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## **Legal Translation and Court Interpreting in Laredo, TX**

Karen Leal

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LEGAL TRANSLATION AND COURT INTERPRETING IN LAREDO, TEXAS

A Thesis

by

KAREN LEAL CANO

Submitted to Texas A&M International University  
in partial fulfillment of the requirements  
for the degree of

MASTER OF ARTS

August 2017

Major Subject: Language, Literature, and Translation

Legal Translation and Court Interpreting in Laredo, Texas

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## ABSTRACT

Legal Translation and Court Interpreting in Laredo, Texas  
(August 2017)

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The disciplines of translation and interpreting have long been testament of the power that the transfer of words can impart on a civilization. The disciplines are broken down into specialized fields that each have their own requirements to implement the use of interpreters and translators in various sections of life. Legal translation and court interpreting fall under one of these specialized fields. The implementation of interpreters and translators within the federal court setting can be found in United States' code and requires an extensive and rigorous training and examination to fulfill the line of work. However, state and local, or municipal, courts do not require the same legal trainings and certifications. This thesis explains the requirements asked of translators and interpreters within court settings, providing history, detailed explanations of the disciplines, and the findings of interviews conducted in the Laredo, Texas area regarding legal translators and court interpreters. Four participants, a legal translator, a court interpreter, and two legal personnel were separately interviewed for this case study. The author's first-hand observations of court proceedings are also documented to further illustrate the current state of legal translators and court interpreters within the area. The current status of Laredo legal translators and court interpreters has not been reported prior to this thesis.

The findings of this thesis concluded that there are not enough qualified legal translators or court interpreters in the area. It also found that the contrast between legal systems, their procedures and terminology, cause little strain on qualified court interpreters or legal translators. The use of bailiffs, who are not certified as interpreters or translators, and readily available bilinguals around the court area is seen often in lower courts, while state-certified interpreters can be seen in working in federal court and state courts. In terms of perceptions of legal translators and court interpreters by legal personnel, it was discovered that different professions call for different interactions and views on legal translators and court interpreters.

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## CHAPTER I

### INTRODUCTION

#### *The Importance of Translation and Interpreting*

Translation, the written transference of a source text into another language, and interpreting, the oral equivalent of translation, have been long-established practices that have existed since time immemorial. Translation and interpreting have both been crucial elements in shaping modern day cultures and languages around the world. Translation has played a huge part in the spreading of knowledge. It has helped with the preservation of foundational books and documents found in and throughout the history of Western Civilization. Then again, interpreting has not only facilitated but also made possible many pacts, treaties, trade agreements, and first encounters between tribes and explorers. Interpreting has played a significant role in helping world leaders communicate and helping military personnel process information between opposing sides during taxing, nail-biting moments that call for action and tough decisions. Interactions that require an individual to utilize translation methods to overcome linguistic barriers happen even without us noticing. In a way, everything we do in our daily lives involves some form of translation. Things like the way speak, the way we see the world, the way our face reacts when we hear shocking news, or how we move out of the way when we are walking down a narrow sidewalk and we see someone coming our way are all examples of complex forms of translation. Almost any and every human interaction can be construed or seen as being a form of translation (Schulte, 2012).

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This thesis follows the style of *The International Journal for Translation & Interpreting Research*.

According to Bassnett (2002), translation, which is always written, can be defined as being the transfer of terms or phrases in a source language (SL) text to a text in the target language (TL) without changing the meaning of the SL and conserving the structure of the SL as much as possible without having it affect the TL structure too much. The importance of having a thorough understanding of both source and target language is highly stressed in many, if not all, texts regarding Translation Studies (the official term used when describing any aspect of the scope, research, understanding, and requirements regarding translation matters). While excellent language skills are extremely important, so is being familiar with all cultural aspects, as language cannot be divorced from culture (Globalization & Localization Association, n.d.). Interpreting, on the other hand, because of its oral process and delivery, can be considered to be much like translation but is still a very distinct undertaking in itself. Interpreting is, in a sense, a form of translation but without being able to go back and double-check one's rendition before producing a final product, as in this practice the transferring of ideas from SL to TL is given in a spoken form. Though both, translation and interpreting, are means of closing linguistic and cultural gaps, the difference between the two processes ultimately relies on one being practiced through the means of writing while the other one is performed orally. Many people who are not familiar with the terminology use the term "translation" to refer to both written and oral processes. It is important to note that in the past, translation was the term used to refer to both written and oral renditions of a SL to a TL, but with the emergence of interpreting and translation as academic co-disciplines, the distinction between the two practices has been more evident than ever. This separation between fields has made it clear that translation will result in a written text, while interpreting will be rendered orally. This leads to the conclusion that

interpreting is the older of the two practices since it deals with the spoken word. Translation did not come about until the invention of written language.

Although the ability to translate and interpret is thought by many to be a skill that most, if not all, bilinguals possess naturally, in all actuality it takes years and consistent practice to perfect either of these disciplines. Growing up knowing how to articulate or write in two languages is a skill that only some possess, but it may, in fact, still not be enough to make a person an adequate translator or interpreter. The advantage of being brought up bilingual, or becoming bilingual through the learning or studying of two languages, barely touches the surface of what translation and interpreting require. For example, as a person starts learning a new language, it may be easiest to try to come up with equivalences between the language they already know and the language at hand, in order to create a sort of assimilation between words, phrases, ideas, or even actions (Child, 2010). Though it may be simpler to attempt to find similar words or phrases between two languages, it may not necessarily be the best, or most proper, way to translate between them. Trying to translate word-by-word, as most novice translators do, will most of the times have a high cost to the original meaning that the SL tries to convey into the TL.

People who aren't as aware of what it entails to be an interpreter or a translator might be surprised that simply knowing two languages does not make for a "natural-born translator", if there is such a thing. For example, translation embodies so much more than simply transferring words from one language to another via written text. It calls for rigorous work and attention to detail, in lexicon and syntax, all the meanwhile thinking of the context behind the words and phrases being translated. A true translation has been described as being able to completely render the original meaning and ideas of one work in one language into

another language in order to be “as strongly felt by a native of the country to which that language belongs, as it is by those who speak the language of the original work”

(Woodhouselee, Lord, & Huntsman, 1978, p. 15-16). The immense amount of pressure that goes into bringing the ideas of one text into another language doubles when it comes to interpreting. Interpreting requires exceptional skills on behalf of a trained and certified individual to successfully execute the oral transfer of a spoken text into another language.

### ***Brief Historical Overview***

Interpreting has probably been practiced since the beginning of time. Interpreters have been needed to facilitate communication between people from different tribes and nations that have spoke different languages and dialects during times of war and peace dating back to the beginning of time (Sofer, 2013). Most often the role of the interpreter and later translator fell upon people who had learned two or more languages growing up in different regions due to diverse circumstances. Migration, travel, marriage, captivity were just some of the ways individuals were exposed to other languages. The Romans, for instance, who highly valued bilingualism, had Greek slaves in their homes who taught their children and translated many Greek works of literature and philosophy into Latin (Child, 2010).

An example of one of the first instances of translating or interpreting can be seen in the work performed by scribes. Scribes served as “bilingual recorders” to pharaohs and other high ranking officials in the Mediterranean Basin for trades, diplomatic situations and military actions since ancient times (Child, 2010). The use of interpreters and translators vastly grew with the development of better means of seafaring and transportation that emerged and flourished around the world. Typically, early translators and interpreters did not study but learned their trades through hands-on practice. Besides the common practice of

using captured enemies or slaves as language mediators, another was to send young men to live in other cities or lands to learn their languages and later serve as linguistic links between cities and regions.

Religious texts have played an important role in this history of translation. The Bible is the most translated book in the world and one of the best-known translators is St. Jerome, who, at the end of the fourth century and upon instructions of the Pope, translated the Bible from Greek and Hebrew into Latin. This translation became known as the Vulgate and is still used today. Many steered clear of the challenge of translating the Word of God fearing they would be declared blasphemous if they distorted the Word and would rely on word-by-word translation. St. Jerome also left us writings in which he discussed his thoughts on the challenges of translating. St. Jerome proposed a different approach and focused on translating the meaning “sense for sense” rather than “word for word”. This way the original intent or the message of the source text is not lost. Thus, St. Jerome expressed, perhaps for the first time, the eternal dilemma of the translator: translating words or ideas and meaning. St. Jerome recommended the latter (Child, 2010). For his monumental task of translating the Bible and for leaving commentaries of the process of translation, he is recognized as the patron Saint of translators and September 30, the day of his death, is celebrated as International Translation Day.

Translation and interpreting also helped extend communication between peoples of different beliefs as well as share and preserve knowledge for future generations in the form of translated texts. For example, during the Middle Ages, the Toledo School of Translators in Spain enabled Christians, Jews, and Muslims to work together and translate the most important works of their respective cultures while learning from each other during times that

would ordinarily call for these groups of people to clash (Child, 2010). The harmonious environment that led people to share the most important knowledge other cultures revealed one of the most important aspects of translation and interpreting. The translation of many works in mathematics, physics, medicine, astronomy, philosophy, among others made it possible for the knowledge to be known and preserved for the Western World. The Toledo School of Translators also furthered the development of Castilian Spanish as a language.

Interpreting has facilitated various conquests and many expeditions throughout time. For example, during the Renaissance, new discoveries of foreign lands, cultures and peoples were made and interpreters facilitated communication. Explorers like Christopher Columbus, for example, brought interpreters of languages they thought they would encounter in new lands on their expeditions. Some conquerors kept records of the tongues and dialects they encountered, others held some of the people they conquered as prisoners thus turning them into their personal interpreters who were supposed to assist them communicating with other people they were about to fight and conquer (Child, 2010). A prime example of a native turned interpreter, and later confidant and advisor for a conqueror would be Malinche, who aided Hernan Cortés with the conquest of the Aztec empire after she was gifted to him by a chief (Child, 2010). Through communications performed by her and others, Malinche was able to help Cortés attain his goals of conquering the Aztecs and other indigenous peoples.

Translation and interpreting have existed for thousands of years and helped mold the world as we know it, but are they still important in our modern, everyday life? It is a rather complex situation. In the present globalized world, specialized fields within the disciplines have become much more widespread and necessary due to the emergence of such complex translating and interpreting necessities. The modernization of travel and transportation, the

advent of telephone and the internet, the important of commerce, among others, have made translation and interpreting ubiquitous in every single country today. There are thousands of languages spoken on the planet and it is almost unimaginable to exist without linguistic transference from one language into another in order to communicate and function in the twenty-first century. Because of this many different specialized fields of translation have emerged, which, according to Washbourne (2010), can be identified as commercial and financial, medical, literary, scientific and technical, and legal and political translation. Both practices drastically impact the outcomes in these specialized fields. Each field of translation and interpreting presents very specific challenges. Legal translation and interpreting can be particularly difficult fields since the work done affects people's lives most dramatically.

### ***U.S. Courts and the Use of Translation and Interpreting***

Within the United States' Judicial System there is a federal court system and 50 state systems. Federal courts are broken up into district courts, courts of appeals, and the Supreme Court. Courts at this level try different types of cases, both criminal and civil. The highest court within the United States is the Supreme Court. State courts, on the other hand, are divided into trial courts and courts such as county, municipal, traffic, and police courts that handle other matters. These types of courts remain the same for all states at the federal level, it is only courts at the state level that vary based on the state in which they reside.

The use of translation and interpreting in a legal sense can be perfectly seen within the United States' Judicial System. Documents such as marriage and divorce licenses, birth and death certificates, laws from other foreign speaking countries, and even presidential decrees found in other languages can be translated in order to abide by the rules of U.S. courts (which call for all documents turned in as evidence in a case to be in English). The use

of interpreters in the courts of the United States can be found under 28 U.S.C. 1827, a statute under the Judiciary and Judicial Procedure title within the United States' Code. Interpreters are often needed in proceedings where one party, or one person within the court, needs assistance to either speak or understand English (as all proceedings within the United States' courts are to be tried solely in English). This aids the individual from misinterpreting what is being said to them in court proceedings. It ensures that the rights of the individual be fully understood by the party lacking the full competency of the English language.

### ***Laredo: A City on the Mexico-U.S. Border***

This thesis studies the current status of legal translation and court interpreting in Laredo, Texas. Based on a population estimate of 2016, Laredo is a city of 257, 156 inhabitants located in South Texas, by the Rio Grande, at the very border between the United States and Mexico. Of those, approximately 26.2% were reported as being foreign born persons (United States Census Bureau, n.d.). Due to its geographical location, the demographics and the linguistics situation of the city, it can serve as a case study in terms of legal translation and interpreting. Since the city is approximately 96% Hispanic, as of 2010, and Spanish is the preferred language of many of its inhabitants, the need for legal translators and interpreters is great. Of that 96%, approximately 87% of the people are of Mexican descent (United States Census Bureau, 2010). According to the Federal Bureau of Investigation's (2016) Preliminary Semiannual Uniform Crime Report of Offenses Reported to Law Enforcement 493 violent crimes, 7 murders, 74 rapes, 88 robberies, 324 aggravated assaults, 4,126 property crimes, 570 burglaries, 3,445 larceny-thefts, 111 motor vehicle thefts, and 28 arsons were reported in Laredo in 2016. Statistics on illegal entry and reentry

are harder to analyze but due to Laredo's location, these numbers may be predicted to be higher than the crimes reported above.

No prior research on the status of legal translation and interpreting in Laredo has been conducted until now and there is no specific data available to examine the situation of translator and interpreters in the courts of this city. This thesis stepped into "unchartered territory" and sought to obtain information as to the preparation, training, examinations, and current status of translators in Laredo.

### ***Methodology***

The purpose of this thesis is to research the current status of legal translation and court interpreting in Laredo and to identify the special skills and possible problems that go with these specialized fields. The author of this thesis intends to decipher and study the elements and skills required to be a legal translator or court interpreter.

Different individuals who are either interpreters or translators or legal personnel that interact with interpreters/translators from the area were asked to respond truthfully and in a detailed manner to a set of questions formulated to further explore the realms pertaining to legal translation and court interpreting. The interview questionnaire consisted of two different sets of questions: one for legal translators and court interpreters and the other for legal personnel that interact with legal translators or court interpreters. The interviewees' responses helped with the analysis of the practice of legal translation and court interpreting in Laredo. The first set of questions, intended solely for individuals who are legal translators or court interpreters, consisted of seventeen questions pertaining to their practice, as well as six follow-up questions. Follow-up questions were asked in order for the researcher to fully understand and report on the participants' answer. Participation in this thesis study was

completely voluntary and confidential. Participants were “recruited” by use of email and recommendations. None of the participants had prior knowledge of the questions that were asked in the interview. The names and emails of the participants were acquired by the researcher through public websites, as well as through word of mouth of others in the field. The second set of questions, intended for legal and court personnel, consisted of six questions pertaining to legal translators and court interpreters in the area. Follow-up questions were asked in order to ensure clarification. Participation by legal and court personnel was also voluntary and confidential. The participants were contacted based on their profession and primarily recruited through email, recommendations, or telephone. In addition to the interviews, the researcher also sat in on several court cases at the state or municipal level to view first-hand what goes on inside of a Laredo courtroom in terms of translating and interpreting. These findings were documented and reported based on notes written by the researcher during the proceedings.

This thesis was formulated in a way that gives the reader a general overview on a topic that is to be presented and then focuses in to a specific “subtopic” within the aforementioned topic. The first chapter of this thesis serves as an introduction to translation, interpreting, legal translation and court interpreting in the U.S. Court system, the city of Laredo, and the methodology used in the formulation of this thesis. Chapter two serves as an overview of the Civil Law System and the Common Law System. Given Mexico’s proximity to Laredo, the law system of this country (Civil Law) is explored, as well as the United States’ Common Law system. The ending of this chapter serves as a contrastive summary of both systems followed by a general overlook of the U.S. Court system. Chapter three goes into further detail on translation and then focuses in on legal translation. Chapter four focuses

on interpreting and court interpreting. Chapter five presents and analyzes the responses of the interviews and then gives explanations to the findings. The last chapter serves as a conclusion.

## CHAPTER II

### CIVIL LAW VS. COMMON LAW AND THE UNITED STATES' JUDICIAL SYSTEM

#### *Introduction*

Countries all over the world follow different legal systems. These are studied in comparative law in order to better understand the field of legal translation and interpreting in English and Spanish, a brief overview and comparison of the two “systems”, or “families”, of law practiced in the most of the English-speaking and Spanish-speaking countries is necessary. Legal systems serve as a set of rules that define both the rights and responsibilities of a country’s residents. Whether established by force (e.g. when established due to conquest of another group of people) or products of years of change and innovation, these systems of law worldwide serve as codified procedures used in the governance of a country’s people. There are five central types of systems found throughout the world, but there are also countries that have adopted variant systems that incorporate factors from some of the main systems. The five types of legal systems found around the world are Civil Law, Common Law, Customary Law, Mixed or Pluralistic Law, and Religious Law ([cia.gov/notes](http://cia.gov/notes)).

The United States of America, with the exception of the state of Louisiana, which follows a Napoleonic Civil code, and approximately 80 other countries throughout the world follow systems based on Common Law. Common Law stems from English Common Law, which tends to be in use by countries that were once under or influenced by the British Empire, such as various island nations, some African countries, Middle Eastern countries, and, of course, the United States. According to the CIA website, it is thought that the English Common Law system was created under the reign of England’s King Henry II during the 12<sup>th</sup>

century (Central Intelligence Agency, n.d.). Mexico, on the other hand, follows a codified system known as Civil Law, or Roman Law, Continental Law, or Romano-Germanic Law. Approximately 150 other countries around the world use Civil Law systems, or at least variants of it. Civil Law systems are the most commonly found systems throughout the world. The Civil Law system is said to stem from the Roman *Corpus Juris Civilus*, or Body of Civil Law, which was created by Emperor Justinian I during the 6<sup>th</sup> century (cia.gov/notes). Common Law and Civil Law procedures and practices differ tremendously and vary in details on a country-to-country basis.

Explaining the general differences between two very different systems of law that are so close to each other geographically will allow the reader to get a better understanding as to why the contrast in families of law could pose translational barriers based on law and not only on linguistic factors. For legal translators and court interpreters to be able to do their jobs and render the written and oral texts faithfully, they need to be familiar with the legal jargon and terms and knowledgeable about the legal systems they are working with. This is one of the many reasons that both disciplines call for individuals to be well-trained and thoroughly tested before being able to practice. For some novice interpreters, the initial association could prove rather difficult, though it should be noted that constant practicing and studying can facilitate the translation and interpreting between skills. Another factor that can drastically influence word choice when interpreting and translating is that certain legal terms that are correct in one language or system of law, may not necessarily be correct in another language or system. It is crucial for legal interpreters and translators to possess extensive knowledge of the legal processes and procedures that are common in the two systems. It is the only way they will be able to serve both their clients and the court system. This chapter

provides further information on the two systems of law and presents potential challenges for legal translators and interpreters.

### ***Civil Law Overview***

Civil Law, also known as Continental Law or Romano-Germanic Law, is mainly characterized by its unified civil codes. Civil codes contain the laws that regulate relationships between people. These codes, or statutes, are formulated through legislation to fit as laws to any possible case that could ever come up in court. They consist of general rules and principles whose vagueness and lack of detail allow an easy way to apply the codes to any given situation. If the situation arises where no code was to fit a case, the court finds the closest code that could pertain to the case possible and modifies it to fit the details of the case. In other words, the decision of a case is based on the application and interpretation of legal norms. The ultimate function of the court is to interpret and apply civil codes. When a civil code cannot be applied, the court's role is then to fill in the blanks these written civil codes fail to cover (Dainow, 1966).

The decision that results from the cases is not binding to other courts nor do they become influences for similar cases. The court's role in filling in the spaces in civil codes does not mean that the court makes a law. Since there is no rule of precedent, or there is no binding force that states what procedures should be followed or what outcome certain cases with certain facts should have, the previous decisions of the court do not hold any authority over presiding cases.

### ***Common Law Overview***

Common Law, also known as Anglo-American Law or English Law, is uncodified. The decisions of the court are based more on precedent than anything else. While juries get

to decide the guilt or innocence outcome of their peers, the judges in Common Law systems set the appropriate sentencing based on previous case law. If no prior case can be molded into fitting with the facts of a similar presiding case, it is up to the judge to set precedent, or a base to by which a court can refer to in terms of sentencing for similar previous cases, for that particular presiding case. The decision of the court, at this point, no longer only holds to be true for the presiding case, rather it also becomes part of a collection or record of other past milestone cases and their decisions that serve to guide sentencing in future cases (Dainow, 1966).

At the very root of Common Law is the power the judge has in shaping sentencing norms. A judge can decide that previous cases can shape the outcome of a current case, or opt to set a new precedent for the specifics of such said case. This allows for a sense of uniformity in terms of sentencing. Since precedent is a key factor in Common Law systems, courts are bound by the previous decisions of other higher or equivalent courts. Though not formally codified, this method of setting guidelines for all past cases that shape the sentencing of future cases, calls for a sense of consistency, for the most part, in sentencing decision making throughout a country. These decisions, in some sense, turn an uncoded system into an informally, semi-codified system, therefore instilling a sense of regulation that both the courts and citizens must abide by.

### ***United States' Judicial System***

The United States' judicial system is set up as a dual court system. There is federal court and 50 state courts. Federal courts are set up in three distinct groups: district courts, courts of appeals and the Supreme Court. Generally, these courts hear civil and criminal matters, but there are other special courts, departments, and agencies that handle other

matters (Farnsworth & Sheppard, 2010). Courts such as the district courts are divided by jurisdiction. Currently, there are 94 different district courts spread throughout the United States. District court judges generally preside over the cases seen in these courts but are sometimes relieved by magistrate (a lay judge or civil officer who presides over a court of minor offenses or preliminary hearings) and bankruptcy judges. Appeals stemming from cases tried in district courts are then taken to the Court of Appeals, which is made up of 13 circuits spread across the United States. Lastly, the Supreme Court constitutes as the court of “last resort” for a special, limited number of cases tried in other federal courts. The Supreme Court consists of one chief justice and eight associate judges (Farnsworth & Sheppard, 2010).

State courts vary on a state-by-state basis and are, too, divided by jurisdictions. There are trial courts that call for a single judge and an optional jury of peers and preside over civil and criminal cases; and then there are justice courts that have control over more trivial cases that are called “county, municipal, small claims, police, and traffic courts” in certain jurisdictions (Farnsworth & Sheppard, 2010, p. 44-45). Much like at the federal level, state courts also have a “Supreme Court” that is known as the highest appellate court of the corresponding state. These courts have five to nine judges, one chief justice and various other associate judges (Farnsworth & Sheppard, 2010).

Case law in the U.S. Judicial System is generally formulated by appellate courts. It is generally made into case law after a judge gives his or her “opinion of the court”, in which the facts, procedural history of the presiding case, the issues before the court, and the decision of the court are written (Farnsworth & Sheppard, 2010). This way, the court has the discretion to look at the past decision and decide the outcome of the presiding case based on

the prior decision made in a similar case. These precedents are not included as written rules. That is to say, these precedents are not written anywhere that would therein fact make them forever binding. The decisions of the courts can be changed and, even, overturned in certain situations.

### ***Challenges in Interpreting and Translating***

Translating and interpreting are difficult tasks to undertake for any individual, whether they be new to the practice or experts. The task of a translator is to bridge two languages, in a written manner, in order to get the same ideas across satisfactorily from the source text to the target text. The reality is that when translating legal texts, there are not two languages being translated but rather three. Translating legal texts involves a source language, a target language, and the language of the law. Legal jargon and legal terms vary in merit and use on a country-to-country basis, therefore making the study of legal practices an undertaking in understanding a complete different style of language known to a select number of people in civilization (or those in the legal community).

The difficulty in finding an exact equivalent legal term or phrase to fit both the idea behind a term and a similarity in importance in both systems or families of law can be noted in different terms that lack equivalence in both systems. For example, the “writ of *amparo*” that is commonly recognized in some Civil Law, or Roman Law, systems. The procedure known primarily, but not exclusively, by some Latin American systems of law involves the protection of human, constitutional rights of the citizens of corresponding countries. The term has varied in meaning and function throughout the years since its inception and adaptation in several Latin American legal systems. It has been used as a means of challenging judicial decisions, a type of injunction in the protection of real property rights, an

instrument for the security of the rights of the individuals, and in some countries as an official way of “maintaining possessory rights over urban or rural properties against dispossession efforts by other private interests” (Zamudio, 1981, p. 364-365). Overall, the aspect of the writ of *amparo* that links the Latin American countries that employ it is a common sense for the protection of human rights.

Since the legal term “*amparo*” is used by a copious number of Latin American countries, it is important to note that the term’s use varies on a country-to-country basis. The Mexican writ of *amparo*, for example, varies from its Latin counterparts in terms of use. The Mexican writ of *amparo* has five main functions: protecting individual guarantees, challenging alleged unconstitutional laws, disputing judicial decisions, the filing against of official administrative decisions and resolutions, and, lastly, protecting the social rights of farmers in terms of agrarian reform laws (Zamudio, 1979). In general, the writ of *amparo* under Mexican law is seen as a means of protecting a Mexican citizen’s individual rights. The variance the term has within different Civil Law systems will call for different translations and interpreting within the court setting in which the term is being used. The way a translator or interpreter chooses to translate the term within a Common Law system is determined by the way the writ is being referred to. This could change depending on what is being tried in court, as well as the geographical background of the individual to which the writ is attempting to be applied.

## CHAPTER III

### LEGAL TRANSLATION

#### *Introduction*

As defined in the Introduction, translation is the process of transferring ideas and meaning from a text written in one language, otherwise known as the source text (ST), to a text written in another language, called the target text (TT), without changing the original's meaning. Translations are identified by their written expressions and can be found in the form of documents, letters, books, etc. A completed translation should always try to maintain a similar style and manner to that of the original work, should follow a similar composition as the original, and provide the same idea presented in the original work in the finished product (Woodhouselee, Lord, & Huntsman, 1978). These three characteristics help readers of the TT get a full picture as to what is being said in a different language, and helps establish communication by allowing the transfer of the message from language A to language B. An ideal translation allows the reader of the target text to feel as if he or she is reading a text originally written in the target language. A translation should never be awkward and should always flow naturally and be idiomatic.

Other than just relying on the transfer of the source text's (ST) message, factors like culture play a big role in how a translation turns out. Sometimes, for example, subcultures in a society can have their own slang, jargon, or regionalisms. The importance of being well acquainted with slang and jargon in these different subcultures can facilitate a translator's job. In terms of the legal community, a subculture within a society in which members have a strong interest in the law (whether by studying, practicing, or simply observing it), a strong

sense of legal jargon and different procedures that can be found within different systems can prove to be a difficult undertaking for the unseasoned translator.

### ***Legal Translation***

Legal translation is the practice of taking a text presented in one type of legal system and language and transferring this text to fit into another legal system and language. It is important to stress that both linguistic and legal values are pertinent for the making of a successful legal translation (Chromá, 2014). Such translations can also be called official translations since they are (usually) executed by a certified translator and are deemed legally binding within a court of law. These translations are deemed legally valid in the eyes of a “target country” due to their “truth and faithfulness” and is ultimately signed and sealed to authenticate its validity (Washbourne, 2010, p. 197-198).

The language found within law settings varies from that found in layman settings. Legal terminology and jargon constitute for much of the wording presented and spoken within the legal environment. Samantha Hargitt (2013) explains that “while based on ordinary language, legal language is a jargon primarily characterized by a complex and specialized lexicon, which requires interpretation to be understood and often makes the language completely foreign and incomprehensible to a layperson” (p. 427). If learning and employing the lexicon of a language was not a difficult undertaking in itself for many translators, the strain put by having to include and not alter legal concepts, terminology and jargon can seem overwhelming. The complex dynamic of legal terms and concepts creates a need for a translator to intervene and help the layman find a way to bridge the gap, not only based on linguistics but also based on the language of the law.

The scope of legal translations can range from standardized birth certificates to more complicated international court cases and their findings. The most common types of documents that are translated for the layperson or for the courts are birth certificates, marriage licenses, death certificates, divorce decrees, academic transcripts, agreements and guarantees, powers of attorney, wills, adoption requests and applications, rogatory letters, court sentences and resolutions, and documents used for means of identification (Washbourne, 2010). Witness statements and depositions can also be translated in order to be admitted into evidence by a U.S. Court of Law.

Though it has been addressed and studied in a variety of languages, the truth of the matter is that translating law between languages is not an easy or candid undertaking (Cao, 2007). It is important to remember that cultures vary from region to region and, more importantly, country to country. The actual complexity of a community's culture considers a variety of components, such as language, customs, beliefs, and policies. This can prove to be a difficult barrier to cross when translating, let alone translating law. Since cultures vary so much between regions and countries, it is more often than not difficult to find words and phrases that will be suitable to use in order to create a familiarity between cultures and languages.

A concise understanding of both the target and source language, alongside a firm understanding of the legal systems at hand are required for appropriate translating. According to *Translating Law*, "it is commonly acknowledged that legal translation is complex, and it requires special skills, knowledge and experience on the part of the translator to produce such a translation" (Cao, 2007). These skills go beyond those of a normal translator, as legal terms and concepts are also to be kept in mind when translating. Olga Stroia (2013) confirms this

concern when she says that the “translation of legal texts from one language to another raises particularly complex theoretical and practical problems as it requires specialized interdisciplinary comparative approach—legal and linguistic—of...two legal systems” (p. 145). Her conclusions implemented certain criteria on a legal translator’s responsibility as the bridge that helps with the understanding of international terms and ideas that would otherwise not be understood by those who do not know the source language. She states that legal translators “should be aware of the differences between and inside the legal systems, understand the source document and the related legal culture, have a good command of the languages involved in the translation process, use the concepts and terminology of law in the target language, and...use the most appropriate translation strategies” (Stroia, 2013, p. 147). This will ensure an appropriate translation that will cause little to no legal problems for those who do not understand the source language and those who do not understand the target language.

A legal translator serves as a bridge between members of the public and the legal community, often a defendant and the court, and not as a type of legal aid or anything along the lines. It should be noted that ultimately, “the legal translator’s job is not to provide legal advice and solve legal problems, but to translate and facilitate communication across linguistic, cultural and legal barriers through the medium of language” (Cao, 2007, p. 4-5). In some courts and settings, a translator’s work is done “behind the scenes” and only the product that is their finished work is that is their contribution to a case or trial. Marta Chromá (2014), in turn, gives legal translators two responsibilities in making a “competent” translation between laws and their respective languages. She explains,

Before indulging in translation, the translator should achieve sufficient proficiency in the source and the target dual semiotic systems (law and

language) supported by a basic comparative analysis of those systems; and the translator must produce a translation the interpretation of which in the target language and within the target law settings would convey information, as precisely as practicable, from the source legal text into the target language, so that the information conveyed make sense to, and does not mislead, the recipient. (p. 142)

Based on Chromá's explanation, legal translators should be extremely well versed and knowledgeable of both the source and target languages to assure accurate and non-misleading translations to the target audience. The last requirement, as mentioned by Chromá (2014), may be in fact the true essence as to why legal translators are needed: to make sure that an individual who does not speak the SL understands all that he or she is being tried against, accused of, or simply requesting of a court.

The impacts caused by a legal translation can be detrimental to the individuals to which the documents in question belong to or are being used by/against. This fact makes these types of translations highly important for the modern world. According to Cao (2007), "...legal translation involves law, and such translation can and often does produce not just linguistic but also legal impact and consequence..." (p. 7). The stakes for an accurate, or true, translation are sometimes higher than any other translating realm, as both laws and an individual's rights and future are often at hand. Cao (2007) goes on to state that, "the translation of law has played a very important part in the contact between different peoples and different cultures in history, and is playing an even more important role in our increasingly globalised world...the demand for legal translation is on the increase around the world owing to globalisation and the increased contact and exchange between people and states" (p. 2). Our ever-expanding world calls for the demand of trained individuals to bridge cultures, to get world leaders to come to agreements, to help ease turmoil caused by war by connecting military personnel of different countries who otherwise would have trouble

understanding each other; the possibilities in which the modern world is in need for trained translators is practically endless. The demand for legal translators is ever increasing and the skills required of them are ever evolving. It is important to keep in mind that while new laws are created and old ones amended or changed, languages are continuously evolving, growing and changing.

Factors that contribute to the difficulty legal translator's face are primarily due to legal and linguistic obstacles. In specific, the differences found between legal systems and the lack of equivalence in certain legal terms and sayings prove to be challenging for legal translators. Stroia (2013) proves this to be true when states that "the differences between the legal systems of various countries are major problems in terms of translation, which involves the transfer of the source legal reality into the target legal reality" (p. 144). Cao (2007) also suggests that "in translation, due to the systematic differences in law, many legal words in one language do not find ready equivalents in another, causing both linguistic and legal complications" (p. 53). This can prove to be the ultimate challenge within translating law. When it comes to something so delicate and intricate as the law, a translator should always do their best to come up with a rendition that will serve to aid the individual(s) that require help understanding the SL.

## CHAPTER IV

### COURT INTERPRETING

#### *Introduction*

The need for interpreting within a court setting is absolutely essential for defendants or witnesses who do not have sufficient knowledge of the English language. Individuals tried in U.S. Courts will always be tried in English, as per requirement of the law. The need for interpreters is based on cases in which a defendant or another party in court does not speak or understand English, or is limited in the language and cannot participate in his own defense against what is being alleged against them or proposed as a resolution. The presence of a court interpreter can sometimes make the difference between a smooth court session or a mistrial. The job of a court interpreter, in this sense, is extremely important.

Court interpreting is the oral bridging of two languages within a legal setting (Edwards, 1995). A court interpreter must be fully versed in two languages and be familiar with the corresponding cultures and the law systems to be successful. The court interpreter's role includes eliminating linguistic and cultural barriers within the court setting so that all those present get a clear idea of what is going on throughout a trial (De Jongh, 2012).

Court interpreters use three modalities in the court room: simultaneous interpreting, consecutive interpreting, and sight translation. All three modalities may end up being used in a single case or trial. In simultaneous interpreting the interpreter transfers the source language message to the target language at the same time the SL speaker is speaking. That is, the interpreter hears what is being said, understands it, and translates it immediately into the target language only seconds later. This modality is mainly used from English to Spanish

during opening and closing arguments, when the attorneys speak in English and the interpreter stands close to the defendant and translates for him or her into Spanish. The second mode of interpreting found in courtrooms is the consecutive mode. This method of interpreting involves the interpreter waiting until the SL speaker pauses and then giving his or her rendition of the original message in the TL. The simultaneous modality is typically used during cross examination of the defendant and/or witnesses and can be from English to Spanish or from Spanish to English. The third mode presents itself when an interpreter must give an almost immediate oral rendition in the TL of something being presented via a written source in the SL. Sight translation fuses translation and interpreting as it provides an oral variation of written documents like pleas, letters, indictments, reports, etc. (De Jongh, 2012). It can be rendered in both directionalities: Spanish to English or English to Spanish.

Court interpreting can be delivered to non-English speakers via two common methods. In situations where wireless remote interpreting equipment is available, the oral rendition provided by the interpreter is transmitted through headsets or earphones that are worn by the individuals who do not speak the language source/target language (De Jongh, 2012). The second method would be employed in situations where wireless remote interpreting equipment is not available, in which case the interpreter would have to whisper their renditions to the individual who needs the interpreting. The interpreter must do this without attracting too much attention and without interfering with the proceedings of the court. Regardless of the equipment available, or lack of, it is required that the entire case be interpreted to a defendant who lacks a complete understanding of the English language. The easiest way to going about this would be to use simultaneous interpreting. When such said

defendant is on the witness stand, it may be best to use consecutive interpreting to relay questions and answers given so that everything can be fully understood (Edwards, 1995).

There are some cases in which interpreters must work in teams, which leads to a separate “style” in court interpreting. Though the three previously mentioned modalities come into play whether interpreters work independently or as a team, this style of interpreting requires different tactics and practices to execute. If the interpreting for a case lasts longer than 30 minutes, it is probable that more than one interpreter may be present or required due to the speediness and extent of concentration needed to successfully deliver a simultaneous interpretation (Edwards, 1995). Edwards gives an excellent overview of what can happen during team interpreting,

On the witness stand, interpreters may decide to change every 20 minutes, unobtrusively, during natural breaks in the case such as bench conferences, or between questions asked of a witness. Interpreters develop their own hand and eye signals for these switches. When working at the defense table, the interpreter on break is still a member of the team, should sit next to the team member who is interpreting, and be prepared to hand her documents, a copy of the indictment if it is being quoted from, or to pass notes. The notes may consist of a word that has slipped the mind of the interpreter speaking, or suggestions for rendering of words. (1995, p. 14)

These strategies help ease the daunting strain simultaneous interpreting may have on a sole interpreter. They lessen the load of cases that require more than 30 minutes of simultaneous interpreting. Edwards further explains that this 30-minute cut off was determined by the United Nations as “the limit of efficiency for simultaneous interpretation” and is “followed by the United Nations, the U.S. Department of State, the federal courts, the Superior Court of the District of Columbia, and those courts that wish to provide competent interpreting services” (Edwards, 1995, p. 14). Though team interpreting is the ideal solution to long simultaneous interpreting, due to the scarcity of interpretation professionals in certain courts the adherence of the 30-minute cut-off depends on the availability of enough interpreters.

### ***Legal Basis for Court Interpreting***

To regulate interpreting within the court setting, which in all actuality is the place where a verdict decides the innocence or guilt of a person, certain landmark court cases and legislation had to be enacted to get the practice of court interpreting to where it is today. An example of a landmark case that is “often cited as a basis for providing court interpreters” is *U.S. ex. rel. Negron v. State of New York*, 434 F.2d 386 (2d Cir. 1970) (Edwards, 1995, p. 26). This case set precedent as the first to hold that a lack of adequate translation and interpreting for a Spanish speaking defendant rendered the trial unjust (St. John’s Law Review, 2012). Negron, a Puerto Rican with only a 6<sup>th</sup> grade education, did not understand or speak any English at the time of his alleged murder trial. After going through his trial, where he was found guilty, without consistent interpreting of the English-spoken proceedings before him, “the circuit court opined that, where put on notice as to a communication barrier, defendant’s right to confrontation and the requirement of a reasonable ability to consult with his counsel, demand affirmative action by the court to insure awareness of a derivative right entitling him to the assistance of a competent translator. And, if necessary, such a translator is to be supplied at state expense (St. John’s Law Review, 2012, p. 469)”. Negron was not provided an English to Spanish interpretation and was testified against in English throughout the majority of the proceedings; to please the court, Negron’s testimony was interpreted from Spanish to English. Due to the accused’s lack of right to participate fully and efficiently throughout his own defense, the circuit court had no other option but to make the district court’s rulings null (St. John’s Law Review, 2012). This landmark federal case set a precedent for federal courts and lower courts to follow a more just means of trial when it comes to non-English speaking defendants.

Though Negron's case is considered precedent, the first federal law in respects to legal interpreters came about on October 2, 1978, when federal courts enacted the Court Interpreters Act of 1978. Nancy Schweda Nicholson (2005) summarized the federal statute as an act that "provides for the establishment of a certification program for interpreters who work in 'bilingual proceedings'. It includes the appointment of interpreters for NES [Non-English-Speaking] and LEP [Limited-English-Proficient] individuals as well as for deaf or hard-of-hearing persons who communicate via signed languages. The Act also states that the Director of the Administrative Office of the U.S. Courts is responsible for setting interpreters' fees (p. 37)". The 1978 Act has been amended since its inception and has helped pave the way for federal and state interpreting certifications.

The court interpreter's competency to partake in court proceedings is primarily indicated by the level of examination he or she has passed as mandated by legislation. Although there is no concrete, "universal" form of certification for various languages, a translator or interpreter's proficiency can be evaluated through various forms of examinations (De Jongh, 2012). The ever-growing demand for competent and skilled court interpreters should call for a standardized method of testing to ensure adequate interpretations and translations in all court settings.

### ***Federal Court Interpreter Exam***

According to the United States Courts website, there are three different types of interpreters at the federal level: certified, professionally qualified, and language skilled/ad hoc interpreters (United States Courts, n.d.). Since the enactment of the Court Interpreter's Act of 1978, the Administrative Office of the United States Courts (AOUSC) has been able to create certification examinations for the Haitian Creole, Navajo and Spanish languages.

These three languages have a two-phase certification exam that consists of a written and oral portion. A potential certified interpreter must pass the written portion to advance to the second oral stage of the examination. It is in this oral examination where “a candidate’s ability to accurately perform simultaneous as well as consecutive interpretation and sight translations as encountered in federal courts” is measured. (United States Courts, n.d.). All other individuals seeking certification in other languages from those mentioned above are either classified as professionally qualified or language skilled interpreters. An individual’s classification at this point is based on a “case-by-case basis” and is ultimately determined by the federal court. For those individuals seeking to be professionally qualified interpreters, one of the following requirements must be met: passing of a U.S. Department of State conference or seminar interpreter test in a language duo that includes English and a TL, passing of the United Nations’ interpreter test, being a member in good standing of the Association Internationale des Interprètes de Conférence (AIIC) or the American Association of Language Specialists (TAALS). All other interpreters who do “not qualify as professionally qualified interpreter[s], but who can demonstrate to the satisfaction of the court the ability to interpret court proceedings from English to a designated language” and vice-versa are to be considered language skilled or *ad hoc* interpreters (United States Courts, n.d.).

Court interpreters who wish to work at the state level can take the “basic” court interpreter or “master” court interpreter licensing examination. In the case of Texas, these examinations are conducted by the Texas courts’ division. The state level court interpreter licensing exams consist of both an oral and written exam to test an interpreter’s competency level (like the federal exam). The status of “basic” court interpreter allows an individual to work in lower courts such as justice or municipal courts while a “master” license allows an

interpreter to work in all courts that fall under their corresponding state (Texas Judicial Branch, n.d.).

The need for court interpreters, and interpreters in general, will never cease to exist. The ever-changing dynamics of court settings and legislative actions will continue to change, as will the dynamics of language itself, therefore changing the skills and needs asked for of interpreters. The need for regulation and certification of court interpreters is ever crucial for the assurance of just trials for non-English speaking individuals, and their English-speaking counterparts that have trouble understanding a defendant's native tongue.

CHAPTER V  
THE STATUS OF LEGAL TRANSLATION AND COURT INTERPRETING IN  
LAREDO: A CASE STUDY

*Introduction*

The purpose of this study is to gain a greater understanding of the role translators and interpreters who work in legal or court settings play in and around the Laredo area. This thesis set out to highlight and address the problems, if any, that go into the specialized field of legal translation and court interpreting. The main intention of this thesis was to analyze whether or not Laredo as a border town had any impact in the way legal translators or court interpreters in the area practice. It, also, further explains the skills and requirements asked of legal translators and court interpreters.

All the information collected was and will remain confidential. The names, official job titles, and the entirety of the participant's interviews were not disclosed in any part throughout this thesis. However, a vague description of the interviewee's profession was provided (e.g. legal translator, court interpreter [at what level], attorney, judge, court reporter, etc.) for the reader's knowledge. By doing so, the participants were identifiable, but the information collected in the process will remain protected. The ideal course of this study would have called for the participation of five to twelve individuals. Initially, over ten legal translators and court interpreters were contacted. Of those, two took part in the interview process. Others who were contacted either did not respond or were unable to meet to conduct the interview. Overall, four individuals took part in the interview process of this thesis. The interviewees participation was strictly voluntary and the right to halt the interview at any

given moment was mentioned to them. The participants were selected based on web searches of local certified interpreters, others were contacted based on word of mouth as individuals who might want to take part in a short interview regarding local legal translator and court interpreter perceptions and practices. Participants were contacted via email; other participants were recommended by professionals in the legal community as potential interview candidates.

The interviews were conducted in the location of choice of each participant. Prior to starting the interview, participants were asked to sign a consent form that outlined the purpose, methodology, and potential risks and benefits that this thesis would entail. Other factors, such as the voluntariness of this study and the right to refuse or accept to be audio recorded were also included in the consent form. All participants agreed to be audio recorded. The audio recordings of the interviews were later transcribed in order to be analyzed. To reiterate, the entirety of these interviews was not included in this thesis paper in order to protect the individuals' identities. The interviewees' answers were not altered in any way. Answers that revealed any type of identifiable information were either shortened or omitted to conceal identifiable information, or simply paraphrased in a way that did not alter the meaning or main focus of the answer given by the participant.

There were two sets of questions used for the interviews: one intended for legal translators and/or court interpreters, and the other for legal personnel. In this thesis, those individuals who fall under the "legal personnel" category were any person of the law who either has knowledge on the subject of legal translation and court interpreting, or has a sort of professional interaction with legal translators and/or court interpreters. Legal personnel could include judges, attorneys, bailiffs, court reporters, etc. The set of questions that were asked to

translators and interpreters consisted of approximately 20 questions pertaining to the discipline and its use in Laredo. This series of questions included describing a typical work day, asking more on the individual's background as a translator and/or interpreter, the challenges and variances they have experienced while working in this profession, and, perhaps more importantly, whether they struggle between translating and interpreting between two (or more) legal systems. The interviewees' perception of the working attitudes between the legal personnel and legal translators or court interpreters around them was also asked. The set intended for legal personnel consisted of a more condensed number of questions asked. Persons of the law, or legal personnel, were asked only six questions. This is not to mention other follow-up questions that were improvised to ensure clarity on the interviewer's end. The information collected from these improvised questions, though not used in all the interviews, was only included if deemed necessary for clarification on a participant's answer. Due to their lack of extensive knowledge within the translating and interpreting community, legal personnel were only asked about their profession for purposes of clarification, their interactions with legal translators and/or interpreters, their perceptions of the current role of translators and interpreters within the legal system in the Laredo area, and other aspects regarding the work they have seen of legal translators and/or court interpreters.

### ***Court Interpreter Interviews***

Two court interpreters from the area were interviewed for the purpose of this thesis. Each interview lasted between 30 and 35 minutes. The interviews were conducted on separate days but the actual collection of the interview per individual did not surpass a day's worth of collecting. In other words, each interview was conducted on a separate day, but

participants only partook in one interview each. Both translators and court interpreters answered through the mass email sent out to all certified translators and interpreters listed for the Laredo area in the Texas Courts website. The email gave a little academic background on the interviewer, the reasoning behind wanting to conduct these interviews, the intentions of the thesis, an invitation to be interviewed, and the plan of action (the interviewing and research that have been presented in this thesis).

The first court interpreter and/or legal translator to be interviewed was a federal court interpreter and certified translator, the second was a translator and licensed interpreter at the state level. For the sake of differentiation, the federal court interpreter is referred to as Translator/Interpreter A (TIA) and the court interpreter at the state level is referred to as Translator/Interpreter B (TIB).

When asked whether the participant was a legal translator or an interpreter, TIA answered that it is not as simple and what “sense” the interviewer meant “legal” in. It was clarified that TIA works with legal issues and legal topics. When asked the same question, TIB answered that they are a licensed court interpreter “licensed by the Judicial Branch Certification Commission, that is monitored by the Supreme Court of Justice of the State of Texas and also derives from the Office of Court Administration in the State of Texas”. TIB also clarified that “there is no license, state approved, or issued by any government entity as far as a translator’s license is concerned” but, “there are private entities that issue out licenses for translators”, though “they’re not government certified”.

When asked how long they had been an interpreter or translator overall, TIA answered they have been translating for 27 years and interpreting for 26. TIB has been translating and interpreting since 1989, therefore, roughly 28 years. Though both participants

have been practicing for a similar amount of years, when asked what led them to interpreting and translating, both backgrounds differed. TIA heard through a court interpreter friend who had been working in the court system at the time and decided to pursue this as a career. TIA was then hired by a private company to translate one of their brochures into Spanish. TIB earned a law degree in Mexico and practiced for several years before using their dual citizenship to start working in the United States. After a job within the field of accounting, TIB then entered the field of interpreting and translating in legal settings. When asked if Laredo had been the only region they had ever worked in (in terms of legal translating/court interpreting), TIA stated they had worked in the Central American region, while TIB had worked in the South Texas region (not only in Laredo) for their 28 years of in the field, thus far.

When asked whether they currently translated or interpreted more, TIA responded interpreting, while TIB responded translating; both stated their jobs as the source of the inclination to one rather than the other. When asked about the qualifications or trainings they had to partake to obtain their current position, TIA responded that they had to pass “a written and an oral test in order to be certified”, and noted that the certification to become an international conference interpreter varied from that of the Federal Court Interpreter certification. TIA explained that one has “to have the backing or sponsorship of three other interpreters that have the...same exact combinations [of source language to target language and vice versa] you’re looking for...just to be accepted”. TIA added, “They have to be certified, I think. Five years, I think”. TIB explained that “usually, you have to take an [oral and written] exam” and added that “at first when we [interpreters/translators] were still under the umbrella of the Texas Department of Licensing and Regulation, they gathered all the

different interpreters and grandfathered us in”. TIB then said that judges still required interpreters to submit letters to prove their credentials.

The participants were asked if the courts around the Laredo area require specific certifications or qualifications, TIA answered that certification is required in federal levels, but if not possible they will use interpreters that are not certified (preference lying with those who have a Texas license). TIA then mentioned that state courts are not as strict with their interpreter choices as “they’re using bailiffs and whoever they can bring in” to interpret proceedings. TIA noted that this can diminish the quality of a translation. TIB said that licensed interpreters are required in all court proceedings in towns with populations over 50,000 but if not readily available, courts can use their discretion to use another individual for the undertaking.

When asked about the trainings they had to partake in to continue to improve and maintain their skills, TIA answered: “For the Texas license I have to take eight hours of continuing education a year. For conference or for court...everything you do is a new training. Especially in the international circuit. Every job you get is a different topic”. TIB answered part of this question as they said: “We’re required to take a continuing education courses on a yearly basis to be able to have our current license”. TIB went on to say that this continuing education is supervised by the Judiciary Commission and there is a minimum number of hours that one has to put in to get their license “reissued” per year. On an impromptu follow-up question, the interviewer asked TIB for clarification on whether the completion of the hours and “reissuing” of the license was by month or year, TIB further explained that interpreters cannot “participate” with an expired license. TIB then explained: “I think once a term of a year, year and a half, goes by and you don’t take the courses [yearly

trainings], automatically you lose your license and you have to reapply and take the exams again...But the exams are not both at the same time; they have them like alternate: one year is the written exam and the other year is the verbal exam. To be able to do the verbal exam, you have to pass the written exam”. TIB also mentioned that there are two types of licenses that can be issued out, a “basic” license that is used by interpreters “that can only participate in proceedings that are before county court of law or municipal court” and a “master” license that allows interpreters to “participate in all the courts (justice of the peace, municipal, district court, even in federal)”. TIB noted that “a lot of licensed interpreters state-wise are working in federal courts”.

When asked to describe a typical work day, TIA carefully explained that,

...It changes because we have three magistrate courts, three district courts. If you're assigned that day to magistrate court, out of those three it depends; one will be a duty magistrate court which means he's in charge of processing all the misdemeanors that come in, the people that just came across the river, people that they just arrested. If you're assigned to one of the other magistrates, you may be doing pre-trial conferences, status hearings, motions, because the magistrates take care of all the preliminary work to free up the docket for the district courts, [and] the district judges...If you're assigned to a district judge, it will most likely be sentencing or a trial.

TIB described their work as translating different interviews to be later used as evidence due to the requirement that all admissible evidence in court of law must be submitted in English. Therefore, if a video is in Spanish it must “have the corresponding translation so [it is] admitted in court”. High profile cases (like murder cases) hold priority but mostly priority is set in accordance to the terms set out by the court. TIB must follow the schedule set out by the court. For example, “if there's going to be a jury trial, that video has to be [translated and] submitted 45 days prior to the date of trial, because according to the rules of evidence, the opposing party has to have that video” and to the translation of that video 45 days before in case they would like to object and “submit their own interpretation”.

The participants were asked whether they freelance or if they hold a full time position in their current jobs, TIA answered that they are a contract worker and further elaborated when asked how many hours per day or week they worked. To this question, TIA answered that they work four to five hours a week and though they do not receive benefits, after a docket is done, whether it be earlier than the intended time they were supposed to finish working, the interpreter can leave. TIB does freelance but does not “do any criminal translations”, rather just civil. TIB’s background (having a law degree from Mexico) puts them in a position where they are sought by members of the legal community to translate various documents due to their knowledge in legal terminology, which they say “is something that is not easily done”. When asked about work hours, TIB disclosed that they work over 40 hours, or roughly 50 hours “minimum” weekly. When asked about overtime, TIA said the [federal] court always pays overtime, but if it is one of their personal clients, they have a minimum three-hour limit to which they start charging if and when exceeded. TIB is salary based so their hours fluctuate depending on work load. When they have reached a certain amount of hours, they are informed and sometimes have the option to leave prior to finishing the full work day. TIA answered that they work from wherever a disposition is being held (“usually an attorney’s office”) or any place where they do not get distracted. TIB works from their work office and from home on their personal time.

When asked about the nature of their work, primarily what type of documents they most work with, TIA answered “here in Laredo mostly legal documents from Mexico, laws, presidential decrees, and various documents issued by the courts”. TIB works with the translation of videos, party statements, translations of psychological evaluations, and court

proceedings from Mexican courts. TIB notes that some of these documents can contain slang, jail talk, and legal terminology that “originates from Mexico”.

Next the participants were asked about the types of linguistic challenges they have encountered in their time as legal translators or court interpreters and how they have dealt with them. TIA stated they have encountered problems with “words that change for different countries”. They also mentioned that “here in Laredo [they have] had to learn not only some Mexican phrases, but some that are just particular to Laredo, that are like invented”. They went on to name *tractocamion* as an example of such particular wording found in Laredo. TIA resorts to assimilation against these challenges and adds that “if you feel that the person has enough education, you’ll use the correct term; but, if the person you feel is uneducated then you will try and use the local term”. TIB explained that in their line of work, the linguistic challenges not only stem from regionalisms (words favored by speakers of a geographical area) but also from the level of education the person whom they are interacting with has. Other challenges TIB listed were the on-going learning that an interpreter or translator has to undertake every new work day. When asked what challenges are presented to translators in border town regions in specific, TIA asked whether the question included interpreters. The interviewer agreed that it should also include interpreters which prompted TIA to answer that it each practice presents different challenges. TIA elaborated that for translating, the main challenge they have encountered is translating letters from defendant’s families. TIA states that neither level of English and Spanish is fully mastered. Therefore, the biggest challenge would be “the lack of or poor grammar in both languages”.

The interviewer then asked, “Based on border location and the contrast between legal systems, what do you do when a legal term is used differently in another language?” TIA

answered that since the systems differ entirely and, in terms of translation, sometimes leaving a word in its original language is the best way to deal with this challenge. TIA added that, “for example, they have in Mexico *amparos* which is something you can present when you think that a law is unconstitutional. They don’t really have an equivalent for that here, and so it’s so well known, you can leave it as *amparo*, or you can put “a constitutional challenge to an enacted law”, and put *amparo* besides it in parenthesis”. TIA went on to say that there is not much of a difference in challenges presented while interpreting, mentioning that the only minor setback would be when a system needs to be explained to foreign visitors, in which case an explanation would be provided. TIA clarified that, “you won’t usually run into any differences because within the legal system [since]...you’re going to be dealing with English speaking lawyers and Spanish speaking defendants who are highly educated”. TIA said that constant reading is crucial while working as an interpreter or translator within the legal realm. TIB answered the question posed by giving the example of *amparo* as well, saying that “in Mexico, an *amparo* is a trail for the violation of your constitutional rights but here the legal term that is most similar to that would be an injunction because when you’re filing for an injunction, you’re filing for protection by the [judicial] system”. TIB then stressed the importance of knowing the difference between the U.S. legal system (case law) and that of Mexico (written law), and adds that although the U.S. legal system has different codes, it does not make it a written law system. To solve the problem of finding an equivalence between legal systems, TIB suggested trying to understand a term for what it is and then “try[ing] to come up with the figure that is most alike”.

When asked if when interpreting or translating they worked in teams or alone, TIA stated that in the [federal] courthouse and conferences they work in teams and alone in

depositions. TIB did not have similar answers to TIA. TIB stated that in their current job, they work alone. Unlike in the federal level, TIB is more likely to be “expected to do the job without getting tired” as they are not rotated. TIB says the most challenging case they have encountered involved “three weeks of non-interrupted interpreting”. When asked if in they felt there were enough legal translators or court interpreters in Laredo, both participants answered no. TIB further elaborated that there are not enough “qualified” legal translators and/or court interpreters.

When asked to name specific crimes or cases that they have noticed higher prevalence of in Laredo, TIA answered illegal entry and re-entry while TIB answered murders, sexual abuse cases and drug cases. When asked to name what other language combinations (with exception of Spanish to English and vice-versa) are required of translators and interpreters in this region, TIA stated that the [federal] courts have had “some of the Indian languages from Guatemala or Mexico”. TIA also mentioned that some other languages such as K’iche’, Mam and Zapoteco (TIA added that they could not find an interpreter who knew the language combinations Zapoteco and English). TIB answered what languages are found within Texas interpreters/translators and not specifically those language combinations asked for by courts in the area. TIB named “Italian, Korean, Cantonese, Chinese, [and] Mandarin” as a few examples of the language variations within the state.

Lastly, when asked about the attitudes and/or working relationships between legal personnel and legal translators or court interpreters, participants gave varied responses. TIA said that the treatment an interpreter receives relies deeply in the quality of the translator or interpreter. TIA explained that the lack of good translators or interpreters can result in a lack of respect from legal personnel. TIA added that the lack of good translators and interpreters

in the Laredo area is “very often” seen. TIA noted that “perhaps [there is] added stress here in that all the judges, all the lawyers, and everybody in court speaks Spanish and some of them think that they’re also experts in language”. The accessibility to underqualified bilingual individuals around the area who can translate documents at a cheaper rate is also mentioned as a hindrance, especially when the lack of a proper translation results in the document being inadmissible in court. TIB described the view towards translators and/or interpreters as “very scrutinous” since everyone in court is looking for an interpretation that will be favorable to their party. TIB said it is important to know one’s limitations and not try to present words that one is unsure of being right for the situation. TIB noted that when another individual in court undermines the ability of the interpreter or translator based off, for example, the lack of knowledge on a term, professionalism should always be the answer in order to comply with court “decorum”. TIB also stated the importance of staying familiar with modern slang words, as they are always changing.

### ***Legal Personnel Interviews***

Two members of the legal community from the area were interviewed for the making of this thesis. Each interview lasted between four and ten minutes. These interviews were also conducted on separate days but the actual collection of the interview per individual did not surpass a day’s worth of collecting. In other words, each interview was conducted on a separate day, but participants only partook in one interview each. Both individuals were referred to by word of mouth. When the interviewer was scouting potential judges to serve as participants for the interview, a court reporter was recommended as a potential participant. The court reporter serves as the first participant for the legal personnel portion of this chapter and thesis in general. The second participant that was interviewed as a member of legal

personnel is a renowned attorney of the Laredo area. The participant whose occupation is that of court reporter will be referred to as Court Reporter (CR) and the participant who is an attorney will be referred to as Local Attorney (LA).

Both participants were asked to name their profession as the first question in this series. CR answered that their title is court reporter at the state-level while LA answered that they were an attorney at law. When asked how often they interact with translators or interpreters, CR answered “pretty much” every work day (Monday-Friday). LA says they only interact with translators and interpreters when a person does not know English well enough to articulate themselves in court how they would want to. LA clarified that they interact with translators and interpreters in both federal and state level courts, since both are English language courts. When asked to explain what they thought the role of a translator or interpreter in the legal system, CR said that in their occupation when they have defendants or parties that do not speak English, a translator or interpreter is needed. CR went on to elaborate that “in [their] case, the bailiff steps up and translates word-for-word everything that the judge says, the attorneys say and anyone else in between”. LA said translators and interpreters are needed whenever a party in a proceeding does not understand English well enough to “understand it, speak it, and express themselves” so they can “fully be made aware of what their rights are and what charges are being alleged against them”.

When asked, “Based on the current role of a translator/interpreter in Laredo courts, would you say their role is fine as is, or what do you think would be an alternative to the current situation”, CR answered, “I would have to say it’s fine as is only because there’s such a lack of licensed interpreters. That’s why we’re forced to use our bailiffs, and sometimes when our bailiffs are busy...we get a receptionist from another court or someone who is just

very good at Spanish”. LA stated that the use of an interpreter or translator is scarcely seen and the volume of cases that require use of an interpreter and/or translator are not prevalent. LA explained that when an interpreter or translator is needed a certified interpreter will be brought in to “participate in the proceedings and...just translate everything the judge says from English to Spanish, everything the person says from Spanish, or whatever language it is, back to English”, as well as what the lawyers and witnesses say.

When asked what the participant does when they do not agree with a translator’s or interpreter’s rendition, CR said that “as a part of [their] job, [they] can’t do anything” when they do not agree with what the interpreter says. CR went on to say that in a “few instances” the judge will not agree with translation so the judge will call them [the interpreter] to the bench and they will figure out what word they can both agree on; this interaction will usually not go on the record and CR will change the record of the word that was originally said to whatever the judge and the translator end up agreeing to. LA said that “you have to object...and if it becomes a relevant issue, like later on in the proceeding or on appeal, then it is a fight whether the translation was proper or not. A lot of times...if the translator says it wrong and you object, you hash the issue out right there and you’ll talk a little bit with the translator about what you think it should be and if he’ll agree or if she’ll agree with you”. LA elaborates that when it comes to legal documents, like those in Spanish from Mexico, and one does not agree with a translator’s rendition of a term or phrase, the court will eventually rule on whether the opposing translator’s rendition is correct or if your party’s translator is.

Lastly, the participants were asked if in their personal experience either has experienced consequences from an inexact or incorrect translation or interpretation. CR mentioned a case, without going into much detail, where *una almohada chingona* was

translated to “a really big pillow”, though the context in which the original phrase was used did not constitute it to be translated as “a really big pillow”. After much deliberation, everyone mutually agreed to call it “big damn pillow”. CR noted that this specific trail had many “other errors with the interpretation[s]”. Essentially, the prolonging of a case or trail is what CR would consider a consequence of an inexact or incorrect translation or interpretation. LA said that “the client might get a bad consequence”, but due to their role as an advocate, their duty is to protect their client’s rights. This is done by identifying the problem, raising the issue, and then “try[ing] to get the court to go with what your version of the translation would be”. LA noted that if this process fails, the client might have their rights affected, but at least it would be made aware to the court that there was a disagreement, or discrepancy. In a question not posed, LA shared an observation by saying that sometimes the use of a translator/interpreter will prolong a case or trial but that it is not necessarily a bad thing. Sometimes the prolongation of a trial, or the extension of time provided by an interpreter’s work in a case, can be beneficial to the client as the time it takes to interpret gives the client more time to carefully think of the answer they will provide for the record (this only works if the client has a slight understanding of English).

### ***Court Visit Observations***

The interviewer had the opportunity of sitting in on a local district court’s proceedings over the course of a morning. On this particular day, the interviewer got to sit in on four different dockets. Only limited people in the court proceedings were aware of the interviewer’s intention to observe the way interpreters work in court. The interviewer was granted access to sit inside the bar, close enough to hear what the interpreter/translator was

saying. For this particular court, a bailiff was used as the interpreter for the court proceedings.

The first observation noted by the interviewer was that the bailiff was using simultaneous interpreting to bridge the language gap between the defendants, the judge, and all other key players in the proceedings. This was done by whispering in the ear of the defendant, rather than using a through a headphone set which can sometimes be seen in Federal courts. The bailiff would use the same tone as the judge when interpreting and interpreted all that was said for that court proceeding. To be able to deliver a smooth and adequate interpretation, the judge would talk in four to five word sentences at the time, in order to allow the interpreter ample time to interpret.

The interviewer noticed that there was no clarification between members of the court proceedings when the interpreter used the incorrect term and/or phrase. For example, the judge said the word “advise” which was interpreted as *advertir* rather than *aconsejar*. Another example though not as crucial as the last, would be when the judge informed the defendant of their next court date. The judge said “May the fourth”, to which the interpreter whispered into the defendant’s ear *mayo cuatro*. In most parts, if not all of Mexico, it is accustomed to refer to the day first and then the month (i.e. *el cuatro de mayo*) when speaking of dates.

For the second docket number, the interpreter was not needed. During this docket, the bailiff/interpreter remained on stand-by near the bench. At the time of announcing this next docket, the bailiff momentarily did so in Spanish, though all court proceedings should be in English. The third docket of the morning did not require the assistance of an interpreter/translator.

The final docket of the morning before breaking for lunch was a little different than the first witnessed by the interviewer. In this case, an interpreter/translator was needed by the defendant for the court proceedings. The bailiff/interpreter again stood next to the defendant's left ear. This case caused doubt in the bailiff's interpreting skills and was evidently shown by the way the bailiff interpreted. This interpretation did not go as smoothly as the first and the interpreter was unable to finish simultaneously with the proceedings going about. The interpreter also paused much more than the first docket near the endings of this translated sentences. Unlike what the interviewer was able to hear in the first case of that morning, this interpretation required much more explanation on behalf of the interpreter to the defendant. That is, this particular defendant had to have legal terms explained to him much more thoroughly than the first.

CHAPTER VI  
FINDINGS AND CONCLUSION

*Findings for Court Interpreter*

First and foremost, the level of articulation between TIA’s interview and TIB’s interview were vast in difference. Though both have been deemed certified interpreters, the manner of speaking varied between both individuals. TIA often gave more concise answers, while TIB would wander in the answers they were providing. Both participants showed an immense level of professionalism, even when one of them was not interviewed in an office setting.

The initial question asked was, “Are you a legal translator/interpreter?” TIA gave an answer that correlated with what was asked while TIB answered by thoroughly explaining what their job requires. TIB stated that there was no government certified license that could be obtained but rather other types of licenses issued out by “private entities”. This is partially correct. The “official” Licensed Court Interpreters program falls under the Judicial Branch Certification Commission, though it had primarily been a program under the Texas Department of Licensing and Regulation. TIB later explains the “grandfathering” in of this program when asked of the qualifications required for their position. Though the Licensed Court Interpreters program has a plethora of languages that can be tested for optimal proficiency, the courts website states that there are other entities that can help individuals whose language sets are not covered by the National Center for State Courts (NCSC) get certified such as the National Association of Judiciary Interpreters and Translators (NAJIT) or the Federal Court Interpreter Certification (Texas Judicial Branch, n.d.).

The amount of years both individuals have been translating or interpreting can vouch for the participant's levels of expertise. TIB has a law degree from Mexico that also helps them immensely in this profession. TIA has lived in several areas of Central America before working in federal court, therefore their knowledge on several languages has been reinforced by travel experience. Due to the nature of their jobs, the participants answered that TIA does more interpreting, while TIB does more translating. It should be noted that TIB usually transcribes from one form of media (e.g. video testimonies) to text. Though it is not interpreting, this form of translation between two different types of media can prove to be either more challenging or less daunting of a task.

The follow-up questions regarding the specific certifications or qualifications asked for Laredo court interpreters may be the most interesting find within this whole thesis. TIA mentioned that, at state level, many courts were using bailiffs or anyone else they can find to interpret in a case. TIB provides key information when they say that in towns with 50,000 occupants or more, a licensed interpreter is required for all court proceedings. The Texas courts' website says the following: "A licensed court interpreter must be appointed when a court proceeding in a county whose population is 50,000 or more". The county in which Laredo lies, Webb, is one of those counties with 50,000 or more occupants. If in case there is no licensed interpreter in the area, the Texas courts' website (n.d.) suggests the following:

If a court determines that a licensed court interpreter is needed to interpret in Spanish, and one exists but resides in a distant location, the court is required to appoint that person. However, if the interpreter is for a language other than Spanish and the court finds there is no licensed court interpreter for that language within 75 miles, the court may appoint an interpreter who is not licensed. The unlicensed interpreter must be at least 18 and must not be a party. Also, the court must qualify the unlicensed interpreter as an expert under the Texas Rules of Evidence. (TJB, n.d.).

If this is the case, if no other licensed court interpreter exists within the confines of Webb county, another licensed interpreter from “a distant location” should be brought in (if the interpretation needed is from Spanish to English). Since the majority of “foreign language” cases in Laredo are in Spanish, the use of a bailiff or any other court official that is not an interpreter should not be employed.

Asking the participants to name the qualifications or certifications sought to have their current position varied in answers, as well, due to the nature of each participant’s jobs. Both participants had to undergo a two-part process for certification that included both a written and oral exam. TIA took the Federal Court Interpreter Certification Examination (FCICE) under the United States’ courts division while TIB took the exam to have a Master Court Interpreter license under the Texas courts’ division. In order to be licensed to work under Texas courts, one must complete an orientation course, complete the necessary applications, pay all fees asked, and pass a criminal background check (TJB, n.d.). Federal Court Interpreters must also undergo a similar process that will eventually lead them to take the written and then oral portions of the exam. The oral portion is to be approximately 45 minutes long and requires the potential interpreter to demonstrate a competency in sight translation and simultaneous/consecutive interpreting (Federal Court Interpreter Certification for Spanish/English, n.d.).

The following question pertained to the certifications or trainings that the participants have to undergo to keep their skills sharp and updated. It was in this question where TIB presented the distinction between a “master” license and a “basic” license. According to the Texas Courts website the distinction between the two is that a master license permits the interpreter to work in all courts of their corresponding state (including justice and municipal

courts), while the basic license only permits the interpreter to work “in justice courts and municipal courts that are not municipal courts of record, other than a proceeding before the court in which the judge is acting as a magistrate” (TJB, n.d.). In terms of continuing education, the Texas courts website indicates what TIB mentioned: licensed court interpreters must partake in eight credit hours of continuing education through courses approved by the Commission (two hours of ethics instruction is also required). On the impromptu question to which TIB spoke of expired licenses, the Texas courts website indicates that failure to renew your license after the course of a year will result in the interpreter reapplying for a new license.

The variances in work days is a result of the participant’s current jobs. The difference in federal and state courts requires that each of them take on different daily tasks and endeavors. Since TIB works more with translations, it is important for them to stick the court schedules in order to produce timely translations needed in court. TIA’s work day varies due to the type of judge or court they will be working in for the day. The answers to the question asked about overtime correlates to each individual’s current position. TIB works longer hours than TIA and due to this, overtime is managed differently. TIA says the federal court is very good at paying overtime. The U.S. Courts’ website indicates that fees for Certified and Professionally Qualified Interpreters be broken down as the following: \$418 for a full day’s work, \$226 for a half day, and \$59 per hour or part thereof for overtime (United States Courts, n.d.). TIA also mentions that they do not have to stay for a full day’s work if the docket finishes earlier than expected and they work only four to five hours a week. This varies from TIB’s answer regarding overtime. In their current position, they work full hours that range from 40 to 50 hours a week. Overtime is not used in their position since they

receive a salary based pay. TIB is also granted the opportunity to leave early once they have reached a certain number of hours, which they will or will not take based on their current workload. TIA is a contract interpreter and, from what was understood, does freelance work. TIB also does freelance work but does so from home or another place that is not their office. TIA works within the federal court but usually goes wherever a disposition is being held. Work done on their own is done so wherever TIA finds a low-distraction atmosphere.

Both participants answered that the documents they most work with include legal documents from Mexico and documents issued by the courts. TIB's current position enables them to work with video testimonies, psychological evaluations and other materials that TIA does not necessarily work with. Though both participants work with slang and regionalisms, TIB was the only to mention that these are included in the documents they work with most. Of the linguistic challenges presented to them throughout their years as translators/interpreters, both mentioned that educational level and/or the level of language proficiency found within Laredo pose a big problem to translating/interpreting within the region. This can be time consuming as the translator/interpreter has to simplify the terms and provide detailed explanations in order to ensure understanding on behalf of the individual needing translation services. The invention of words, which comes about with the clashing Mexican and American cultures found in Laredo, also proves to be difficult for translators/interpreters in the area. When going about the solution to these problems TIA stated they use assimilation.

Another problem encountered comes about with words that have different meanings or uses in another language. When asked about the contrast between legal systems and their terminology, both participants used the example of *amparo* to pinpoint a specific instance

where this is a problem, without being prompted to use *amparo* by the interviewer to explain their answer. Though the proceedings in U.S. courts must be in English, the contrast in legal systems and terminology can prove difficult to give a clear and “equivalent” term between systems. TIA fixes the *amparo* problem with leaving it as *amparo*, or putting giving a brief sentence of what the term means and adding the word in the source language next to it. TIB says that the closest term would be injunction, therefore that is the word they use when presented with *amparo*. Both participants used different methods to fix this problem, which the interviewer found interesting. To stay on top of their game, both participants stated that they are constantly learning whether it be from reading or from their day-to-day interactions at work. This is crucial as terms are often changing and new terminology is adapted constantly.

When asked about their work loads, in specific what cases they saw most of, TIA mentioned illegal entry and re-entry while TIB answered murders, sexual abuse cases, and drug cases. These answers correlate with the participant’s current positions within their respected courts. TIA requires more detailed and scarcely found language variations at the federal level, from what was understood. This is not to say that TIA knows all the languages asked for at the federal level. The working atmosphere were very different from one another. At the federal level, interpreters usually work in teams while TIB at the state level must work alone. This answer was shocking to the interviewer as it seemed that TIB has a heavier workload than TIA, on the regular. Both answered that they felt there was not enough qualified interpreters or translators in the area. This can be evidently seen by the amount of individuals who took part in the making of this thesis. Though it is not necessarily an indicator of “quality”, the interviewer was only about to find 10-15 interpreters and/or

translators in the area per use of an internet search. The level of quality from interpreters and translators in the area can be also examined after the interviewer asked about the perceptions and working relationships between legal personnel and interpreters/translators. The quality of the interpretation or the knowledge and use of that knowledge in both language and legal terminology by an interpreter is closely related with the treatment other individuals in court give to the interpreter. It is important to note what TIA mentions regarding Spanish speaking individuals in a courtroom. The average citizen of Laredo has ample knowledge of both English and Spanish. Though many people in the region speak Spanish, not all can be, or should be, considered experts in the language, at least not to the extreme that they can be suitable translators or interpreters.

### ***Findings for Legal Personnel***

The legal personnel interviewed for this thesis have both different jobs and interactions with legal translators and/or court interpreters. CR interacts with court interpreters almost every day of the work week. They must record all words said by all parties and include those interpretations provided by the court interpreters. Though they do not interact with the court interpreter or legal translator, per se, they do get to see them in action more often than LA does. This level of interaction important to note when reading both participant's answers. Another noteworthy difference is that LA gets the opportunity to work with interpreters at both the state and federal level, while CR is limited to working with interpreter of their respective court.

CR mentions that they work with interpreters, or bailiff interpreters, almost every day of the work week. LA mentioned that they scarcely see cases where an interpreter is needed since both federal and state courts are English speaking courts. Due to their professions, these

answered seemed reasonable since the LA works more with a defendant and CR works more with the court. Both defined the role of a legal translator and/or court interpreter in similar ways, only varying in certain words that would change their answers. Since LA is an attorney at law, they were more meticulous with their wording. CR says they are needed when an individual does not know English, while LA says that they are needed when the individual does not know English well enough to “understand it, speak it, and express themselves” fully. Though both answers could be reasons why an individual would need an interpreter in court, LA’s definition would be more suitable to encompass all situations that could call for an interpreter’s services.

Much like TIA and TIB, CR (who interacts more with court interpreters) states that there is a deficiency in licensed interpreters in the area. LA is more accustomed to seeing an interpreter, which they believe to be certified as per court requirements, brought in to interpret court proceedings. Since they are an advocate of the court and do not see the daily happenings of the court like CR does, it is safe to say that attorneys may not be aware of what level of training and certification the interpreters that are brought in actually have until they see the quality of the interpretation (which, then again, may not be a reflection of the level of expertise of an interpreter).

For the question pertaining to a disagreement in a translator/interpreter’s rendition, LA described the steps taken by an attorney while CR described what happens after these said steps. Ultimately, the decreeing of a suitable translation/interpretation lies within the discretion of the judge. The last question of the series was interesting because both participants gave the answer of the prolongation of a trial or case based on an inexact or incorrect translation or interpretation, but the points of views on this varied greatly. CR says

it can prolong the case, while LA states that though it can prolong a case or trial, this necessarily does not have to be a bad thing. In fact, it can prove beneficial to client (not so much to the court reporter as they have to record everything being said). The different point of views presented in these answers can also be sourced at the participant's profession.

### ***Conclusion***

The importance of translation and interpreting in various walks of life is definitive to understanding where we lie now in a society. The use of translators to pass on information from ancient books, documents, and writings in now extinct languages, has aided with the current standing of knowledge we have of ancient civilizations.

The weight written transferences of meaning and structure between languages (translations) and oral renditions of such transferences (interpreting) hold can be noticeably seen within legal settings. Within the three levels of federal courts, who call for federally certified court interpreters and state level courts, which require a level competency in their interpreters, the need for individuals who truly grasp linguistic and legal challenges presented in a legal environment is detrimental to guaranteeing the rights of a foreign language speaker not be violated. This thesis reported on the current status of legal translation and court interpreting in Laredo and identified the special skills and possible problems that go with these specialized fields. It also differentiated between the two terms. It deciphered and explained the elements and skills required to be a legal translator/interpreter.

The findings of the case study show that some, if not many, lower courts in Laredo are not holding up to standards set out by court interpreting competency levels. The use of bailiffs and any other bilingual staff member of the courts should not constitute as a proper means of court interpreting. This case study determined that the cause of this inadequate

alternative to court interpreting is the lack of certified legal translators and certified court interpreters in the area and the availability of bilingual individuals. Since these bilingual individuals possess a general understanding of both English and Spanish languages, and a strong familiarity with legal terms and court procedures, the ready availability to use them to alternative sources to certified court interpreters proves to be tempting enough to do. As revealed in some of the interviews, the interpreting done by these individuals are considered to be poor. Though not mentioned by the interviewees, it is likely that court proceedings and outcomes can be altered due to faulty or inadequate translations, or at least for the defendants. It was discovered that many state certified interpreters also work at the federal level in the area. Another interesting find was that both TI's (Translator/Interpreter) used the example of *amparo* to note some of the linguistic and legal challenges that can be presented in court while interpreting or translating. The variance in resolution was also interesting to see, as both individuals presided at different levels of the court system. The court observances by the researcher further confirmed that there is a lack of qualified individuals serving as interpreters, at least at the state or municipal level. Though the interpreting being done by the bailiff in the proceedings did encompass what was being said by other members of the court, the professionalism and the ability to keep up with the interpretations throughout the whole proceeding lacked to be seen. Lastly, a noticeable discovery when interviewing legal personnel is that those who do not interact with interpreters on the daily, like attorneys and other advocates, have a superficial understanding of how often court interpreters are used.

In conclusion, the case of Laredo did not vary so much due to the different legal systems found in and around the area, as the researcher previously thought. It varied more

from what is required of interpreters at a nationwide basis due to the fact that most individuals who reside in Laredo are bilinguals, thus creating a self-made declaration as adequate translators and interpreters, or at least adequate enough to dabble within the confines of lower courts.

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