently had the opportunity to interpret for a group of judges from several countries in Latin America who are learning about the US adversarial legal system. There is a movement in countries such as Colombia, Venezuela, Mexico, Honduras, and others towards changes in their criminal justice systems from inquisitorial to adversarial, such as the one in the United States. An inquisitorial system is a system of law in which the judge actively investigates the facts of the case. This is in contrast with an adversarial system, in which the judge's primary role is that of an impartial referee between the opposing parties: prosecution and the defense. The judges from Latin America attend two days of seminars at the school of law, where I was simultaneously interpreting for them those presentations that were in English. They then spent two days observing proceedings in the federal court. After each hearing in court, the presiding judge would step down from the bench and explain the proceedings and answer their questions.

The variety of issues that I have worked with throughout my career is so broad that it would be impossible to name them all, so the following is an overview of the most outstanding themes: wrongful termination, political discrimination cases, environmental complaints, construction, medical, pharmaceutical, commercial, banking, financial, maritime, products liability, healthcare, music, corporate, insurance, renewable energy,

housing, corrections, mechanical, automobile, criminal, family law, probate law.

Being federally certified meant I was qualified to apply for a staff position whenever it became available. I was quite busy working in different settings, so I never knew when there were any vacancies, but I received a notice recently, in 2017. However, working as a staff interpreter, I realized most of the work involved criminal cases**.** Based on all my prior experiences, I felt constrained and decided to return to freelance work. After having worked as a court employee, I was retained as a contract court interpreter in other courts, such as Jackson, Mississippi, Rochester, and Buffalo, New York. I had previously worked for both the U.S. District Courts and the U.S. Attorney's Office in St. Thomas and St. Croix and still do.

The translating branch of my career has been useful and extremely contributory to my interpreting qualifications. Having endeavored to translate over 10,000 documents in my lifetime, with great variety in their lengths, I have had to research many areas. The knowledge I have acquired while translating documents has been extremely enriching, to say the least. Yet, one thing is certain, there always is, and there always will be something new to learn.

I do have a passion for interpreting and translating. I have been blessed with wonderful mentors; Ernesto Quidgley and Paco Gutiérrez were like fathers to me in my profession. I have paid it forward and have mentored a few colleagues when they started their own careers and continue collaborating with them and others. My purpose in writing this dissertation is to present my experiences and the lessons I have learned that may provide some helpful tools for new interpreters entering the field.

In the next chapter I present courtroom stories, explore the role of the interpreter

in the court, ethical responsibilities expected of court interpreters, and courtroom language. Appendix F contains the Code of ethics of the United States District Court for the District of Puerto Rico.

Chapter 5

Understanding the culture of interpreting in the United States District Court for the District of Puerto Rico

5.1 Introduction

As I mentioned throughout Chapter 4 of this dissertation, most of my professional life has been as a freelance interpreter. Originally, the majority of my work had been in the field of civil law, but I have often worked in the field of criminal law. I do not recall precisely when I started working as a contract court interpreter for the court or the United States Attorney's Office, but it was probably around 2012. At first, it was sporadic, and eventually my work with both became more frequent. I learned in 2017 that a position was available, so I applied and was offered employment beginning May 2, 2017.

It was a huge change, as I stated in my life story; I now had to report to an office at 8:00 am sharp every day. It was an open office with six other staff interpreters, each in their cubicle, and the supervisory interpreter had a separate office with a door that was always open. I received several training sessions and orientations on court decorum, electronic media use, and the court electronic filing system, among many others.

Regarding the interpreting work, almost all the work we did was in criminal cases. Most cases in the Puerto Rico District Court are related to firearms and drugs, usually involving members of drug trafficking organizations. Many of these cases are tried under the RICO Act, that is, the Racketeer Influenced and Corrupt Organizations Act of 1970[11].

[11] The Racketeer Influenced and Corrupt Organizations Act (RICO) of 1970 seeks to strengthen the legal tools in evidence gathering by establishing new penal prohibitions and providing enhanced sanctions and new remedies for dealing with the unlawful activities of those engaged in organized crime.

Depending on the hearing of a case, we would carry out different tasks alone or in tandem (teams of two interpreters), working independently in hearings such as initial appearances, arraignments, changes of plea (i.e., accepting to plead guilty after having made a plea of not guilty) hearings, or sentencing. Our supervisor assigned us in pairs for longer proceedings such as trials and evidentiary hearings, legal arguments and motions, and sentencing hearings at which complex issues were argued.

Access to the court filing system allowed us to see all unsealed (public) motions filed in the cases assigned to us. This made it possible for us to read about the matter and prepare for court action in terms of language use. We collaborated with each other and shared information that could help us when it came time to interpret in court, a very important asset.

I find that the most challenging type of language used in the courtroom is drug/street slang, due to the nature of drug trafficking organizations; they use code words, special nicknames, and other terminology that changes constantly as a measure of protecting secrecy among the members of the organization.

Even though I did not train formally as an interpreter, having studied the law allowed me to have a clear understanding of the legal process. Therefore, since early on in my career, I joined several organizations to further and continue my education in interpreting, the ATA (American Translators Association), NAJIT (National Association of Judiciary Interpreters and Translators), and APTI (Asociación Profesional de Traductores e Intérpretes). These organizations hold yearly conferences and offer a multiplicity of seminars where interpreters and translators meet, share, and learn from the program presenters and from each other. Although APTI held several activities and

symposia in the 1990s, the organization fizzled out and a new APTI has recently been incorporated, now as Asociación Puertorriqueña de Traductores e Intérpretes. In addition to these large events, where many of us interpreters would coincide, we also get together informally very frequently. For many years, a group of us would meet every other month at a house to share our experiences. We called our meetings *tertulias*, and they were a wonderful way to unwind and recharge. And as I mentioned before, because this profession is quite small in terms of the number of persons, we do coincide frequently working together in the federal court, the state courts and in conferences. The following are my personal recollection of stories we have shared along the way.

5.2 Courtroom stories from shared experiences with other interpreters and from my memories as an interpreter

1. "To avoid being viewed as being partial, I keep to myself in the courtroom."
2. "Always be attentive and take notes when the judge addresses the witness, even when the person has been answering questions without the interpreter's intervention. One time, a witness, insisted on giving his testimony in English; his answers were unclear, often a mix of English and Spanish, or non-responsive. At one point, the judge posed a question and ordered me to interpret it to the witness in Spanish. Fortunately, I had taken notes, and this saved me!"
3. "When I worked in a federal courthouse for the first time, I was completely naive and had never seen so many bricks of cocaine displayed. I hadn't worked with equipment. There were wires spread all over the floor of the courtroom. I learned two things: how to work with a colleague as a team using

simultaneous interpreting (SI) equipment and how to keep a straight face so as to never show surprise at whatever evidence the Government brings."

4. "After a difficult and long assignment where I was not even told that the witness would be connecting remotely using video technology, I made it a habit to prepare a set of questions requesting information about the expected testimony, including whether the witness would be physically present or not."
5. "If at some point, a specific word does not come to mind, I look at the counsel or the judge seeking for support. If nobody answers, I then openly state that I cannot come up with the specific word."
6. "Where to begin? So many anecdotes. Both good and bad. Huge challenges over the years, as well as gratifying experiences. During my earlier years, I actually cried on my way out of federal court a few times due to corrections by attorneys and not having as much experience as I have had in more recent years; I was more vulnerable and also made more mistakes because I didn't have good enough control of witnesses, which led to mistakes sometimes."
7. "Interpreters are trained to interpret slang and coded language whenever possible. For example, if a witness speaks of 'horse' or 'snow' or any number of other expressions in a drug-related case, the interpreter will likely know that the speaker is referring to heroin or cocaine and render a slang equivalent in the target language. There was one occasion in a drug-related case where the witness spoke of *manteca*, and the interpreter rendered a slang term for heroin in Spanish. The judge objected and, after an exchange, instructed that the word *manteca* in Spanish be rendered as 'lard' in English (lard being the

exact equivalent of *manteca* in English). The interpreter complied, and the prosecution later asked the witness to explain what he meant when he spoke about 'lard' (*manteca* in Spanish). So, then the witness explained that he meant *heroína* (heroin) and *droga* (smack). As a student of law at the time, I wondered why the judge had instructed me to translate *manteca* as 'lard' when my initial rendering of 'horse' as slang for 'heroin' was in harmony with what had until that moment been the best practice followed by court interpreters and taught by court interpreter trainers. My conclusion was that the judge wanted the attorney to question the witness directly to ascertain the meaning to his use of the word *manteca.* As I reflected on this new practice, I surmised that in going in such a roundabout way, the judge was ensuring the appearance of impartiality and neutrality on the part of the interpreter and requiring the prosecutor to meet the legal burden of proof without any apparent help from the interpreter."

8. "In another case, there was another interpreter working in the consecutive mode from the witness stand; I was interpreting for the defendant in simultaneous mode. When the judge did not like the consecutive interpreter's rendition, he would ask: 'Madam interpreter, as the official court interpreter for this hearing, how would you interpret [*trigueño, marbete*, etc. (usually an ambiguous term)]?' And I would give my rendition with an explanation, usually as to the ambiguity. This would never happen in a monolingual courtroom, and it helped me think about the best way to handle something like this" that is, to allow the ambiguity to be solved by the interpreters

themselves.

9. "I was about to have this problem in court in Massachusetts, where the witness said that he 'knew a bit of Spanish' and that when he listened in to the defendant's call to his wife when detained, he heard him say '*es malo'* which to him clearly was an admission of guilt because that means 'it is bad.' The objections were going on the way to state that as the witness was not an interpreter, the interpreter should translate the utterance. Fortunately, the judge was smart enough (maybe also bilingual?) and decided that there was not enough context to be able to translate the utterance correctly, which is what I would have said if asked."
10. "Interpreting is a constant learning experience at many levels."
11. "Another time, I was in the audience, observing a trial. There was a witness testifying, and she said, '*Me dijo que era una bellaca*' or words to that effect. The judge said out loud, 'Angry!' (which can be the meaning of *bellaca* in a different geographic region). The interpreter just froze and said nothing, as he knew that was not the meaning, but—of course—you never contradict a judge. Nonetheless, one of the attorneys stood up and said, 'With all due respect, your honor, the correct translation is '*horny*'."
12. "This next example came up during a deposition in a civil case. Sometimes attorneys try to use the interpretation as part of their strategy. In this particular case the Federal Trade Commission (FTC) was conducting an investigation, and this deposition was part of that process, so it was being recorded with a court reporter. An FTC officer who spoke only English had come to Puerto

Rico to assist with the antitrust case that was to be tried in Puerto Rico. Depositions lasted for a week, with many different witnesses in different parts of the island. About four or five attorneys were present representing the companies in the complaint.

We were on the last day of depositions, and the witness was behaving in an obtuse manner, refusing to answer a very simple question. After about an hour of going around with the question, one of the attorneys said that the reason the witness was not responding was because the interpreter was not interpreting the question correctly. *Everyone,* including the witness, except for the investigator and the court reporter, were perfectly bilingual and knew this assertion was completely false. I was exhausted and almost lost it, but I did state on the record, 'This is the interpreter speaking. The interpreter, as everyone in this room knows, is interpreting the question correctly. She is not going to allow her reputation to be sullied on the record.' I am not sure if this was the right thing to do, but I was totally fed up. The attorney afterward came and apologized and said that it was nothing against me, that it was his strategy."

13. "In civil depositions, there are attorneys who are very aggressive and rude, and that is part of their strategy from the start. They arrive late, attack the witness and their attorney, and object to anything the interpreter might say or do. And as they are perfectly bilingual, their objections are usually for slightly ambiguous terms or tiny details in the rendition. As an interpreter in these situations, I learned to assert my authority from the beginning and not allow

any bullying from anyone. I would start by saying, after an initial objection, 'I am a federally certified interpreter and the language expert here. Your objection is for a synonym that is equally valid...' and afterward, I would definitely pick my battles. If the correction was something irrelevant, I would not make any comment to the objection; if it was something that might be important, I would state, 'the interpreter stands by her rendition.' For very serious points, I would ask to hear the court reporter's recording and interpret it again."

14. "Once, during a civil trial, the witness was given documents to read out loud. These were job descriptions, from what I recall. The witness was given the original version in Spanish, which, to the best of my recollection, was placed on the evidence display equipment known as ELMO, and I was given the translation to read out aloud in English for the record, to make it easier for me. With the first document, I was reading the translation to myself as the witness read the Spanish out loud. In the last paragraph, I noticed there was an ambiguity in the translation, so I changed it when I read it out loud. The objections came: 'Your honor, please order the interpreter to read from the official translation.'

    In the next document, there were several errors in the translation. These were numbers, so it was clear there was an error. When I started to read what had been given to me, I said, 'The interpreter is reading the translation that was provided to her.' Then I proceeded to read it out loud with the errors in the numbers. 'Objections, sidebar!' I had anticipated that would happen because,

even if everyone had been monolingual, it was clear there was an error with the numbers.

In the third document, the translator had made a really significant mistake. It was clear that he had used another job description for this one's formatting but had only translated the title, and the body of the document was 100% different from the original Spanish document. As instructed, when I had to interpret, I said, 'As ordered, the interpreter will read from the translation that was provided to her.'

As everyone was bilingual, there was an objection and a very long sidebar. I was invited to approach and speak with the judge about the situation. As a result, for the rest of the trial, all the documents were sight-translated.

NOTE: in a different monolingual court, it would have been very complicated, and I would have had to state for the record that the translations were wrong, how and why. It actually happened to me in a federal court in Massachusetts. The best way to handle a bad translation will always depend on many factors, including the nature of the mistake and whether or not the judge or the attorneys are bilingual."

15. In a case involving a monetary transaction, a Dominican national claiming to be the victim of fraud described an incident during the course of a deposition that involved the alleged perpetrator. The deponent had gone over to the alleged fraudster's home to demand her money. The other woman said she didn't have the money and then added, '*¿Qué tú quieres, que se lo pida al bichote de la esquina?*' Before the deponent uttered these words, she

hemmed, and hawed and kept on saying that the alleged perpetrator had used dirty language when referring to some man and that she really didn't want to repeat the words. When she finally came out with it, no one thought that there was any dirty language involved. We all understood *bichote* to mean 'big shot' in Puerto Rican slang. It was only later that one of the attorneys realized that the deponent, not being Puerto Rican, had thought the other woman was talking about some man's penis, and that was why she was so hesitant to repeat the statement. Instead of understanding the term *bichote* to mean 'big shot;" she understood it to mean 'big dick' because that is a regional use in Puerto Rican Spanish, whereas in other countries the term *bicho* is used to mean 'insect'.

This same witness was later called to trial. At the trial, the same situation arose. The woman once again hemmed and hawed and was hesitant about having to repeat the quote, to the point of asking the court, 'Do I really have to say what she said?' When prompted by the court to answer the question, she stated: '*¿Que tú quieres? ¿Que se lo pida al bichote de la esquina?'* On this occasion, the interpreter rendered the intended meaning that the witness understood. 'What do you want? Do you want me to ask for it from the big dick on the corner?' The courtroom came to a hush. The judge called the attorneys and prosecutors to the bench to quietly confer. One of the attorneys explained the situation, and the judge addressed the jury to tell them that *bichote* in this instance meant 'big shot,' as everyone in Puerto Rico was aware, and that they should disregard the other meaning of the term as used by

the witness."

16. "The U.S. District Court for the District of Puerto Rico is not the only forum where proceedings take place in English. Other administrative hearings are conducted in English by federal agencies on the Island, including the Federal Drug Administration (FDA), Housing and Urban Development (HUD), the U.S. Postal Service (USPS), and the National Labor Relations Board (NLRB). On one occasion, an NLRB trial was being held in the town of Yauco concerning the wording in a collective bargaining agreement. During the trial, testimony was given on assorted aspects of the agreement between the union and the employer. At one point, questions revolved around mealtimes at a 24-hour business. The witness spoke of 'la hora de almuerzo', referring to 'lunchtime.' Still, the limited Spanish-speaking attorney for the union objected to the rendition and insisted that the literal translation, 'the hour of lunch,' was a more appropriate rendition of the expression. The interpreter refused to defer to this attorney's objection, stood by the original rendition, and the record was not changed to accommodate the attorney's 'correction'."
17. "On one occasion in the District Court, a very skilled and competent attorney was conducting the cross-examination of a witness. The questioning involved the names of two individuals and who did or said what to whom. At one point, the attorney mixed up the names, and instead of saying that A did x to B, he ended up asking if B did x to A. From the context of the preceding line of questioning, it was clear to the interpreter that the attorney had misplaced the order of the names and, just for a moment, hesitated and wondered if the

> question should be corrected. Mindful of the interpreter oath and the requirement to render exactly what is said from source to target language, the interpreter proceeded to repeat exactly what the attorney had said, mix-up and all. When the attorney objected to the misplaced order of the names, the judge replied, 'That is exactly what you said in English, counselor'."

It is evident from these anecdotes that circumstances in legal interpreting, within or outside of the courtroom, constitute contexts of situations that may evolve into problematic interactions among the participants of such communicative events.

5.3 Role of the court interpreter and position within the court

There is a widespread notion that the court interpreter must act as a conduit, channel, or in some sort of neutral and unobtrusive manner. This is a common representation of the interpreter. There has been significant discussion concerning the court interpreter's role as a passive participant in the proceedings. Therefore, numerous images have been used to describe interpreters, "phonograph, a transmission belt, transmission wire or telephone, a court reporter, a bilingual transmitter, a translating machine, a (mere) conduit or channel, a mere cypher, an organ conveying (presumably reliably) sentiments or information, and a mouthpiece" (Morris, 2010, p. 21). Thus, the demand on the interpreter is to function as a "faceless voice," that is, in a neutral and non-intrusive way (p. 21).

Morris (1999) coined the term "gum syndrome," relating to two different court interpreting scenarios and interpreters' coping mechanisms. The 'conduit' method conceptualizes the interpreter as an unseen pipe that transfers words from one language to another, unchanged. Therefore, the law views the interpreter as a mechanical device to be

utilized as the court deems suitable. Conversely, defendants who do not speak the language see interpreters as their saviors. They have *finally* met someone they can talk to and who represents "home." This is a challenging misperception for interpreters to address. Caught between these two extremes, the court interpreter may feel like the smallest of incidentals or the most crucial person in a defendant's life. "These two contrasting situations have been likened by interpreters to being a piece of gum on the bottom of a shoe—ignored for all practical purposes but almost impossible to remove" (p. 7). However, throughout history, interpreters have never been invisible. They have been partners in commerce and diplomacy, allies in discovery and conquest, and aids in personal affairs (Martínez-Gómez, 2015). With the advent of training and the development of interpreting as a profession, interpreters have been pushed to the background under the assumption that being invisible allowed interpreters to stay detached from the communicative event and, hence, not accountable for its result, dissociating themselves from the decision-making processes of the persons involved, and gaining respect for a growing profession (Angelelli, 2004).

There is, undoubtedly, a link between both, the passivity requirement, and the invisibility of the court interpreter. In other words, the requirement to serve "just as a translation device" renders the court interpreter invisible as a person. Professional interpreters enable their clients to overcome language barriers by efficiently transforming verbal communications from one language to another in what to all external observers appears to be an uncomplicated procedure. That is, interpreters perform their duties so well that the individual person becomes invisible (Martínez-Gómez, 2015).

Angelelli (2004) notes the conflict between the ideal scenario dictated by schools

and professional groups and the reality of the actual work environment for interpreters.

> By prescribing that the role of the interpreter should be *invisible*, the profession fails to see the role of the interpreter for what it really is— that of an individual who orchestrates language, culture, and social factors in a communicative event (p. 24).

Nevertheless, there is a shift in how the demand for invisibility and passivity is seen, as "interpreters themselves are increasingly starting to consider themselves as having duties that go beyond the restricted linguistic one" (Morris, 2010, p. 20).

In searching for approaches that may better define the role of the court interpreter, Sandra Hale (2008) describes five roles adopted by community interpreters: 1. Advocate for the Limited English Proficient (LEP) individual, 2. Advocate for the institution or service provider, 3. Gatekeeper, 4. Facilitator of communication, 5. Faithful renderer of others' utterances.

The advocacy for the LEP may come up due to their lack of familiarity with the legal system and inability to communicate effectively in the language of the court. LEPs may be subject to discrimination. Therefore, interpreters may become a means to resolve this power dynamic by providing accessible language for LEPs rather than simply interpreting the exact words and sentences uttered by the English speakers.

Interpreters may be perceived, also, as advocates for the institution or service provider should they make an effort to be more helpful to the court than to the LEP themselves. If the court retains interpreters as service providers, they are especially prone to feel an expectation to cooperate with the court to a greater extent (Angermeyer, 2009). This could be observed when interpreters try to "save time by omitting what they believe to be irrelevant chunks from the LEP's utterances; in their reluctance to challenge

lawyers when they ask them to exceed their [role] by taking the client to lunch or convincing them to accept an offer; in their failure to perform whispering simultaneous interpreting in the courtroom to make the LEP linguistically present for the entire case or trial" (Hale, 2008, p. 107).

The term *gatekeeper* signifies the power of the interpreter as far as the flow of information is concerned. Hale (2008) found in her research, both in Australia and the United States, that healthcare interpreters often play a gatekeeper function. This specialized function requires a one-on-one dialogue between the other two interlocutors, excluding the service provider. Some of the speaker's actual words may go untranslated while the interpreter is busy trying to get some additional information from them. In a legal setting, this might cause crucial pieces of evidence or information to be "lost," potentially changing the course of the case (p. 112).

The role as facilitator of communication is a combination of the first two roles just described: an advocate for the LEP and an advocate for the service provider. Both are performed at the same time, becoming a sort of middleman. The interpreter assists both sides so they may communicate effectively, while filtering and clarifying the information exchanged.

Hale (2008) understands that the role of the faithful renderer of others' utterances is the one favored by all codes of ethics. The notion of faithfulness or accuracy is of great importance. But it is often misunderstood because some people believe literal translation is the only reliable way to convey meaning "faithfully and accurately." This would presuppose that, "each word in one language has a direct equivalent in the other, making the interpreting process a mere word matching exercise" (p. 114). Regarding handbooks

for interpreters and legal professionals, most do not recommend interpreting *verbatim* but, rather, recommend what may be considered the closest natural equivalent of the source message.

Hale (2008) understands that role number five—faithful renderer of others' utterances—stands out as the only viable option for court interpreters, as the others have far too many drawbacks. However, fulfilling this function does not require interpreters to become mindless automatons; it implies doing your best to be precise within the bounds of human ability. There is a higher likelihood of an accurate translation if interpreters have received the training, have done sufficient homework, and have adequate tools at their disposal. Workplace factors, such as how coworkers react to them and how they express themselves, can significantly affect productivity. Increased precision is associated with greater fluency in both languages.

The Courts Services Office of the Administrative Office of the United States Courts (2020) establishes that court interpreters are considered court officers with the specific duty and responsibility of interpreting between the specified languages. Interpreters help ensure access to justice by facilitating the full participation of LEP individuals in the judicial process. Interpreting requires more than just the capacity to speak two languages. Interpreters must be fluent in the source and target languages and have certain technical skills to transfer meaning from one language to another. When there are no official credentials for certain language combinations, the courts will frequently evaluate an interpreter's credentials on the record through a systematic *voir dire* procedure. Dueñas González, Vásquez, and Mikkelson (2012) find that court interpreters have a dual role at all times, as an officer of the court and as an expert.

Isabel Framer (2005) explains that as an officer of the court, the interpreter is considered impartial because the purpose for which they were originally summoned was to aid in the fair administration of justice by providing interpretation. In that sense, a court reporter and an interpreter have similar neutrality requirements toward the court. Court interpreters must adhere to strict ethical guidelines set forth by the courts, which forbid them from providing any kind of advice (legal or otherwise) and make it clear that they will never advocate for either party. Therefore, our duty and loyalty are to the fairness of the judicial process as a whole and not to any particular person because of the role we play in that process. In addition to the rules governing interpreters in the judiciary, local court rules and any other guidelines governing officers of the court and the judicial process should be thoroughly studied and understood by any aspiring court interpreter. This idea is not dissimilar from an employee learning the rules of the company for which they work or the guidelines of the specific field in which they are engaged.

In addition to their role as officers of the court, interpreters are in a unique position because they are also considered a court's expert. Sara García Rangel (2002) explains that to interpret in legal proceedings, they must meet the requirements for expert witnesses. Rule 604 of the Federal Rules of Evidence[12] requires that the interpreter swear or affirm to make a true translation of the oral argument. A court interpreter's oath requires them to provide their services justly, truly, fairly, and impartially in the case at hand. When interpreting for a witness, this includes the oath administered to the witness,

[12] Fed. R. Evid. 604
Pub. L. 93-595, §1, Jan. 2, 1975, 88 Stat. 1934; Mar. 2, 1987, eff. Oct. 1, 1987; Apr. 26, 2011, eff. Dec. 1, 2011.

the questions posed by the Court and counsel, and the witness's responses.

Rule 604 does not specify whether the court interpreter is an expert witness at the start of proceedings or only if the judge or parties raise a language-related issue. This implies that Rule 702[13] applies instead. An expert witness is an individual with special knowledge, skill, experience, training, or education who can assist the trier of fact in understanding the evidence or determining a fact at issue. An expert takes an oath, like any other witness, and has to be qualified as such; once qualified, an expert may testify in the form of an opinion if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case. Although expert witnesses are allowed wide latitude to offer an opinion, their testimony is subject to challenge.

Indeed, the generally accepted principle is that a court-appointed interpreter shall be qualified as an expert and presumed competent to interpret between English and another specific language or languages. This presumption serves many purposes, including granting the defendant a speedy trial, allowing courts to proceed with trials without lengthy *voir dire* examinations, and rendering moot the issue of apparent bias by making the interpreter the court's expert rather than an expert witness for the defense or the state.

Counsel or the court can consult the court interpreter as the court-appointed expert. During *voir dire*, the court interpreter's background, education, degrees,

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[13] Fed. R. Evid. 604
(Pub. L. 93–595, §1, Jan. 2, 1975, 88 Stat. 1937; Apr. 17, 2000, eff. Dec. 1, 2000; Apr. 26, 2011, eff. Dec. 1, 2011.)

certifications, and employment history are examined, and the interpreter may also be asked about any special training, publications, or relevant work experience. A court interpreter' *voir dire* could emphasize how they learned the target language, how long they have worked in court, and any other special qualifications. Court interpreters will likely be asked to list their federal, state, city, or other government certifications to determine competency.

5.4 Ethical responsibilities expected of court interpreters

The Courts Services Office of the Administrative Office of the United States Courts (2020) has developed Standards for the Performance and Professional Responsibility for Court Interpreters in the Federal Courts. According to this office, some of the attributes that federally qualified court interpreters bring to the legal process include knowledge of the target language, neutrality, and civility in dealing with parties, counsel, the court, and the jury. The court may contract any competent individual, certified or qualified, to function as an interpreter under 28 U.S.C. 1827. Court-appointed interpreters have the authority and responsibility to translate between English and the language or languages designated by the court for the duration of their duties.

In addition to linguistic factors, court interpreters must constantly follow certain ethical restraints and standards that do not apply to other types of interpreters, such as those specializing in escort or conference interpretation. Even though court interpreters may be seated close to the defendants or witnesses for long periods, they must always maintain a neutral demeanor and appearance. The following 11 standards are required of staff and contract court interpreters.

1. Without changing, omitting, or adding to what is stated, the interpreter should

provide a comprehensive and accurate interpretation that respects the level of language employed. The duty to maintain accuracy requires the interpreter to correct any inaccuracy of interpretation that arises throughout the procedure.

2. A qualified interpreter will not exaggerate or omit information about their education, training, or experience in their field.
3. All actions taken by an interpreter must be free of any prejudice or appearance of bias. Except when performing their official duties, interpreters are not permitted to speak with the parties, witnesses, jurors, attorneys, acquaintances, or relatives of any party during the proceedings.
4. An interpreter's duty is to recuse themselves from any case in which they have a conflict of interest, whether actual or apparent, by disclosing any and all connections they may have had with the case, the parties, the witnesses, or the attorneys.
5. Interpreters retained by the court may receive payment exclusively from the court itself. It is against the law for a court interpreter to accept anything of value from a party, witness, or attorney in a case in which the interpreter is working; however, in cases where there are no other court interpreters available, the court may authorize a court interpreter to provide interpreting services to and be compensated by an attorney in the case.
6. Interpreters serving in a judicial setting are expected to maintain a demeanor befitting the court and to minimize disruptions wherever feasible.
7. Confidential and sensitive information must be safeguarded at all times by interpreters.

8. Even if the material is not privileged or legally required to be secret, interpreters shall not discuss, report on, or provide an opinion in public about a topic in which they are or have been engaged.
9. An interpreter's duties are limited to those of a translator or interpreter; they do not include, for example, rendering legal advice or expressing personal ideas to the people for whom they are interpreting.
10. Constant self-evaluation of interpreting skills is required of all interpreters. If a court interpreter doubts whether they can do their job, they must immediately notify the court.
11. Court interpreters must notify the appropriate judicial authorities of any attempt to obstruct their compliance with any law, the requirement of these Standards, or any other official policy controlling court interpreting.

I include the Code of Ethics for Judiciary Interpreters of the Puerto Rico District Court as Appendix F.

5.5 Linguistic difficulties in courtroom language

O'Barr (1982) found that legal language is filled with the use of the passive voice, nominalizations, multiple negatives, misplaced or intrusive phrases, uncommon and complex embeddings, and unusual prepositional phrases and clauses. Other characteristics that he added were lengthy sentences, limited verbal groups, and frequent post-modification in nominal groups. At the discourse level, legal language was found to lack cohesion due to the unusual use of anaphora, confusing repetition, and a mix of extreme precision and intentional ambiguity.

Speech patterns and their effects on the result of court cases were investigated by

Berk-Seligson (2002). These analyses revealed that the registers of judicial testimony range from the highly formal and formulaic language used by judges and attorneys to the more colloquial language used by defendants and witnesses when describing individuals and recounting events. The author also discovered that spoken legal language often contained slang, regionalisms, jargon, dialectal variances, and even idiolectal idiosyncrasies. In addition, it was also uncommon for speakers to switch between and combine several registers or speech styles during court hearings. As expected in the speech patterns, the language used in court frequently contained paralinguistic characteristics such as hedges, hesitance, false beginnings, self-corrections, contradictions, and misspeaks.

In 2001, Miguélez found that "the language used by expert witnesses and attorneys when addressing them, is often grammatically faulty, convoluted, imprecise, repetitive and lacking in coherence. Therefore, preparing vocabulary, while useful, will not guarantee success, given that the challenges in comprehending and interpreting expert testimony are not always strictly—or even principally—lexical in nature" (p. 203).

In the next and final chapter, I reflect upon the findings of this study and then proceed to discuss the conclusions by focusing on the research questions. Finally, I end this contribution to court interpreting by providing recommendations for aspiring interpreters.

Chapter 6

Reflections, conclusions and recommendations

6.1 Reflections

In this dissertation, I have presented an overview of the field of court interpreting with a broad historical picture that has made me proud of my profession. A profession that has been extremely useful through time and throughout the world as well as so culturally diverse. Interpreters have been historically perceived as essential and knowledgeable.

I have reviewed the linguistic skills a court interpreter must possess and have explored how to render her duties. Accuracy, completeness, impartiality, and consistency in delivery, tone, and register are essential for everyone in the courtroom to fully grasp all messages. In order for the defendant and witnesses to understand what is being said to them and to respond appropriately, it is crucial that the interpretation be accurate. A fundamental aspect of a just trial is the defendant's entitlement to an understanding of the proceedings. The job of the court interpreter is to ensure that the judge, jury, defendant, and witnesses all fully understand each other.

Interpreting is a complex set of integrated cognitive tasks requiring exceptional bilingual linguistic processing speed, extensive working memory, multitasking, and rapid access and retrieval of appropriate linguistic, conceptual, and cultural information, all of which require sharp concentration, abstract thinking, cognitive flexibility, analysis, and synthesis in two languages. The interpreter must be able to analyze speech at numerous structural and meaning levels, as well as negotiate fine semantic distinctions based on split-second comprehension and decision making. The skilled interpreter must be able to

rearrange concepts syntactically and semantically from SL to TL, as well as have the cognitive flexibility to respond to a wide range of changing linguistic demands, such as false starts or rapid changes of subject.

I have also presented the views of several scholars and studies and the difficulties of courtroom language. O'Barr's (1982) study shows the variety of registers present in courtroom language and how even highly educated persons such as attorneys or experts may utilize complicated language as Miguélez (2001) scholarly exposes.

In addition to linguistic factors, court interpreters must constantly follow certain ethical restraints and standards that do not apply to other types of interpreters. The discussion stated herein shows how delicate and important our roles in the judiciary are and how they affect our roles as interpreters.

I have presented how the concept of meaningful legal equivalence as posed by Dueñas González, Vásquez, & Mikkelson (2012). The competence of the court interpreter to preserve defendants' and litigants' civil and constitutional rights is critical to the administration of justice. By aiding the fair administration of justice in the courtroom, the court interpreter advances the ideals of social justice for language minority. Competent court interpreters bridge the large cultural, social, and economic gap between LEP defendants and litigants and the legal system. And this cannot be accomplished if the interpretation for a litigant or defendant fails to take into account their understanding of the original message (due to a lack of common knowledge, experiences, institutional referents, etc.) when converting SL to TL without the interpreter's agency.

As to the power of autoethnography, I must emphasize that it is not just a technique but both an action and an outcome, a process and a product.

Autoethnography is an emerging type of qualitative study that allows the author to write in a first-person, firsthand manner, drawing on their own experiences to deepen the reader's knowledge of a social issue. It allows for alternative modes of inquiry and expression by recognizing the inseparable link between the individual and their culture.

An autoethnography is written using hindsight and selective recall. In most situations, the author does not go through these events simply to write about her/himself; rather, the author blends memories of the past with the benefit of hindsight. A writer may undertake interviews with others and analyze texts such as photographs, diaries, and audio recordings to improve recollection. Most autobiographies center on "epiphanies," or defining moments in the author's life that drove them to pay attention to and reflect on their own experience of the world, as well as existential crises that compelled the author to pay attention to and reflect on their own experience of the world.

I have also presented various views on the role of the court interpreter which is addressed in my first research question.

6.2 Conclusions focusing on the research questions

1. **What is the role of the interpreter in the legal setting and what are the parameters of her ethical and professional duties and responsibilities?**

There is a widespread notion that the court interpreter must act as a conduit, channel, or in some sort of neutral and unobtrusive manner. This is a common representation of the interpreter. There has been significant discussion concerning the court interpreter's role as a passive participant in the proceedings. Morris (1999) coined the dual role of the interpreter as the 'gum syndrome' on the bottom of a shoe—'ignored for all practical purposes but almost impossible to remove.'

In searching for approaches that may better define the role of the court interpreter, Sandra Hale (2008) describes five roles adopted by community interpreters: advocate for the LEP individual, advocate for the institution or service provider, gatekeeper, facilitator of communication, and faithful renderer of others' utterances. She finds that it is the faithful renderer of others' utterances.

The Administrative Office of the United States Courts and Court Services Office, (2020) establish the dual role at all times of court interpreters, as officers of the court and experts. As such, interpreters are considered impartial because the purpose for which they were originally summoned was to provide their services and, thus, aid in the fair administration of justice. Court interpreters' oath requires them to provide their services justly, truly, fairly, and impartially in the case at hand. When interpreting for a witness, this includes interpreting the oath administered to the witness, the questions posed by the Court and counsel, and the witness's responses.

Federally certified interpreters from all over the United States who are currently debating and discussing the different codes of ethics, of practices, and of performance of interpreters. It is quite surprising to see how some remain steadfast to being a strictly neutral party, akin to a court reporter, and others who are more geared toward achieving a meaningful legal equivalence. Some interpreters understand that our obligation is strictly to communicate what is being said into their language, regardless of whether they understand, that it is the duty of their attorney and the judge to address them intelligibly through the interpreter. They have also discussed the differences in setting, out of court and in court as a standard to ensure understanding for the LEP. I retrieved a court citation related to such matters that exemplifies our predicament:

> The record shows that appellant did not understand English, at least to a sufficient degree to properly comprehend the testimony of such witnesses, and it is urged that the constitutional provision found in our Constitution, article 2, section 24, giving him the right 'to meet the witnesses against him face to face,' means that he must meet them, not merely physically. but in such a manner and under such circumstances that he can understand their testimony and thus be able properly to meet and answer it. Escobar v. State, 30 Ariz. 159, 167 (1926).

I totally disagree with Morris' depiction of court interpreters as a gum on the bottom of a shoe. I find that even though in Puerto Rico most participants of the courtroom are fully bilingual, they do understand and respect the importance of the interpreter in the courtroom. If I were to choose from Hale's five roles, I believe court interpreters are facilitators of communication, emphasizing on meaningful legal equivalence when rendering our interpretation to the LEP witnesses or defendants.

2. **Is the current methodology used for Spanish-English interpreting in the federal courts of Puerto Rico maximally meeting the needs for all stakeholders? Explain.**

I find that in Puerto Rico the role of the court interpreter does fulfill the needs for all stakeholders. There is always room for improvement, but there is great respect from members of the judiciary, the court staff, the security staff of the court, the members of the bar and even members of the press toward the interpreters who work in the U.S. District Court for the District of Puerto Rico.

The judges instruct the witnesses to make pauses during their testimony to allow for the interpretation. In court, the decorum requires that only one person speak at the

same time easing the strain for the interpreter.

3. **If your answer is no, how can the methodology be improved to better meet the needs of all stakeholders?**

The Administrative Office of the United States Courts (2020) is aware of the essential duty the court interpreters render and demand that the Clerks of Court to maintain adequate working conditions. These measures include the following:

- Prolonged or complicated proceedings, such as trials, evidentiary hearings, legal arguments on motions, and sentencing hearings with complex issues, may require the services of multiple interpreters.
- Interpreters should vary position occasionally, e.g., combining sitting and standing beside the witness stand, if doing so will not interfere with the hearing.
- The interpreter should have access to water and a quiet place to work and store materials provided by the court. A separate table or the counsel table, if one is available, would be fine for this purpose. The courts must also make available all necessary interpreting equipment.
- The court should provide attorneys with broad instructions on how to handle the additional responsibilities that arise during an interpreted proceeding. The interpreter's position in the courtroom, the need to switch interpreters during lengthy proceedings, the possibility of interruption by the interpreter to clarify a matter, the avoidance of social and ex parte contact with interpreters, and so on are all factors to consider.

I find the suggestions of the Administrative Office to be highly acceptable,

appropriate and should be provided at all times during our work.

4. **How can the interpreter take advantage of the particularity that most participants in the proceedings know English and Spanish and scrutinize every interpreted rendition?**

Early on in my career being objected to my translation could be extremely unnerving, sometimes it may have been the delivery of the attorney's objection or many times I actually second-guessed myself and was not sure exactly what my mistake had been. One mental technique I use is to try to mentally recreate a picture of what is being said, this helps me in word retrieval. I also find that preparing facilitates the process. I do take notes, especially early on during the proceedings. I use my laptop and have a hotspot device, so I can look up terms while interpreting without anyone noticing I did not know the word.

If the interpreter makes a mistake, it can be immediately perceived and corrected to ensure the accuracy of the testimony. In the event an attorney notices that an interpreter may be struggling to find an appropriate term, they may provide it. Interpreters can use the fact that most of the participants in our courts are bilingual to consult counsel whenever there is highly particular terminology involved in a case. It helps to maintain a faithful interpretation of the court's proceedings. It saves strain and provides additional support.

One can take advantage of the participants' knowledge of both languages to establish everyone's full confidence in the interpreter's work and encourages good communication between everyone involved. Although it can make an extremely stressful job even more stressful, the fact that other participants are bilingual should not really

impact or affect the interpreters' performance or role. The idea that most participants understand both languages results in that the meaning is not entirely lost when direct, legal system and culture-specific equivalents are unavailable. I understand that interpreters feel that when their performance shines, the parties tend to acknowledge and praise the interpreter, and the value of the interpreter as an individual language expert is enhanced. "It encourages us to stay focused and professional. The work is more rewarding (but also challenging) because you know everyone is hearing your rendition when the LEP speaker is on the stand. Also, the fact that participants are bilingual means that they understand more about the concept of what it means to have a different language, so there is a better understanding of our work."

5. **What steps can an interpreter take to maintain control and composure during prolonged periods of interpretation?**

There are many things that can be done while interpreting: Stay focused, do not multi-task or look at distracting media. Take notes, drink water, have lozenges available, take breaks, take turns; help each other out in the team. If the subject matter is difficult, work on a glossary before the hearing. Prepare in advance for the hearing, either by reading about the case or clarifying doubts.

"I fidget! I tap my pen like it's a metronome. Two taps bring me back whenever I feel overwhelmed," a friend told me once. Another had said, "I also doodle during any down time. My notepads look insane! It sort of helps my brain get some rest. During passive interpreting, I do number games (like Sudoku) to stay focused. It keeps the witnesses' words fresh in my mind." Breathe and know that you are prepared.

6. **Based on the data collected, what are the most salient points about**

interpreting that this study provides to an aspiring interpreter?

This question was amply covered by my reflections in section 6.1 and by the list of recommendations that follows in Section 6.3.

6.3 Final Recommendations

If you are aspiring to become a court interpreter, here are some suggestions that may help you:

1. Improve your language skills: Court interpreters are required to have good language abilities, including the ability to master a wide variety of idiomatic expressions, idiomatic terminology, and regional dialects. Reading legal materials in addition to fiction and non-fiction literature, practicing your speaking and writing, and having conversations with native speakers of your second language are all great ways to develop your language skills.
2. Obtain formal training: In order to be a good court interpreter, you need to have formal training in the many techniques of interpreting as well as the ethics that are associated with the profession. You can acquire this training by participating in a workshop or conference, enrolling in a school program, taking continuing education classes provided by professional associations or independent teachers, or reading relevant books.
3. Get certified: To obtain certification as a court interpreter, which is required by many courts, one must first demonstrate language competency, interpreting abilities, and understanding of legal procedures through the completion of a challenging examination. Earning a certification communicates to potential employers that you are dedicated to the field you are working in and gives you an

edge in today's cutthroat employment market.

4. Gain experience: To become a successful court interpreter, you need to gain experience working in legal settings. Contact the courts, law firms, interpreting agencies and inquire as to their need for interpreters.
5. Network with other court interpreters: Building contacts with other court interpreters, exchanging ideas on effective methods, and keeping current on the latest industry trends and news are all possible outcomes of joining a professional group or attending industry events.
6. Stay professional: Court interpreters are expected to observe rigorous ethical norms and keep professional limits at all times. This involves not disclosing any information, avoiding any potential conflicts of interest, and interpreting the proceedings in a fair and impartial manner. Always remember to behave in a professional manner, respect the dress code, and keep a pleasant attitude.

Becoming a court interpreter takes time, effort, and dedication, but it can be a very fulfilling and rewarding career that allows you to serve your community and help facilitate communication between people of different cultures and languages.

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Appendix A

Brief history of the United States District Court for the District of Puerto Rico

On Dec. 10, 1898, Spain and the United States signed the Treaty of Paris, ending the Spanish-American War. Under Article II of the Treaty[14], Spain gave the island of "Porto Rico" to the United States. Two days before the signing of this pact, General Henry authorized the formation of a new Military Commission in Puerto Rico, which became the first court supported by the United States. General Davis, General Henry's successor, then authorized the formation of the Provisional Court of the United States for the Department of Puerto Rico (Indiano, 1981). This Provisional Court was created to handle federal, interstate, and international cases and local civil proceedings worth more than $50.00. (Pousada, 2008)

When the United States Congress passed the Foraker Act[15] to establish a civil administration for Puerto Rico in 1900, the Provisional Court was superseded by the United States District Court for the "District of Porto Rico." The federal court would hear cases involving federal rights, constitutional issues, bankruptcy, U.S. criminal law, maritime law, appeals, writs of error and certiorari, and cause removal. All court hearings were required to be held in English. (Pousada, 2008)

In 1917, the Jones Act[16] drastically altered federal court jurisdiction. Section 5 of the Act declared Puerto Ricans citizens of the United States. Section 41 of the Act provided the Court general and special jurisdiction where the amount in issue exceeded $3000, and the parties were not domiciled in Puerto Rico. This sort of litigation might be brought regardless of whether the parties' citizenship was diverse or if they were aliens. Finally, section 42 reaffirmed the English

[14] Treaty of Paris, Dec. 10, 1898, United States-Spain, 30 Stat. 1754, T.S. No. 343, 11 U.S.T. 615.
[15] Organic Act of 1900. Chap. 191, Sec. 33, 31 Statutes, 84. Historical Documents 42-44
[16] 39 Stat. 951 (1917).

language requirement and indicated that this district court would follow the same regulations as all other federal district courts.

In 1952, the territory of Puerto Rico was renamed the Commonwealth of Puerto Rico[17]. Section 1332(b) of Title 28 of the United States Code historically included Puerto Rico under the category of "territory." It was unclear whether the island was still included within this concept of diversity jurisdiction. As a result, the provision was amended to make the Commonwealth of Puerto Rico a state for purposes of district court diversity jurisdiction (Indiano, 1981).

The District Court for Puerto Rico's jurisdiction and process are generally comparable to other federal district courts. Final judgments can be appealed. In 1915, the First Circuit Court of Appeals was assigned to review such District Court judgments.

Two points about the Court's mechanics should be stated here. First, because most of the justices on this Court are Puerto Ricans educated in the civilist tradition, their inherent regard for the purity of statute law and its literal interpretation cannot be overlooked. This is an internal process that governs judicial activity.

Second, while implementing Puerto Rican law, the District Court has the authority under Article 7 of the Puerto Rican Civil Code of 1902 to explicitly refer to supplementary sources of law where a 'gap' exists (lacunae, non-existent provisions). This is akin to the combination of law and equity in federal courts. The Code specifically provides that where there is no legislation appropriate to the issue, the court shall determine in accordance with equity, which means that natural reason, as reflected in the broad principles of the Law, and established usages and customs, shall be taken into account (Indiano, 1981). In practice, this means that many matters the Federal Court hears are determined under Puerto Rican state law.

[17] P.R. Law Ann**.** Hist. Doc., at 136-49

Jurisdiction of the Federal Court

It is important to provide a brief overview of the federal district court which relies on its jurisdiction on competency to entertain cases and controversies. Jurisdiction refers to the court's power or legal authority to hear and decide a case (Chisholm v. Georgia, 1793)[18]. But, in order for the court to make a legally valid decision, it must have both subject matter jurisdiction and personal jurisdiction (Gunther, 1985). Personal jurisdiction refers to the power the court has over the parties involved in the suit. Subject matter jurisdiction is the authority of a court to hear and decide particular types of cases and controversies (Sheldon v. Sill, 1850)[19].

Subject matter jurisdiction can be general or limited. A court has general subject matter jurisdiction when it may hear all cases involving all types of conflicts (McCormick, Chadbourn, & Write, 1988). In contrast, when a court, such as the district court, has limited subject matter jurisdiction, its authority to adjudicate is restricted to only a select number of issues. (Gunther, 1985) This restricted form of authority is the one held by the federal court.

The limited jurisdiction of federal courts stems from the U.S. Constitution, specifically Article III section 2, which reads as follows:

> "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

[18] Chisholm v. Georgia, 2 U.S. 419 (1793)
A case or controversy, in order that the judicial power of the United States may be exercised thereon, implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication.
[19] Sheldon v. Sill 49 U.S. 441 (1850)
Courts created by statute can have no jurisdiction but such as the statute confers. Therefore, where the Third Article of the Constitution of the United States indicates that the judicial power shall have jurisdiction over disputes between citizens of different states, but the act of Congress prevents the circuit courts from taking jurisdiction over any suit to recover the contents of a chose in action brought by an assignee when the original holder could not have maintained the suit, this act of Congress is not in conflict with the Constitution.

United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects."

Article III grants the federal judicial authorities limited authority to hear certain types of claims. These constitutional provisions are sufficient to provide the Supreme Court with self-executing jurisdiction within the boundaries defined, without the need for legislative authorization (Marbury v. Madison, 1803)[20]. However, a lower court's jurisdiction must be determined by Congress, by legislation, as part of their constitutional authority to create subordinate courts. Article III, section 1 specifies: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." A legislative grant of authority cannot violate the Constitution. The granted authority cannot exceed the restrictions listed in Article III.

Subject matter jurisdiction is limited to instances in which the federal government's powers must be defended and enforced, as well as those involving conflicts between citizens of different states. The first group is known as "Federal Question Jurisdiction," while the second is known as "Diversity Jurisdiction." (McCormick, Chadbourn, & Write, 1988)

Federal question jurisdiction is invoked when the Constitution, federal law, or United States treaties provide a civil cause of action, or when the plaintiff's entitlement to remedy is contingent on the determination of a serious question of federal law 28 U.S.C. § 1331[21].

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[20] Marbury v. Madison, 5 U.S. 137 (1803)
This court has no veto power on legislation enacted by Congress, and its right to declare an act of Congress unconstitutional can only be exercised when a proper case between opposing parties is submitted for determination.

[21] 28 U.S.C. § 1331:
"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

For diversity jurisdiction to be asserted, the case must contain a state claim involving parties of different citizenships and the amount in dispute must be greater than $75,000, excluding interests and costs 28 U.S.C. § 1332 (a)[22].

Diversity jurisdiction has existed since the passage of the Judiciary Act of 1789[23]. The traditional view is that diversity jurisdiction was established to offer a forum for the resolution of disputes between residents of different states that is free of local prejudice, bias, or influence. The criterion for diverse citizenship refers to total diversity, meaning that each plaintiff must have a different citizenship than each defendant.

A natural person's citizenship is defined by the state where he or she is domiciled, that is, where he or she has established a permanent or indefinite residence with the intent to remain there permanently or indefinitely. A corporation is considered a citizen of both the state in which it was established and the state in which its major place of business is located. Citizenship of parties is ascertained at filing of the case (Gunther, 1985).

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[22] 28 U.S.C. § 1332:
"The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between—

(1) citizens of different States;
(2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;
(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
(4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States."

[23] Judiciary Act of 1789 (ch. 20, 1 Stat. 73) September 24, 1789
"And be it further enacted, That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State."

Appendix B

Overview of the Federal Justice System[24]

The primary purpose of the United States justice system is the resolution of disputes, either between the government and its citizens, be it in a criminal or civil action, or between citizens through a civil action. It is an adversarial system where the parties must follow a process and present their positions to an impartial body, such as a judge or a panel of judges. The judge or judges decide who prevails. The Constitution of the United States sets forth, in its article IV, that it is the supreme law of the land:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

This sets forth the federal government's authority over the governments of the individual states. The Bill of Rights is established in the first ten amendments. They are the basis for the fundamental rights of all citizens, including the freedom of speech, press, religion, and the right to due process of law. The 14th amendment guarantees all constitutional rights to all citizens of the states; its first section reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property,

[24] The structure of this Overview of the Federal Justice System as set forth by Dueñas González, Vásquez, & Mikkelson (2012) was used as the outline for this section which was mostly drafted by me. Citations were included to respect the source.

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The federal court system has three levels, the district courts (trial courts), circuit courts (first level of appeal), and the United States Supreme Court (final level of appeal.) All appeal documents must be in English. Federal courts have limited jurisdiction or authority, and they only hear cases under the Constitution of the United States or federal statutes.

In the federal court system, each district has two types of judges: magistrate judges and district judges. Magistrate judges have a more limited authority than do district judges.

Federal Criminal Procedure

The Federal Rules of Criminal Procedure regulate the different stages of the criminal justice system, which entail investigation, arrest, arraignment, trial, sentencing, and others. To understand the process, it is necessary to explain the different steps and stages.

Types of Criminal Offenses.

The main categories of criminal offenses are infractions, misdemeanors, and felonies. They are classified depending on the type and severity of the punishment: fine, fine and incarceration, short- or long-term incarceration, life sentence, or the death penalty. Typically, infractions are minor offenses designated by statute or law, punishable only by a fine, such as minor traffic violations.

Misdemeanors are offenses that entail a punishment which may include a fine and/or incarceration not to exceed one year.

Felonies are offenses that entail a punishment which may include a fine and/or incarceration of more than one year, up to life in prison or the death penalty.

Contact with law enforcement.

When law enforcement officers learn that a crime has been committed, they have the authority to intervene. However, it is essential that they have sufficient information indicative of the person's guilt. They may gain knowledge of the commission of a crime in different ways. They may witness the commission of a felony first-hand, they may have received information that a crime has been committed, or they may learn of the commission of a crime while investigating another event.

Law enforcement officers may detain a person and subsequently arrest them without a warrant if they have probable cause to believe that an offense has been committed. If law enforcement officers witness or have reason to believe that a person has committed a felony, they have the authority to detain the person. In many instances, such detention will be followed by searching the person and their belongings to seize any contraband, weapons, or evidence of a crime. It must be noted that the authority to search a suspect and their belongings must be done in keeping with constitutional protections. The Fourth Amendment of the Constitution states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

On the other hand, a law enforcement officer may arrest a person by executing an arrest warrant. An arrest warrant is an order signed by a judge authorizing the person's arrest after having presented evidence of the commission of a crime. A search warrant may also be issued upon request of a law enforcement officer to a judge under such circumstances.

The next step after an arrest is to transport the suspect to a police station, holding facility, or detention center to proceed with the booking process, recording of personal information and

description, such as height, weight, eye and hair color, markings such as scars or tattoos. The arrestee is usually photographed, and fingerprints are taken.

A crucial step in this stage is the Advisement of Rights or reading of the Miranda Warnings, which may be done before or after booking, but always before any interrogation (Dueñas González, Vásquez, & Mikkelson, 2012). Miranda v. Arizona (1966) is the landmark case that established these safeguards for the rights of suspects and persons under arrest. Ernesto Miranda was arrested for stealing $8.00 from a bank employee in Arizona. He was questioned by the police for several hours but was never told that he could choose not to speak or that he had the right to retain an attorney. He then confessed to the robbery in addition to kidnapping and rape. On appeal, the Supreme overturned the conviction; the police should not have been able to use the confession as evidence against him because they never advised him of his rights. The Supreme Court issued its decision based on the Fifth and Sixth Amendments of the Constitution. The Fifth Amendment states:

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Sixth Amendment says:

> "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been

committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Based on such provisions, the Court ruled that before interrogating any suspect, they need to be advised of the following essential rights:

1. The right to remain silent. Defendants are presumed innocent until proven guilty and cannot be forced to testify against themselves. This is known as the right against self-incrimination. Silence cannot be used against defendants in court.

2. Any statement made be used against them in court. When the police question suspects, their statements may be used to incriminate them. Therefore, to safeguard such rights, suspects must be advised that regardless of what they say, it could be used against them later.

3. The right to have an attorney present before and during questioning. This right is afforded to individuals when being questioned by the police before any formal charges or accusation has been made against them or even before being arrested.

4. The right to the appointment of a counsel. This right to having an attorney appointed exceeds the previous right of having an attorney present before and during questioning. If the person does not have the means to pay for an attorney, the state or court will appoint one to assist them in their defense. This right to counsel is afforded at all critical stages of the proceedings.

Initial appearance

After the arrestee is booked, the police report is taken to a higher officer or a prosecutor who will decide whether to file formal charges. If they decide not to prosecute for any reason,

such as insufficient evidence, or error in statements, the person may be released.

If the decision is to file charges, a complaint must be filed with the court. The complaint is the charging document that describes the alleged offense, the identification of the person, and the facts over which the prosecutor intends to prove the commission of the offense. It must be filed under oath. Following the speedy trial requirements of the 6th Amendment, the defendant must be presented without delay before a Magistrate Judge.

The first appearance before the judge in federal court is known as the initial appearance. Its main purpose is to identify the defendants, advise them of their constitutional rights, inform them of the charges filed against them. It is at the initial appearance before a judge where most defendants will have an interpreter present. The defendant need not speak but will have heard the statements of the judge through the interpreter in simultaneous interpreting mode.

If a defendant is presented to a judge based on an indictment entered by a Grand Jury, which will be discussed further, the hearing is known as an arraignment.

Preliminary hearing

The main purpose of the preliminary hearing for the court is to determine whether a crime has been committed and whether there are reasonable grounds to prosecute (Dueñas González, Vásquez, & Mikkelson, 2012). Defendants may waive the hearing or challenge the evidence presented by the prosecution, also called the Government. The Government need not present all evidence against the defendants; all they need to offer is a scintilla of evidence to demonstrate reasonable grounds to believe that the defendant committed the crime as charged.

If there is insufficient evidence or other grounds for release, the court must dismiss the case. However, if the court finds that the evidence presented is sufficient, it will bind over the case to the District Judge. Similarly, a judge may decide that the evidence supports a lesser

charge and allow the prosecutor to substitute the charges (Dueñas González, Vásquez, & Mikkelson, 2012).

A preliminary hearing may be waived, but if held, the defendant will not speak except, perhaps, to answer some basic questions from the judge, and will then listen to the entire proceedings through the interpreter in the simultaneous mode (Dueñas González, Vásquez, & Mikkelson, 2012).

Grand Jury Proceedings

In federal court, felony cases must be presented before a Grand Jury. Grand jury proceedings are secret; they are comprised of a panel of 24-30 jurors. They are not held before a judge and the defendants do not have access to the hearing. Witnesses who testify before the grand jury are allowed to speak with their attorneys at will, but only outside of the presence of the jurors.

At the hearing, the prosecution presents its evidence to the grand jury, who may or may not issue a true bill, depending on whether the jurors believe the evidence heard. If a true bill is issued, it is presented to the Magistrate, who will authorize any warrants requested.

In Grand Jury proceedings an interpreter may be present for the testimony of witnesses, in the consecutive mode.

Discovery

The process of discovery is mostly done out of court. Prosecutors study the case, the facts, the evidence, talk to witnesses and establish their trial strategy. Prosecutors have a duty of providing all evidence and materials they intend to present at trial. They also have the obligation to provide the defense with any exculpatory evidence they may have. These obligations are continuous; failure to do so may entail fines, sanctions, or even a mistrial.

Because defendants have the right to remain silent and not incriminate themselves, they have no duty to reciprocate any discovery to the prosecution, but they are entitled to receive all evidence against them. The court imposes strict deadlines to produce discovery. Nevertheless, rebuttal evidence presented to challenge or dispute facts, or information offered by the other party need not be provided as part of discovery.

During discovery, prosecutors and the defense may hold depositions to question witnesses before they testify in court. Depositions are most often held at the offices of the attorneys, but they can be held anywhere. A court reporter will be present to take the record of the proceedings. In depositions where an interpreter is present, she will mostly work in the consecutive mode.

Pre-Trial Motions

In addition to preparing for trial, the parties may file motions with the court for different purposes:

1. **Motion to suppress evidence**. The defense may request not to allow certain evidence, for example, any evidence that has been obtained through an illegal search, any statement made by defendants who have not been advised of their constitutional rights, or without having an attorney present, if entitled.

2. **Motion *in limine***. The defense may request the judge to reject evidence that may be "irrelevant, inadmissible or whose probative value is less than the damage they may cause to the defendant in the minds of the jurors" (Dueñas González, Vásquez, & Mikkelson, 2012).

3. **Motion to dismiss**. This motion may be filed at different stages of the process depending on the legal reason justifying dismissal. It may be filed due to insufficient evidence, violation of due process, or not complying with the speedy trial requirement.

As opposed to the guilt of a defendant, which must be proven beyond a reasonable doubt, the weight of the evidence in supporting any of the above motions is preponderance of the evidence. The difference between the standards is that beyond reasonable doubt does not contemplate any other explanation or reason for the fact. Preponderance of the evidence contemplates the most plausible, although not the only rationale.

Change of Plea

Based on the premise of the presumption of innocence until proven guilty, defendants have the right not to incriminate themselves and to stand by a plea of not guilty entered when they started the process. However, defendants may choose to change their plea, which usually takes place as the result of a plea bargain with the prosecution. A plea bargain is an agreement between the prosecution and the defense. In exchange for pleading guilty to a charge, the prosecutor may dismiss other charges or lessen the original charge. In some instances, defendants may cooperate with the government; in exchange, the government may recommend to the court the imposition of a lower sentence.

In a change of plea hearing, before the court accepts the plea, the defendants must waive certain rights, such as: the right to trial, the right to be presumed innocent, the right to confront and cross-examine witnesses, the right against self-incrimination, and the right to use the subpoena power of the court. Even though the prosecutor may recommend a lower sentence, the judge ultimately decides whether or not to accept the guilty plea.

A defendant who pleads guilty will then have a sentencing hearing in which the judge will impose a penalty, if any. The penalty may be a fine, restitution, and/or incarceration. It may also be what is known as a probated sentence, or *probation*, meaning the time a defendant should have spent in prison will, instead, be spent outside of prison under certain conditions. Federal

sentences also include a term of supervised release, which is similar to probation except that it takes place *after* serving a prison sentence. There are also mandatory special assessments that every defendant must pay unless the prosecution moves the court to waive its payment.

The hearings for change of plea are held before the judge, in open court. This is the type of proceeding that involves a combination of consecutive and simultaneous interpreting modes. The defendant will listen to the simultaneous interpreting of the judge's questions and all other statements made by attorneys, but when answering questions, the interpreter will render those in the consecutive mode, out lout, for the record.

Pretrial conditions

The Eighth Amendment to the Constitution states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The purpose of bail is to release the defendant while awaiting trial. It is used to guarantee the defendant's appearance in court. It releases the state from the expenses of incarcerating a person who has not yet been found guilty of any crime (Dueñas González, Vásquez, & Mikkelson, 2012). If the offense may be punishable by death or involves conduct that poses a danger to the community or a risk of flight, bail may be denied.

There are four mayor types of bail: 1. Release on personal recognizance, 2. appearance bond with or without surety, 3. cash bail, and 4. property bond.

Trial

In accordance with the Sixth Amendment of the United States Constitution, all defendants have the right to a speedy and public trial before an impartial jury of peers, the right to be advised of the offense committed, to confront and examine adverse witnesses, to compel witnesses in their favor, to be assisted by counsel and to participate in their own defense.

Defendants are entitled to a jury trial in felony cases, not in misdemeanor cases. Defendants may also waive their right to a jury and be tried by the judge in what is known as a bench trial (Dueñas González, Vásquez, & Mikkelson, 2012). A bench or court trial is a trial without a jury, where the judge decides the facts and the law. In a jury trial, the jury decides the facts, and the judge applies the law. Bench trials are rare and require the consent of the judge and all the parties for a jury to be waived. They usually take place only when there are no facts at issue, and all that needs to be decided are questions of law.

Impaneling of jury

The first stage in a jury trial is the impaneling of the jury, where the jurors are chosen to decide the case. It starts with a pool of potential jurors selected at random from lists of registered voters or the motor vehicle drivers' lists. They are brought to the court and are informed of the charges and introduced to all the parties, including the defendant. The jurors are selected through the *voir dire* process. In other words, they identify themselves and answer several questions posed by the court, such as profession, the area where they live, whether they have participated in a trial before, among other questions intended to find out if they can be fair and impartial to both sides in the controversy.

Both parties are allowed two types of challenges to eliminate potential jurors, peremptory (discretional) and for cause. Peremptory challenges do not require any explanation or reason, but cause challenges must be justified with a valid reason.

Once selected, jurors must take an oath to render a verdict impartially and based solely on the evidence presented in court. The judge gives the jury preliminary instructions as to their role in the case. They are the triers of fact. They are to decide the case only after all the evidence has been presented. The jury is not allowed to discuss the case with their fellow jurors, nor with

anyone outside the case throughout the trial, until they are to commence deliberations. Depending on the circumstances of the case, some juries may be sequestered, which means they are to remain "disconnected from the world" until the end of the case. The defendant is entitled to be present and will be present during jury selection, listening to the entire process in the simultaneous mode.

Opening Statements

The burden of the proof in criminal cases rests on the prosecution. The government must prove the guilt of the defendant beyond a reasonable doubt. Reasonable doubt means that the evidence presented is so convincing that guilt is the only plausible conclusion. As a corollary to the right to a fair trial, the prosecutor must present the case following minimal standards of fair play (Dueñas González, Vásquez, & Mikkelson, 2012)

To commence the case, the prosecution makes an opening statement to illustrate to the jury what the case is about, a summary of the facts, and of the evidence that will be presented. The defense does not need to present an opening statement and may reserve it for later, after the prosecution rests (submits its case in chief.)

Because the burden of proof lies on the prosecution, they must present the facts and the evidence. The only way to present facts and evidence is through witnesses. The prosecution calls the witnesses to the stand and, in direct examination, questions them as to their knowledge of the facts of the case. Before presenting tangible evidence or documents through a witness, the prosecutor must "lay a foundation." He must have previously asked questions and received answers demonstrating that such evidence is authentic and relevant to the case.

Types of Witnesses

1. Lay factual witnesses are persons who saw or heard certain events and are called to

testify as to what they learned from their own personal knowledge.

2. Expert witnesses are skilled in an area of specialty. They are called to testify only with respect to the matter about which they have been announced. Expert witnesses may provide hypothetical evidence or opinions.

3. Character witnesses may not have seen the facts of the crime but are called to testify because of their knowledge of the defendants, their personality, or what kind of persons they are. They are usually neighbors, friends, family, and the clergy (Offices of the United States Attorneys, n.d.)

After examining the witnesses in direct examination, the defense will have the opportunity to cross-examine the witnesses.

At times, the defense may object to the questions posed, the testimony rendered, or the evidence presented. The defense may object for different reasons but must state the grounds for the objection. The judge may allow the prosecution to rephrase the question depending on the matter. The judge may allow the prosecution to defend his or her position in open court, or counsel may approach the court in a sidebar so the attorneys can discuss the objection in private. The judge then decides on the objection by sustaining (granting) it or overruling (denying) it.

Objections must be made in a timely fashion and for the right reason. Otherwise, the objection will be denied outright. Both parties are entitled to make objections to the other party's witnesses as appropriate.

Types of objections

The following are some of the most important and common objections:

1. **Leading questions** are questions that suggest the answer. Because the prosecution must present the facts in a way that allows the witness to "tell the story", the questions must be

open-ended.

2. **Hearsay** is when a person recounts what someone else said to prove the truth of what was said.

3. A **vague** question is one that may be overbroad and may provide an inaccurate response.

4. **Irrelevant** or immaterial question refers to a question asked that bears no relation to the matter at hand.

5. **Argumentative** is a question that does not ask for information. Instead, it is a restatement to attempt to elicit a confirmation or denial from the witness.

6. A **repetitive** question is one that has been asked and answered several times.

7. A question that asks for a **conclusion** is the cause for objection because lay witnesses are only allowed to testify as to facts, not draw conclusions. Expert witnesses may provide conclusions.

8. A question in which there is an **assumption of facts not in evidence.**

9. **Compound** questions may provide unclear or inaccurate answers.

10. **Privileged communication** is not allowed to be presented in evidence.

11. An **unresponsive** answer is one that does not answer the question asked or provides information unrelated to the question.

12. **Lack of foundation** is objected to when the attorney has not established the grounds or basis to present the evidence.

13. **Lack of authentication** is objected to when an object or document has not been authenticated or demonstrated that it is not original or true.

14. Objects may offer harm or **prejudice that outweighs their probative value**, and it

causes more damage to the case than whatever it intends to prove.

The prosecution may present eyewitnesses, persons who were present at the time of the facts. They may call to the witness stand persons who know of circumstances surrounding the events. These lay witnesses must have first-hand knowledge of what they testify about as opposed to expert witnesses. They must testify about what constitutes their own personal knowledge. They can testify only about things they have seen or heard physically.

On the other hand, expert witnesses do not have first-hand knowledge of the facts. Expert witnesses have a special knowledge of the subject they are presented to testify about. Their testimony may be based on an evaluation of the evidence, and they are allowed to provide opinions. For the most part, expert witnesses also go through a *voir dire* process to establish their credentials. The party presenting the expert will examine the witness as to their qualifications and experience, and the opposing party may cross-examine them to undermine their credibility or in some way attack their opinion.

At the federal level, the court provides interpreter services for the defendant in the simultaneous interpreting mode and for defense witnesses in the consecutive mode, if needed. The interpreter services are provided by staff interpreters who are employees of the court or contract interpreters, and they will work in tandem, or what is known as team interpreting. With few and rare exceptions, there will always be two interpreters present in court.

If the prosecution presents witnesses who do not speak English, they will have retained their own interpreters, who will interpret consecutively the testimony of those witnesses.

Resting of the case

When the prosecution has finished presenting its witnesses and evidence, they “rest” the case, or submit the case to the Court, in the belief that they have proven the defendant's guilt

beyond a reasonable doubt.

Because defendants have the right not to incriminate themselves, they may choose not to testify, and no inference of guilt may be drawn from that fact. If the defense understands that the prosecutor has not met their burden, they are entitled to argue a motion for non-suit after the presentation of evidence of the prosecution. Non-suit is granted if the judge believes that the prosecution has not presented enough evidence to make a legal case. The defense may present witnesses and evidence to rebut and challenge the evidence presented by the prosecution if they wish But, again, they may choose not to do so if they believe the prosecution has not met their burden. If the defense does present witnesses, the prosecution will have the opportunity to present rebuttal witnesses that contradict the defense witnesses.

Closing Arguments

The case ends with closing arguments. The prosecutor addresses the jury first with a summary of the evidence presented and argues their theory. The defense has the opportunity to present a closing argument as well. Finally, the prosecutor has one last chance to rebut the defense's closing arguments.

Jury Instruction

At the end of the case, the judge will read to the jury a set of instructions that have been previously agreed upon by the parties in a conference outside the presence of the jury. These instructions are the rules that the jury must follow when deliberating as to the guilt or non-guilt of the defendant. The judge issues general and special instructions. General instructions are those that apply to all criminal cases before a jury. Special instructions are given depending on the particular case, especially to explain the essential elements of the crime.

The most important general jury instructions are the following: “explanation of direct and

circumstantial evidence, the burden of proof, conduct of jurors in the jury room, the difference between admissions and confessions, explanation of general and specific intent, explanation of lesser included offense(s), the distinction between malice and negligence, the concepts of unlawfulness, wantonness and willfulness, rules for deliberation, and the need for a unanimous verdict" (Dueñas González, Vásquez, & Mikkelson, 2012, p. 375)

Verdict

After the case has been submitted to the jury, they retire to the jury room to deliberate on the case. In the preliminary instructions to the jury, the judge advises them to decide solely based on the evidence presented and only after it has been presented in its entirety.

In the jury room, they choose a foreperson who is the one who communicates with the court using notes delivered through the court security officer.

Because the verdicts must be unanimous, if, after extensive deliberations, the jury cannot reach a verdict, it becomes a hung jury. The judge reconvenes the court, summons all parties, declares a mistrial, and releases the jury. The prosecution may then decide whether to seek a new trial.

When the jury reaches its unanimous decision, the foreperson sends a note to the judge. The judge reconvenes the court and summons all parties and the verdict is read for the court. The judge dismisses the jury and thanks them for their service. The defendant is released if the verdict is an acquittal (not guilty.) But if the verdict is for a conviction (guilty), the defendant is referred to the Probation Office. In some instances, the defendant may remain under the pre-trial conditions until sentencing; otherwise, the defendant is placed under the custody of the U.S. Marshalls, who are responsible for transporting defendants back to the facilities where they have been under custody.

Throughout the entire trial, everything said by all English-speaking persons is interpreted for the LEP defendant in the simultaneous mode.

Sentencing Hearing

According to the Sentencing Guidelines, the sentencing hearing is scheduled two months after the end of trial or change of plea hearing. Before the hearing, the Probation Office drafts a Pre-Sentencing Investigation Report to assist the judge in entering judgment. This report considers defendants' personal information, including their background, family status, education, income, and others. The purpose of the report is to impose conditions on the defendants that are consistent with the pertinent policy statements issued by the Sentencing Commission pursuant to Section 994(a) of Title 28, and to ensure there is no greater deprivation of liberty than what is reasonably necessary to fulfill all the sentencing objectives, including rehabilitation, positive reintegration into the community, just punishment, and deterrence. Although the Judge receives sentencing recommendations from the Probation Office based on a guilty verdict or a plea bargain, he or she is the one who ultimately decides the punishment to be imposed. However, certain offenses entail mandatory penalties, and the judge cannot deviate from them. When the judge imposes punishment, the sentence may entail a fine and/or term of incarceration; in some instances, restitution; in all instances an imposition of $100.00 special monetary assessment per charge of conviction to be destined to the Victims Compensation Fund. Following the term of imprisonment, if any, the judge may impose conditions of supervised release.

During the sentencing hearing, the prosecutor and defense address the judge regarding the Pre-Sentencing Investigation Report and any memorandum they may have filed with the court. It is also the last chance for defendants to address the court (allocution) before sentence is imposed. At the sentencing hearing, similar to the change of plea hearing, the interpreter will

interpret the statements made by the judge and counsel in the simultaneous mode for the LEP defendant, and in the consecutive mode any statements by the defendant.

Appendix C

Overview on Federal Civil Procedure[25]

In a civil action, the formal process begins with a complaint. A person who believes he or she has suffered a harm caused by another is entitled to file a claim against the one who has caused it. A "person" under the law may also be an entity. The person filing the claim is known as a plaintiff; the person against whom the claim is made is the defendant. A complaint must be drafted in a format that identifies the court, the parties, and the nature of the cause. The pleadings are the paragraphs drafted in the complaint that describe the nature of the claim against the defendant (Dueñas González, Vásquez, & Mikkelson, 2012).

In order for the court to acquire jurisdiction over the defendant, it is necessary that the plaintiff serve the defendant properly. Serving a defendant entails personal delivery of the complaint with an acknowledgment that it has been received. Many times, it is done in person. When the plaintiff files a compliant in court, they ask the Clerk of Court to issue summonses. A summons is a document used to record that the complaint has been hand-delivered to the defendant and may require their signature. In the event that a defendant cannot be located, they may be served by publication. Serving a defendant by publication entails publishing the summons several times in a newspaper of general circulation, as required by the court (Dueñas González, Vásquez, & Mikkelson, 2012).

Once a defendant has been served, they have a term to answer the complaint. If they fail to do so within that time limit, a judgment in default may be entered against them. After a judgment in default is entered, only under certain circumstances may a defendant assert their

[25] The structure of this Overview of the Federal Justice System as set forth by Dueñas González, Vásquez, & Mikkelson (2012) was used as the outline for this section which was drafted by me. Citations were included to respect the source.

rights.

If the defendant does answer the complaint, the process continues in a similar manner to the discovery process in criminal procedures, as explained above. However, there is one substantial difference: both the plaintiff and the defendant have a continuous obligation of reciprocal discovery. In other words, they must provide ALL evidence in their possession to the other party. Most motions filed in civil proceedings are similar to those in criminal proceedings. A very important distinction between criminal and civil proceedings is that there may be a multiplicity of plaintiffs and defendants in civil proceedings. Criminal proceedings are filed by the state against one individual or more, depending on the case, but there is only one "plaintiff", which is the state, also called the People in some jurisdictions, which is the prosecution. Criminal cases, however, may include multiple defendants, as in cases of organized crime. Civil cases may be filed by several plaintiffs—who may or may not be related—against defendants who, also, may or may not be related. (Dueñas González, Vásquez, & Mikkelson, 2012)Multiplicity of plaintiffs and defendants may result in extremely high profile and complex cases. Some cases may be certified into class action suits when the number of plaintiffs against one defendant for the same cause of action can be very large.

In the answer to the complaint, the defendant will draft a document in a format similar to the complaint wherein they may accept or deny each pleading. They may also draft affirmative defenses that allow them to deny liability in the event that the pleadings of the complaint are true. After a lawsuit has commenced a defendant may countersue the plaintiff or may sue another party, claiming they are liable for the damages caused to the plaintiff.

Depositions are very common in civil proceedings, and they may be called by both the plaintiff counsel as well as defense counsel. In these proceedings, court interpreters are retained

by the party calling the deposition when witnesses require their services. In depositions, interpreters will interpret questions and answers consecutively. At trial, similar to depositions, interpreters are retained by each party, and they may provide simultaneous interpretation for LEP litigants, or consecutive interpretation for LEP witnesses. On occasion, the parties may agree to retain the same interpreter or team of interpreters.

The two most important differences between civil and criminal proceedings are the punishment and the burden of proof. In civil proceedings, the outcome may be monetary damages and/or an order to do or not do something. In criminal proceedings, the consequences to a guilty defendant may be his life or liberty in addition to a possible fine and a special monetary assessment.

The burden of proof in civil cases is “preponderance of the evidence.” This standard requires that the plaintiff demonstrates the allegation in the complaint are more likely to be true than false. In criminal cases, the guilt of a defendant must be proven “beyond a reasonable doubt”. In federal courts, civil cases may also have a jury trial, which is conducted much like trials in criminal cases.

Appendix D

The Court Interpreters Act

28 U.S.C. §1827 – Interpreters in courts of the United States

(a) The Director of the Administrative Office of the United States Courts shall establish a program to facilitate the use of certified and otherwise qualified interpreters in judicial proceedings instituted by the United States.

(b)

(1) The Director shall prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters, when the Director considers certification of interpreters to be merited, for the hearing impaired (whether or not also speech impaired) and persons who speak only or primarily a language other than the English language, in judicial proceedings instituted by the United States. The Director may certify interpreters for any language if the Director determines that there is a need for certified interpreters in that language. Upon the request of the Judicial Conference of the United States for certified interpreters in a language, the Director shall certify interpreters in that language. Upon such a request from the judicial council of a circuit and the approval of the Judicial Conference, the Director shall certify interpreters for that circuit in the language requested. The judicial council of a circuit shall identify and evaluate the needs of the districts within a circuit. The Director shall certify interpreters based on the results of criterion-referenced performance examinations. The Director shall issue regulations to carry out this paragraph within 1 year after the date of the enactment of the Judicial Improvements and Access to Justice Act.

(2) Only in a case in which no certified interpreter is reasonably available as provided in subsection (d) of this section, including a case in which certification of interpreters is not provided under paragraph (1) in a particular language, may the services of otherwise qualified interpreters be used. The Director shall provide guidelines to the courts for the selection of otherwise qualified interpreters, in order to ensure that the highest standards of accuracy are maintained in all judicial proceedings subject to the provisions of this chapter.

(3) The Director shall maintain a current master list of all certified interpreters and otherwise qualified interpreters and shall report periodically on the use and performance of both certified and otherwise qualified interpreters in judicial proceedings instituted by the United States and on the languages for which interpreters have been certified. The Director shall prescribe, subject to periodic review, a schedule of reasonable fees for services rendered by interpreters, certified or otherwise, used in proceedings instituted by the United States, and in doing so shall consider the prevailing rate of compensation for comparable service in other governmental entities.

(c)

(1) Each United States district court shall maintain on file in the office of the clerk, and each United States attorney shall maintain on file, a list of all persons who have been certified as interpreters by the Director in accordance with subsection (b) of this section. The clerk shall make the list of certified interpreters for judicial proceeding available upon request.

(2) The clerk of the court, or other court employee designated by the chief judge, shall be responsible for securing the services of certified interpreters and otherwise qualified interpreters required for proceedings initiated by the United States, except that the United States attorney is responsible for securing the services of such interpreters for governmental witnesses.

(d)

(1) The presiding judicial officer, with the assistance of the Director of the Administrative Office of the United States Courts, shall utilize the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter, in judicial proceedings instituted by the United States, 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 may present testimony in such judicial proceedings—

(A) speaks only or primarily a language other than the English language; or

(B) 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.

(2) Upon the motion of a party, the presiding judicial officer shall determine whether to require the electronic sound recording of a judicial proceeding in which an interpreter is used under this section. In making this determination, the presiding judicial officer shall consider, among other things, the qualifications of the interpreter and prior experience in interpretation of court proceedings; whether the language to be interpreted is not one of the languages for which the Director has certified interpreters, and the complexity or length of the proceeding. In a grand jury proceeding, upon the motion of the accused, the presiding judicial officer shall require the electronic sound recording of the portion of the proceeding in which an interpreter is used.

(e)

(1) If any interpreter is unable to communicate effectively with the presiding judicial officer, the United States attorney, a party (including a defendant in a criminal case), or a witness, the presiding judicial officer shall dismiss such interpreter and obtain the services of another interpreter in accordance with this section.

(2) In any judicial proceedings instituted by the United States, if the presiding judicial officer does not appoint an interpreter under subsection (d) of this section, an individual requiring the services of an interpreter may seek assistance of the clerk of court or the Director of the Administrative Office of the United States Courts in obtaining the assistance of a certified interpreter.

(f)

(1) Any individual other than a witness who is entitled to interpretation under subsection (d) of this section may waive such interpretation in whole or in part. Such a waiver shall be effective only if approved by the presiding judicial officer

and made expressly by such individual on the record after opportunity to consult with counsel and after the presiding judicial officer has explained to such individual, utilizing the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise competent interpreter, the nature and effect of the waiver.

(2) An individual who waives under paragraph (1) of this subsection the right to an interpreter may utilize the services of a noncertified interpreter of such individual's choice whose fees, expenses, and costs shall be paid in the manner provided for the payment of such fees, expenses, and costs of an interpreter appointed under subsection (d) of this section.

(g)

(1) There are authorized to be appropriated to the Federal judiciary, and to be paid by the Director of the Administrative Office of the United States Courts, such sums as may be necessary to establish a program to facilitate the use of certified and otherwise qualified interpreters, and otherwise fulfill the provisions of this section and the Judicial Improvements and Access to Justice Act, except as provided in paragraph (3).

(2) Implementation of the provisions of this section is contingent upon the availability of appropriated funds to carry out the purposes of this section.

(3) Such salaries, fees, expenses, and costs that are incurred with respect to Government witnesses (including for grand jury proceedings) shall, unless direction is made under paragraph (4), be paid by the Attorney General from sums

appropriated to the Department of Justice.

(4) Upon the request of any person in any action for which interpreting services established pursuant to subsection (d) are not otherwise provided, the clerk of the court, or other court employee designated by the chief judge, upon the request of the presiding judicial officer, shall, where possible, make such services available to that person on a cost-reimbursable basis, but the judicial officer may also require the prepayment of the estimated expenses of providing such services.

(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302 (b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.

(6) Any moneys collected under this subsection may be used to reimburse the appropriations obligated and disbursed in payment for such services.

(h) The presiding judicial officer shall approve the compensation and expenses payable to interpreters, pursuant to the schedule of fees prescribed by the Director under subsection (b)(3).

(i) The term "presiding judicial officer" as used in this section refers to any judge of a United States district court, including a bankruptcy judge, a United States magistrate judge, and in the case of grand jury proceedings conducted under the auspices of the United States attorney, a United States attorney.

(j) The term "judicial proceedings instituted by the United States" as used in this section refers to all proceedings, whether criminal or civil, including pretrial and grand jury proceedings (as well as proceedings upon a petition for a writ of habeas corpus initiated in the name of the United States by a relator) conducted in, or pursuant to the lawful authority and jurisdiction of a United States district court. The term "United States district court" as used in this subsection includes any court which is created by an Act of Congress in a territory and is invested with any jurisdiction of a district court established by chapter 5 of this title.

(k) The interpretation provided by certified or otherwise qualified interpreters pursuant to this section shall be in the simultaneous mode for any party to a judicial proceeding instituted by the United States and in the consecutive mode for witnesses, except that the presiding judicial officer, *sua sponte* or on the motion of a party, may authorize a simultaneous, or consecutive interpretation when such officer determines after a hearing on the record that such interpretation will aid in the efficient administration of justice. The presiding judicial officer, on such officer's motion or on the motion of a party, may order that special interpretation services as authorized in section 1828 of this title be provided if such officer determines that the provision of such services will aid in the efficient administration of

justice.

(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.

APPENDIX E

Federal Interpreter Certification

Certification for the federal court is a rigorous process. It is a two-part examination designed to be administered in alternate years. The first phase is a written test of language proficiency, and the second phase tests interpreting performance. The written portion is a multiple-choice type test divided into two sections: Spanish and English. When first designed and administered, the federal certification included Haitian Creole and Navajo, but those tests are no longer administered. (Administrative Office of the United States Courts, 2020)

The written portion consists of five parts: reading comprehension, word usage, error detection, synonyms, and best translation. It is necessary to pass both sections, Spanish and English, in the same sitting to qualify to take the oral examination the following year. The oral portion tests the three modes of court interpreting: consecutive, simultaneous, and sight translation. It assesses knowledge of formal and informal/colloquial language, technical and legal terminology, knowledge of unique vocabulary or other specialized language (Examinee Handbook - Federal Court Interpreter Certification Examination, 2020).

Certification Examination

The federal certification exam consists of a written and an oral portion. The written examination has two sections: English and Spanish. Each section has a total of 100 multiple-choice items divided into five parts. The five parts are:

Part I: Reading Comprehension. Reading Comprehension items measure the ability to read and understand texts that reflect the language proficiency required of a Federally Certified Court Interpreter (FCCI).

Part II: Usage. Usage items measure the knowledge of grammar and idioms that are

representative of the high level of general language proficiency required of an FCCI.

Part III: Error Detection. Error Detection items measure the knowledge of grammar that an FCCI must possess to carry out job-related responsibilities.

Part IV: Synonyms. Synonym items measure the breadth of general vocabulary that an FCCI must possess.

Part V: Best Translation of a Word or Phrase. Best Translation items measure the ability to correctly translate an underlined word or phrase, assessing the knowledge of vocabulary, grammar, and idioms required of an FCCI.

The five parts of the English section are followed by the five parts of the Spanish section, similar to the ones in the English section. The written examination has a total of 160 items.

Only those individuals who have previously passed the Phase One Written Examination are eligible to take the Phase Two Oral Examination. (Administrative Office of the United States Courts, 2020)The purpose of the federal certification program is to determine whether a person seeking certification is minimally competent for immediate work in the federal courts. The FCICE oral phase is a performance exam that assesses functional proficiency during actual task performances required for court interpretation.

Functional proficiency means that the interpreter can accurately conserve the meaning of a source language when rendering it into a target language, without embellishments, without omissions, and with minimum impact on the style or register of the speaker. The interpreter must be able to do this while keeping up with the routine pace of court proceedings. The tasks required of interpreters in court include interpreting in the simultaneous and consecutive modes, and sight translations of documents.

The Oral Examination consists of five parts that represent activities interpreters are

required to do in court, namely: interpreting in the consecutive mode, interpreting in the simultaneous mode, and sight translation of documents (English to Spanish and Spanish to English). The activity of simultaneous interpretation is performed in two contexts: the context of extended monologue speech and the context of witness examination, which involves relatively short exchanges between two speakers. All test parts are simulations of what interpreters do in court.

The five parts of the oral examination include: sight translation: English to Spanish, sight translation: Spanish to English, simultaneous interpreting into Spanish – monologue speech, Simultaneous interpretation into Spanish – witness testimony (question and answer), and bi-directional English and Spanish consecutive interpreting (Administrative Office of the United States Courts, 2020).

APPENDIX F

Code of Ethics of the United States District Court for the District of Puerto Rico

Every interpreter that comes to work for the United States District Court for the District of Puerto Rico must abide by a Professional Code of Ethics.

CODE OF ETHICS

CANON 1

Official Court Interpreters act strictly in the interests of the court they serve.

CANON 2

Official Court Interpreters reflect proper court decorum, and act with dignity and respect to the officials and staff of the court.

CANON 3

Official Court Interpreters shall avoid professional or personal conduct that could discredit the court.

CANON 4

Official Court Interpreters, except upon a court order, shall not disclose any information of a confidential nature about court cases or any related matter, obtained during the performance of their official duties.

CANON 5

Official Court Interpreters fulfill a special duty to interpret accurately and faithfully, without indicating any personal bias, avoiding even the appearance of partiality.

CANON 6

Official Court Interpreters shall refrain from giving advice of any kind to any party or individual; from expressing a personal opinion in a matter before the court; and from making any referrals.

CANON 7

Official Court Interpreters shall refrain from speaking to any representative of the news media, while in the performance of his or her official duties, and avoid any appearance of impropriety at all times when approached by a representative of the news media.

CANON 8

Official Court Interpreters shall maintain their neutrality by avoiding undue contact with attorneys, except as strictly necessary to prepare adequately for their assignments.

CANON 9

Official Court Interpreters shall refrain from undue contact with any witnesses without the presence of the attorney who summoned said witness.

CANON 10

Official Court Interpreters shall avoid any contact with jurors who are actively serving on a matter before the court, unless otherwise ordered by the Court.

CANON 11

Official Court Interpreters shall refrain from speaking directly to defendants and their families without the presence of the attorney representing said defendant, and then only to address a specific interpreting issue related to his or her official duties.

CANON 12

Official Court Interpreters shall not accept any remuneration, gifts, gratuities, special favors, services, or other valuable considerations from any of the parties in a matter for which they have been called upon to perform their official duties.

Likewise, Official Court Interpreters shall not offer money or other items of value to any of the parties, including witnesses, or relatives of the parties in any matter pending before the court.

Official Court Interpreters shall avoid all conflicts of interest or appearance of a conflict of interest at all times.

Should a conflict or potential conflict of interest arise in a case for which the interpreter has been called upon to act in his or her official capacity, the interpreter must immediately notify the presiding judicial officer.

CANON 13

Official Court Interpreters shall not use any information obtained in the course of their official duties, access to court records, facilities, or privileges, for their own personal gain, or for another person's gain.

CANON 14

Official Court Interpreters shall work unobtrusively, performing to the best of their abilities to assist the court in providing due process to all parties...

...correcting any errors in their interpretation when they become or are made aware of such errors...

...requesting clarification when statements to be interpreted are unclear, ambiguous, or contain terms unfamiliar to the Official Court Interpreter.

CANON 15

Official Court Interpreters shall, to the extent practicable, support each other by sharing their knowledge and expertise...

...working as a team in protracted proceedings to avoid mental fatigue and maintain the highest quality standards in their performance...

...and shall bring to the court's attention any factor or condition that may adversely affect their ability to perform in accordance with their oath.

CANON 16

Official Court Interpreters are officers of the court sworn to interpret fully and accurately everything that is said during a proceeding, without omissions or embellishments...

• ...faithfully maintaining the proper language level...

• ...refraining from characterizing the testimony of a witness

• ...using the first person singular when interpreting for a witness or defendant, and the third person singular when referring to him or herself on the record

• ...using the consecutive mode for all questions-and-answers exchanged with a non-English speaker

• ...and the simultaneous mode for all other colloquies.

CANON 17

Official Court Interpreters have a duty to continually maintain and upgrade the skills and knowledge required to perform their official duties.

CANON 18

Official Court Interpreters shall willingly accept and agree to be bound by this Code, and understand that appropriate sanctions may be imposed by the court for willful violations.

It is extremely important to be mindful of cultural factors that may result in objectionable conduct by a judiciary interpreter.

For example:

Interpreters must avoid friendly exchanges -- beyond polite greetings -- with attorneys, parties, or visitors related to either the attorneys or the parties in a case.

ETHICS

All freelance interpreters are considered OFFICIAL COURT INTERPRETERS while working

on contract with the Courts.

Aida M. Delgado-Colón, USDJ - Chief Judge Frances Ríos-de Morán, Esq. - Clerk of Court

Becky Agostini - Court Services Manager

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