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Inside this Issue:

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<i>Is 'Plea' Always Interpreted as 'Declaración'?</i> By: Scott R. Loos	1-2
<i>'Demystifying Medical Terminology'</i> by Mirtha Nebeker	3
<i>Meeting/Seminar June 29th, Phoenix</i>	3
<i>Reversal Points up Pitfalls in Bad Translation</i>	4

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COMMUNIQUE

WORKSHOPS, CONFERENCES AND STATE CERTIFICATION

BY: PATRICK O'CONNOR

About 20 people gathered in Tucson on March 16th to sharpen their skills at the ACIA spring interpreting workshop. Using actual courtroom interpreting equipment, participants interpreted passages read by Cristina Sporrer, recording secretary, and Sary Tavrytzky, Treasurer. They also practiced sight translation with Lita Van Duzer, Federal Court Phoenix, and consecutive techniques with yours truly and Gabriella Lindsey, Secretary. Special thanks also go to Donna Whitman for contributing texts and equipment. Don't miss the summer meeting /seminar to be held June 29th in Phoenix! *****



The AZ Minority Judges Caucus Interpreter Committee recently presented it's report on 'Interpreter Need and Practice—Study and Recommendations' to the AZ Supreme Court with a recommendation to work closely with existing service providers and organizations in Arizona, such as the U of A and ASU in establishing standards for interpreters. Now a new advisory committee to the Judicial Council of the Supreme Court has been formed and includes ACIA's own Joyce Garcia and

Donna Whitman. The ultimate goal is to develop an interpreter program in Arizona. We are now a few steps closer to having state-wide certification!*****

The annual NAJIT conference concluded on May 19th in Phoenix with a strong turnout of over 50 interpreters from Arizona alone! Three amendments to the NAJIT bylaws, including one that will increase the number of members on the Board of Directors as the Association grows, were passed. *****

Look for a discussion on Sabine Michael's (Pinal County) article in the Proteus on interpreting for a juror in the next Comunicado!****

IS 'PLEA' ALWAYS INTERPRETED AS 'DECLARACIÓN'?

BY: SCOTT ROBERT LOOS

Considering that the daily practice in criminal courts in the U.S. usually revolves around the disposition of cases via a plea agreement, it would therefore seem that this would have an impact on those of us who work as interpreters in those courts.

For several reasons, the interpretation of the word "plea" and its colloquies in the court-room often causes obstacles to arise in communication rather than facilitating it.

The objective of the interpreter is to find the most appropriate equivalent in the target language (here Spanish) for the term chosen by the

source language speaker (here English). It is a requirement that the interpreter solidly understand the meaning of the term and its usage before beginning to interpret. Unfortunately, the word "plea" in English law is usually interpreted with the Spanish word "declaración."

It is true that in a certain percentage of instances, the term "declaración" does an adequate job of conveying the meaning of "plea," but not in all cases. For one thing, in considering the semantic impact of "declaración", the interpreter is reminded that the back-translation into English of

this term is usually not what we would understand to mean "plea." In fact, "statement," "deposition," "testimony," even "finding" would probably be higher on the list of frequency than what we understand by "plea" in a court of law.

Some examples from Mexican legal documents:

"Al procedimiento incoado por las autoridades administrativas, ante el Tribunal, solicitando la **declaración de nulidad** de resoluciones administrativas favorables a los particulares por considerar que lesionan a la Administración Pública o el interés público;" (**requesting that the** (cont. next page..)



Scott R. Loos is senior staff interpreter at Superior Court of Arizona in Maricopa County.

“The usage of ‘plea’ by lawyers is usually merely a contraction of phrases like “change of plea,” “plea agreement”, “plea of guilty...”

BEHIND THE WORD SCENE

BY: DIANE GOULLARD PARLANTE
 SECRETS TO THE POWER OF LOVE IN BUSINESS THROUGH SATISFYING COMMUNICATION IN ONE OR MORE LANGUAGES

PRESS RELEASE, VISIT WWW.FRENCHANDENGLISH.COM SOON AVAILABLE FOR ORDERING THROUGH THE PUBLISHER,

INTERPRETING ‘PLEA’ (CONTINUED FROM PAGE 1)

findings be overturned).

*“El Tribunal Arbitral declarará cerrada la instrucción una vez que las partes hayan tenido una oportunidad razonable de presentar sus pruebas y argumentos. (shall find probable cause phase closed)

*“La reciente decisión del Tribunal Colegiado de Chilpancingo, en el estado de Guerrero, de conceder derechos limitados de apelación dista de ajustarse al principio de plena apelación (“amparo”), que habría tenido por efecto la libertad inmediata de los dos hombres mientras se volvía a estudiar judicialmente su declaración de culpabilidad. (take finding of guilt under advisement)

All of the above refer to a finding or ruling, not a statement.

The second aspect to take into account is the usage in English of “plea”. English is fond of elliptical structures which applies in legal settings in phrases such as “drug enforcement,” “waiver of time,” “initial the defendant”, “the PO violated him.”

The usage of “plea” by lawyers is usually just a contraction of phrases like “change of plea,” “plea agreement”, “plea of guilty.” The interpreter must take this invisible context into account. Remember “plea” in English means “answer to the charges,” not “statement.”

The declaración preparatoria in Mexican courts denotes the sort of statement an American defendant might make in the

way of a factual basis or allocation. The answer to the charge is included in the declaración, but is not, as in American law, reduced to the words “guilty”, “not guilty” or “no contest.”

Consider two texts: one on Mexican constitutional rights, the other on human rights:

*“Esto sucede incluso cuando los acusados, en su declaración preparatoria rendida ante juez, niegan lo establecido en su declaración ministerial alegando haber sido coaccionados e incluso torturados para declarar en uno u otro sentido.”

*“En el trámite de la declaración preparatoria ante el Ministerio Público, la autoridad no les facilitó, conforme a derecho, un traductor, siendo que los 11 detenidos son monolingües.”

This is one reason that the response to the structurally calqued interpretation “¿Cómo se declara?” for “How do you plead?” is often a factual narrative or a “yes,” rather than the formulaic “guilty” or “not guilty.”

This also depends on how well defense counsel prepares the client for the COP script. It may be crucial too whether the judge has been advised of the importance of how questions are asked. “How do you plead: guilty or not guilty?” may succeed more often than just the open-ended “How do you plead?” (happily? reluctantly?). Even “what is your plea to the

charges?” would work better. So in the frozen language of the COP proceeding, “Cómo contesta/responde a/ante las acusaciones? Culpable o no culpable?” turns out cleaner.

Another aspect of “plea” in English is its elliptical usage for “plea agreement” (“Do you want to take the plea?”) or for the “COP proceedings” (“we’re doing a plea”) or “plea of guilty” (“he hasn’t pled yet”).

The interpreter must identify the underlying meaning in each case. The first refers to the proposed disposition from the prosecutor (el convenio propuesto); the second to the actual proceeding (el cambio de contestación a los cargos); the third to the actual answer (contestación de “culpable” a los cargos”) Imagine using “declaración” to interpret each, especially for someone for whom this more likely means the initial statement made to the police.

As in most interlingual machinations, it falls to the interpreter to decipher the source language speaker’s intent and find a solution. The solution into Spanish may not always be the same word or phrase, even if the word in English is. Of course it doesn’t hurt to outline some of these issues with the lawyer in the hallway!

Superior Court of Arizona in Maricopa County

Superior Court is soliciting responses to proposals for Spanish & Lesser Used Language (LUL) Interpreters & Transcription and Translation Services

Interested Offerors are encouraged to request an RFP (request for proposal) packet from Shirley Cabral, Superior Court, 125 W. Washington, Lower Level, Phoenix AZ 85003; by calling (602) 506-2397 or e-mail: scabral@superiorcourt.maricopa.gov

RFP AVAILABLE ON-LINE AT WWW.SUPERIORCOURT.MARICOPA.GOV PLEASE INCLUDE ADDRESS, PHONE NUMBER AND E-MAIL ADDRESS

Responses must be in prescribed format & addressed to Shirley Cabral, Asst. Purchasing Administrator & received at Sup. Court of AZ offices no later than 4:00 p.m. (MST), 5/30/02

The Court reserves the right to reject any and all RFPs, award will be made to the responsive Offeror whose response was deemed most advantageous in accordance w/ evaluation criteria contained in the RFP.

DEMYSTIFYING MEDICAL TERMINOLOGY

BY: MIRTHA NEBEKER, STAFF INTERPRETER, U.S. DIST. COURT TUCSON

The first step in translating any text is understanding the general context of the document and a medical document is no exception. For those of us faced with medical translations the task may seem daunting, particularly when trying to decipher a doctor's handwriting! There's little any of us can do to make doctors write legible prescriptions but once you decipher the text here are some hints to help demystify medical vocabulary.

Medical terminology consists of a word building process and learning this process gives us the tools to navigate a medical text. Medical terms derive directly from Greek (Hippocrates

was the father of medicine, after all) and Latin, so it is very helpful to have some formal knowledge of these classic languages. Yet even without formal studies, Italian, Spanish, French, English and German share a wealth of vocabulary from Latin and Greek so most of us have more knowledge of medical terms than we think!

Example: **dental**, from the Latin root **dentalis** = *of or relating to the teeth*.

Acromegaly, from the Greek root **acro**= *extremity* and **megaly** = *large* (abnormal enlargement of the bones of the hands and feet).

All words have a word root which becomes the foundation of a word; when word

roots are added and combined with prefixes, suffixes and vowels they form various *compound words*:

Acrodermatitis is a combination of **acro** = *extremity*, the vowel **o**, the word **derm** = *skin* and the suffix **itis** = *inflammation of* [inflammation of the skin in the extremities].

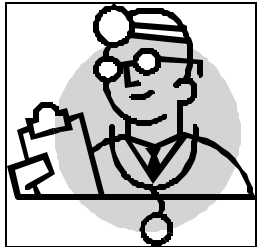
A prefix goes before a word to change its meaning. Take a look at these words:

Hyper/tension: the prefix **hyper** means *above normal*, and **tension** means *pressure*, thus **hypertension** means *high blood pressure*. **Hypo**, on the other hand, means *below normal*, thus **hypotension** means *low blood pressure*.



“Have a cool, cool summer!” —ACIA

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Let's practice the word building process: use the following word roots to try to determine the meaning of a new compound word:

Hypo = Greek for *below normal or under* & **dermic** = Greek for *skin*, thus **hypodermic** means _____

Megal = Greek for *abnormally large* & **cardi** = *heart*, thus **megalocardia** means _____

Megal + **gastr** (= *stomach*), thus **megalogastria** means: _____

Cephal = *head*, thus **megacephalic** means _____

It is helpful but not always necessary to have a medical dictionary to decipher the meanings of medical terms; consult your Webster's or Oxford English dictionary to find the Latin or Greek root with its respective explanation in English:

Osteomalacia: **osteo**, from the Greek for *bone* & **malac** from the Greek for *soft*, means: a disease characterized by softening of the bones. *

Appendicitis: from **appendic** [Lat.—*bodily outgrowth specif:vermiform appendix*]*

& **itis** [Lat. & Greek for *inflammation of*], means: inflammation of the appendix. * [Webster's New Collegiate]

Now try to find the meanings of the following terms:

hydrocephalia hydrophobia hydrotherapy hysterectomy hysterotomy macrocephalia macrosore macropodia

Look for more tips on medical terms in future issues!

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*"At Adonay's trial,
long passages of testi-
mony went uninter-
preted."*

REVERSAL POINTS UP PITFALLS IN BAD TRANSLATION

REDACTION OF AN ARTICLE APPEARING IN THE LEXINGTON, KY, HERALD-LEADER, APRIL 9TH, 2002 (SPECIAL THANKS TO MARGARET REDD)

By: Louise Taylor

After he was charged with murder in 1997, Santos Adonay Pagoada sat through many days in a courtroom, listening to lawyers and witnesses discuss the case against him. The problem was, he understood very little of the chatter because court-appointed interpreters, whose job it was to tell him in Spanish exactly what was said in court, failed to perform their duties, a Fayette Circuit judge ruled, tossing out both his conviction and a 40-year prison sentence.

Yesterday, with almost five years of prison and jail behind him, the 32-year-old Honduran farm worker returned to court for a new trial, this time with three federally certified court interpreters translating the proceedings into Spanish.

The interpreting fiasco...was fostered by the fact that Kentucky has no standards for courtroom interpreters. That

means the right to a fair trial for defendants who don't speak English could be jeopardized.

Adonay had the dubious distinction of being the first Hispanic in memory who needed the help of an interpreter to stand trial for murder in Lexington...in a state that has seen a huge increase in immigrant laborers in the past decade.

"Out of ignorance, all assumed one who speaks Spanish or is born in a Spanish-speaking country can interpret," Chief Circuit Judge Mary Noble wrote in her decision to retry Adonay..."This case reveals that this is a false assumption."

...Adonay has always pleaded that he shot Jose Enrique Arambul, 30, in self-defense. Arambul was shot 8 or 9 times in the face in his truck in the summer of 1997. Adonay insisted that Arambul had tried to rob him of his gold necklaces, injuring his neck as he yanked the chain

that held a cross. During a struggle, Adonay shot Arambul with an automatic pistol. "Santos was scared to death," said Karen Maurer, an attorney with the Department of Public Advocacy, which won him a new trial.

All agree that from the day Adonay was arrested, interpreters served him poorly...At Adonay's trial, long passages of testimony went uninterpreted. At one point, the interpreter—the fourth involved in the case, and a woman who had never before and has never since interpreted in court—conceded that she had not understood everything, and resorted to drawing or pointing to pictures of some medical evidence. She also used words that don't exist in Spanish, such as "factos" and "consecuencias,"...Others she simply misinterpreted: for instance she used "libra" which means "scale," for "life."