in this issue
Legal Translating/Interpreting
Are your translation memories held hostage in yesterday’s software?

SDLX Translation Suite 2003 uses certified TMX* and other open standards that protect the value of your translation memory assets. Our Trados® compatibility filters – along with free world-class training and support – help you unlock those memories and enjoy the benefits of the modern, ergonomic design of SDLX.

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*TMX, or Translation Memory Exchange, is the vendor-neutral open standard for storing and exchanging translation memories created by computer aided translation systems sanctioned by the Localization Industry Standard Association (LISA). Only SDLX 2003 and other products that have passed certification testing administered by LISA are allowed to display the TMX logo.

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Raising awareness of translation and interpreting among future clients will ensure better-educated, savvier consumers with a better appreciation of the demands of our field. Future translators and interpreters will also learn early on what is required of them, and have higher professional standards as a result.

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The ATA Chronicle Submission Guidelines

The ATA Chronicle enthusiastically encourages members to submit articles of interest to the fields of translation and interpretation.

1. Articles (see length specifications below) are due the first of the month, two months prior to the month of publication (i.e., June 1 for August issue).
2. Articles should not exceed 3,500 words. Articles containing words or phrases in non-European writing systems (e.g., Japanese, Arabic) should be submitted by mail and fax.
3. Include your fax, phone, e-mail, and mailing address on the first page.
4. Include a brief abstract (two sentences maximum) emphasizing the most salient points of your article. The abstract will be included in the table of contents.
5. Include a brief biography (three sentences maximum) along with a picture (color or B/W). Please be sure to specify if you would like your photo returned. Do not send irreplaceable photos.
6. In addition to a hard copy version of the article, please submit an electronic version either on disk or via e-mail (Jeff@atanet.org).
7. Texts should be formatted for Word or Wordperfect 8.0.
8. All articles are subject to editing for grammar, style, punctuation, and space limitations.
9. A proof will be sent to you for review prior to publication.

Standard Length
Letters to the editor: 350 words; Opinion/Editorial: 300-600 words; Feature Articles: 750-3,500 words; Column: 400-1,000 words

An Easy Reference To ATA Member Benefits

Your ATA membership has never been more valuable. Take advantage of the discounted programs and services available to you as an ATA member. Be sure to tell these companies you are an ATA member and refer to any codes provided below.

Business Owners Insurance
Hays Affinity Solutions (HAYS)
(866) 310-4297 • (202) 339-8316
cjones@hayscompanies.com or mdurig@hayscompanies.com
http://ata.haysaffinity.com

Life and Disability Insurance
Mutual of Omaha
(800) 223-6927 • (402) 342-7600
www.atanet.org/mutual.htm

Overnight Delivery/Express Package Service
UPS
Reference Code: C0000700415
(800) 325-7000
www.ups.com

Professional Liability Insurance
Hays Affinity Solutions (HAYS)
(866) 310-4297 • (202) 339-8316
cjones@hayscompanies.com or mdurig@hayscompanies.com
http://ata.haysaffinity.com

Retirement Programs
Washington Pension Center
(888) 817-7877 • (301) 941-9179

Website Development
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www.atanet.org/radtown

...And, of course, as an ATA member you receive discounts on the Annual Conference registration fees and ATA publications, and you are eligible to join ATA Divisions, participate in the online Translation Services Directory, and much more. For more information, contact ATA (703) 683-6100; fax (703) 683-6122; and e-mail: ata@atanet.org.

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By Amanda Ennis
In exchange for about 15 minutes of your time, you can establish an arresting, unique, highly visible, and tax-deductible way of advertising your services and telling people about your profession.

26 Administrative Office of the United States Courts Federal Court Interpreter Program
By Marijke van der Heide

29 New Standards and Procedures of the Office of Court Interpreter Services of Massachusetts
By Jaime Fatás Cabeza
It is only a matter of common sense to rely on and trust interpreters and translators to accommodate the needs and demands of an ever-increasing multicultural and multilingual society, and to grant judicial interpreters and translators the same rights that are granted to other professionals in the judicial system.

35 The French Judicial System
By John Pincus
A description of the French judicial system and how it works. How does it contrast with the U.S. system?

40 Rendering in a Better Light: Toward a Semiotic View of the Translation Profession
By William O. Bergerson
Semiotics, the general theory of signs and languages, offers a refreshingly appropriate perspective from which to examine the dynamic balance of elements that are just as important to the health of our profession as body, mind, and spirit are in the context of personal well-being.

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January 24, 2004

Translating for the Pharmaceutical Industry:  
An ATA Professional Development Seminar  
San Juan, Puerto Rico
About Our Authors...

William O. Bergerson translates German into English with a focus on medicine and intellectual property. Hosting an exchange student while in high school and subsequently studying veterinary medicine in Munich, Germany, further expanded his global horizons. He has been intrigued by metacommunication and the vantage point of the third-person observer ever since, and relishes the unique perspectives afforded by passions that include scuba diving, his wife, Meg, of 13 years, a pair of quixotic cats, and a Fiat X1/9—though not necessarily in that order. Contact: drbergerson@earthlink.net.

Beatriz Bonnet has over 16 years of experience in the translation industry, both as a translator and interpreter and as co-owner, president, and CEO of Syntes Language Group, Inc. (formerly Global Translation Services, Inc.). She has also been active in the industry by speaking and leading workshops at local, regional, and national conferences for several industry groups such as ATA, the National Association of Judiciary Interpreters and Translators, the Austin Area Translators and Interpreters Association, the Colorado Translators Association, the Metroplex Interpreters and Translators Association, and the Houston Interpreters and Translators Association. She was a founder of the Houston Interpreters and Translators Association and one of the initiators of the Networking Session at ATA’s Annual Conference (started in 1994 during the Austin conference). She is currently serving on ATA’s Board of Directors, and is the association’s representative to the American Society for Testing and Materials’ Committee on Translation Standards. She was also a mentor in ATA’s Mentoring Pilot Program. Contact: beatriz.bonnet@syntes.com.

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Dr. Barton Goldsmith is an international speaker, author, and consultant who is considered an expert on leadership. He is a contributing author to numerous books and publications, including The Los Angeles Business Journal. Contact: www.bartongoldsmith.com.

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Susana Greiss is the founder and past administrator of ATAs Slavic Languages Division. She is a freelance translator and is ATA-accredited in five language combinations: English—Spanish, Spanish—English, Portuguese—English, French—English, and Italian—English. She holds a master’s degree in translation from the Graduate School of the City University of New York (CUNY), specializing in corporate law. She was awarded ATA’s Alexander Gode Medal in 2002. Contact: sgreiss@aol.com.

Kevin Hendzel is the chief operating officer and director of Language Services of ASET International Services Corporation in Arlington, Virginia. A graduate of the Georgetown University School of Foreign Service, he served as senior technical translator on the Presidential Hotline in the mid-1980s. His translation credits include 34 published books and 2,200 journal articles in science, technology, law, and business. His special translation expertise at ASET is focused on national security areas ranging from nuclear weapons dismantlement and disposition programs in the former Soviet Union, to U.S.-sponsored counterproliferation programs to prevent the dissemination of nuclear, biological, and chemical weapons worldwide. He also plays a key role in strategic planning, training, procedures development, and quality assurance for the ASET Localization Services Group. His feature articles and commentary on translation and localization and the language services industry have appeared in dozens of industry periodicals and media publications throughout North America, Europe, and Africa, including The New York Times, The Wall Street Journal, The Financial Times (London), The Philadelphia Inquirer, Wired, and Reuters Wire Service. He has been a vocal advocate for professional translators through national television interviews (Livelyhood, PBS) and internationally on Voice of America. He is co-chair of ATA’s Public Relations Committee. Contact: khendzel@asetquality.com.

John Pincus has been a freelance French legal translator and interpreter since 1986, and a freelance Spanish legal translator since 1990. He is a California registered and federal court-approved French interpreter and translator. He is an ATA-accredited French—English translator, a U.S. Department of State French and Spanish translator, and a Los Angeles Superior Court French interpreter. He has a B.A. from Colby College and a Ph.D. from Harvard University (economics). Contact: japincus@att.net.

Shawn Six is a partner at Industry Insights, Inc. He has conducted more than 100 financial/operating and compensation and benefits surveys in various industries during his 14 years with the firm. Contact: ssix@indins.com.

Marijke van der Heide came to the Federal Court Interpreter Program of the Administrative Office of the United States Courts after a long career in the FBI as a language testing and training program manager. Previously, she worked as a multilingual translator and language teacher. She received a master’s degree in foreign languages and linguistics from Southwest Texas State University. She served as chair of the Interagency Language Roundtable and as chair of the American Council on the Teaching of Foreign Languages Special Interest Group for Research. She currently serves on the USDA Graduate School Foreign Language Advisory Committee and the Law Enforcement Interagency Linguist Access Executive Advisory Board. She is co-chair of the Translation and Interpretation Committee of the Interagency Language Roundtable. She has presented and published on language testing and training matters, also under the name Marijke Cascallar. Contact: marijke_van_der_heide@aol.uscourts.gov.
As the membership of ATA grows to over 9,000 members this year, the need for a “home” within the larger association has never been more important—and the place where most of us find that home is in one or more of ATA’s 13 divisions. Indeed, 60% of ATA members belong to at least one division.

Through newsletters, websites, conference sessions, and listservers, ATA’s divisions provide their members with specialized information about their shared special interests, all for only $15 a year. (The Translation Company Division charges $30 and the Literary Division just raised its dues to $20.) In addition, some of the divisions offer mid-year conferences to further promote professional development, networking, and just plain camaraderie.

On September 6, 2003, our division administrators met in Alexandria, Virginia, to look at the future of divisions and their role within the association. I also attended the meeting along with ATA President-elect Scott Brennan, Treasurer Jiri Stejskal, Executive Director Walter Bacak, and Chapter and Division Relations Manager Mary David.

The meeting, which was coordinated by Scott and ATA Divisions Committee Chair and German Language Administrator Dorothee Racette, brought division administrators together for the first time outside of the 90-minute divisions meeting that takes place at ATA’s Annual Conference. The objective of this daylong meeting was to review division finances and share best practices.

The only ground rule was that there was to be no talk of “us versus them.” The divisions are an integral part of ATA. Divisions are not separate, incorporated entities like ATA chapters. Indeed, the only way to become a division member is to first join ATA. As a result, ATA’s Board of Directors has fiduciary responsibility over division finances and activities.

As for division finances, Jiri gave a summary of ATA’s finances, noting that, in total, division revenues account for 6% of ATA’s budget. In addition, our auditor, Andrew Smith, CPA, of Langan & Associates, briefed the group on the accounting regulations and laws pertaining to an association’s components (the all-inclusive term for an organization’s special interest groups, sub groups, etc.). He was also able to draw upon his experience with the over 200 association clients that his firm represents.

The afternoon was spent reviewing the best practices of ATA’s divisions for publishing a newsletter, offering a top-notch website, managing a listserve, and scheduling sessions at the Annual Conference. Regardless of their years of experience, all the participants left the meeting with some new ideas.

With the turnover in division leadership every couple of years, it is important for us not to lose the momentum gained from this meeting. This year, we have seven divisions conducting elections, so you can see we really need to continue this good work, which will ultimately result in enhanced division membership benefits and a stronger association.

AFTI Scholarship Winner Announced

Michele Bantz was awarded the 2003-2004 JTG Scholarship in Scientific and Technical Translation given by the American Foundation for Translation and Interpretation (AFTI). Bantz, from Mount Airy, Maryland, will receive a $2,500 scholarship toward her graduate studies at the Monterey Institute of International Studies in Monterey, California.

The scholarship is underwritten by JTG, Inc., a language, culture, and technology company based in Alexandria, Virginia. Founded by ATA Past President Muriel Jérôme-O’Keeffe, JTG, Inc. specializes in international communications, which include translation and desktop publishing, cross-cultural training, and e-learning.

AFTI’s primary charitable and educational activities consist of sponsorship and dissemination of research and education in the fields of translation and interpretation through research grants, scholarships, conferences, and commissions for the production of education materials, as well as through the establishment and maintenance of an archive for the collection of documents and artifacts in translation and interpretation. AFTI is based in Kalamazoo, Michigan.

For more information on AFTI, visit www.afti.org.
From the Executive Director
Elections, Public Relations, and More

Walter Bacak, CAE
Walter@atanet.org

Elections. The slate of candidates is set for this year’s elections. The ballots were mailed to all Active and Corresponding members in late September. The elections will be held on November 6, 2003, at the Annual Conference in Phoenix. You can vote in person or by proxy. The ballot includes instructions on how to vote by proxy if you are unable to attend the conference. Your proxy may be mailed or faxed to ATA Headquarters by November 4 or hand-delivered by your designated proxy holder at the conference. If you have not received your ballot, please contact ata@atanet.org to have a ballot sent to you.

Two proposed bylaws amendments are also on the ballot:

1. Credential name change. This proposal involves simply changing the name of the credential from “accreditation” to “certification.” This vote is completely separate from the program name changes, and is strictly a matter of employing the correct terminology.

2. Credential retention. This proposal was successfully petitioned to be added to the ballot. The proposal addresses various areas of ATA’s credential, such as: that making any changes to the credential will require a vote of the membership, that the requirements for retaining an ATA credential be rolled back to their status of May 1, 2003, and that current credential holders will be grandfathered in if there are any changes.

Public Relations. In this issue, please find enclosed a copy of Translation: Getting it Right. A guide to buying translations. This brochure, which was written and designed by ATA Public Relations Co-chair Chris Durban and Antonio Aparicio, will be a great addition to all our efforts to promote client education. Getting it Right, which has been published by several European-based associations, was localized for the U.S. market. In addition, the final version of the 28-page booklet incorporated the changes and comments from the many ATA members who reviewed the draft copy in the Members Only section of ATA’s website. Additional copies of this brochure will be available from ATA Headquarters. More information on this will be published once it is finalized.

Annual Conference. It is not too late to plan to attend ATA’s Annual Conference, November 5-8, 2003 in Phoenix. Please visit www.atanet.org/conf2003 to register, if you have not already done so, and to learn about the latest changes and additions.

ATA Professional Liability Insurance. ATA’s Professional Liability and Business Owner’s Insurance programs are now being handled by Hays Affinity Solutions in Washington, DC. The insurance is still underwritten by Lloyd’s of London. Members will still get extremely competitive rates and have the same contact people (Mary Durig and Chris Jones) who know ATA and the translation and interpreting business. See page 22 for more information.

New: Park’s Guide to Translating and Interpreting Programs in North America. This is the updated list of T&I programs in North America. The publication was renamed to honor Dr. William Park, who compiled three editions in the 1990s. The 156-page guide expands on previous editions to include, in addition to contact information and programs offered, entrance requirements, the number of graduates per year, the number of graduates estimated to be working in translating and interpreting, class sizes, and more. For more information or to order a copy, contact ATA Headquarters or visit www.atanet.org.

2003 Issue of TWO LINES (Parties) Now Available!

TWO LINES, an annual print-based journal publishing original English translations of international literature, with a special focus on the translation process, is proud to announce its 2003 issue, Parties. Parties features 34 new translations from 15 languages.

TWO LINES, a journal of translation
35 Stillman Street, Suite 201
San Francisco, CA 94107
Tel/Fax: (415) 512-8812
Call for Papers

**45th Annual Conference of the American Translators Association**

Toronto, Canada • November 13-16, 2004

Proposals are invited on topics in all areas of translation and interpreting, including the following:

- Agencies, Bureaus, and Companies; Financial Translation and Interpreting; Independent Contractors; Interpreting; Language-Specific Sessions; Legal Translation and Interpreting; Literary; Medical Translation and Interpreting; Scientific and Technology; Social Sciences; Terminology; Training and Pedagogy; Translators and Computers.

Suggestions for additional topics are welcome. Proposals for sessions must be submitted on the Conference Presentation Proposal Form to: Conference Organizer, ATA Headquarters, 225 Reinekers Lane, Suite 590, Alexandria, VA 22314; Fax: (703) 683-6122. All proposals for sessions must be in English.

_There’s no time like the present! Download a Conference Presentation Proposal Form at www.atanet.org/abstract.htm._

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**Call for Candidates:**

**Putting a Human Face on Linguists**

"The American public doesn’t understand the relationship between interpreters and translators and their own prosperity, well-being, and security," said former White House Press Secretary Dee Dee Myers in November 1999, acknowledging an image vacuum that plagues language service providers.

One way to raise awareness, she told her ATA audience, is to “put a human face on the translators and interpreters who are out there doing the hard work.” To connect translation to the lives of the American public by telling the story of translators on the job, “whether it’s at the Olympics or at a trade summit, or as part of some private business deal.”

ATA’s PR Committee agrees. And in our ongoing effort to raise awareness of the profession, we will be profiling a selection of translators and interpreters drawn from the association’s membership this year.

If you have a story to tell—an interesting assignment, a notable success, an unusual language combination, or simply a passion for your work—please contact us. If you can recommend a colleague with a story, we’re interested, too. You provide the background, we’ll do the write-up. Send a brief description of what makes your practice special to ata@atanet.org (mark your mail “translator profile candidate”), and help us promote the profession!

Kevin Hendzel  
Co-chair, ATA Public Relations Committee  
khendzel@asetquality.com

Chris Durban  
Co-chair, ATA Public Relations Committee  
chrisdurban@compuserve.com
The ATA recently published *ATA Language Company Profile Financial Survey* report provides valuable information about the current business practices and financial performance of translation and interpreting companies. The report’s layout includes an Executive Summary Section, which reveals a quick summary of the survey’s key findings, as well as a Detailed Results Section that provides an unabridged look at each aggregate figure drawn from the survey.

The survey was compiled, tabulated, and prepared for ATA by Industry Insights, Inc., a professional research and consulting firm that provides management and marketing services to dealer organizations, individual membership organizations, and trade and professional associations and their members. The firm specializes in industry operating surveys, compensation and benefits studies, member needs studies, educational programs, and customized research activities.

In 2002, surveys were distributed to approximately 1,000 ATA member and nonmember companies. In total, 49 completed and useable survey forms were submitted directly to Industry Insights, Inc. This represents a 5% response rate. Forms received after the final deadline and questionnaires with incomplete information were not included.

Upon receipt, all questionnaires were assigned a confidential identification number. All data were checked both manually and by a specially designed computer editing procedure. Strict confidence of survey responses was maintained throughout the course of the project. Final results were tabulated, and the report was completed in March 2003.

In addition to reporting the aggregate responses for all participating companies, data were further broken out to show responses for companies that fell into specific revenue categories. In this year’s report, a distinction was made between companies that reported annual revenues above and below $750,000. This grouping was established so that individual companies could compare their own data to the results of peers of similar size.

Some of the key findings of the report follow:

**S-Corporation was the most common organization type.** As shown in Figure 1 on page 11, 41% of reporting companies revealed that they were S-Corporations. C-Corporation was the second most common type, with a 29% representation, followed by Sole Proprietorships, Limited Liability Companies (LLC), and Partnerships.

**Translation services comprise the majority of total revenues.** The typical translation company reported that translation services accounted for 61% of its total revenues. Interpretation services and desktop publishing followed translation services by accounting for 12% and 9% of total revenues, respectively (See Figure 2).

**Business/financial industry provides the most revenue.** The study revealed that 22% of the revenue generated by all participating companies came from the business/financial industry. Additional industries that largely contributed to total revenues included legal (16%), medical (16%), and governmental (10%) (See Figure 3).

**CEO compensation varies widely, based on company revenues.** Companies with annual revenues of $750,000 or less paid substantially less than those companies with annual revenues above $750,000, as shown on the following page (See Figure 4).

**Rates Per Word and Hourly Rates**

Information was collected on the lowest and highest rates per word and hourly rates charged by translation and interpreting companies. The lowest average rate per word and hourly rates were $0.17 and $50.48, respectively. The lowest reported rates were most frequently reported for English-to-Spanish and Spanish-to-English. The highest average rate per word and hourly rates were $0.34 and $106.60, respectively. The highest reported rates were most frequently reported for English-to-Chinese and English-to-Japanese.

**Revenue Growth Slowed in 2001**

Responding companies reported double-digit growth in the years 1998-2000. However, revenue growth slipped to 6% in 2001 (See Figure 5).

**The vast majority of companies provide health insurance to their employees.** 88% of responding companies reportedly provide health insurance to their employees. More than half (55%) provide disability insurance (See Figure 6).

**Ordering Information**

ATA’s 31-page *Language Company Profile Financial Survey* is available for $25 per copy. To order, call Industry Insights, Inc. at 212-219-0600. A copy will be mailed to you within 7-10 days. Payment must be made in advance by check or VISA and MasterCard credit cards. A nonrefundable deposit is required for orders of less than five copies.

…”The survey represents an important information and outreach tool that complements ATA’s public relations efforts and those of its members…”
Profile and Financial Survey presents the study’s results in much greater detail than is possible in this summary article. The complete report includes charts and tables that provide a more complete analysis of the survey’s results. It is important

Continued on p.13

Figure 4: CEO Compensation by Company Revenue

Figure 5: Median Revenue Growth by Year

Figure 6: Types of Insurance Offered

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<th>Type of Insurance</th>
<th>Percentage Reporting Fully or Partially Paid By Company</th>
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<tr>
<td>Health</td>
<td>88%</td>
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<tr>
<td>Dental</td>
<td>45%</td>
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<td>Vision</td>
<td>36%</td>
</tr>
<tr>
<td>Life</td>
<td>38%</td>
</tr>
<tr>
<td>Disability</td>
<td>55%</td>
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ATA Public Relations: Promoting the Profession in Media, Government, and Industry

By Kevin Hendzel

Tired of reading another lopsided newspaper article fawning over the “miracle” of machine translation? Irritated by short-sighted dismissals of translation based on claims that “everybody speaks English?” Shocked by the shortages of translators and interpreters in the national security languages? When the issue concerns translation or interpreting, the public and media in the U.S. are often cast adrift, subject to the whims of monolingual reporters and clever organizations with hidden political agendas. The simple fact is that the translation and interpreting industry cries out for representation on the public stage.

Who speaks for the translation and interpreting professions? ATA does. We are the unifying voice for the language services industry.

Over the last two years, ATA has launched a diverse and aggressive public relations and media campaign to reach the highest levels of national media and the government. In the last year alone, ATA has been cited in The Wall Street Journal, The Washington Post, the Atlanta Constitution, The Congressional Quarterly, The Baltimore Sun, the Associated Press wire service, and in over a dozen specialty publications ranging from Stars and Stripes to Mother Jones. A recent issue of the Miami Herald quotes ATA President Tom West on the importance of translation to commercial success. Inc. Magazine (June 2003) has an extensive discussion of the importance of professional translation and once again cites ATA and our online directory as sources for translators, interpreters, and translation service companies.

Here is a quick overview of ATA activities, objectives, and programs to promote translation and interpreting to the national and international media.

1. In response to critical shortages of translators and interpreters in the national security languages, ATA’s Public Relations Committee organized and hosted a Town Hall Meeting entitled “Translation and Terrorism” at the ATA Annual Conference in Atlanta on November 8, 2002. This landmark event, as reported previously in the ATA Chronicle, represented the first time top-level government officials from the FBI and the Pentagon went on record to discuss this critical shortage. As a result of extensive presentation on the public stage.

“The translation and interpreting industry cries out for representation on the public stage…”

ATA media relations efforts, including press releases, consultations, briefings, and scheduling and follow-up phone calls over several weeks, this event was covered extensively on CNN Headline News and was taped and later broadcast in 22 major TV markets on NBC, CBS, ABC, and Fox News. This level of national television coverage for a translation event was unprecedented.

2. ATA officials and PR Committee representatives have since been interviewed and quoted in a wide variety of broadcast media on issues relating to professional translation and interpreting, including an interview with President-elect Scott Brennan carried nationwide on Univision in August and interviews with PR Committee Co-chair Kevin Hendzel on ABC Radio and CNN Radio, each of which are syndicated nationwide to over 3,000 stations.

3. In March, the Board approved the hiring of a media consulting firm to work with the PR Committee to develop and focus the message and further reach out to the national media and print reporters to emphasize the importance of professional translation and interpreting. Since that time, we in ATA have produced a focused message, developed talking points, and compiled supporting data. The PR Committee will also undergo media training in the fall, complete with recorded TV and radio spots, working with top media consultants in Washington who train politicians to appear on the Sunday morning talk shows. This is major national exposure, and ATA is there to represent the language services industry.

4. ATA Executive Director Walter Bacak and PR Committee Co-chair Kevin Hendzel met with high-level government officials earlier this year to explore expanding the relationship between U.S. federal agencies and the professional translation, localization, and interpreting community. Kevin will be consulting with officials from the U.S. Department of Justice and the Department of Health and Human Services to discuss the consequences of Executive Order 13166 and how the professional language community can play a role in its implementation.

5. ATA’s Public Relations Committee and the National Council for Interpreting in Health Care will co-sponsor an event at ATA’s Annual Conference in Phoenix (November
to remember that the statistics published by ATA should be regarded as aggregate historical data rather than absolute standards. ATA intends the survey to reveal general tendencies in the industry, not exact amounts.

The full report is available to ATA members for $75 and to nonmembers for $90. Please call or write ATA to order your copy: ATA, 225 Reinekers Lane, Suite 590, Alexandria, VA 22314; Tel: (703) 683-6100; Fax: (703) 683-6122; e-mail: ata@atanet.org.

Next Steps
This is the first industry survey focusing on translation and interpreting companies undertaken by the association. The data collected and summarized in this report provide important information for both companies and individuals engaged in the translation and interpreting field. Moreover, the survey represents an important information and outreach tool that complements ATA’s public relations efforts and those of its members.

ATA intends to continue producing this survey on a regular basis and invites both members and nonmembers to provide contact information for companies engaged in our profession. Our goal is to extend the reach of this survey and provide increasingly richer data and results by maximizing participation and response ratios. To expand ATA’s survey distribution list, please send company information (name of owner or president, name of company, address, phone, e-mail) to ata@atanet.org. Remember, the survey is carried out by a qualified third party and is strictly confidential. The survey results are presented in such a manner as to assure that data are not traceable to any particular company or person.

ATA Language Company Profile and Financial Survey Recap Continued from page 11

5-8), entitled “Language and Healthcare in Crisis: A National Forum Event,” devoted to the life-and-death issues relating to medical interpreting—from the wholesale lack of language support through the use of unqualified, impromptu, or ad-hoc underage interpreters forced into service. The panel will include national experts in language, medicine, legislation, and public policy. We have already begun outreach to national media on this event and expect major media coverage in print, TV, and radio.

The language services industry is more visible to the media today than at any time in the last 30 years. However, these steps undertaken by ATA’s Board and PR Committee, which have been supported enthusiastically by the association’s membership, represent a simple beginning. No industry wins this battle overnight. We intend to expand our promotion of professional translation, localization, and interpreting over the next several years. All of us in ATA welcome the input, support, and active participation in this worthy endeavor by ATA members worldwide.

ATA Public Relations Committee
Kevin Hendzel (Co-Chair)
Chris Durban (Co-Chair)
Scott Brennan (Board liaison and President-elect)
Lillian Clementi
Alexandra Russell-Bitting
Neil Inglis
Amanda Ennis
Rudy Heller
Rina Ne’eman

Phoenix, Arizona
November 5–8
A Beginner’s Trials and Tribulations (Part 1)

By Susana Greiss

In recent months, I have been reading articles written for newcomers to our profession on how to set up a business and how to run it, how to find clients, and how to determine what to charge for services. All very interesting, well-written articles authored by experienced and respected members of our community. I commend them for their efforts in helping younger translators and interpreters make their way in this very complex profession. After all, we need new blood, and by the time we are ready to be put out to pasture, we will be well and honorably represented by the new generation ready to carry the torch.

However, not everyone has the same experience. If you ask 10 translators how they got their start, you will most likely get 10 different answers. And this is why not all advice fits all. To go the traditional way—high school, college, graduate school, job—is the ideal way for some; however, I suspect they are the minority. My experience was quite different. My generation lived through much turmoil—the Depression, WWII, displacement, immigration—some of the heritage of the “old guard.” New in a new land, some found that their knowledge of languages was their most marketable skill and their passport to employment. Some were originally doing something else and were pressed into service to interpret or translate. We have lawyers, writers, doctors, scientists, and engineers who have, by a twist of fate, joined our ranks. We have secretaries, such as myself, who had to translate for their bosses and then decided this was the way they wanted to go. We have young women who wanted to stay home and start a family, and their knowledge of languages paved the way to a new career that allowed them to work from home. We have retirees who realized they could supplement their income by translating. The list is endless.

So what do you say when someone asks for advice on how to become a translator? And after they have honed their skills, how do they go about finding work? The answer is not easy. From my own experience and from talking to others, I find that translation programs generally concentrate on the teaching of techniques, terminology, research, and so on, leaving the student adrift when the time comes to find work. However, this training is already a tremendous advantage. Your teachers know you, and chances are that they are practicing translators themselves or owners of translation companies. This is an excellent place to start. People have confidence in degrees and certifications. In my own case, I had been translating for many years before I decided to go for a master’s degree in translation. The experience was not only quite useful, but illuminating as well. I discovered that I had at times fallen prey to some “bad habits” (such as using false cognates) simply because it was easier and nobody corrected me on the job. My work was scrutinized not only by my instructors, but also by my peers, forcing me to think and excel.

There are different avenues to be considered in your search for work, depending on your goals and circumstances. Anyone who has been in our business for a while knows that full-time jobs in translation are as scarce as hen’s teeth. In fact, many companies nowadays prefer to outsource their translation work. However, in my opinion, it is desirable to make every effort to begin your career within a corporation where you will acquire valuable experience before you try your hand at freelancing. But how do you get started if you don’t have many contacts in the marketplace?

Your search is likely to take a while. If you are already working, keeping your current job will take the pressure off your shoulders and pay the rent. At the risk of being accused of bias, I suggest that you join ATA as well as any translator/interpreter-related groups in your area, if you have not already done so. Read your association’s newsletter, read its postings of openings for translators online. The ATA Chronicle publishes want ads. Open that page first and respond if you qualify. Many groups have online directories that are accessible to potential clients. Therefore, your membership dues actually include a “free ad” for an entire year, which is a fact that many tend to overlook.

Take ATA’s accreditation exam. Okay, so you already have a degree in translation. But who knows about it? ATA accreditation (or certification) will get you listed on ATA’s website for all to see. Although accreditation is not required in order to work as a translator, it is a valuable measure of your skill. Accreditation is also demanded more and more often lately when translating official documents, and gives you the additional credential that will serve you in good stead in this competitive field. I am often asked to issue a notarized certificate of accuracy for my clients, particularly when translating personal docu-
ments. Government agencies and translation bureaus often insist that these certificates be issued by an ATA-accredited translator. This was not the case only a few years ago, but lately the demand for accreditation has grown significantly everywhere. This fact alone more than justifies making the extra effort to become accredited. The additional revenue will cover your membership dues many times over.

You should also attend meetings of professional translators/interpreters as often as possible. Attend ATA’s Annual Conferences if you can possibly manage it. Yes, it is an expense, but if you take full advantage of it, it will easily pay for itself. Without going into detail about the advantages of attending ATA conferences, which are abundantly described on the pages of this publication as the conference date draws near (see the July 2003 issue in particular), keep in mind that these events attract well over a thousand people, many of whom represent translation agencies and other employers. Get to meet as many people as possible and make sure they are aware of your qualifications and availability. We are a friendly bunch. If the numbers intimidate you, I can assure you that they do not seem as formidable once you actually start to network with colleagues at the conference venue. ATA members are divided into divisions by languages and interests. You can find a roommate to share the expense of a room at the conference hotel, or you can register at a less expensive hotel nearby. However, I cannot emphasize enough the advantages of meeting your peers during “after-hours” get-togethers at the bar, during lunch, or in the lobby. I once met a client over lunch, and it led to a business relationship and friendship still going strong after many years.

Sign up for the Job Exchange and spend some of your time there. It is also a good idea to scan the bulletin boards several times a day. Bring a stack of business cards and resumes and be prepared to hand them out. Remember, business cards should look professional; this is a small investment that will go far in beefing up your image. I strongly recommend that when you attend these meetings you dress as you would for the office—looking neat and professional.

Your resume is extremely important, as it is your passport to potential employment. For this reason, it is essential to get it right. So write it carefully and make it short. One page

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10 Smart Reasons to Join an ATA Division Today!

To succeed in today’s business world, you need specialized knowledge and an inside track. Being a member of one of ATA’s 13 special-interest groups gives you that and more!

1. Make contacts that count: Access a network of accomplished translators and interpreters who share your interests, issues, and specializations through ATA divisions’ listservs, conference meetings, and social events.

2. Expand your visibility: Build your reputation in the industry by contributing to division newsletters and conferences or serving on division committees.

3. Market your services: Target the right audience for your specialty or language combination with your listing in an online division directory of members and services.

4. Gain client confidence: Show clients your commitment to continuing education and professional ethics with your division membership.

5. Develop professional skills: Move ahead in your field by attending career-building educational sessions organized by ATA divisions.

6. Find the answers you need: Learn tried-and-true solutions to daily challenges from division leaders, mentors, and members through one-on-one discussions.

7. Become an advocate: Increase the visibility and public awareness of the translating and interpreting professions in general, and of your language or specialty specifically, with your support of divisions.

8. Know the news: Stay current with language- and specialty-specific resources that meet the practical needs of your career through division newsletters and websites.

9. Connect to colleagues: Exchange information with your colleagues by keeping in touch through online searchable division membership directories.

10. Be part of a community: Find a professional home within the larger association by belonging to an ATA division!
is all you need. It is counterproductive to list every research project and job of more than 10 pages in length or the subject of your thesis in hopes of impressing the potential employer. On the contrary, it will immediately label you as a beginner. Nobody has ever asked me what the subject of my thesis was. Show your resume to some sympathetic translator friends and listen carefully to their suggestions.

A few years ago, I received a resume from someone who claimed to be a highly competent translator. She offered to take my “overflow” and quoted extremely low rates. Why would she write to me, another translator? This lady’s resume and letter were also full of grammatical and spelling errors. Remember, your resume is your business introduction, and this lady’s resume only succeeded in showcasing her inadequacies. Besides, I don’t think it is a good idea to offer your services to other translators unless you are looking for a mentor from whom you can learn. Knowledgeable translation bureaus select their translators very carefully, as well they should. If they know their business, they will first test translators on small jobs and then differentiate them according to their strengths and weaknesses, language combinations, and other criteria. Their business depends on it. If a translation bureau gives you an assignment, they want to feel that they can trust you to be the one to do it. To pass on work to someone else without the client’s knowledge is unethical, and no professional should ever suggest it. Not only that, you definitely don’t want to be responsible for someone else’s mistakes. Apparently, the lady who sent me the resume still had a lot to learn.

One of the problems new translators face is that they are untested. The public today regards language professionals with some degree of suspicion. This is very unfortunate, but such is the reality of our profession. Too many people believe they can translate, but lack the skills necessary to do a professional job. This is borne out by the percentage of candidates who are unable to pass ATA’s accreditation test. They need more experience and could benefit from mentoring or an internship. If you are just entering the profession, I highly recommend that you consider an internship. Many translation companies accept interns, and a person can learn more from a yearlong internship than in four years of college. Think of it this way: If you need a lawyer or a doctor, do you go to the first one whose shingle you see on a street corner? I hope not. You will probably ask around for someone recommended by a friend or neighbor. The same is true for translators. This is why it is not a good idea to solicit work directly from corporations. If an important deal hangs on the competence of a translator, a good manager would rather pay twice as much or more and entrust the project to a reputable translation company. A job done right is more important than saving a few dollars or even a few thousand dollars.

Contrary to what some people will have you believe, translation companies perform valuable services. They find clients, screen translators, edit and proofread their work, format documents to the client’s specifications, and take over the job of billing and collecting for services, and more often than not, pay the translator before they have been paid by their own client. This leaves you free to do what you are intended to do: translate.

As you grow in your profession and become more specialized, you will acquire a respectable portfolio. At that point, you can begin to solicit work directly from corporations, backed by the confidence your clients have placed in you in the past. Just as the new doctor or lawyer does not usually rent space and hope patients will flock to him in droves, so it is for translators. Translators need the experience of learning “on the job.” The best place to learn is a translation company. Almost any kind of job at a translation company will teach the newcomer more than years of freelancing at home. If nothing else, you will have the opportunity to see other translators’ work, and perhaps to proofread or edit it. You will also get feedback on your own work. You will learn to use software, retrieve and convert files, talk to clients, and how to circumvent the numerous problems that can, and will, arise with clients. You will learn the importance of deadlines and to discern a reasonable deadline from an unreasonable one. These are all invaluable skills. It is important to talk to people who started at the bottom and made their way up in the business. I can assure you that it will be quite enlightening. Eventually you, too, will be able to open your own translation company—if that’s what you want to do—but there is a great deal to learn first. It doesn’t happen overnight.

If you are unable to get a job with a translation company, my advice is to take any job for which you are qualified, or even if you are over-qualified,
whether it involves translation or not. The hard fact is that the translation industry has been hit not only by the state of the economy, but also by a rather sudden change in work conditions. Many full-time jobs have been, and continue to be, eliminated. The Internet has brought us globalization, which means that we now face stiff competition from around the world, particularly from countries where the cost of living is significantly lower than ours and where translators can undercut us severely. Advances have been made in machine translation and machine-assisted translation, which can result in turnaround times otherwise impossible to achieve. And last, but not least, client education is still sadly lagging in terms of understanding the value of a live translator and the time it requires to produce an accurate, high-quality product.

Does this mean we should give up and look for another line of work? *Au contraire!* What it means is that we, as an industry, are in a state of flux. It does not mean translators are no longer needed. More than ever, translators are expected to turn out a professional job. This is actually good news for all of us because, as I used to tell my Russian group back in the early days when ATA’s Slavic Languages Division was just a special interest group, if you turn out a sloppy translation on the theory that the client “won’t know the difference,” you cannot expect to be regarded as a professional or to be paid professional-level rates. It also hurts your colleagues. I insisted then, and I insist now, that the most important thing a translator should worry about is the quality of his or her work. This includes knowing when to turn down an assignment if you feel you are not the best person to do it, or if you don’t have the time to do a creditable job. When you do that, not only will your client respect you for it, but chances are you will get more work from that client, who, in turn, will recommend you to others. Knowing your limitations is the true mark of a professional.

In the meantime, take stock of what type of business appeals to you and what skills you can draw on from your college studies or previous work experience. Decide what fields you are interested in and think of where you are most likely to find a job using your language skills, or where you could eventually use them. A pharmaceutical company with head offices in Geneva? A cosmetics manufacturer? A wine importer? A publishing house specializing in scientific books? A newspaper with correspondents around the world? The branch office of a foreign bank? All these may potentially offer opportunities for someone who has a strong command of a foreign language. Your job interview may lead to unadvertised openings at the company. If not, at least you will learn their business firsthand, which will, in turn, help you achieve your ultimate goal—to work as a translator—and to acquire that elusive and much coveted qualification in a specialized field!

While we are on the subject of interviews, let me address another common fallacy. I have often heard that when applying for a job you should “dress for success.” Everyone knows that a translator is not going to be hired for a top executive job. If you are applying to a large corporation, wear a conservative suit and blouse or shirt, but not one that looks like it cost you your entire paycheck. Wear comfortable shoes, not sneakers or four-inch heels, and, if you are a woman, wear conservative jewelry and a natural hairstyle and makeup that will not require frequent touchups. In other words, use common sense when deciding upon an appropriate outfit for an interview.

One sure way of projecting a successful image to a potential employer is to “dress up” your skills through continuing education. Consider taking evening courses in whatever field appeals to you and is in demand. The dictionary alone will not provide you with all the answers. It is important to understand the material you have to work with. Most translators do their own typing, so no matter how obvious it may seem, I will say it here: good typing skills are essential. If you are a slow typist, you will have a problem turning out the volume of work expected of you at the end of the day, whether you hold a full-time job or freelance. It is also essential to be familiar with computers and to be able to do some research on the Internet and perform other basic computer-related tasks. As you acquire more experience, you can increase your productivity by dictating your translations onto a tape and using other timesaving devices.

It is rare for a young person with no background in business to find a niche where he or she can function competently and independently as a translator. Of course, these jobs do exist, but more often than not, companies look for someone with prior experience. Years ago, many companies had teams of translators who toiled at their typewriters all day, producing texts that were usually no better than a creditable first draft. We now have computers, and first drafts are no longer acceptable. To hire a trainee is often not practical. With the advent of globalization, many companies no longer do business with a handful of businesses abroad. They deal with a vast number of clients all over the world, and their translations are done by translation agencies...
or bureaus that have a roster of in-house translators and freelancers at their disposal from whom high-quality work is expected. This is why a job in the corporate world is a good way to break into the industry, since it will give you an opportunity to obtain the expertise you will need to produce the high-quality work these global companies expect.

So, where, exactly, are these jobs? As I mentioned before, the market is changing in a very significant way. However, there are also many new fields opening up. For instance, hospitals and schools are increasingly becoming aware of the importance of keeping translators on staff, or at least using translators and interpreters to communicate with patients, students, and parents. Law firms are employing bilingual paralegals, translators, and interpreters as the global village keeps expanding. Government agencies and the news media need people who, in addition to being able to translate or interpret, can perform duties involving familiarity with, and sensitivity to, other cultures, such as writing articles, doing research, accompanying reporters on assignments, or even working as reporters and interviewers. International agencies are finding they need people they can send to the four corners of the world who are fluent in languages other than the official languages of the United Nations.

If you look at our profession in that light, you will understand the importance of acquiring writing skills. I have often tried to impress upon translators that it is essential to be able to write in order to be a good translator. Unfortunately, too many tend to neglect this skill and find it difficult to reflect the nuances of one language in another. Remember that translation is not just a way to convey the meaning of a text. You must also reflect the nuances of culture and elegance of speech. A translator never ceases to learn and improve. This is one of the skills that will make you stand out in a crowd. And a crowd we are.

Next month, we will address some other common fallacies associated with this industry, as well as some more tips on how to get a foothold on the ladder to success.

A Beginner’s Trials and Tribulations Continued

ATA Chapter Seed Money Fund

Is your ATA chapter planning an event? Does that event have need for a distinguished, dynamic, industry-relevant speaker? If so, ATA’s Professional Development Committee wants to help! ATA’s Professional Development Committee offers a seed money fund for speakers. Be sure to call ATA today for application guidelines and a list of fabulous speakers who could be guests at your next meeting, workshop, or seminar.

ATA’s chapters play a key role in the continuing education of their members. Since the chapters vary greatly in number and composition of members, it can be hard for some chapters to offer educational opportunities to everyone. As a service to all ATA members and as a benefit of chapterhood, ATA would like to support these educational efforts by subsidizing presentations that might otherwise prove to be a financial burden for individual chapters.

The fund was designed for ATA chapters, so don’t let the opportunity pass you by. Contact: Mary@atanet.org at ATA Headquarters soon for all the details!
Profiles in Continuing Education

By Kirk Anderson

Starting next year, ATA-accredited members must earn 20 hours of continuing education credit over three years to keep their accreditation current. The system for counting credits may seem daunting at first, so here’s how four accredited ATA members plan to meet the requirement over the coming three years. They represent a range of languages and locations: a college town in Virginia, rural Vermont, and cities in the Midwest and Latin America.

Jonathan Hine
Charlottesville, Virginia
hine@scriptorialservices.com
Who: Jonathan Hine is an ATA-accredited translator of Italian and French into English, based in Charlottesville, Virginia. A specialist in legal and financial translation with a growing interpreting practice, he is also a freelance writer and teaches translation at the university level.

Where: Charlottesville offers numerous continuing education opportunities through local institutions, such as the University of Virginia, in subject-specialization areas relevant to his translation work like accounting, international finance, and survey design.

How: Jonathan plans to earn his 20 credit hours of continuing education over the next three years through a variety of activities he’s already engaged in, such as attending and presenting at local Chamber of Commerce or Service Corps of Retired Executives workshops, I could easily meet the requirements at a very low cost.”

Lic. Beatriz Grucci
Montevideo, Uruguay
algan@multi.com.uy
Who: Beatriz Grucci is an ATA-accredited English→Spanish translator based in Montevideo, Uruguay, specializing in medicine and biology.

Where: Montevideo is home to a handful of major educational and business institutions suitable for fulfilling the continuing education requirements. They offer courses and occasional seminars and workshops on translation, linguistics, English literature, cultural background, and specialized language courses, as well as a variety of scientific, and medical events.

How: Beatriz plans on submitting these seminars and workshops for continuing education credit and actively pursuing a number of available online opportunities. She’s also considering contributing an article or two on her area of expertise to industry publications.

Eric A. Bye, M.A.
Chester, Vermont
bye@vermontel.net
Who: Eric Bye holds ATA-accreditation in French→English and translates non-fiction books and journalism from French, Spanish, and German in such fields as sports, art, science and technology, and technical mountain climbing.

Where: Living and working in rural Vermont, there are no continuing education opportunities for translators in the immediate area. This may be a disadvantage compared to translators who work in a metropolitan region, but for those who like to travel, it can be an excuse to visit somewhere exciting, he notes.

How: The key will be to turn continuing education into an opportunity, rather than a burden. Though not yet certain how he will fulfill the requirements, Eric’s plans include an occasional trek down to the Boston area for New England Translators Association events, publishing articles on translation, and investigating regional and overseas continuing education opportunities, taking advantage of the fact that professional development expenses are tax deductible.

Frieda Ruppaner-Lind
Kansas City, Missouri
frieda@friedadot.com
Who: ATA-accredited in English→German, Frieda Ruppaner-Lind is a full-time freelance translator in the fields of industry and technology, IT, hardware and software, business and financial, medical technology, and law.

Where: Based in Leawood, Kansas, a suburb of Kansas City, continuing education opportunities are abundant in her area both at universities and colleges, as well as through MICATA, which offers annual one-day workshops or conferences.

How: Although attending the annual ATA conferences will be one source for Frieda’s continuing education credits, she also plans to continue as an active member of her regional chapter helping to organize workshops, as a presenter and as a contributor to the chapter’s newsletter. She also hopes to publish more articles in the ATA Chronicle and German Language Division newsletter, and attend classes offered at local colleges, universities and chambers of commerce, including the International Trade Club of Greater Kansas City.

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Turning Spam into Gold: School Outreach Web Pages to Debut in Phoenix

By Lillian Clementi and Amanda Ennis

So you were sitting at your computer sometime back in February, minding your own business, when you got this @*&#ing e-mail from ATA about some PR initiative in the schools. Don’t blame ATA for spamming you: we’re the real culprits. If you were annoyed, here’s your chance to flame us at the addresses on page 6. If you’d like an update on the school outreach initiative and a preview of our Grassroots PR panel in Phoenix, keep reading, and plan to join us at the conference next month.

The ultimate goal of the school outreach initiative, as you may remember, was to provide ATA members with easy, convenient access to materials they could use in making presentations on the translation and interpreting professions to students at any level of the U.S. education system. The first step was our February broadcast message asking you to contribute any ideas or material you had so that we could pool the contributions, organize them, and make them available to all of us in a new area of ATA’s website.

We received some 106 responses. Of those, 102 supported the initiative, and many provided substantive contributions, including: pointers to websites and other sources of useful information; suggestions for the content of the school outreach pages; tips on presenting to young children; statistics on the translation and interpreting professions; visual aids; and a good amount of actual presentation material, in Word and Power Point, designed for students from elementary school to the university level. All contributors will be acknowledged on the website, but we can’t resist this opportunity to say thanks to everyone who sent in a response—positive or negative.

The four respondents who opposed the initiative did so largely because they believed that promoting the translation and interpreting professions in schools would only encourage underqualified young people to enter the market. This, they reasoned, would ultimately drive rates down by increasing the supply of unqualified translators who charge too little for substandard work. But we’re convinced that school outreach, done right, will actually raise professional standards in the industry, not lower them.

“…ATA has about 9,000 members: if each of us speaks to just one class of 25 students a year, we can reach over 200,000 young people annually…”

Making a presentation on the language professions at your child’s elementary school career day or your local university is a lot of fun, sure, but it goes well beyond feel-good busy-work. We see at least two good reasons for taking it seriously. First, an astonishing number of teachers in the U.S. are unaware of translation and interpreting as professions and are actually discouraging their students from studying foreign languages since “there are no jobs other than teaching.” That means it’s up to us to tell students what it really takes to be a qualified professional translator or interpreter. The second reason is that the linguists-to-be in America’s classrooms today are sitting next to a whole lot of clients-to-be. The more these future doctors and lawyers and businesswomen know about our professions, the more likely they are to appreciate the importance and complexity of our work—and compensate us accordingly. It’s no accident that Article II of ATA’s bylaws cites “promot[ing] the recognition of the translation and interpretation professions” as the No. 1 purpose of the association.

So we’ve spent the summer going through what you sent us and mapping out the new web pages. Our primary criteria for the school outreach pages are convenience and reassurance: quick, easy access to effective content, combined with practical tips on public speaking to minimize nerves and make the classroom experience fun for everyone. If the design work goes as planned, the new pages will be organized as follows:

Level 1: From the Members Only section of the website, the user will click on a link to the School Outreach area: “For information on making presentations in schools and universities, click here.”

Level 2: An introductory page providing general guidelines will appear, with the option to click on one of four age groups (elementary school, middle school, high school, and university).

Level 3: Each of these four pages will present age-appropriate guidelines and presentation ideas for the selected age group, plus links to sample presentations and core material.

Level 4: The links at Level 3 will take the user to actual presentation materials, which can then be downloaded in various formats, printed out, and (in most cases) edited to reflect the user’s personal experiences.

ATA Treasurer Jiri Stejskal graciously consented to review the
incoming presentation material for accuracy of facts and figures, and web design work began in September. If all goes well, the new pages will be formally introduced at a special Grassroots PR session in Phoenix, where we will be joined by Dorothee Racette and Courtney Searls-Ridge for a panel presentation. After a brief tour of the new pages, each of us will present tips on speaking to a specific age group: elementary school, middle school, high school, and university.

The site will continue to evolve and be updated, so it’s still not too late to contribute if you’ve just remembered something or had an idea. And while we originally envisioned this as part of the Members Only section, a few of the responses we received in February have caused us to consider opening it up to nonmembers as the ATA website becomes more outward-oriented. We welcome your thoughts on this point.

We hope that the school outreach pages will make you want to head over to the nearest school and start talking. The time and energy you’ll invest are sure to pay off. ATA has about 9,000 members: if each of us speaks to just one class of 25 students a year, we can reach over 200,000 young people annually. That’s thousands of future translators and interpreters who’ll learn early on what is required of them—and have higher professional standards as a result—and thousands of future clients who’ll be better educated, savvier consumers with a better appreciation of the demands of our field. Raising awareness of translation and interpreting among these future businesspeople will help solve many of the problems facing us today.

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**ATA is here to help you ... Twenty-Four**

Websites: [www.atanet.org](http://www.atanet.org)  
Mail: American Translators Association  
Phone: 703.683.6100  
E-mail: [ata@atanet.org](mailto:ata@atanet.org)  
Fax: 703.683.6122  
Address: American Translators Association  
225 Reinekers Lane  
Suite 590  
Alexandria, VA 22314

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**TIP-Lab 10th Annual Distance Spanish Translation/Revision Workshop**

TIP-Lab is pleased to announce its 10th Annual Distance Spanish Translation/Revision Workshop, scheduled for January to June 2004. Participants will be accepted on a first-come-first-served basis. Excellent command of both Spanish and English is a requirement. In the course of the workshop, four texts will be translated by the participants, reviewed by Leandro Wolfson, a professional translator from Argentina, and returned to each translator with revisions, annotated comments, and a model translation selected each month from the group. As in previous years, application for continued education credit (20 hours) will be submitted to the Judicial Council of California and the Washington State Courts. Additionally, TIP-Lab will be applying for ATA accreditation continued education credit.

The registration deadline is Monday, December 15, 2003. For further information and to request a brochure with the registration form, call, fax, or e-mail: TIP-Lab, c/o Alicia Marshall (847) 869-4889 (phone/fax), e-mail: aliciamarshall@comcast.net.
ATA Names New Insurance Program Administrator

Hays Affinity Solutions (HAYS), a division of Hays Companies, has been selected as ATA’s new program administrator for the Professional Liability and Business Owners insurance plans, effective 9/2/03.

Because our members’ participation in a quality plan is important to us, we have made the decision to use the services of a new brokerage firm—one that is experienced in delivering customized products in a client-focused, prompt, and professional manner.

What does this mean to ATA members?

• The same Comprehensive Coverage at Competitive Pricing

• Continued Client-Focused, Quality Driven Customer Service delivered by staff who have worked on the ATA plan for over seven years.

• Continued website access to online application services (http://ata.haysaffinity.com)

In the weeks ahead, ATA members will receive information directly from HAYS outlining the products and services available through this new partnership. If you have any questions in the interim, please do not hesitate to contact HAYS directly at (866) 310-4297. Ask for Chris Jones or Mary Durig. Likewise, if you are currently insured in the program and have questions regarding your coverage, please contact HAYS immediately.

Please discontinue the use of the old toll-free number through National Professional Group. Their office has closed and they are no longer able to service our business.

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Tactics of Great Mentors

By Barton Goldsmith, Ph.D.

Could you use some great tactics to help motivate and develop your team? Understanding a tactical approach is your first step. Unlike strategic plans, tactics are processes you can immediately put to use. The key is not just implementing these ideas, but doing it in such a way as to achieve positive results in the short term. Here are some tactics used by mentors in some very successful companies.

The Truth About Motivation

Motivation is a word that has been kicked around in business for well over 50 years. The trouble is that we keep coming up with superficial “incentives” that can make team members feel insulted or cheapened. Nothing you can give a person (short of a yacht) will motivate them as much as recognition and support from their supervisors and peers.

Tactics like “Employee of the Month” don’t work because you only create one winner—and dozens of losers. Making sure that everyone shares in “the win” creates a team out of a staff. That is the definition of Esprit de Corps. As companies grow, team members can suffer because attention can be diverted from individual efforts. Effective mentors/managers believe in publicly recognizing the contributions of their entire team by celebrating large and small successes. These individuals also make an effort to mentor team members to enable them to take on positions requiring authority.

If team members know their mentors and managers support them, they will have the gumption to take risks, to try new ideas, and experiment. These are the behaviors that help companies grow. Support and recognition are the most powerful motivational tools a mentor can use. Encourage your people to step up to the plate, recognize them for making the effort, and reward them substantially when they hit a home run.

Pay for Performance

A merit raise, such as giving a salary increase because someone has been with the company for a period of time, is not an effective tactic. Unfortunately, most people won’t do any more than they have to unless you give them a reason. Rewarding performance, large and small, is highly effective and results in a better bottom line for the company and the team member. This tactic has been used by sales teams for decades and is now finding its way into mainstream business.

“...Support and recognition are the most powerful motivation tools a mentor can use…”

The “pay for performance” practice leads to stronger teams because individuals realize that they must depend on their teammates to create business. A natural mentoring process takes place when a sales closer works closely with a lead generator to ensure proper prospecting. Some closers “spiff” (offer small cash or equivalent rewards) their lead generators for great prospecting. Likewise, a sales manager will “spiff” those who close a certain amount of sales. These are small examples of performance rewards, but there is a bigger picture. Everyone wants to be part of something larger than they are, like a growing company. Tactics such as an employee stock option plan or phantom stock/equity have proven to be highly effective motivational tools. In addition, mentoring your team to reach big goals by significantly rewarding them creates profound results.

Self-Evaluations

People know how well they are doing and what they are not doing well. Most of the time, mentors are more concerned with telling their charges how to do better, rather than asking them what they think they are doing right. In an honest relationship, both parties should be able to express their feelings about their progress. If team members truly want to grow, they will be able to have objectivity about their performance. There are several “Self-Evaluation” questions that can help create a positive dialogue and make the self-evaluation process more effective than a typical performance review. These questions will be great fuel for helping you both understand how progress is being made and what course corrections are necessary. It also opens the door for some serious career mentoring. Most importantly, it will help you both discover the skills that need to be developed in order to achieve your mutual goals.

For a free copy of the self-evaluation questions, send an e-mail with “Self-Evaluation” in the subject line to barton@bartongoldsmith.com. The questions, along with some suggestions for implementing the process, will be forwarded to you.

Don’t Take Away Their Problems

When things get busy and hectic, as they often do, and team members come to you with a problem that you can clearly see the answer to, it is tempting to solve it for them. This is not mentoring. By solving their problems you take away their opportunity to become educated and their...
The world of translation and interpretation is constantly changing, and yet the more things change, the more they stay the same, at least in reference to one of our profession’s biggest problems: our barely there public image. Recently, ATA’s Public Relations Committee has stepped up its efforts to garner more press coverage for our organization and exhort the membership to get out there and make itself heard. As a result, more T&I professionals seem to be recognizing the problem and pondering some solutions.

In an article about a new localization organization that appeared in the May 2003 ATA Chronicle, Hans Fenstermacher makes an appealing call to arms: “Let’s start by changing our persona, debunking the false notion that all we do is cobble together a network of dubious data processors. Let’s take the lead on our own image, much like the IT profession that managed to change its portrayal as Dorito®-eating, socially inept geeks to invaluable, highly indispensable (and highly paid) cornerstones of successful corporations…Let’s create our own public relations monster.”

Yes, a Godzilla-size public relations monster would be just the ticket. But how do we get there from here? Many PR activities and ideas—everything from staffing the phones at a public TV station’s fundraising drive to the time-tested letter to the editor—have been discussed in the pages of the ATA Chronicle and at ATA Annual Conference presentations. Individuals can and do make a difference. But let’s be honest here: how often can you take time out of your busy schedule to actually do any of these things? In addition to making a living, family concerns and errands seem to eat up much of our remaining time. You hear that newscast talking about “translators” helping U.S. armed forces interview Iraqi POWs and let it slide, or you let your local school’s phone number languish on a Post-It on your computer for months.

Well, you don’t have to feel guilty anymore! In exchange for about 15 minutes of your time, you can establish an arresting, unique, highly visible, and tax-deductible way of advertising your services and telling people about your profession: a vanity license plate.

Many states, including Ohio, will let you check the availability of particular vanity plates and order them online. Costs vary from state to state, but are generally not more than you would pay for a box of new business cards. I ordered my plates a few months ago and was amazed at the response I received. My neighbors noticed immediately: “Your new plates are so cool!” I had a lengthy discussion with my mailman about what I do because he saw my plates. My dog-sitter commented admiringly on them. I even turned the head of a toll lady on the Ohio Turnpike as I pulled up to her booth: “You’re a translator, huh? What languages do you work in?”

My new vanity plates advertise my services every time I back out of the garage. (Photo: Margaret Nevits/Waltraud Knudsen)

“…Every time I find myself stuck in traffic, I smile, because I know the driver behind me is thinking about what I do…”

From Ann Sherwin, a German-to-English translator in North Carolina. Isn’t she lucky to live in a state that allows eight characters on a vanity plate? (Photo: Courtney Searls-Ridge)
It turns out I am not the first translator to have this idea. Courtney Searls-Ridge kindly supplied members’ vanity plates from three other states.

The plates serve as excellent advertising for my services as well. It wouldn’t surprise me if I started talking to someone in a parking lot about them and got a job as a result! (It hasn’t happened yet, but give it a few more months.) But the best part of all is this: every time I find myself stuck in traffic, I smile, because I know the driver behind me is saying, “Trains-l-eight-er…oh, translator!” and thinking about what I do. Now that’s what I call mindshare!

With special thanks to Courtney Searls-Ridge, Alexandra Russell-Bitting, Neil Inglis, and Chris Durban.

This is Courtney’s very own license plate! She has had this tag for about 10 years and reports, “People strike up conversations with me about it all the time.” It has since moved to take up residence on a black VW Cabrio. (Photo: Courtney Searls-Ridge)

Jacki Noh, a Korean interpreter and translator from California, sports this plate on a beautiful Lexus LS 400. (Photo: Courtney Searls-Ridge)

Tactics of Great Mentors Continued from page 23

ability to solve problems for themselves. People learn best when they face new challenges, and as a result, gain the skills to solve other, more difficult, problems.

Using the Tactics

Understanding and utilizing the tactics mentioned here will help you mentor your team members to become more effective and to become leaders and mentors themselves. These are the tactics that will make your mentoring process an exciting part of your company culture. In addition, your team members will be inspired to reach new levels of performance. This is the essence of mentoring.

ATA’s Customized Website Program

ATA and Two Radical Technologies (2RAD) have teamed up to provide ATA members an opportunity to build their own customized websites. Through 2RAD’s online creation tools—RADTown—ATA members will be able to set up their own online presence. For more information, please contact 2RAD at radtown@atanet.org or log on to www.atanet.org/radtown.
Administrative Office of the United States Courts
Federal Court Interpreter Program

By Marijke van der Heide

As provided in Title 28 of the United States Code, Section 1827, the Court Interpreters Act requires the director of the Administrative Office of the United States Courts to prescribe, determine, and certify the qualifications of persons who serve as certified interpreters in the federal courts when the director considers such certification to be merited for either persons who are hearing-impaired (whether or not they are also speech-impaired) or persons who speak only or primarily a language other than English. The use of competent federal court interpreters in proceedings involving speakers of languages other than English is critical to ensure that justice is carried out fairly for defendants and other stakeholders.

Interpreter Skills

The professional knowledge, skills, and abilities required of a federal court interpreter are highly complex. The interpreter must be highly proficient in both English and the foreign language. In addition, the interpreter must remain impartial throughout the proceedings. Most important, an interpreter must be able to accurately and idiomatically render the message from the source language into the receptor language without any additions, omissions, or other misleading factors that in any way alter the intended meaning of the message from the source-language speaker. Communication in courtroom proceedings may be more complex than in other settings or in everyday life. For example, the parties involved may use specialized and legal terminology, formal and informal registers, dialect and jargon, and variations of language and nuances of meaning. The interpreter must be equally adept at simultaneous interpretation, the most frequent form of interpretation used in the federal courtroom, as well as in consecutive interpretation and sight translation. The interpreter must possess excellent public speaking skills, including appropriate delivery and poise, and exude the highest professional standards for courtroom demeanor and professional conduct. The constant interplay of all these factors in the courtroom makes the interpreter’s task exceptionally difficult.

“…The use of competent federal court interpreters is critical in ensuring that justice is carried out fairly for defendants and other stakeholders…”

Language Requirements

The single greatest operational requirement in the federal courts is for Spanish-language interpreters. However, there is also a need for interpreters in many other languages. In fiscal year 2002, district courts reported that they used interpreters in 174,138 events, in 109 different languages. Spanish remains the most used language for interpreters in the courts, accounting for 93.7% of all reported events (163,111), followed by Arabic (1,689). Other frequently used languages in fiscal year 2002 were Mandarin (1,255 events), Russian (730 events), Vietnamese (643 events), Cantonese (628 events), Korean (626 events), Haitian Creole (551 events), French (403 events), and Punjabi (309 events).

The need for specific language interpreters is determined by the local district courts and not by the Administrative Office. However, in accordance with the Court Interpreters Act, the Administrative Office prescribes the standards and guidelines for selecting and using interpreters in federal court proceedings.

Interpreter Categories

• Certified Interpreters. Certified interpreters have passed the Administrative Office’s Federal Court Interpreter Certification Examination. To date, certification programs have been developed for Spanish, Navajo, and Haitian Creole. In these languages, the courts select from available interpreters who have met the Administrative Office’s criteria for certification. The Administrative Office’s Spanish-to-English certification examination is administered in two phases and includes written and oral tests that, among other things, measure a candidate’s ability to accurately perform simultaneous as well as consecutive interpretation and sight translation as encountered in the federal courts. The Navajo and Haitian Creole examinations were originally administered in 1989, and are not presently scheduled for administration in the future.

In languages other than Spanish, Navajo, and Haitian Creole, interpreters are designated as “professionally qualified” or “language skilled.”

• “Professionally Qualified” Interpreters. There are two ways in which one can be designated as “professionally qualified.” An individual with previous employment as a conference or seminar interpreter with any U.S. agency or with the United Nations or a
similar entity may be deemed “professionally qualified” if the condition for employment includes successfully passing an interpreter examination. Another way to be deemed “professionally qualified” is to be a member in good standing in a professional interpreters association that requires a minimum of 50 hours of conference interpreting experience in the language(s) of expertise. Candidates also need the sponsorship of three active members of the same association who have been members for at least two years and whose language(s) are the same as the applicant’s. The three active members will need to attest to having witnessed the applicant’s performance and to the accuracy of the statements on the application. Individuals who can demonstrate to the local court that they are eligible in either of these two ways can be classified as “professionally qualified.”

• **“Language Skilled” Interpreters.** Interpreters who are not certified (Spanish, Navajo, or Haitian Creole) or considered “professionally qualified,” as described above, but who can demonstrate to the satisfaction of the court their ability to effectively interpret from the foreign language into English and vice versa in court proceedings, can be classified as “language skilled” interpreters.

**Staff and Contract Interpreters**

Seventeen federal district courts nationwide currently have a combined total number of 85 authorized staff interpreter positions. The interpreters are employees of the court. All staff employees are certified by the Administrative Office, which is one of the minimum requirements for the position. One of the current cadre of staff interpreters is federally certified in Navajo, and all the other staff interpreters are federally certified in Spanish. Although the Judicial Branch has a different personnel classification system from the Executive Branch, staff interpreter positions are classified equivalent to grades GS 12 through 13; supervisory positions are classified equivalent to a GS 14. Like other federal government employees, all court employees receive applicable locality pay.

All other language requirements for court interpreters in federal courts, whether in Spanish, Navajo, Haitian Creole, or all other languages, including sign language, are filled by contract interpreters.

**Contract Court Interpreter Fees**

Certified and “professionally qualified” interpreters are paid at a higher rate than “language skilled” interpreters. Contract interpreters are paid by the half-day or full-day, regardless of the number of events or the number of different court units to which the interpreter may be assigned during that period. The current rates are:

- **Certified and “Professionally Qualified” Interpreters:**
  - Full-Day: $329
  - Half-Day: $178
  - Overtime: $49 per hour or part thereof

- **“Language Skilled” (Non-Certified) Interpreters:**
  - Full-Day: $156
  - Half-Day: $86
  - Overtime: $27 per hour or part thereof

Overtime payments are payable only for the time worked in excess of eight hours in one day. Overtime payments are not applicable to travel time.

Other compensation may consist of applicable travel reimbursements, per diem, and cancellation fees in accordance with the policies of the Administrative Office.

**Application Process**

Individuals who are interested in becoming federal court interpreters in Spanish, Navajo, or Haitian Creole must successfully pass the federal court interpreter test battery. For other languages, individuals may contact local federal courts to determine if that court has a need for the language of expertise. To be considered as a “professionally qualified” interpreter, an individual must submit a resume to the local federal court to determine whether the prospective interpreter is either “professionally qualified” or “language skilled.”

**The Federal Court Interpreter Certification Program**

In addition to requiring the director of the Administrative Office to prescribe, determine, and certify the qualifications of persons serving as certified interpreters in the federal courts, the Court Interpreters Act further states that interpreters shall be certified on the results of a criterion-referenced performance test. The Act also states that the director will make the determination as to which languages will be certified. Currently, certification testing is being offered only in Spanish-to-English.

Spanish-language interpreters seeking federal certification can find extensive information on the
Spanish-to-English certification examination either by contacting the Administrative Office’s contractor at (916) 263-3600 or by going to www.cps.ca.gov/fcie-spanish. The Examinee Handbook includes registration information, test policies, self-assessment instruments to determine readiness to take the examination, and sample written and oral examinations.

The Administrative Office plans to conduct two studies in the coming year, a needs analysis and job task analysis, in order to determine court requirements for interpreting services in languages other than those for which a certification process already exists. The results of the needs analysis will form the basis for decisions regarding the identification of languages for certification, in addition to Spanish. The job task analysis will provide specific details for the content of any future test development deemed necessary in the language or languages identified in the needs analysis.

National Court Interpreter Database

The Court Interpreters Act requires the Administrative Office to maintain a current master list of all court interpreters. The National Court Interpreter Database was put on the Judiciary’s intranet site in July 1999 to assist courts in locating court interpreters in a multitude of languages. The Administrative Office enters and updates all information on certified interpreters, and the courts enter and update data for those known as “otherwise qualified interpreters” in the courts. (“Otherwise qualified interpreters” are referred to as such due to the fact that they possess the qualifications the court is looking for, but there is no official certification offered in their languages.)

At the end of fiscal year 2002, the database contained the names of 841 certified interpreters and over 1,444 “otherwise qualified interpreters” in 93 languages. In addition to the National Court Interpreter Database, the federal courts maintain local rosters of qualified interpreters. Interpreters seeking contract employment should contact the federal court in their local area to ask to be placed on the local roster. The court can then decide whether to place the interpreter’s name in the National Court Interpreter Database based on local experience with the interpreter.

The court’s decision to place an interpreter in the National Court Interpreter Database is based on the court’s satisfaction with the interpreter’s performance and demonstrated abilities.

Telephone Interpreting Program

To address the lack of available qualified interpreters in some areas of the country, the Telephone Interpreting Program was developed. This program provides remote interpretation in short proceedings where certified or “otherwise qualified” court interpreters are not locally available. In April 2002, the Telephone Interpreting Program was made available to all federal district courts after a pilot program and the development of a website, internal to the Judiciary, for scheduling telephone interpreting events.

In fiscal year 2002, the Administrative Office’s Telephone Interpreting Program was used in nearly 1,600 events. The number of user courts rose to 24. The federal district courts also provide remote interpretation from headquarters offices to divisional offices within the district. The total number of interpreted languages rose to 27. Spanish was used for 88% of the telephone interpreting events. As in the previous year, 77% of the telephone interpreting was handled by staff interpreters and 23% by contract interpreters. It has become clear that telephone interpreting is very cost-effective and ensures that only certified interpreters are used when such resources are not available locally.

Interpreter Orientation Video

In collaboration with the District Court Administration Division, the Federal Judicial Center produced the CINE Golden Eagle Award-winning video entitled “Taking the Interpreter’s Oath to Heart: An Introduction to the Requirements for Interpreting in the Federal Courts.” This video orients first-time court interpreters to some of the requirements in the federal courts. It can also aid others involved in court proceedings that require the services of interpreters in understanding the interpreter’s task. Copies have been disseminated to all federal courts.

Conclusion

The Federal Court Interpreting Program is a dynamic and important program within the federal court system. As mentioned earlier, competent interpreters are critical in ensuring that justice is carried out fairly for defendants and other stakeholders.

For the latest media reports featuring ATA in the news, visit www.atanet.org today!
New Standards and Procedures of the Office of Court Interpreter Services of Massachusetts

By Jaime Fatás Cabeza

In May 2002, the Trial Court of Massachusetts (TC), pursuant to Massachusetts General Laws, c. 221C, § 7(d), and through its Office of Court Interpreter Services (OCIS), promulgated the Standards and Procedures (S&Ps) for interpreting services. The self-declared purpose of the S&Ps is “to provide interpreters, judges, attorneys, and other court personnel with important information about accessing, using, and providing quality interpreter services in the Massachusetts Trial Court, and with guidelines to follow when requesting or acting as interpreters through the Office of Court Interpreter Services.” The S&Ps represent a major review of previous principles, application and authority, service guidelines, and disciplinary and appeals measures for all interpreters providing interpreter services to the TC. The S&Ps also reaffirm the acceptance of “linguistic presence” as a fundamental component of the right to be present at all stages of the legal proceedings.

A Bit of History

In 1986, the Massachusetts Legislature approved the “Court Interpreters Law”2 in an effort to remove language barriers from the courts of the Commonwealth. The law declared that: “A non-English speaker, throughout a legal proceeding, shall have a right to the assistance of a qualified interpreter who shall be appointed by the judge…” In order to implement and monitor this newly created legal right to linguistic access, the law established a Committee for the Administration of Interpreters (CAI). The CAI was to be chaired by the Chief Justice for Administration and Management (CJAM) of the TC, and composed of other justices and clerk-magistrates of the district, superior, probate, and family court departments. The CAI was to select and appoint a coordinator of interpreter services to head the Office of Court Interpreter Services (OCIS). The coordinator would administer the interpreter program and, specifically, “propose standards and procedures for the training, professional conduct, certification, qualification, and adequate compensation of certified and qualified interpreters,”3 as well as appoint professional and clerical personnel as needed. Oddly enough, the CAI’s composition didn’t include interpreters, who, therefore, lacked representation on the committee that administered to them. After the creation of the CAI and OCIS, the Trial Court created and established a pilot program in Essex County.

OCIS set compensation at $20 an hour with a two-hour minimum. With the advent of certification,4 a higher rate for certified interpreters was established at $30 per hour, again with a two-hour minimum. A couple of years later, OCIS published a seriously flawed Code of Conduct (Code). The Code failed to reflect current thinking regarding professional ethics, giving only one-size-fits-all answers to complex situations. The Code is still in effect.

The 1986 Court Interpreters Law made OCIS the official provider of interpreting services, with a mandate to work with certified and accredited interpreters, but failed to mention the Judicial Language Center (JLC), the de facto provider of ad hoc interpreting services, before the law’s approval. These different standards caused disagreements that resulted in frequent ethical and professional conflicts that gradually got worse. There was also a third group of interpreters operating within the TC, composed of those on the individual court payrolls, working directly for the courts. Those jurisdictional and procedural conflicts remained unresolved for 12 years until the OCIS and JLC were consolidated in 1998.5

In subsequent years, the interpreter program suffered from neglect. There was no change in interpreter compensation for the next 12 years. During this period, due to the number of new immigrants, the need for interpreting services in the trial courts and departments increased constantly, reaching staggering proportions during the late 1990s.6 Ironically, the CAI, which had met briefly after the statute was enacted, disappeared shortly thereafter, leaving interpreting services without supervision. Despite many attempts by some interpreters to argue for professional improvements or pay increases, certification and accreditation procedures remained arbitrary or nonexistent. The relationship between interpreters and management was tense and uneven, characterized by a lack of accountability, passivity, and arbitrariness on both sides. It was
only after the creation of the Judicial Interpreters of Massachusetts (JIM), and after considerable negotiation between JIM and the TC, that the TC decided to address the revamping of interpreter services.

1998-2003

In 1998, Judge Irwin, the departing CJAM, signed Fiscal Memo #10 (Memo #10) as one of the last actions of his tenure. Memo #10, an incomplete document that included difficult procedural steps, failed to establish workable and durable standards. Nevertheless, Memo #10 brought about a much longed-for change for interpreters: a raise in compensation, which had remained stagnant for the previous 12 years. Interpreter rates, in a departure from the two-hour minimum standard, were established on a per diem basis. The new rates meant that it was now possible to make a living working as a judicial interpreter and translator, and were critical in improving interpreter retention.

The arrival of Justice Dortch-Okara as CJAM heralded a new era in interpreter affairs. JIM submitted several documents to the CJAM and the CAI, outlining chronic, urgent problems and proposing solutions. Justice Dortch-Okara met with interpreters’ representatives, reinstated the CAI as a supervisory entity, allowed Massachusetts to affiliate with the National Consortium of State Courts, and appointed an ombudsman. She also requested an audit of OCIS. Shortly after, the CJAM replaced OCIS administrators. This important reorganization was reassuring to court staff and interpreters, and a new atmosphere of cooperation with administrators slowly emerged.

In 2001, the TC submitted to the Massachusetts Legislature a request for funds for a substantial increase in OCIS’s administrative budget. Part of the money was earmarked for creating interpreting positions (a first in Massachusetts history) and for office space, administrative staff, and a resource center. The petition reflected the renewed commitment of the TC towards linguistic services and cultural diversity. The petition also recognized the essential nature of the function that interpreters fulfill in the administration of justice. The Massachusetts Legislature approved the request.

At the beginning of 2002, the Legislature, facing a severe fiscal crisis, announced cuts. The overall crisis was so severe that the unions representing TC employees accepted furloughs. To cope with budgetary restraints, OCIS began to streamline services and eliminate wastefulness wherever feasible, reducing and regionalizing services. Services provided to the courts were drastically abridged. Interpreters, attorneys, and persons with limited English proficiency (LEP) speakers—the latter largely from minorities at the bottom of the social ladder—bore the brunt of the cuts. The Office of the District Attorney, the Committee of Public Counseling Services, and the Victim and Witness Advocate units could no longer rely on OCIS for certified interpreters. OCIS stopped offering translation and transcript services altogether. Team interpreting at trials was no longer an option. Interview work was eliminated. Judicial interpreters, who formerly had full days and a possibility of a profession dedicated to the TC, suddenly had to scramble for other work. The much-needed regionalization of assignments for languages of higher diffusion was implemented based exclusively on location, without consideration of experience or specialization. It virtually eliminated travel time, an important financial complement. Most interpreters were forced to seek supplemental employment. Although OCIS resorted to unorthodox and “creative” scheduling techniques to better use its dwindling resources (like “bundling” cases and multiple points of service for interpreters), it became obvious that its mission, as it was previously conceived, was in jeopardy.

To draw attention to this precarious situation, the Massachusetts Law Reform Institute and JIM coordinated a platform composed of freelance interpreters and legal organizations in an effort to persuade the Massachusetts Legislature to pass the supplementary financial appropriation for interpreters requested by the TC, and to give the CJAM authority through the end of the fiscal year to move money around in order to preserve vital functions. Thanks to this seminal initiative, in which all parties joined forces for a common cause, OCIS was able to retain funding for seven new permanent positions, although the approved improvements were cancelled.

The Office of Court Interpreter Services (OCIS) from the Trial Court of Massachusetts at a Glance

**Budget**
- $4 million (approximate per diem costs), plus $1.3 million for staff and administration

**Staff**
- Manager
- Program manager for court interpreter training
- 8 administrative staff
- 9 staff interpreters

**Operations**
- 70,774 assignments in 2002
- 73 languages covered
• 10 staff interpreters (9 Spanish, 1 Portuguese)
• A pool of approximately 130 freelance interpreters, of which 70-80 are used regularly
• Interpreter services for the Deaf and Hard of Hearing provided through the Massachusetts Commission for the Interpreters for the Deaf and Hard of Hearing (about three assignments weekly)

The S&Ps

To normalize the situation, the CJAM ordered the production of a consolidated set of Standards & Procedures for the Trial Court’s interpreter system. The recently promulgated version of the S&Ps is the result of a process in three stages: First Draft, Second Draft, and a round of five public hearings.

The First Draft

The First Draft was the result of the TC’s unilateral effort, coordinated by the acting director of Planning and Development, who was assisted by legal counsel and the OCIS training manager. No other parties were invited to participate in its preparation. A staff attorney from the Massachusetts Law Reform Institute had to request that copies of the S&Ps be sent to interested parties not being consulted. Only then were copies of the document sent to a few selected individuals.

The First Draft addressed three main areas: access, compensation, and the Code of Conduct. Its purpose seemed to be to create a single unified document from the 1988 Code and the 1998 Memo #10. For the most part, the First Draft perpetuated the serious flaws of these documents. In addition, to deal with a general budget shortfall, the proposal restricted its previous LEP speaker access policy and downgraded interpreter compensation.

Access Restrictions for LEP Speakers and Cuts in Pay

In its opening section, the First Draft stated:

These standards seek to: 1) assure meaningful access to court proceedings for [LEP] speakers; 2) protect the constitutional rights of criminal defendants to the assistance of [a] court interpreter during court proceedings; 3) ensure due process in all phases of litigation for [LEP] speakers; 4) ensure [the] equal protection of the law for [LEP] speakers.

But then, in Chapter 8 (D) it stated:

The OCIS will not provide interpreters for witness interviews, depositions, or other interpretation outside of [deletion] court proceedings. The OCIS will not provide translation services outside of [deletion] court proceedings.

This change of policy ignored the TC’s obligation to provide access to LEP speakers under Title 6 of federal law and c. 221C of the Massachusetts General Laws, which is an obligation similar to that of providing access to people with disabilities under the Americans with Disabilities Act. However, without bilingual staff available, cases involving LEP speakers may fall through the cracks or be denied access. Consequently, seamless access to justice at every level of the court deteriorates. Although it is obvious that the budget dictates the ability to meet these demands, the TC’s principles should maintain its mission.

A poorly worded First Draft also apparently rescinded the policy of compensating interpreters on a per diem basis, reverting instead to the pre-1998 hourly rate. It also proposed an additional 50% reduction in travel compensation, removing the incentive for interpreters to drive long distances and cover several courts on the same day.

Interpreter Representation

Representatives from several organizations, including the Massachusetts Law Reform Institute, JIM, and Greater Boston Legal Services, sent detailed commentary outlining the perceived deficiencies, proposing solutions, and requesting a different, more inclusive approach to include the participation of interested parties. Interpreters also complained about the fact that the First Draft did not provide any venues for representation of interpreters by interpreters. They requested the opportunity to address the CAI regularly and directly, as well as to participate in policy and procedure discussions. After studying the written commentary submitted, the authors of the First Draft met with a representative of the interpreters and two from legal organizations to discuss possible changes. A reviewed version was then sent to the CAI. The CAI’s meetings are confidential so there is no direct information that sheds light on this part of the process.

The Second Draft and Public Hearings

A few weeks later, OCIS announced that, in accordance with the General Laws of Massachusetts, five public hearings would be held throughout the state to provide judges, attorneys, court staff, interpreters, and the general public an opportunity to comment on the S&Ps. Simultaneously, OCIS posted the Second Draft.
on its website. The new version modified the section on compensation, reverting to the previous per diem compensation agreement, but still did not provide any venues for compensation adjustments or increases, nor any protocols for communication between management and freelance interpreters. It excised the section dealing with the Code of Conduct and introduced a new element: the Criminal Offender Registry Information (CORI) check requirement for employment of interpreters.

Realizing that the Second Draft still restricted equal access, many concerned parties appeared at the public hearings. There was consensus about the need for standardized procedures and, at the same time, about the inappropriateness of the measures proposed by the TC. An overwhelming majority of the participants urged the CAI to reconsider the provisions contained in the S&Ps before its promulgation. New Bedford Presiding Justice Sabra stated that while there is an ever-increasing flow of LEP clients, the TC made no mention of expanding or improving interpreting services. Judge Sabra reaffirmed the vital need for interpreters, saying that, without them, judgments must be postponed and mistakes occur when court staff try to interpret. Lynn’s Presiding Justice Dever stated that, “…interpreters are the lifeline of delivering justice for our clientele…They are needed at every level…I encourage that there be no diminution of current standards…The right to a… certified interpreter is guaranteed by statute as well as due process requirements in both the U.S. and Massachusetts Constitutions…. Some rights such as the right to a certified interpreter are so central to due process and justice [that] they cannot be sacrificed on the altar of fiscal constraint!”

The fundamental shortcomings of the S&Ps were summarized as follows:

• The responsibility of OCIS to provide competent interpreter services to parties and witnesses was unduly restricted to legal proceedings in a courtroom or other places where a judge is presiding.

• There was no mention of participation of interpreters in administrative matters.

• There was no mention about compensation adjustments or increases. The TC, while holding the freelance interpreter to the same high professional standards as a TC employee (including the CORI check requirement), did not afford freelance interpreters a periodic cost of living adjustment increase nor step increases. Interpreters continued to be paid at the rates established five years ago. Interpreters have had only one pay raise in 16 years.

• There was no explicit procedure for providing an interpreter in an emergency situation where prior scheduling was not possible.

• There was no recognition of proven skills or skills acquired for freelance interpreters. A rookie interpreter earns the same rate as a 10-year veteran.

• There was no integration of the system for providing interpreters for the deaf.

• The bars were still too high for many capable bilingual people to become accredited or certified interpreters in languages of lesser diffusion.

• The Criminal Offender Registry Information (CORI) check requirement for employment of interpreters was rigid and would be unreasonable in many situations.

Feedback from the Judicial Interpreters of Massachusetts

JIM submitted a document signed by 26 senior interpreters in which it argued that it was particularly worrisome that, after months of preparation by a team of attorneys and managers from the TC, the First and Second drafts still showed fundamental flaws, evincing the defects in the document’s preparation process and its scope and content. In JIM’s opinion, most interpreters felt that the proposed standards failed to recognize their professional role and association with the court, pressuring them by putting many new limitations on their assignments and function and limiting OCIS’s capacity to attract interpreters and keep its pool of veterans. JIM also stated that the budget crisis, a predictably transitory situation, had been used as the justification to drastically limit the availability of interpreter services in the future as a matter of policy. In JIM’s view, policy and budgetary implementation should be seen as separate issues. The scaled-back policy set during the crisis would not allow for future normalization or growth of services, and the drafts did not properly appreciate or adequately reflect the growing dependency of the TC on interpreter services for the proper dispensing of justice.

Attorney Ernest Winsor, who drafted the Court Interpreters Law in 1986, offered the following additional commentary in a letter directed to CJAM Dortch-Okara:

“I wish to be recorded as strongly supporting two of JIM’s recommendations: 1) that the S&Ps...
should contain language providing for periodic review of compensation for interpreters, and 2) that the S&Ps provide that CAI membership include a representative of JIM. I think both of these suggestions are reasonable, fair, and could be easily carried into effect. As to the recommendation that JIM have a ‘seat at the table,’ it has occurred to me that if such language had been drafted into c. 627 of 1986 (and I kick myself that we did not!), it would have gone through and been implemented without a whimper…Since 85% of the court interpreters are per diem (contract) interpreters, it seems to me that simple justice and common sense would be served in having an appropriate representative of them at the table where interpreter policies and related decisions are discussed and decided.”

The Promulgated Standards and Procedures

Fortunately, the TC amended the Second Draft in the promulgated Standards and Procedures, reconsidering and correcting the undue restrictions to the provision of competent interpreter services to parties and witnesses in all legal proceedings in the TC departments. The TC deserves credit for listening to the comments made by concerned parties at the public hearings, although including concerned parties from the onset would have avoided much work and frustration. All in all, access for LEP speakers has been preserved. The cooperation of OCIS’s manager has also made possible the incorporation of some long-sought-after professional improvements, such as incentives for interpreters who cover two or more points of service and for multilingual interpreters.

Judge Dortch-Okara and members of CAI have shown an unprecedented willingness in removing language barriers from the courts of the Commonwealth. It has been nearly 20 years since any chief justice has so actively concerned him or herself with this task. This activism is timely, for globalization has multiplied many-fold the number of LEP speakers seeking justice in that same period. Judge Dortch-Okara’s and the CAI’s commitment to equal access and equal justice will be regarded as a very significant achievement.

However, the process leading up to the promulgation of the S&Ps showed serious flaws, and the promulgated version is still incomplete and contains some major problematic provisions and omissions. The TC imposed a complete control of the process from the start, resorting sometimes to unnecessary and detrimental measures that amount to a denial of due process to the concerned parties and which provide a poor substitute for consultation and cooperative work towards a common purpose.

The most urgent issues that remain unaddressed by the S&Ps are interpreter representation, periodic review of compensation, updating the Code of Conduct, and restoring interviews, translation, and transcription services. Creating more staff positions—which are cost-effective and necessary to fulfill the enormous increase in demand—is also a desirable measure. As I write this article, the TC has announced job openings for 11 new staff interpreters and a petition has been submitted to the CJAM to change the temporary quality of the TC’s interpreting program (technically, it is still a “pilot” program for a single county) to make it permanent and statewide. It would be in everybody’s best interest to tackle these issues quickly, giving a fair chance to all the interested parties to participate in the process.

Recent Legal Battles Affirm Interpreter Employee Status

In California, court interpreters have recently been granted the same rights as other court employees to organize and to be represented in their labor relations. In New Jersey, the Public Employment Relations Commission ruled that certain freelance court interpreters are employees, not independent contractors, allowing them to negotiate distinct and separate provisions that cover the unique concerns of freelance interpreters. The Illinois Labor Relations Board (ILRB), in a unanimous ruling, refuted the chief judge’s office’s mistaken classification of Cook County freelance interpreters as “independent contractors.” Interpreters effectively argued that their working conditions were similar to those of other professionals already classified by the ILRB as employees. Some of these are: steady employment, specified work hours, subjection to employer discipline and control, and employer-provided training and equipment.

Recognizing these circumstances is necessary in order to solve the historical neglect that freelance judicial interpreters have suffered in the TCs, and would result in a fairer and more equitable treatment of judiciary interpreters in the U.S. The activism of California, New Jersey, and Chicago is a good recipe to avoid future confrontation.

In Massachusetts, as in other states, the TC relies heavily on freelance interpreters, who represent 85% of the force. Freelance interpreters have been the driving force behind the reactivation of the CAI, the consolidation of the Judicial
Language Center and OCIS, and the effort to renew management structures and secure financial support for staff interpreters. Yet, they remain unrepresented and are looked upon as untrustworthy. Freelance interpreters have proven themselves as an essential and loyal TC asset. The TC has to learn to trust them.

Today, as in the past, immigrants continue arriving in this country. They are a quintessential part of the American experience. This experience shows that the best way to avoid conflict and serve everybody’s interests is to guarantee equal rights and equal access to all. To warrant this constitutional right, the people, institutions, agencies, companies, judges, doctors, attorneys—in sum, society at large—need communication professionals and structures that guarantee an accurate transfer of information among different cultural groups. Interpreters and translators are prepared to do precisely that. It is only a matter of common sense to rely on and trust interpreters to accommodate the needs and demands of an ever-increasing multicultural and multilingual society, and to grant judicial interpreters and translators the same rights granted to other professionals in the judicial system. The S&Ps of the Trial Court of Massachusetts is a giant step forward in that direction.

Notes
1. From the Standards and Procedures of the Office of Court Interpreter Services (OCIS). This document is available online at www.state.ma.us/courts/admin/interpreters/standards.html.

2. Massachusetts General Laws, c 221C.


5. The consolidation was achieved in good part thanks to the unrelenting documentary work provided by the Judicial Interpreters of Massachusetts (JIM).

6. OCIS had over 7,500 assignments in 1997, over 50,000 in 2001, and more than 70,000 in 2002, almost a tenfold increase in a five-year period.

7. JIM is an independent research and policy group formed by veteran interpreters in 1998.

8. During 2002, interpreters’ loss of income due to the new policies and restrictions averaged 30-50%, at a time when demand for interpreter services in the TC was skyrocketing.

9. More than 20 organizations supported the initiative. The Lawyer’s Committee for Civil Rights under Law of The Boston BAR, the Language Access Committee for the Governor’s Council for Racial and Ethnic Fairness, the Greater Boston Legal Services, the Massachusetts Association of Hispanic Attorneys, and the American Civil Liberties Union were among them.

10. The foremost stated purposes in the section on Professional Conduct of Interpreters [See S&P, § 4.01(A)(1)] are to: “1) assure meaningful access to court proceedings for LEP individuals;… 3) ensure due process in all phases of litigation for LEP individuals;… 4) ensure equal protection of the law for LEP individuals.” Unrepresented LEP litigants must exchange information with clerks and probation offices on what to do, what forms to fill out, etc. To do this successfully, they need the assistance of interpreters. Without that assistance, meaningful access for LEP speakers to legal proceedings will obviously be frustrated, not assured. If the parties cannot communicate in those places, LEP speakers will not be able to obtain meaningful access, due process, and equal protection.

11. The practice of using ad hoc interpreters—untrained bilingual employees, or in the case of languages of lesser diffusion, relatives of the LEP party, including children—is still common in Massachusetts.

12. Among those who provided commentary were Presiding Bernadette Sabra, Mary E. Hurley Marks, Martha Grace, Joseph L. Dever, First Assistant Probation Officer Ronald F. Lennon, attorneys Jeff Wolf and Ernest Winsor (Massachusetts Law Reform Institute), Jennifer J. Valiati (Legal Assistance Corporation of Central Massachusetts), Monica Halas (Greater Boston Legal Services), Simone Bui (Asian Battered Woman’s Project), Keith Halpern and Lee Valentine (Massachusetts English Plus Coalition), Janet E. Fine (Massachusetts Office for Victim Assistance), Karen L. Higgins (Massachusetts Commission for the Deaf and Hard of Hearing), Julie-Ann Larracchia (licensed social worker, Worcester, Massachusetts), Judicial Interpreters of Massachusetts (JIM), and other interpreters.

Continued on p.39
French law and Anglo-American law are based on two different underlying philosophical approaches. French (Cartesian) law begins with general principles which are then applied deductively to individual cases as a basis for a court’s decision—hence, the French system of codes (civil, criminal, commercial, etc.). The Anglo-American system is empirically based, arguing from experience rather than first principles, and, under common law, from actual cases to rules. French law is based on legislation, which is held to be of universal validity when applied to cases, while U.S. law has two sources: cases and statutes.

Thus, in France, every court decision is based on legislation, and no decision by the court can override legislation. According to the French civil code: “Judges are forbidden to pronounce general and regulatory decisions on cases that are submitted to them.” In practice, this is not quite so, because decisions of the Cour de Cassation, the highest appeals court, as well as decisions in which many courts concur (“jurisprudence constante”) often have the status of established law.

Even though the dissimilarities between the two systems have been reduced over time with the growth of statutory law in the U.S., the differences remain substantial. A major difference is that American courts can overturn legislation, which is impossible to do in France. Furthermore, there are branches of American law that are essentially based on case law rather than legislation. Also, and this may confuse American observers, there is no formal hierarchy for court decisions in France, in that a decision of the Cour de Cassation or of an appeals court, although of substantial weight, does not oblige the lower court to observe it except in special situations. The French hierarchical court system allows the parties to civil and criminal cases, except in the case of felonies, to appeal to a higher court for a full rehearing regarding the facts and laws pertaining to any judgment (double degré de juridiction).

The French judicial structure is divided into two broad categories: courts that rule on private (ordinary) law, known as juridictions de l’ordre judiciaire, and those that decide on public (administrative) law, called juridictions administratives. The private law courts are structured as follows:

I. Private (Ordinary) Law

A. Civil Courts

1. Civil courts of limited jurisdiction (tribunaux d’exception)

a. There are 437 lower civil courts (tribunaux d’instance), with several in each department. Each court is presided over by a single judge (in principle, the decisions of all other French civil courts are made by three or more judges on each case). These courts handle claims of up to 50,000 francs (about $7,500) in addition to dealing with many other matters (actions to protect or recover property, boundaries, rental issues, etc.). Decisions are subject to appeal only if the amount involved exceeds a minimum sum.

Over time, there have been increases in the scope of the authority of these courts, so that their jurisdiction is approaching general status.

b. There are 191 commercial courts (tribunaux de commerce) dealing with business contracts and related matters. These courts are not staffed by judges or lawyers, but by businessmen (juges consulaires) who serve without pay. They are chosen to serve by an electoral college composed of current and former judges and delegates from the business community.

c. There are 300 labor relations courts (conseils de prud’hommes) dealing with employment contract disputes relating to individual labor contracts only. Each case is decided by four judges (conseillers) who are not professional judges, half of them being elected by employers and the other half by employees (juridiction paritaire). In case of a repeated tie, a fifth judge (juge départiteur) from a tribunal d’instance is called in to cast a deciding vote.

d. There are 437 agricultural holdings (leases) courts (tribunaux paritaire des baux ruraux), which are coincident with the tribunaux d’instance and presided over by a tribunal d’instance judge. The other four members of the court (assesseurs) are elected equally from representatives of the landlords (bailleurs) and the tenants (preneurs). These courts are not in permanent session, meeting only on demand.

e. There are 116 Social Security courts (tribunaux des affaires de sécurité sociale [TASS]), which deal with “general matters.” A smaller number of Social Security courts for Proceedings for the Handicapped are part of the broader Social...
The French Judicial System Continued

Security system. Each region has a Social Security department director who furnishes the first president of the regional appeals court with a list of potential judges (assesseurs) for TASS, including employer and employee representatives. Three TASS judges are then selected for each court, one representing employers, one employees, and one serving as president who is chosen from judges of the regional court of general jurisdiction (see below).

There are a number of other tribunaux d’exception, some of which will be mentioned below.

II. Civil Courts of General Jurisdiction

a. The 181 regional courts (tribunaux de grande instance [TGI]) are courts of first instance. Parties generally can appeal to the appeals courts or to the Cour de Cassation (which can rule for or against lower court decisions on legal or procedural grounds, but not on substantive grounds). Each department has at least one TGI. These courts have general jurisdiction in civil matters, but excluded from their jurisdiction are cases reserved for tribunaux d’exception. The president of each TGI has substantial authority, notably to make interlocutory rulings in urgent matters (juge des référs). The president also assigns cases to the different chambers of the TGI. Each TGI has specialized chambers (commercial, family, claims, etc.). All cases are heard by a minimum of three judges from the TGI.

It should be noted that in all French courts, including the TGI, dissenting opinions of one or more judges are never announced, so that an appearance of unanimity is always presented.

b. The 35 appeals courts (cours d’appel) are courts of second degree, each usually covering several departments. They deal with both civil and criminal appeals. As in the case of the TGI, the head of the court (le premier président) has extensive authority, being authorized to act alone on urgent matters. This official is also chief administrator of all first instance courts in that jurisdiction, and also sits as a judge on the appeals court’s cases. The court has specialized chambers: civil, criminal, and social (which hears appeals on cases from the conseil des prud’hommes, the agricultural leases court, and the TASS). Cases are usually heard by three judges.

c. The Cour de Cassation is France’s highest private or ordinary law court, where cassation signifies the overruling of a judgment on legal or procedural grounds. As noted earlier, in cases of appeal, this court limits itself to rulings on law and procedure (juge du droit). In cases where it overrules the lower court’s decision, the case is returned to the appropriate appeals court for resolution. In principle, but perhaps not often in practice, decisions of the Cour de Cassation are not binding on the lower courts.

Here is the process by which appeals go to the Cour de Cassation and how this court handles them. The lower court (juge du fond) renders a verdict that is disputed. The complainant files an appeal (pourvoi) based on legal grounds (un moyen de cassation). The court then reviews the case on the basis of documents, not testimony. (In general, French courts, even courts of first instance, tend to rely primarily on documentary evidence rather than oral testimony).

Who hears the cases? The Cour de Cassation has six chambers: civil, commercial, financial, family affairs, social, and criminal. Cases are assigned to the chambers according to their specialization. Each chamber has a president and a number of judges (conseillers). A minimum of five judges reviews each case. The procedure is different for special cases, featuring something of a judicial mob scene consisting of at least 19 judges—the premier president and at least three judges from each of the six chambers, including the president of each chamber. The plenary court (assemblée plénière) is only convened in two types of cases (see below). What happens after the court makes a decision? The Cour de Cassation may agree with the lower court’s decision. If this is the case, nothing new happens. The court may also disagree with the lower court. This is where things get complicated. The court then returns the case, not to the court that the appeal came from, but to a neighboring jurisdiction at the same level (juridiction de renvoi). This court rehears the entire case from scratch, both as a judge of law (juge de droit) and a judge of fact (juge de fond).

If the juridiction de renvoi departs from the Cour de Cassation’s interpretation of the law, the appellant can either accept the lower court’s decision or go back to the Cour de Cassation for a second judgment. This appeal is heard by the plenary court members, all 19+ of them. Very occasionally (a few times per century), the court will agree with the juridiction de renvoi and reject its own earlier opinion, thereby upholding the juridiction de renvoi. Almost always, it upholds its previous opinion and rejects the lower court’s decision. This is not the end of the matter, as would be the case in common law countries. In this event,
the *Cour de Cassation* refers the matter to yet another lower court of the same level as the first two courts, but with a new twist: the new reviewing court rehears all factual matters, but is now bound by law by the most recent *Cour de Cassation* decision. Remember that this decision does not legally bind the lower courts in other cases, although, in practice, it will have a strong influence on them.

The second kind of case that the premier president brings before the plenary court consists of those appeals that the court considers to be urgent or particularly important legally. These decisions, like any decisions of the plenary court, are binding on lower courts as to law.

**B. Criminal Courts**

American courts divide offenses into infractions, misdemeanors, and felonies. Infractions, such as parking or traffic violations, are subject to fines and are generally not open to appeal. Misdemeanors, representing more significant violations of the law, are subject to larger fines and sometimes to short stays in the county jail. Both infractions and misdemeanors are handled by the municipal courts. Felonies, representing more serious crimes that may involve lengthy jail terms or even execution, are handled by the superior courts. There are some parallels to French criminal courts, in that these courts also have three levels of criminal courts of first instance. However, there are also some big differences.

**1. Some Differences from U.S. Criminal Courts**

a. First, there are two kinds of courts: those that investigate and those that hear the case. There is a partial analogy to the U.S. in that the attorney general’s office (ministère public), through the prosecution department (procureur de la République), brings the case to court. In France, the victim (if he or she has also been given the status of a civil complainant) can also bring a case to the investigating court. The civil complainant can ask for both criminal and civil penalties before the criminal courts, which is not possible in the U.S.

Investigating courts (*juridiction d'instruction*) have no parallel in U.S. jurisprudence. The investigating magistrate (*juge d'instruction*) acts on all felony cases (crimes) and on selected misdemeanor cases (*délits*), but not on infractions (contraventions). This judge is appointed by the local TGI and has the same jurisdictional area. The *juge d'instruction's* job is to examine documents and witnesses in the case, as well as the places related to the alleged crime. He does this either directly or by assigning the work to the criminal investigation department (*police judiciaire*) by means of a delegation of authority (*commission rogatoire*). After the investigation is done, the judge decides whether the case should proceed to trial. If so, the judge issues a preliminary hearing for the criminal court for felonies (court d'assises), but in France, the *juge d'instruction* assumes some of the functions of the police and the district attorney and does not hear trials.

Once the *ordonnance de renvoi* is issued, the case is taken over by the criminal trial court (*juridiction de jugement*) after an additional procedure (described below). If the *juge d'instruction* decides that no prosecution is warranted, he or she issues a discharge (*ordonnance de non-lieu*) and the case is closed. It should be noted that the *juge d'instruction* does not, in most cases, have the power to order defendants to serve jail time for more than a few days, in urgent cases only, pending trial (*détention provisoire*). A longer period of *détention provisoire* is determined by a different court. In such cases, the chamber, consisting of three judges from the TGI, requests custody pending trial (*chambre des demandes de mise en détention provisoire*).

If a party to the case wants to appeal the *juge d'instruction’s* decision, the case does not go right to the trial court, but to the investigation section of the appeals court (*chambre d'accusation*). Cases are heard by three judges. This court also investigates all felonies referred by the *juge d'instruction*, whether or not they are appealed, and acts as a second investigating court. If the court agrees with the *juge d'instruction*, it issues a judgment of indictment (*arrêt de mise en accusation*), which is addressed to the criminal court for felonies (court d’assises). The court may also reject the *juge d'instruction’s* recommendation and issue an order to dismiss the case (*arrêt de non-lieu*). Finally, the court may decide that the case only merits being tried as a misdemeanor, and will issue a transfer judgment (*arrêt de renvoi*) to a lower court.

b. In France, criminal law is handled by the private law courts, not the public or administrative law system. However, this difference from the U.S. system is more apparent than real. The prosecution is carried out by the attorney general’s office and much of the investigation is conducted by the police under the supervision of the *juge d'instruction*.
2. The Criminal Trial Courts:

a. Traffic courts (tribunaux de police) cover infractions. Proceedings are held before a single judge and no appeal is allowed except on points of law, in cases where fines or imprisonment exceed fixed limits, and in cases where civil damages are awarded.

b. The 181 regional criminal courts (tribunaux correctionnels) deal with misdemeanors (délits). These courts are the criminal branch of the TGI. As in the civil branch, cases are heard by three or more judges and can be appealed to the appeals court.

c. The 96 felony courts (cours d'assises), one for each département, have a unique structure. None of the courts described up to now uses a jury system. Each of the felony courts has three judges—a président from the appeals court and two judges (assesseurs) from the appeals court or the TGI. Nine jury members are chosen from département residents by a complex nomination process. A significant difference from the U.S. jury system is that cours d'assises jury members decide on questions pertaining to both the facts and the law and also vote on the penalty. The defendant is found guilty only if 8 or more of the votes out of the 12 voting members (3 judges and 9 jury members) vote against the defendant. This means that even if all three judges vote for conviction, a majority of the jury has to agree. There is no appeal against a verdict of the cours d'assises, except to the Cour de Cassation on a point of law. This is an exception to the rule of double degré de juridiction.

d. There are 181 juvenile courts (tribunaux pour enfants) associated with the TGI that cover all juvenile (under 18) contraventions and délits. The juvenile courts are headed by a single judge, unless the penalty involves imprisonment, in which case, two lay judges (assesseurs) are added to the bench. In the case of people under the age of 16, the tribunaux pour enfants also have jurisdiction over felonies. In such cases, there is a slightly different procedure for felonies alleged against juveniles aged between the ages of 16 and 18. Such cases are judged by a different juvenile criminal court.

A. The Constitutional Court

This court is composed of three members, three appointed by the president of France, three by the leader of the lower house of Parliament, and three by the leader of the Senate. The constitutional court has two functions: to review election disputes and to review the conformity of newly issued laws with the Constitution.

1. Electoral disputes: Any registered voter or any candidate seeking to contest an election result may apply to the constitutional court. Its decisions are not subject to appeal.

2. Constitutionality of new laws: All new laws are reviewed by this court to decide whether they are constitutional.

B. The Administrative Courts

These courts deal with citizens’ complaints about the actions of government agencies, although the Conseil d’État has broader functions. As in civil cases, there are two levels of jurisdiction: 26 courts of first instance, usually deciding with 3 judges; and 5 appeals courts, each with 3 judges, 1 of whom (the juge rapporteur) carries out investigative functions that are analogous to those of the investigating magistrate in criminal cases.

The Conseil d’État, the supreme administrative court, has six sections (five of which are administrative and not judicial) giving advice to government agencies on legal and legislative matters. The sixth section, the litigation section, acts as a court. Cases brought to the court are subject to investigation by a judge of one of the subsections and then, when the investigation is finished, are usually decided by the judges of that subsection.

The Conseil d’État acts as a court of first instance when the implications go beyond the scope of a single administrative court, often being national in scope. It acts as an appeals court in elections cases and cases of misuse of government authority.

It also acts as a cour de cassation, deciding on issues of law in cases that are appealed to it. Cases in which the Conseil d’État rules against the lower court are usually referred back to a lower court of the same level. In some cases, unlike the civil cour de cassation, the Conseil d’État may make a final decision with no further review by the lower courts.

Finally, there is a court that decides whether cases should be decided by the civil court system or the administrative courts (Tribunal des Conflits). As there is a clear separation of powers between these two systems, a litigant must be assigned
to the correct system. The Tribunal des Conflits (consisting of three judges from the Cour de Cassation and three from the Conseil d’Etat, in addition to two more chosen by the six judges) decides which system should try the case. This court may also resolve jurisdictional disputes between ordinary courts.

**Conclusions**

There are key points that shape the differences between the French and American judicial systems. I have already mentioned some:

- The primacy of legislation;
- The right to appeal the facts and laws pertaining to any judgment;
- The widespread use of judges who are not lawyers, particularly in the tribunaux d’exception; and
- The sharp division between public and private law institutions.

There are other points that were not brought out above. First, in criminal cases, both the investigating magistrate and the public prosecutor are judges. In principle, this means that judges control all elements of the case once it is submitted to them.

Second, there is the vital role of the Cour de Cassation in shaping the civil law system. By deciding what is a question of law, subject to its jurisdiction, and what is not, it has excluded many types of cases from its purview (e.g., interpretation of contracts and measurement of damages) and pressured lower courts to follow its legal rules in many other cases.

Third, this discussion did not point out that there are many other courts, each with associated codes. A few of them include: the Cour des Comptes, which verifies the accounts of public bodies; the Commission des Refugiés, which deals with requests for political asylum; and commissions that supervise questions of professional conduct (lawyers, doctors, dentists, and other professions). Most of these courts are largely staffed by non-lawyers.

Finally, although there are differences between the French system and others, there are influences that are bringing the French system closer to other European practices. The major influence stems from the European Convention legislation. French law specifies that international agreements to which France subscribes have primacy over domestic legislation.

With the growth of international agreements, European legal systems are likely to become more similar, although the basic elements of the French judicial system will surely remain in effect.

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13. New Bedford and Lynn courts have a very large—and growing—percentage of Spanish- and Portuguese-speaking parties and case loads.


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Rendering in a Better Light: Toward a Semiotic View of the Translation Profession

By William O. Bergerson

Quickly now: Should the German “Eiweiss” be rendered as “egg whites,” “protein,” or “glaire”? On second thought, take all the time you like, for speed is not at issue here. Rather, we are faced with a specific example of a more general truth:

“A phenomenon remains unexplainable [sic] as long as the range of observation is not wide enough to include the context in which the phenomenon occurs” (Ref. 1: 20-21).

As language professionals, we are well aware of the pivotal importance of context in providing accurate renditions. However, human nature and our proximity to the subject matter render us less prone to contextual objectivity when it comes to issues such as our attitude toward technology, a consensus on professional image, and the ultimate impact of our work.

In choosing a less conventional frame of reference and casting it broadly enough to encompass the wider sociotechnoglobal context in which our work occurs, the attempt will be made to illustrate the inextricable interplay between technology, professional development, and public outreach, and to encourage proactivity in these and other areas.

Semiotics: Signs for our Times

In compelling treatises on human communication (Ref. 1) and problem formation and resolution (Ref. 2), psychotherapist Dr. Paul Watzlawick eloquently underscores the need to select the proper reference frames, pose the right questions, and converse about—as opposed to merely within—situations for which critical understanding is sought. Based on accomplishments in interactional therapy, the lessons contained in the works cited above find application well beyond the field of formal psychology.

The present discussion draws upon the observation that human communication can be subdivided into the same three areas of syntactics, semantics, and pragmatics, as applied in the study of semiotics (the general theory of signs and languages):

“...Now more than ever, compelling means of profiling our contribution is crucial...”

Semantics:
New Lite Racy
Extra-Sensory Perception
Unintended Antinomy

Pragmatics:
Actions Speak Louder...
Judgment by Association
Second Order Change

SYNTACTICS: Manipulation
Rut Simcovich (Ref. 3) and Timothy Hunt (Ref. 4), among others, have perceived differences in the apparent impact that industry standards and computer programs have had on other professions, noting that no one ever assumed that Generally Accepted Accounting Principles (GAAP) would obviate the need for accountants, or that Computer Aided Design (CAD) software would make architects obsolete:

“Programmers understand that there is an element of human decision needed in accounting, so I don’t know why they miss this fact when they think about translators” (Ref. 4: 49).

The matter is clarified upon the realization that programmers of software focus on the syntactic aspect of communication, to the exclusion, or gross underestimation, of semantics and pragmatics. This holds true whether one is dealing with translations, balance sheets, or building plans, i.e., the corresponding abstractions of professional expertise. Computer programs never eliminate the need for human insight, but merely facilitate—syntactic—manipulation of the symbols associated with the various abstractions.

As such, software is merely a natural progression in the series (chisel – quill pen – printing press – typewriter – PC),
and no more or less deserving of apprehension or acceptance than any previous iteration. A good translation support tool is not unlike a glorified spellchecker. Each fosters consistency and guards against senility without diminishing creativity.

SYNTACTICS: Transformation

There truly is a fundamental interdisciplinary difference with respect to syntactics, however. Whereas pie charts and blueprints are perceived as transformational embodiments of professional expertise, the ubiquitous—literally vernacular—product of our profession is not. Nor does the fact that language can be readily encoded and decoded by three of the five senses (e.g., speech, text, and Braille) work in favor of value-added differentiation. In attempting to gain recognition for linguistic professions, perhaps words really do get in the way!

The under-valuation of translated text as a product (presumably further reinforced by renditions between languages where transliteration is possible) certainly predates the computer age. Indeed, even translatum (to carry over) seems an etymological travesty in that it downplays the sense of transformare (to change the shape of), which is so frequently essential to the conveyance of [non-lexical] cultural components.  

Timothy Hunt’s hypothesis hits home: “People who don’t know another language may think that translation is simply replacing one word in their language for a word in the next language” (Ref. 4: 49). The assumption is not entirely false [cf. “Die Annahme is nicht ganz unrichtig.”]. Hence, it should come as no surprise that monolinguals tend to group translations with encrypted code, system conversions (e.g., SAE/Metric), and mathematical expressions. Correct is the fact that letters, like variables, “do not have a meaning of their own; they are only meaningful in relation to one another” (Ref. 1: 24). Incorrect is the assumption that the rules of language and culture are nearly as rigid as those associated with straight conversions or mathematical formulae.

SYNTACTICS: Commoditization

To the longstanding phenomena associated with manipulation and transformation, a comparatively recent syntactic reality has been added: The Information Revolution. We have already postulated an historical tendency to view language as a commodity. Compounding that perception is the fact that fundamental advances—be they general (e.g., Industrial Revolution) or specific (e.g., printing press, cotton gin)—also tend to commoditize the objects affected. Digitization has already blurred the distinction between writing and speech: voice recognition software transforms dictation into editable text, while computer voices read text aloud.

The resultant interchangeability, coupled with real-time transmission, tends to lower “exigency thresholds.” Why write about a trip when I can film my narration and distribute it via e-mail? Why wait for the translation of a printout from a terrorist intercept when it can be interpreted (or gisted) in real-time?

The fact that similar realities are affecting other professions offers little consolation. Now more than ever, compelling means of profiling our contribution is crucial.

SEMANTICS: New Lite Racy

If we accept that there is an a priori greater onus on translators and interpreters to create awareness and appreciation for our professions, then semantics would seem a logical rallying point. But neither human nature nor language are known for their logic, and recognition will certainly not be
won by words alone.

One weakness of the semantic recognition hypothesis lies in the tacit assumption of a discerning audience. In the face of national ads proclaiming “Nobody likes chicken more than me” or apartments that “will transcend you into luxury,” it seems safe to say that any lack of appreciation for our work extends far beyond “translation buyers [who] are often simply unable to judge what is being delivered” (Ref. 5: 22-23).

No one yet knows whether repeated exposure to “incorrect” language will ultimately diminish exactitude (Ref. 6). Yet in a shrinking world dependent on understanding and trade, the old joke (Question: What’s the most common language for international business? Answer: Broken English”) has lost some of its humor:

“...But while the spread of Franglais is still limited and Denglish... is still in its infancy, Spenglish is going from fuerza to fuerza” (Ref. 7).

Of course, languages have always evolved and borrowed from one another. But the digital age has introduced a change much more profound than mere acceleration.

Communication has become less lexical and increasingly audiovisual. This tendency began when the cryptic symbols, acronyms, and abbreviations often referred to as “hax0r-speak” began appearing in e-mails and instant messaging windows. Text-message phones are being supplanted by picturephones, and Dick Tracy wrist radios are closer than the horizon.

So the “transmogrification” of this section’s title may not be so far off the mark—the New Literacy does tend to be “Lite” and “Racy.” Can we adjust accordingly?

**SEMANTICS: Extra—**

**Sensory Perception**

As a starting point, recall that “semantics” deals not only with the meanings of words and sentences, but other language forms as well.

Not long ago, the barriers of time and space prohibited inclusion of analogic forms (e.g., body language, intonation) with text. Translation involved limited amounts of formatting at best.

The (historically understandable) focus on text may have crept into earlier public relations initiatives, thus limiting their effectiveness.

“Transcripts... are... ultimately unsatisfactory, because they convey little more than lexical content and are devoid of... voice inflection,... pauses ..., emotional overtones..., etc.” (Ref. 1: 72).

Certain evidence of an ongoing aversion to non-lexical elements is suggested by a study involving the translation of semiotic items. Translators reproduced symbols less than 6% of the time and completely omitted them in over a third of the cases (Ref. 8).

With the ready availability of multimedia options today, this “extra” scope of semantics—sensory perception—demands incorporation: “Those who live (solely) by the word will perish by the word.”

Recalling our discussion of “transformational embodiments,” the cold reality is that: “A thousand words are not worth a picture,” or at least are not perceived as having the same value. It is incumbent upon us to embrace this reality and engage alternate vehicles with which to effectively do so.

Of the plethora of documented mis-translations (humorous and otherwise), how many are embellished with visual reinforcement (e.g., cartoons)?

Like the present article, our approach has too often been overly verbose—and avisual. Optical breaks are limited primarily to the use of section headings within the corset of a three-column format. How much more effectively and succinctly might ideas be conveyed via augmented formats?

The laudable, ongoing contributions of ATA’s Public Relations Committee to the ATA Chronicle head in the right direction, packaging recommendations as bulleted snapshots and advocating the use of visual aids and humor.

Much more can and must be done to embellish outwardly oriented publications and websites at the national, regional, and chapter levels (without reinventing wheels at each stage...).

Today’s era of “fluff without stuff” is no reason not to incorporate the “new lite racy” to that which does have substance. Alternate lyrics to Kenny Chesney’s country hit would be a catchy starting point: “She Thinks Translation’s Sexy”6

**SEMANTICS: Unintended Antinomy**

Attention to traditional semantic detail remains crucial to the unequivocacy of our outreach. And yet we have at times been less than diligent with respect to “semantic antinomies or paradoxical definitions” (Ref. 1: 190).

While not elaborating upon it, Rut Simcovich appears to be aware of such missteps: “A common concern repeatedly voiced by our profession relates to the lack of prestige and recognition afforded by society” (Ref. 3: 25). Closer inspection reveals the self-reflexive nature of this message, which can be taken to imply that we translators (i.e., also members of society) do not
afford ourselves those qualities either.

Could our nonverbal behavior be sending mixed signals as well?

**PRAGMATICS:**

*Actions speak louder…*

If semiotics clearly distinguishes between mechanical (syntactic) manipulation and human (semantic) expertise, then it should be evident that the role of the translation professional is the same whether writing with a quill pen or dictating to a voice recognition program. The ultimate question becomes: Where do we wish to be seen between the extremes of Luddite and Geek?

Consider this additional interdisciplinary analogy: CAT tools are to translation what CAT scans are to medicine. Faced with the possibility of serious illness, would we opt for the practitioner who had balked at the CAT scan or the one who had (advisedly) embraced its use?

Similarly, in the desire to be perceived on par with other professions—many of which have longstanding continuing education requirements—what image is projected by resisting the adoption of such requirements?

And what of the subliminal message sent by publishing *ad hoc* polls soliciting internal opinions of how translators are perceived by others (Ref. 9) when objective independent polls are the professional norm?

One recent *ATA Chronicle* article leaves little room for doubt in postulating the real meaning behind software marketing slogans: "…you are not really smart enough to understand much about computers …" (Ref. 10: 22).

Pervasive reluctance, rather than basic intelligence, appears to be at issue throughout, and the consequences have been known for millennia:

*“Fate leads the willing and it drags along the unwilling.”* — Seneca

*“The fault, dear Brutus, is not in our stars, but in ourselves that we are underlings.”* — Shakespeare

Professionals push for progressive proactivity.

**PRAGMATICS:**

*Judgment by Association*

There is a pragmatic component to even those battles which are proactively chosen.

Consider for a moment the role of translation in national security. Seizing the initiative, ATA leadership has drawn media attention to this important area over the past two years, casting a positive and even patriotic image of our profession.

At the same time, my thoughts automatically turn to the consequences predicated by the mistranslation of the "mokusatsu response" from Japan at the end of WWII (Ref. 11: 47-48).

- Is it wise to hitch our wagon to a potentially shooting star?
- What effect might a devastating mistranslation have on our image?
- Is there a subliminal danger of being seen as “Cassandras” in any event?

These questions transcend the undisputed importance of our contribution to national security per se, driving once again at the heart of how we wish to be perceived. Publicity relating to translation and terrorism must be subordinate to that associated with our role as intercultural mediators in a fundamentally positive, diversity-promoting sense. This is the essence of proactivity at a higher level, a true step outside the box.

**PRAGMATICS: Second Order Change**

To illustrate the difference between mercy and justice, a minister related a tale of a town on the lower Mississippi where one day a helpless infant was seen floating down the river. When asked for their response to this situation, the congregation agreed that the child would be rescued and cared for. “That,” said the minister, “is an example of mercy.”

The minister repeated the tale numerous times, each time doubling the number of helpless infants in the water. Each time he asked the same question of the congregation, and the answer he received was always the same. However, when the count reached 16 infants and the minister again inquired of the congregation’s response, a voice at the back of the hall was heard to say: “Well I don’t know about you, but I believe I’d head upstream and see who was putting all those babies in the water!” “And that,” the minister conceded, “is an example of justice.”

If we are to effect just and fundamental change at the source, it is not sufficient to fulfill obligations that are cast upon us. We must step outside our conventional frame of reference and act upon the theme from International Translation Day 2002: “Translators as agents of social change.”

Dedicated efforts toward increasing basic literacy and the number of foreign languages being offered in our public schools represent just two such fundamental mandates.

Endorsement of a dual language policy is also worth consideration. In Canada, the translation infrastructure has flourished as a result of such policy (Ref. 12). The demand for and...
perception of linguists is high, and professional associations in three provinces have gained legal recognition (Ref. 13: 11). Similarly, potential immigrants to Australia receive extra consideration for fluency in one of the country’s numerous “community languages.”

Yet much more must be done to actively promote cultural exchange and understanding beyond primarily lexical considerations. When an animal hears the unfamiliar sounds of another species, its instinctive reaction is one of fear in anticipation of fight or flight. Our goal must be to strive for a world in which the corresponding reaction between humans of different tongues is instead one of intrigue and incorporation.

Participation in and sponsorship of ethnic and cultural events at both local and national levels is one such initiative that comes to mind. Another might involve formal alignment with established foreign exchange programs (e.g., American Field Service International Student Exchange, Youth For Understanding International Exchange) and potential student sponsorship.

The long-term pragmatic effects of such initiatives transcend the profession per se, but ultimately benefit it and all of society worldwide.

**Synopsis**

Consideration of our profession from a semiotic vantage point provides a means of clarifying the subordinate, yet inevitably essential role of technology; of understanding the nature of our expertise as a dynamic asset; and of emphasizing the importance of effecting social change beyond the project at hand. To be effective cultural intermediaries in today’s world, we must be comfortable with technology, convey meaning beyond the written word, and be willing to work toward conditions that benefit all of humankind. Maintaining a healthy balance between syntactic, semantic, and pragmatic components helps foster an environment conducive to the cultural and linguistic diversity that underlies our work. Indescribable richness and variety well beyond vocational considerations are in jeopardy if this balance fails to be maintained.

**Notes**

1. I consider both “required reading”: Excerpts are available via the “Look Inside” feature at Amazon.com [Search term: “Paul Watzlawick”].

2. Interpretari (to explain, expound, understand) may come closer, but an interpreter’s spoken words are an even less tangible product.

3. Among the literate.


5. This concept is intentionally portrayed as being distinct from the well-known field of localization.

6. Original Title: “She Thinks My Tractor’s Sexy.”

7. ATA’s Public Relations Committee does use the services of a media relations and PR firm.

8. Paraphrased from an anecdote as related by The Reverend Dr. Christopher Hayes Andrews of Baton Rouge, Louisiana.

**References**


Fans Spin Out of Control in Liverpool

Location is everything, as realtors know. And if you manage a pub that lies directly opposite a football (U.S.: soccer) stadium, it makes good sense to reach out to fans far and wide, especially when World Cup fever sets in.

Liverpool Football Club supporter Michael O’Grady, who leases The Albert pub, speaks no foreign languages, but prides himself on his establishment’s warm welcome and high standard of service. So when Punch Pub Company, one of the U.K.’s leading operators of leased and tenanted pubs, suggested a striking panel touting its hospitality – “The Albert Welcomes Football Fans Of The World” – he was all for it.

Soccer is a particularly international sport, with both players and coaches subject to fierce cross-border bidding. Thus, French, German, Swedish, and Dutch versions of the sign were deemed necessary… and the slippage began.

A photograph of The Albert’s sign sent in by several readers shows the Dutch to be stilted but passable, and the Swedish nearly correct. The French, however, is a jumble of misspellings and other oddities. And the German an instant classic: “Willkommen Fussball-Ventilatoren Der Welt.” Ventilatoren are fans, but the kind you plug into the mains and/or attach to the ceiling.

When we rang, a spokesman for the Punch Pub Company put on a brave face. “It’s really just the Liverpudlian sense of humor shining through rather than a lapse in concentration by our sign writer,” he assured us.

“Nice try.” The sign was produced not in Liverpool, but in Manchester, with content cobbled together in cyberspace. A Hartbrights Signage representative confirmed that the foreign-language phrases had been lifted straight from a free computer-generated translation service on the Internet. A professional translation had been considered briefly, he said, but rejected when the minimum fee per language was deemed too high. Alas, Hartbrights did not know of any available students. A last-minute project, the sign was not proofread by human translators at any point.

Once more from the top: the more expensive (and permanent) a multilingual sign, the more important it is that foreign-language versions be produced by literate native speakers of those languages. Cost per word generally pales in comparison with the total production and installation outlay, and, no, foreign students are not a good bet.

Whenever possible, texts should be in electronic format from start to finish to avoid errors introduced by sign-letterers with a few beers too many under their belts. Finally, careful proofreading by literate native speakers should be conducted before signs are unveiled. Fail to do this, and your clever idea may end up winning attention of an altogether different sort, posted on elists and office bulletin boards around the world.

Punch and The Albert are by no means alone—in the past few years, The Onionskin has featured stories on signs marred by skewed translation in places from Niagara Falls to Heathrow Airport and Beijing’s Forbidden City (next month: trailheads at the Grand Canyon). In each case, these highlight the frustration of translation buyers keen to reach out to foreign visitors, but totally unaware of how to proceed. Perhaps a postcard campaign featuring botched signs from around the world could raise awareness of how (not) to get your translation done, while sharing a laugh. (We’ve already suggested the postcards to Mr. O’Grady).

Signs notwithstanding, Punch Pub Company insists that The Albert’s friendly atmosphere and service are nothing to be laughed at, and invites linguists amused by the funny French and German to stop in for a pint. We will certainly do so on our next trip.

In the meantime, rumors that expatriate German soccer fans attending home games in Liverpool have been wearing caps with plastic rotors attached could not be confirmed as this Onionskin went to press.

With thanks to Graham Cross, Howard Gray, Anne Hendrickson, Eugene Seidel.
Accred Forum: More Answers to Questions about the Continuing Education Requirements

Can I receive credits for a session I am giving at this year’s conference in Phoenix?

The new program does not begin until January of 2004. Only credits earned after that date can be used for the first reporting in 2007.

I’m 65 and I only translate part-time. It’s a financial burden on me to go to sessions to earn credits.

The Board of Directors voted to set an age cap of 60 on this requirement. You are, therefore, exempt from the requirement and all you have to do is provide proof of being 60 or older at the time the credits are due. In other words, anyone who is 57 or older right now will not have to accumulate continuing education credits in order to maintain his/her accreditation. He/She will only have to offer proof of age once, not every three years.

Do I have to earn these credits to keep my active/corresponding membership and ability to vote in ATA elections?

No, these credits are part of a program to support the accreditation/certification credential. If you do not earn the required amount of continuing education credits, you will lose your accreditation/certification, but you will still be an active or corresponding member of ATA and can continue to vote in ATA elections.

What is the explanation for the rationale behind the continuing education requirement?

The continuing education component was one of the key recommendations put forth in Michael Hamm’s 2000 review and report on the accreditation program. (Here is just a little bit of background for those of you not familiar with Michael Hamm or the report. Mr. Hamm was commissioned in 2000 to do a review and evaluation of our credentialing program. He was hired for his knowledge and expertise as a former manager for eight years of a national accreditation program of certification organizations and a consulting practice specializing in meeting the needs of credentialing organizations.) Many of the recent improvements to the program are based on his recommendations. He argued that he “is not aware of any profession that does not expect some continuing education or professional development to adequately maintain one’s skills. Most certification programs usually state that certification is offered for a three-five year period, and certificants must either pass another examination or show some evidence of continuing education/professional development to retain their credential.”

Mr. Hamm’s recommendation was made to enhance the ATA credential and benefit all accredited members. It shows that maintenance of the credential is based on more than simply passing an examination.

Why aren’t current credential holders grandfathered into the system?

If this were done, it would basically create a two-tiered and unequal system and dilute the meaning of the credential for members and for people who hire translators. The meaning of a credential must be transparent and consistent in order to have value to the outside world. If there is a requirement for continuing education, it should apply to all.

What is the easiest way to fill the CE requirement?

Probably the easiest way is to attend ATA’s Annual Conference two out of the three years. You can earn 10 credits with each Annual Conference, and you only need 20 credits every three years. Attending our professional development seminars and chapter sponsored seminars, conferences, and workshops will also quickly raise your level of credits. Hour-for-hour credit is given for these activities, with a maximum 10 hours that can be earned per calendar year.

In Memorium

Bill Keasbey, Russian into English language chair, died on August 29. Bill was an integral part of the accreditation program for many years, serving in a variety of capacities in addition to his chair position: a grader in the German into English workgroup, a member of the Accreditation Committee, a proctor for exam sittings, and an active member of the National Capital Area Chapter of ATA. Bill touched a lot of lives and was dedicated to his family, his profession, and to ATA. I’ve heard a number of kind words about him from various ATA members telling how he encouraged or supported them and their professional aspirations. He will be greatly missed.
Are these requirements set up as another means for ATA to make money?

While a number of the activities that earn continuing education credits are ATA-sponsored events, making money for ATA was not the intention of establishing the requirements. The intention is to give people a choice in how they will fulfill these requirements and not to burden them unduly. It is also important to note that additions will be made to this list in the future. Flexibility is a key to the program.

You can also earn credits by:

- Attending approved U.S. non-ATA, non-Chapter seminars and conferences.

- Attending approved foreign translation and interpreting association seminars and conferences. (These sponsoring groups will have to apply to ATA Headquarters for approval by providing basic information about the content of the sessions and on the professional background of the presenters. We currently have a similar arrangement with several state court interpreter groups to get our members CE credits with their organizations.)

- Taking university courses and private seminars related to translation and interpretation and your area of specialization.

- Belonging to other translation-, interpreting-, and specialty-specific professional associations.

- Acting as a grader or mentor, and writing articles for the ATA Chronicle.

- Having translation and interpreting articles published in other professional journals, or publishing a book on the topic.

As I look at the list of ways to earn CE credits on the association’s website, I disagree with some of the entries in the categories and I think some worthy activities have been overlooked. Can the current system be changed?

This is a new system that does not begin until January, and there will be an ongoing review and changes will be made in the future. We don’t want to do them haphazardly or piecemeal and create a continually changing system, but if you have specific things you would like to see added to the current list, please contact me (terry@atanet.org) and I will make sure they get to the appropriate committee of the Board of Directors.


Dictionary Reviews  Compiled by Boris Silversteyn

Silversteyn is chair of the ATA Dictionary Review Committee.

An Annotated Bibliography of English-Spanish Legal Dictionaries

By Sandro Tomasi


This is a very accurate bilingual legal dictionary, which makes it one of the elite reference works of its kind. Ever since the first edition was published in 1993, its focus has been on Spanish and British legal systems. However, there is a healthy amount of American legal terms in the third edition. This reference is a good one to have if the user plans to have only one bilingual legal dictionary (strongly not recommended) because it offers plenty of entries, translations, and explanations thereof in a bidirectional format.

* The 4th and 5th editions, if they have been published, remain to be seen by the author of this annotated bibliography.

**The 1994 2nd edition was reviewed in the ATA Chronicle (August, 1997) [ed. note].


This dictionary limits itself to offering Spanish-into-English translations and focuses strictly on Mexican and American legal terminology, which actually allows for more precise content. Even though an English-into-Spanish section is sorely missed, this work places Becerra among the elite bilingual legal dictionary lexicographers. Many entries contain examples of source-language sentences along with excellent translations thereof, which demonstrate the importance of context and help resolve translation difficulties. Extra care has gone into researching and providing equivalent translations in terms of language and legal concepts.

This dictionary is an absolute must for professionals who translate Mexican legal documents into English, and is strongly recommended for use in any Spanish-English-Spanish legal translation. If this dictionary came with an English-into-Spanish volume that is as good as what has been published, it would automatically put this work in a league of its own.

* Reviewed in the *ATA Chronicle* (June, 2003) [ed. note].


This little dictionary sure packs a punch with its high-level accuracy translations in the branch of law that the name indicates. The English-Spanish section gives definitions in both languages and attempts to provide neutral legal terms in the target language that would be understood by most Spanish speakers, with deep respect for the legal parlance of Spanish. For the most part, the dictionary succeeds in its mission. There is also a Spanish-into-English glossary in the back. Even though each section only includes about 1,000 terms, it is important to keep in mind that this dictionary only deals with one branch of law (criminal law).


This dictionary is really a glossary of terms and phrases—even sentences—taken from business and legal contexts (it comes with a CD-ROM version as well). The translated phrases and sentences are very useful and give the user an idea of context. It claims to cover legal language from Spain, Great Britain, North and Latin America, and even New Zealand. For the most part, this is a pretty accurate work and should benefit someone who is translating legal contracts as a third or fourth reference.


This dictionary is one of the elite works of its kind and is frequently used by experienced legal translators because it is very accurate. One drawback is that it offers many long target-language explanations rather than translated terms. Nonetheless, the target-language explanations that are given in this
work are generally highly accurate, and one may find them to be invaluable in understanding the legal concepts behind the source-language terms. This bidirectional dictionary comes in two volumes (English-to-Spanish and Spanish-to-English), which makes it easy to use when working into one language. It is one of the most comprehensive bilingual legal dictionaries currently available. Although the publication date is listed as 1998, this work is only a reprint of what was copyrighted in 1991 and, possibly, first published in 1993. Heliasta (among other publishers) has been known to do this with other works as well.

Out of Print


No further information is available at this time.


This bidirectional dictionary covers current usage in Britain, the U.S., and Spain. An extremely helpful feature of this work is that it provides encyclopedic definitions for many of the source-language terms and for the translated terms as well. The definitions are translated excerpts from codes, case law, and other references that are cited at the end of each entry. Notwithstanding, these excerpts do not usually flow very well in the target language and sometimes confuse the user. There is a noticeable number of careless mistakes (or typos) that creep in as well. The accuracy of the translated terms in this bidirectional dictionary is hot and cold, but the target-language definitions and source citations make it an invaluable tool for comparative law research. This work was first published in 1992.

* Reviewed in the ATA Chronicle (2nd ed. in July, 1997; 3rd ed. in March, 2003) [ed. note].


The thing that sets this title apart from the others is that it provides encyclopedic definitions for many of the source-language terms and for the translated terms as well. The definitions are translated excerpts from codes, case law, and other references that are cited at the end of each entry. Notwithstanding, these excerpts do not usually flow very well in the target language and sometimes confuse the user. There is a noticeable number of careless mistakes (or typos) that creep in as well. The accuracy of this work tends to be hot and cold, but it is pretty good for the most part and one of the better bilingual legal dictionaries currently available. This work was released in August 2003, and is the abridged version of Dahl’s Law Dictionary Spanish-English/inglés-español. No further information is available at this time.


Even though this dictionary is in its third edition (the first edition was published in 1992), one is left with the impression that it is a good first draft. This is not a comprehensive work. Many of the terms are some of the easiest ones to translate, and the dictionary steers away from terms that present translation problems between legal systems based on common law and civil law. With a focus on Mexican and American business law, it offers definitions in the source language and translated terms in the target language. It has two small sections of commonly used abbreviations and “acronyms” [sic] that spell out their meanings, but does not translate them unless they are well established and widely recognized by their target-language names. There are also two more sections (English-Spanish and Spanish-English) devoted to defining terms of the North American Free Trade Agreement. However, these sections limit themselves to offering source-language terms with target-language definitions, but rarely offer target-language terms.

➡


Accompanied with a CD-ROM version, this bidirectional dictionary covers current usage in Britain, the U.S., and Spain. An extremely helpful feature about this title is that it includes terms and phrases which are derived from the main entry word and offers their target-language equivalents in context. The accuracy of this work is generally pretty good, which makes it one of the better bilingual legal dictionaries currently available.


This work should be called a glossary rather than a dictionary, since it only offers translated terms with no definitions or explanations. Many individual users prefer this format because it offers instant results. However, it is wise to limit the use of such a reference as a point of departure (not as a point of arrival) due to the inherent problems in relaying such limited information between legal systems based on common law and civil law. Kaplan’s legal dictionary—often referred to by its previous and current publishers (Wiley’s, first published in 1993, and currently Aspen’s)—is pretty accurate and claims to have around 30,000 entries in each direction, which makes it a good resource. Its focus on legal systems is between American and Latin American, and it claims to include legal terms of the North American Free Trade Agreement.


No further information is available at this time.


This work should also be called a glossary rather than a dictionary, since it only offers translated terms with no definitions or explanations. Many individual users prefer this format because it offers instant results. However, it is wise to limit the use of such a reference as a point of departure (not as a point of arrival) due to the inherent problems in relaying such limited information between legal systems based on common law and civil law. Kaplan’s legal dictionary—often referred to by its previous and current publishers (Wiley’s, first published in 1993, and currently Aspen’s)—is pretty accurate and claims to have around 30,000 entries in each direction, which makes it a good resource. Its focus on legal systems is between American and Latin American, and it claims to include legal terms of the North American Free Trade Agreement.

Out of Print

This palm-sized bidirectional dictionary is surprisingly legible despite the small font it uses. This is probably due to the fact that the work is 99% glossary and, therefore, maintains a certain symmetry in appearance. The title—which was first published in 1980 and covers usage in Britain, the U.S., and Spain—often lists various compounds and would work well as a fourth or fifth bilingual legal dictionary reference.


For the most part, this is a pretty solid dictionary that mainly concentrates on American and Argentine legal terms and sometimes provides British terms. The English-Spanish section contains more target-language explanations after the translated terms than the Spanish-English section. There are three filler pages containing court documents, civil code excerpts, and excellent translations thereof, which serve as a great self-learning tool for the legal translator. This is a great idea. There should be more dictionaries that offer these filler pages, because such material demonstrates the importance of context.

This bidirectional dictionary is very accurate and comes with a CD-ROM version. It includes very useful sections that further explain terms that are not exact equivalents between legal systems based on common law and civil law. The dictionary separates each branch of law and then lists terms alphabetically within. This feature makes it easier for someone who is working in a particular branch of law, but the problem with this is that there are many legal terms that are not exclusive to any one branch. Nonetheless, there is an index section in the back that lists all of the terms alphabetically along with the respective page number(s). This work, which was first published in 1988, primarily focuses on terms from the U.S., Great Britain, and Argentina, but lends itself to other Latin American countries as well.

Out of Print

This English-into-Spanish glossary begins by listing terms in alphabetical order, but then subdivides them into various legal branches. For example, in the “M” section, one will find all the “Ms” for civil law in the first subsection, then commercial law in the second, insurance law in the third, business law, and so on. The format is rather complicated for looking up terms, although there is an alphabetical index in the back that attempts to assist in this process. If the reader can surpass this bothersome hurdle, then he will find that most of the translations are quite good and avoid common pitfalls in legal translation. There are introductory notes that briefly explain the British and American legal systems in Spanish, and also eight small pages that explain the terms “trusts” and “torts” in Spanish that are quite helpful.


The author later became the chief editor of the *Diccionario terminológico de derecho/Dictionary of Legal Terminology* (No. 12 in this bibliography), which was published two years later. No further information is available at this time.

Out of Print

This work, which was published as a supplement to a Costa Rican law journal, is split up into sections that cover different areas of law. All of the sections begin with examples of standard legal forms, save for criminal law, and are followed by dictionaries (for each section) that provide anywhere from nine to three hundred terms and phrases and their respective translations. All of the standard legal forms are in English, whether they are from the U.S. or Costa Rica (thus, allowing a Spanish-to-English translator with a legal form in Spanish to compare the document with an English counterpart). This work does feature a chapter of the author’s thesis on comparative law (common law and civil law), which was written in Spanish. This portion is also helpful for the English-to-Spanish translator, and elaborates on terms such as common law, statute law, and equity.


This bidirectional dictionary is the newest of the lot. It brings with it what all new bilingual legal dictionaries in their first editions offer—translations that offer a new light and translations that need to go back to the drawing board. It is primarily a glossary, occasionally offering very short definitions that are usually no longer than one sentence.


A feature that sets this dictionary apart from the others is that it
alphabetically lists the amendments to the U.S. Constitution and defines them in Spanish. It primarily focuses on terms from the U.S., Great Britain, and Spain, and provides some encyclopedic definitions that are generally good. Nonetheless, this bilingual legal dictionary could stand some improvement in order to give the user more precise translations.


This dictionary specializes in Puerto Rican legal terms and includes the following sections: Spanish-Spanish; English-Spanish; Latin-Spanish; French-Spanish; defined terms and phrases; and a glossary in Spanish-English and English-Spanish. The sections that include English and Spanish consist of 99 out a total of 727 pages, and provide good (but not great) translations—even taking into consideration that Puerto Rican legal terms are heavily influenced by their American counterparts. The dictionary was first published by Equity Publishing in 1976.

Out of Print


This is the first Spanish-English, English-Spanish legal dictionary ever published—1952! Mr. Robayo set out to create this work in order to provide professionals with something that went beyond the bilingual dictionaries of the time. It offered translations of terms that accounted for the differences between not only English and Spanish, but also between legal systems based on common law and civil law. This relatively small work is out of print and extremely rare. There are many bilingual legal dictionaries today that are more comprehensive and accurate than this one, but Robayo’s work shall forever be remembered for its place in history.


Since 1965, the exact same 1955 dictionary has been published and reprinted by Editorial Limusa of Mexico. It has probably grown to be the most popular bilingual legal dictionary due to its longevity and relatively low price tag. This work is made up of two small-print glossaries, one in each language pair, which are surprisingly good after all these years. However, it does contain terms that are outdated, and the glossaries sometimes offer translations for one term that are similar but represent different legal concepts—even when there are existing and direct counterparts between the two legal systems. Robb gets the honor of being the most influential work of its kind for the 20th century. Nonetheless, there are many other bilingual legal dictionaries in today’s market, and this work would be better suited as a ninth or tenth reference, or as a gift to someone who is thinking about entering the field of legal translation.

* Reviewed in the ATA Chronicle (May, 1995) [ed. note].

Out of Print


This bilingual dictionary does not offer much in comparison with the others. It is primarily a glossary and occasionally offers very short definitions. It does provide an occasional term from the State of Louisiana, which is based on the civil law system. However, the translations provide only terms, and the user may be better off doing his own research with monolingual dictionaries.


This is a bidirectional dictionary that provides translated terms that are often defined in the target language as well. This is a very useful feature because the definitions give the user a broader sense of the concept behind the source-language term while at the same time offering further wording in the target language. This work is generally pretty accurate and includes legal terms that have special significance in the eco-
nomadic, accounting, and political arenas. Subsequent variants of the same terms have been omitted, but should have been included since there are many pitfalls in Spanish-English translation (e.g., false cognates of compounded terms).


This work is not a dictionary per se, but it meets a threshold criteria to be listed in this reference guide. Only Spanish entries are found in this work and are listed alphabetically—except for idiomatic expressions derived from a term, which are found immediately after the basic term. However, instead of providing translated terms or definitions into English, this work offers an illustrative phrase or sentence in both English and Spanish to exemplify each term. The guiding principle employed throughout this work is that complex legal terms cannot be translated in isolation. Rather, the context is all-important. This work is nowhere near exhaustive, but may work well in conjunction with a Spanish-English legal dictionary.

Out of Print

The author of this annotated bibliography has only seen this work advertised on one Internet site. No further information is available at this time.


This is a very good bilingual legal dictionary that primarily focuses in the Spanish-into-English direction. A helpful feature in this dictionary, in both directions, is that it provides a number of compound terms in which many would be surprised to see that one and one do not always equal two in the target legal language. On occasion, the author also offers helpful warnings of translation pitfalls. It works very well as a third or fourth bilingual legal dictionary.

31. Word Magic Dictionary of Law (English/Spanish)

This work may only be available on CD-ROM and includes terms from other previously published bilingual legal dictionaries. No further information is available at this time.

Sandros Tomasi is a Spanish-English interpreter and translator. He currently works as a full-time interpreter for a prosecution office in New York City, where he also performs extensive work as a forensic translator. He has trained professionals in the areas of medical and court interpreting as well as legal and forensic translation. Contact: yodro@aol.com.

Update:

Dizionario Aeronautico (Reviewed in the June 2003 issue)

Aviabooks, the publisher of Rizzardo Trebbi’s Dizionario Aeronautico, would like to inform readers of the ATA Chronicle that this work can now be purchased directly from the address below.

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in next month’s Chronicle…

training and pedagogy
The Translation Inquirer

By John Decke

Address your queries and responses to The Translation Inquirer, 112 Ardmoor Avenue, Danville, Pennsylvania 17821, or fax them to (570) 275-1477. E-mail address: jdecker@uplink.net. Please make your submissions by the 25th of each month to be included in the next issue. Generous assistance from Per Dohler, proofreader, is gratefully acknowledged.

Williamsport, perhaps the best-known of the small cities in this mainly agricultural region because of the Little League World Series, brought our profession to the forefront of the public’s attention—or at least its newspaper did with a front-page headline story on August 20, 2003. A local high school graduate, now an undergraduate at Harvard University, volunteers her time as an interpreting liaison between Japanese teams and those of the U.S. and anywhere else English is spoken. The Translation Inquirer felt great pride indeed. True, there must have been other members of the all-volunteer interpreting staff at the Little League World Series who deserved to be written about for their abilities in Spanish or Russian or whatever, but so what! In rural America, some professions never get any recognition at all, so the gratification for this language professional was great.

[Abbreviations used with this column: Da-Danish; E-English; F-French; G-German; H-Hungarian; I-Italian; Pt-Portuguese; Sp-Spanish; Sw-Swedish.]

New Queries

(Da-E 10-03/1) In the area of marketing, wonders a ProZ denizen, what might “kendskabsgrad” mean, and what might be a reasonable English equivalent?

(E-F 10-03/2) Because it appears so often in court proceedings, Dario Cavalieros would like a good French rendering of We are now going off the record and We are now going on the record.

(E-F 10-03/3) Dario Cavalieros requests a French version of anger management.

(E-F 10-03/4) Dario Cavalieros also wants French for adjudication withheld.

(E-H 10-03/5) Glad to have Hungarian again. This ProZ correspondent stumbled over marginal strips in the phrase Road construction for the compaction of base course concrete, marginal strip and sub-surface compaction jobs. Any ideas, even marginal ones?

(E-Sp 10-03/6) Same two sentences as in (E-F 10-03/2) about going off and on the record, but this time into Spanish.

(E-Sp 10-03/7) Another request for anger management, but now into Spanish.

(E-Sp 10-03/8) Just like in query (E-F 10-03/4), adjudication withheld, but into Spanish.

(F-E 10-03/9) No lengthy definition-type translation will suffice here, because the job was to supply subtitles for a movie. A movie director is asked what “morceaux de bravoure” from American films had influenced him. Purple passages or patches are no good as translations, because American audiences will not readily understand what they are.

(F-E 10-03/10) A Lantra-l correspondent stumbled over the phrase “rémunération forfaitaire et globale” in the following sentence: “XX s’engage à verser à l’Auteur une rémunération forfaitaire et globale de deux mille (2,000) euros hors taxe en contrepartie de la cession des droits d’exploitation des Photographies dan les conditions prévues à l’Article 4 ci-dessous.” What kind of lump sum is it?

(H-E 10-03/11) Warning, this will be context-poor. But we get so little Hebrew, we must take it! The problem word is “ashir,” and the Lantra-l member wonders if it has anything to do with the general meaning of happy.

Again, apologies for the lack of a context sentence.

(Pt-G 10-03/12) Into-English replies are welcome for this ProZ query about regulations governing wind-generated electric power: “Para efeitos contratuais, considera-se a ligação a rede receptora localizada nos terminais, do lado da rede, do ypgao de corte colocado no início do remal, do lado da instalação de produção.”

(Sw-E 10-03/13) This legal dispute between an auto manufacturer and a supplier of tow hitches (“dragkrokar”) included some automotive terminology that troubled a Lantra-l correspondent. The words that posed a problem were (13.a) “balk,” (13.b) “balkinfästningar,” and (13.c) karossfästningar. Is there anyone out there who is conversant with tow hitch terms who can help?

(Sw-E 10-03/14) In Swedish, complains a Lantra-l member, it is difficult to distinguish between what in English is called a section of a law and an article of a law. The law in Swedish is divided into “kapitel,” and then within each chapter, a number of sections (or articles) are denoted by a number and the section symbol (e.g., 1 §). The source of her confusion is that official translated texts of Swedish laws sometimes denote the text that follows the section symbol as section, and sometimes as article. Why?

Replies to Old Queries

(E-F 7-03/1) (pedestrian power truck): It does seem to Gunter Strumpf that in the proposed translation on page 53 of the July issue, the words “à conducteur porté”) are incorrect. Pedestrian implies that the person is walking, mostly behind the truck. You do see them in some supermarkets like Aldi, where the person walks behind...
or in front of the handlebars which serve to guide and control the truck, which is suitable for transporting large boxes, pallets, etc. But the driver is not riding on the truck, but walking. In fact, the vehicle is sometimes referred to as a walk-behind pallet truck.

(E-G 7-03/2) (Swiss chard, collard greens, black-eyed peas): Being a passionate cook, and having already translated several cookbooks from English into German, Susanna Bunzel-Harris is delighted to provide answers. These are, respectively, “Mangold,” (Gunter Strumpf also confirms this), “Grünkohl,” and “Schwarzaugenbohnen.” Bon appétit, she adds.

(E-Sp 6-03/3) (filing status): In the opinion of Renato Calderón, it should be just “estado civil,” as George Braun proposes. But George adds, “casad(a) que radica una planilla conjunta...o por separado.” Renato has never seen the term “radica” used in that context, and surmises it to be a regional term used in Puerto Rico. For clarity, and to be understood in any Spanish-speaking country, he would instead write “formulario presentado o registrado en conjunto” (for filing jointly).

“Planilla” could be used instead of “formulario,” and many people would understand. However, Renato wants to point out that he failed to find “planilla” in the Spanish dictionaries available to him. Simon & Schuster’s International Dictionary has an entry for “planilla,” though: payroll list, or just list. More from Renato regarding this matter in the November-December issue.

(F-E 7-03/4) (“population bénéficiaire”): For “Tulpehocken,” this is simply a target population. These days, he says, the target population must be consulted before projects go ahead. They must be asked what their needs, aspirations, and expectations are. They are an essential part of the process.

To Gunter Strumpf, the overall text, found on page 53 of the July issue, sounds like a Habitat for Humanity deal. The “population bénéficiaire” would be the people who contribute their own labor to building the houses they would then be entitled to move into or benefit from. Together with the “Coopération bilatérale,” which could be a bureaucratic term for a nongovernmental organization like Habitat, the housing (“les logements” mentioned in the phrase) was built.

(F-E 7-03/5) (“Étude de cadrage”): “Tulpehocken” opines that “cadrage” always bugs people when they see it for the first time, but framework study certainly would not upset him where he works; his associates often translate it as establishment of a framework. Gunter Strumpf, relating the term to computer graphics, calls the “etude de cadrage” a justification study of page layout, centering, etc. He relates it to how the pages with forms, etc. are laid out on the computer screen.

(F-E 7-03/6) (“...il y ait un avantage significatif à être le premier...”): For the full text of this query, see page 57 of the July issue. “Tulpehocken” says that perhaps the company means that they don’t need to be first at all costs, under all circumstances, come what may; that a relentlessly competitive posture is not essential in order for them to achieve their internal objectives.

(G-E 7-03/7) (“a.p.-Ansicht”): Gunter Strumpf, Imre Takacs, Charlotte Bauer, Denzel Dyer, Randall Condra, Paul Hopper, Gabe Bokor, Sorel Cohn, and Margret Setcavage all agree that this is anterior-posterior. Some of these were kind enough to cite both minor variations of the term in English, as well as good sources for more information; but with such unanimity, we ought to just leave the matter where it is.

(I-Sw 7-03/8) (“dispositivo di sicurezza uomo a filo”: This: says Gunter Strumpf, is a safety device for the strapper, who is the man who wraps the wire or string strap around the stacked boards. True, this application of the strap or string is done by a machine, but an operator (“uomo”) may be present.

(Sp-E 9-03/9) (“Está validando bachillerato”): Mario Valente checked with the Consulate of Colombia, and people from that institution confirmed that this is definitely not a medical term, but rather some kind of course after high school that would typically be taken by a 23-year-old to prepare for the university. Working toward his bachelor’s degree is a proper rendering.

(Sp-E 7-03/12) (“problematizar”): George Braun says this word is currently used to express the concept of carefully examining an idea to expose—and perchance solve—the problems associated with it. It involves calling something into question for the purpose of further study, exploration, or detailed analysis. Here is how one dictionary defines it: “referido especialmente a un hecho o a un asunto, ponerlos en cuestión o plantearlos para analizar los aspectos que pueden ofrecer más problemas.” Another dictionary definition: “poner un asunto en cuestión para analizarlo profundamente.”

Depending on the larger context, George suggests: 1) to examine (explore, study) the problem(s) with; 2) to question; 3) to call into
The Translation Inquirer
Continued from page 55

question; or 4) to analyze in detail.

It is obvious that some of you took a lot of your valuable time with your queries and responses, and I am properly humble and grateful. Keep it up as we approach the end of another calendar year of this column!

When the Dictionary Meaning is Beside the Point

Spanish verdE translates into English as “green.” Except when it means off-color, as a joke, in which case it translates into English as “blue.” Such a meaning for verde can actually be found in some bilingual dictionaries.

But no dictionary will ever say that the Greek word krèdëmnon means “bikini.” That is how Ezra Pound translated the word, which actually signifies a sort of women’s bonnet and is the article of clothing given by Leucothea to Ulysses. Hugh Kenner, in his essay “Leucothea’s Bikini,” explains that Pound had no time for a footnote about ancient Greek women’s clothing: Poseidon’s waves and the wind gods’ gusts were doing their best to smash Ulysses’ raft. Pound needed an incongruous piece of clothing Ulysses could don in a hurry.

In Georges Perec’s French novel La disparition is the phrase Un loup fuit [A wolf runs/ran]. Gilbert Adair, in A Void, translates the phrase as “Chipmunks run wild.” Say what? Douglas R. Hofstadter, in Le Ton beau de Marot, explains that Perec’s entire novel lacks the vowel “e,” and that the paragraph containing the phrase in question also lacks the vowel “a.” Hence, the need to transmute one wolf into several chipmunks.

In the contemporary children’s opera La figlia del mago [The Sorcerer’s Daughter], with words by Marco Ravasini and music by Lorenzo Ferrero, there is a character called a mareserpa.

When Ronnie Apter and I translated this opera into English several years ago, we could not call the character a “sea serpent,” even though that is the literal translation of the two halves of the Italian word. Such a compound noun, which is common in English, is very unusual in Italian. This libretto frequently employs such unusual constructions and invents new words from old roots. Therefore, we translated “mareserpa” as “aquaconda”—strange in English, but still reminiscent of a water snake. “Aquaconda” also has the added virtue of having the same four syllables and accents as “mareserpa,” so that the word can be set on the same four musical notes in both Italian and English.

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Harvie Jordan Endowment Fund

Throughout his multifaceted career, Harvie Jordan fostered the development of a great number of translators and interpreters, many times in ways some of us did not fully recognize until he was no longer with us. Harvie’s sudden death on November 8, 2002, was an immeasurable loss for all of us who knew him and for all the groups in which he participated.

To honor Harvie for his lifelong contributions, carry forward his personal goals, and serve ATA’s Spanish Language Division, the Harvie Jordan Endowment Fund was created to provide financial assistance for continuing education for translators and interpreters. If you would like to help carry forward Harvie’s legacy, please consider making a donation to the fund by writing a check to: American Foundation for Translation and Interpretation, Columbia Plaza, Suite 101, 350 E Michigan Avenue, Kalamazoo, MI 49007. Include the annotation in the memo section, Harvie Jordan Endowment Fund.
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Alexandria, VA 22314
ata@atanet.org
Call for Submissions

TWO LINES: a journal of translation
2004 Issue (Power)

We are looking for works that explore all aspects of our 2004 theme: POWER

- Muscle, electricity, fame, potency, beliefs, money;
- Magic, authority, addictions, sway, resistance;
- Establishment, mobs, physics, emotions, access, stars;
- Royalty, knowledge, influence, fuel

Deadline: December 15, 2003
Translators will be notified of our decisions in February/March 2004.
(Complete submission guidelines below).

What to Submit
Original translations into English of writing from any genre and any language. In order to be considered, submissions must include a brief introduction with information about the original author, the background of the piece, special problems the translation presented, and the way you see the piece in relation to the theme of the issue. Please enclose a copy of the original text with your submission.

Translators are expected to acquire copyright permission for their translation and for reprinting the original text (in full, if poetry; in part, if prose). Permission can generally be requested from the publisher of the original work.

How to Submit
Electronic submissions are greatly appreciated, but hard copy submissions are also welcome. For electronic submissions, please save your documents as Rich Text Format (RTF) files. If you would like your materials returned, please send an appropriately-sized self-addressed stamped envelope.

Send submissions to editors@twolines.com or to our NEW mailing address:

TWO LINES: a journal of translation
35 Stillman Street, Suite 201
San Francisco, CA 94107
Tel/Fax: (415) 512-8812

For more information, see our web site: www.twolines.org.
American Translators Association
44th Annual Conference
November 5-8, 2003
Pointe South Mountain Resort
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Day of Medicine
Friday, November 7, 2003
at ATA’s 44th Annual Conference

Educational Sessions
10:15-11:45 am
Medical Interpreters as Advocates
Holly Mikkelson, Cynthia Roat, Jane Kontrimas, Karin Ruschke, Shiva Bidar-Sielaff

1:45-3:15 pm
End of Life and the Rise of Palliative Medicine: Issues and Terminology
Rafael Rivera, MD, FACP

3:30-5:00 pm
Understanding the Power of a Medical Interpreter
Zarita Araújo-Lane and Vonessa A. Phillips

National Forum: Language and Healthcare in Crisis
6:00 pm-7:30 pm
Language and Healthcare in Crisis
Federal Executive Order 13166 mandating foreign language support, and efforts towards certification and standards.

A panel of national experts in language, medicine, legislation, and public policy will discuss the current legal struggles at state and federal levels over funding and support for language services in the healthcare sector.

Issues include an examination of the cost in lives due to lack of qualified interpreters,

Coordinated by the ATA Public Relations Committee; Sponsored by the American Translators Association and the National Council on Interpreting in Health Care.

Visit www.atanet.org/dayofmedicine.htm for more!
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