

**Examining the challenges for legal interpreters in  
New Zealand courtroom settings**

By

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## Table of Contents

Table of Contents .....	i
Attestation of authorship .....	1
Acknowledgements .....	2
Abstract .....	3
Chapter 1: Introduction .....	5
1.1 Multicultural New Zealand .....	5
1.2 Interpreting practice in New Zealand .....	5
1.3 Two incidents in New Zealand .....	7
1.3.1 Cartwright Inquiry .....	7
1.3.2 Legislation relating to court interpreting in New Zealand .....	9
1.4 The research problems .....	11
1.5 Purposes and research questions .....	12
Chapter 2: Literature Review .....	13
2.1 Scope of the study .....	13
2.2 Key definitions .....	16
2.3 Interpreting issues .....	17
2.3.1 Lexical gaps .....	17
2.3.2 Discourse issues .....	21
2.3.3 Modes of interpreting .....	24
2.3.4 The practice of interpreting .....	27
2.4 Institutional issues .....	30
2.4.1 Interpreter's remuneration and social status .....	30
2.4.2 The court interpreter's role .....	31
2.4.3 Impartiality and unobtrusiveness .....	33
2.5 Interpreting education .....	36
2.5.1 Interpreter training programmes .....	36
2.5.2 Continuing education .....	42
2.6 Professionalization issues .....	44
2.6.1 Professional organisation .....	44
2.6.2 Professional registration .....	46
Chapter 3: Methodology .....	48
3.1 Introduction .....	48
3.2 Data collection instruments .....	48
3.2.1 The survey .....	49

3.2.2	The semi-structured interviews .....	54
3.3	Participants .....	56
3.4	Data analysis.....	56
Chapter 4:	Survey results and analysis .....	58
4.1	Introduction .....	58
4.2	Survey results.....	58
4.2.1	Survey participants' demographics .....	59
4.2.2	Survey participants' responses to attitudinal questions .....	61
4.2.3	Summary of survey results .....	82
4.3	Survey analysis.....	83
Chapter 5	Interview participants' demographics and linguistic issues encountered in court interpreting.....	88
5.1	Introduction .....	88
5.2	Interview participants' demographics.....	88
5.3	Linguistic issues encountered in court interpreting .....	91
5.3.1	Lexical gaps .....	92
5.3.2	Discourse concerns .....	98
5.3.3	Modes of interpreting .....	105
5.4	Analysis of linguistic issues .....	109
Chapter 6	Context-related issues encountered in court interpreting.....	116
6.1	Introduction .....	116
6.2	Context-related issues encountered in court interpreting .....	116
6.2.1	Coordinating skills in the courtroom.....	117
6.2.2	Motivation for being a court interpreter .....	120
6.2.3	Stressors involved in being a court interpreter .....	123
6.2.4	Coping strategies.....	127
6.3	Analysis of context-related issues.....	128
Chapter 7	Pedagogical issues related to court interpreting.....	132
7.1	Introduction .....	132
7.2	Pedagogical issues related to court interpreting .....	132
7.2.1	Pre-service training.....	133
7.2.2	Ongoing professional development.....	141
7.3	Analysis of pedagogical issues related to court interpreting .....	151
Chapter 8	System-related issues in court interpreting.....	153
8.1	Introduction .....	153
8.2	System-related issues in court interpreting.....	153

8.2.1	Lack of background information .....	154
8.2.2	Use of interpreting recording .....	157
8.2.3	Working conditions .....	159
8.2.4	Remuneration.....	161
8.2.5	Expectations of the court interpreter .....	166
8.2.6	Professionalization issues.....	172
8.3	Analysis of system-related issues .....	174
Chapter 9 Conclusion .....		178
9.1	Main findings.....	178
9.2	Limitations .....	181
9.3	Recommendations .....	181
Reference list .....		183
Appendices .....		195
Appendix A: Participant Information Sheet (Online Survey) .....		195
Appendix B: Participant Information Sheet (One-to-one Interviews).....		199
Appendix C: Consent Form .....		202
Appendix D: Online Survey Questionnaire.....		203

## **Attestation of authorship**

I hereby declare that this thesis submitted for the Master degree is the results of my own study, except for where due knowledge is made. To the best of my knowledge and belief, it contains no material previously published or written by neither another person nor material which to a substantial extent has been accepted for the qualification of any other degree or diploma of a university or other institution of higher learning.

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## **Abstract**

This study explores the perceptions of New Zealand-based interpreters with court interpreting experience about the challenges they encounter at work in courtroom settings. The results of the New Zealand 2013 Census show that the number of Limited-English Proficient (LEP) individuals had grown between 2006 and 2013. Court interpreting service is of great importance in terms of ensuring the LEP individuals' equal access to legal services. However, the Supreme Court Judgment *Abdula v The Queen* SC 18/2010 [2011] NZSC 130 revealed the fact that there might exist some problems for court interpreting service in New Zealand. Even so, little research has been done to study the status quo of New Zealand court interpreting service. The aim of this study was to identify potential problems faced by court interpreters and provide resolutions to these issues in an attempt to improve on the court interpreting service. The findings of this study may help promote an equal access to legal rights for the LEP individuals residing in New Zealand.

The results were based on a qualitative research study conducted among New Zealand court interpreter communities. A total of 30 court interpreters throughout the country participated in the survey, and 11 Auckland-based court interpreters volunteered to be interviewed. This study found that generally the lack of background information beforehand was seen the most challenging issue by New Zealand court interpreters. Following this were coordinating issues on occasions where the interpreter has to request for clarification, repetition, rephrasing, speaking aloud, lowering speech rate, and asking the client not to turn to the interpreter for private conversations. Another challenge was that the court interpreters had to keep themselves up to date with the emergence of new legal terms although pre-service training programmes had already provided them with a solid background of legal knowledge. In addition, this study found that most of the court interpreters in New Zealand had joined in interpreting training programme(s), and rated highly of the training. However, analysis of the interview data indicated that they might only have little awareness of interpreting issues at the discursal level, which could potentially affect the faithfulness of the rendition.

The study suggests that it is important for the court interpreters to have a lifelong leaning mindset in order to keep up to date with the knowledge and skills required of

court interpreting. Also, needs to be a law drafted to guarantee that the court interpreter would be given background information for preparing for court interpreting beforehand.

## **Chapter 1: Introduction**

### **1.1 Multicultural New Zealand**

It is fair to say that New Zealand is a multicultural country, with a growing number of immigrants coming from diverse lingual and cultural backgrounds. Since the 1950s, increasingly diverse groups have been arriving over several decades. This covers the influx of Pasifika migrants over then 1950s and 1960s, the influx of some 40,000 Dutch migrants also since 1950 and the influx of Korean and Chinese migrants since the early 1990s. The late 20<sup>th</sup> century saw a new wave of immigrants mainly from Asian areas and South Africa. The results of the 2013 Census on ethnic groups in New Zealand retrieved from the Statistics New Zealand website showed that over 25% of the whole population identified themselves with one or more ethnicities other than European. Among all the non-Europeans, there were four major ethnic groups which increased in size since the 2006 Census, including Maori (14.9%, up from 14.6%), Asian (11.8%, up from 9.2%), Pacific peoples (7.4%, up from 6.9%), and Middle Eastern/Latin American/African (1.2%, up from 0.9%). Along with the growing number of immigrant groups, lingual diversification has been furthered in recent years. Statistics New Zealand (2011) shows there are 160 languages spoken in New Zealand nowadays.

### **1.2 Interpreting practice in New Zealand**

The further diversification of a multi-ethnic and multilingual New Zealand has “resulted in a sharp increase in the demand for interpreters in all areas” (Crezee, 2009) to assist those Limited English Proficiency (LEP) individuals. Officially, New Zealand is a bicultural country where Maori culture and European culture coexist and prevail (Crezee, 2006). Maori, English, and New Zealand Sign Language are recognised as

official languages in New Zealand. In practice, the English language is the language widely used in various aspects of life, including education, healthcare, and legal domains. In contrast, not everyone in New Zealand can use English to communicate. The results of the 2013 Census on languages spoken in New Zealand retrieved from the Statistics New Zealand website showed that there were 87,534 people who were not able to have a conversation about everyday things in English, which make up for 2.2% of those who could use at least one language. This number had increased since 2006, up from 81,939 people. The most common languages spoken by non-English speakers were: Sinitic languages (which include all the Chinese languages such as Mandarin, Yue, Wu, and so on) (11,961 people, accounting for 13.7% of all non-English speakers), Yue (including Cantonese) (10,551 people, 12.1%), Northern Chinese (including Mandarin) (10,218 people, 11.7%), Samoan (9,825 people, 11.2%), and Maori (8,916 people, 10.2%). The majority of these non-English speakers (65.3%) lived in the Auckland region.

The 1980s and 1990s marked the development of the interpreting profession in New Zealand. In 1984, a small group of highly trained professional translators and interpreters founded the New Zealand Society of Translators and Interpreters (NZSTI). In 2009, the NZSTI had about 500 translators and interpreters (Liu, 2009). My personal inquiry with NZSTI sources through email on 12<sup>th</sup> July, 2014 suggests that the number remains almost the same after five years, with 540 members in total. Among all of them, the NZSTI database shows that 181 are interpreters, of whom 77 (42.5% of all interpreters) are specialised in legal/court interpreting (“Search results,” n.d.). The Society aims to be a nationally representative body of translators and interpreters which provides opportunities for professional translators and professional interpreters to get together, represents members’ interests, and promote professional development, high

standards and awareness of the profession within government agencies and a wide range of communities (“About NZSTI,” n.d.). In recent years, the NZSTI has shifted its emphasis from the maintenance of high standards with the majority of its members being translators during the 1980s and early 1990s, to being truly a nationally representative body of translators and interpreters since the mid-1990s (Liu, 2009).

### **1.3 Two incidents in New Zealand**

One key feature of a profession is that the development is usually related to its practice. A need demands a practice, and the practice gradually shapes a profession. In New Zealand’s history of the development of the interpreting profession, two incidents in interpreting practice have been brought to the forefront – one is called the ‘Cartwright Inquiry’, the other is called the ‘Abdula Case’. The former took place in medical research settings while the latter happened in criminal court settings. Both of them have led to recommendations involving the interpreting service in New Zealand, and have shaped this profession.

#### **1.3.1 Cartwright Inquiry**

Known to the public as the “Unfortunate Experiment”, a medical misadventure took place at a hospital in Auckland, the biggest city of New Zealand. In the late 1980s, some controversial cervical cancer research was carried out on women subjects including some who did not speak English as their first language. This medical study was carried out under Professor Herbert Green at National Women’s Hospital in Auckland, aimed to test a theory presupposing that abnormal cervical might not necessarily cause cervical cancer. The female subjects were divided into two groups, one group of women patients

were given the general and accepted treatment while the other group of women patients were merely 'followed-up'. Some of the women were second language speakers of English and consented to be 'followed up', rather than be treated, due to language and cultural barriers.

No interpreting service was made accessible to these subjects. An inquiry into the medical research project under Judge Cartwright (the so-called 'Cartwright Inquiry') resulted in a number of recommendations. One recommendation was that trained medical interpreters should be provided for patients of non-English speaking backgrounds. According to Crezee (2003), the recommendations led to the establishment of the first pilot medical interpreting service in Auckland, which was at Middlemore Hospital, in South Auckland at the end of 1990. By December 1997, this interpreting service was dealing about 1,500 requests per month; by 2003, the number of requests increased to about 1,900 per month.

Prior to the establishment of the first medical interpreting service in 1990, the earliest record of New Zealand court interpreting service can be traced back to two arrest court cases in 1974 and 1975 respectively where the department first decided to address interpreting formally (Ah Sue, personal communication, 2014). Back then, court interpreting was done by whomever the defendant brought along or whichever court officer onsite who could help. As for court interpreting education, informal court training was started in an empty courtroom at the Auckland District Court in 1989, facilitated by two practising court interpreters using de-identified charge sheets (Crezee, personal communication, 2014). Manukau Institute of Technology offered a Certificate in Community Interpreting from 1996 onwards and this also included some paralegal areas, such as immigration, police and customs. Auckland Institute of Technology (AIT) followed suit offering a Certificate in Liaison interpreting in 1997. Auckland Institute of

Technology (currently known as the Auckland University of Technology (AUT)) was the first tertiary institution to offer a legal interpreting training programme in 1998, some eight years after running the first New Zealand Healthcare Interpreting course (Crezee, 2009).

### **1.3.2 Legislation relating to court interpreting in New Zealand**

There was no legislation relating to court interpreting in New Zealand (but see the Legal Practice Manual, by Crezee & Burn, 2012, for more information on legal precedents) and in practice interpreters used either full volume consecutive or whispered simultaneous interpreting. This all changed after the Abdula case, as outlined below.

As is stated above, the Cartwright Inquiry in the late 1980s has contributed to the establishment of the first medical interpreting service in Auckland in the early 1990s. Likewise, the Supreme Court judgment of Abdula's appeal has highlighted some challenges in court interpreting. In 2009, an Ethiopian man, named Chala Sani Abdula, was sentenced to seven-year imprisonment for raping a teenage student in the back streets of Wellington's main nightclub and bar area in April 2007 (Macbrayne, 2011). Abdula's co-accused, another Ethiopian man named Ahmed Ahmed, was found guilty for being a party to the rape and was sent to prison for four years (Macbrayne, 2011). During their trial in 2009, an interpreter was made available for the court proceedings to orally translate for the two defendants between English and Oromo – one of the official languages in Ethiopia. Since there was no Oromo language interpreters in New Zealand, one of only two Oromo language interpreters from a relevant Australian government agency flew over to be the court interpreter, but only for the first week. A taxi driver in Wellington took over to be the court interpreter for the proceedings in following weeks.

The court interpreter was positioned between the two accused in the dock while interpreting for them.

In 2011, Abdula made an appeal to the Supreme Court, complaining that the poor interpreting quality of the first week made him fail to overturn the conviction (Macbrayne, 2011). This interpreter, who had flown over from Australia to interpret for the first week of the trial, was accredited by National Accreditation Authority for Translators and Interpreters (NATTI) of Australia. The second interpreter, a Wellington taxi driver, did not get a NATTI accreditation but got his training from Interpret New Zealand. The accused Abdula complained about the first interpreter regarding three interpreting issues: first, the interpreter's voice had been too soft to hear; second, the interpreter missed out some information from the original; third, he could barely hear the interpreter when Counsel or witnesses were talking at the same time. The Supreme Court Judgment *Abdula v The Queen* SC 18/2010 [2011] NZSC 130 dismissed Abdula's appeal because of the fact that the court had made an effort to remove the language barriers and no objections were made to the interpreting quality during the trial. However, the Supreme Court recognised that the interpreting was not impeccable. Some recommendations were made for interpreting practice in further cases, including: interpreting should not be carried out in the simultaneous mode with the giving of evidence; the interpreter should speak aloud for everyone in the courtroom to hear; and the interpreting should be audio recorded in all criminal trials where an interpreter is required.

The two interpreting-related incidents in New Zealand suggest that interpreting training is intricately related to the development of interpreting practice. In this regard, it is of great importance to include social-professional aspects into interpreting studies.

## **1.4 The research problems**

Despite the fact that court interpreters are facing multiple challenges as stated above, little or no research has been carried out in the New Zealand context to address these problems. As Shin (2013) stated in her article, “as far as the experienced interpreters in Auckland are concerned there has been no real attempt to find out what difficulties they have in the courtroom” (p. 17). As a matter of fact, only very few sporadic news reports can be found related to challenges for New Zealand court interpreters. Morrison (1996) reported about a rape case abandonment due to poor and biased interpreting in Auckland, along with Wellington interpreters’ discontent about their remuneration. Another news reports indicated the absence of “a register of trained interpreters” (“Course aim to train interpreters,” 1997). In Wellington, an attempted murder case was adjourned due to the lack of an interpreter for the Chinese defendant (“Interpreter needed”, 2003). Palmer (2006) reported about a growing demand for highly qualified court interpreters along with “a greater awareness of the importance of using people who are trained, rather than family members and friends” (p. A19). This report also reveals the fact that court interpreters mostly have to work ‘at short notice’ while the expectations for them can be very high.

However, these news reports merely provide a quick glance at some challenges of court interpreting. Without empirical data and an in-depth analysis, it is impossible to systematically identify what problems interpreters face in New Zealand courtrooms, not to mention how to make practical recommendations to resolve these problems.

Nevertheless, relevant research studies carried out in other English-speaking countries, such as the United Kingdom, Australia, America and Canada, can be drawn upon for reference to design the study of New Zealand courtroom interpreting, given the fact that

they all share a lot in both “legal tradition” (Mikkelson, 1998, p. 24) and “lawyer system” (Phelan, 2001, pp. 29-30).

## **1.5 Purposes and research questions**

This study aims to shed some light on the challenges faced by interpreters working in New Zealand courtrooms. It also aims to make recommendations to improve on the courtroom interpreting service in New Zealand.

The researcher will make an attempt to answer the following questions:

1. What challenges do New Zealand court interpreters have at work?
2. What can be done to resolve these problems?

The thesis is divided into 9 chapters. Chapter 2 describes the review of the relevant literature. Chapter 3 describes the methodology applied to this study. Chapter 4 presents the survey results and analysis. Chapter 5 presents the results and analysis of the linguistic issues encountered in court interpreting. Chapter 6 presents the results and analysis of the context-related issues. Chapter 7 presents the results and analysis of the pedagogical issues. Chapter 8 presents the results and analysis of the system-related issues. Chapter 9 presents the conclusion.

## **Chapter 2: Literature Review**

### **2.1 Scope of the study**

Chapter 1 has presented a brief history of multicultural New Zealand, interpreting practice, interpreter training, historic incidents along with challenges which emerged during the process. At the end of Chapter One, the purposes are outlined that the purposes of this study are to identify challenges for New Zealand court interpreters at work, and to make recommendations for their practice. Interpreting is a complex social event involving not only linguistic and cognitive skills, but also social, institutional and professional aspects. According to Metzger (1999), interpreting studies from linguistic and cognitive aspects only provide a partial understanding of interpreting events.

However, Roy (2000) points out that “the interpreting event itself is influenced by both linguistic and social factors, such as the status of the participants, levels of indirectness, and explicit understanding of the progression of talk” (p. 4). Therefore, my study may be of interest for interpreting practitioners and researchers to gain some insight into how interpreting works in real life from “a more holistic viewpoint” (Moser-Mercer, 1997).

The viewpoint of seeing interpreting as a multiple-aspect event attracted growing recognition in academia in the late twentieth century. As Wadensjö (1998) points out, interpreting is not an activity that takes place in a “platonic ideal of a vacuum environment free from social and cultural factors in the interaction”; rather, it is a “linguistic and social act of communication”, and therefore can be influenced by both linguistic and social factors (pp. 3-4). Similarly, Angelelli (2004) says that “interpreters are merely social beings who are subject to the interplay of social factors, institutional constraints and societal beliefs” (p. 47). When it comes to court interpreters, their task is a complex one (Vargas-Urpi, 2011). The ideal working condition simulated in cognitive experiments where the interpreter sits in a booth dealing with mere input and output is

similar to the nature of conference interpreting. However, it is far from the reality of court interpreting where the interpreter has to interact with two or more participants in court interaction.

The late twentieth century has witnessed what Pöchhacker termed the “social turn” in Interpreting Studies (2006, p. 216). Generally, the cognitive level is the most studied area in Interpreting Studies, followed by the interactional level and the textual level, successively, whereas institutional level and socio-professional level are “left relatively unexplored” (Pöchhacker, 2006, p. 224). Traditionally, Interpreting Studies as it developed through the twentieth century mainly focused on the cognitive and textual levels of interpreting events. At the cognitive level, various information processing models have been developed and refined by Gerver (1976), Gile (1985) and Setton (1999). At the textual level, discourse analysis has been the major instrument for observing interpretation products and effects. A series of studies on discursive aspects have been carried out by researchers including Berk -Seligson (1988), Hatim and Mason (1990) and Dam (1993). At the interactional level, communication models have been developed by Kirchhoff (1976), Stenzl (1983) and Wadensjö (1998). To serve research purposes at these levels, a mode-based distinction has been developed and widely applied in Interpreting Studies. In terms of interpreting modes, interpreting generally can be categorised into Simultaneous Interpreting (SI) and Consecutive Interpreting (CI) (Ginori & Scimone, 1995). The former refers to the interpreting mode where the interpreter delivers his or her rendition while the speaker is making an utterance. The latter refers to the interpreting mode where the speakers need to pause for the interpreter to deliver his or her rendition each time.

However, these traditional cognitive or textual paradigms along with their mode-based categorisation have become less effective since the late twentieth century with the

emergence of new social, cultural, institutional and professional settings (Pöchhacker, 2007). There is a need for a more suitable research framework for contemporary Interpreting Studies which would reflect social sphere of interpreting practice . An earlier work by Pöchhacker in 2006 suggested that the first step to deciding on a research framework is the development of a more effective distinction of the different kinds of interpreting based on institutional settings of interpreting service, such as court interpreting, healthcare interpreting and diplomatic interpreting (p. 12). This setting-based categorisation provides a better reflection of interpreting practice for contemporary Interpreting Studies. As a matter of fact, like most other professions, interpreting, especially in court settings, has always been under the influence of interplayed social, cultural, institutional and professional factors, such as power differentials (Ozolins, 2007), professionalisation (Mikkelsen, 1996), self-identification (Angelelli, 2004) and role-perception (Rosenberg, Leanza, & Seller, 2007). This is mirrored by Roy's statement (2000) – “Interpreting [...] is a linguistic and social act of communication” (p.3). Interpreting studies should include non-linguistic perspectives because the outcome of interpreting assisted communication, especially in court settings, can be influenced by external factors such as mode of interpreting, audibility, beforehand preparation, remuneration, and so on. Hence, this study will include not only linguistic perspectives but also non-linguistic perspectives, such as educational, institutional, and professionalization aspects, to provide insights into challenges faced by New Zealand court interpreters.

## 2.2 Key definitions

I will start by providing a definition of the interpreter. Interpreters are referred to those who “interpret spoken language from the *Source Language* (the language they hear the message in) into the *Target Language* (the language they convey the message into): i.e. they interpret what they hear in one language and say it in the other language.

Interpreting is a term that refers to an oral skill (‘in the ear, out the mouth’)” (Crezee, 1998, p. 1). Ginori and Scimone (1995) point out that an interpreter’s working scope is to “transcend the normal dimension and scope of words utterance [...] By eliminating the language barrier that separates people, the interpreter acts as an instrument of mutual understanding between them, thus performing an intermediary function as well as the primary function of conveying a message by means of the spoken word” (p. 10).

However, what comes out of the mouth of the interpreter has to correctly represent the speaker’s intention. Morris (1999) as cited in Hale (2004) refers to the importance of interpreters correctly representing the illocutionary intent of the original speaker.

When it comes to defining the role of the court interpreter, Colin and Morris (1996) define a court interpreter as “an individual who performs interpreting in legal settings, particularly the courts” (p. xii). According to Lee and Buzo (2009), the court interpreter is present “in the courtroom to remove the language barrier between the court and the defendant and to enable the latter to be ‘linguistically present’ in the courtroom” (p. 193). González, Vásquez and Mikkelsen, (1989) contend that a distinguishing feature of court interpreting is that it aims to produce a “legal equivalent”, that is, a truthful rendition to reflect both form and content of the original (p. 16). Therefore, it is of great importance for interpreters in court settings to maintain not only the content but also the style of the speaker. In contrast, interpreters in healthcare setting may modify the style of the speaker for the sake of promoting a good rapport between the LEP patient and the

English speaking medical professional (Major, 2013). Given the higher interpreting requirements for maintaining speech styles in courtroom than in healthcare settings, it is reasonable to develop a specialised certification system for court interpreting. However, some countries such as Australia and New Zealand have no specialist certification for legal interpreters or court interpreters. In these two countries, court interpreting and healthcare interpreting fall into a broader category which is termed ‘community interpreting’. In some countries such as the United States of America, court interpreting is regarded as a specialised area comparing with healthcare interpreting and conference interpreting. For the purpose of this study, Lee and Buzo’s definition (2009) for court interpreters as “interpreters engaged in various proceedings in courts and tribunals” (p. 193) will be applied. What happens with court interpreters in New Zealand will be determined by information given in the survey and the interviews. The next section will look at challenges facing court interpreters in New Zealand such as interpreting issues, institutional issues, interpreting education, and professionalization issues.

## **2.3 Interpreting issues**

### **2.3.1 Lexical gaps**

One of the challenges a court interpreter might face when working in two languages is the lexical gaps between different languages. Brislin (1978) and Whorf (1940) note that some languages have a wider range of vocabulary to describe certain objects or concepts in a more precise manner than other languages do. For example, the Eskimo language has a rich vocabulary to convey the subtlety of snow; the Arabic language has a more sophisticated terminology about horses; French speakers are able to better describe the taste of grape wine. For court interpreting, as González et al. (1991) point

out, the interpreter really needs to paraphrase rather than give the exact words spoken in certain occasions. For example, when using Haitian Creole, there's no equivalent for 'jury' and the interpreter needs to paraphrase it into "the twelve men and women who will judge you" (p. 290). The authors also point out that, when it comes to kinship terminology, the court interpreter needs to decide whether it is necessary to ask for more background information to precisely convey the precision of a relationship. For instance, in Spanish, the kinship term 'concuñado' specifically refers to the spouse of one's own spouse's sibling, whereas English has a much broader term 'brother-in-law' which includes but is not limited to this relationship. Therefore, the equivalent for 'concuñado' would be 'brother-in-law' from English, when translated from Spanish into English. But the interpreter needs to decide if more information is needed to translate the kinship term 'brother-in-law' into Spanish (p.308). As an interpreter myself, I also find interpreting English kinship terminology into Mandarin difficult because the latter has much more complicated kinship terminology than the former. For example, the Mandarin kinship term '表弟' (biǎo dì) refers to a male relative who is younger than an individual and who is a son of a sister to the individual's mother or father. Another term '堂姐' (táng jiě) refers to a female relative who is older than an individual and who is a daughter of a brother to the individual's father. These two kinship terms in Mandarin both fall into a broader category in English, that is, 'cousin'. When I hear the word 'cousin' in English, I cannot interpret it precisely into Mandarin with no further information. This study will explore if lexical gaps, such as lack of equivalent or more precision in the target language, are hindering court interpreters' performance.

Another gap that has been pointed out by Hale (2007a) is that the terminological precision of legal language could be a challenge for court interpreting because legal terms are greatly different from everyday English. According to Mellinkoff (1963),

courtroom language can be dated back to its origins of Anglo-Saxon, Latin, and French. He points out that court language is largely inaccessible to laymen due to its wordiness, unclearness, pompousness, and dullness. Here are a few examples of his legal terminology list (Mellinkoff, 1963, pp. 11-29): covenant (which refers to a 'sealed contract'), alleged (which means 'has been stated but has not been proved to be true'), nolo contendere (a Latin phrase which means 'not challenged'), and injunction (which refers a court order). Court interpreters should be able to instantly comprehend these difficult legal terms embedded in the utterance of legal professionals, and to orally translate them into the equivalent of the other language. Moreover, court interpreters have to face challenges from the fact that English speaking legal systems have a different foundation (Common Law, Doctrine of Precedents) to the legal systems in other countries (Roman Law, religious law, socialist law). Therefore, this study will try to identify if legal terminology is a challenge for court interpreters in New Zealand.

In addition to legal language, the court interpreter must have a wide range of vocabulary of various domains. A testimony presented by an expert witness such as a pathologist may include knowledge and terminology relevant to forensic pathology; an expert witness such as a chemist appearing in the court will probably use specialised terminologies of chemistry and narcotics (González et al., 1991). In addition, the interpreter should also have a good command of the jargon and argot of the criminal underworld (Akmajian, Demers, & Harnish, 1984). For example, 'to front up' means 'to provide payment beforehand'; 'to flash' means 'to show the dealer of illicit goods the money one has on hand'. Court interpreters have to familiarise themselves with such- underworld jargon and argot so that they will be able to faithfully deliver the meaning, even if this means paraphrasing the same. Hence, vocabulary in domains other than legal area will be a topic in my survey questionnaire and interviews. This study will try

to find out the way court interpreters acquire these expressions, and how they deal with the challenge when they hear a word they do not know.

Taboo words such as profanities and obscenities can also occur in the testimony, which is also an important part of the register and needs to be maintained by the interpreter. Brown's study (1988) discussed a Court of Appeal case in New Zealand which involved the use of obscenities. In a Court of Appeal case, a Samoan defendant tried to defend himself for murder of his girlfriend on the grounds that the victim's use of obscenities in Samoan was culturally unacceptable for a woman and a total shock to him, which caused his repeated stabbing of his girlfriend. However, it was reported that the real effect of words in the original might probably have been lost in the interpreter's 'plain' version of interpretation (p. 196). There are two reasons why court interpreters refrain from interpreting obscenities – religious beliefs and cultural differences. According to Hale (2007a), some interpreters feel restrained from swearing or cursing in their interpreting due to their own religious beliefs. After the language is being softened in this way, the register of the original might be changed and lead to either negative or positive outcomes. An anecdote suggests that a New Zealand court interpreter, who was also a minister of the church, and who consistently softened swear words during interpreting, thereby completely changing the impression defendants made on the jury (Crezee, per. Commu. 2014). In addition, swear words could be notoriously difficult to interpret due to cultural differences. For example, Russian has a range of obscenities unheard of in English, and in Greek to call someone a 'dog' is very offensive, but to an English speaker, that might not be offensive at all. Similarly the German word for pig is highly offensive as a swear word, but has a different meaning to the English word pig and in Dutch you offend people by wishing horrible illnesses upon them. My study will

look into whether New Zealand court interpreters would find it difficult to interpret swearing words for certain reasons such as cultural taboos or religious beliefs.

### **2.3.2 Discourse issues**

Legal discourse is a broad category as it entails “a variety of legal domains such as police interviews and interrogations, lawyer-client conferences, tribunal hearings and court hearings and trials” (Hale, 2007a, p.65). Each domain is different regarding its purpose of speech and its level of formality. As for the study of purpose of speech in court settings, Hatim and Mason (1990) applied the speech act theory initiated by Austin (1962) which includes: a locutionary act (the performance of the utterance), an illocutionary act (the communicative force of the utterance), and perlocutionary act (the actual effect of the utterance). They suggested that it was vital for the interpreter, especially the court interpreter, to be aware of the illocutionary act of the speaker’s utterance. As each participant in the courtroom has a given role, the intention of the utterance could be rather stereotyped and consistent. For example, “the accused may not order, question, threaten, etc.; a barrister may assert, question, threaten, etc.; while it is the prerogative of a judge to advise, pronounce, and adjourn” (Hatim & Mason, 1990, p.62). Therefore, the awareness of the participants’ given role along with its stereotyped illocutionary act may help the court interpreter better anticipate upcoming utterances.

However, Berk-Seligson’s (1990) study of hundreds of hours of courtroom interpreting suggests that interpreters are to a large extent actively engaged in influencing the illocutionary act in the discourse process. According to Hale’s data (2004), one of the most challenging illocutionary issues for court interpreters was interpreting tag questions. Her study showed that interpreters omitted the tag over 50% of the time in their interpreting (p.44). In English, the major types of tag questions are formed by a

statement with a tag question appended. A rising tone of the tag indicates that it is a genuine question, whereas a falling tone has coercive illocutionary force and is widely used in cross-examination (Quirk, Greenbaum, Leech, & Svartvik, 1985). The omission of tag questions could lead to distortion of the illocutionary act of the original utterance. Hale's article (2007b) presented an example of how a cross-examiner used a tag question in a falling tone to challenge the witness to the defense. In this example, the Counsel asked: "You're making all this up, / aren't you? \". However, the Spanish interpreter omitted the tag and interpreted it into a flat tone statement, which diminished the illocutionary force of accusation (p.199). Without empirical data, it is impossible to measure if New Zealand court interpreters are faithfully grasping and conveying the intention of the speaker. My study will include a relevant question in the online survey to see if tag questions are seen as difficult by respondents. Also, this study will investigate if interviewees are aware of maintaining the illocutionary force of the original utterance.

Apart from the speech acts, maintaining speech style is another challenge for court interpreters. Generally speaking, the level of formality in court interpreting can range from informal to formal (Hale, 2007a, p.66). While the judge tends to use formal language, the witness or defendant is more likely to use informal language. In an earlier research study called the Duke Project, O'Barr (1982) identified four major formality levels in court proceedings, including: formal spoken legal language, formal Standard English, colloquial English and subcultural varieties. He also found that lawyers are adept at manipulating not only their own linguistic styles but also others' linguistic styles. When they are addressing the jurors, they are more likely to adopt a more colloquial style in order to establish solidarity with them. When addressing hostile witnesses, the lawyers are prone to make witnesses' colloquialism and cultural varieties

seem ‘stupid’. When a testimony is favourable to the lawyers’ argument, they may use techniques to help enhance credibility of the testimony by restating in Standard English what is said in Vernacular English. Hence, in order to maximally maintain the fidelity of participants involved in court settings, prerequisites for court interpreting should include the ability to “manipulate registers from the most formal varieties to the most casual varieties” (González et al., 1991, p. 19).

However, the truth is that mostly interpreters would use their own speech styles rather than the witnesses’ style, leaving decision makers no choice but to base their judgment on the interpreters’ style (Hale, 2007b). According to an instance reported by Silva (1981), the interpreter altered the register of a woman giving the testimony from a casual language style full of colloquialisms and swearing into a gentle and grandmotherly style. This subtle “third party influence” (Fishman, 1991, p. vii) of register alteration might have left the jurors a better impression of the old woman, which finally resulted in the accused’s life-long imprisonment for rape conviction (Silva, 1981). A later research study carried out by Hale (2004) suggests that courtroom interpreters are not aware of the importance of maintaining the register and style of the speaker, and the majority of them would alter stylistic features and change pragmatic intentions. When interpreting into English, the interpreter tends to raise the register, copying the lawyer’s style; whereas when interpreting into the other language, the interpreter tends to lower the register, copying the witness’s style. My study will try to find out if court interpreters are aware of the importance of maintaining the speaker’s registers since my previous personal communication with some Auckland-based interpreters suggested that many of them valued ‘conveying the meaning’ over ‘keeping the form’.

The register alteration by the court interpreter could be partly because of differentiated social statuses and power distance of the participants in the courtroom – ‘powerful’ legal professionals and ‘powerless’ LEP (Limited-English-Proficient) individuals. On the one hand, court interpreters may want to impress the legal professionals by using ‘good English’ in renditions. Hale’s survey (2004) for practising lawyers suggests that they would base their evaluation of court interpreters’ competence on the quality of renditions in English. Therefore, court interpreters would feel pressured to improve the speech style of the original utterance. Otherwise, a faithful rendition of an ungrammatical or illogical original utterance would sound equally poor in English, which might put the interpreter at risk of being seen as incompetent by legal professionals. On the other hand, court interpreters may want to assist with the client’s understanding of difficult legal language through paraphrasing in ‘plain English’. Astiz (1986) reports that a great number of interpreters believe that they should ‘adapt’ their interpreting to suit the level of educational background and cognitive ability of their client. It shows that some courts see interpreting adaption as a necessity to bridge the language gaps between the two parties in that the interpreter should explain concepts in words which can be easily understood by the limited- or non-English speaker. My study will try to establish if court interpreters in Auckland are under the influence of participants’ differentiated social statuses and power distance and will thereby alter the register of the original utterance.

### **2.3.3 Modes of interpreting**

Apart from lexical issues and discourse issues presented in Section 2.3.1 and Section 2.3.2 respectively, using different modes of interpreting could give rise to other interpreting related issues for court interpreters. In courtrooms, the interpreter usually

would be asked to use consecutive interpreting, whispered simultaneous interpreting, and/or sight translation. The first two interpreting modes refer to oral translation from an oral language into another oral language; the third mode ‘sight translation’ refers to oral translation from a written language into another oral language, which is usually applied when the interpreter in the court is asked to translate a legal document for the defendant (Phelan, 2001, p. 13). In Australia, consecutive interpreting is “the most frequently-used mode for courtrooms” (Lee & Buzo, 2009, p. 4). When the consecutive mode is used, the interpreter has to interpret meaningful utterance or a meaningful unit of discourse into the target language after the speaker finishes speaking. This mode requires the interlocutor not to provide too much information at a time, and not to speak when the other interlocutor is speaking or when the interpreter is interpreting. Another interpreting mode often used in Australia courtrooms is whispered simultaneous interpreting. Ginori and Scimone (1995) say that “whispered interpretation is practised in Australia courts, with the interpreter sitting near the accused and interpreting for his or her benefit all the proceedings” (p. 19). The interpreter does not have to literally whisper into the listener’s ear; rather, the interpreter has to interpret in a voice low but loud enough for the listener to hear). In her presentation on legal interpreting at Auckland in December 2013, Dr Sandra Hale also mentioned that whispered interpreting was still being used in Australian courtrooms. However, Phelan (2001) points out that whispered simultaneous interpreting could sometimes be problematic since no equipment is required and the interpreting solely relies on acoustics (p. 12-13). Section 1.3.2 has shown that the application of whispered simultaneous mode of interpreting in the *Abdula* case in New Zealand might have caused auditory problems in that the interpreter’s whisper could be too soft to hear, or might be overlapped by other speakers’ voice. This study will try to find out if New Zealand court interpreters are still using whispered simultaneous interpreting in the courtroom, which would be against the

Supreme Court Judgment on the *Abdula* Case at the end of 2011. If so, they will be asked why they are still using this potentially problematic mode of interpreting.

It should be noted that the use of certain modes for court interpreting is more than just a linguistic issue. Rather, it is also an institutional issue related to orders from the Supreme Court and practice in district courts. Before the judgment of *Abdula v The Queen* SC 18/2010 [2011] NZSC 130, there had not developed any documented court rulings related to court interpreting issues, and in practice interpreters had been using either full volume consecutive or whispered simultaneous interpreting. After the *Abdula* case, the Supreme Court Judgment suggested that consecutive interpreting at all times is “highly desirable” (para. 60), since it allows the accused to respond appropriately to the interpreting without being distracted by the voices of the counsel and witnesses who might be speaking at the same time; also, consecutive interpreting allows the interpreter to ask for repetition and clarification. Otherwise, the interpreter may fall behind of the utterances. Nevertheless, anecdotal evidence indicates that court interpreters at Auckland sometimes would still use the whispered simultaneous mode to interpret in practice even after 1<sup>st</sup> November 2011. This was the date of the New Zealand Supreme Court’s ruling on using the consecutive mode all the time. To the best of my knowledge, this thesis is the first publication to address whether New Zealand court interpreters are in fact adhering to the 2011 recommendations of the Supreme Court, and if not, why not. Previous research carried out in countries outside New Zealand suggested that the use of whispered simultaneous mode was mainly due to time saving concerns. Lee and Buzo (2009) say that the courtroom interpreter “is not given a chance to interpret consecutively, except for the examination of witnesses from non-English speaking backgrounds” since “there is no time for interpreters to interpret consecutively” (p. 195). An earlier study by Berk-Seligson (1990) found that court interpreters in the United

States were prone to please the court by making things seemingly time-saving and easier, and those who did so were preferred by the court. Similarly, Grusky (1988) indicates that whispered simultaneous interpreting was more prevalent for witness testimony in some Los Angeles courts for the sake of time saving and better audibility. This study will try to find out if New Zealand court interpreters experience institutional pressure to use whispered simultaneous interpreting for time-saving purposes.

#### **2.3.4 The practice of interpreting**

Although impartiality and neutrality are required, there are occasions on which court interpreters really need to step out of their role and intervene in the interpreting process. The Professional Standards and Ethics for California Court Interpreters (2013) established by the Judicial Council of California/Administrative Office of the Courts lists about several issues about which the interpreter should inform the judge who manages and controls the court proceedings. These issues include: clarification of ambiguities (for example, the English word ‘you’ can either be singular or plural), converting monetary units and units of measurement, third person references by the participants (instead of addressing each other directly, the speaker turns to the interpreter, saying “Tell him that . . .” and “Ask him if . . .”), unfamiliar terms, failure to understand utterances due to complex sentences, or oblivious parts (pp. 12-15). The Missouri Foreign Language Court Interpreter Handbook (n.d.) by the Missouri Office of State Courts Administrator points out that the court interpreter should ask for permissions in a respectful way. The Handbook suggests that the interpreter must always refer to him/herself in the third person when requesting for clarification, repetition, paraphrasing, or asking the participant to speak more loudly or slowly; for example, the interpreter should state loudly and clearly, “Your Honour, for the record

the interpreter requests...”; if the interpreter uses the first person, the court reporter may mistakenly regard the request made by the LEP speaker (pp. 17-18). However, the NZSTI code of ethics and code of conduct (2013) does not specify how the court interpreter should address the judge about interpreting issues. It is of interest to see the way New Zealand court interpreters deal with these issues without documented suggestions.

Among all these issues listed in the paragraph above, there are two thorny issues for court interpreters – ambiguities and third person addresses. As for ambiguities, the Professional Standards and Ethics for California Court Interpreters (2013) says that an interpreter should never “guess at what might have been meant, bluff your way through, gloss over problem terms, or omit unclear portions of a message. Always inform the judge of the situation and request permission to resolve it.” (p. 13). When encountering a word that has more than one meaning, it is advised by the Standards and Ethics that the interpreter should spell out the word and list all meanings. For instance, “Your Honour, the witness has used the Spanish term ‘pinzas’— the interpreter will spell it for the record: P-I-N-Z-A-S—which has several possible meanings” [tweezers, pliers, forceps, clothespins, claws, darts] (p. 7). This way, the judge can either directly ask the witness what meaning the word refers to, or direct the questioning lawyer to ask for clarification. On the other hand, if the original utterance is fragmentary, illogical, or incomplete, court interpreters should do their “utmost to render a version as fragmentary as the original, without inserting any additional information on your own to clarify the statement” (p. 9). It is of great importance to maintain these linguistic features since the lawyer and counsel heavily rely on these nuances. However, in some cases it might be impossible to interpret any stutters and mumbles without sufficient context. If so, courts interpreters are advised to inform the court that they need necessary clarification before

delivering the rendition (p. 10). In short, the court interpreter should be able to distinguish ambiguities which are related to linguistic divergence from ambiguities related to the speaker's intentions. This study will explore how court interpreters in New Zealand would deal with such ambiguities.

As for third person addresses, Hale (2007b) gives two examples to illustrate the challenge for the court interpreter when the speakers try to start a private conversation (pp. 201-202). In the first example, the witness starts talking before the counsel finishes questioning. Instead of addressing the witness about this issue, the counsel turns to the interpreter and speaks in English, "Can you ask him to wait until I finish the question?"; in the second example, when the witness is giving evidence, he asks the interpreter not to interpret what he just said, "No, no, you'd better not say that, don't say that". In both examples, the interpreter is challenged if he or she should relay the original utterance without editing, adding, or omitting. As suggested by the Professional Standards and Ethics for California Court Interpreters (2013) drawn up by the Judicial Council of California/Administrative Office of the Courts, on such occasions, the interpreter "must not edit out those phrases" (p. 5), since the judge would order the speaker not to do so after hearing the speaker addressing the interpreter privately; if not, the interpreter can ask for the judge's assistance in a respectful manner. It is of interest to see if New Zealand court interpreters also have encountered third person addresses and what their coping strategies would be.

## **2.4 Institutional issues**

### **2.4.1 Interpreter's remuneration and social status**

The complexities of court interpreting tasks require court interpreters to be proficient in their native language as well as the target language they are interpreting into. However, the high requirements of linguistic and bilingual proficiency for court interpreting are usually underestimated. Sanders (1989) says that court interpreters usually have “clerical status, with low pay, and asked to work without time to prepare” (p. 65). A New Zealand-based court interpreter Shin (2013) says that low remuneration is “unlikely to attract and retain enough experienced interpreters” (p. 17). Roberts (1997) believes that the low status of community interpreting is partly due to the description of this profession such as ‘assistance’ and ‘service’. Court interpreting is usually categorised into so-called ‘public service interpreting’ in the UK, and ‘community interpreting’ in countries such as Australia and New Zealand. Unlike international conference interpreting (at academic conferences or at meetings of international organisations such as the European Union (EU) or the United Nations (UN)), which is more of a symbolic statement rather than a necessity, community interpreting is a matter that could involve life-saving concerns (such as medical interpreting) and equal access to justice (such as court interpreting). However, as Mikkelsen (1996) says, community interpreting is “the least prestigious and most misunderstood branch of the interpreting profession” (p. 124). Regarded as a form of community interpreting, the court interpreting service in New Zealand and Australia remains underappreciated. It is worth investigating if New Zealand court interpreters are paid fairly and in a timely manner. Phelan (2001) says that in some countries court interpreters will not be compensated in any form if their booking for court interpreting is cancelled despite the fact that they have to block out their time for the job. In some countries interpreters will be fully paid

if they are given a notice less than 24 hours prior to the hours they are booked for; or they will receive half of the pay if they are given a notice less than 48 hours prior to the hours they are booked for (p. 21). My study will try to describe New Zealand court interpreters' opinions about how well the system works to compensate their loss of cancelled booking.

Three factors are believed to cause the phenomena of low pay and status for court interpreters (González et al., 1991, p. 212): first, the oversupply of interpreters due to low requirements and poor assessments; poor performance, in turn, prevents a pay rise. Second, bias against anything 'foreign' as in many countries, the skin colour or the accent of immigrants sets them apart from the dominant language majority and might be linked with lower socio-economic status. Third, the prevalence of female interpreters is a favourable trait for many housewives due to flexible hours, thus often leading to less commitment and acknowledgement for interpreting profession as it is seen as a 'part-time' job. Hale (2005) believes that four reasons lead to the low status of community interpreting (including court interpreting within the context of Australian academia of interpreting studies), they are: disorganised and unstructured industry, lack of mandatory tertiary education, lack of professional identity, and unawareness of the complexity of the task. This study will explore if these factors are influencing court interpreters in New Zealand.

#### **2.4.2 The court interpreter's role**

The interpreter's role is to enable the limited- or non-English speaking clients to 'hear' everything an English speaker can hear, including small talk and "off the record comments" (González et al., 1991, p. 18). Different from other branches of interpreting, court interpreting requires the interpreting to be in a verbatim manner, that is, to reflect

both the form and content of the message (González, Vásquez, & Mikkelsen, 1991). This is because a witness's veracity will be evaluated by the judge or jury based on not only what he/she says, but also how he/she says these things. In other words, the form and content of one's words are equally important. Rather than conveying only the gist of the source language, the interpreters has to conserve all the linguistic elements of the original, including nuances, level of formality, and intent, along with paralinguistic elements of a discourse, such as pauses, hedges, self-corrections, hesitations, intonation, and so on. By means of emphases and modifications in his interpreting, the interpreter can exert some "third party influence" (Fishman, 1991, p. vii) on the communication between the two speakers who do not share a common language. This seemingly subtle influence can potentially lead to abuse of power, thus affecting the communication outcome. When the interpreter fails to preserve the fidelity of the interpreting, such third party influence can negatively affect the pursuit of justice. This is important to this study, because court interpreters' perceptions about their role and profession can influence their way of interpreting. My study will try to describe their opinions about this aspect of court interpreting.

González et al. (1991) pointed out that lawyers were taught in school how to use language as a tool to probe, to discover truth, and to manipulate thoughts of others. In interpreter-mediated court proceedings, the lawyer would totally rely on the interpreting to capture nuances of the language as originally uttered. Therefore, the interpreter should also reflect the nuances of the language uttered by the lawyer in his/her interpreting, so as to exert equivalent impact on the client. However, the judiciary and the general public have little awareness about this "third party influence" (Fishman, 1991, p. vii), which leads to the use of inadequate interpreters in the courtroom. Over many years, unqualified, untrained, and untested individuals have been given the role of

interpreter to work in the courtroom. Compared with professional interpreters, these non-professional individuals are more likely to distort, omit, and add information to the original testimony in their own interpreting. Furthermore, they are more likely to alter the underlying intent of the limited- or non-English speaker as well as his/her speech style. This could be problematic when judges and juries do not understand the original language and rely on the interpreting of what is said. This study will interview court interpreters for this study to examine their self- perceptions about their role, and these perspectives will be discussed in the findings.

#### **2.4.3 Impartiality and unobtrusiveness**

One of the most controversial issues in Interpreting Studies is the impartiality and unobtrusiveness of interpreters. The NZSTI code of ethics and code of conduct (2013) mandates that interpreters must remain impartial and not voice their own opinions to the participants. This viewpoint is correlated with a ‘conduit model’ in that interpreters should stay completely neutral and perform their task like a ‘translation machine’ (Major, 2013). However, it should be noted that the existence of codes of ethics for interpreters cannot ensure that everyone would be willing to or be able to abide by it. As Hale (2007a) points out, codes of ethics are largely based on ‘common sense’ and ‘personal opinions’ rather than empirical data. Therefore, some prescribed ‘doctrines’ might actually be far from real life interpreting practice. Lee and Buzo (2009) report that a code of ethics fails to fully reflect real work settings as practical ethical issues are not addressed properly (p. 10). Angelelli (2004) said that intervention avoidance of the interpreter which is mandated by codes of ethics overlooks the fact that “interpreters are merely social beings who are subject to the interplay of social factors, institutional constraints and societal beliefs” (p. 47). The ‘conduit’ model of an ‘invisible’ interpreter

is criticised by Wadensjö (1998) for its “Platonic ideal” (as previously stated in Chapter 1) that interpreting can take place in a vacuum environment free from social or cultural factors in the interaction. In the same way, Laster and Taylor (1994) say that the ideal of the conduit model which requires the interpreter to act like a conduit “machine” is far from reality given the fact that the reproduction of an utterance would inevitably be characterised by the interpreter’s own voice, dress, mannerism, linguistic competence, age and gender (p. 120). Tate and Turner (1997) found that in many instances, interpreters believed that they saw their role as more than the conduit model prescribed by their code of ethics. This study will try to find out the way New Zealand court interpreters see themselves concerning their role.

Studies carried out by interpreting researchers suggest that the conduit model is facing challenges from multiple parties in that interpreters may also play the role of cultural consultant. Lee and Buzo (2009) believe that the primary role of the interpreter should be conduit, but the interpreter needs to switch to a facilitator when potential communication breakdown may arise (p. 9). This is because the court’s expectation from the interpreter would include cultural advice when necessary to the judgment of the case (Lee & Buzo, 2009, p. 121). In 1998, Kelly administered a survey questionnaire for multiple parties in Massachusetts, including interpreting practitioners, trainers, and service users, to collect their opinions about whether court interpreters should convey cultural differences in the courtroom. The respondents included judges, interpreters, interpreter trainers, prosecutors, defense lawyers, and legislators. Results from the survey revealed that some respondents believed that “there are instances where the interpreter may need to interject relevant information” and to make clarification when misunderstanding arises between the speakers due to cultural differences (p. 147). Tryuk’s study (2007) show that the ideal of being an ‘invisible and impartial interpreter’

is constantly challenged in community interpreting settings, such as the court, police station and medical office. When interaction can potentially end in failure, the interpreter would choose intervention, providing linguistic and cultural advice to enhance mutual understanding and trust. Occasionally, the interpreter would feel obliged to assist the disadvantaged party in the interaction (pp. 95-105). The potential risk of the interpreter being a cultural advisor in a New Zealand courtroom is that this role is neither described in the NZSTI code of ethics and code of conduct (2013), nor endorsed by any legal documents. In contrast, the Professional Standards and Ethics for California Court Interpreters (2013) by the Judicial Council of California/Administrative Office of the Courts says clearly that there are occasions when the court interpreter can intervene:

The only situation in which you as the interpreter should take it upon yourself to interpret in order to provide an explanation is when communication breaks down and it is apparent from the questions and answers that false assumptions are being made due to cultural or linguistic misunderstandings. In such cases, you are the only one who has the specialized knowledge and training to realize that a misunderstanding is taking place. In short, be very cautious about intervening in the process (p. 23).

Another problem related to impartiality and unobtrusiveness is that the interpreter should be cautious about the pitfall of being influenced by power distance in the courtroom. As pointed out by Lee and Buzo (2009), the interpreter should maintain stylistic features of the original utterance in their rendition and refrain themselves from any modification, simplification or adaptation of the original utterances (p. 195). However, Shackman (1984) points out that community interpreting is different from conference interpreting in that it assists communication between interlocutors with unequal power and knowledge differentials. Similarly, Ozolins (2007) says that, in community interpreting settings, one client would be a power institution that has

purchased the service (hospital, social or police) and the other one that has come to the institution because he/she has some problems. These power distance issues existed in community interpreting described by Shackman (1984) and Ozolins (2007) may also be faced by New Zealand court interpreter. Roy's study (2000) reveals that court interpreters are frequently told by service users to be "flexible", and they confess to "breaking the rules" (p. 103). In addition, Berk-Seligson's study (1990) finds that court interpreters often identified themselves as employees of the court and thus added more polite terms such as 'Sir' to address the judge. This could alter the speaker's register and lead to a more favourable result for the defendant. In this regard, the court interpreter can be in a dilemma of being pressured by power distance against staying impartial required by codes of ethics. This study will try to find out if New Zealand court interpreters are facing this challenge at work.

## **2.5 Interpreting education**

### **2.5.1 Interpreter training programmes**

As a lately emerged profession, a consensus has not yet been reached about the curriculum design of the training programmes among interpreting educators, practitioners, and service providers. According to Hale (2007a), interpreter training is "one of the most complicated and problematic aspects", as it entails many issues which can be categorised into four areas including "lack of recognition for the need for training", "absence of a compulsory pre-service training requirement", "shortage of adequate training programmes", and "quality and effectiveness of the training" (p. 163). As far as I am concerned, little or no systematic research has been done to reflect on

curricular issues of court interpreter training in New Zealand. Therefore, this study will mainly draw upon overseas literature as a layout for my study on relevant issues.

By reviewing previous literature, it can be seen that relevant topics about “lack of recognition for interpreter training” suggested by Hale (2007a, p. 163) have been repeatedly mentioned by various researchers, such as Laster and Taylor (1994), Pöchhacker (2004) and Angelelli (2004). The logic behind the problem of lacking recognition of court interpreter training is the underestimation of the complexities of court interpreting. One of the misconceptions widely held by the general public is that any untrained individual who speaks two languages can be an interpreter (González et al., 1991; Valero-García, 2003; Hale, 2007a). This misconception overlooks the fact that faithful renditions of court interpreting involve highly complex linguistic aspects, such as the maintaining of the register and grasping and reproducing the speech acts (see Section 2.3.2) along with the coordinating skills required in the courtroom (see Section 2.3.4). The awareness of these relevant issues and the ability to deal with these challenges can only be achieved through education and training at tertiary education level. Nevertheless, relevant research of Schweda Nicholson (1994) and Ko (1995) suggest that before starting the course and being made aware of the complexity of accurate interpreting, many interpreter trainees would see interpreting as a merely intuitional event and mistake training programmes as nothing but acquiring specialised terminology. My study will try to establish if court interpreters who have gone through training are more aware of the complex nature of interpreting practice.

As stated in the first paragraph of this section, the second problem for interpreter training programme is the “absence of a compulsory pre-service training requirement” (Hale, 2007a). New Zealand does not appear to have developed any legislation that mandates the use of court interpreters with pre-service training. However, inquiry with

NZSTI sources (email, 14<sup>th</sup> July, 2014) suggests that the New Zealand's Ministry of Justice was aiming to reach a point where they would only use trained interpreters recognised by the NZSTI, although currently there are still a lot of unqualified or only partially qualified interpreters on the court interpreting service list as it takes time to introduce new requirements for using trained interpreters. Even so, it can be difficult to find an interpreter for rare languages and the court interpreting coordinator has to contact various agencies, and sometimes probably has no option but to 'make-do' with not fully qualified court interpreters. The development of a compulsory pre-service training requirement calls for an increased hourly rate as an incentive. As suggested by Hale (2007a), some interpreting practitioners oppose training simply because they feel that the poor remuneration is not worth "the investment of money, time and effort on their part to train to improve their skills, knowledge and performance" (p. 165). This study will try to explore whether court interpreters in New Zealand are holding share this point of view.

Another problem for interpreting is the shortage of adequate training programmes. Generally, interpreter training programmes vary greatly "in terms of scope, duration, and focus" (Hale, 2007a, p. 167). As for scope, some programmes include interpreting as part of a generalist study. Some programmes combine interpreting with translation. Some other programmes specialise in medical interpreting or legal interpreting (Straker and Watts, 2003). As for duration and focus, the shortest programmes are usually about 20 hour courses, organised by interpreting service providers, focusing on ethics and role but not language specific. Longer programmes are usually about 60 hour courses at either college or university levels, including language specific classes. The longest programmes are offered as degree courses at undergraduate or postgraduate levels (Niska, 2005). My personal communication with different interpreters suggests that

New Zealand has a wide range of interpreter training programmes at tertiary institutional levels, including certificate courses, diploma courses, advanced certificate courses, graduate diploma courses, and postgraduate level programmes. A Bachelor's Degree in Interpreting was only offered starting a few years ago prior to 2014. My study will include questions about interpreter training programmes respondents have joined or are at the time undergoing along with how they feel about the programme(s).

The fourth problem for interpreter training programmes is the quality and effectiveness of the training. As pointed out by Hale (2007a), "some researchers of Interpreting Studies have criticised the superficial nature of most Community Interpreting courses, which tend to concentrate on mechanical skills development and terminology, and do not explore language and interpreting performance beyond the syntactic level" (p. 183). At the discourse level, there are two major concerns that can influence the outcome of interpreting – pragmatics and registers (see Section 2.3.2). As for pragmatics, Hale (2007a) criticised that one of the weaknesses shared by many interpreter trainees is their ignorance and neglect of the illocutionary force of the original utterance and the pragmatic aspects underlying such utterances due to the limited duration of pre-service training. She believes that an ideal course design for interpreter education should include a bachelor's course for the theoretical background of linguistics, plus a further specialised postgraduate level programme for interpreting in certain settings, such as legal, medical, and the like. However, the dire situation is that most interpreter trainees only obtain some short course(s) and would never have a chance to realise the different pragmatic forces exerted by discursal nuances (Hale, 2007a, pp. 173-185).

Apart from pragmatics, the maintenance of speech styles is another discourse aspect largely overlooked by many interpreter training schools. As pointed out by Berk-Seligson (1987), listeners (such as members of the Jury) would form impressions about

the speaker's intelligence, honesty and competence according to their idiosyncratic way of speaking. Also, the findings reveal that court interpreters of Spanish tend to add these 'powerless speech features' in their interpreting when they interpret from Spanish into English. Again, it indicates the "third party influence" (Fishman, 1991, p. vii) by the interpreter through his/her register alteration. Unfortunately, Angelelli (2004) says that most interpreter trainers would instruct trainee interpreters to "grasp the meaning" of the utterance and "convey the meaning" in their rendition (p. 21). Angelelli believes that interpreter trainers choose this oversimplification approach because it would be easier for them to teach trainees this way. It would certainly be much more complex if the teaching involves problematizing, analysing, and exploring for the trainees. Therefore, this study will try to find out if New Zealand court interpreter have learnt the importance of pragmatics and registers from their training programme(s).

An additional challenge of interpreter training programmes comes from accreditations such as NAATI tests. Although New Zealand has developed a series of training programmes for medical and court interpreters at various tertiary educational levels, the NZSTI website suggests that it still sees NAATI tests as an alternative to pre-service training (See Section 2.6.1). For over twenty years, NAATI tests have been criticised by researchers of interpreting studies for their inadequacy to test court interpreters.

According to Hale (2004), as generalist accreditations, a NAATI tests "does not conduct any special examination for legal interpreters" (p.26). In comparison with the federal court interpreting specialist certification system in the United States of American , González et al. (1991) point out that a NAATI test should not be employed to assess a court interpreter for the following reasons:

- (1) it does not reflect the rigorous demands of the three modes used in judicial interpreting: simultaneous (unseen or spontaneous), legal consecutive and sight

translation; (2) it does not test for mastery of all the linguistic registers encountered in the legal context, ... and (3) it would not be a valid instrument to determine ability in judicial interpretation because its format, content, and assessment methods are not sufficiently refined to measure the unique elements of court interpreting (p. 91)

Presently, the latest version of NAATI Accreditation by Testing: Information Booklet issued on 12 July 2014 reflects the fact that it still has not developed any specialist examination for court interpreters, neither does it have any compulsory training requirements for interpreters. Although this Information Booklet does not mention that any legal topics would be entailed in its accreditation tests for the Paraprofessional Interpreters (formerly known as Level 2) or Professional Interpreter (formerly known as Level 3), it does indicate in its Outlines of NAATI Credentials that those who have the Professional Interpreter title can work as court interpreters, which states: “the minimum level of competence for professional interpreting and is the minimum level recommended by NAATI for work in most settings, including banking, law, health, and social and community services” (p. 1). After more than twenty years, it appears that the inadequate nature of NAATI tests for examining court interpreters remain unchanged. However, NAATI tests are still being used to certify court interpreters in Australia, and sometimes are seen as an alternative to pre-service training in New Zealand. This problem is also reflected by Shin (2013) in her article about the challenges faced by New Zealand court interpreters. She wrote: “The minimum qualifications proposed are those provided by NAATI [...] They are not in themselves a guarantee for high quality interpreting in the court as it is a specialised area” (p. 17). This study will try to establish respondents’ frequency of preparing for NAATI tests and their opinions about the effectiveness of such accreditation in comparison with various interpreter training programmes available at New Zealand tertiary education institutions.

### **2.5.2 Continuing education**

Continuing education for court interpreters should be seen as a necessity given the dynamic nature of language as well as the change of legislation and the legal system. In other words, court interpreters have to keep themselves updated on new expressions, legal jargon, and changed laws in all working languages so as to conduct interpreting properly. In spite of its manifest importance to practice, professional development for interpreters is “not often reflected in the pedagogical literature” (Pöchhacker, 2004, p. 189). One of the few studies addressing professional development issues for court interpreters is the book written by González et al. in 1991. In this book, they point out that mini-series seminars have been organised by some local jurisdictions in the United States of America, including courts in Florida, California, Arizona, Nevada, Texas, New Jersey, New York, Washington, and so on (p. 204-205). It is also reported in the book that these local courts have sponsored court interpreters’ attendance at some annual programmes and conferences provided by interpreter professional organisations. Additionally, several recommendations can be found related to professional development of court interpreters.

First, it is advisable that the conferences and seminars organised by either the court or professional organisations in the U.S. should involve speakers from different parties, including the public defender’s office, lawyers, judges, law enforcement officers, senior interpreters, immigration officers, interpreter trainers, and linguists (González et al., 1991, p. 205). Second, they advocate a general orientation procedure for an experienced supervisory interpreter on duty to give novice interpreters some guidance on the code of ethics, roles and function of court interpreters, the order of the court event, positioning of the interpreter, and so on. They also strongly endorse assigning court observation forms for novice interpreters to obtain the signature from the court registrar after

observing the court, so as to ensure that they get familiar with the real settings (p. 202). Third, it is recommended to keep a personal portfolio of the interpreting performance of regularly used court interpreters by maintaining “a file of tape recordings”. In order to make the most effective use of the portfolio, the interpreter should be monitored by one of the supervisory interpreters. This way, they would be able to have some discussion about the interpreter’s performance recorded (p. 205-207).

In this study, a survey using Likert scale type questions about respondents’ frequency of attending conferences will be included to indicate if they are keen on attending such gatherings. If not, I will try to obtain their opinions about what they feel is needed. At the same time, I will try to find out if New Zealand courtrooms need to establish the position of “supervisory interpreter” as mentioned by González et al . (1991) as it does not currently exist in this country. Contrary to this, relevant information about the “supervisory interpreter” functioning as a coordinator dealing with interpreting-related controversies can be found in documents about court interpreting service of local courts of the United States, such as the Missouri Foreign Language Court Interpreter Handbook (n.d.) and Freelance Court interpreter Handbook (2012) by the Wisconsin Director of State Courts. Nevertheless, it should be noted that the role of the supervisory interpreter described by the two handbooks seems only limited to settling interpreting-related disputes. The suggestion made by González et al . (1991) about establishing the interpreter’s personal portfolio of a file of tape recording appears unfulfilled until the time the handbooks were created. Recently, similar suggestions on the establishment of personal portfolio were made by Shin (2013), an experienced New Zealand court interpreter. She wrote:

Assuming the audio recording is able to accurately record all of the relevant proceedings there is an opportunity to audit those recordings in relation to the

performance of all the parties, including interpreters. The interpreters can then be given feedback about any issues [...] putting monitoring systems in place which enable performance to be measured on an individual basis together with an analysis of the difficulties identified (p. 17).

This study will try to investigate court interpreters' opinions about obtaining court recordings for the establishment of personal portfolios.

## **2.6 Professionalization issues**

### **2.6.1 Professional organisation**

Professional organisations refer to “entities dedicated to serving the needs of their members” (Angelelli, 2004, p. 95). At present, New Zealand had not developed any specialised professional association for court interpreters like the National Association of Judiciary Interpreters & Translators (NAJIT) of the United States of America. As previously presented in Section 1.2, the New Zealand Society of Translators and Interpreters (NZSTI) is a generalist professional organisation of interpreting and translation practitioners in this country. The homepage of its official website describes NZSTI as “a nationally representative body of translators and interpreters that provides a networking forum for its members, represents members’ interests, and promotes continued professional development, quality standards and awareness of the profession within government agencies and the wider community” (NZSTI, n.d.). The homepage also suggests that it holds a series of gatherings including an annual conference every year, along with an online forum for its members to have discussions. These features reflected on the NZSTI homepage are largely consistent with the functions of professional associations suggested by Angelelli (2004):

(1) they strive to provide guidance and information to their associates; (2) they offer continuing education opportunities; (3) they channel information; (4) they organise forums or conferences where members come together to address pressing issues in the profession; and (5) some of them test and certify members (pp. 95-96).

However, by reviewing its website, it does not seem that NZSTI organises any tests for membership. Instead, the category of “How to Join” suggests that NZSTI certification system is dependent on a benchmark assessment of relevant qualifications or equivalent NAATI levels. This policy indicates that NAATI accredited interpreters could potentially be recognised as an interpreter by NZSTI and interpret in a New Zealand courtrooms. However, the interpreter who was criticised in the 2009 Abdula Case is a NAATI accredited one flown over from Australia, whereas the Wellington taxi driver who was trained by Interpreting New Zealand allegedly did a better job (see Section 1.3.2). The disadvantages of using generalist accreditation tests, such as NAATI, as a substitute to specialised pre-service training for court interpreters have already been discussed in Section 2.5.1. The NZSTI should develop a national registration for court interpreters in New Zealand (see Section 2.6.2 below) and exclude NAATI from being a substitute for pre-service training. This study will list NAATI tests as an option for “training” alongside other qualifications available in New Zealand tertiary institutions to see the popularity and rating of these programmes.

## **2.6.2 Professional registration**

In 1992, Tseng developed a model of a professionalization process for conference interpreting. This social-professional model describes four phases of the development of conference interpreting as a profession in Taiwan. The development starts with the beginning of “Market Disorder” (Phase I), followed by “Consensus & Commitment” (Phase II), then “Professional Association” (Phase III), and a more complicated stage (Phase IV) including the process of “Political Persuasion” to “Legal Authorities” to the final target “Protection and Licensure (Professional Autonomy)” (p. 43). Tseng’s model has been applied to the development of community interpreting by researchers such as Fenton (1993), Pollitt (1997), and Mikkelsen (1999). These four phases are not in a relationship where one phase would be replaced by another. Rather, this model can be seen as a rudimentary sketch of the dynamics of interpreting as a profession in that different phases can to some extent overlap and coexist. In this regard, Tseng’s model can shed some light on the professionalization of New Zealand court interpreting as the description of this profession in Chapter 1 generally mirrors the first three phases of the model. If this assumption is true, it might be time for the professional association – NZSTI – to aim at gaining professional autonomy through political persuasion on legal authorities.

The crux of the matter of achieving professional autonomy is to establish a national registration for court interpreters in New Zealand. As defined by Corsellis, Cambridge, Glegg, and Robson (2007), a profession is “a group of people who have the same expertise under a shared code of values to protect its clients, body of knowledge and colleagues in its own and other disciplines and goes beyond the self-interest of its members” (p. 140). They contend that clients are not in a position to judge the work quality of interpreters since the former lack the necessary background of language

proficiency of both languages. Therefore, a professional structure of interpreting practitioners needs to develop in order to regulate practitioners, as well as to protect the practitioners, their colleagues and the clients. Such a regulatory structure is commonplace for professions such as lawyers, teachers and doctors (p. 140). They further point out that the autonomy of a profession needs a “national, transparent, accountable and consistent system” which includes a registration system of “not a list of directory but the public manifestation of a professional structure of its integrity” (p. 142).

This chapter has provided an overview of the literature review and has attempted to link this overview to the study reported on here. The next chapter will outline the methodological approach used for this study, and my rationale for following this approach.

## **Chapter 3: Methodology**

### **3.1 Introduction**

This is a qualitative research study that aims to describe the challenge New Zealand court interpreters may face in their work. This chapter will present data collection instruments, as well as describing the sample of participants and indicating how data from both online survey and interviews will be analysed.

### **3.2 Data collection instruments**

Two data collection instruments were employed in this study – online survey and semi-structured interviews. These two instruments served the research purposes to know what opinions court interpreters have about their challenges at work. Creswell (2013) says that the use of a survey can enable the researcher to gather data about perceptions and experiences of a certain group of people. However, Hale and Napier (2013) point out that the limitation of a survey is its inability to gain an in-depth or detailed answer within a short period time of completion. Hence, they suggest that the use of face-to-face interviews following the survey can enable the researcher to “elaborate on participants’ answers by asking further clarifying questions” (p. 53). In this study, the online survey provided a general picture about what challenges are faced by New Zealand court interpreters, plus their demographic and educational information. Following this, the results of the survey were analysed to identify broad strands which served as the basis for developing questions to be explored in more detail during the interview. The semi-interviews conducted with a small sample of interpreters were used to triangulate the data acquired from the questionnaires, and also to gain some detailed, in-depth information on over the research questions.

### **3.2.1 The survey**

The survey is one of the most widely used research methods owing to its characteristics of being time-saving, easy to construct and capable of gathering a huge amount of data (Dörnyei, 2007). When it comes to interpreting studies, the survey can be a feasible method to acquire interpreters' self-perceptions about certain interpreting issues (Hale & Napier, 2013, p. 53). However, it should be noted that survey is not a 'one size fits all' method. In fact, the choice of any research method depends on what types of questions the research attempts to answer. The survey will not allow the researcher to know whether the answers are true; neither will it allow the researcher to evaluate interpreters' performance under different conditions. This is because the survey answers along with the results are fully dependent on the interpreters' self-administration and can be influenced by subjectivity (Hale & Napier, 2013). Some good interpreters may underrate their performance if they are very critical of themselves, whereas some less competent interpreters may overrate themselves. In this regard, the survey would not be an ideal method to assess interpreters' performance. For research studies which aim to examine interpreting performance, the best method would be a set of testing instruments. One of the studies of this kind was carried out by Lee (2011) who drew on both naturalistic data and constructed data. Seven court interpreters were recorded in interpreter-mediated courtroom examinations and in their work. The discourse in the original and the interpreted versions were analysed to test if they faithfully render the message in their interpretation. However, this kind of testing instruments is outside of the scope of a Master's thesis and requires court approval, which may be very difficult to obtain (Crezee, personal communication 2013). In this regard, such testing instruments were not included in this research.

The descriptive nature of the current study determines that the survey would be a suitable method for initial data collection. Based on the previous literature, some of the repeatedly raised issues were covered in this survey. The survey questions included three attitudinal questions asking the survey respondents to select from a range of options and also to indicate the degree they feel applicable to themselves:

- 1) Towards various challenges at work, which goes “What challenges have you ever encountered in courtroom interpreting?”
- 2) Obtainment and usefulness of various qualifications, which goes “What kind of interpreting study or interpreting training did you participate in (or now undergoing)?” (A skip logic question “Have you joined or now undergoing any programme of interpreting study or interpreting training” had been asked prior to this question, only those who chose “Yes” would be guided to this question);
- 3) Frequency of types of ongoing development, which goes “What types of on-going development do you do to improve on your courtroom interpreting specialty?”

These three questions were designed using a Likert Scale for the survey respondents to indicate the frequency which with they feel applicable to themselves. There were five choices ranging from “Never” to “Often” for each question, where 1 represents ‘Never’ and 5 represents “Often”. Survey respondents had also been left the option of ticking ‘not applicable’ to indicate that it did not apply to them. Also, according to Hale and Napier (2013), some factual questions about demographic information of the survey respondents should be included if they are assumed to be relevant to the interpreters’

opinions (pp. 53-56). Therefore, I had decided to include factual questions pertaining to age group, gender, numbers of cases, years of experience and years of residence in New Zealand as well as qualifications in the survey. It was interesting to see the potentially different opinions of interpreters according to these different features.

All the questions in the survey were designed as closed questions which could be answered by ticking from a range of choices. Admittedly, open questions are considered as less leading than closed questions since the survey respondents are not told anything about the questions (Hale & Napier, 2013, p. 60). But the survey respondents may fail to write an answer to the question if they have never thought about it or simply because they do not want to spend too much time on it and choose to abandon the survey.

Therefore, it was decided to have all questions as closed questions with a list of multiple-choice answers for each question. For mutually exclusive answers, such as gender and age range, the respondent was allowed to choose only one answer; for other answers, such as qualifications and challenges at work, the respondent could tick as many choices as they wanted since they could have more than one qualification and face more than one challenge. In case the respondent wished to contribute some ideas that I had not thought of, extra comment spaces had been left, asking for Comments under the heading of “Other (please specify)” at the end of attitudinal questions, such as “what challenges have you ever encountered in court interpreting” and “what type of on-going development do you engage in to improve in your specialty”. In contrast, no extra comment space had been left for the demographic questions such as age range, gender and years of living in New Zealand since these options had already covered all the possibilities. For example, in terms of cases of court interpreting, there would be no other possibility than “less than 10 cases”, or “10 or more cases”

Nowadays, surveys are mostly administered via internet survey packages. This study employed online survey software – SurveyMonkey – to design and administer the survey. According to Hale and Napier (2013), there are several advantages of using this online survey software: First, it is easy to construct and administer – a web link to the survey will be generated automatically which can be posted for potential survey respondents via internet. Second, the survey respondents can do it anytime when they have 10 to 15 minutes. They do not have to come to an appointment or an interview in person. Third, the interviewees can complete the survey by using various forms of technology such as a computer, a tablet or a smartphone. Fourth, the survey respondents do not have to post it back to the researcher so the questionnaires will not get lost. Fifth, the software automatically collects the responses and researcher can monitor the data trends in real time. Sixth, it is cheaper than traditional forms of survey such as postal questionnaire and mail questionnaire. Seventh, statistics and question summaries will be generated automatically and the charts can be manipulated easily into different forms for best presentation purpose. However, there are also some disadvantages of using online survey software: First, the researcher cannot ascertain whether any survey respondents have done the online survey more than once. Although some software package can identify IP addresses, it is possible that respondents use different computers to do the survey. Second, some survey respondents, especially older ones, may not be used to IT technology and fail to complete the online survey properly.

The purpose of this online survey was to gain an overview of New Zealand court interpreters' perceptions about the most frequently encountered challenges at work. After the ethics application had been approved by Ethics Committee of Auckland University of Technology on 23<sup>rd</sup> October 2013 (Ethics Approval Number: 13/272), I approached New Zealand Society of Translators and Interpreters (NZSTI) through email.

I explained my research purposes to NZSTI administrator, and sent her three attachments – a copy of an Advertisement Sheet (with the web link to the SurveyMonkey online questionnaire), a copy of the Participant Information Sheet for the Survey, and a Participant Information Sheet for Interview. Following this, a thread containing an invitation to participate in the survey was posted on the NZSTI members' forum to attract potential survey respondents. Only affiliate or full members of NZSTI have a login and can get access to this forum. The content of the thread was copied from the Advertisement Sheet in that it informed readers of the purposes of the research. The web link to the online survey was also included at the end of the thread. The thread also explained that participation would be voluntary and participants would be able to withdraw from the research at any stage prior to the completion of data collection. Participants' confidentiality was ensured as the survey respondents did not have to identify themselves in the online survey.

### **3.2.2 The semi-structured interviews**

The semi-structured interviews constituted the second phase of data collection for this research study. Generally, there are three types of interviews: structured interviews, semi-structured interviews, and unstructured interviews. According to Bryman (2008), the first type is usually employed in quantitative research while the other two types are usually employed in qualitative research. In applied linguistics, semi-structured interviews are widely used as it enables the researcher to strike a balance between having some level of control and having flexibility (Nunan 1992). The advantage of using semi-structured interviews is that it guarantees "the data carrying a mixture of both the respondent's and the researcher's points of view" (Weerakkody, 2009, p.167). In a semi-structured interview, the interviewer follows an outlined of questions about what he wants to know. These prompt questions are used as not only a guide to the whole interview process but also a reference for time limits. On the other hand, the open-ended, discursive nature of the semi-structured interview welcomes additional issues raised by the interviewee during the interview process (Beardsworth & Keil, 1992). The interviewer does not have to strictly follow the outlined interview guide. Questions that have not been included in the outline can be picked up from the interviewee's answers. This is because the additional information provided by the interviewee can be seen as an integral part of the research findings. What is raised by the interviewee could be complementary with the researcher's notion of the topic.

The use of semi-structured interviews is featured with some obvious advantages. First, it allows the researcher to compare the results of the survey with the findings of the interviews. As described in the previous section, the questions asked in the survey were all closed-questions. Although there was an extra comment space at the end of attitudinal questions, the survey respondents might choose not to write down any

comments due to time constraints. In the semi-structured interviews, the interviewer went through the survey questions with the interviewees to check if they had anything to add or clarify. But the interviewer did not ask if they had completed the online survey, in order to keep the interviewees' anonymity. Second, it helps to contextualise what had been revealed in the broad findings from the online survey. The interviewee will be able to "tell their own story" with rich and detailed information in a spontaneous and oral form which could not be fulfilled through the survey (Hale & Napier, 2013, p. 95).

However, there are also some issues of doing interviews. Sometimes interviewees may choose to not to tell the truth for some reasons (Marshall & Rossman, 1999). For example, if they do not fully trust that the interviewer would keep confidentiality, they may be afraid of potential leaking of sensitive information harming their reputation in the community and among their colleague interpreters with whom they compete for freelance interpreting work. It is a possible complication to this study as the subjects are from a relatively small community – Auckland based court interpreters – where people are very likely to know each other and a 'good name' is highly valued. Another potential disadvantage for interviews is that the findings may be subjective and biased. This is because interview data comes from interviewees' recollection of their personal experience. As is known, human memory is not always reliable. Therefore the interviewees' recollection may not be very accurate. It would be impossible for the researcher to verify the interviewees' stories. Nevertheless, the application of semi-structured interviews still serves the purpose of this research, that is, to broach the subject of identifying challenges encountered by New Zealand court interpreters. In this regard, semi-structured interviews with interpreting practitioners will generate some 'raw material' for future investigation of relevant topics.

### **3.3 Participants**

This study aims to shed some light on the challenges faced by interpreters working in New Zealand courtrooms. It also aims to make recommendations to improve on the courtroom interpreting service in New Zealand. The subjects targeted in this study are interpreters with court interpreting experience in the New Zealand setting. Those who report that they have interpreted for less than 10 cases will be regarded as ‘less-experienced interpreters’ while those who report that they have interpreted for 10 or more cases will be regarded as ‘experienced interpreters’. The criteria for the selection of participants are that they:

- 1) interpret between English and one or more than one other language;
- 2) have interpreting experience in New Zealand court settings for at least one case;
- 3) work either full-time or part-time as interpreters;
- 4) either trained or untrained

The online surveys were completed by 30 respondents. Those interpreters who participated in the interviews were based in Auckland Region.

### **3.4 Data analysis**

The study yielded two distinct sets of data: the initial data obtained from the online survey and the in-depth data obtained from the one-on-one semi-structured interviews. In the analysis of the survey data, the first step was to code the data and to combine the codes into a group of matched segments which were transferred into tables or figures. For example, there were five factual questions with demographic information for both experienced interpreters and less-experienced interpreters; and the responses were be

divided into two tables, one for experienced interpreters and one for less-experienced interpreters. The second step was to identify broad patterns and trends in the data. This step also involved descriptions, explanations and brief discussions. The third step was to categorise the codes into more focused themes. The last step was to highlight the crucial themes for designing interview guideline.

In the analysis of the interview data, the interviews were transcribed to identify salient themes. The next step was to capture detailed information from the transcripts and to compare it against the literature review to see if it confirmed findings of earlier studies or if it brought up new information. Interviewees' viewpoints were re-arranged according to themes and patterns. The next step was to compare these viewpoints with the findings of the survey as well as the literature. The last step was to summarise the findings for further discussion.

This chapter has presented the data collection instruments employed in this study – the online survey and the semi-structured interviews – and the participants in this study, as well as the data analysis stage. Also, it has explored the advantages and disadvantages of the research methods employed in this interpreting study. The next chapter will present the results and analysis of the online survey.

## **Chapter 4: Survey results and analysis**

### **4.1 Introduction**

As mentioned at the end of the Introduction chapter, the current study aims to answer the following two questions:

1. What challenges do New Zealand court interpreters have at work?
2. What can be done to solve these problems?

In an attempt to answer these questions, I decided to investigate the viewpoints of New Zealand court interpreters with the help of an online survey questionnaire followed by one-on-one interviews. This chapter will present the results of the surveys first.

Following this, the analysis of the surveys will be presented.

### **4.2 Survey results**

The online survey included nine questions for court interpreters in New Zealand. The first five questions of the online survey were factual questions about the respondents' demographics. The other four questions included three attitudinal questions designed using the Likert Scale along with one single-answer question to indicate the respondents' opinions towards challenges they had encountered at work.

#### **4.2.1 Survey participants' demographics**

The factual questions, such as gender and age range, were designed with a list of mutually exclusive options. The respondent was allowed to choose only one answer for each question since each set of options was mutually exclusive and had covered all the possibilities. Findings of all court interpreter participants' demographics obtained from the first five factual questions are shown in Table 4.1 below.

**Table 4.1 New Zealand Court Interpreter demographics**

		Response percentage	Response number (N=30)	Number of respondents who skipped question
Age range	20-29	3.3%	1	0
	30-39	13.3%	4	
	40-49	43.3%	13	
	50+	40.0%	12	
Gender	Males	40.0%	12	0
	Females	60.0%	18	
Years in New Zealand	Less than 1 year	0.0%	0	0
	1-2 years	0.0%	0	
	3-5 years	0.0%	0	
	6-10 years	13.3%	4	
	11+ years	86.7%	26	
Number of cases	less than 10 cases	27.6%	8	1
	10 or more cases	72.4%	21	
Years of experience	0-2 years	20.0%	6	0
	2-4 years	13.3%	4	
	4-6 years	10.0%	3	
	more than 6 years	56.7%	17	

Table 4.1 shows that the total of 30 court interpreter participants' ages ranged from 20 to 50 plus. There were more female respondents (60%) than male respondents (40%). Out of all the 30 respondents, 25 of them (83.3%) were over 39 years old, in which 13 respondents were between 39 and 49 years old, and 12 respondents were over 50 years old, which made up for 43.3% and 40.0% of the total, respectively. The vast majority of all the court interpreters, 26 out of 30, which accounts for 86.7% of the total, had lived in New Zealand for more than 11 years. Only 4 of them (13.3%) had lived in New Zealand for 6 to 10 years. None of them had lived in New Zealand for less than 6 years. In terms of court interpreting experience, most of the respondents (72.4%) have interpreted for 10 or more cases while others (27.6%) have interpreted for less than 10 cases. There were 17 interpreters (56.7%) who had interpreted for more than 6 years, 6 interpreters (20.0%) had interpreted for 0-2 years, 4 interpreters (13.3%) had interpreted for 2-4 years, and 3 interpreters (10.0%) had interpreted for 4-6 years. To sum up, the demographics information from the survey shows that most of the respondents were experienced court interpreters who were more than 40 years old and had lived in New Zealand for more than 11 years. For all the five factual questions in the online survey, question 4 about court interpreting experience in terms of number of court cases interpreted was the only question skipped by one respondent.

#### **4.2.2 Survey participants' responses to attitudinal questions**

Following the first five factual questions for the respondents' demographics, the online survey included three attitudinal questions about frequency of challenges encountered at work, completion and usefulness of interpreting training programmes, as well as frequency of on-going development approaches. These attitudinal questions asked the survey respondents to select from a range of options and also to indicate the degree they

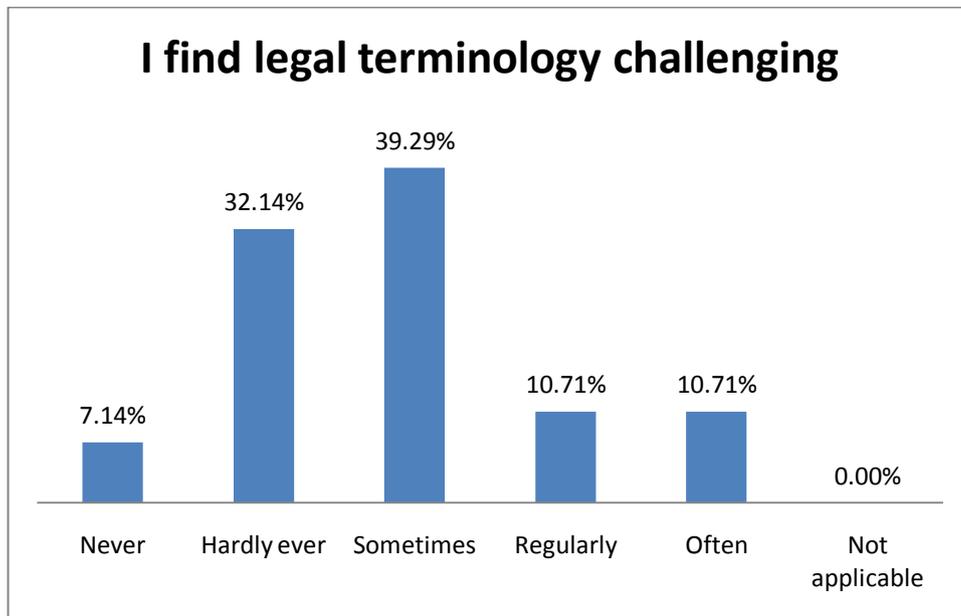
felt the options were applicable to themselves. There were five choices ranging from “Never” to “Often” for each question, where 1 represents “Never” and 5 represents “Often”. Survey respondents had also been left the option of ticking ‘not applicable’ to indicate that the question did not apply to them. At the end of each attitudinal question, an open comment space was left in case the respondent came up with an answer which had not been included in the options. All findings were generated from responses to the questions asked and have been divided into three sections. The first section covers the interviewees’ indication about frequency of challenges at work. The second section discusses the interviewees’ completion of interpreting training programmes and their perception about to what extent the training had helped them prepare for court interpreting. The third section outlines the respondent’s usage and frequency of ongoing development methods.

#### **4.2.2.1 Challenges encountered at work**

Interpreters were asked to select as many challenges encountered at work as possible, and to click on a five degree Likert type range of options from “Never” to “Often” to indicate its frequency. The results of the survey show that, according to the average rating, the six most challenging issues in descending order were: lack of background information (3.90), long and complicated sentences (3.40), the speaker speaking without a pause (3.24), mumbling (3.00), legal terminology (2.86), and the speaker trying to start a private conversation with the interpreter (2.79).

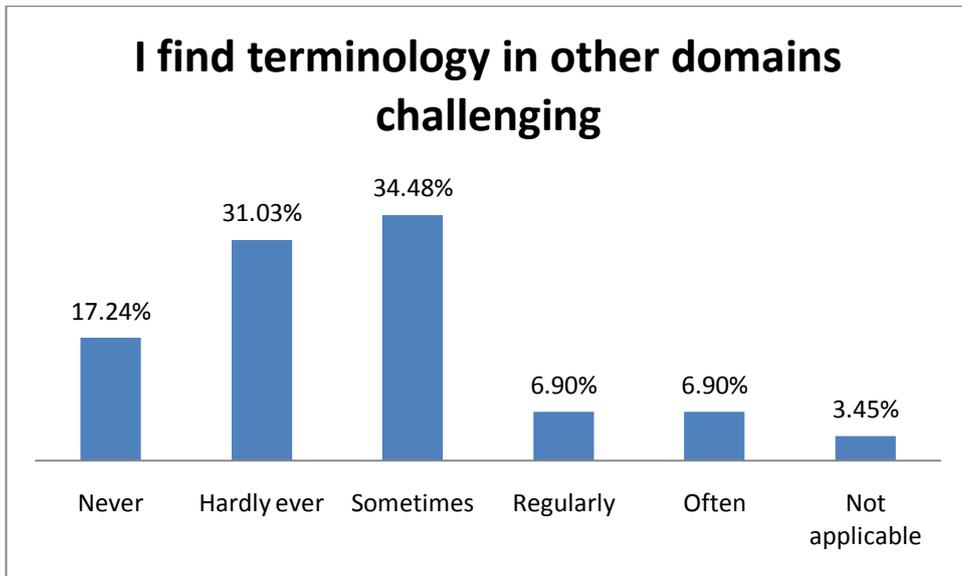
### *Linguistic issues*

This section covers the survey results of the interviewees' encountering of interpreting challenges relevant to linguistic aspects, including legal terminology, terminology in other domains, idiomatic expressions, and tag questions.



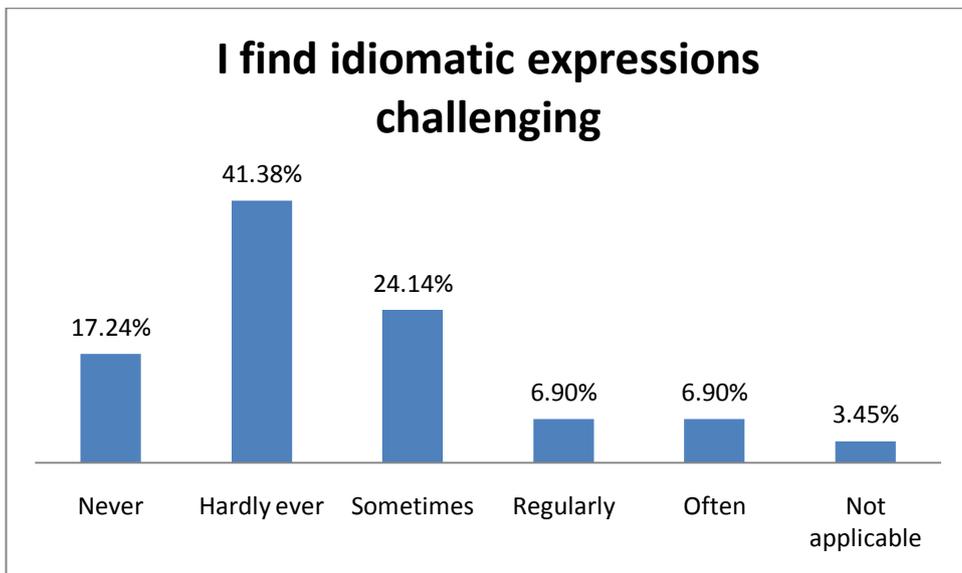
**Figure 4.1**

Legal terms ranked the fifth most challenging out of all the 20 issues. Figure 4.1 shows that the majority of the court interpreters thought legal terminology either “Sometimes” or “Hardly ever” challenging. A total of 28 respondents answered this question while two respondents did not offer a reply. Among those who answered this question, almost 40% said that they sometimes found legal terminology hard to interpret. More than 30% of the respondents said that they hardly ever found legal terminology challenging. The percentage of those who chose either “Never”, “Regularly”, or “Often” was 10.71%.



**Figure 4.2**

Figure 4.2 shows similar results as Figure 4.1. A total of 29 respondents answered this question while one respondent skipped this question. Ten respondents (34.48%) chose “Sometimes” with another nine (31.03%) choosing “Hardly ever” to indicate the frequency, respectively. Five other interpreters (17.24%) said that they never found it challenging to interpret terminology in other domains.



**Figure 4.3**

Figure 4.3 clearly shows that idiomatic expressions were not seen as challenging by most of the court interpreters. Over 40% of the respondents said that they hardly ever found idiomatic expressions challenging. On the other hand, one quarter of the respondents said that they sometimes found idioms challenging. A total of 29 people answered this question with one respondent omitting it.

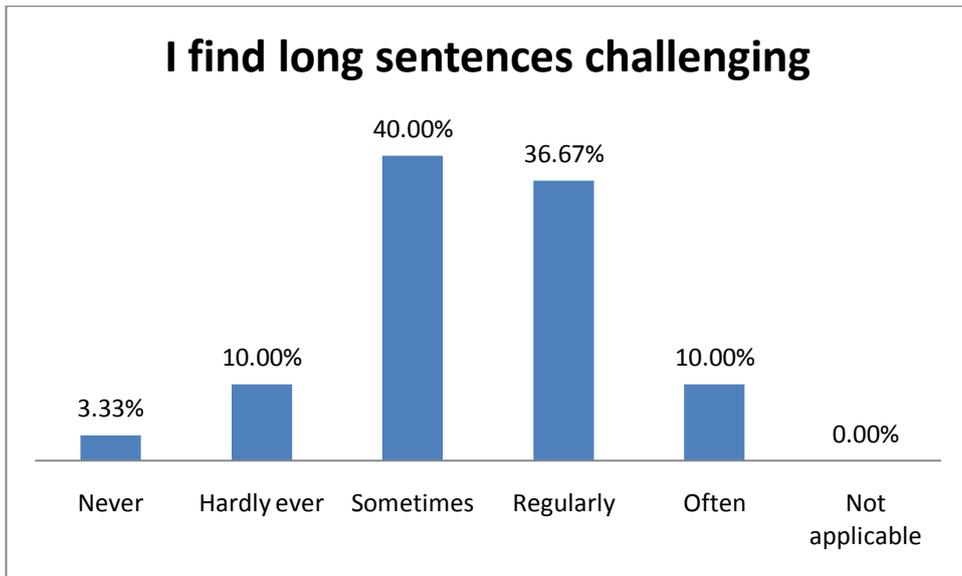


**Figure 4.4**

In response to tag questions (See Section 2.3.2), all respondents answered this question. One third (33.33%) of all the respondents said that sometimes these were difficult to interpret, while another one third (30.00%) never found it hard at all.

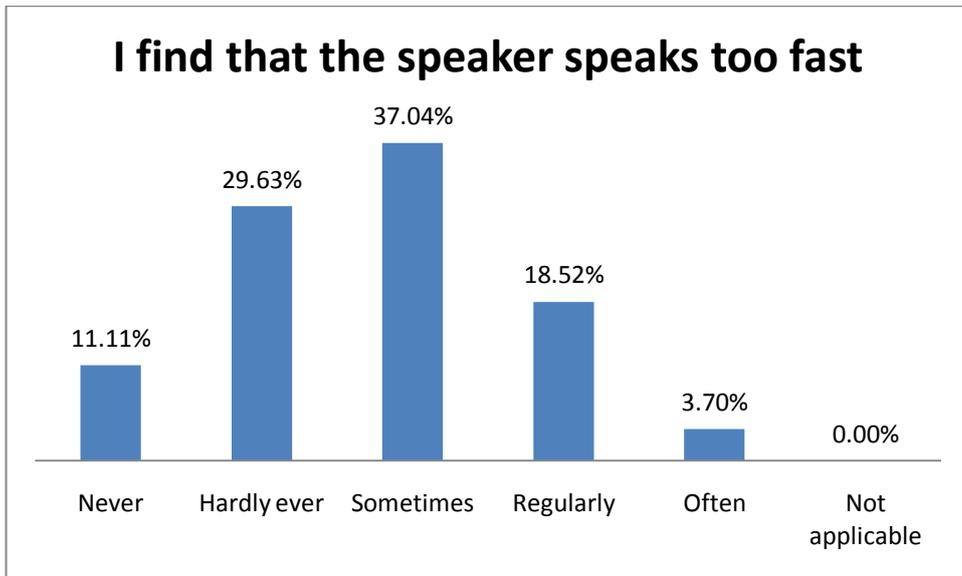
#### *Information processing issues*

This section covers the survey results of questions that focused on whether interviewees' encountered any interpreting challenges relevant to information processing aspects, including long sentences, high speech rate, mumbling, strong accents, and names.



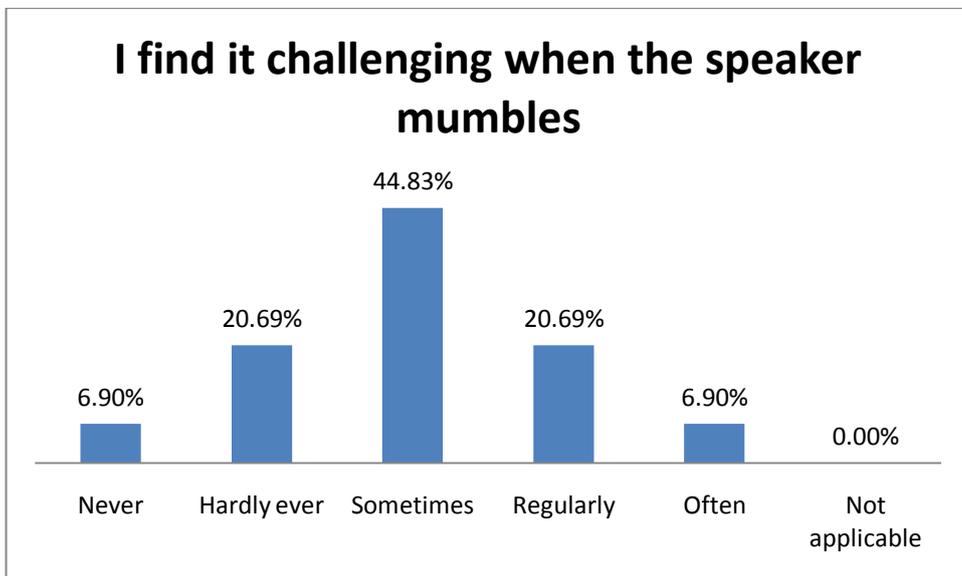
**Figure 4.5**

Long sentences ranked as the second most challenging among all the twenty issues presented in the survey. Eleven respondents (36.67%) said that they encountered long sentences regularly; and twelve respondents (40%) sometimes. There were only three others (10%) choosing “Hardly ever” and one person (3.33%) choosing “never”. No one skipped this rating. In addition, one respondent left this comment: “Speaker not using short sentences.” It appeared that this respondent preferred short sentences over long sentences for court interpreting.



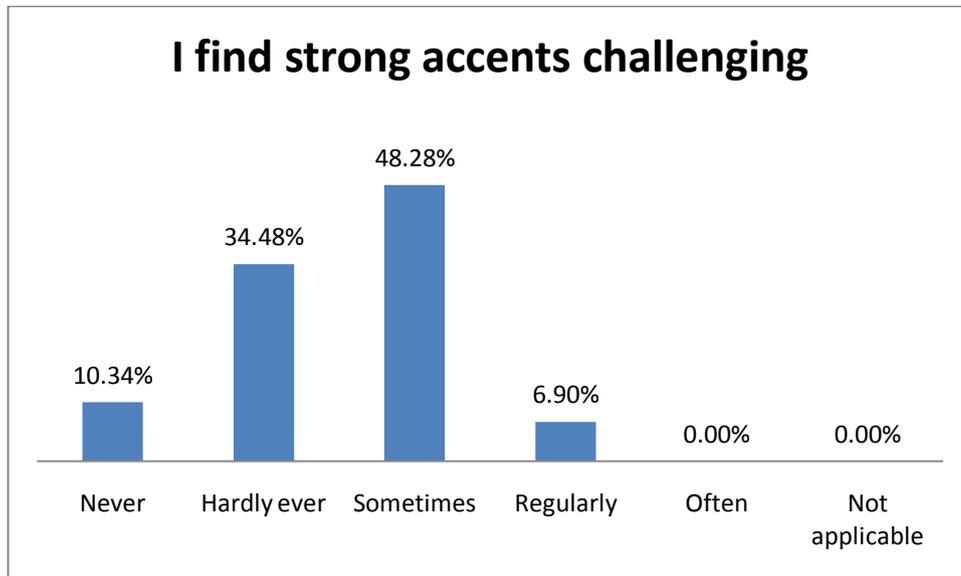
**Figure 4.6**

It can be seen from Figure 4.6 that 37.04% of the respondents sometimes encountered the speaker speaking too fast, which was followed by 29.63% choosing “Hardly ever” and 18.52% choosing “Regularly”. Three out of all the 30 respondents skipped this issue.



**Figure 4.7**

Mumbling turned out to be the fourth most challenging issue for the respondents in this survey. In a symmetrical distribution, the percentage of those who encountered it “Sometimes” ranks highest at 44.83%, followed by “Hardly ever” and “Regularly” at 20.69%, and “Never” and “Often”. One respondent skipped this option.



**Figure 4.8**

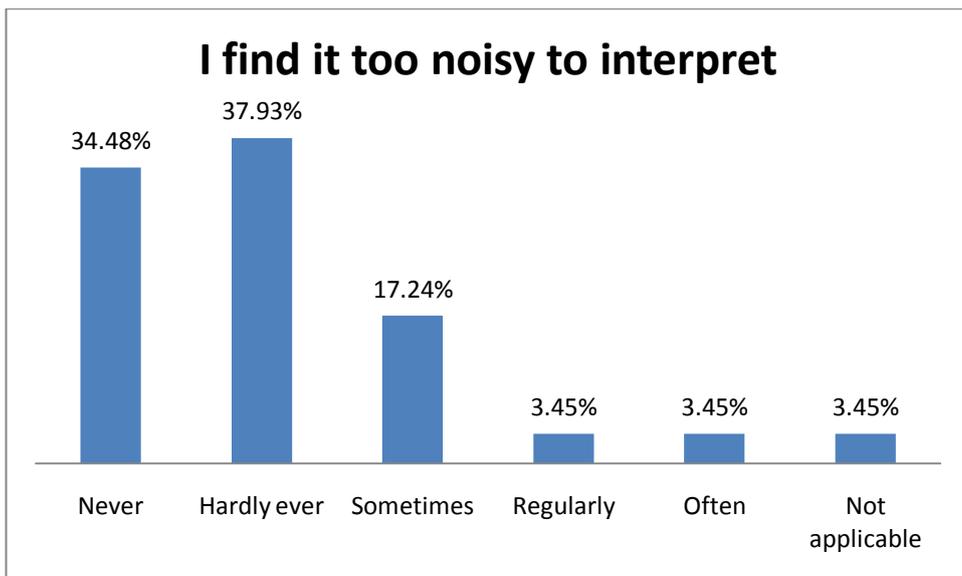
The bar chart shows that almost half of the respondents (48.28%) sometimes found strongly accented speakers hard to interpret for. On the other hand, one third (34.48%) of the respondents hardly ever found strong accents challenging at all. One respondent skipped this issue.



**Figure 4.9**

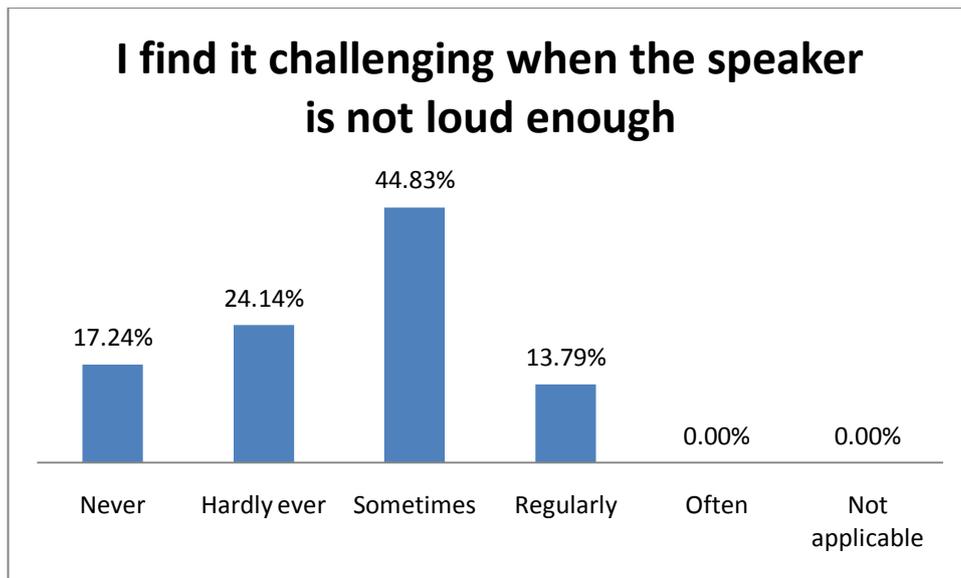
It can be seen from Figure 4.9 that 30% of the respondents never found names challenging. Choices of “Hardly ever”, “Sometimes”, and “Regularly” accounted for 23.33%, and both 20.00%, respectively. No respondent skipped this issue.

*Acoustic issues*



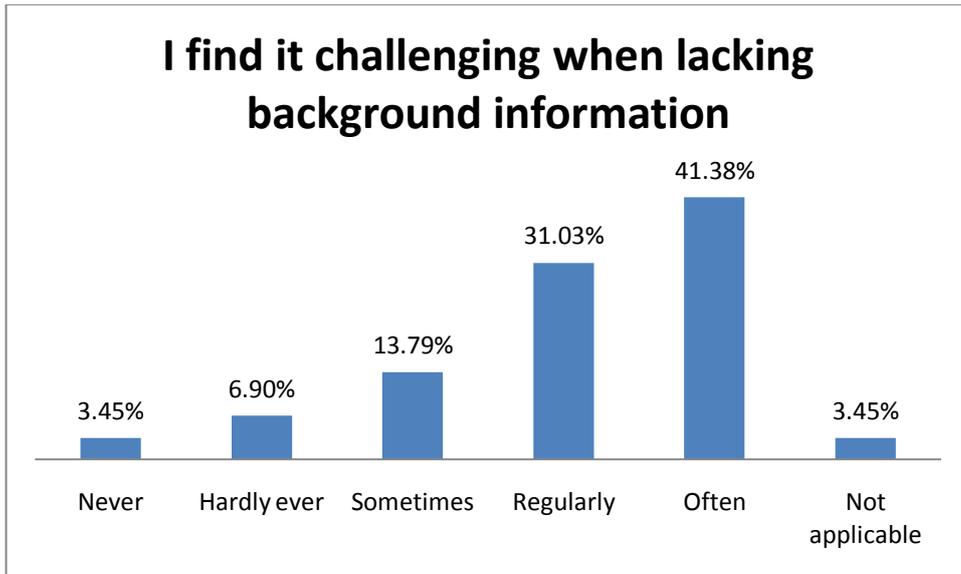
**Figure 4.10**

This was considered the least challenging issue by all the respondents for this online survey. While only 17.24% of the court interpreters found it too noisy to interpret, most of them stated that they either “Never” (34.48%) or “Hardly ever” (37.93%) encountered such issues. However, one respondent left a relevant comment on this issue, saying that: “Some noise from announcement from other court rooms.”



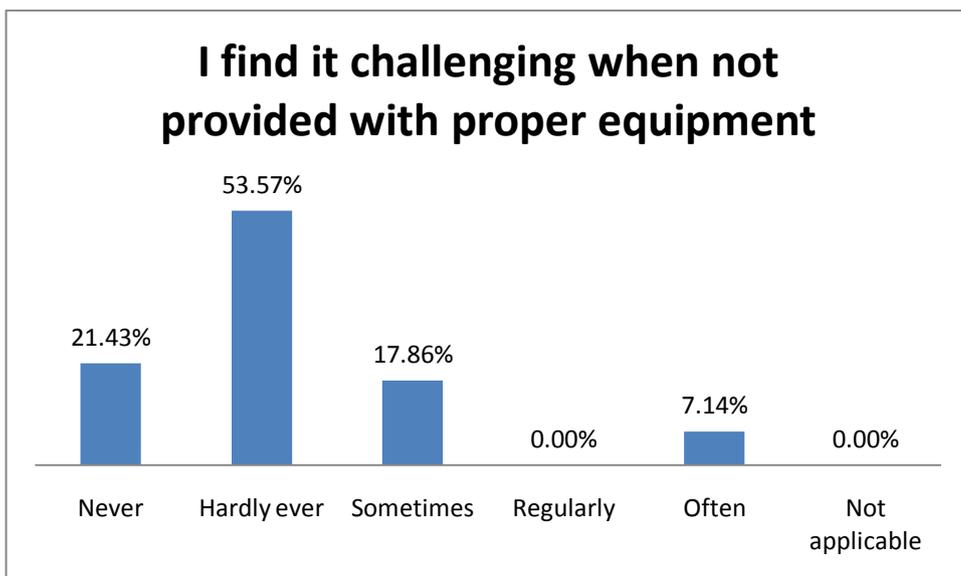
**Figure 4.11**

Figure 4.11 shows that almost half of the respondents sometimes found that the speaker was not speaking loud enough. In addition, 24.14% and 17.24% of the respondents respectively “Hardly ever” or “Never” found that the speaker was speaking softly. One respondent skipped this question. In addition, two respondents gave their comments relevant to this issue. One of them said: “Standing in the back of the court room the interpreter could hardly hear anything said by either the crown prosecutor or the defence council.” The other interpreter made a similar comment, saying “often the members of prosecution are seated too far in the courtroom, sometimes in front rows, so their faces cannot be seen when they talk”.



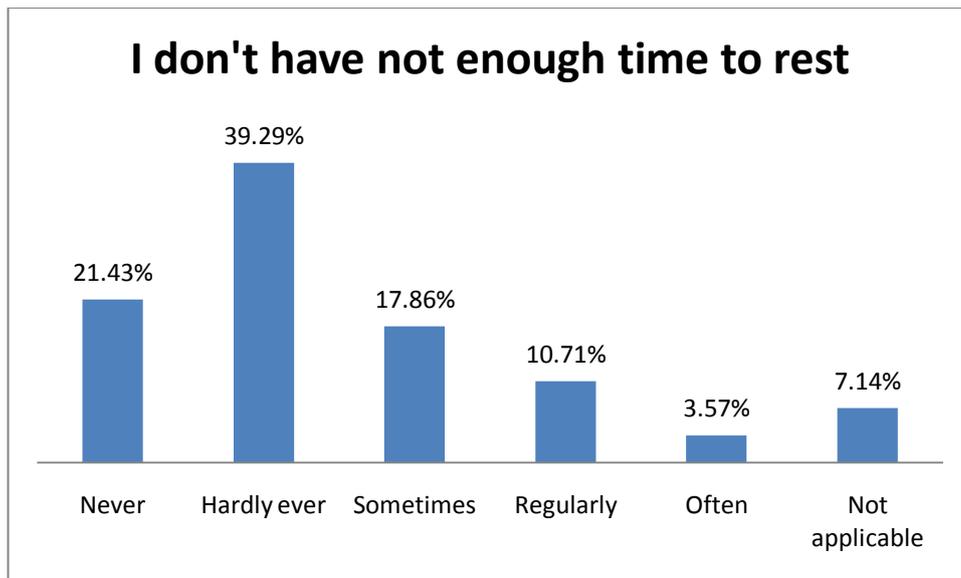
**Figure 4.12**

According to the rating, the lack of background information before the interpreting assignment turned out to be the most challenging issue for court interpreters. Over forty percent of all the respondents reflected that they encountered this challenge “Often”, followed by 31.03% “Regularly”. One respondent skipped rating this issue.



**Figure 4.13**

More than half of all the respondents chose “Hardly ever” for not being provided with proper equipment. In the one-to-one interviews followed the online survey, one out of eleven interviewees said that she preferred sitting in a booth doing simultaneous interpreting for the court room and having all participants equipped with microphones and headphones. Two people skipped choosing any option for this issue.



**Figure 4.14**

According to average ratings, this was considered as the second least difficult issue out of all the 20 challenges listed in the survey. Almost forty percent of all the respondents chose “Hardly ever”, while about twenty percent of them chose either “Never” or “Sometimes” for their answer. Two people skipped rating this issue.

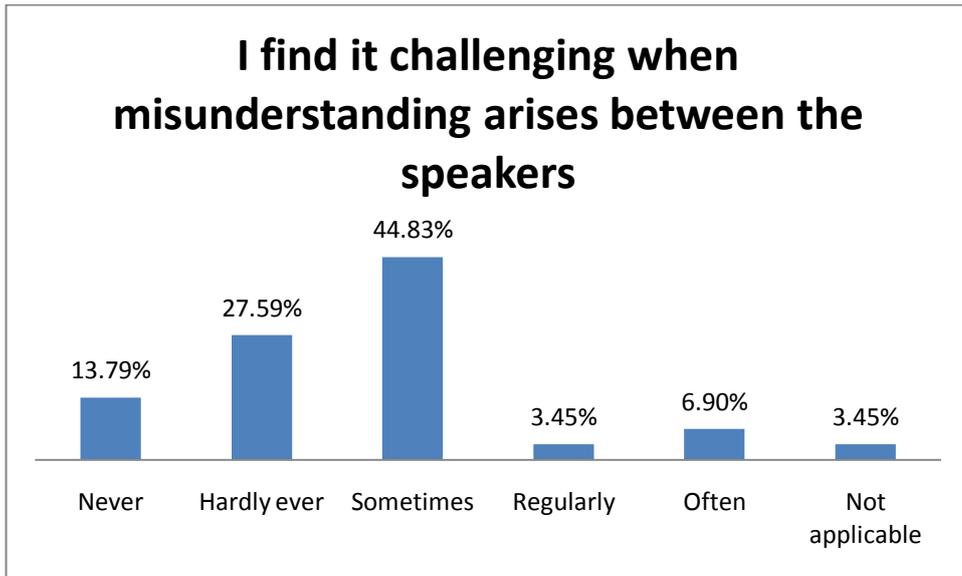


Figure 4.15

A total of thirteen respondents (44.83%) chose “Sometimes” for their reply in relation to this issue. Eight other respondents (27.59%) chose “Hardly ever” and four (13.79%) chose “Never”. One respondent skipped rating this issue.

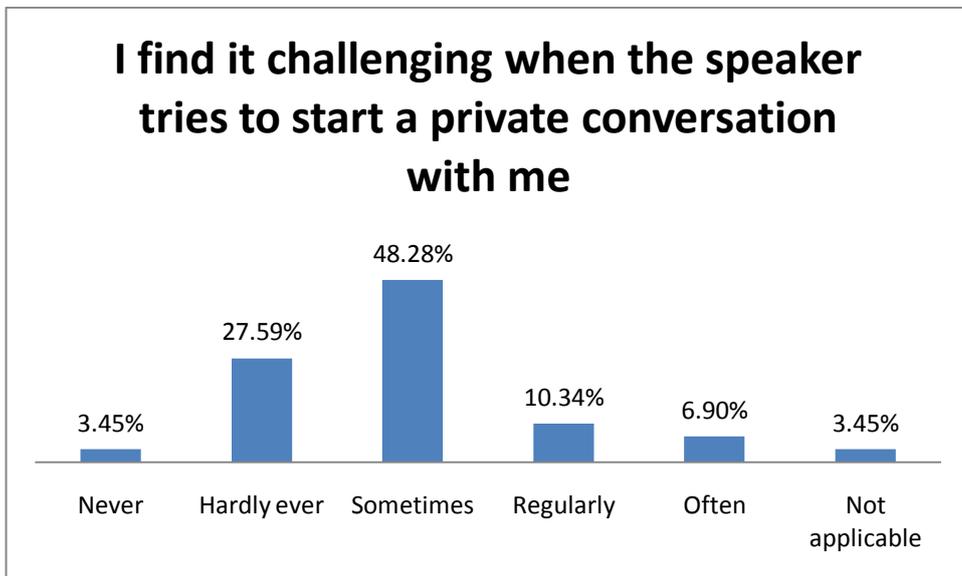
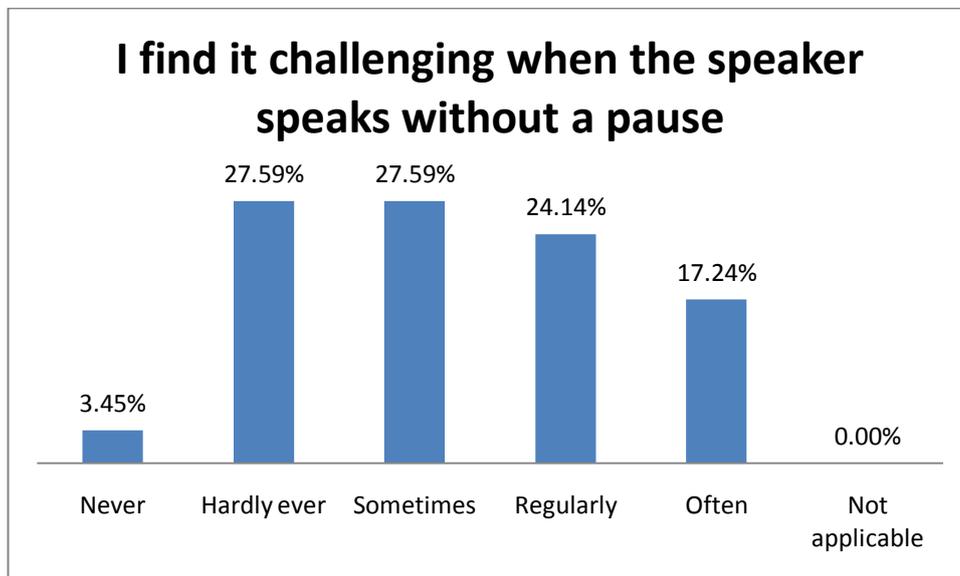


Figure 4.16

Having a private conversation was rated as the sixth most challenging issue for the court interpreters surveyed. Almost half of all the interpreters (48.28%) encountered this issue with the speaker sometimes, followed by 27.59% of the respondents hardly ever being challenged in this manner. One respondent skipped this question.



**Figure 4.17**

Speaking without a pause was ranked the third hardest challenge by the survey respondents. Those who marked nonstop talking as either “Regularly” and “Sometimes” challenging each made up roughly one quarter of all the respondents, along with 17.24% rating it as “Often”. Meanwhile, 27.59% of them rated it as “Hardly ever” encountered. One respondent skipped rating this issue.

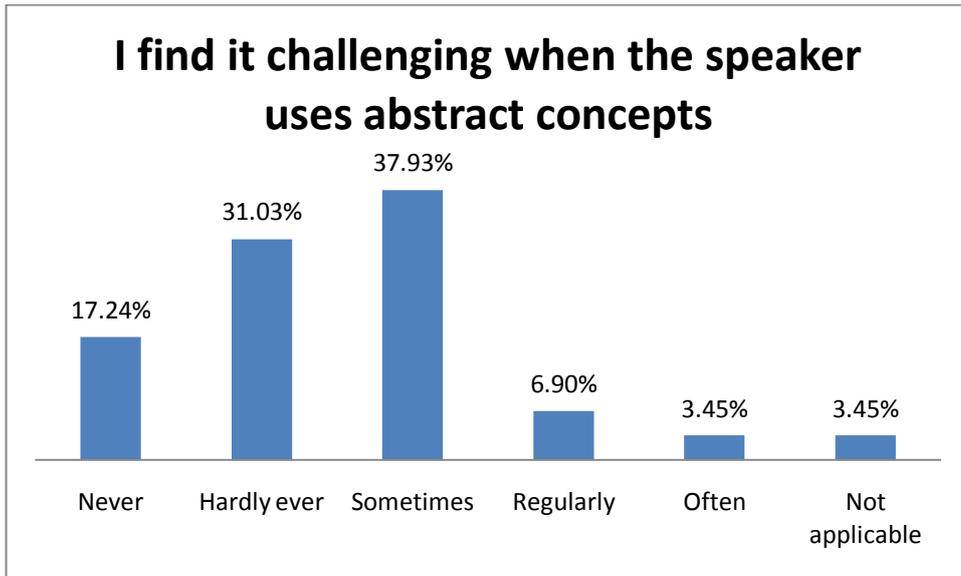


Figure 4.18

A total of eleven respondents (37.93%) rated “Sometimes” for feeling challenged by the speaker’s use of abstract concepts. Nine other respondents (31.03%) chose “Hardly ever” for their rating. Five respondents (17.24%) indicated that they never found abstract concepts difficult to interpret. One respondent skipped rating this challenge.

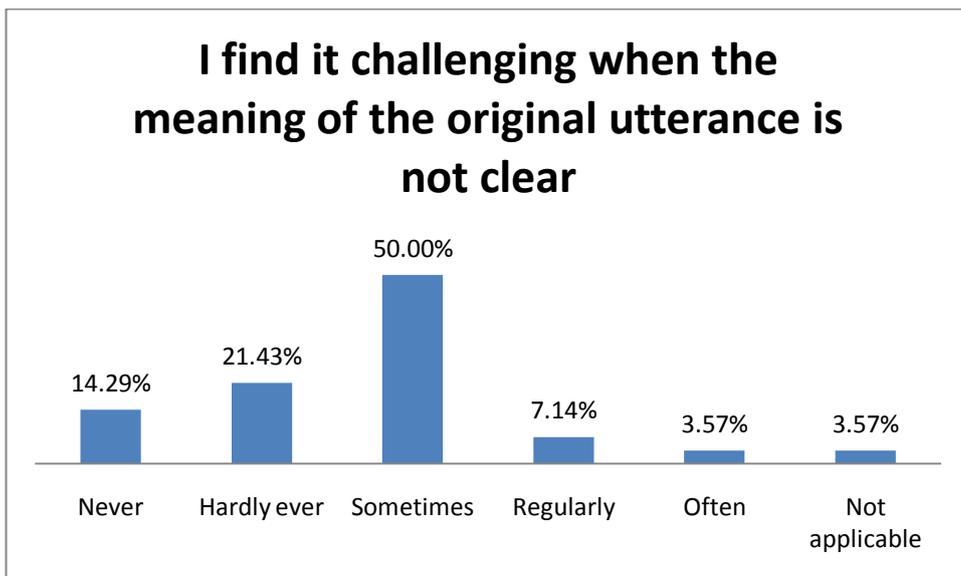


Figure 4.19

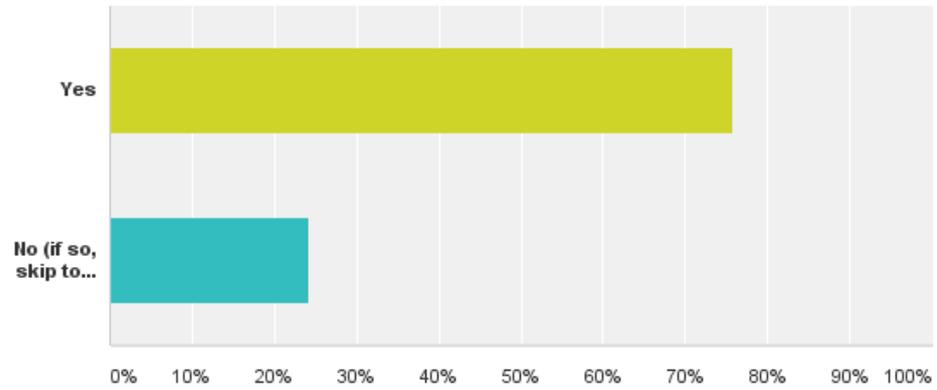
It can be seen that half of the respondents indicated that they sometimes found it challenging when the meaning of the original utterance was not clear. Another 21.43% of the respondents rated “Hardly ever” for this issue, and 14.29% “Never”. Two respondents skipped this issue.

#### **4.2.2.2 Interpreting educational background**

Firstly, respondents were asked to choose if they had ever joined or were undergoing any programme of interpreting study or interpreting training. Following this, those who chose “Yes” would come to the next question to tick all the programmes they had done or were then undergoing. Also, they were asked to click on a five-degree Likert scale option from “Not at all” to “To a large extent” to indicate its usefulness, where 1 represents “Not at all” and 5 represents “To a large extent”. Comment space was left at the end of the question in case the respondent had anything to add.

**Q7 Have you ever joined or now undergoing any programme of interpreting study or interpreting training?**

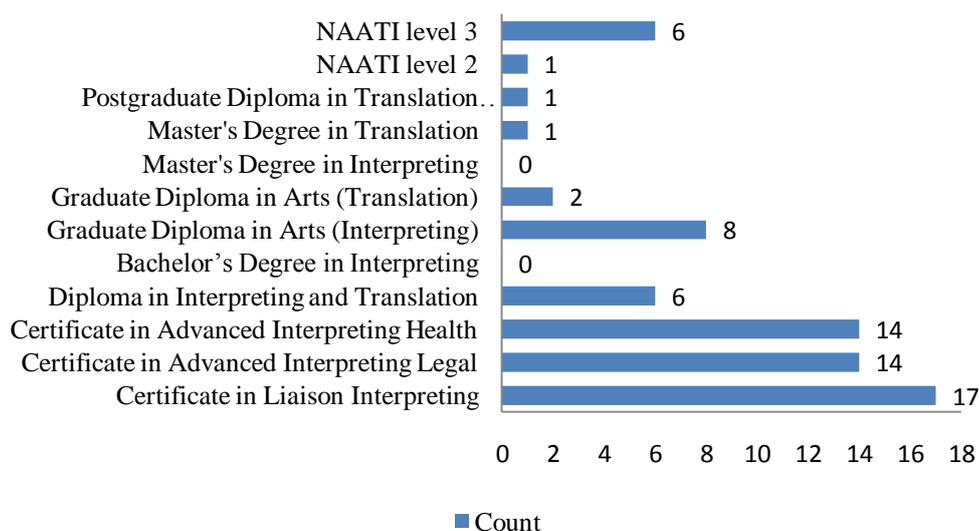
Answered: 29 Skipped: 1



**Figure 4.20**

The survey results show that most of the participants had been or were being trained to be an interpreter. A total of 22 respondents (75.86%) had enrolled in or were currently attending one or more programme(s) of interpreting studies or interpreting training, while seven other respondents (24.14%) had not been through any interpreting training. One respondent skipped this question.

## Qualifications and accreditations



**Figure 4.21 Completion of qualifications and accreditations**

For those 22 respondents who had joined or were completing training at the time of the survey, 17 (77.3%) had obtained a Certificate in Liaison Interpreting. Fourteen respondents (63.6%) stated they had had studied the Certificate in Advanced Legal Interpreting, while the same number (n=14) said they had completed Certificate in Advanced Interpreting. Eight participants (36.4%) had a Graduate Diploma in Arts (Interpreting) while two (9.1%) had a Graduate Diploma in Arts (Translation). Six people (27.3%) had a Diploma in Interpreting and Translation. No one held a Bachelor's Degree in Interpreting. At the postgraduate level, only one respondent (4.5%) stated they had had studied a Postgraduate Diploma in Translation Studies, while the same number (n=1) who said they had completed a Master's Degree in Translation was again only one. No one held a Master's Degree in Interpreting. In terms of accreditation, six people (27.3%) had passed the NAATI (National Accreditation Authority for Translators and Interpreters) test at level 3, whereas only one person (4.5%) had passed

the National Accreditation Authority for Translators and Interpreters (NAATI) test at level 2.

Five respondents left their comments at the end of this question, including “DipSLI” (which refers to Diploma in Sign Language Interpreting), “PG Cert in Adv Interpreting; Master of Professional Studies (Translation)”, “Certificate in Translation”, “completed NAATI Paraprofessional. Keen to complete Professional if financial assistance is available to me”, and “Certificate in Interpreting & Translations”.

*Usefulness of training and accreditation*

**Table 4.2 Usefulness of training programmes and accreditations**

Training and accreditation	*Usefulness			
	Total	To some extent	To a good extent	To a large extent
Certificate in Liaison Interpreting	17	5.9% 1	0	94.1% 16
Certificate in Advanced Interpreting Legal	14	0	7.1% 1	92.9% 13
Certificate in Advanced Interpreting Health	14	0	7.1% 1	92.9% 13
Diploma in Interpreting and Translation	6	16.7% 1	0	83.3% 5
Graduate Diploma in Arts (Interpreting)	8	0	12.5% 1	87.5% 7
Graduate Diploma in Arts (Translation)	2	0	0	100% 2
Master's Degree in Translation	1	0	0	100% 1
Postgraduate Diploma in Translation Studies	1	0	0	100% 1
NAATI level 2	1	0	100% 1	0
NAATI level 3	6	0	66.7% 4	33.3% 2

\*Note: The lowest two rankings of the “usefulness” scale have been deliberately omitted in the table so as to save space, given that no respondents rated “To a small extent” or “Not at all”.

The results of the online survey show that the respondents were generally satisfied with their interpreting studies or training programmes. None of them rated the usefulness of any of these programmes or accreditations as “To a small extent” or “Not at all”. It can be seen from the table above that over 90% of certificate holders rated their programmes as useful “To a large extent”. Five out of six respondents (83.3%) who had the Diploma in Interpreting and Translation rated this programme “to a large extent” useful. Seven out of eight respondents (87.5%) who had the Graduate Diploma in Arts (Interpreting) rated this programme “to a large extent” useful. Usefulness was rated “To a large extent” by all holders of programmes including the Graduate Diploma in Arts (Translation), Master’s Degree in Translation, and Postgraduate Diploma in Translation Studies. As to accreditations, four out of six (66.7%) respondents rated NAATI level 3 as useful “To a good extent” while two out of six (33.3%) respondents rated it as useful “To a large extent”. The only one who sat NAATI level 2 rated its usefulness as “To a good extent”.

#### **4.2.2.3 Ongoing development opportunities**

This question aimed to identify the frequency of ongoing development opportunities used by court interpreters. Respondents were asked to select any means that applied and to indicate their frequency of using these methods. A set of six approaches were presented under the question with a five-degree Likert scale option from “Never” to “Often” to indicate its frequency. Comment space was left at the end of the question in case the respondent had anything to add.

**Table 4.3 Frequency of ongoing development approaches**

Ongoing development means	Total	Never	Hardly ever	Sometimes	Regularly	Often	Not applicable
Sitting in on the public gallery during court hearings	28	4/28 = 14.29%	5/28 = 17.86%	13/28 = 46.43%	5/28 = 17.86%	0	1/28 = 3.57%
Preparing for Interpreting Accreditations such as NAATI	23	8/23 = 34.78%	2/23 = 8.70%	2/23 = 8.70%	3/23 = 13.04%	1/23 = 4.35%	7/23 = 30.43%
Reading reports on court hearings in the newspaper either online or in print	28	2/28 = 7.14%	1/28 = 3.57%	8/28 = 28.57%	13/28 = 46.43%	4/28 = 14.29%	0
Using Internet resources such as search engines, question boards, forums and websites	27	3/27 = 11.11%	2/27 = 7.41%	10/27 = 37.04%	9/27 = 33.33%	3/27 = 11.11%	0
Attending seminars and conferences for interpreter professionals	28	2/28 = 7.14%	3/28 = 10.71%	12/28 = 42.86%	8/28 = 28.57%	2/28 = 7.14%	1/28 = 3.57%
Communicating with other interpreter professionals (email, phone call, in person)	27	1/27 = 3.70%	5/27 = 18.52%	11/27 = 40.74%	5/27 = 18.52%	5/27 = 18.52%	0

In Table 4.3, the most popular approaches employed by respondents of this survey turned out to be “Reading reports on court hearings in the newspaper either online or in print”. A total of 28 out of all the 30 participants indicated that they were using this approach, with 46.43% of them doing it “Regularly”, 14.28% “Often”, and 28.57% “Sometimes”. The second most popular approach was “Communicating with other interpreter professionals (email, phone call, in person)”. A total of 27 participants indicated that they were using this approach, with 40.74% of them doing it

“Sometimes”, 18.52% “Regularly”, and 18.52% “Often”. The third most popular approach was “Using Internet resources such as search engines, question boards, forums and websites”, with 37.04% of 27 respondents doing it “Sometimes”, 33.33% “Regularly”, and 11.11% “Often”.

On the other hand, the least popular approach was “Preparing for Interpreting Accreditations such as NAATI”, with 34.78% of 23 respondents choosing “Never” and 30.43% “Not applicable”. Only three participants (13.04%) indicated that they would prepare for interpreting accreditation “Regularly” and one participant chose (4.35%) “Often”. The second least popular approach was “Sitting in on the public gallery during court hearings”. There were 14.29% of 28 respondents who chose “Never” and 17.86% “Hardly ever” to indicate their frequency of doing it. The third least popular approach was “Attending seminars and conferences for interpreter professionals”, with only 7.14% of 28 respondent indicating their doing it “Often” and 28.57% “Regularly”.

Relevant comments included “Articles in Newsletters produced by Interpreting New Zealand”, “Priority should be given to those interpreters in their specialised languages who have taken the opportunity to upskill themselves in way of their qualifications”, “My own regular and deep self-study to supplement my degree. A great deal of preparation before each session. Hours of observation. Thorough research on NZ court proceedings and some on NZ law”, and “Take and use feedbacks and encouragements from defence counsels of same nationalities.”

#### **4.2.3 Summary of survey results**

The previous sections of Chapter 4 presented the results of the nine online survey questions for court interpreters in New Zealand. The results of the five factual questions

indicated the respondents' demographics, including their age range, gender, time span of living in New Zealand, as well as their interpreting experience in terms of number of cases and number of years. The results of the four attitudinal questions indicated the respondents' frequency of challenges encountered at work, completion and usefulness of interpreting training programmes, as well as their frequency of using different ongoing development approaches. The following section will analyse the data obtained from the online survey.

### **4.3 Survey analysis**

The demographics of the survey participants (Section 4.2.1) indicate that New Zealand court interpreters are characterised by being middle-aged (83.3% are no less than 40 years old), female (60%), living in New Zealand for quite a while (86.7% have been in New Zealand for over eleven years), and experienced in court interpreting (72.4% have interpreted for ten or more cases and 56.7% have experienced for more than six years).

In some cultures, such as Japanese, Korean, and Samoan, being old would be a favourable character that represents wisdom and experience. In my interviews, I tried to investigate whether young interpreters are challenged by this age-related cultural stereotype. In addition, I tried to find out interviewees' opinions about whether their span of time living in New Zealand affected their court interpreting performance. Also, the interviews included questions about how interpreting experience helped court interpreters deal with problems.

The results of the attitudinal questions (see Section 4.2.2) reveal that problems regarded most challenging by the respondents are (top six challenges in decreasing order according to the average rating): lack of background information (3.90), long and

complicated sentences (3.40), the speaker speaking without a pause (3.24), mumbling (3.00), legal terminology (2.86), and the speaker trying to start a private conversation with the interpreter (2.79). These issues were my main topics in the one-to-one interviews. I attempted to discover whether court interpreters were not given information about the case beforehand due to system-related issues. Based on interview findings, I tried to come up with some recommendations on solving this problem. Also, I would see how court interpreters coordinate the situations when the speaker used long and complicated sentences, left no pauses, mumbled, or tried to start a private conversation. Moreover, I investigated reasons legal terminology was seen as difficult by court interpreters even if the majority of them were experienced interpreters.

Apart from the top six challenging issues reflected in the survey results, other topics were worth investigating in the interviews as well. For instance, more than one third of the respondents found “terminology in other domains” was “sometimes” challenging for them. Thus, I would investigate what kinds of specialist words other than legal terminology would appear in the courtroom. Another issue on which opinion varied is the interpreting of tag questions. One third of the respondents rated this “sometimes” difficult while another one third “never” found it so. As presented in the literature review (see Section 2.3.2), tag questions are related to the illocutionary act of the utterance but are frequently omitted or misinterpreted by court interpreters (Hale, 2004). It is of interest to see whether interpreters fully understand the function of different types of tag questions. In addition, almost half of the respondents rated “sometimes” that the speaker does not speak loud enough. I assume that the interpreter’s positioning and the speaker’s voice projection could be possible reasons for this challenge. This issue was included in the interviews to see how interpreters would deal with it. The interviews were aimed to also discover what coping strategies interpreters would

employ when the speaker used abstract concepts or the meaning of the original utterance was not clear. These two issues were rated “sometimes” difficult by 37.93% and 50% of all the respondents, respectively. I asked interpreters if they would interpret what was said in court as ambiguous as the original appeared or request clarification.

In terms of the results of the educational questions (see Section 4.2.3), most of the respondents were trained interpreters. Three quarters of all the respondents indicated that they had either enrolled in or were attending one or more training programme (s). It appears that the prevalence of untrained court interpreters described by overseas researchers (González et al., 1991 Valero-Garcés, 2003; Hale, 2007a) is not too serious in New Zealand. However, it should be noted that all survey respondents were NZSTI members, which spells the fact that the result only represents perhaps a non-representative sample of the entirety of the New Zealand interpreter population. Thus, potential biases could play in the analysis of such a sample. From the result, what is noteworthy is that the higher level the programme is, the fewer people it would involve. The results showed that no respondents had interpreting qualifications of Bachelor’s Degree or Master’s Degree. On the other hand, the certificate programmes were the most popular training modules among the respondents. Among all the 22 respondents with interpreting-related qualification(s), seventeen had a Certificate in Liaison Interpreting, fourteen a Certificate in Advanced Interpreting (Legal), and fourteen a Certificate in Advanced Interpreting (Health). Followed these certificate programmes, there were eight interpreters who had a Graduate Diploma in Arts (Interpreting), seven interpreters did NAATI tests, and six interpreters had a Diploma in Advanced Interpreting and Translation. As presented in the literature review (see Section 2.5.1), the ideal educational module for court interpreters would be a generalist undergraduate programme covering linguistic knowledge plus a specialist postgraduate programme

focusing on court interpreting (Hale, 2007a). Such a module would guarantee a reasonable duration of training period as well as a deep understanding of discursal features of court language. In this regard, my interviews would discover the interpreters' willingness to upgrade their qualifications. Additionally, the results showed that NAATI tests were considered less useful than training programmes (see Table 4.2). This finding is mirrored by criticisms from various researchers (González et al., 1991; Hale, 2004; Shin, 2013) presented in the literature review about the ineffectiveness of NAATI tests examining court interpreters (see Section 2.5.1). I attempted to collect some detailed answers about this issue from my interviewees.

Regarding the ongoing development approaches, frequency of using different methods indicates that court interpreter practitioners had developed their unique ways of continuing education. The survey results that the most frequently used approaches employed by New Zealand court interpreters are not common topics in Interpreting Studies. These approaches include: "Reading reports on court hearings in the newspaper either online or in print", "Communicating with other interpreter professionals (email, phone call, in person)", and "Using Internet resources such as search engines, question boards, forums and websites". On the other hand, the least popular approaches were preparing for NAATI tests, court observations, and attending seminars and conferences for interpreter professionals. It is of interest to know why court observation as well as seminars and conferences (usually organised by the court or the professional organisation) were not frequently attended by court interpreters, so this was asked at the interviews.

This chapter has presented the online survey results and analysis, including the respondents' demographics, challenges encountered at work, interpreting educational background, and ongoing development opportunities. The next chapter will look at the

interview results and analysis of the participants' demographics and linguistic issues encountered in court interpreting.

## **Chapter 5 Interview participants' demographics and linguistic issues encountered in court interpreting**

### **5.1 Introduction**

This chapter will present the interview data about the participants' demographics and linguistic issues they encountered in court interpreting. The linguistic issues will be generally categorised into three sections, including lexical gaps, discourse concerns, and modes of interpreting. I have transcribed all interviewee comments as I heard them in order to reflect the authentic nature of interviewee statements. I have not attempted to make any changes, which means that any possible grammatical errors have been left in as well. Following the presenting of the linguistic issues, I will analyse the results in comparison with the previous literature and the online survey results.

### **5.2 Interview participants' demographics**

All court interpreter participants' demographics are shown separately in Table 5.1 below.

**Table 5.1 Court interpreter participants' demographics**

Interpreter	Gender	Number of cases	Years of interpreting	Interpreting qualifications
1	F	Almost 2000	17	Certificate in Community Interpreting
				Certificate in Advanced Interpreting
				Certificate in Legal Interpreting
				Certificate in Translation
2	F	>1000	40	Certificate in Interpreting from a Community Resource Centre
3	F	<10	3	Certificate in Liaison Interpreting
				Graduate Diploma in Arts (Interpreting)
4	F	about 50	7	Certificate in Liaison Interpreting
				Certificate in Advanced Interpreting
5	M	606	4	Certificate in Liaison Interpreting
				Certificate in Legal Interpreting
				Certificate in Healthcare Interpreting
				Diploma in Interpreting and Translation
6	F	>50	21	Graduate Diploma in Arts (Interpreting)
				Diploma in Interpreting and Translation from a Community Resource Centre
7	F	3	4	Certificate in Liaison Interpreting
				Certificate in Advanced Interpreting
				Graduate Diploma in Arts (Interpreting)
8	M	12 to 15	2	Court observations
				Diploma in Interpreting and Translation (in the process)
9	F	About 20	3	Graduate Diploma in Arts (Interpreting)
10	F	about 20	2	Certificate in Advanced Interpreting
11	F	>50	10	Legal courses and law papers at tertiary education level

Nine out of all the eleven interviewees were females, and only two were males. In terms of number of court cases interpreted, their answers varied. Interpreter 2 reported that she had interpreted more than 1000 court cases; Interpreter 5 reported that he had interpreted 606 court cases; Interpreter 1 reported that she interpreted almost 2000 court cases; three other interpreters (Interpreter 4, Interpreter 6 and Interpreter 11) reported that they had interpreted about 50 court cases; another three interpreters (Interpreter 8, Interpreter 9 and Interpreter 10) reported that they had interpreted 10 to 20 court cases;

two interviewees (Interpreter 3 and Interpreter 7) reported that they had interpreted less than 10 cases. It should be noted that, in the interviews, only two interviewees (Interpreter 5 and Interpreter 7) were able to accurately recall the number of cases.

Interpreter 7 had done only three court cases by then and could therefore remember how many she had done. Interpreter 5 reported that he kept a spreadsheet for his work diary which recorded every assignment he had done as one 'entry'. In contrast, the other nine interpreters were only able to report a rough figure about the number of cases they had done, such as "more than a thousand" (Interpreter 2), "about 50" (Interpreter 4) and "12 to 15" (Interpreter 8).

In terms of years of court interpreting experience, it also varied among the interviewees, ranging from 1 year to 40 years. Five interpreters had experience of more than five years, including Interpreter 1, Interpreter 2, Interpreter 4, Interpreter 6 and Interpreter 11. They had 16, 50, 7, 21 and 10 years' experience respectively. Another four interpreters (Interpreter 3, Interpreter 5, Interpreter 9 and Interpreter 7) had experience varying from two to five years. Another two interpreters (Interpreter 8, and Interpreter 10) had less than two years' experience. It is of interest that court cases interpreted per year for different individuals varied as well. While interpreter 5 did more than 150 court interpreting assignments per year, the other 10 interpreters all did less than 20 court interpreting assignments per year. It may be that the variance in number of cases reflected the size of the population of speakers of particular languages. Languages have not been specified here in terms of numbers of cases, as I took care to de-identify all data.

When it comes to pre-service training, eight out of the total eleven interviewees had one or more interpreting qualifications from a tertiary education institution. Another two interpreters (Interpreter 2 and Interpreter 6) had an interpreting certificate from a

community resource centre. The other one (Interpreter 11) reported that she had done some legal courses and law papers at a New Zealand university. Certificates in Community Interpreting and Liaison Interpreting typically ran over 90 contact hours, with equal amounts of theory and practice and were taught at Stage 2 (year two of an undergraduate degree) level. The Certificate in Healthcare Interpreting also entailed 90 contact hours, but the second module of this paper focused more on healthcare settings. The Advanced Certificates in either legal or health interpreting also involved 90 contact hours, but were focused on courtroom interpreting practice and legal studies, or health interpreting practice and health studies at Stage 3 level (third year of an undergraduate degree). The Diploma in Interpreting and Translation comprised five to six interpreting and two to three translation papers at Stage 2 level overall, while the Graduate Diploma in Interpreting comprised eight interpreting papers, including health, legal, community and business interpreting. Therefore, it can be seen that subjects varied in their level and type of pre-service training.

### **5.3 Linguistic issues encountered in court interpreting**

My interview data reveals that the interviewees were aware of linguistic issues at the lexical level. When being asked about what challenges they encountered in court interpreting, ten out of all the eleven interviewees raised issues about legal terminology although they either had been through training or had a great deal of interpreting experience. In terms of terminology in areas other than legal domain, vocabulary in healthcare settings and business field were raised by the interviewees. It appeared that those who had relevant backgrounds would find these terms easier than those who did not have knowledge of them. Other lexical issues including phrasal verbs, idioms, and no equivalent in the target language were also addressed in the interviews. In contrast,

the interview data suggests that most of the participants were not aware of interpreting issues at the discourse level. Some of them admitted that they would change the speech style of the original utterance to better suit the listener's intelligence level and educational backgrounds. In addition, the data suggests that the whispered simultaneous mode of interpreting was favoured by some interpreters and local judges and was actually being used in the courtroom, even after the Supreme Court's recommendation on using consecutive mode at all times.

### **5.3.1 Lexical gaps**

The following subsections will present lexical challenges for court interpreting addressed in the one-to-one interviews. The topics include legal terminology, terminology in domains other than legal area, and miscellaneous lexical issues.

#### **5.3.1.1 Legal terminology**

Legal terminology was considered a challenge by court interpreters in the interviews. This is because many words of legal terminology are very different from everyday English and are only used in the legal domain. In addition, the New Zealand court system, which is based on the Westminster system, differs from that in other countries such as the United States and Germany, which are more likely to have a system based on Roman Law or the Civil Code. As court interpreters, interviewees are not only required to know the meaning of these unfamiliar words but are also required to come up with the correct equivalents in their renditions instantly. Six out of all the eleven interviewees reported that they find legal terminology a challenge. As one interpreter said:

You have to expect jargon, and to be spot-on. (Interpreter 7)

Another interpreter pointed out that one can hardly learn this legal jargon by simply 'living' an extended period of time in English speaking countries such as New Zealand. Instead, knowledge of these legal jargon requires proper training and effort. Her comment is presented below:

Even though you live in New Zealand for a long time, unless you...the courtroom interpreting is a very specialized area. My experience with other New Zealand people or those who were born, grew up, educated with a degree, they are not familiar with court terminology. So they ask me and I help them. (Interpreter 1)

This interpreter also reported that she learnt legal terminology from studying the Certificate in Advanced Interpreting at a New Zealand university. However, training cannot cover every single item of legal jargon encountered by interpreters at work. The emergence of new legal jargon means court interpreters need to keep themselves updated. One interpreter commented:

You can never be prepared. The biggest challenge for me is to interpret new words of court terminology. You always get surprised. (Interpreter 8)

Two interpreters commented on solutions to the acquisition of new legal terminology. They both suggested a 'learning by doing' method. One of these two interpreters said:

I learnt some of them from the courses and picked some up from the legal cases. I'm sort of getting into criminology. (Interpreter 3)

The other court interpreter suggested that the disputes tribunals had turned out to be ideal place settings for him to start with before doing court assignments. He said:

I picked up legal terminology from disputes tribunals. Many of these referees are lawyers or someone with legal background. So I got used to their vocabulary.

Since the setting is less formal than courtroom, I felt not so pressured and thus picked up things very quickly. (Interpreter 5)

Apart from 'picking up' new legal jargon as mentioned above, another advantage of 'learning by doing' is that it helps court interpreters contextualise the legal terminology they learnt from textbooks. One interpreter said:

Of course you can read as many books as you want. But terminology at least you hear it you won't remember. If someone uses the word 'injunction', do you remember what that means? I remember I looked the word millions of times, it's in my word reference and I've looked it up into the dictionary 20 times. But when I see this word I still don't know what it means. That's it. You'll forget. So they give you a book, but you learn the terminology on the job. (Interpreter 10)

From these responses shown above, it appeared that some court interpreters saw legal terminology as a challenge to their assignments.

### 5.3.1.2 Terminology in other domains

Legal terminology was not the only technical vocabulary that these court interpreters found difficult to translate in the courtroom. In terms of terminology in other domains, four out of all the eleven interviewees reported that they found this jargon challenging in court interpreting assignments. One of the four interpreters reported that medical terminology sometimes was even more difficult than legal terminology. His comment is presented below:

A few of the cases actually had some medical, you know, they were interviewing doctors as well, so the courtroom vocabulary, and also some health vocabulary. That's one of the more difficult part . (Interpreter 8)

Another interpreter made similar comments. She said:

There're some psychiatric patients who are reviewed in the parole, there're some words we really need to paraphrase and to really explain in detail. So we have to stop the judge or the board and explain to the client. (Interpreter 7)

On the other hand, three other interpreters reported that their specialty in the business or medical field helped them to understand terminology in these domains. Therefore, this terminology seemed less challenging to them comparing with those who have no background in the field. Their comments are shown below:

I actually have financial things coming into the cases, which to me it helps that I have a background. But it took years to get my master's and whatever I did. So it kind of helps a bit more behind you. But also obviously you start with whatever you have. And it takes years. Somehow you get it easier. (Interpreter 3)

Because I was a teacher and I teach, well, business subjects...so I'm familiarized with the terminology. (Interpreter 9)

Well, be honest with you, because of medical background and I was a doctor here already, which gives me an advantage, so in a way [...] that's not the hardest part for me, because the vocabulary is there. (Interpreter 4)

Nonetheless, another two interpreters reported that they had sometimes encountered terminology which neither had been taught in their interpreting courses, nor had been part of other areas they were familiar with. One of these two interpreters suggested that, in this case, those experienced interpreters would have the ability to quickly pick up new jargon ad hoc. Her comment is presented as follows:

I once had a case about arson, there are special kind of vocabulary of that kind of case about burning of that place, et cetera. If you're an experienced interpreter, you would soon pick up. (Interpreter 2)

When being asked what she would do if she failed to figure out the meaning ad hoc, she replied that she would ask the speaker to use another word.

If it's an English word which is too difficult I would ask counsel or the client: 'Give me another word for that.' (Interpreter 2)

Similarly, the other interpreter reported that he would ask the speaker to express it in plain English. He suggested:

In that case, you actually have to highlight the fact that the interpreter is not with new terminology. So they can either explain it, or repeat it in simple English. If you don't understand, or they come up with a new terminology you haven't been exposed to, then my approach is that you raise the fact that, you say: 'Hey, the interpreter has to point out that he's not familiar with that term, can you explain it?' And then you interpret that explanation. (Interpreter 8)

From the data presented in this section, it appeared that it could be a challenge when court interpreters encountered technical terms outside the legal scope, such as medical, business and forensic domains. On the other hand, some other interpreters were able to interpret these words correctly by referring to the relevant educational or professional background they had apart from court interpreting. When they still were not able to

understand the meaning of the technical term, a preferable approach was to address this issue to the speaker, and to ask for a plainer word to substitute.

### 5.3.1.3 Miscellaneous lexical issues

Apart from the terminological challenges presented in the previous sections, there were some other miscellaneous lexical issues raised by the interviewees. Interpreter 9 reported that one of the challenges she had encountered was to translate words from her mother tongue into phrasal verbs in English. Her comment is shown below:

They use lots of phrasal verbs, such as ‘look after’, ‘put it off’, and ‘pull over’ [...] you have to interpret it into English, into the way they speak, so that they understand the way you speak.

Another similar lexical challenge she raised was to find equivalents for idioms in English and her mother tongue.

As an interpreter you have to be familiar with these idioms. For example, ‘keep an eye on him’ might be translated into ‘watch him do it step-by-step’. It’s difficult to find an equivalent. And, the ideal effect would be that you can always find a [language] idiom equivalent to an English idiom. When you interpret something from [language] into English word for word, Kiwis wouldn’t understand. But if you interpret it into an English idiom, they can easily grasp the meaning of it. Then that’s easy.

It would be even more difficult to interpret when there is no equivalent in the target language. An interviewee reported that in her home country there are no particular animals such as wolf and sheep. Therefore, her mother tongue lacks the equivalents for these two words in English. Her comment is presented here:

For instance, our children cannot relate ‘wolf’ from ‘sheep’ because we have no sheep in [name of country of origin]. To direct the translations and vocabularies

to things in the environment where our children grew up is very important. And sometimes in court interpreting I have to explain some words a bit when there are no equivalents. (Interpreter 2)

In some languages, kinship terminology is more sophisticated than that in English. One interpreter reported that she found it difficult when she had to translate the word ‘cousin’ into English. Here is her report:

If the English speaker uses the word ‘cousin’, I need to ask what that is.

(Interpreter 7)

In English, the word ‘cousin’ is a superordinate to a set of hyponymy kinship terms in her first language such as a daughter of an older brother to her parents. Hence, she needed more information to translate the word ‘cousin’ into a better defined kinship term from her first language.

### **5.3.2 Discourse concerns**

The previous subsection on lexical gaps has presented the lexical issues raised by the interviewees. However, substitution of lexical equivalents in the target language is far less than the fulfilment of interpreting fidelity, especially for court interpreting. Apart from vocabulary, aspects of speech such as style, syntax and speech acts should also be taken into consideration in court interpreting studies. The role of court interpreters requires them to maintain fidelity of the illocutionary intent of the original utterance in their rendition. Different from conference interpreting, maintaining fidelity in court interpreting includes not only content reproduction but also form reproduction. In other words, the court interpreter has to capture all the nuances of the original and faithfully reflect them in the rendition. The analysis of the interview data showed that seven out of

all the eleven interviewees brought up discourse-related issues in the interview. Their comments reflected various degrees of understanding of style, syntax and speech acts.

### **5.3.2.1 Register**

Five interpreters reported that registers of language vary among speakers of different profession, age and status. One of them presented her awareness of fidelity maintenance in her comment. She identified that it is important to reflect the register used by the speaker in the rendition. The register of the speaker's language can reflect his/her background. Here is her comment:

The interpreter should be very accurate and convey all the nuances, and the tone of voice as much as possible. Educational level can indicate the level of words he might choose. Their professions also decide what kind of jargon they might use. You have to expect that. (Interpreter 1)

More specifically, another interpreter reported that lawyers tended to use a register differentiated from speakers of other professions and backgrounds. He said:

The lawyers tend to speak in their different level of English. That makes it difficult to interpret. (Interpreter 8)

Interpreter 9 made some similar comments about lawyers' language register.

Furthermore, she pointed out the importance of maintaining the register of speakers without a legal background. Her comments are presented below:

We are not lawyers. We wouldn't use so much legal terminology to talk. So when we interpret, we have to interpret it into living English. We need to understand legal terminology used by lawyers. But we also have to use living English to interpret. I believe the most important thing for being an interpreter is to interpret in living English. For us, we have to translate living [language] into living English.

Interpreter 9 also came up with an example from her observation of her colleague interpreter to illustrate that sometimes it could be difficult for some court interpreters to translate everyday expressions from their mother tongue into proper English. Her example is presented here:

On one occasion, my colleague was interpreting a case. The defendant was stating that fact in the courtroom. He said that he had gone to help the victim after hearing her crying hard in grief. And my colleague was struggling to find a proper word to convey it. So my colleague said: '...the victim was miserable.' And the counsel didn't find it was an appropriate word and failed to understand it. And then the interpreter repeated again: '...the victim was miserable.' I think the interpreter at that time could not think of an appropriate word. And the counsel said: 'We still got stuck with this word'. It was quite embarrassing. And later on it came to me that my colleague should have interpreted it into 'wailing', which means 'long and painful cry'. If you cannot think of a word, you may use the simplest phrase, like 'I remember a long and painful cry'. (Interpreter 9)

Certain languages have distinctive registers for speakers of different age groups and social status. In the interviews, two interpreters talked about relevant issues in their own language. They displayed their understanding of the linguistic differences among these registers. They said:

In fact [language] has three levels: the top-top level is what we call the oratory level where only orators is at the level so hard for us to understand some of the words. And it's the orators that enjoy the top-top level of language. And the next step down is a very respectful and very difficult language as well. So if you master the second level of [language], you'll be OK. But the everyday common language which I call 'the street language', that's OK, but, um...you can use some of that level for the client that we deal with, if I may say that. That's a difficulty with [language]. (Interpreter 2)

If the client is old, the language would be different. But if the client is my age, I can use everyday language. And it's about the chief. The chief would have

higher status. The wife would be considered having a status as high as her husband. But there're also different types of chief, such as a talking chief who should talk on behalf of the higher chief. If it's between friend, that's alright to use everyday language. Nowadays women in [country name] would have equal rights, only in meetings and gatherings, men may be more respected. (Interpreter 7)

However, the data from interviews with another two participants revealed the potential risk of register alteration. They reported that they would choose to explain in detail in their rendition to the client rather than use the equivalent of legal terminology. Their justification was that the client would not understand the high register level entailing legal jargon and needed the interpreter's explanation. It appeared that they saw themselves as communication facilitators rather than as a conduit between the speakers.

If you are in the court, I don't need to literally translate the equivalent of legal terminology in [language] because the client won't understand it anyway because of its language. But I can explain it. (Interpreter 4)

Part of the challenge is that most of the time the defendant, if you interpret it at the same level to your language, they may not understand it. Sometimes if you translate a technical English word into a technical [language] word, they would say: 'What's that?' Because they don't understand the technical terms in [language], then you actually have to explain it. (Interpreter 8)

This seems to reflect similar justifications to those presented by interpreters in Major's (2013) study. From the two comments above, both interpreters used the phrase "explain it" at the end of their statement. It appeared that they would choose to step out of their role as a conduit when they believed that the client might fail to understand their interpreting of the same register level of the original. Interpreter 8 added that such explanation in his rendition would take longer time than expected and make other participants puzzled. He said:

Those are some of the challenges because you end up spending a little bit more time, you spend longer interpreting. People in the courtroom will sit there waiting, thinking: ‘Why is it taking him so long?’ So those are some of the challenges you face.

It should be noted that register alterations would happen not only in the case of translating into a language other than English, but also in the case of translating into English. The comment made by Interpreter 9 suggested that she saw the altering of a legal layman’s word into a legal jargon in English as evidence of her being professional. Her comment is presented here:

I did sight translation which didn’t use any legal terminology, going: ‘I’ve been driving for 25 years and haven’t done anything against the law.’ So I interpreted it into English, going: ‘I’ve been driving for 25 years and haven’t violated any traffic offences’. If you don’t understand the legal terminology, you wouldn’t use ‘violated’ or ‘traffic offences’. When we know police language, we can better convey the meaning since we are speaking the same language. Usually people wouldn’t use these words, but we interpreters know how to convey the meaning with these words.

From the comments of Interpreter 4, Interpreter 8 and Interpreter 9 presented above, it appears that register alteration sometimes happens in interpreter-mediated court cases in both language directions. When translating from English into the other language, the speaker would more likely be a legal professional such as a judge or lawyer while the non- or limited-English speaking listener would more likely be a layman to the legal domain. The register of the legal professional would be lowered when interpreters chose to substitute legal jargon for layman’s language in their interpreting along with their own explanation added in the hope of being easily understood by the non- or limited-English proficiency (LEP) client. On the other hand, when translating from the other language into English, the non- or limited-English speaker would more likely be a

layman to the legal domain while the listener would more likely be a legal professional such as a judge or a lawyer. The register would be raised when interpreters chose to convert a laymen's word into legal terminology to cater to the listener's educational and professional background. To sum up, the findings suggested that some interpreters believed that they could sacrifice the speaker's speech style for the listener's better understanding. In other words, some of them valued 'getting the message across' would be more important than 'maintaining the speech style'. Again this fits in with Major's (2013) findings of some health interpreters' approaches to interpreting.

### **5.3.2.2 Syntax**

Five out of all the eleven court interpreters said that they encountered syntactical challenges at work. These interviewees reported that hypothetical questions are difficult to translate because of different grammar as well as a different way of expression (Hale, 2004, p. 43). One interpreter reported that she found it "very hard" to follow when the speaker uses conditionals before the main question. Her comment is presented here:

So the challenge for interpreters is to get to know the mumble of conditional sentences when you don't know where they're going. For example, they would say things like: 'Knowing that what you know about such and such,' and 'Having had that experience about that such and such' — 'what do you think you might do?' You know, all those conditions before you hear. What is it do they want to say? And that is very, very hard for an interpreter, because the sentence structure in my language might be different to English sentence structure. So I need to know where we're going. What's the main question before the conditions? I'd rather hear the main question, and then clarification, you know, giving the condition afterwards. But, you know, you can't say that. (Interpreter 4)

Similarly, Interpreter 5 said that initially he had found hypothetical questions difficult to translate, but later became familiar with such sentence structure due to his own research.

Yes, it's hard. In courtroom they always like to ask hypothetical questions. At first, I found it difficult to interpret hypothetical sentences into [language], because we don't usually talk like that in [language], right? And I always had to ask for repetition and clarification for hypothetical questions. But later on you just learnt it, gradually. The more cases you do, the better you will be. And after work hours I did some research on it. That's how I overcome it.

Interpreter 5 added that some lawyers would intentionally avoid the use of hypothetical questions due to their awareness of the difficulty.

It depends on individuals. Some lawyers are not good at working with the interpreter and would use lots of hypothetical questions; some others would usually not use that kind of questions.

What is worse is that the hypothetical conditional sentences are always in very long and complicated sentences. This would be an extra burden for interpreting.

Yes. And sometimes the lawyers do use lots of hypothetical conditions and ask very abstract questions. Some of the sentences are very long and complicated. And we have to deal with it. (Interpreter 1)

Interpreter 8 said that he felt he was struggling to interpret the hypothetical sentences correctly into his mother tongue even after knowing what they meant in English.

Yes. It is very difficult. Because the lawyer uses his own level of English. This is quite different from everyday English. You have to expect that. Sometimes I got what the lawyer means, but struggle to translate it into my mother language. (Interpreter 8)

This coincides with Hale's comments about a raft of different cross-examination questions in English all being interpreted into one type of question in Spanish, because that language did not allow such syntactical constructions (Hale, 2004).

### 5.3.2.3 Pragmatics

Pragmatics is of great importance for court interpreting studies at the discourse level. In practice, the illocutionary act of tag questions is often misinterpreted by many court interpreters (Hale, 2004). Although none of the interviewees said that they found tag questions challenging, the results showed that some of them might not be fully aware of the difficulty. Nine out of all the eleven interviewees simply said that they did not find it difficult without any further comments. However, the other two interpreters said that they would choose to interpret tag questions into genuine questions. Their comments are presented below:

If the defence counsel asks these questions, you can translate it into: ‘Have you or not ever been there?’ in [language]. I don’t think this would be difficult. I know what the speaker means, then I express it in [language]. So you must understand the function of these English expressions. I don’t think it’s too difficult to translate tag questions from English into [language]. I was trying to convert tag questions into [language] which [nationality] speakers can understand. Word-for-word translations is something they can’t understand. (Interpreter 9)

I don’t find tag questions difficult. As long as you got the meaning correct, it’s easy. It doesn’t really matter the way they put their tag questions. You only need to interpret it into a question. (Interpreter 5)

It appeared that these two interpreters were not aware of the function and implication of tag questions and only saw the propositional content. This problem is mirrored by an earlier study of Hale (2004).

### 5.3.3 Modes of interpreting

This subsection will present issues related to modes of interpreting, including whispered simultaneous, consecutive, and sight translation. After the Abdula case (*Abdula v The*

*Queen SC 18/2010 [2011] NZSC 130*), the New Zealand Supreme Court judgement recommended that all court interpreting events in New Zealand should be carried out in full volume consecutive mode and be recorded. However, according to the interview data, only one interpreter said that all the court interpreting assignments had been done in the consecutive mode. The other ten interviewees said that the court would still allow, or the judge would order, the court interpreter to use simultaneous interpreting. The following comment presented that the consecutive mode was the only mode used in the court:

Yes, all the courtroom interpreting and disputes tribunals, civil cases and criminal cases are required to have the interpreting recorded. (Interpreter 9)

In contrast, Interpreter 5 reported that some judges would decide which mode to use in the court. When they believed it was not important and needed no recording, they would order the interpreter to interpret simultaneously.

Those very 'confident' judges who would think that certain parts don't require consecutive interpreting. You can just do simultaneous interpreting without recording. Usually those judges who tend to follow rules would be like: 'We shall record everything since the Supreme Court says so.' ...I'm not sure if it's the Supreme Court or other authorities.

Interpreter 5 further commented that he might face the potential risk of being challenged by the defendant if the interpreting was carried out in consecutive mode and was not recorded. He said:

Mm...under such circumstance, we interpreters have to be very careful. The best result we could hope is that the defence is found not guilty. Otherwise he may argue that the interpreter didn't interpret correctly, thus asking to review the recording.

Interpreter 4 argued that she preferred doing simultaneous interpreting over consecutive interpreting due to time concerns. Also, she commented that more practice and preparation would be needed for simultaneous interpreting. She said:

It is important that the system provides for simultaneous interpreting, then it would be much less interfere, much less waiting, and much less frustration for everybody. But we need to be really well prepared for it because simultaneous interpreting is very hard. So you need a lot of practice.

Later in the interview, she added that simultaneous mode should be carried out in a booth with audibility equipment, rather than in whispered simultaneous mode without technical aids.

And in the Liaison Interpreting we were taught to sit in a kind of imaginary triangle between the parties to indicate you don't work for any particular party. But the practicality of it is that you would sit close to the defendant. And that, I would imagine, send the message that you work for that person, which is not true, because you are not working for anybody. You are an interpreter between two languages. I would like to sit on my own with a microphone apart from anybody else who also has a microphone and speak to it clearly. I want to hear the judge correctly. I want to hear the counsel and the prosecutor and the defendant as well. So all those people need a microphone.

Another interpreter said that she preferred consecutive interpreting for certain technical parts. Otherwise, she would like to interpret simultaneously for better accuracy. Here is what she said:

Usually consecutively. I don't mind doing it simultaneously. Some people don't like it. If they don't mind I'd like to do it simultaneously. But usually I'd say 90% of the time would be consecutively, which it happens a few times [...] it depends on what you are interpreting. If you're interpreting something very technical, I'd rather take my notes from the beginning of the chunk. And if sometimes they're at the family court and say: 'I woke at seven to pick up my daughter, and my ex-

wife...’ It’s quite a domestic talk. And it’s not technical, simultaneous is much easier and better and quicker. If technical, definitely I need to take my notes. For evidence, there’s no room for error. Evidence can send someone to prison.  
(Interpreter 10)

According to the interview data, the advantage of consecutive mode was that it actually made the interpreter feel pressured to interpret accurately because in this mode everything said and interpreted would be recorded.

If I sit at the back and can’t hear the barrister clearly, and I am required to be recorded, I would ask the barrister to speak out loudly. (Interpreter 5)

And we have to stay impartial since everything is recorded. (Interpreter 9)

Sight translation could also be challenging for court interpreters, especially when the script was full of legal terminology. Two of the interviewees said:

I only felt it difficult when once I was asked to sight translate something with lots of legal jargons. (Interpreter 3)

Sometimes I would be asked to interpret some writings. Documents in writing. And it involves some technical terms. If it’s done by a policeman, he may call sections of the law. And the section says such and such and such law...mm... it could happen. I don’t guess. I possibly ask. (Interpreter 10)

Interpreter 9 reported that she found sight translating into English was more difficult than translating into her first language. She said:

I tried sight translation once from [language] into English in a defended hearing, it was really hard. I think from English into [language] is much easier. All the texts were in [language] and I had to translate into English. I didn’t expect that but you have to do it. It requires a very high level of English to cope with it.  
(Interpreter 9)

Therefore, the interview data suggested that court interpreting was sometimes still carried out in simultaneous mode and not recorded, even after the Supreme Court

Judgment (*Abdula v The Queen* SC 18/2010 [2011] NZSC 130) had recommended that interpreting should always be performed in consecutive mode and be recorded.

Sometimes the judges would decide which mode of interpreting to use based on their own judgment. Meanwhile, some interpreters favoured simultaneous interpreting since it was more efficient. However, they reported that consecutive interpreting would be more accurate as they were able to take notes and better manage the input information in between the pauses; when being recorded, they would feel pressured to interpret more accurately. Moreover, sight translation could be challenging when texts were very information dense and full of abstract legal terminology.

#### **5.4 Analysis of linguistic issues**

The previous sections presented various the linguistic encountered by the interviewees at work. In terms of legal terminology, by both experienced and less-experienced court interpreters reported that legal terms remain a challenge to them. A long time span of living in New Zealand was not seen as being very helpful for learning legal terminology as it is different from everyday English language. Instead, interviewees said that interpreter training programmes prepared them for legal terminology. This is mirrored by the high ratings for interpreting training programmes in the survey. Nevertheless, some court interpreters at times felt surprised when encountering new legal terms they never learnt in the training programmes. This explains why legal terminology was seen as one of the most challenging issues in the online survey. The interpreter training programmes can at the most enable graduates to build on their knowledge of terminology by providing them with a solid foundation. In practice, any topic at all can come up in court, depending on the case. In this regard, a ‘learn by doing’ approach was recommended by some interviewees in that they could ‘pick up’ new legal jargon and

contextualise these new words with real work settings. The more connections that are established between legal words and phrases and the real work settings, the more adept the interpreter will be. Without using the legal terminology at work, they might find it difficult to recall and translate such words and phrases correctly. Dispute tribunals appear to be an ideal setting for court interpreters to pick up some basic legal vocabulary since tribunals are less formal and stressful than the courtroom. However, there are potential risks behind this 'learning by doing' approach as the interpreter's mistakes could lead to a miscarriage of justice. Therefore, all novice interpreters have a duty to sit in on as many cases as possible before putting themselves out there as 'professional interpreters' so they do their own bit to add to their foundation knowledge.

As for terminology in other domains, interviewees said that their educational backgrounds and interpreting experience helped them to interpret these words. It was mentioned in the interviews that medical terms could be involved when a doctor was present in the court as a witness. Some interpreters said that they learnt these medical terms from medical interpreting papers as part of their interpreter training programme(s). One interpreter said that her previous work experience as a medical doctor gave her a great advantage when encountering medical vocabulary. In a similar way, one interpreter with business teaching experience and another interpreter whose primary occupation was a finance manager said that they felt confident when interpreting relevant topics. It was suggested by an experienced interpreter with more than 1,000 cases that experienced interpreters would be able to pick up terminology onsite in an unfamiliar field such as arson. When failing to grasp the meaning of a new word, interviewees suggested that the interpreter should address the issue to the judge and ask for rephrasing. The requirements of court interpreters' familiarity with terminology in various domains justify the course design advocated by Hale (2007a). Not only do they

need to have the knowledge of court interpreting, but they also need to go through areas such as healthcare, business, criminology, and so on. Such a generalist programme requires a reasonable duration of no less than a bachelor's degree. At the same time, the courts need to acknowledge the expertise of interpreters and pay them accordingly.

Beyond the terminological level are discourse concerns . Although maintaining speech styles has been emphasised in court interpreting studies (Silva, 1981; González at el., 1991; Hale, 2004), my interview data revealed that maintaining speech style and register was not acknowledged as an issue, nor intentionally addressed by all the interviewees. In fact, three of them reported that they would interpret legal terms into plain English as it would be easier for clients without legal backgrounds to understand. One of them said that she would interpret a layman's expression of the client into legal jargon in English so that the legal professional could grasp the meaning easily. Such phenomenon is mirrored by Hale's studies (2007a; 2007b) in that court interpreters tend to improve the register of the utterance of the non- or limited-English speaker, and to lower the register of the utterance of the English speaker. Hale (2007b) points out that some court interpreters choose to alter registers because they are afraid of being blamed for potential communication breakdowns. Also, court interpreters feel pressured to improve on the non- or limited-English speaking client's original utterances in order to appear professional (Hale, 2007b, p. 200). The interpreter should maintain the speech style of the original utterance instead of catering to the listener's background. This is because the interpreter's role is to remove the language barrier between the two interlocutors and to convey all the nuances of the language as faithfully as possible. Any alteration of registers could potentially influence the outcome of the court case.

Apart from register alterations, syntactical challenges were raised by interviewees. Two interpreters said that English-speaking lawyers like asking hypothetical questions, such

as “Had it been..., I wouldn't have...” and “Would it not appear that .....?”, which are not common in their first languages. Even if they understand what the question means in English, it could be difficult to interpret it accurately into the target language due to syntactical differences. However, one of them said that some lawyers seemed aware of this difficulty and would avoid using hypothetical sentences, thus making the interpreting job much easier. This is something that interpreter training courses could include. It would be helpful to develop some training sessions or to develop some training sessions or to design a handbook for interpreting service users with examples of such hypothetical questions as well and how to deal with them.

The tag question is another syntactical issue misunderstood by some interviewees. One interviewee admitted that she would interpret any tag question into a genuine question in the target language. It appears she only saw the propositional content, i.e. the semantic meaning, of the question, but overlooked the pragmatic function. In English, when the speaker uses an affirmative main clause with a negative tag, he or she assumes that it would be an affirmative answer. When the speaker uses a negative main clause with an affirmation tag, he or she assumes that it would be a negative answer.

Furthermore, the intonation of the tag question can also be relevant to the pragmatic meaning of the question. If the tag is in rising intonation, it would be a genuine question. If it is in falling intonation, it would be used as a strategic question for various pragmatic functions. For instance, when the Counsel asks the defendant in the courtroom: “You’re making all this up, / aren’t you? \” The falling tone indicates accusation rather than a genuine question. The failure of realising the function of tag questions would diminish the illocutionary force of accusation (Hale, 2007b, p.199).

Another aspect of interpreting-related issues is the application of different modes of interpreting. The Supreme Court Judgment on Abdula Case in 2011 recommends that

all court proceedings should be carried out in the consecutive mode so as to avoid overlapping of words and summary interpreting. However, my interview data reveals that this recommendation was disregarded by some local courts in New Zealand, and is not preferred by some court interpreters either. In many cases, the judge would decide which mode to be used for interpreting on a case by case basis. Most of the interviewees said that the consecutive mode of interpreting is a more accurate mode as it allows court interpreters to take notes and to deal with chunks of information they can handle. One interpreter said that a closer proximity of whispered simultaneous interpreting between the interpreter and the client would send the wrong impression that the interpreter would take the client's side. Moreover, the interviewees admitted that they would be more focused and cautious when using the consecutive mode as the interpreting part was recorded along with the whole court proceeding. On the other hand, some interpreters pointed out that they preferred using the whispered simultaneous mode when interpreting something not too technical. One interpreter said that she wanted to sit in a booth with the participant in the courtroom equipped with microphone and earphone to speak and hear more clearly. In regard to sight translation, two interviewees said that they found it difficult when there were lots of legal jargon in a document written by a legal professional. The authorities, such as the court or the Ministry of Justice, should shoulder the responsibilities of developing a more detailed handbook or code of conduct to specify the application of interpreting modes according to different situations.

By reviewing, the NZSTI code of ethics and code of conduct (2013), I found that this document has a quite 'flexible' stance on different modes of interpreting. It does not provide a well-defined interpreting mode protocol for interpreters to refer to. Rather, it simply says that "...the interpreter enables each participant to remain linguistically present where appropriate by whispered simultaneous interpreting or other suitable

means” (p. 12). Contrary to this, the National Association of Judiciary Interpreters & Translators (NAJIT) of the United States of America developed a set of position papers on general guidance and practical suggestions relevant to court interpreting issues. One of the position papers is about the modes of interpreting applied to fit particular needs and circumstances in the judicial process of the courtroom. This guidance was developed in 1996 and largely drew on the ideas of González et al. (1991) in that they believe that the interpreter should employ CI (consecutive interpreting) for testimony of statements by limited- or non-English speakers into English for the record, whereas SI (simultaneous interpreting) should be used when the court proceeding is in English for the benefit of the limited- or non-English speakers (p. 163). Generally, CI is considered as a better option than SI when a high degree of accuracy is demanded in court settings for the following reasons: firstly, the interpreter can hear the whole utterance and therefore better organise the rendition; secondly, CI allows the interpreter to take notes for reference; the interpreter in CI would have opportunities to ask for clarification or repetition, and to intervene when necessary, such as requesting the client to speak up, or to pause periodically so that he/she can interpret; thirdly, a more accurate interpretation could be achieved when the interpreter feels ‘observed’ and ‘assessed’ by those in the courtroom, including the judge, jury, lawyer, or even the client who knows a little English (González et al., 1991, pp. 164-165). Based on the ideas of González et al., the NAJIT position paper specifically defines preferable settings for different interpreting modes, respectively. It suggests that the simultaneous mode should be used when the participant, usually the defendant, is playing a passive role in the court proceedings such as a hearing or a trial; the consecutive mode should be applied when the participant is playing an active role when he or she must speak, such as in cross-examinations; and sight translation should be applied when the participant is given a document written in English, such as rights forms, plea forms, birth certificates, or personal letters (pp. 1-2).

A new version of the NZSTI code of ethics can draw upon the ideas of the NAJIT position paper in terms of the specification of using different modes of interpreting accordingly.

This chapter has looked at the interview participants' demographics and the interpreting-related issues they encountered at work. The next chapter will examine context-related issues.

## **Chapter 6 Context-related issues encountered in court**

### **interpreting**

#### **6.1 Introduction**

This chapter will present the interview data about the participants' context-related issues they encountered in court interpreting. These issues will be categorised into four sections, including coordinating skills in the courtroom, motivations for being a court interpreter, stressors of being a court interpreter, and coping strategies. Following the presenting of the context-related issues, an analysis of the results in comparison with the previous literature and the online survey results will be presented.

#### **6.2 Context-related issues encountered in court interpreting**

The interview data reveals that the interviewees would frequently encounter various context-related issues in court interpreting. Generally, judges were seen as the best communicators whereas non- or limited-English speaking clients were the worst communicators. The most common issues that needed the interpreter to coordinate included speaking too fast, mumbling, speaking without a pause, and trying to start a private conversation with the interpreter. However, in terms of to whom and how the issue should be addressed, the interviewees' answers varied. Some of their responses indicate that they would address the issue to the judge while some other replies suggest that they would address the issue to the speaker directly. In addition, the interview data reveals that the participants were driven to be a court interpreter by different motivations, including passion for the career, helping people from their own community, and keeping their own mother tongue. As for stressors of being a court interpreter, sexual violation cases were seen traumatising by some women interpreters.

### 6.2.1 Coordinating skills in the courtroom

Although court interpreters are required to abide by the Code of Ethics (NZSTI 2014) to interpret faithfully and impartially, on some occasions they do have to coordinate the communication process of the parties. In the interviews, eight out of all the eleven interviewees reported that occasionally they had to suggest clarification, repetition or turn-taking to the speaker. The practicality of court interpreting is that it never takes place in a vacuum. Rather, it appeared that the interactivity and battle of words of the courtroom sometimes prompted the court interpreter to step out of their role and intervene. Interpreter 1 remarked that the interpreter needs to be equipped with situation-dealing skills in the courtroom:

Courtroom interpreting is not science. You have to deal with people. To prepare yourself to behave appropriately according to the situation. Sometimes it's very serious or emotional. People could be even angry. So as an interpreter, you have to learn to control the situation.

She pointed out that the interpreter had to address the issue to the judge when the speaker turned emotional, or even abusive toward the interpreter.

What if the speaker yells or screams? You can't interpret. You have to tell the judge [...] if he or she starts to abuse the interpreter, then you have to address the issue to the court. Or when the situation escalates to a stage which is uncontrollable, you have to tell the court.

It could be challenging for the court interpreter because participants had little or no knowledge about how to work with an interpreter.

I notice that people are not used to working with you. And they don't give you the pauses you need. Some people mumble words [...] what's going to be interpreted, what's not going to be interpreted. I need pauses, I need chunks that I can manage. I need to take notes. I need you to speak clearly, to look this way...I'm not intimidated at all. But that's also my personality. (Interpreter 10)

Long sentences could also be challenging for the interpreter as there would be too much information for the interpreter to handle. As three interpreters said:

The other one would be the type of client you come and contact with. Some are very difficult to work with. I'd say they could be grumpy. That's the challenge. They would go on and on, which would turn into long sentences people just complaining. You actually have to stop them. Because you cannot take enough notes. That's another challenge. That's the challenge that you actually have to stop them. (Interpreter 8)

Another challenge would be long sentences in English. They could seem endless. So it's important to make some ground rules and remind them to 'please leave a pause', or make a hand signal 'could you please stop for a while?' (Interpreter 9)

Recently I interpreted at a hearing where the English-speaking party was connected to the room via telephone conference. The Court failed to instruct them on the fact there is an interpreter present and that they needed to pause between long statements to allow interpreting time. This led to exhausting non-stop flow of statements that needed interpreting at a rapid pace. I had to intervene several times and instruct the English speaking client and Judge to take my role into consideration. (Interpreter 11)

The defendant or accused was generally considered as the worst communicator in terms of clarity and speech rate. Three interpreters reported:

They could voice out everything that's on their mind and speak so quickly. You have to catch up on what they're saying. Sometimes the client speaks very quickly and, at the same, either the judge or the board is trying to ask you something, so you need to stop the client from speaking. (Interpreter 7)

And clients would mumble. Even though when you're standing next to them, you actually have to...you know, 'can you speak up?' (Interpreter 8)

They would mumble. And it's very difficult. (Interpreter 4)

When being asked if the defendant or the accused was mumbling intentionally, two interpreters gave affirmative answers. They said:

Yes. They know you're a professional interpreter and expect you to improve on their original sentences. (Interpreter 1)

Yes, yes. I believe so, because it's quite a stressful thing, especially when it's a full-on trial where you've got the jury and you've got people attending the court, so it would be stressful for the witness, if you like, or the defendant. (Interpreter 8)

On the other hand, the other interpreter said:

You never know what their intention is. (Interpreter 2)

Legal professionals such as judges and lawyers were seen as better communicators than the defendant or the accused.

Most of the judges and lawyers know to break up their sentences so that you can interpret it. (Interpreter 8)

Lawyers are relatively better than the client. (Interpreter 9)

But there were criticisms levelled at some lawyers that they did not break up their sentences appropriately for the interpreter.

The judge fully appreciates what we do. They understand it's a part of the procedures. So I'll see judges as easier to work with. And the lawyers? The words start bulking and they don't stop. (Interpreter 3)

I think that judges often are the best communicators through an interpreter. They know when to pause, their sentence structures are translatable. Lawyers don't break their sentences and the sentence structures difficult to translate. They are often as guilty of this as a layperson! (Interpreter 11)

The lawyers are normally very good because they're trying to be clear. So usually I had no issues with lawyers [...] of course I want the barristers to speak very clearly. But some of them, I think, are not confident enough that they would mumble intentionally. (Interpreter 5)

Three interpreters reported that occasionally the judge would speak in a low voice. On such occasions, they suggested that the interpreter had to address the issue in a direct and polite manner.

So you have put up your hand and say to the judge: ‘Would you please speak slowly?’ or ‘...speak up to the microphone because the air-conditioning is too loud?’ When different issues arise, you have to be very flexible and polite. And when you’re making request to the judge or other parties to avoid misunderstanding. It’s very important how you present your request. (Interpreter 9)

Sometimes judges tend to speak softly, not loud enough. The other problem is, he would just talk quietly and sometimes you cannot hear him, so got to be brave, you got to say: ‘Excuse me, Your Honour, can you speak up?’ ‘Cause some judges would just mumble and you can’t hear it. You got to be brave. (Interpreter 8)

Even though your cost may really high ...but sometimes you may have missed it...so you can address the judge and no one can bite your head off for it. If you haven’t heard it correctly, focus, and ask the judge. It’s kind of interesting dynamics of how the court works. (Interpreter 3)

It was suggested that a brochure for better communication by participants would be useful.

I believe a simple brochure for all parties involved would help when an interpreter is being used at a certain hearing. It can advise the importance of pausing between sentences, allowing the interpreter space to interpret. (Interpreter 11)

### **6.2.2 Motivation for being a court interpreter**

Six out of all the eleven interviewees reported that they were driven by their motivations to be a court interpreter. Two of them said that they had a passion for their profession. One said:

I just have the passion that I need to go and learn. (Interpreter 7)

The other believed that the passion for profession could compensate for low remuneration for interpreters. She said:

I try to give them a whole picture. So you have to consider whether you have a passion in here, so you are young and you are going to develop this as your long term career, it's very important. If you are my son or my daughter, as a senior person, responsible morally in [nationality] community, you don't give them a fallacy hope. That's why I ask them financial status. How much money do you have? How important is money to you? For some people, money is not important. And that's very good. If you have a passion in interpreting, and you don't worry about money, then what a wonderful combination! (Interpreter 1)

Three other interpreters said that they had never turned down any court assignments although they had the right to do so. They said they had a passion for court interpreting and were not afraid of challenges.

To me, if there's an option between a legal case and health, I always take legal. Medical is not as hard as legal. I like challenges. (Interpreter 3)

I love challenges. Why do you train that interpreter if you turn down a job — that's how I feel it. I feel it's my responsibility. The role is given to me. Whether I'm ready or not, it's my role that I decided. If there's no passion of what you do, or the passion to be the very best, then you might go and work in a factory or something else. (Interpreter 6)

I haven't yet had any case like that... I wouldn't reject work I think. I have always been keen, and I have always wanted since I was very, very young, 14, 15, I always wanted to be an interpreter and translator. They didn't have that course at the beginning. So I went for a potential job and got a degree. It was always hanging that I wanted to do that. When I had a family, I started to change career. I haven't regretted for even a minute because I love it. This is what I want to do. (Interpreter 10)

For the interpreters who did interpreting as a side job, they sometimes had to turn down a court interpreter assignment due to their commitment to their primary occupation.

I don't do all the long trials. I have to turn them down because I work full-time. I only tackle the short trials, one to three days, or hearings. (Interpreter 8)

The spirit of service for non- or limited-English speaking members of one's own community could be a motivation for being a court interpreter. One interpreter said:

I do it because I can help those who cannot speak English. Help your people in your community. How you find your rewarding not in terms of money. We're here to provide services. Even if the pay is not very good, this career is very meaningful. When someone doesn't commit the crime but cannot explain it in English, your interpreting would be a help to him. So we're here to help the people in our community. (Interpreter 9)

Another interpreter said that not only had she seen people from her community but she also had her own family being wrongly accused because of language barriers. This was part of her motivation to be a court interpreter.

I see people go to jail because of language barriers. I saw people suffer. Their children are taken away because of language barriers. I have families that are actually wrongly accused because of language barriers. So the list goes on. So those are the challenges that legal interpreters have to go through. So it might be a challenge but a blessing to other people. (Interpreter 6)

In addition, two other interpreters were motivated to do interpreting as they saw it as a means to keep their mother tongue while they were living in an English speaking country – New Zealand.

Interpreting is my hobby to keep my [language] going, because I mostly use the English language. (Interpreter 4)

Initially I wanted to keep my mother language. I want to keep that up to reasonable level. That's why I started to take on this diploma course part-time.

So I can then work as an interpreter to keep my both languages. You know, being a [nationality] in an English speaking country, I believe it's important to keep both languages so that you can communicate with both cultures.  
(Interpreter 8)

### **6.2.3 Stressors involved in being a court interpreter**

When it comes to work stress, viewpoints of the interviewees varied. Three interpreters, who are all female, reported that they found sexual violation cases difficult to interpret because of their religious background, because of the involvement of underage victims or cultural taboos.

I found my first case about sexual violation was very hard. I guess it's because of my Christian, religious background. And then I read and also consulted my tutors in the past, we discussed a lot about it. (Interpreter 2)

...because the courtroom may have cases like rape cases of underage. It's very sad. And you also have to hear the other side of the courtroom yelling and screaming when it verdict comes out and it's not to their liking. (Interpreter 7)

I was once so stressed in terms of my emotional conflicts with my culture. He was a male and I was a lady. The defendant was a male. In our culture, when you talk about taboo stuff in regards to sex and all the other stuff, it's not an everyday...people don't talk about that stuff. (Interpreter 6)

Another interpreter said that she felt emotionally disturbed after the sentencing of a trial.

I did have unpleasant or sad experiences. One time someone is charged and he was innocent, but got accused. (Interpreter 10)

Stress could come from the presence, or even challenge, of other bilingual individuals in the courtroom. In such occasions, the interpreter might feel pressured.

It was also stressful because there was someone in the counsel who is a [nationality], fluent in [language] being there. So he's fluent in English and

fluent in [language]. He's a defence lawyer. And I'm so happy to report that when we had our first break, he went back and patted on my back and said I did really well. I was so relieved that...I did what I was supposed to do regardless of those cultural difficulties and emotional things that I stuck to impartiality and our code of ethics as an interpreter. (Interpreter 6)

One time I was interpreting something from [language], who said 'the company is going to do something to me...' I interpreted it into 'company boss'. They said 'why don't you interpret it into just "company"?' I thought that 'company' doesn't make sense at all to Kiwis. If I translate it into 'company boss', it refers to the head of the company, right? So you have to ponder these words thoroughly. So the [nationality] lawyer advised that I had to interpret it into 'company' rather than 'company boss'. It depends on your viewpoints. Because it doesn't make sense to Kiwis when you use the word 'company', it doesn't mean a person. So I interpreted it into 'boss'. But the [nationality] lawyer suggested 'company'. Yeah, but literal translation doesn't make sense to native speakers. What would you translate if you were me? The Kiwis would question my competency since they don't know [language]. They would have no idea if it was company staff or company boss. Our role is to get message across, it doesn't make sense to English speakers when you translate word for word. (Interpreter 9)

Interpreter 9 also reported that her rendition in English was once challenged by the judge from the perspective of a native speaker of English.

You may be challenged by the judge. Well, not necessarily. For example, in this case because the defence counsel said: 'Is your husband addicted to drinking?' [...] and I translated the reply into: 'I don't know if my husband is addicted to drinking.' But the judge said 'alcoholic' and then I had to repeat the sentence again: 'I don't know if my husband is alcoholic or not.' I had to repeat the sentence. But I don't think, it's just similar...well, the way you put the sentence, just choice of words. It's kind of challenge, right? You can say it's my choice of words.

On the other hand, less-experienced interpreters who had done less than 20 cases were more likely to see court interpreting as less stressful. Three out of the four of them reported that they would like to take on challenges from court interpreting. Their remarks included:

I'd rather do criminal court. But, I mean, it's more interesting. The disputes tribunal is a little bit boring. (Interpreter 10)

They don't have many serious cases at the District Court. They would send murder or drug cases to the High Court. Here we would have disputes or funny ones. (Interpreter 3)

No, I actually haven't come across something too horrible to interpret. Mostly criminal cases. And not murder. So I usually work at district courts. Nothing that serious yet. (Interpreter 8)

However, in the interviews, the most experienced interpreter with the experience of more than one thousand court assignments argued that she believed the source of stress was inadequate proficiency of both languages.

I don't find it stressful. Actually I enjoy and look forward to my interpreting job. I guess the stress comes from if you don't master both English and your first language. (Interpreter 2)

Apart from linguistic concerns, cultural stereotypes, such as clothing and age, could influence people's opinions about the interpreter's competence. One interpreter said that she had to face the doubts from her clients about her competence to understand their culture and religion.

Since I don't cover my head, at times they would ask me some questions to check if I understand their cultural and religious background [...] but after these questions they would be fine. (Interpreter 11)

Young age is not a favourable trait in certain cultures, either. One interpreter said that her competence had been doubted by people who were in the courtroom to support the client due to her young age.

Some people from my community would think that a person is too young to have the knowledge of being an interpreter. In my community they believe age indicates wisdom. They expect that an interpreter should be older than I am. An older interpreter would be seen as having been in this field for a long time and having more experience, but that's not the case. People who came to support the client, such as family and friends would voice their opinions to the lawyer.

(Interpreter 7)

Similarly, Interpreter 6 reported that in her culture age is seen as an indicator of experience and wisdom.

In our culture, we believe that the many years you've got, or the older you get, the more experienced you are in terms of wisdom and everything.

But she rejected this stereotype about age in her culture. She said:

Not age. It's experience and what's you've been through. 'Cause you can be 25, but you've been through a lot, like negative things and positive stuff. And you associate more positive people.

This idea coincided with two other interpreters. They both said that emotional stability could not be simply measured by age.

Some people are completely immature at the age of 40. Some people are completely fine at the age of 25. So some people can find their coping mechanisms quite early, some take a bit longer. (Interpreter 3)

From my personal experience, I was very timid at my 20s. Now I'm in my 40s and have learnt how to act calm. The other day, two interpreters observed my work and said: 'How can you remain so calm? We were sitting there sweating

for you.’ It’s not that I’m not nervous any more. No matter how nervous I am, I can pretend I’m not. I have learnt it when I grow older. (Interpreter 5)

#### **6.2.4 Coping strategies**

Six out of all the eleven interpreters reported that they found some court interpreting assignments stressful. However, none of them was sure about whether counselling was provided for court interpreters. Neither had any of them tried to inquire about counselling. Instead, it was reported that they had developed their own coping mechanisms. As Interpreter 3 remarked:

People really are different, some of them would say their job is to deliver message and others would say they need counselling. Sometimes I do find my job stressful. You do your job best as you can. But any other jobs would be stressful as well. I think we all develop our coping mechanisms of how you do it.

She further explained her own coping mechanisms for dealing with stress after interpreting, including exercising and withdrawing, without speaking at all.

I would presume it’s available to support people like us. But I never use them. I just hit some tennis balls and I’m fine. I know interpreting is a job. It’s not really affecting me. You have to work it out somehow to not be affected by it. After interpreting a full day or two days in a row, I can’t talk even if I want to. I would sit there like a zombie and that’s my way of being numb.

Debriefing was considered as a potentially useful method for stress removal.

It would be great if we could have debriefing with other interpreters. But we don’t, this is one of the things that’s not happening. But I’d love to, at some time. Once a week to meet up with other interpreters. (Interpreter 10)

Interpreter 6 reported that she felt traumatised after interpreting a sexual violation case. She said she had not tried to inquire about counselling, but chose to appeal to prayers and talking to the court coordinator.

That sexual one I interpreted was traumatising. In the weekend, I cried. And my husband said: 'Oh...' Because it was horrific, honestly. I didn't have any counselling. I think I took it home with me, which I should have. People might think 'oh, you leave it at work'. But you can't. I prayed a lot. Before I go I'll just pray because you need that. After that I would go and talk to the coordinator. So I think that sort of counselling. I went home. I was by myself. I cried. I think I put myself in there, like having my own children in that. But I came out fresh and ready to start again on Monday.

Another interpreter admitted that some cases were traumatising to her, but said that she could leave her stress behind and needed no counselling.

Some cases are really traumatising, some interpreters might need counselling if they are concerned about what's going on in the case. Some interpreters do need counselling. I've never been counselled. For myself, I just step out of it when I leave the courtroom. (Interpreter 7)

### **6.3 Analysis of context-related issues**

My interview data suggests that among all the participants in the courtroom, judges were considered by court interpreters as the best communicators. Most of the judges know how to work with an interpreter in that they would speak in a clear and comprehensible manner, and they would leave a pause between the utterances. The only problem raised by one interviewee was that sometimes judges may speak in such a low voice that the interpreter could not hear clearly. Under such a circumstance, the interviewee said that he would address this issue in a "brave and respectful" manner. As for lawyers, opinions varied. Some interviewees said that the lawyers were generally

very good communicators as they are well-trained professionals. In contrast, some other interviewees said that lawyers would talk nonstop or mumble. One interpreter said that the lawyers tend to use their own level of language which can be hardly understood by others. As for clients, they were considered by all the interviewees as the worst communicators. Their problems include: turning to the interpreter to start a private conversation, expecting the interpreter to improve on their original utterances, talking nonstop, even yelling and screaming at the interpreter, and so on. It was suggested by one of the interviewees that the interpreter should brief the client in the lawyer's presence before the court. Another interviewee suggested that it might be useful to design a brochure for different parties about the roles of the court interpreter. Also, it would be very helpful if the judge could explain the role of the interpreter in open court before the hearing commences. I notice that the manner of addressing issues to the judge is not documented in the NZSTI documents, but can be found in the Professional Standards and Ethics for California Court Interpreters (2013).

What has not usually been covered in literature about court interpreting studies is the motivation for being an interpreter. In my study, this topic was frequently mentioned by the interviewees. Out of all the eleven interpreters, five used the word "passion" to describe their motivation for doing court interpreting. Three interviewees said that they would like to take on the challenges of court interpreting even if it is harder than medical interpreting. In contrast, there were two interviewees saying that they chose to be court interpreters because they wanted to keep their mother language in New Zealand. They claimed that their English was to some extent better than their mother tongue since they had been exposed to an English speaking environment for a while and there are only very few people who can speak their language in New Zealand. However, what is problematic is that two interpreters said that their motivation for doing court

interpreting is to help people of their own community. It is required by the NZSTI Code of Ethics (2013) that interpreters should remain impartial and neutral during the interpreting process. It is hard to believe that an interpreter can actually detach him/herself and not take sides with the clients while being motivated by helping his/her community.

Emotional stressors were found challenging by some interviewees of this study. One of the stressors encountered by female court interpreters was to interpret sexual violation cases. Religious beliefs, social taboos, and involvement of underage victims were seen as cases difficult to interpret for by some female interpreters. One interpreter said that she felt depressed on an occasion where someone who she believed 'innocent' got accused. None of them said that they had ever got any counselling after feeling stressed. When asked if there exists any counselling for court interpreters provided by authorities, they said they were not sure if any counselling of this kind was available. Another stressor comes from the challenge of bilingual speakers in the courtroom. Two interpreters said that they had encountered challenges from someone in the courtroom who knew both English and the language they interpret into. González et al. (1991) point out that court interpreters should be confident and humble enough to face the challenge from others. The statement of González et al. (1991) makes a reasonable point because everyone has their own limitations. In this regard, the interpreter should not take the challenge personal but should regard it as a technical issue which can only be determined after proper inquiry through a dictionary or further research. Another two interpreters said that they were challenged due to their young age being seen as an indicator of lack of experience and knowledge in their culture. However, young interpreters need to feel confident because of their ability in both languages, their training as interpreters and their experience in the courtroom.

This chapter has looked the context-related issued encountered by the interview participants in court interpreting. The next chapter will examine pedagogical issues related to court interpreting.

## **Chapter 7 Pedagogical issues related to court interpreting**

### **7.1 Introduction**

This chapter will present the interview data about pedagogical issues related to court interpreting raised in the one-to-one interviews. These issues will be generally categorised into two sections, including pre-service training and ongoing professional development. Following the presenting of the pedagogical issues, I will analyse the results in comparison with the previous literature and the online survey results.

### **7.2 Pedagogical issues related to court interpreting**

The interview data shows that the pre-service training sessions for court interpreters in New Zealand initially started from some ethnic community resource centres, but were replaced by educational programmes at tertiary institutions since 1990s. Generally, all the pre-service training programmes were rated high by the interview participants. Also, the interviewees voiced their opinions about what should be included in the programme. Furthermore, the idea of lifelong learning was widely acknowledged by the interviewees. They believed that court interpreters should keep themselves updated with new words and recently passed legislations, and go to observe court interpreting assignments by other interpreters frequently. They also believed that an ideal conference for court interpreters should include multiple parties such as legal professionals and interpreting educators.

### **7.2.1 Pre-service training**

The following subsections will present issues addressed in the one-to-one interviews about interpreting training programmes joined by the interviewees, along with their comments on the training and their willingness for a qualification upgrade.

#### **7.2.1.1 Interpreting training programmes**

Generally, according to the interviewees, the interpreting training programmes in New Zealand were successful. According to the interview data, ten out of all the eleven interviewees reported that they had attended interpreting training before they started doing their first court interpreting assignment. Eight of them had one or more interpreting qualifications from tertiary education institutions. Another two interpreters (Interpreter 2 and Interpreter 6) had an interpreting certificate from a community resource centre. All of the interviewees said that they were generally satisfied with the training. When being asked whether their training was very helpful to their court interpreting practice, their answers were affirmative, including “it helps”, “it was very helpful”, “of course” and “for sure”. Relevant comments made by two interpreters are presented below, respectively. The former interpreter obtained the Certificate in Interpreting from a community resource centre in the 1980s; the latter the Certificate in Advanced Interpreting in the early 21<sup>st</sup> century.

The training was really helpful. It’s all about communication. I find the training actually help me to be prepared for the job...I think we’ve learnt everything.  
(Interpreter 2)

I started from there. The certificate was about learning the basics. It opens a door for me to understand and what to expect from the job that I was going into.  
(Interpreter 7)

Two interviewees said that the legal paper of the interpreting training programme they attended had helped them become familiar with the legal system in New Zealand.

One of the papers I studied explained the legal system in New Zealand. And I had to compare...you know, from my community, people came from different environment, and the political system is very different. (Interpreter 7)

Before I came to this course, I don't know much about the legal system here. But when I completed the legal studies, the paper, then I get to know more about the legal system here in New Zealand. And then I found the court news on New Zealand is much easier because I've got better understanding of legal system here. (Interpreter 9)

Another interpreter said that the interpreting training she had joined at a tertiary education institute in Auckland was more helpful than interpreting accreditations. She said:

NAATI as a test doesn't provide anything. But [New Zealand tertiary institution] gives you the background of the industry [...] and gives you practice, and, you know, examines you as well. So it's much, much better. Just sitting NAATI exam is not enough. You have to get a qualification and do the practice. (Interpreter 4)

Furthermore, training alone is not enough. It is also of great importance to contextualise what had been learnt from the classroom to court interpreting practice.

We have to apply theories on textbook to practice. Not until I encountered some issues in practice did I come to realize what lecturers actually had referred to back then. I found practical issues were different from what I had learnt from the textbooks - not because what the lecturers had taught was wrong, but because I hadn't fully understood it. (Interpreter 5)

[Auckland educational institute] and Dr [person name] pragmatic approach and training prepared me well and helped manage my expectations and concerns. (Interpreter 11)

Interpreter 8 spoke highly of court observation as part of the interpreting programme. He said that it was an effective method to familiarise himself with court settings. He made comments as follows:

The programme you have to do court observation. So those really helped. First of all, you have your court observation journal you have to do. Basically you do your observation. And then you write your commentary, what you thought about the observation. So you are expected to do two or three observation. And then you write a report on it. Just for their better preparation, after the report they should continue to go there. You were exposed to different courtroom layout. That helped because you walked into different courtroom and you know the setting, right? You know where to go, you know where to stand, and you know where the lawyers are, because each courtroom is different, slightly different. So more rooms you are exposed to, the more prepared you are, the less you would be shocked. So when you walked in there, if you were trying to work out where you should be it's going to be more stressful. So that particular side of help, the terminology can help, and the process, because you have got to observe some of it already. Then you can relate to it, better.

In a similar way, another interpreter highlighted the importance of observation as part of the training programme. She said:

Even if it's a certificate for six months, I think it's really important to go to the court for observation. If you're thinking of being an interpreter, that's one of the things you need to do. That's going in to observe. (Interpreter 7)

However, other two interpreters said that interpreting training should include not only tertiary education but also an internship period at court. One of them talked about the pre-service training in her home country.

They are trained at tertiary education level. They would also be trained in a governmental department before they start working as interpreters. It's not like you are trained a little bit and go to different courts. [Country name] is very

systematic. After getting a qualification, they would provide you with job training before sending you to the court. (Interpreter 9)

The other interpreter had a similar comment.

I'm always suggesting that when you recruit a new interpreter there should be training period so that they can have some idea about what they're dealing with at work. Not just knowledge from textbooks. (Interpreter 1)

To sum up, the interview data revealed that the interpreting training programmes in New Zealand were successful. Over 90% of the interviewees had obtained interpreting training here and had got one or more qualifications.

#### **7.2.1.2 Comments on the training**

Although generally the interviewees were satisfied with their pre-service training, six of them did voice their recommendations about the future development of the programmes. These recommendations were focused on two aspects – requirements for interpreting educators and requirements for practice education. In terms of requirements for the educators, one of the interpreters suggested that court interpreter students should be taught by those who have court interpreting experience. She indicated that not all court interpreter trainers have court interpreting experience. She said:

One thing I think should be included is that courtroom interpreting trainers should be those who have courtroom interpreting experience, because experience cannot be passed on to somebody else. But some from university with no or little courtroom experience...it's a bit distant from the reality. Without enough experience [...] what they say may be right in theory but in reality it can be different. (Interpreter 1)

Another issue about requirements for the educators was raised by Interpreter 2 who said that court interpreting trainees should be taught and assessed by trainers who know the trainee's language. Here is her comment:

There's something missing. I want somebody of my own language to teach and assess me. In Educational Resource Centres we had our own people as the managers. They were senior people who speak [language]. They were the ones who assessed my ability of interpreting the language at that time. I don't know if they do this at NAATI course or at [New Zealand tertiary institution] interpreting certificate now. In the centres, there were people of different ethnicities to do the assessment.

However, Interpreter 3 said that she would not expect herself to be taught by someone who knows her language due to the small linguistic community. She said:

In an English speaking country I couldn't expect anyone to teach me in my own language because there are not too many people speaking my language in Auckland.

Interpreter 6 believed that it would not matter if the trainer knows the trainee's language or not. She said:

I feel whether you're [nationality] or not, if you passionately deliver what you're supposed to do, considering other people, there will be no barriers. It doesn't matter what colour or where you're from, that sort of thing, if you teach me, what sort of approaches you teach me, that doesn't matter. I don't know who mark them. But I'm sure they're the best, who they are, and where they come from, and what they do, and of course, you can't satisfy everybody, that there's still some stuff you can agree or disagree with.

In terms of requirements for practice education, Interpreter 8 said that the programme should include more court observations for the journal writing assignment. He said:

I think there should be more court observation. Each trial is different. During the time that I did my observation I only went three cases. Most students would do

two or three. But I think we should do five or six. I mean, it wouldn't hurt if you look at half a dozen, you wouldn't stay whole day there. It's good to be there from the start, just catch the first couple of hours, so you're exposed to different case processes. So that's my first recommendation that adds to the court observation. Then there will be more time.

Interpreter 5 reported that when he had been studying the Certificate in Liaison Interpreting in 2009, it had already been compulsory for the students to observe the court as part of their study. But he said that he had heard some complaints about contact hours from an interpreting graduate who got her qualification from the same tertiary institution. He said:

I got some feedback from a recent graduate. She said the course is too difficult now. It was made compulsory for them to do 100 hours of practical work. I think the interpreting course might be too strict now. High standards are good. But it'd scare people away before they haven't started doing any field work. They said it was too hard to get enough contact hours. They said they regretted doing the course. I just think that it might be too tough for trainees. I don't think I could've had survived it if the course I took had been tough like this.

The interview data presented in this section reveals the interviewees' recommendations about the development of the interpreting pre-service training. One of them believed that court interpreting should be taught by educators who have court interpreting experience. Another interpreter said it would be helpful to have lecturers and assessors who know the trainee's language, whereas two other interpreters did not think it would be necessary. More court observation sessions were suggested by one interpreter to be included in the pre-service training programme. But it might be difficult for student interpreters to find enough interpreting contact hours prior to their graduation as requested by the programme.

### 7.2.1.3 Qualification upgrade

Some experienced interviewees reported that they had witnessed a change of qualification requirements of court interpreters in New Zealand. Previously the court had had little qualification restriction for court interpreters. Interpreter 2 said that she had been interpreting for the court since 1974 before she obtained formal legal interpreting training.

I was doing bits and pieces of court work at that time because of the nature of a social worker at that time in Wellington.

Later in the interview, she added that she obtained her court interpreting qualification in the 1980s after a court interpreting paper and exam had become available at the ethnic training centre. What she said is presented as follows:

One of my friends and his wife were both teachers at our centre in Wellington. He devised a package for training all public servants at that time. From then on, he devised a paper and exams for interpreters. So we had training here in Auckland and we had one in Wellington and one in Christchurch where interpreters were trained at that time. So we got a certificate from those centres.

Similarly, another interpreter said that she had started doing court interpreting in 1997 before getting a legal interpreting qualification from a tertiary institute in Auckland. Her comment is presented as follows:

I started with being a medical interpreter. Before getting a legal interpreting certificate, I started doing legal interpreting as well, because there were not many restrictions for qualifications. (Interpreter 1)

Recent years have seen a trend of qualification upgrades for court interpreters from certificates to bachelor's level. Interpreter 5 said that he felt motivated to upgrade his qualification after finding the training had been helpful to his court interpreting job.

I got the diploma in 2009. I felt very confident after my first case. I thought the certificate course was very helpful, so I furthered my qualification into the Graduate Diploma. I got it at the end of 2010, when I started working with Auckland District Court. To be honest, when I got the certificate, I wasn't sure if I could handle my job. After doing several disputes tribunal cases, I found what I learnt was useful.

This interpreter also commented that the modularised interpreting programmes in Auckland allowed him to upgrade his qualification one after another.

As you may know, all my training is done in Auckland. Firstly I took a Certificate in Liaison Interpreting, and then I got a Certificate in Legal Interpreting. After taking two certificates, I found they started having diploma courses. I could get a diploma simply by taking several more papers. So I took Certificate in Healthcare Training. After getting three certificates, I could go to work at both courtroom and hospital. Plus, I got a diploma from combining them. Later on, a graduate diploma course became available. In order to get it, you only needed to take another two papers. Again, I did it. In the end, I got everything.

However, some interpreters reported that their pay was not worth their investment in interpreting qualifications. This was partly due to the small population of their linguistic community residing in New Zealand. One interpreter expressed her unwillingness to invest in a qualification upgrade due to economic concerns. Another interpreter relayed the complaint from her colleague. Their reports are presented here:

Recently I inquired about if they had certificate in legal interpreting and I was told that I need to enrol in a whole programme Bachelor of Interpreting Studies, which I didn't want to go to, because my interpreting is on such a small scale that is not worth investing time and payment financially. My last year, for example, my overall interpreting income was 3,000 dollars. You can see how small it is. (Interpreter 4)

One of my classmates studied Bachelor's Degree in Interpreting and Translation. Lately she quit, she's from [country name] and speaks Spanish. She said: 'I paid student loan to study a full-time course but doesn't guarantee that I can get a full-time job after I finish my course here.' That's why she quit the course. The nature of this job is that they cannot provide you a full-time position. If you're really competent they would give lots of opportunities for freelance jobs. You pay a lot for your studies but you don't earn much by doing this job. (Interpreter 9)

This comment indicates that interpreters' willingness to upgrade their qualification(s) might depend on how much they can earn from interpreting. According to the self-report of Interpreter 4 in the interview, her court interpreting assignments would be "ten maximum" per year. In contrast, Interpreter 5, who showed a great enthusiasm for a qualification upgrade as presented above, told the interviewer that he had done more than 600 court interpreting assignments over the past four years, which is equal to 150 cases per year. This would help compensate for the costs of his training.

## **7.2.2 Ongoing professional development**

The interviews have shown that various ongoing professional development approaches were employed by court interpreters. These included lifelong learning, observation and attending conferences and workshops. All three will be explained in more detail below.

### **7.2.2.1 Lifelong learning**

One interpreter pointed out that the difficulty for court interpreters is that they need to be adept at both English and another language. She said:

It's not easy to be good at two languages. It's impossible for us to not have any limitations. (Interpreter 9)

In the interviews, ten out of all the eleven of court interpreters reported that their dominant language was a language other than English. Among them, two interpreters emphasized the importance of lifelong learning of English. Their comments are presented here:

As a second language speaker, we need to keep reminding native speakers that we're finding English very, very hard to us. But we have to learn and read. You can't give up [...] I don't think that I can say, or anyone else can say, that we got the full knowledge of English, we still learn English from the time, and we learn English like babies. Right up to now you still learn English, you never stop learning. (Interpreter 2)

You have to remind them that English is not our first language. So please be tolerant with our understanding in English. Since it's their first language, they assume you understand everything they say. They don't know that we weren't born and brought up in this country. We aren't able to understand English as easily as they do. It's very important to let them know our limitation. So we have to catch up what they say. And it's our job to understand the message so they sometimes have to clarify clearly. (Interpreter 9)

On the other hand, two other interpreters claimed themselves to some extent more adept at English than their mother tongue. However, they admitted that they were still struggling with language difficulties. Their comments are shown below:

For me, the challenge is to come up with the words in [language], because my English, at this stage, is probably more fluent because I don't use [language] very much. (Interpreter 4)

The lawyers tend to use their own level of English with lots of jargons. That's really difficult to understand. And you'll always be surprised by new words you've never heard before. (Interpreter 8)

They also commented that part of their motivation to be a court interpreter was to keep learning their mother tongue. They said:

Interpreting is my hobby to keep my [language] going, because I mostly use the English language. (Interpreter 4)

Initially I wanted to keep my [language]. I want to keep that up to reasonable level. That's why I started to take on this diploma course part-time. So I can then work as an interpreter to keep my both languages. You know, being a [nationality] in an English speaking country, I believe it's important to keep both languages so that you can communicate with both cultures. (Interpreter 8)

Two interpreters gave some advice on how to improve on language proficiency of English. Their comments are shown below:

Reading. Any books will do. You have to carry on studying, picking up a piece of paper and to read whatever. There're always new words in English. If you listen to the news they would bring out all these new words that nobody understands. So read more. Listen to news and how language structures in English work all the time. (Interpreter 2)

You can practise your listening skills by listening daily current issues on News-Talk ZB. You can also watch TV serials such as Shortland Street. There're plenty of local living English expressions in there. People would use everyday language of New Zealand to communicate. Keep reading daily court news on NZ Herald, and using the court news articles for practising sight translation. (Interpreter 9)

Apart from learning languages, the emergence of new legislation requires the interpreters to keep themselves updated as well. Five of all the eleven interpreters reported that they have to keep up with the latest development of legislation in New Zealand. Here are their comments:

The difficulty there is the law because there's always a change of legislation in this country. Of course you need to know the terms in the background of that legislation. Not completely detailed, but you really need to understand the background of the legislation and why was that. For example, I was involved as

a social worker, and they changed relevant legislation in 1984. It became an act in 1989, that's what it is now. (Interpreter 2)

I have to keep up with the law. It is like 1<sup>st</sup> July, there's another set of legislations. I just have to keep up-to-date, because every time, they change every time. So I have to know, you know, like, no more custody. And I think it's not only a challenge for me, but also a challenge for each one of us interpreters. (Interpreter 6)

One of the five interpreters said that new technologies and punishments would also be challenging. She said:

And you have to get used to different laws that have been passed. New technologies and punishments would be passed on to the client. (Interpreter 7)

When being asked about the way they kept up with new legislation and court vocabulary, four interviewees replied that they would read newspapers such as the New Zealand Herald, case notes online, summary letters, and watch relevant news on TV.

Their advice is presented here:

I would read Herald. I would also do some legal bits of reading, and I quite often look at case notes from court because these notes are available online, obviously without names. I like reading them. You cannot get many details from them but it sort of gives an idea about how they think about its dynamics. (Interpreter 3)

Reading the court news on Herald is very useful because the words appear in the news are what we encounter in the courtroom. (Interpreter 9)

When new legislation comes out from parliament, try to pick it up and study it. I've got a book written by a lawyer with a list of summary letters. You have to learn these words from these documents [...] and I read quite a lot of books that were written by some the lawyers, mainly Australian lawyers. They were excellent books. (Interpreter 2)

One thing I'm trying to keep an eye on is those big cases in the media. That gives you a hell of a lot of new terminology. That's one thing I think all

interpreters should do. You can also watch the news on TV then you can practice listening. And then you read, and you pick up words from there, vocabulary. (Interpreter 8)

#### **7.2.2.2 Court observation**

The importance of observation was highly valued by the interviewees as part of their ongoing development. Eight out of the eleven participants highly recommended novice interpreters go to observe other interpreters working in the court. Their comments about observation included “very useful”, “absolutely useful” and something “everyone should do”. One of them saw observation as a kind of para-practice of interpreting. Here is what he said:

Observing is definitely useful. Actually it is the second best thing to doing the work yourself. It's almost that you're doing the job on your own, the only difference is that you don't speak it out. It's the best opportunity to 'practice' before having a chance to actually do the job. (Interpreter 5)

Interpreter 10 commented that observation could complement what had not been taught in the pre-service training. She said:

There're some things you learn, the training is great, but the school cannot give you the full-on court setting. Training can only do a bit. Training would not make an experienced person. But observation, if you have time, you can go and observe. But you will never have the full-on capacity to do the job. You learn from the job.

This interpreter later specified her points and said that the training had not covered the order of events in the courtroom, which could be learnt from observation.

Obviously you're not sure what is going on in the courtroom. Also, you're not sure about the order of events. Those instructions and what happens first. So you learn on the job. You'll learn very quickly and pick up things to connect

them to what you've learnt at school. So eventually you'll know what happens in the court.

Her comment about learning the order of events from observations was mirrored by another interpreter's comment:

When you first went to a courtroom, it was different from what you were taught. It's not a total reflection of how we've been taught here. When you go in, you have no idea about what you are doing, where you're going. In terms of how you address the judge, how you behave, and how the whole thing works, it's really, really helpful for you to observe. (Interpreter 3)

Another interpreter told the interviewer his anecdote about an embarrassing incident caused by lack of observation when he went to a courtroom to do interpreting.

The first time I went into the courtroom, it was a sentencing [...] when the defendant was called up, he went up, and I followed. 'The interpreter should be with him.' I thought to myself. Then he went into the defendant dock, and I went in as well. His lawyer asked: 'Who are you?' 'The interpreter.' I replied. 'You should stay outside the dock.' It was not taught in the programme. I think I should've learnt it from observation, which is important. I was required to observe only one trial. But we should pick up these things [...] these details cannot be all covered in the training. Teachers cannot teach you everything. (Interpreter 5)

To observe frequently every week was seen as helpful by one interpreter. She said:

When I ready for something, I prepare way, way before. So I've been going to court. I think everyone knows that. I'll just pretend to go to court. So I've been going to court since January, February, and March. Just sit there. And others would say: 'What a waste of petrol, you pay for the parking.' But I just went there to prepare myself, listening. Just be in there to experience how you will feel. I dress up and go there two or three times a week, sometimes half a day, sometimes a few hours. So when you asked, I feel that I already prepared myself, and I'm still doing that. (Interpreter 6)

Observation could take place not only in New Zealand, but also overseas where interpreter services are used in the courtroom. Two interviewees said that they had been to other countries for court observation. They said:

I once went to observe [country name] High Court. These interpreters were very professional. There were more than a hundred full- time interpreters based in the court [...] the system of interpreting service was better than here. (Interpreter 9)

I once went to [country name] to observe a high court interpreter of [language], he was excellent. We were listening to the top level of [language] [...] and I listened to the interpreter and I learnt quite a lot from him on using the top level of language. (Interpreter 2)

Another two interpreters suggested establishing a partnership for interpreters at work so that they can support each other.

So it's great to have partnership, you know, a grouping so we go to another group and discuss. (Interpreter 6)

It's useful to have two interpreters for a case so that they can, you know, change, and they can also help each other to observe. (Interpreter 4)

Three other interpreters suggested establishing an apprenticeship at work between experienced interpreters and novice interpreters. They believed that novice interpreters and experienced interpreters could learn from each other. Their relevant comments are shown below:

I think novice interpreters should follow an experienced interpreter in the court. They can have discussion and the novice interpreter can learn from the experienced interpreter. [...] you can call that apprenticeship if you like. On the other hand, there could be some buzzwords which are not understood by interpreters of older generation. I think young interpreters can tell us about them. Courts need to consider a formal training programme by which new graduates can shadow older and more experienced interpreters. Possibly [Auckland tertiary institute] could assist with them, otherwise it would be quite hard for interpreters to break into the market and get work. (Interpreter 11)

If possible, talk to the experienced interpreters. This is what I'm doing, because they're much more experienced and they know how to handle the situation that they come up with. It's so useful to talk to them if they're willing to share their practical experience with you. And they would like to tell you their stories, how they deal with different cases. It's very useful. Some of them are quite approachable and friendly. I think if you're humble people would like to share their stories with you. (Interpreter 9)

What I told the ministry was that when you recruit a new interpreter, there should be some kind of training period so they pair with an experienced interpreter of the same language. And then go to work together. After that, they need to have some discussion. This way, you can learn a lot of things indirectly. [...] somebody experienced can take new interpreters through, and make them observe in actual courtroom settings, and have discussions after the observation. That kind of training period is necessary after they become an interpreter. (Interpreter 1)

### **7.2.2.3 Conferences and workshops**

Conferences and workshops were regarded as helpful for ongoing development by seven out of the eleven interpreters. Two of them said that such gatherings for interpreters provided them with opportunities to exchange their ideas.

We shall get together to share experience. Because the difficulty I'm going through, you might be able to help me. Maybe some difficulties I overcome can help someone else. (Interpreter 6)

The NZSTI conference happened last week I think it was helpful. The speaker was an experienced court interpreter and she delivered a great speech. I like the question and answer session after the speech. Because what others are going through might be what you're going through as well. (Interpreter 3)

For better communication purposes, two interpreters suggested that conferences should include other court staff as well.

Usually I attend workshops aiming at courtroom interpreters. I hope they would involve court workers. So they can have an idea about what we interpreters need. It's important for both sides of us to communicate. (Interpreter 5)

I think the most important thing is that the on-going development must be done by courtroom interpreters with judges and lawyers, as well as prosecutors. Because they are the people you deal with in terms of courtroom interpreting. So we can understand why they are doing that. (Interpreter 1)

Another interviewee reported that one conference she attended had already included lawyers and a court interpreting coordinator.

I attended one conference about one year ago. It was organised by the court. Interpreting coordinator was there. Lawyers were there. It was quite good. (Interpreter 10)

In the same way, Interpreter 1 reported that there had been annual training sessions involving court interpreters, lawyers and judges.

The court used to provide training session once a year. Sometimes they would work with NZSTI and invited a guest speaker with conference interpreting background, already retired, sometimes they invited lawyers to come and talk to interpreters. But when I attended Interpreting New Zealand based in Wellington, they organized two judges to come and give us a training session.

This interpreter emphasised the significance of asking questions on the spot rather than leaving messages through the Internet.

But I couldn't attend in person so I didn't have a chance to ask questions or to engage in discussion. We could've given the judge some questions through the Internet, but as a judge he has a very tight agenda. And when somebody has a question, it should be discussed at that time. If you ask a particular sentence after the meeting, it would be a little bit out of the context, and thus not very effective. However I think their training session was so good.

Furthermore, she pointed out the participation of legal professionals, including court registrar, administrator and judge, would provide multiple perspectives of viewing court interpreting.

The speakers at the training session were legal professionals. What they talked about was what we're facing every day, which was not on the textbooks. They're who do the trial [...] A court registrar can talk from admin perspectives, and a judge can talk from a judge's point of view that has to deal with people and interpreters every day. It's very relevant. That kind of training is good to courtroom interpreters.

The internet can be an ideal tool to connect court interpreters here with those overseas. This method can be useful for interpreters who belong to a relatively small linguistic community where they would have fewer colleagues of the same language to share their experience with.

I would do my own research on the web. I have my own interpreters' forum. I stay in touch with a couple of interpreters in Sydney. We would discuss through email. It's just Languageline, and I have chance to talk to someone when I go to Sydney. I met two of them but they work out of in Sydney. We exchanged contact detail. It'd be better to have more of these contact with people who're actually working in your field, then you can have the same discussion.  
(Interpreter 8)

In addition, another interpreter said that such gatherings should include interpreting educators.

I would like to have an ongoing development programme. I really would. [...] let's start from somewhere. Even the interpreting studies at [New Zealand tertiary institution], they do some kind of half day interpreting workshop, or things like that. That would be really great. Good teachers like [person name], you know, they have to be there as well. (Interpreter 4)

### **7.3 Analysis of pedagogical issues related to court interpreting**

The interview data indicates that the interpreter training programmes were generally seen as helpful by the interviewees. They said that the training they had included basics about court interpreting such the comparison between the New Zealand legal system and the legal system in their home country. One interpreter said that he felt motivated to upgrade his qualification after finding what he learnt from the course useful in practice. Another interviewee said that interpreter training programmes are much better than NAATI tests since the latter is not a specialist examination to examine court interpreters. However, there were still some criticisms about the current training programmes. Firstly, presently there is no agreement between the legal profession and the interpreting training provider for an internship where novice interpreters could work with experienced court interpreters to familiarise themselves with the real court settings. Secondly, some interpreting educators' teaching would be better if the educators had interpreting experience themselves. Thirdly, while one experienced interpreter suggested that the interpreting training institutions should have educators who know the student interpreters' first language, this is not always possible considering how many languages that are spoken in New Zealand. Fourthly, one interpreter complained that it was not worth her investment of money in upgrading her qualification since she cannot get enough work hours. This is something that the legal profession might need to consider, an increase in pay for the court interpreter to reflect their expertise and experience.

In terms of continuing education, most of the interviewees presented their awareness of lifelong learning. Two interviewees said that they had to keep learning English because it is a second language to them. In contrast, another two interpreters said that their problem is to maintain their mother since it is not used as often as English in their

everyday life. Apart from languages, changed legislations require the court interpreters to keep on learning as well. Some interviewees said that they would keep up to date with ongoing court cases through the Internet or newspapers. What is noteworthy is that court observation was repeatedly mentioned by interviewees as an effective way of doing ongoing professional development. Out of all the 22 interpreters, six recommend that court interpreters should go to observe the court. Among these six interpreters, two said that it is important to have novice interpreters supervised by an experienced interpreter. This idea is mirrored by the ‘supervisory interpreter’ mechanism suggested by González et al. (1991). It should be noted that the helpfulness of court observation highlighted by the interviewees was contrary to the frequency of doing it indicated by the survey results (see Section 4.2.2.3). Among all the six ongoing development approaches listed in the survey, the frequency of court observation was rated the second lowest after “Preparing for Interpreting Accreditations such as NAATI”. In regard to conferences and seminars, four interviewees emphasised that it is important to involve multiple parties of not only interpreters, but also educators and legal professionals such as judges and lawyers so that the educators and the legal profession both gain a better understanding of the challenges experienced by court interpreters.

This chapter has looked at the pedagogical issues encountered by the interviewees at work. The next chapter will examine system-related issues.

## **Chapter 8 System-related issues in court interpreting**

### **8.1 Introduction**

This chapter will present the interview data about the participants' system-related issues they encountered in court interpreting. The system-related issues will be generally categorised into six sections, including lack of background information, use of interpreting recording, working conditions, remuneration, expectations of the court interpreter, and professionalization issues. Following the presenting of the system-related issues, I will analyse the results in comparison with the previous literature and the online survey results.

### **8.2 System-related issues in court interpreting**

The interview data reveals that lacking background information was hindering the interpreter's preparation for their court interpreting assignments. Most of the time, they would only be informed about what kind of case they would interpret. There was no relevant legislation to ensure their access to any legal documents. Another challenge was that sometimes the positioning for court interpreters could be so poor that they could hardly hear the speaker. Not all the interviewees were sure if they have the right to request for relocating themselves. In addition, the hourly rate was not very good enough to retain experienced interpreters. Those who belong to a small community said that they found it difficult to get enough work hours. During the court proceedings, sometimes the interpreter would feel obliged to intervene when some misunderstandings arise between the interlocutors due to cultural differences. However, no documented policies or regulations had been developed to address this issue. The

interviewees said that they wanted to have a stronger professional association to represent their benefits and to develop a better-defined professional identification.

### **8.2.1 Lack of background information**

Overall, seven interpreter interviewees said that they felt too little background information was provided beforehand on what the case was about and what terminology it would entail. Three of them said that before they went into the courtroom to do the assignment they were “very ill-prepared”, “underprepared” and “unprepared”.

Three interpreters said that most of the time they did not have any preparation at all.

Here are their comments:

Most of the time, I go there without knowing what case it is. (Interpreter 6)

You don't know what you're interpreting before the day. So you have to be there at 9 o'clock, a criminal case. That's all you know. Therefore, you cannot prepare. (Interpreter 8)

In most of the cases, we just got thrown into it, nobody prepares for it. We don't get briefed about the case before we enter it. You just walk in cold, not knowing the case. You just know the case about so and so. (Interpreter 2)

The cause behind little or no information provided to the court interpreter beforehand on what the case was about and what terminology it would entail might be because of confidentiality concerns. As one interpreter pointed out:

In one way I understand because these are confidential documents, and traditionally they can be disclosed to lawyers. But they are never disclosed to anyone else. So to achieve that, it's so difficult. (Interpreter 1)

It was reported that the prosecutor would not present any documents to the court interpreter which they could give to the defence lawyer before the proceeding. Also, the defence lawyer would not be willing to share information with the court interpreter.

I think the thorniest issue is lack background information of assignments. And I don't think it's fair. The prosecutor has to show all the documents he's got to the defence lawyer prior to the court starts. But the defence lawyer doesn't need to show anything to the prosecutor. He expects it to be his 'trump card'. In some cases, the defence lawyer would see us interpreters as 'outsiders'. He's not willing to tell us what he already knew in advance. In the end, he might speak out something unexpected. You would be like: 'What's he talking about?' It's the most difficult issue. The most problematic thing is that we can't get any documents from the court. We can't even get the documents which are given to the defence. Also, the defence doesn't have time to 'look after' us. Neither does the court. Therefore we would be 'blank' when we go into the courtroom.

(Interpreter 5)

Usually the court interpreting coordinator would be the liaison between the court and the interpreter. But the coordinator did not have access to information about the court case either.

The interpreter organizer, most of the time they don't know the details of the case. All they get was the request. And then they give it to you. That's all they know. So you can't really blame them. (Interpreter 8)

However, according to Interpreter 9, court interpreters in her home country would have access to the witness statements beforehand.

In New Zealand, sometimes they don't even give you a single word. But in [country name] High Court, [...] the interpreter would be given a witness statement beforehand, so they can have it prepared before attending the assignment [...] it's quite simple, I cannot interpret everything if you tell me nothing. I can look it up into dictionary if I find out any words I don't understand. How can I do it on the scene? I would feel more confident if I get

the background information, otherwise I might get challenged. I think it's unreasonable to not have the information, but this circumstance simply cannot be changed.

It was argued by Interpreter 1 that court interpreters should be treated like other legal professionals such as lawyers in terms of access to relevant documents and remuneration. She said:

Interpreters should be given time to do some research before the trial. And the time should be paid as other professionals get paid. For example, a lawyer would work on file for six months before the trial. All the six-month of preparation is a time for research and meeting with the client, which would be recorded and charged to the client or whoever. Then why the interpreter should not be charged? For the time they spend on research for the case, for accurate interpreting.

When being asked if she believed that court interpreters should be based in court offices like full-time workers, she emphasised the access to the documents again.

What we need is the documents. Interpreters can work at wherever they can, even home office, to read the documents and do some research, find out meaning of difficult terminology in legal, medical, or commercial domains, through dictionaries, internet, and so forth.

Contrary to this, another two interpreters said that they did not need too much preparation or background information. They believed that work experience could compensate for lack of background information. Here are their comments:

If you're an experienced interpreter, you would soon pick up. You don't need much of background information to understand what the case is about. If it's a sexual violation case, you can pick up what it's about. (Interpreter 2)

I think what happens is that you train, and then your experience goes up really quickly. The first case you learn a lot a lot and a lot, and then you reach a plateau, you reach a mid-stage. I used to prepare a lot a lot and a lot, I don't need to prepare now. I know more and more it works. (Interpreter 10)

Similar comments about work experience were made by another two interpreters. They said:

People who have experience can work out things a lot quicker. The more cases I do, the better it will be. (Interpreter 3)

It depends on what kind of cases you're taking. So if you know the pace of it, then you can expect which words could be used and review the notes you've made. For interpreters, every day is a learning step to expose themselves to each case even if they don't like it. Each case is different, and interpreters can learn from it. (Interpreter 7)

At present, the Auckland District Court has set up lounges for court interpreters. One interpreter reported that she would go to the interpreter's lounge and make use of the ten minute break during the proceeding to remedy the lack of background information.

I have my own tablet with me. I also have my own internet access. During the ten minutes break I would go to the interpreter's lounge to do some research about the case. Auckland Court has an established space for interpreters, while Manukau Court doesn't - this leads to uncomfortable and needless interaction with the parties pre-hearing and during breaks. It's not very ideal if it doesn't really allow the interpreter a much needed break time. (Interpreter 11)

### **8.2.2 Use of interpreting recording**

As was mentioned in 5.3.3, in most of the cases after the Abdula situation, the interpreter would use consecutive interpreting and be recorded in the hope of ensuring interpreting accuracy. Interpreter 5 reported that the court would provide access to the recording available for those defendants who asked for a review.

If the defendant asks for a review, the court would give the recording to him and let him hire someone to redo the interpreting. And the court would decide if the verdict has been affected by improper interpreting. For example, in some cases,

‘201 grams’ could be misinterpreted into ‘200 grams’. It should be assessed if the difference of one gram has influenced the verdict. If not, the interpreter would be asked to be more accurate in his job. Then it’s fine.

In that situation, the judge’s decision would rely heavily on the second interpreter’s opinion about the original interpreting. This system could lead to the potential risk of the second interpreter’s dishonesty.

The interpreter would not be informed. They would simply pass him and get another one. He wouldn’t know if the defence has lodged an appeal. And it purely depends on if the second interpreter can stick to his principles. You know, you can easily pick on someone else in this industry if you purposely want to do it. And I believe that interpreting can hardly be seen as ‘right’ or ‘wrong’. It’s only about different perspectives; unless it’s a ‘201 into 200’ case [...] all they want from the recording review is reversing the verdict. Nothing else. It’d be only a justification. And the judge would make the decision. That’s what we call ‘appeal’. The appeal along with relevant documents will be transferred from the District Court to the High Court. A judge from the High Court would make the decision. A third interpreter will be employed due to ‘conflict of interests’.

Interpreter 5 further suggested that redoing the whole original utterance might reduce the likelihood of such potential dishonesty.

Some experienced interpreters, I’d like to keep them anonymous, would say: ‘I won’t simply redo certain parts of the recording as you require. I will only redo the whole thing of the recording on my own after the interpreting parts are cut out from the recording. Then it’s up to you which interpretation is correct. I’m not picking on any other interpreters. Every interpreter has his upsides and downsides. It’s not a right-or-wrong issue.’

Another interpreter reported that she had once requested to redo the whole original utterance to avoid the influence of subjectivity.

Once I was asked to take a look at a translation of a recording to see if the translation is correct or not. I told them to give the actual recording, and I would

do it myself so that it wouldn't alter my objectivity, if you like. I don't want any influence on my work. The tape was in [language], they transcribed it and then translated. I know it was scary when the police said to you: 'can you just...' And I said: 'Nope.' They actually want professionals. (Interpreter 3)

Despite the availability of the recording for appeals, the court interpreters did not have access to any of these recordings of their interpreting for professional development purposes.

In a court, I know it's recorded. And I want to have that recording for professional development to actually hear what I say. (Interpreter 4)

By reviewing the recording, court interpreters might correct mistakes they have made, thus improving on their interpreting performance.

I've never had a chance to listen to my own courtroom interpreting recording. One day I was prompted by a whim, I read a piece of article and recorded it at the same time. When I listened to the recording, I found that my voice was too 'flat', with no fluctuations. I hit the consonant 's' a tad hard. I could immediately identify the problems when I listened to it. I can correct these problems only if I know what the problems are. You can hardly do it without feedback from our everyday work. And I'd be happy if there's a chance to listen to my work. I'm not into trivial and detail such as addresses. I know there're certain parts I struggled with during interpreting. It'll be a great help to review the recording so that I can improve on it. I'd like to listen to my own recording. But in this case, we would not be able to learn from others like in a workshop. (Interpreter 5)

### **8.2.3 Working conditions**

Unlike conference interpreters, court interpreters do not work in a booth and sometimes audibility can be a problem. In practice, audibility for the court interpreters interviewed involved a range of aspects. As one interpreter pointed out:

There could be many aspects of audibility which could affect interpreting. The voice projection: when the interpreter is far from the person speaking to the front, so the position of the interpreter is very important. So the interpreter should be positioned at where he or she can hear clearly. (Interpreter 1)

However, it was reported by two interpreters that their positioning was not very ideal for them to hear the speaker.

For instance, where the witness box is, counsel would face the witness box as well as the judge, whereas we would be sitting behind the counsel. (Interpreter 2)

The seating for us is at the back of courtroom. Barristers would speak to the front...we, at the back, cannot handle. (Interpreter 5)

According to another interviewee, a better positioning would involve the interpreter standing in the front rather than at the back of the courtroom.

Usually the interpreter is sitting at the back, and it'd be easier for them to hear clearly if they are sitting in the centre of different parties. We cannot hear clearly when are at the back, so it'd be really helpful if we are sitting in the front. (Interpreter 9)

When being asked if they would relocate themselves to a position of better audibility, the interviewees' answers varied. One of them said:

I've never asked, and I've never heard anyone did it [...] I've never heard the interpreter can ask to relocate himself. (Interpreter 5)

Contrary to this, another two interpreters said that they would ask for a better positioning so that they could hear more clearly.

When I'm interpreting the serious matter, I would ask the judge to allow me to position at where I want to be positioned. It all depends on the circumstances. If I can go to a spot I can hear clearly. Not a public place but inside the dock where I can stand... it's all about accurate interpreting. (Interpreter 1)

And we're now, since this Abdula case, I myself would ask the judge if I may in front of the judge or near the witness box, facing counsel so I can hear every word, and leave the client behind there, because he can hear it's all in [language]. But you really need to ask the judge where you want, you have to 'demand' [laughs] where you need to sit so you can hear every word from the counsel and judge. And I find it much easier. (Interpreter 2)

Another issue raised by three other interviewees was that it might be tiring for them to stand and interpret for too long. One of them reported an incident which happened to her due to such a long time standing in the courtroom. She said:

That's the only thing I don't quite understand: why he is sitting and I'm standing. This is the only thing I find disturbing. The fact the defendant is sitting and I have to standing. I can't stand for too long, if I'm not going to... in certain conditions I would faint. My blood pressure is really low. Sometimes there's not enough air in the courtroom. I had one condition that I felt my blood was going out of me. So I had to tell the judge that I have to take five minutes out. My defendant, or, the defendant was sitting, and I had to stand for two hours straight. I simply couldn't get enough oxygen. So it's not a medical condition. It just happens. And I had to tell them that I need water. (Interpreter 2)

#### **8.2.4 Remuneration**

The interview data showed that none of the interviewees reported that they were full-time court interpreters. Eight of all the eleven interviewees said that they also did interpreting in healthcare, police interrogations or refugee settings (among them two admitted that they would do translation as well). The other three interviewees said that they did interpreting as a side job apart from their professions including a business owner, financial manager or engineer. For those eight interviewees whose primary occupation was interpreter, six of them said that they were not happy with their remuneration. As one interpreter pointed out:

It's difficult to become an interpreter in New Zealand, I don't know about other countries, because of low remuneration. So I'm working really hard to raise our payment. Unless there's a business potential, so that's why each language is different. There's no fixed answer to everybody. (Interpreter 1)

It should be noted that the rate for court interpreters was not language specific. Thus, how much one could make from doing court interpreting was dependent on how many work hours they could get.

The rate is not language specific. (Interpreter 3)

The payment for interpreters is not very great. It also depends on what language you're interpreting. The population of [nationality] is not very big in New Zealand. In business point of view, to be a successful businessman, as an interpreter, you need to have a big population of your community. But the population of [nationality] is decreasing in New Zealand. Immigration standard is high, so not too many of them come into New Zealand. The existing population in New Zealand find it difficult to get a job in New Zealand, so lots of them go back to [country name], or to other countries such as Australia for better opportunities. (Interpreter 1)

Two other interpreters expressed their dissatisfaction with a mismatch between the pay offered and the skills needed. They said that the requirements for court interpreters were high but the pay was not very good.

Thirty plus dollars per hour is obviously far less than other skilled workers. (Interpreter 5)

We call ourselves professionals but you don't get a professional pay. We got a Bachelor's Degree, Graduate Diploma, or Master's Degree. But what they're paying you is quite pathetic. So I think they have very high requirements, but the pay is not very high. (Interpreter 9)

Another interpreter said that sometimes the pay would not come in a timely manner.

Not only with the pay, but also the time the pay comes. I almost haven't got paid for the job I did three and a half weeks ago. (Interpreter 6)

However, for those who did court interpreting as a side job, the pay rate was considered reasonable since they had a stable income from their primary occupation to support themselves. Also, the nature of their jobs allowed them to arrange their schedule flexibly.

I think that the pay rate is fair. I don't have complaints about that. You would hear from people, probably, who are used to regular employment. I run a business, so I'm used to the idea that you work when the work is there. So it doesn't bother me so much because my other work that I do is also the cases by my own hours. (Interpreter 4)

I guess I'm lucky since my work in a sense lets me go and do it. That's why I'm satisfactory. When I got a call I would think to myself: 'Shall I do it?' And then walk down to the court to do my interpreting which is not far from here. And that's it. If it's a full-day trial...yeah, I don't think it'd be satisfactory. (Interpreter 3)

Fortunately, my work is quite flexible. If the assignment takes less than three days, I can usually do it [...] I got a good notification period. So normally probably around two weeks. I can plan around my full-time job. (Interpreter 8)

As was presented in the last section, court interpreters usually would get an advance notice to inquire if they would be available for certain hours on a certain day. As freelancers, many of them had to plan their work hours of the whole week for interpreting at different locations. However, the date for trials and defended hearings could run not on schedule. Postponing and cancellation of cases was reported as commonplace for New Zealand courtrooms. Therefore, interpreters would face potential economic losses from changing or cancelling of their interpreting booking for a trial or a

defended hearing. In order to compensate for the losses from cancellation or postponing of the book, the court developed a mechanism of minimum charge for court interpreters.

Let's say, you go there and your case is adjourned. They have to pay because you show up there you clear your work in the morning or whatever so that they pay you a minimum fee for half a day's worth, which is three-hour pay.

(Interpreter 3)

If the interpreter gets the cancellation notice for more than 48 hours in advance, he or she will not be compensated. Otherwise, the interpreter will get the pay from the court because he or she might have turned down other jobs for the court case. (Interpreter 11)

When the trial finished ahead of the schedule, different courts had different policies in terms of whether they would pay the full amount of pay according to the booking.

Every court is different. Manukau District Court would pay according to work days. When the trial finishes ahead of schedule, the days left on which you're already booked would not be paid. Auckland District Court would pay according to how many days you're booked whatsoever. Even if the case is adjourned on the first or cancelled, they will pay you the full amount. Therefore, one advantage for trials is assurance for pay. Accordingly, it demands more commitments. You must keep standing by at here for five days, and are not able to take other jobs. (Interpreter 5)

However, another interpreter said that she was against the policy of the Auckland District Court because she believed that it was not fair.

What I disagree is, if I am booked for a whole week on a jury trial, and suddenly it has opened, and the interpreter would still get paid as if he's working. He gets paid by the funding of a community. I think it's because there's no such a department to take a whole look at this service and it is not coordinated. I made submissions in the past individually. But my little voice wouldn't do something unless the society coordinates. (Interpreter 2)

Interpreter 6 reported that she would accept to interpret for those who happened to need her help but had not booked any interpreting service, although policy says that interpreters would only get paid for what he or she had been booked for.

Another challenge is that we were told to do what we were booked for. But if people like you are needed there, people who need service, need help, I'm sort of person that I love people, I love helping people, it'll be a challenge for me to be able to say: 'Yes'. One of my colleagues went to do something and then she ended up being asked to interpret for someone else. And then she went and noted every detail, and she received an email saying: 'No, you only get paid for who you were booked for'. But when you go around, and there're people there, asking 'excuse me, are you a [nationality]?' she said: 'Yes, I am.' 'Is it possible...?' 'How can I help?' 'I can't no speak...can you help me?' Because she's an interpreter, she said: 'OK, no problem'. So that's kind of challenge. Our problem would be the same — whether I get paid or not. (Interpreter 6)

Similarly, another interpreter reported her anecdote with her colleague who said that interpreters should stay in the court to see if there were any others who needed their service.

Once I met a [nationality] interpreter in the court. Sometimes we get a minimum pay for three hours even if it finishes after ten or thirty minutes since the other doesn't turn up. So we're allowed to leave. But the [nationality] interpreter said that we should wait for at least one hour because so many people need you but don't know that they can get an interpreter to help them. That's why I stay there for an hour and ask the coordinator: 'Do you still need me here?' but other interpreters would go when they can go, to get another job. They would ring up another agency, saying: 'I'm available now. Do you have any job for me?' It depends on how you look at it. (Interpreter 9)

### 8.2.5 Expectations of the court interpreter

The Code of Ethics for Interpreters & Translators requires the interpreter to stay impartial on the job. They are required to maintain all the nuances of the utterance and reflect these nuances in their rendition. The court interpreter is supposed to act like a conduit or facilitator to remove the language barriers between the two speakers. The interpreter should not take sides, nor should they be any party's advocate. As three interviewees said:

We have to reflect the same level of the original language into the target language. So it is their responsibility to convey the idea. We're just microphone. (Interpreter 1)

I see my role only a mouthpiece. I have to interpret exactly what he says, with no taking away and no adding. (Interpreter 2)

We interpret whatever they say. So even if they stutter, you actually have to interpret that as well. So you build that into the interpretation. (Interpreter 8)

When it entails conflicts of interest, the interpreter is required to approach the court and to report it.

I can't take the job if I happen to know the client. Sometimes the client may turn down the interpreter. The [nationality] community here is quite small. Even if the interpreter doesn't know the client, the client might be afraid of the information being leaked to someone knows him. (Interpreter 7)

I've turned down one for conflict of interest because I know that person. I approached the court and reported it. (Interpreter 8)

However, the defendant or accused could have their own expectations of the court interpreter. Three interpreters reported that clients would see the interpreter as their "friend" or "advocate", expecting the interpreter to take their side and improve on their original sentences.

Non-English speaking clients continue to see me as an advocate or 'friend'. I think it's quite a natural reaction in distressing situations such as courts. In my experience, my priority would be establishing boundaries without alienating them. (Interpreter 11)

They know you're a professional interpreter and expect you to improve on their original sentences [...] they tend to stop in the middle of the sentence, expecting the interpreter to complete the rest of the sentence. So that would happen. (Interpreter 1)

Close proximity between the interpreter and the speaker along with the application of whispering simultaneous interpreting could give other participants the impression of the interpreter taking sides as well.

One of the challenges you have to face is detachment. I try to detach myself. Clients don't detach you. Clients are called people who you've interpreted for. They believe you're on their side, and everyone else believes that you're on their side as well. Because you sit by them, you're close to them, you're whispering with them. And you're talking in your own language which is a secret to anyone else. So they believe, everyone in the world believe you take sides and you're on their side. (Interpreter 10)

One possible reason for the client's reliance on the interpreter might be that the client had not been provided with sufficient legal or cultural support to fully understand their situation in New Zealand court settings.

I feel that both parties lack cultural understandings. And they don't question what they are not sure about. This leaves me to my own devices to weigh in on whether all was accurately communicated. (Interpreter 11)

Such lack of understanding could put the court interpreters in a position to choose if they should step out of their role as a mere 'mouthpiece'. Two interpreters admitted their struggle between their willingness to intervene and their awareness of the interpreter's role.

...challenge is to know 'do you only interpret when the client addresses', or 'do you also interpret for the client's benefit.' (Interpreter 4)

If I have the time and opportunity I would give a super quick...but it's not my job. When they say to the client, the client would say: 'Yeah, yeah.' So they won't understand. If it's in the courtroom and there are some legal terms they don't understand, I think they have a chance to ask what that it. But if it's instructions, sometimes I have to say to the lawyer: 'Look, I'm not sure he understood. Can you rephrase?' I sometimes have to intervene like that, because I want to do my job accurately and professionally. But I also want that...people communicate and that's what needs to happen. Sometimes you have to intervene. Lots of clients would say: 'Yup, yup, yup.' You know that they don't understand what they were saying. So, yup, there isn't a formula. This is the big controversy, are you just a machine, or you're a human and cooperate to communication. Are you intervening? Again, in the dynamics of a busy courtroom, it's difficult. But, in other instances, you might say: 'Look, I'm not sure if that person understands what you say.' And when I say that, sometimes they say yes, sometimes they say no. That's a very big problem we'll find. (Interpreter 10)

Similarly, another interviewee reported that she had observed her colleagues encouraging the client to speak up by prompting in the rendition.

When I observe other interpreters, I sometimes find they would do it. Some of them would add a question on top of what's being asked. Most of the time, interpreters would add something like: 'Don't be shy, just...', or 'You need to say it, otherwise it'll be difficult.' In a way, the interpreter is helping, trying to help the client. (Interpreter 7)

One interpreter believed that the closing of a community resource centre had weakened law education and consultancy for certain immigration groups in New Zealand.

The legal system is very, very difficult. Nobody understands [...] and they closed down these [name of community] Resource Centres about 15 years ago. Now these newly arrived families have nowhere to go. They probably assume that lots of these people can speak English. But I don't know how these

communities can survive without these educational centres like we used to have. Lots of Europeans are living and inter-marrying that kind of assumption about our people. I still feel strongly that we need those things where people can go for information. And now they go around for JP to sign their papers and all sorts of things. When the government passed new legislation and new information, you tell me any single family in the community would understand all that? And lots of our people end up in crime. They have nowhere to go for information. They got radios and TVs, but I don't know what they're teaching. (Interpreter 2)

Interpreter 1 reported that the client's false expectations of the interpreter's role could lead to complaints about the interpreting quality.

That can create a very unpleasant situation later on when the accused blames the interpreter for doing wrong interpreting or not interpreting well. You have to manage that. The way to manage it is to address it.

This interpreter said that her strategy to avoid such occasions was to ask for a briefing before the court case.

I always ask counsel to brief the client, regarding the role of interpreter- the interpreter doesn't take side, the interpreter doesn't smooth their sentences. [...] So through that briefing I would ask them to brief in the presence of a lawyer to tell them that: 'Don't expect me to smooth out your 'clumsy' sorry, but, um...your ungrammatical Language. When you give evidence, you have to put every grammatical element in the sentence - "who did what, when and why". It is your responsibility if you miss one thing that I can't get. Through initial briefing to the accused, lots of thing could be managed and corrected.

A similar strategy was applied by another interviewee.

Normally before you go into the court, the lawyer would explain that to the defendant. Once they're in there, still, sometimes they still talk to you. The way I see it that you need to stick to the rules. You're here to interpret exactly what they say. You're not here as their consultant or an advisor. (Interpreter 8)

Instead of addressing the other speaker, the client might turn to the interpreter for advice or help when being asked questions in the courtroom. Two interpreters reported that they would address the issue to the speaker.

Often they would do that. And you just have to raise your hand, saying: 'Just a second, please talk to the judge' or whatever, "I will interpret exactly what you say.' (Interpreter 8)

If they ask you anything, you have to tell them that you have to stay impartial, 'I'm not in a position to give you any advice. I'm an interpreter, I'll translate what you say to the other party and I'll do translation only.' (Interpreter 9)

In contrast, another interpreter said that she would literally interpret what the speaker said to her in the private conversation.

When it happens to me, because it does happen to me, trying to start a private conversation, I would interpret it. Absolutely. So even if they're making a comment completely out of the whole context, you just translate it, or interpret it. Everything they say, you must interpret it. You're not there as an active participant. Whatever they say, you convey it. You can't compromise yourself by not conveying it. Otherwise you could be having a private conversation which you can't. (Interpreter 3)

Three interpreters said that clients would try to approach them and to start private a conversation outside the courtroom. Two of them said that they would avoid any private conversations with the client.

I hate that! I do, I crossed them on the street. I crossed them in the courtroom and I try to avoid them. I don't want to talk to them. They will try to approach you. If you meet them on the street they would come to you and say: 'Come, come...' I don't want to know. Even worse in the courthouse there are cameras, they'll see you, lawyers know me. It doesn't look good. I'm friendly but I can't talk to you. I'm sorry. It's hard [...] they would come out of the courtroom and say to me: 'How do you think my case's doing? Is it looking good?' Sorry I'm

not the lawyer, I don't care. Speaking of the case of the innocent, I did care because I was hoping that he was going to be free without conviction. I'm here to facilitate communication. (Interpreter 10)

Because I belong to a small community, anyone appears in the court would think that they can talk to you. So as an interpreter, you have to be very strict, what do I say, 'rude', to make sure: 'I'm not talking to you guys, I can't'. I don't talk to them at all and I know they look at me, weird. You can say: 'Hi'. But any private conversation you don't get involved in. And I would walk away. I always have an iPod with me to block them out when having a break or prior to it starts. It seems rude but you have to look after yourself. Otherwise it can be used against you. You have manners, you can say hi and bye, if needed you can tell them that you cannot talk to them. (Interpreter 3)

On the other hand, the other interpreter believed that 'small talk' would be fine as long as they did not talk about anything related to the court case.

Even though those 'chatty ones' would come and talk to you. I'll stop right away, saying: 'Look, we're not allowed to talk any details about the case, but a normal conversation, the sports, the weekend, football matches, or soccer matches, that's fine.' [...] Some of them do. I had a client during the half an hour break we would be talking about sports and stuff like that. That's all good. I don't...you know. So as long as you don't talk about the details of the case, that's fine. (Interpreter 8)

One interpreter reported that some duty lawyers of the court would approach him during the break to ask the interpreter to communicate with the client. He felt it was difficult to refuse this kind of request as he believed that both the duty lawyer and he himself were paid by the court.

Some lawyers would ask us to communicate with his client during the break... that's the difference between textbook and practice. It happens. You cannot say: 'No'. I'm working with an agency and they tell every contractor that interpreters are working for the court, not the defence. So even if the lawyers want to talk to

you during the break, you don't have to since they're not paying you. Perhaps some contractors complain that they can't take any rest. But the thing is I'm working for the court and the lawyers are duty lawyers. So we're both working for the court. During the break, I find it hard to refuse to talk to them.

(Interpreter 5)

Another interpreter said that the lawyer would not approach him, and he would stay in the interpreter's lounge to avoid unnecessary disturbance.

The lawyers don't tend to talk to me outside the courtroom. No. Not in the courtroom because they're well-trained professionals. And very rarely I would make myself available, so there are interpreter's lounges. (Interpreter 8)

#### **8.2.6 Professionalization issues**

The professionalization of court interpreting is an ongoing process. As a newly emerged profession, court interpreting has not yet received enough acknowledgements from the legal domain. Court interpreters were often not recognised or identified as court interpreters by other participants in the courtroom.

I still haven't had an ID because you'll be asked even though how many times you go there. I have to go there earlier and introduce myself to the registrar. It's a necessity to ask the court to look into that because it'll be nice to have that so people can identify you. (Interpreter 6)

But the status of court interpreters has been changing in recent years.

In recent years, court interpreters seem to be taken more seriously as a professional and there is a better understanding of our role and the importance of our input. (Interpreter 11)

There're many things sometimes you don't even acknowledge. Even sometimes the defence lawyer doesn't even acknowledge you. Actually the system is not yet quite full-on developed for working with interpreter. It's still in a process of accommodating. But I mean that how what we have. The court is giving me work which I'm really interested in. I don't want to complain to them. I acknowledge it's quite new. Yeah, I mean, we go slowly, in ten years' time, maybe they would give you a chair, or a badge. I have my own badge; they don't give you a badge. I have my own, because sometimes you're waiting outside. They would say: 'Hello lawyer' or they would ask: 'Are you a duty solicitor?' Or 'Are you such and such lawyer?' So I have my own badge which says 'court interpreter'. (Interpreter 10)

Another interviewee said that they wanted their professional organisation to be stronger and pay more attention to the need of court interpreters.

It's our own fault that the society of interpreters... I don't know how many meeting in the past. My little voice says: 'Unless all of us get together and put a submission to the minister or either the department of court or the department of internal affairs recommending such and such pay in such and such hour, it cannot be done.' It's our own fault. So there's no use moaning about it [...] there are many moans and groans about it, but my belief is that they haven't been coordinated properly. I think we all belong to the society and it's our job, all of us need to put something together to submit to the general manager of Internal Affairs. (Interpreter 2)

For me, NZSTI doesn't really work at all. Because I didn't sit NAATI test so I'm an affiliate member of the Society and the [language] speaking clients doesn't quite understand what it means. So we need the Society to back us up in terms of legal, medical, conference, and private sectors interpreting. And they need to develop a better database of interpreters. (Interpreter 4)

Moreover, there is a need for developing a licensure system for court interpreters to serve the purpose of establishing professional autonomy.

My language is a rare language, so there isn't a lot of needs for it. I'd like to do some certificate, but I wouldn't do a whole degree because it's just not worth my while. Certificate is good. Once a week evening course would be great, you know. (Interpreter 4)

They're ranked by several levels, Interpret One, Interpreter Two, and Senior Interpreter. (Interpreter 9)

But the referee or the judge would turn you down if they find out that your English is too poor. They would get those feedbacks from those English speakers you have to work with [...] I just find they don't quite respect interpreters sometimes. They're going to judge you by your English language proficiency. If your English is not fluent enough, they won't respect you. (Interpreter 9)

### **8.3 Analysis of system-related issues**

Lack of background information beforehand was considered to be one of most challenging issues by seven out of all the eleven interviewees. They said that most of the time they would be only informed about what the client's name was before the court. Occasionally they would be informed about what kind case it would be. One interviewee complained that confidentiality should not be an excuse for not providing the interpreter with any background information because the court interpreter would soon be present in the court right after knowing the information. There needs to be new legislation to empower the court interpreter with the access to relevant information prior to them interpreting for the court case. On the other hand, two interpreters complained about court recording related problems. They said that the recording would sometimes be used against them by the client. They believe that it is significant for the second interpreter to stick to the Code of Ethics by not misusing the power of being an examiner. Also, they suggested that the second interpreter should redo the whole

recording of the original utterance rather than doing only the controversial parts suggested by the client. This action could to some extent minimise the potential misuse of power. Moreover, it is proposed by an interviewee that he wanted to have the recording for his own ongoing professional development. The fulfilment of this suggestion needs new legislation too.

In terms of working conditions, many interpreters complained that audibility could sometimes be a problem for them. However, only a few of them said that they would ask the judge to relocate them to a better position for listening. This should be included in the Code of Conduct for New Zealand court interpreters. Another system-related issue is interpreters' remuneration. For those three interviewees who did court interpreting as a part-time job, they said that they were satisfied with the hourly rate and working hours. In contrast, those who did interpreting as their primary occupation said that the hourly rate and working hours were not enough. This issue is to some extent related to the lack of compulsory training and qualification requirements. A comprehensive system for court interpreters to gain professional autonomy should be established so that the pay can be commensurate with high standards, and can reflect the training and experience of the court interpreters.

Sometimes court interpreters would feel obliged to intervene when potential communication breakdowns could happen between the two interlocutors due to cultural differences. In some cultures, people are not encouraged to reflect the truth and to speak up for themselves in the presence of authorities. Rather, all they have to do is show obedience by agreeing with whatever is said by the authorities. In this case, many of them would transfer their knowledge of these social norms from their home country to the New Zealand courtroom and keep nodding "Yes" over every question asked by the counsel without thinking about it. In this case, as a bicultural individual in the

courtroom, the interpreter might feel tempted to alert either the client or the judge to smooth out this problem. However, this is contrary to what is required by the Code of Ethics which says that the interpreter should stay neutral and impartial and not provide advice to the interlocutors.

Moreover, the professionalization issues addressed in the interviews suggested that the NZSTI should develop a ranking system for court interpreters according to the level of their qualifications as well as their court interpreting experience. The NZSTI can refer to the structure of the National Register for Public Service Interpreters (NRPSI) of the United Kingdom to establish the New Zealand registration for court interpreters. The merits of such professional registration are salient. First, it makes it compulsory to have interpreter training at the tertiary educational level. According to the Criteria for Entry onto the National Register for Public Service Interpreters (2011), all applicants for either “full status” or “interim status” must have qualifications such as the Diploma in Public Service Interpreting (DPSI), or Metropolitan Police Test, or equivalent level degree covering interpreting or translation components (p. 1). The Metropolitan Police Test was recently amalgamated into the Diploma in Police Interpreting in May 2014 (Chartered Institutes of Linguists, n.d.), which leaves applicants with no other choice but to enrol in a training programme. Second, the NRPSI registration mandates interpreters to stay active in their profession. The NRPSI online instruction “How to renew your registration” says that “Registered interpreters are required to renew their registration every year, regardless of their status on the Register” (n.d.). In order to get their registration renewed, all applicants for either “full status” or “interim status” must provide “more than 400 hours of proven Public Service Interpreting (PSI) experience undertaken in the UK” (Criteria for Entry onto the National Register for Public Service Interpreters, 2011, p. 1). Third, the NRPSI policy differentiates requirements of

languages of small communities. For those languages not available in Public Service Interpreting qualifications, applicants can use Cambridge Proficiency in English or the equivalent qualification instead. In addition they would be required to provide proven hours of interpreting of 100, rather than 400. The establishment of such registration would challenge those under qualified interpreters. Also, proven work hours for annual renewal would challenge those who interpret as a part-time job. Hence, this study established the qualification makeup of court interpreters and their willingness for qualification upgrade, and whether interpreters find it difficult to get enough work hours.

This chapter has looked at the system-related issues encountered by the interviewees in court interpreting. The next chapter will present recommendations on how to deal challenges for court interpreters.

## **Chapter 9 Conclusion**

### **9.1 Main findings**

This chapter summarises the main findings which draws on the results and analysis of both the online survey and interviews presented in previous chapters. In this survey, 30 New Zealand-based interpreters indicated the extent of challenges they faced in court interpreting. Following this, the one-to-one interviews involved eleven interpreters and provided an in-depth account of their court interpreting experiences and their opinions about the challenges. What is noteworthy is that attracting the number of participants in both the online survey and the interviews can actually be regarded as an achievement given the small potential target population of interpreters in New Zealand.

Firstly, the initial findings of the survey showed that the most challenging issues included the lack of background information, understanding the legal terminology, and a series of coordinating skills-related issues. These findings mirrored the findings made by previous researchers about the complex nature of the interpreting task (Valero-Garcés, 2003; Hale, 2007a). The interview data revealed that the reason behind the lack of background information was related to the absence of legislation that guaranteed the interpreter's access to relevant documents. The data also revealed that the difficulty caused by the legal terminology was mainly because of the emergence of new legal terms. Although the interpreter training programmes gave the interpreter trainees a solid background preparing them for legal terms, the interpreters have to keep up with the update of new vocabulary adopted by legal professionals. As for coordinating skills, it appeared that the interviewees developed their own coping strategies to deal with problems caused by mumbling, the speaker's talking without a pause, and trying to start a private conversation. However, these strategies were mainly based on the court interpreters' own personal experience. As presented in the literature review, the NZSTI

code of ethics and code of conduct (2013) lacked documented suggestions about to whom and how the interpreter should address these issues.

Secondly, the results of both the survey and interviews showed that the pre-service training for court interpreters was successful. The majority of the survey respondents as well as interviewees joined pre-service training programme(s) and rated the effectiveness of the training very high. It seemed that New Zealand court interpreting was free from the dire situation where untrained individuals were widely employed as court interpreters (Valero-Garcés, 2003; Hale, 2007a). On the other hand, neither the survey respondents nor the interviewees appeared keen on sitting the NAATI tests. As noted in the literature review, the problem of using a NAATI test to qualify court interpreters is that such test does not provide any specialist examination for court interpreting (González et al. 1991; Hale, 2004). In contrast, the interview data indicated that the court interpreting practitioners were seeing this issue from a more practical viewpoint, that is, a NAATI test does not guarantee a reasonable duration of training period. In terms of ongoing development methods, the frequency of attending court observation was rated the second lowest among all the six means listed in the survey. Nevertheless, the interview data showed that the effectiveness of court observation was valued highly by the interviewees. This discrepancy of low attendance and high rating of usefulness might be because the fact that court observation is always voluntary and the time would not be compensated. Therefore, the court interpreters would not feel motivated to attend court observations despite their awareness of its helpfulness.

Thirdly, the interviews revealed some issues about the use of interpreting recordings. On the one hand, some interview participants expressed their desire to obtain the audio recording of their court interpreting for professional development. This suggestion was mirrored by earlier studies included in the literature review (González et al., 1991; Shin,

2013). The fulfilment of this purpose requires not only the court interpreters' upholding to the confidentiality principle required by the code of ethics, but also the empowerment from the legal authorities. On the other hand, two interviewees said that there were occasions on which the recording was given to the defendant for an appeal. In this case, the second interpreter should stay honest and request to redo the whole recording to maximally minimise the potential influence of subjectivity.

Finally, the interview results suggested that the development of court interpreting should be a shared responsibility of multiple parties, including court interpreters, legal authorities and professional organisations. As for legal authorities, many interviewees said that they would like to hear the perspectives of legal professionals at seminars and conferences for court interpreters. This idea was reflected in the literature review by González et al. in 1991 as well. As for professional organisations, some interviewees addressed the issue about why they were not very keen on attending conferences organised by the NZSTI. One of them said that she felt for some reason the organisation paid more attention to the translators than the interpreters. Another said that they wanted the NZSTI to be stronger in terms of voicing the interpreters' opinions and representing their beliefs.

## **9.2 Limitations**

I am aware that there are two limitations of this study. Firstly, the small scale of this study did not allow me to include the perspectives of court staff working with court interpreters, such as interpreting coordinators, registrars, and judges. Their opinions could have provided a more comprehensive insight into how to resolve these problems encountered by court interpreters. Secondly, the employment of the online survey and interviews only allowed me to know the participants' opinions, but not to know whether the answers were true. Neither did they allow me to evaluate interpreters' performance under different conditions. This is because the survey answers along with the results are fully dependent on the interpreters' self-administration and can be influenced by subjectivity (Hale & Napier, 2013). Some good interpreters may underrate their performance if they are very critical of themselves, whereas some less competent interpreters may overrate themselves. Similarly, the interview results were dependent on the interviewees' answers and could be more or less affected by their subjectivity.

## **9.3 Recommendations**

This study has contributed to our understanding of what challenges are faced by New Zealand court interpreters at work and has provided some possible resolutions to these problems. It is of great importance for court interpreters to have a lifelong learning mindset. They have to keep themselves up to date with new expressions, legal terminology, and changed laws in all working languages so as to carry out the interpreting in a professional way. The results of the interview data suggested that they might not be fully aware of interpreting issues at the discourse level. Such lack of awareness could potentially influence the outcome of the court case. The linguistic knowledge at the discourse level requires a reasonable duration of study at the tertiary

education level, which indicates a need for current court interpreters to upgrade their qualifications. Moreover, there needs to be a law drafted to guarantee that the court interpreter would be given background information for preparing for court interpreting beforehand. Further research could also involve legal professionals in a research design similar to this study. It would be of interest to hear voices from multiple perspectives to see if they have different opinions about how to deal with these challenges faced by court interpreters, and how to ensure that the needs of all involved in each court case are met.

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## Appendices

### Appendix A: Participant Information Sheet (Online Survey)

# Participant Information Sheet



#### **Date Information Sheet Produced:**

October 2013

#### **Project Title**

**Examining the challenges for legal interpreters in New Zealand courtroom settings- survey**

#### **An Invitation**

My name is Dingyi (Danny) WANG and I am a student completing my MA thesis at the Auckland University of Technology. First of all I would like to thank you for volunteering to take part in this project.

In this project, I am interested in identifying what challenges you, legal interpreters, face in New Zealand courtroom settings, and how these challenges can be addressed by either pre-service you receive or by on-going professional development. The three main reasons for this study are: 1) Previous studies suggest interpreters in courtroom face a variety of challenges while doing their work. 2) Few studies have looked at similar challenges court interpreters may face in New Zealand. 3) Further studies are needed to find out if trained interpreters feel their training programmes have offered sufficient preparation for the many challenges involved in courtroom interpreting, or if ongoing professional development would be helpful, and if so, what type.

#### **What is the purpose of this research?**

The primary purpose of this study is to increase the understanding of the challenges and issues faced by legal interpreters in New Zealand courtroom settings and to increase the understanding of the effectiveness of pre-service training as well as on-going professional development in solving these challenges.

#### **How was I identified and why am I being invited to participate in this research?**

You are invited to participate in this research because you are a legal interpreter who has worked in New Zealand courtroom settings, and you emailed your willingness to be interviewed.

The criteria for the selection of courtroom interpreter participants will be you:

- 1) Have interpreted in New Zealand courtroom for more than 10 cases (an experienced interpreter);
- 2) Have interpreted in New Zealand courtroom for less than 10 cases (a slightly less experienced interpreter).

### **What will happen in this research?**

You are to fulfil an online survey questionnaire including 9 questions which will take you about 15 minutes. I will also invite you to share some of your perceptions about your experiences in courtroom interpreting and the impacts of your pre-service training on your work.

If for any reason, you feel any discomfort when filling the survey questionnaire, you can choose to not answer a question or choose to withdraw from the questionnaire immediately. And as a participant in this project, you can access the AUT counselling online services if needed, even if you are not a student or staff member at AUT.

### **What are the benefits?**

The suggestions offered by practising interpreters in my study will be fed back to interpreter education programme leaders and government organisations, such as the New Zealand Justice Department. The primary researcher hopes that these suggestions once implemented will lead to better (on-going) training and will benefit not only practising interpreters but also help ensure non-English speaking actors who find themselves in the legal setting (either as defendants, victims, witnesses or family members of the same) will have equal access to justice.

### **How will my privacy be protected?**

Please note that all attempts will be made to protect your confidentiality. You will not be identified as I will only use codes, such as interpreter 1, interpreter 2, and so on.

### **What are the costs of participating in this research?**

There is no cost to you for participating in this project apart from the 45 minutes you spend in the interview. You will be offered a koha in the form of a \$30 voucher (choice of either a petrol voucher or a voucher for The Warehouse) to thank you for giving your time to this project.

### **How do I agree to participate in this research?**

Simply fill out the consent form and return it to me.

### **Will I receive feedback on the results of this research?**

A summary of the findings will be posted on the NZSTI website.

### **What do I do if I have concerns about this research?**

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor,

*Dr Ineke Crezee*, Phone: 921-9999, Ext 6825; Email: [ineke.crezee@aut.ac.nz](mailto:ineke.crezee@aut.ac.nz)

*Dr Lynn Grant*, Phone: 921-9999, Ext 6826, Email: [lynn.grant@aut.ac.nz](mailto:lynn.grant@aut.ac.nz)

Concerns regarding the conduct of the research should be notified to the Acting Executive Secretary of AUTECH, Kate O'Connor, [ethics@aut.ac.nz](mailto:ethics@aut.ac.nz), 921 9999 ext 8316.

There is no cost to you for participating in this project apart from the 45 minutes you spend in the interview. You will be offered a koha in the form of a \$30 voucher (choice of either a petrol voucher or a voucher for The Warehouse) to thank you for giving your time to this project.

Participation is voluntary and you will be able to withdraw from the research at any stage prior to the completion of data collection.

It is unlikely that you will suffer any embarrassment or discomfort and any discomfort is likely to be of a passing nature and will most probably only involve mild embarrassment. In addition, you may feel free to refuse any questions they do not wish to answer.

Health, Counselling and Wellbeing at Auckland University of Technology (AUT) are able to offer confidential counselling support for the participants in your AUT research project entitled:

You will need to contact our centres at WB219 or AS104 or phone 09 921 9992 City Campus or 09 921 9998 North Shore campus to make an appointment

You will need to let the receptionist know that they are a research participant

You will need to provide your contact details to confirm this

You can find out more information about our counsellors on our website:  
[http://www.aut.ac.nz/students/student\\_services/health\\_counselling\\_and\\_wellbeing](http://www.aut.ac.nz/students/student_services/health_counselling_and_wellbeing)

Whom do I contact for further information about this research?

**Researcher Contact Details:**

Dingyi (Danny) WANG Email: [wangdingyi1989@hotmail.com](mailto:wangdingyi1989@hotmail.com)

**Supervisor contact:**

Dr Ineke Crezee, School of Language and Culture, AUT University, Private Bag 92006, Auckland 1142

Dr Lynn Grant, School of Language and Culture, AUT University, Private Bag 92006, Auckland 1142

**Approved by the Auckland University of Technology Ethics Committee on *[date]*, AUTEK Reference number *[ number]*.**

# Participant Information Sheet



## **Date Information Sheet Produced:**

October 2013

## **Project Title**

**Examining the challenges for legal interpreters in New Zealand courtroom settings- interview**

## **An Invitation**

My name is Dingyi (Danny) WANG and I am a student completing my MA thesis at the Auckland University of Technology. First of all I would like to thank you for volunteering to take part in this project.

In this project, I am interested in identifying what challenges you, legal interpreters, face in New Zealand courtroom settings, and how these challenges can be addressed by either pre-service you receive or by on-going professional development. The three main reasons for this study are: 1) Previous studies suggest interpreters in courtroom face a variety of challenges while doing their work. 2) Few studies have looked at similar challenges court interpreters may face in New Zealand. 3) Further studies are needed to find out if trained interpreters feel their training programmes have offered sufficient preparation for the many challenges involved in courtroom interpreting, or if ongoing professional development would be helpful, and if so, what type.

## **What is the purpose of this research?**

The primary purpose of this study is to increase the understanding of the challenges and issues faced by legal interpreters in New Zealand courtroom settings and to increase the understanding of the effectiveness of pre-service training as well as on-going professional development in solving these challenges.

## **How was I identified and why am I being invited to participate in this research?**

You are invited to participate in this research because you are a legal interpreter who has worked in New Zealand courtroom settings, and you emailed your willingness to be interviewed.

The criteria for the selection of courtroom interpreter participants will be you:

- 3) Have interpreted in New Zealand courtroom for more than 10 cases (an experienced interpreter);
- 4) Have interpreted in New Zealand courtroom for less than 10 cases (a slightly less experienced interpreter).

### **What will happen in this research?**

During this approximately 45 minute interview, you will be asked questions based on your answers to the questionnaire. I will also invite you to share some of your perceptions about your experiences in courtroom interpreting and the impacts of your pre-service training on your work.

If for any reason, you feel any discomfort during the interview, you can choose to not answer a question or choose to withdraw from the interview immediately. And as a participant in this project, you can access the AUT counselling online services if needed, even if you are not a student or staff member at AUT.

### **What are the benefits?**

The suggestions offered by practising interpreters in my study will be fed back to interpreter education programme leaders and government organisations, such as the New Zealand Justice Department. The primary researcher hopes that these suggestions once implemented will lead to better (on-going) training and will benefit not only practising interpreters but also help ensure non-English speaking actors who find themselves in the legal setting (either as defendants, victims, witnesses or family members of the same) will have equal access to justice.

### **How will my privacy be protected?**

Please note that all attempts will be made to protect your confidentiality. You will not be identified as I will only use codes, such as interpreter 1, interpreter 2, and so on.

### **What are the costs of participating in this research?**

There is no cost to you for participating in this project apart from the 45 minutes you spend in the interview. You will be offered a koha in the form of a \$30 voucher (choice of either a petrol voucher or a voucher for The Warehouse) to thank you for giving your time to this project.

Participation is voluntary and you will be able to withdraw from the research at any stage prior to the completion of data collection.

It is unlikely that you will suffer any embarrassment or discomfort and any discomfort is likely to be of a passing nature and will most probably only involve mild embarrassment. In addition, you may feel free to refuse any questions they do not wish to answer.

Health, Counselling and Wellbeing at Auckland University of Technology (AUT) are able to offer confidential counselling support for the participants in your AUT research project entitled:

You will need to contact our centres at WB219 or AS104 or phone 09 921 9992 City Campus or 09 921 9998 North Shore campus to make an appointment

You will need to let the receptionist know that they are a research participant

You will need to provide your contact details to confirm this

You can find out more information about our counsellors on our website:  
[http://www.aut.ac.nz/students/student\\_services/health\\_counselling\\_and\\_wellbeing](http://www.aut.ac.nz/students/student_services/health_counselling_and_wellbeing)

How do I agree to participate in this research?

Simply fill out the consent form and return it to me.

Will I receive feedback on the results of this research?

A summary of the findings will be posted on the NZSTI website.

### **What do I do if I have concerns about this research?**

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor,

*Dr Ineke Crezee*, Phone: 921-9999, Ext 6825; Email: [ineke.crezee@aut.ac.nz](mailto:ineke.crezee@aut.ac.nz)

*Dr Lynn Grant*, Phone: 921-9999, Ext 6826, Email: [lynn.grant@aut.ac.nz](mailto:lynn.grant@aut.ac.nz)

Concerns regarding the conduct of the research should be notified to the Acting Executive Secretary of AUTEK, Kate O'Connor, [ethics@aut.ac.nz](mailto:ethics@aut.ac.nz), 921 9999 ext 8316.

Whom do I contact for further information about this research?

### **Researcher Contact Details:**

Dingyi (Danny) WANG Email: [wangdingyi1989@hotmail.com](mailto:wangdingyi1989@hotmail.com)

### **Project Supervisor Contact Details:**

Dr Ineke Crezee, School of Language and Culture, AUT University, Private Bag 92006, Auckland 1142

Dr Lynn Grant, School of Language and Culture, AUT University, Private Bag 92006, Auckland 1142

**Approved by the Auckland University of Technology Ethics Committee on *the data on which the final approval was granted on 23rd October 2013, AUTEK Reference number: 13/272.***

**Appendix C: Consent Form**  
**Consent Form**

For courtroom interpreters in New Zealand



*Project title: Examining the challenges for legal interpreters in New Zealand legal settings*

*Project Supervisor: Dr Ineke Crezee, Dr Lynn Grant*

*Researcher: Dingyi (Danny) Wang*

- I have read and understood the information provided about this research project in the Information Sheet dated 18 September, 2013.
- I have had an opportunity to ask questions and to have them answered.
- I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed.
- I agree to take part in this research.
- I wish to receive a copy of the report from the research (please tick one):                      Yes  No
- Koha received (please tick one):                      \$30 voucher for The Farmer's                      Yes  No .

Participant's signature: .....

Participant's name: .....

Participant's Contact Details (if appropriate):

.....  
.....  
.....  
.....

Date:

**Approved by the Auckland University of Technology Ethics Committee on the data on which the final approval was granted on 23<sup>rd</sup> October 2013, AUTEK Reference number: 13/272. Note: The Participant should retain a copy of this form.**

# Online Survey Questionnaire



Date Online Survey Produced:

September 18, 2013

Survey Title

**Questions for New Zealand courtroom interpreters**

**1. My age range is:**

20-29

30-39

40-49

50+

**2. My gender is:**

male

female

**3. I have lived in New Zealand for:**

less than 1 year

1-2 years

3-5 years

6-10 years

11+ years

**4. I have interpreted in courtroom for:**

less than 10 cases

10 or more cases

**5. I have been interpreting in the courts for:**

0-2 years

2-4 years

4-6 years

more than 6 years

**6. What challenges have you ever encountered in courtroom interpreting? (please click on any that apply and indicate frequency)**

Never    Hardly ever    Sometimes    Regularly    Often    Not applicable

Legal terminology

Terminology in other areas such as medical science, finance, economics, and the like

Some linguistic features, such as tag questions and kinship terminology (e.g. brother, cousin, cuzie bro).

Example of tag questions (Q: Did

you or did you not go  
there. A: Yes/No. Q:  
Would it not be true to  
say that you saw him  
there? A: Yes/No).)

Never    Hardly ever    Sometimes    Regularly    Often    Not applicable

Names of people and/or

Places

The speaker speaks too

Fast

The speaker mumbles

(speaks not clearly)

The speaker has a

strong accent

The speaker uses long

Sentences

The speaker provides

too much information

without a pause

The speaker uses very

information dense

sentences

The speaker uses very

abstract concepts

The speaker uses

idiomatic expressions

you are not familiar with

The speaker is not loud

enough for you to hear  
Meaning of the original is  
not clear  
Too little background  
information about the  
case is provided prior to  
the interpreting work

Never    Hardly ever    Sometimes    Regularly    Often    Not applicable

Microphone or any other  
equipment does not  
work well

Misunderstanding arises  
between the two  
speakers due to cultural  
differences or different  
legal systems

The speaker turns to you  
for advice or  
consultation

Not enough time to rest

The courtroom is too  
noisy that you can hear  
the speaker

Other (please specify): \_\_\_\_\_

**7. Have you ever joined or now undergoing any programme of interpreting study or interpreting training?**

Yes

No (if so, skip to question 9)

**8. What kind of interpreting study or interpreting training did you participate in (or now undergoing)? (Please click on any that apply and indicate effectiveness)**

Not at all To a small extent To some extent To a good extent To a large extent Not applicable

Certificate in

Liaison Interpreting

Certificate in Advanced

Interpreting Legal

Certificate in Advanced

Interpreting Health

Not at all To a small extent To some extent To a good extent To a large extent Not applicable

Diploma in Interpreting

and Translation

Bachelor's Degree

in Interpreting

Graduate Diploma

in Arts (Interpreting)

Graduate Diploma

in Arts (Translation)

Master's Degree in

Interpreting

Masters' Degree in

Translation

Postgraduate Diploma

in Translation Studies

NAATI level 2

Other (please specify): \_\_\_\_\_

**9. What types of on-going development do you do to improve on your courtroom interpreting specialty? (please click on any that apply and indicate frequency)**

Never    Hardly ever    Sometimes    Regularly    Often    Not applicable

Sitting in on the public  
gallery during court  
hearings

Preparing for Interpreting

Accreditations such as  
NAATI

Reading reports on court  
hearings in the  
newspaper either online  
or in print

Never    Hardly ever    Sometimes    Regularly    Often    Not applicable

Using Internet resources  
such as search engines,  
question boards, forums  
and websites

Attending seminars and  
conferences for  
interpreter professionals

Communicating with  
other interpreter  
professionals (email,  
phone call, in person)

Other (please explain): \_\_\_\_\_