



HOW TO SEARCH FOR EXPERT TRANSLATION AND INTERPRETATION ASSISTANCE IN TODAY'S DIGITAL WORLD

BY DAVID L. LAUMAN, MA, CT, FCCI

When faced with the need to find a translator or interpreter on cases involving Limited English Proficient (LEP) individuals or foreign legal documents, it is critical to do careful research, as an online search is merely a starting point. It is important to have a set of best practices for locating and selecting the right translators and interpreters. This can go a long way in avoiding translations that could misconstrue key legal facts or using interpreters that distort testimony. What follows are a few key tips to remember when searching for an expert translator or interpreter and pitfalls to avoid.

CHARACTERISTICS OF PROFESSIONAL TRANSLATORS AND INTERPRETERS

For starters, a clear distinction between translators and interpreters makes it easier to know which kind of

assistance to look for. Both must have a thorough comprehension of the foreign languages they work with, which allows them to re-express ideas from one language into another. While translators work with texts and must have excellent writing skills, spoken fluency in their foreign language(s) is not required. On the other hand, interpreters re-convey speech, have to think on their feet, and must speak their foreign language(s) extremely well, but are not necessarily required to have polished writing skills.

Professional interpreters and translators generally have strong educational backgrounds in all of their working languages. Furthermore, they develop extraordinary proficiency in their foreign language(s) through lengthy periods of study and/or employment abroad.

Language professionals generally focus on a limited number of subject matter areas. So I suggest that when you do a provider search on professional association

websites such as that of the ATA (American Translators Association), filter your search for candidates who list legal among their specialties.

CERTIFICATIONS AND DEGREES

Hearings, depositions, arbitrations, mediations and meetings involving LEPs generally require the use of certified interpreters, unless the LEP speaks an “exotic” language for which no interpreter certification exists. To the extent possible, however, it is best to work with a court-certified interpreter. This is because she has had to demonstrate competency in interpreting on qualifying exams.

The federally certified court interpreter (FCCI) credential from the Administrative Office of the United States Courts is much more difficult to obtain. The pass rate on the Spanish exam is only a fraction of that for state court interpretation certification exams. Note, however, that Spanish, Navajo and Haitian Creole are the only languages for which there are active FCCIs. However, interpreters are certified for state courts in many other languages.

In the U.S., no specific university degree is required to practice legal translation and interpretation. Unsurprisingly, few U.S. language professionals hold a B.A. or M.A. degree in translation and/or interpretation. Generally, those who have degrees in translation and/or interpretation have undergone much more specific training than those who don't. Consequently, they tend to have greater self-awareness of their performance, hold themselves to higher standards, and have a more holistic approach to professional practice.

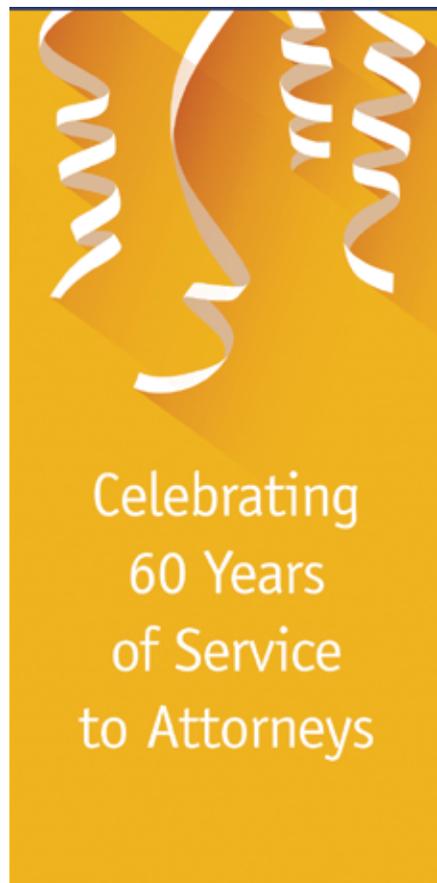
ATA-certified translators (who abbreviate their credential as CT, for “certified translator”) have demonstrated a high level of translation competence: the overall pass rate on the ATA certification exams is approximately 15%.

The CT designation is available in 17 languages, but is rarely required for practice in the U.S.

Note, however, that if the translation of a U.S. document is required for a legal proceeding in a civil law tradition country (i.e. in Europe and Latin America) there is a high likelihood that this translation must be done by a translator who is certified by his country's judicial system. For instance, in Mexico, courts and government offices will not accept a Spanish translation unless it is stamped and signed off on by a translator who is certified by Mexican courts to translate legal documents.

HOW TO EVALUATE AND SEARCH FOR A PROFESSIONAL TRANSLATOR OR INTERPRETER

Before searching for language assistance, it is important to consider whether to work directly with a freelance professional, or with a language services provid-



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How to Search for Expert Translation

er (LSP). To the extent possible, I strongly suggest securing interpreters and translators as far in advance as possible of a foreign language communication need.

There are several advantages to working with a well-organized, business-minded freelancer. First, if you are happy with this individual's services, it is easier to procure her assistance each time you need it. Second, you can request references. Third, contact tends to be direct.

On the flip side, this kind of individual is not overly common. So here are some questions for evaluating freelancers:

- Tell me about your experience with out-of-court civil cases.
- Do you provide both interpreting and translation?
- If you provide interpreting, can you help us in person and by phone? (Many times, interpreting by phone is more cost-effective for short conversations with LEPs.)
- What language(s) do you work with?
- Can you provide us with references for your experience with out-of-court civil cases?
- How long have you been practicing?
- What training and certifications do you have?
- What other services do you offer besides translation and interpreting, e.g. transcription and translation of audio files, etc.?

PEACE OF MIND

But I think that this is the most important question: How can you give us peace of mind?

The answer should reveal how well the candidate understands your concerns, and should allow you to gauge her enthusiasm and customer service skills.

To find a court certified interpreter, contact the nearest U.S. District Court or try certified state court interpreter rosters. Visit the "Language Access Programs by

State" section of the website of the National Center for State Courts, referenced in Footnote 1. Other than the ATA, you can try the National Association of Judiciary Interpreters and Translators (NAJIT), and state or local translator/interpreter associations.

It is wise to evaluate candidate profiles on professional association websites because this information is self-reported. The only exception to this rule is the status of ATA-certified translators reported on their ATA website profiles, which is continually verified by this association.

WORKING WITH LSPs

When you need assistance in a more "exotic" language, consider turning to an LSP, because they often have staff who can find a subcontractor for you. Be aware, though, that the person you get may not necessarily be certified, trained or well-versed in the nuances of legal translation/interpretation, because none of this may exist for that individual's language.

Since an individual translator's daily output tends to average 1,500-2,500 words, contacting an LSP for a larger translation project that requires rapid turnaround can be advisable. The same applies if your project involves several languages.

If an LSP promises certified professionals, ask who certifies them. This should be fairly straightforward with in-person interpreters. However, if an off-site translator is handling the assignment, know that LSPs do not often reveal said individual's identity or credentials. Also, know that in the U.S., it is possible for a person to sign a statement before a notary certifying that a translation is correct even if he has no translation expertise or credentials.

LSPs can help with last-minute translation/interpretation needs. But under these circumstances, keep in



mind that you might not get your “first choice” interpreter or translator.

FEES

There are significant disparities among fees, which tend to reflect important differences in education, certifications and experience among different providers. Over the years, I have found that firms who pay the premium for a bona fide professional tend to solve language issues in a much more cost-effective manner. They also minimize any stress associated with language barriers and do not waste valuable time putting out fires caused by mistranslations.

PITFALLS OF FREE ONLINE MACHINE TRANSLATION

I’ve seen many law offices turn to free online translation sites, and seen just as many fail to communicate with the Spanish speakers I end up helping them understand.

There is nothing wrong with these sites, as long as their limitations are clearly understood. They can be fine for handling very basic communication needs. However, I do not advise their use for legal documents because many times, their translations are not faithful. Additionally, because anything you put in a search engine becomes the property of its owner, confidentiality would be breached.

Beware of translators who simply feed the text for translation into such a tool and just edit it without informing their client. Therefore, I recommend establishing in writing with your translations provider that the use of free online tools on your requests is strictly prohibited.

TAKEAWAY

It is much easier to find a good translator or interpreter by knowing who, where and what to look for, and by knowing what questions to ask. Applying this knowledge can help move cases involving LEPs forward with greater ease. Thank you for reading, and feel free to contact me with any questions.

David L. Lauman has provided Spanish communication solutions for law firms and courts since 2006. Meet him virtually in his “Interpreter in Action” video at www.2020translations.com! Email:

david@2020translations.com. David holds an M.A. in Spanish Translation and Interpretation from the Middlebury Institute of International Studies and is a federally-certified court interpreter. He is an ATA-certified translator and a Colorado Judicial Department-certified court interpreter. Prior to graduate school, he lived in Mexico City for 13 years. While in Mexico, he earned a B.A. in Latin American Studies from the Universidad Nacional Autónoma de México and worked full-time as a consultant and teacher. He resides in Denver, Colorado with his wife and daughter.



For further information, including directories in each state of certified court interpreters, see “Language Access Programs by State” at the website of the National Center for State Courts: www.ncsc.org.



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