Challenges and Strategies for Courtroom Interpreter: A Case Study

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Courtroom interpreting has now attracted more attentions due to the fast growth of interpreting as a profession and the development of globalization. Courtroom interpreting is different from other interpreting modes in that it involves both legal knowledge and interpreting capability. Misinterpreting in courtroom can pose a threat to the human rights and sometimes can be a matter of life and death. This paper discusses some common challenges faced by courtroom interpreters and proposes coping tactics guided by ethical principles.

Keywords: courtroom interpreting, challenges, coping tactics

Introduction of Courtroom Interpreting

Current Situation of Courtroom Interpreting

Courtroom interpreting refers to an oral interpreting activity conducted by interpreters working in a courtroom to represent the information embodied in one language by using another different language to realize better communication and judicial justice before and courts (LI & ZHANG, 2006). According to LIU (2006), courtroom interpreting was recognized as a professionalized activity at Nuremburg and Tokyo trials after the World War II.

A courtroom interpreter is to facilitate communication between different contesting parties, and as a neutral party, a courtroom interpreter has the duty to remain impartial during the whole interpreting process and be sensitive and cautious in order to achieve legal justice.

There is a sharp contrast between the increasing needs of good quality courtroom interpreting and the current lack of official regulations and qualified and experienced courtroom interpreters. In English speaking countries, especially the immigrant countries like the United States and Canada, there is a need for courtroom interpreters and it is urgent to develop specific solutions to ensure a linguistic precision as well as a respect towards human rights (Gonzalez, Vasquez, & Mikkelsen, 2006).

Modes and Characteristics of Courtroom Interpreting

Courtroom interpreting is mainly carried out in simultaneous interpreting, consecutive interpreting, and sight interpreting. Simultaneous interpreting is provided from a booth with the speaker speaking into a microphone. The interpreter follows what is being said through headphones and interprets into a microphone

simultaneously. In order to hear the interpretation in the language of his or her choice, the listener in the courtroom selects the appropriate language on the control panel. Because of the special demand for equipment and the tension involved in courtroom interpreting, simultaneous interpreting is not that often used compared to consecutive interpreting and sight interpreting. Consecutive interpreting in the courtroom is conducted in this way: The interpreter sits or stands near the contesting parties, listens to what he/she says and repeats the whole of what has been said, generally with the aid of notes taken during the speech. Sight interpreting in courtroom can be a combination of translation and interpreting, in which manner, can also be called sight translation or sight interpreting. Materials for sight interpreting usually will not be given to the interpreter before the trial (HUANG, 2007).

The characteristic of courtroom interpreting lies in its alternative employment of different interpreting modes. A courtroom interpreter may be called upon to do simultaneous, consecutive, and sight interpreting alternatively in one trial process. Besides, courtroom interpreting is more demanding a job as far as the language proficiency is concerned. A courtroom interpreter is required to translate faithfully the source language with no addition or omission, nor can he change the style or register of the source language. Every word said, even if it is a repetition or an error in speaking must be interpreted faithfully into target language. Moreover, the interpreter should also pay attention to the facial expression, body gesture, accent, and tone of the speaker (HUANG, 2007).

A Case Study of a Courtroom Interpreting

Challenges Faced by Courtroom Interpreter

This case study concerns with a courtroom interpreting with five people mainly presented: the judge, two lawyers, the defendant, and the interpreter. The defendant is accused of drug carrying and the interpreting mode employed is simultaneous interpreting. Because of the lack of equipment, simultaneous interpreting is carried out by whispering to the defendant of what the judge and the lawyers have said, accompanying by a few interpretations of the defendant's utterance. Under this law court situation, the interpreter is supposed to interpret what has been said by different parties to the defendant in a simultaneous mode and remain accurate and complete at the same time. The speech made by the defendant is also required to be interpreted from time to time. Several challenges are encountered by the interpreter.

First, at the beginning of the case, a policeman is brought to the court as a witness and makes his speech. At the same time, the defendant behaves rudely and offensively by saying: "That's a lie. Does he want me to give him the crack back?" (personal communication). Faced with this situation, the interpreter appears very awkward and did not interpret the defendant's words. As the trial process continues, the interpreter encounters a new challenge. Two lawyers speak together and later, the judge joins in. It is impossible for the interpreter to catch their words when they all speak at the same time, and it is also impossible to guarantee an accurate and complete interpreting. The defendant then appears very anxious to know what is going on and keeps asking: "What does he say? What does he say?" (personal communication). Facing this complexity, the interpreter has to stop the conversation and requires repetition from the judge. This is the first time the interpreter has faced difficulties to cope with the conversation process. As the trial goes on, a new problem turns up again. The two lawyers again speak together very quickly and the judge makes his speech in the middle of the two lawyers' debate. As the interpreter cannot follow them, she again requests repetition by saying to the judge: "The interpreter is having

trouble keeping up, and having difficulty hearing you, the interpreter has not interpreted beyond ‘your counsel, do you have any case law?’ The interpreter requires repetition” (personal communication). This time, the judge answers very unfriendly by saying: “I am not going to repeat what I said and there are to be no more interruption, is that understood?” (personal communication). The interpreter cannot think a way through facing this challenge. Towards the end of the trying process, when the defendant is pronounced guilty, he said angrily: “Knowingly? Does he think I am stupid? I didn’t even know he was a cop!” (personal communication). This time, it is the judge’s turn to request interpreting of the defendant’s words. But when the interpreter interprets the request of the judge to the defendant, the defendant does not allow the interpreter to interpret what he has said. Facing this, the interpreter feels difficult to advance or retreat.

Coping Strategies for Courtroom Interpreter

In order to reduce the likelihood of a similar circumstances arising in the future, several steps should be taken. First, the interpreter should meet with different parties concerned in advance and explain the interpreter’s role to them. In order to be accurate and complete in the process of interpreting, the interpreter shall ascertain beforehand what will be required of in the assignment and make necessary preparations as well as the effort to figure out the potential difficulties and challenges. Second, the interpreter should advise and get the agreement of all parties that everything said during the assignment will be interpreted and inform all parties that in order to be accurate, the interpreter will ask for repetition, rephrasing, or explanation if anything is unclear as well as asking the speaker to overtaxed, and also the appropriate methods will be used to ensure that the meaning of gesture, body language, and the tone of voice is not lost. Beforehand, the interpreter shall explain to all parties that she/he will not disclose information related to the times, place, persons, purpose, or content of the interpretation assignment, bounded by the commitment of confidentiality unless required by law.

Third, if the interpreter meets challenges during the interpreting process, they should restate their role and inform all parties that it is their responsibility to remain accurate and complete to all parties at all times, and request any necessary repetition, rephrasing, or explanation firmly. Forth, the interpreter should have necessary knowledge about related national or international law or regulations and remain calm and firm under pressure. All in all, the interpreter should be unobtrusive, but firm and dignified at all times. During the assignment, if something said is requested to be interpreted by law, the interpreter should interpret it whether it is agreed by the speaker or not.

An Analysis of the Courtroom Interpreting From the Perspective of Ethical Principles

For this case, the ethical principles underlying are (1) Professional Conduct; (2) Confidentiality; (3) Impartiality; (4) Competence; (5) Accuracy. The interpreter in this case does not apply well enough the professional conduct and impartiality in accordance with the Code of Ethics. That can be seen as follows: At the beginning of the trial, when the defendant says something rude, the interpreter should warn the defendant that everything said by him will be interpreted. In this way, the defendant will not behave like that at the end of the trial and make the situation so tense. At the end of the trial, when the judge requests the interpreter to interpret the defendant’s words, the interpreter should do so no matter whether the defendant agrees or not since it is requested by order of a court of law. Other evidence showing that the interpreter violated the professional conduct can be seen from her handling of uncertainty. When her requisition for repetition from the judge is refused, she should

state her role and ask for repetition again firmly. For it is the interpreter's responsibility to be accurate and complete to all parties at all time, also, it is the interpreter's right to ask for repetition, rephrasing, or explanation under uncertainty.

Conclusion

From this case, we can see that the interpreting situations in courtrooms can turn up really awkward, embarrassing, and difficult to handle. So, it is more important for courtroom interpreter to make sure that their clients are well informed of his/her role and can cooperate during the whole process. At the same time, we need improved regulations on the standardization of courtroom interpretation. The courtroom interpreter should also make full preparations on the assignment and apply their behavior in accordance with the Code of Ethics at all time.

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