

# Candidate Handbook and Sample Test Court Interpreter Certificate of Proficiency (CICP)

National Center for Interpretation  
University of Arizona

Table of Contents

**Background of the Court Interpreter Certificate of Proficiency** ..... 3

**Description of the Court Interpreter Certificate of Proficiency**..... 4

    Oral Performance Examination ..... 4

**General Instructions for Performance Tests** ..... 5

**Introduction (Read to Candidates)** ..... 5

**Instructions for Section 1 (Read to Candidates)**..... 5

    Sample Consecutive For Section 1 ..... 6

**General Instructions for Sections 2-A and 2-B: Sight Translation Instructions**..... 6

**Section 2-A: English to Spanish Sight Translation** ..... 7

    Sample Sight Translation ..... 7

    Acceptable Translations ..... 8

**Section 2-B: Spanish to English Sight Translation** ..... 9

    Sample Sight Translation: Contrato de Arrendamiento de Vivienda Urbana..... 9

    Acceptable Translations ..... 10

**Instructions for Simultaneous Interpretation** ..... 10

    Sample Simultaneous for Section 3 ..... 11

    Acceptable Translations ..... 12

**Evaluation Criteria** ..... 12

    Objective and Subjective Assessment ..... 12

        Objective Assessment..... 13

        Subjective Assessment ..... 14

**Test Taking Suggestions** ..... 14

**Interpreting Modes in the Legal Setting: Consecutive and Simultaneous and Sight Translation** ..... 16

    Consecutive Interpretation ..... 16

    Simultaneous Interpretation ..... 17

    Sight Translation ..... 18

**Linguistic Aspects of the Legal Setting**..... 20

    Legal Equivalence..... 20

    Conservation ..... 21

    Speed and Efficiency ..... 23

**References** ..... 23

<p style="text-align: center;"><b>BACKGROUND OF THE COURT INTERPRETER CERTIFICATE OF PROFICIENCY</b></p>
--

The purpose of the Court Interpreter Certificate of Proficiency (CICP) is to ensure that individuals working in the legal setting meet minimum proficiency standards for successfully discharging the responsibilities of court interpreters. To this end, the National Center for Interpretation Testing, Research and Policy (NCI) has developed a three-section court interpreter performance examination. The procedures followed in developing, piloting, and revising this examination process ensure its validity in assessing the legal interpreting proficiency of candidates.

Testing candidates for certification must pass a three-section performance examination in English and Spanish that assesses consecutive interpretation, sight translation, and simultaneous interpretation. The format and structure of this examination process, as well as evaluation criteria, are described in this candidate handbook. In addition, this handbook provides information on several important aspects of court interpreting, including linguistic considerations and a discussion about interpreting modes in the legal setting.

This candidate handbook does not purport to instruct; its major purpose is to familiarize the candidate with the general format, content, and evaluation criteria used in these examinations. In doing so, it is intended to ensure that the candidate is familiar with the expectations of the examinations and the examination process, so that only the candidate's language and interpreting proficiency will determine his or her examination performance. The candidate handbook is not intended to be a substitute for techniques to enhance interpreting proficiency, such as academic preparation or professional or practical life experience. As is true of any proficiency or criterion-referenced examination, one cannot open a book or follow a set of procedures to achieve instantly the standard of performance necessary for that field.

**DESCRIPTION OF THE COURT INTERPRETER CERTIFICATE OF PROFICIENCY**

**Oral Performance Examination**

The three-section oral portion of the CICP consists of the following specifications:

<b>Section</b>	<b>Time</b>	<b>No. of Scoring Units</b>
1. Consecutive Direct Examination <i>Eng&lt;-&gt;Span</i>	8 minutes	45
<i>Structure of consecutive emphasizes memory and stamina</i>		
2. Sight Translation <i>Eng→Span, Span→Eng</i>	4 minutes	18
	4 minutes	18
<i>Sight Translation consists of a written English document and a written Spanish document that the candidate will read and render into the target language</i>		
3. Simultaneous Interpretation <i>Eng→Span</i>	5 minutes	45
<i>Simultaneous Interpretation of Opening Statement or Closing Argument</i>		
Test Instruction Time	9 minutes	
Total Time:	30 minutes	Total Units: 126

In every section of every exam, candidates will be presented with a stimulus, which will either be a recording or a written document. As with all interpreted encounters, the candidate will be asked to interpret from the stimulus' source language into the target language. The source language is the language in which the original message is conveyed. The target language is the language into which the message is interpreted.

As noted above, each section has a specified number of scoring units. The examiner will determine your objective score based on your rendition of these units. (See **Evaluation** section for further discussion of assessment criteria.) Throughout all sections, the candidate's goal should be to render the source language message into the target language *without distortion or omission of any aspect of the message's meaning*. In other words, the target language message produced by the candidate should conserve everything that is conceptually relevant to the meaning of the original message.

Following are the actual instructions you will hear during the examination, followed by a sample exercise corresponding to what you will interpret or sight translate.

## Candidate Manual for Court Interpreter Certificate of Proficiency

(Note: Some sample exercises included here are shorter than on the actual exam, so you must adjust the time when practicing the renditions. In the actual test you will not see a printed version of the consecutive or simultaneous exercises. You may wish to record the simultaneous and practice with headphones. Also, the sight translation documents you receive during the test will not identify the underlined scorable units, as do the sample sight translations below. Finally, acceptable renditions of underlined scorable units on the sample exercises are not included for every exercise.)

### **General Introduction to Performance Tests**

Following is the general introduction to the CICP, which will be read to you by the examiner:

#### **Introduction (read to candidates)**

“Now we will begin the oral portion of the Court Interpreter Certificate of Proficiency examination. The oral test consists of three sections, and will take about half an hour. Section 1 is a consecutive interpretation exercise; Section 2 contains two sight translations, one in English and the other in Spanish; and Section 3 is a simultaneous interpretation exercise.

Please interpret the original source material without editing, summarizing, deleting, or adding. Conserve the language register, style, tone, and intent of the written and spoken texts. Use appropriate grammar, vocabulary, and idioms.

Please do not divulge the content of this exam to other candidates.”

#### **Instructions for Section 1 (read to candidates):**

Section 1 of the test is a consecutive exercise. The setting is a courtroom, where an English-speaking lawyer is cross-examining a Spanish-speaking witness.

As you listen to the interview on the recording, you will interpret the lawyer’s English into Spanish, and the witness’ Spanish into English. There is a period of silence after each utterance for you to give your interpretation, and it is to your benefit to give your rendition within this time. You are encouraged to take notes.

When I turn on the recording you will hear a short introduction. Then, after you hear the words “*The Test Will Begin Now,*” interpret each sentence without omitting or adding information. Be sure to conserve the style and register of both speakers.

#### **The Test Will Begin Now.**

SAMPLE CONSECUTIVE FOR SECTION 1

Q: Would you please state your name, sir?

A: Me llamo Juan Gómez.

Q: Mr. Gómez, what is your relation to<sup>1</sup> Mr. Ceballos, the plaintiff<sup>2</sup>?

A: Es mi compañero de trabajo<sup>3</sup>; trabajamos para la compañía constructora Fronteras. Yo estaba allí cuando Señor Ceballos resultó herido<sup>4</sup>.

Q: That is to say<sup>5</sup>, you were at work on the 27<sup>th</sup> of February<sup>6</sup> of this year, when Mr. Ceballos was injured? Can you describe to us what you saw?

A: Sí señor. Estábamos construyendo un edificio para oficinas. Yo estaba en el segundo piso dirigiendo la grúa<sup>7</sup> – quiero decir, no lo manejó<sup>8</sup>, pero le indicó en dónde poner la madera.

Q: So the crane was lifting materials for the construction site<sup>9</sup> to the second floor of this building? Where was Mr. Ceballos?

A: Sí. Señor Ceballos estaba trabajando en la planta baja<sup>10</sup>. La grúa llevaba la madera – los travesaños<sup>11</sup>, sabes? – y no sé qué pasó, pero se le cayeron justo cuando Señor Ceballos pasó por debajo. Llamamos 911; le tomaron al hospital.

Q: Was he injured badly<sup>12</sup>?

A: A mí me pareció que sí – se quebró varios huesos y no pudo trabajar durante tres meses.

**(Note: The actual examination has 45 underlined scorable units in the Consecutive portion)**

**GENERAL INSTRUCTIONS FOR SECTIONS 2-A AND 2-B: SIGHT TRANSLATIONS**

**INSTRUCTIONS:** Section 2 of the test takes eight minutes and consists of two sight translations. One is from English to Spanish, and the other from Spanish to English.

## **SECTION 2-A: ENGLISH TO SPANISH SIGHT TRANSLATION**

This sample English Sight Translation is a police report. It is to be translated from English into Spanish. You will have a total of four minutes both to prepare the passage and to deliver your oral translation in Spanish. You may start your translation when you wish, but if you have not started your delivery in one minute, I will tell you to begin.

As you recall, I will be looking for conservation of style, tone, intent, and language level of the author.

Do you have any questions? Your time starts now.

### **SAMPLE SIGHT TRANSLATION FOR SECTION 2-A: ENGLISH TO SPANISH**

I responded to assess<sup>1</sup> other officers' reference to a "man with a gun" call. I went to Kingwood/Decatur to surveil the area<sup>2</sup> after the suspects bailed<sup>3</sup> from a vehicle. After the two men were caught I met with Officer Gibson, who had one of the suspects<sup>4</sup> in his car. I took custody<sup>5</sup> of the suspect identified above<sup>6</sup>. Paramedics had responded to treat the suspect for a dog bite to his lower left leg<sup>7</sup>. Doctors said only one bite mark<sup>8</sup> would need a stitch<sup>9</sup>. Doctors said it could wait to be treated after our investigation was concluded. I stayed with Revkin and helped him get in my car<sup>10</sup>. This officer transported him to the main police station<sup>11</sup> for questioning, during which he was belligerent<sup>12</sup>. While still at the Chevron gas station, I Mirandized<sup>13</sup> Revkin at 1300 hours. He said he has no gang affiliation<sup>14</sup>. He did not know the other man. He said they were at an apartment near 16<sup>th</sup> street<sup>15</sup>. The apartment was where the "other dude"<sup>16</sup> got the car that he was in. Revkin said that he was in a Maxima and had run from it. He said he was bit by a police dog<sup>17</sup>. After that he said he wasn't really sure what was happening or what had happened. I did not question him further<sup>18</sup>.

<b>Key to Scorable Items: English Sight</b>	<b>Spanish translation</b>
1. I responded to assess	respondí/Acudí a asistir/ayudar
2. to surveil the area	para vigilar la zona;
3. bailed	fugaron/escaparon/huyeron/arrancaron
4. suspects	sospechosos
5. I took custody	detuve/ arresté
6. Identified above	nombrado/ identificado anteriormente
7. lower left leg	inferior de la pierna izquierda
8. bite mark	marca de mordedura
9. stitch	suturar/coser/puntadas
10. helped him get in my car	lo ayudé a entrar en mi auto/carro/coche
11. main police station	estación de policía principal/ comisaría principal
12. belligerent	violento/agresivo/contencioso/belicoso
13. I mirandized	le leí sus derechos Miranda/Advertencias Miranda
14. gang affiliation	afiliación con alguna pandilla/banda
15. 16 <sup>th</sup> street	16th Street
16. “other dude”	otro bato/ tipo
17. police dog	perro policía/ perro policial
18. I did not question him further	no lo cuestioné mas

## **SECTION 2-B: SPANISH TO ENGLISH SIGHT TRANSLATION**

This sample Spanish Sight Translation is a rental contract. It is to be translated from Spanish into English. You will have a total of four minutes both to prepare the passage and to deliver your oral translation in English. You may start your translation when you wish, but if you have not started your delivery in one minute I will tell you to begin.

Do you have any questions? Your time starts now.

**SAMPLE SIGHT TRANSLATION FOR SECTION 2-B: SPANISH TO ENGLISH**

**CONTRATO DE ARRENDAMIENTO<sup>1</sup> DE VIVIENDA URBANA**

Ramón González, quien obra en nombre propio<sup>2</sup> y que para efectos de este contrato se denominará el “Arrendador”<sup>3</sup>, por una parte, y por la otra, Adela López, quien para efectos de<sup>4</sup> este contrato obra en nombre propio y se denominará el “Arrendatario”, manifestaron que han decidido celebrar un contrato de arrendamiento de bien inmueble destinado a vivienda, el cual se rige por<sup>5</sup> las siguientes cláusulas:

**Primera. – Objeto:** Por medio del presente Contrato, el Arrendador entrega a título de arrendamiento al Arrendatario el siguiente bien inmueble: 524 Avenida Santa Rita<sup>6</sup>, destinado para el uso de vivienda<sup>7</sup> del Arrendatario.

**Segunda. – Canon de Arrendamiento**<sup>8</sup>: El canon de arrendamiento mensual es la suma de \$1.200<sup>9</sup> que el Arrendatario pagará anticipadamente<sup>10</sup> al Arrendador.

**Tercera – Vigencia:** El arrendamiento tendrá una duración<sup>11</sup> de doce meses contados a partir del 1 Julio 2012.

**Cuarta – Entrega:** El Arrendatario en la fecha de suscripción de este documento declara recibir el Inmueble de manos del Arrendador en perfecto estado, de conformidad con<sup>12</sup> el inventario elaborado por las partes.

**Quinta - Reparaciones:** Los daños que se ocasionen<sup>13</sup> al Inmueble por el Arrendatario<sup>14</sup>, por responsabilidad suya o de sus dependientes, serán reparados y cubiertos sus costos de reparación en su totalidad<sup>15</sup> por el Arrendatario.

**Sexta - Restitución**<sup>16</sup>: Vencido el periodo inicial o la última prórroga del Contrato, el Arrendatario restituirá el Inmueble al Arrendador en las mismas buenas condiciones en que lo recibió del Arrendador, salvo el deterioro natural<sup>17</sup> causado por el uso legítimo. Para constancia<sup>18</sup> el presente Contrato es suscrito en la ciudad de Tucson el día 3 de Mayo 2001, en dos (2) ejemplares de igual valor, cada uno de ellos con destino a cada una de las Partes.

El Arrendador

El Arrendatario

\_\_\_\_\_

\_\_\_\_\_

**Candidate Manual for Court Interpreter Certificate of Proficiency**

<b>Key to Scorable Items: Spanish Sight</b>	<b>English translation</b>
1. contrato de arrendamiento	rental contract/ agreement/ lease
2. obra en nombre propio	acts on his own behalf
3. Arrendador	landlord, lessor
4. para efectos de	for the purpose of
5. se rige por	is governed/ruled by
6. 524 Avenida Santa Rita	524 Santa Rita Avenue
7. vivienda	housing
8. canon de Arrendamiento	rental payment
9. \$1.200	one thousand two hundred dollars
10. pagará anticipadamente	will pay in advance
11. tendrá una duración	will have a duration/ will last
12. de conformidad con	in accordance with
13. que se ocasionen	are incurred
14. arrendatario	renter, tenant, lessee
15. en su totalidad	in its entirety
16. restitución	restitution/ return
17. deterioro natural	natural deterioration
18. para constancia	in witness whereof

**(Note: The actual examination contains 18 underlined scorable units for both Section 2-A and 2-B, just as in the above examples)**

**INSTRUCTIONS FOR SIMULTANEOUS INTERPETATION:**

**INSTRUCTIONS:** Section 3 of the test is a simultaneous interpretation exercise. The setting is a courtroom, where an English-speaking lawyer is giving an opening statement. You will interpret the statement into Spanish *continuously*; that is, as the lawyer speaks in English, you will translate without stop into Spanish. There will be no pauses.

When I turn on the recording you will hear a short introduction. Then, after you hear the words “*The Test Will Begin Now,*” interpret the narration without omitting or adding information. Be sure to conserve the style and register of both speakers.

The Test Will Begin Now.

**SAMPLE SIMULTANEOUS FOR SECTION 3**

May it please the Court and the Jury<sup>1</sup>: Our defense is that the witnesses for the State who have attempted to identify Zachary Parra are mistaken. This man was nowhere near<sup>2</sup> the scene of this hold-up when it occurred. As a matter of fact<sup>3</sup>, he was more than 35 miles away. This is a case of mistaken identity<sup>4</sup>.

Zachary Parra is a hard-working young man<sup>5</sup>. He lives with his mother and works two jobs to save money for college. He wants to be the first member of his family<sup>6</sup> to attend college. All that is threatened<sup>7</sup> now because he is accused of a robbery. But accusations are not evidence, and guilt must be proved with evidence.

What will the evidence show? It will show that the crime was committed by two men who arrived and fled<sup>8</sup> in a S.U.V.<sup>9</sup> Zachary Parra owns no S.U.V. It will show that the hold-up men<sup>10</sup> were armed. Zachary Parra owns no gun.

It will show that the crime happened south of the city<sup>11</sup> on Baseline Avenue, about midnight. At midnight, Mr. Parra was working at a restaurant on Cactus Road. That is 30 miles northwest of<sup>12</sup> the scene of the crime. The testimony of the restaurant owner<sup>13</sup> and two witnesses will be that on March 13<sup>14</sup>, Zachary worked from 6 o'clock until midnight<sup>15</sup>. At midnight, when the robbery was taking place, Mr. Parra was walking to the parking lot<sup>16</sup>. He drove home. He lives with his widowed mother<sup>17</sup>, 7 miles away from the hold-up. Mr. Parra arrived home 12:30. His mother was sitting up<sup>18</sup> for him and will testify he arrived home at that time<sup>19</sup>.

Zachary Parra will take the stand<sup>20</sup> and tell his story. He knows nothing of<sup>21</sup> this hold-up and will swear to you that he had nothing to do with it. The witnesses who claim they can identify him based on a fleeting glimpse<sup>22</sup> of a robber in the dark are mistaken. Based on this evidence I shall ask and expect you to return a verdict of not guilty.

<b>Key to Scorable Items: Simultaneous</b>	<b>Spanish translation</b>
1. Jury	jurado
2. nowhere near	no en los alrededores/bien lejos de/nada cerca de/lejano de
3. As a matter of fact	de hecho/ en realidad
4. mistaken identity	identidad equivocada/errónea
5. hard-working young man	joven trabajador
6. first member of his family	primer miembro de la/su familia
7. is threatened	se ve amenazado
8. fled	huir, fugarse, escaparse
9. S.U.V.	auto deportivo utilitario/todoterreno
10. the hold-up men	los hombres del atraco
11. south of the city	al sur de la ciudad
12. 30 miles northwest of	30 millas al noroeste de
13. restaurant owner	dueño/propietario del restaurante
14. March 13	el 13 de marzo
15. 6 o'clock until midnight	de las seis hasta medianoche
16. the parking lot	estacionamiento/aparcamiento
17. widowed mother	madre viuda
18. was sitting up	permanecer/manternerse/quedarse despierto
19. at that time	en ese momento
20. will take the stand	subirá al estrado
21. He knows nothing of	desconoce por completo, no sabe nada de
22. fleeting glimpse	rápido/efímero/fugaz vistazo/impresión, visión

**(Note: The actual examination has 45 underlined scorable units in the Simultaneous portion)**

### **Evaluation Criteria**

#### **Objective and Subjective Assessment**

It is essential that the CICIP examination guarantee that candidates possess the linguistic tools and the basic interpreting skills required to perform their job accurately and efficiently. The oral examination achieves this goal by simulating, as closely as possible, a realistic courtroom experience. However, it is important to remember that the language used in actual courtrooms can reach speeds of up to 220 words per minute. Part III of the CICIP—Simultaneous Interpretation—is recorded at an average of 120

## Candidate Manual for Court Interpreter Certificate of Proficiency

words per minute. Thus, the CICP, though testing candidates' adaptability to cope with varying rates of speed, does not test the higher ranges that are oftentimes required in court. Nor does the examination measure the stamina of the interpreter, who may have to endure many hours of either simultaneous or consecutive interpreting without breaks. The examination environment does not realistically recreate the high pressure or the atmosphere that are typical of a busy courtroom either. In almost every aspect, the CICP examination tests only *minimum* proficiency skills.

The CICP Performance Test assesses candidate's interpreting proficiency along four dimensions. Of these dimensions, Interpreting Proficiency is assessed through an objective assessment of underlined scoring units. The objective assessment is used to determine your overall score. The remaining three dimensions are scored holistically through a subjective assessment system.

1. *Interpreting Proficiency*: The ability to meaningfully and accurately understand, produce, and transform from the target to the source language.
2. *Delivery*: The ability to maintain appropriate delivery, pacing, coherence, and composure consistently throughout the interpretation.
3. *Adaptability*: The level of resourcefulness the candidate displays in adapting to changes, patterns, and challenges in the text.
4. *Pronunciation/Fluency*: *Pronunciation* is the ability to produce spoken language, including accurate phonology and the appropriate use of rhythm, stress, and intonation, without interfering with meaning or undermining comprehensibility; *Fluency* is the ease with which a candidate can produce native-like language, including the degree of hesitation.

### Objective Assessment

Notice that each of the words, phrases, or clauses that have been underlined represents one objective scoring item. The following list represents possible interpretation problems that have been selected as scoring units:

- (1) Vocabulary (general and technical) and idioms
- (2) Grammar
- (3) Conservation of language level (register or level of formality, i.e. slang, informal or formal register, language style)
- (4) Units of measurement including time, amounts, and so forth

The basic criterion of the objective scoring is meaning. Was the correct meaning rendered in such a way that all parties understood the message?

## Subjective Assessment

The subjective assessment gives the examiner the opportunity to evaluate the candidate's performance on each of the test parts in terms of the consistency of delivery and adaptability. The subjective assessment only influences the final score if an unacceptable delivery or lack of adaptability contribute to the comprehensibility or distortion of the objective scoring units.

Delivery of the candidate's performance will be judged on how fluent, smooth, and comprehensible his/her rendition was regardless of the number of errors committed. Adaptability represents the ability to creatively handle the challenges in the interpreting text and the number of errors committed outside of the actual objective scoring units. Both types of subjective rating use a three-point scale: 3 = Exceeds Expectations; 2 = Meets Expectations; 1 = Needs Improvement.

1. Consistency of Delivery (Overall)
  - (3) Maintains appropriate delivery, pacing, coherence, and composure consistently throughout the interpretation. (Superior)
  - (2) Occasionally fails to maintain appropriate delivery, pacing coherence, and composure throughout the interpretation. (Acceptable)
  - (1) Continuously fails to maintain appropriate delivery, pacing, coherence, and composure throughout the interpretation. (Unacceptable)
  
2. Adaptability (Flexibility) (Overall)
  - (3) Always adapts to the changes in the pattern of a passage. (Superior)
  - (2) Occasionally fails to adapt to changes in the pattern of a passage. (Acceptable)
  - (1) Continuously fails to adapt to changes in the pattern of a passage. (Unacceptable)

## Test Taking Suggestions

Once the recorded portion of the exam has been begun, the recording cannot be rewound or replayed. You are advised to continue interpreting throughout. *If you come across a particularly challenging portion of the script, do not allow yourself to fall behind.* Doing so is likely to result in omitting language that you might otherwise render appropriately. As in a real interpreting scenario, in which you cannot stop the speaker whose words you are interpreting, you should continue interpreting.

Remember that the Interpreter Performance Exam simulates actual interpreted proceedings. You are asked to render the information in the same manner as if you were working as an interpreter. All materials must be interpreted so that the intent, tone, and the language level of the speaker/document is conserved without distorting or

omitting any of the meaning of the original message in the source language. In other words, you should strive to fully conserve the *conceptual meaning* of the original message in the target language. This means conserving as many facets of *meaning* as possible as you interpret from source language into target language. For example:

- Appropriate colloquialisms should be used if they were used in the source language.
- Appropriate formal grammatical structures should be conserved in each language.
- Slang should not be substituted for formal language or vice versa.
- The source language should not be "cleaned up" or "improved."
- The source language should not be added to, edited, or summarized.
- All of the source language message should be interpreted. The message in the target language should be synonymous with the source language message.
- Do not shift to the third person if the text clearly calls for the first person. For instance, if the speaker says "My name is John Stevens," do not interpret "His name is John Stevens." The correct rendition is "My name is John Stevens."
- Pay particular attention to the underlined examples of Objective Scoring Units in the Sample Tests above. Ask yourself the following questions:
  - Did you interpret each of the scoring items without omitting any aspect of meaning?
  - Was your rendition complete, or was there more to say that you left out?
  - Was the terminology you used appropriate, or did you instead describe the concept?
  - What other ways can you think of to get the same idea across?
  - What aspects of the script were particularly challenging?

These and similar questions will help you get a sense of your performance, and an idea of your interpreting strengths and weaknesses.

As an exercise, you may want to create your own glossary of Acceptable and Unacceptable renditions for the sample exercises.

## **INTERPRETING MODES IN THE LEGAL SETTING: CONSECUTIVE AND SIMULTANEOUS AND SIGHT TRANSLATION**

The basic goal of court interpreting is to produce a legal equivalent. To achieve this, the court interpreter exercises a very complex set of cognitive skills. The interpreter's spoken output is, in fact, only half of the process because, at the same time as he or she is speaking, the interpreter must be listening or reading ahead to process new input. The interpreter must comprehend and synthesize messages, store the ideas in short-term memory, and then search for conceptual and semantic matches to reconstruct the equivalent message in the target language. All of this must be accomplished within the cultural and linguistic constraints of two languages and within the equally demanding constraints of time.

The cognitive, linguistic, and legal complexity of court interpreting requires unique skills. Three modes of interpretation are most common in a courtroom setting: consecutive interpretation, simultaneous interpretation, and sight translation (National Association of Judiciary Interpreters and Translators, 2006). Accordingly, the CICP examination tests candidates in these modes.

### **Consecutive Interpretation**

Consecutive interpretation is the rendering of spoken passages, such as questions and answers, into the target language immediately after a person has spoken. In a courtroom, a passage in the source language may consist of a few words, a few sentences, or a few paragraphs. The rate of speed and the density of discourse vary among different speakers and by subject matter. Consecutive interpretation involves, among other things, the complex mental tasks of language perception, storage, retrieval, and generation, with successful delivery hinging on superior memory skills. Because of this complexity, some court interpreters consider the consecutive mode to be more difficult than the simultaneous mode. Because giving testimony is the very crux of the judicial process, consecutive interpretation has an essential place in court interpreting.

In court interpreting, the consecutive mode is used primarily during the questioning of a witness at the witness stand, or in any other situation that requires two persons to communicate via a question-answer mode. Because the interpreter represents the voice of the court to the witness and vice versa, it is important that the interpreter capture every element of the source language message and interpret it as faithfully as possible. All of the speaker's utterances must be conserved including false starts, hedges, fragments, repetitions, fillers, and self-corrections. It is important to remember that any distortion of style, meaning, tone, or content can negatively or positively impact the judge's or jury's ability to evaluate the speaker's credibility.

Some of the specific skills required to perform effective consecutive interpretation include an ability: 1) to listen in an alert, deliberate, and concentrated way; 2) to anticipate what is likely to come next and select those units of meaning that are primary

or secondary in importance; 3) to quickly understand messages, recognizing significant new words and sentences as well as redundancies; 4) to accurately and quickly reproduce both linguistic and paralinguistic elements; and 5) to take notes efficiently.

The consecutive mode in the legal setting poses a formidable challenge for the interpreter since language styles and registers vary greatly among speakers. Moving back and forth between witness speech and attorney speech demands that the interpreter bridge two very different worlds: from the careful, syntactically complete, formal, accusatory, or intimidating questions of an interrogator to the chaotic, narrative, or fragmented responses of a witness. The interpreter must be able to replicate in the target language convoluted attorney questions and witness speech that may often resemble a stream of consciousness rather than complete and coherent sentences. Furthermore, testimony at the stand requiring the consecutive mode ranges from several minutes to several hours per witness.

### **Simultaneous Interpretation**

Simultaneous interpretation is the rendering of a source language message into a target language at the same time that the source language is being spoken. Simultaneous interpretation is recognized in all branches of interpreting as a very demanding and complex task. Simultaneous interpreters have to be comfortable working at speeds ranging from 100 to 200 or more words per minute.

The simultaneous mode is employed in court proceedings for jury selection, motions and objections by counsel, rulings by the court, side bar conferences between attorneys and judges, arguments before the jury, and for jury instructions. It is used primarily to interpret English into other languages for the benefit of the defendant or witnesses. However, it is also used at the defense table to allow limited- and non-English speaking defendants to hear in their own language the entirety of the attorney/witness examinations that are conducted in English. A simultaneous interpretation may go on for many hours, for example during the long and complex opening and closing statements. The interpreter is often challenged with long passages of discourse, numbers and other statistics, incomplete thoughts, rambling monologues, confusing syntax, and drastic swings in register from formal legalese to colloquial slang or argot.

In the simultaneous mode, the interpreter lags behind the speaker's statements by at least one or more units of thought. The interpreter is thus able to "see" where the speaker is heading and to solve language problems prior to interpretation. The concentration required places a great deal of pressure on interpreters. The interpreter must keep pace with the speaker while maintaining accuracy at all times.

The following are some of the specific skills required to perform simultaneous interpreting effectively: 1) excellent analytical skills in organizing and comprehending messages simultaneously; 2) superior prediction skills—or grasping the intent of a message before all of the words that comprise it have been spoken; 3) broad-based

knowledge of the world, two languages, two cultures, and a variety of topics; 4) excellent facility in the cognitive processes of concentration, retention, re-organization of information, and *décalage*—that is, the time lag, which is at least one unit of meaning, between the delivery of the source language input and that of the target language output; 5) exceptional ability to monitor and correct spoken output to produce a fluent and smooth final rendition in a strong, steady voice; and 6) great stamina to render a prolonged and sometimes exhausting simultaneous interpretation. Obviously, a superior knowledge of Spanish and English is fundamental.

In very practical terms, the success or failure of an interpreter to perform in the simultaneous mode will depend in part on the ability to avoid being distracted by the sound of his or her own voice. The interpreter must not ignore his or her own voice, but must be able to listen actively to the voice of the speaker while always monitoring his or her own output. The use of headphones in this portion of the exam may help or hinder the interpreter when dealing with this phenomenon. Therefore, practicing with headphones prior to taking the oral examination is strongly suggested.

### **Sight Translation**

Sight translation is the oral interpretation of a written document—a hybrid of reading and interpretation (the oral form of the translation process). Traditionally, these two terms have described two different processes, with translation allowing ample time to render written equivalents and interpretation requiring instant, or nearly instant, oral rendition of spoken messages. The special requirements of the courtroom demand that interpreters render a complete and accurate, yet unrehearsed “oral translation” of foreign language documents for the record during judicial proceedings, or sight translations into Spanish for the benefit of limited- and non-English speaking defendants.

Sight translation is a vital component of the court interpreter’s work. Perhaps the most frequent need for sight translation involves official English-language documents such as criminal complaint forms, plea agreements, waiver forms, depositions, pre-sentence reports, and police reports. At the same time, the court interpreter is called upon to sight translate a wide variety of documents from Spanish into English. These documents may be affidavits, informal statements by witnesses, and hand-written letters by persons who, in some cases, have very basic literacy skills. Court interpreters may also encounter official and formal documents such as birth, death, or marriage certificates; contracts; wills; treaties; school or criminal records; or medical reports. These documents are frequently written in very formal, technical Spanish.

The frozen language of these legal documents must be conserved and expressed in the formal English language that corresponds to the formality of the original. In all cases, the challenge for the court interpreter is to transfer the formal or informal levels of language present in these documents into appropriately informal or formal language in the target language. Not only must the interpreter be able to comprehend these disparate language varieties, but he or she should also be able to

express those ideas in equivalent styles in either language. In the final analysis, a will in Spanish should sound like a will in English, and a colloquial deposition in English should sound like a colloquial deposition in Spanish.

The sight translation of Spanish-language legal documents is especially challenging since legal documents are replete with legal vocabulary and oftentimes extremely complicated and elegant syntax. An acceptable sight translation must be both faithful to the original text and fluent and natural-sounding in its spoken delivery. To achieve this, the interpreter must demonstrate at a minimum: 1) a broad bilingual vocabulary in a wide range of subjects including some basic legal terminology; 2) a full command of registers and styles in two languages; and 3) good public speaking skills including voice projection, enunciation, and pacing.

To help you succeed on the sight translation portion of the oral examination, keep the following five steps in mind:

- 1) Scan the document for subject matter, context, style, country of origin, and overall meaning.
- 2) Utilize features such as punctuation to skim for key elements and quickly identify the subject and verb of each sentence.
- 3) Keep in mind common pitfalls—i.e., dangling participles and divided units of meaning— that can pose a problem while sight translating the text.
- 4) Interpret one unit of meaning at a time while scanning ahead to the next unit for relevance and meaning. Word-by-word interpretations trap candidates into creating renditions that are literal, nonsensical, and flawed by the use of false cognates.
- 5) Maintain a steady pace throughout the interpretation by rendering easier units of meaning slowly and evenly in an attempt to buy time to concentrate on the next unit.

Reading first to identify the main message and overall structure of the text provides the interpreter with a general contextual framework so that better strategic decisions concerning syntax, semantics, vocabulary, and rhetorical features can be made. A contract or will, for example, has a specific set of rhetorical, syntactical, lexical, and semantic characteristics. Without at least a cursory preliminary reading, a candidate can stumble over certain features that might have come more easily with some anticipation. In the oral examination you are allowed up to one minute to read the sight translation in order to get a feel for the parameters of the document. It is recommended that you take at least part of this time to scan the sight translation before beginning. The smoother the delivery of the sight translation, the better your performance may be.

## LINGUISTIC ASPECTS OF THE LEGAL SETTING

In court there are a host of actors—from victims and witnesses to specialists—whose testimony is sought in order to prove a position and whose words, ideas, and individual voices must be captured and accurately interpreted for the legal record. Just as important are the voices of attorneys and judges who function as the questioners and explainers of the law. Below is a description of the function and importance of these principal actors in the legal arena:

- 1) *The Judge or Jury*: These individuals are the triers of fact who make legal decisions and determine guilt, innocence, or degree of responsibility depending on what they hear via the interpreter. All decisions made in the courtroom begin and end with what the perceived facts of the case are.
- 2) *Prosecution and Defense Attorneys*: These individuals are responsible for the presentation of the facts of the case and have the duty to argue the cause of the state/plaintiff or the position of the accused/defendant. They do their jobs by calling witnesses and eliciting testimony, and by attempting to reveal facts and inconsistencies through carefully crafted questions.
- 3) *Victims and Witnesses*: Often these individuals are the reason for the trial. The government typically brings charges or litigates a civil case where there has been an offense committed against the state or an individual that the state has an interest in protecting. The idea that victims and witnesses will be served by the judicial system depends upon the ability of the government to elicit and reveal incriminating facts to the court. In cases requiring an interpreter, the ability of the court to understand the true nature of the offense is directly related to the quality of the interpreter's performance. Protecting the constitutional rights of defendants and ensuring their ability to participate in their own defense also depends upon accurate interpretation.

### Legal Equivalence

Court interpreting is unique among the several branches of interpreting because of the judicial setting where constitutional questions of life, liberty, and property are being decided. The often grave consequences involved in judicial proceedings demand that court interpreters meet a standard known as *meaningful legal equivalence* (González, Vásquez, & Mikkelsen, 2012). A meaningful legal equivalent message cannot be a summary of main ideas, but must reflect the original message without editing, adding, or deleting, while conserving the language level, style, tone, and intent of the speaker to achieve a meaningful comprehension by listeners who have Limited English Proficiency (LEP).

The court interpreter must conserve all of the linguistic and paralinguistic elements of the original source language message. Every element of the message including hedges, hesitations, false starts, and fragmented sentences must be

transferred into the target language rendition. An interpreter must preserve even the poor grammar, pauses, self-corrections, or clumsy discourse style, and must render it into the target language.

### **Conservation**

The court interpreter's responsibility to *thoughtfully conserve* linguistic messages is essential if a limited- or non-English speaking defendant is to enjoy due process as guaranteed by the Constitution of the United States (González, Vásquez, & Mikkelsen, 2012). In a judicial setting, limited- and non-English speaking defendants should be able to hear everything that English speakers hear, including all:

- questions, statements, and objections;
- comments said in jest;
- supposed "off-the-record" comments; and
- exchanges that take place during the proceedings.

This is because limited- or non-English speaking defendants must be afforded the same opportunity as English-speaking defendants to make critical judgments about the factual aspects of a case and to participate in their own defense—nothing more, nothing less. Whether or not a candidate can conserve the message is the paramount consideration in the testing process.

Also, the court interpreter will work outside of the courtroom in depositions, lock-up interviews, attorney-client pre-trial interviews, and status conferences. The level of complexity of each and every type of proceeding changes with the nature of the function and topic of the exchange, and court interpreters are expected to have the full complement of interpreting skills, ranging from interpreting simple socioeconomic background questions to interpreting complex forensic testimony.

For the interpreter, therefore, conservation of register is a major component of producing a legally equivalent interpretation. **Register** refers to the variety of language used in a particular setting, including the various levels of formality that speakers use. An interpreter can, by either raising or lowering the register, alter the global impression the judge or jury has of a witness.

Research reveals that five distinct registers or levels of language occur in the judicial setting. This broad variety of registers is characteristic of courtroom language and poses the greatest challenge for court interpreters. These five language registers have been identified as follows:

- 1) *Frozen language* is the standardized, unchanging language of the law of statutes and courtroom protocol. These words or phrases have been utilized in this same way for several hundred years, hence the term "frozen language." Their definitions remain virtually unchanged in the legal arena, and it is clear to the members of the legal profession what these terms refer to.

Frozen language is usually spoken by judges when they allude to a statute or a holding. Attorneys utilize this language to refer to the law and to discuss legal issues with the judge. For instance, “Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?”

- 2) *Formal language* in the legal setting usually occurs in the speech of attorneys, judges, and expert witnesses. It is a style that is more polite and elaborate in its sentence length and more specific and careful about word choice. It is typically language that does not contain contracted forms such as “don’t” or
- 3) “couldn’t.” It is the language found in legal and other formal documents that are read in court. Here are two examples commonly heard in court: “May I approach the bench?” and “May I be heard in this matter, Your Honor?”
- 4) *Consultative language* is midway between formal and colloquial, and therefore, is a mixture of the two. It is an instructional style that is relatively elaborate in syntax, sentence length, and semantic specificity. At the same time, it makes use of contracted and other colloquial forms in order to build rapport with the audience. Attorneys often use the consultative or informative style to explain legal definitions within an opening or closing statement, or to offer an explanation. For example, an expert witness explicating a point about the issues at hand, as in: “This is a drug trafficking case arising out of a checkpoint stop.”
- 5) *Casual or informal language* is informal speech that is usually used between friends. It utilizes contractions and idiomatic speech such as “Man, he was three sheets to the wind when he came out of that bar.” Casual language is used frequently by witnesses and is often sprinkled into the speech of judges and attorneys as a rhetorical device to build rapport with the jury in order to facilitate communication.
- 6) *Intimate language* is a speech style that is used by close family members, intimate friends, and persons from a closed community such as a small town, a club, or an office. It is language that is non-referential; i.e., it is often difficult to understand to what or to whom references are being made. This speech style depends on the situational, physical or social context to make sense. For example, “And she’s like...and he’s all..., and then I go... whatever, you know!” or “Well, then he says, ‘Will I help him load this stuff, because they’re waiting,’ you know.”

## **Speed and Efficiency**

The court interpreter's ability to work with speed and efficiency is always a high priority in the courtroom. Court interpreters must keep pace with witnesses who speak at varying rates of speech, who are in some cases restricted by attorneys to answer in a limited way and, in others, are allowed free rein to answer with literally paragraphs of information. Court dockets are enormously overcrowded. The requirement for an interpreter increases the length of time of a trial, especially since a Spanish translation/interpretation is about one-third longer than the English version. Interpreters who are unable to work quickly and efficiently can slow down the proceedings and increase the cost. Long lags and pauses on the part of the interpreter not only slow down hearings, but may indicate a lack of skill and proficiency. It is for these reasons that time is of the essence not only in court but on this exam as well. This priority is reflected in the various time limitations throughout the CICP examination.

### **References**

González, R. D., Vásquez, V. F., & Mikkelson, H. (2012). *Fundamentals of court interpretation: Theory, policy, and practice*. 2<sup>nd</sup> ed. Durham, NC: Carolina Academic Press.

National Association of Judiciary Interpreters and Translators. (2006). *Modes of interpreting: Simultaneous, consecutive, & sight translation*. (NAJIT Position Paper, A. Erickson). <http://www.najit.org/publications/positions.php>