

TEACHING LEGAL INTERPRETING: A UNIVERSITY CLASSROOM PERSPECTIVE

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ABSTRACT

The paper describes the state of legal interpreting training in the Czech Republic, which, as it currently stands, focuses on legal terminology rather than specific interpreting techniques. Against this background of the existing training opportunities, the paper presents a pilot course on legal interpreting, including court interpreting, for BA and MA students of English for Translators and Interpreters at Palacký University Olomouc. It describes the design of the course, its content and the methodology applied. Specifically, it describes the different settings addressed in the courses and the materials and activities used to train interpreters for these settings, including a mock trial. Finally, the paper also discusses the challenges and potential room for further development.

Keywords: legal interpreting training; court interpreting; role plays; mock trial; police interviews

Introduction

Even though the profession of a court interpreter has existed in the Czech Republic for decades (cf. Tauchen 2021), there is not much specific training available for legal interpreters¹, leaving aspiring and practising interpreters with few opportunities to acquire and develop the skills necessary to practise the profession. While it can be argued that many of the skills acquired as part of conference and community interpreting training are transferable to legal interpreting (as attested by the very fact that graduates from the existing training programmes practise as legal interpreters), the settings where legal interpreters work present many specific aspects, be it procedural, terminological, or professional that should be tackled. Despite the fact that legal interpreting as a field has received scholarly attention over the past few decades, literature on training legal interpreters is rather scarce², and papers dealing specifically with university training are even

¹ Even though the profession is officially called a *court* interpreter in the Czech Republic, the term *legal* interpreter and *legal* interpreting will be used in this paper to stress the fact that court interpreters work not only in courts but also in many other settings as described further in the paper.

² Most materials available have been created for the US court system (e.g. De Longh 2012; Mikkelsen 1995). Some texts are focused on legal interpreter training in sign language interpreting (Brunson 2022).

scarcer (Hale – Gonzalez 2017; Vigier Moreno 2020; Vigier Moreno 2021). Thus, the lack of training materials for legal interpreter training is a challenge in itself, which is further compounded by the fact that legal topics may be rather challenging for university students conceptually, since students often lack the vital experience as also noted for the field of legal translation (cf. Klabal 2022; Way 2016). This paper presents an attempt at addressing these challenges by piloting a legal interpreting course for university students.

Legal interpreting training in the Czech Republic

Until 1 January 2021, when the new Court Translators and Interpreters Act³ came into effect, the profession of a court translator and interpreter was merged under the term *court interpreter*, and court interpreters were required to practise both professions. Therefore, most of the training that was offered for court interpreters, and that gradually became a mandatory prerequisite to get the license, was terminology and translation oriented.⁴ Such courses of law fundamentals and legal terminology for court interpreters (and translators) are offered by the Faculty of Law of Charles University in Prague and the Faculty of Law of Masaryk University in Brno. The same applies to training seminars organized by professional organizations, especially the Chamber of Court-appointed Interpreters and Translators (*Komora soudních tlumočnicků a soudních překladatelů* in Czech; previously only the profession of court interpreters was included in the name for the reasons described above), which have also been mostly focused on terminology of different legal branches. If interpreter-specific courses were organized at all, they were usually language non-specific and addressed topics such as ethics, note-taking⁵ or public speaking. The reasons for the strong translation focus are, in my opinion, manifold, and include the lack of distinction of the profession of a translator and an interpreter under the previous legislation, proportion of translation versus interpreting assignments done by the participants, the availability of trainers and training materials with documents for translation being more readily available than (real-life) materials for interpreting practise, but possibly also the willingness of the participants to actively engage in interpreting-related tasks in such courses. A possible solution would be a new design of the mandatory training with a core module covering legal terminology, which is common to both translators and interpreters, and follow-up translation- and interpreting-specific modules⁶.

To my knowledge, the only real attempt at specific interpreter training was a series of seminars on interpreting police interviews organized by Catherine Štifterová for the Chamber of Court-appointed Interpreters in 2018 (see Van der Brinková Štifterová – Jičínská 2018). In such a context, licensed court interpreters without a degree in interpreting entered the profession with little to no interpreter training and experience, and had to apply the “learning by doing approach”. Even those with an interpreting/translation degree, be it from the Institute of Translation Studies of Charles University, or the

³ Act No. 354/2019 Sb, on court translators and interpreters.

⁴ In fact, to get the license of a court translator or interpreter in the Czech Republic, candidates are not tested for their translation or interpreting skills.

⁵ See the mention by Gorgolová in this issue.

⁶ For interpreting, such module could draw inspiration from the course presented in this paper.

Faculty of Arts of Palacký University Olomouc, did not receive any specific training in court or legal interpreting beyond training in community interpreting, which may, to some extent, overlap. e.g. in the field of police or asylum interpreting.

University legal interpreting course: a case study

Since legal interpreting is a career path available to graduates from translation and interpreting programmes, the lack of training as described above is rather unfortunate. Therefore, a course on legal interpreting training was piloted as an elective course for BA and MA students of English for Translators and Interpreters⁷ at Palacký University Olomouc in 2023 to introduce students to a variety of legal interpreting settings described below and have them experience the challenges faced by interpreters in such settings. In total, 15 students signed up for the course. The requirements to be admitted, irrespective of whether the students were BA or MA, included the completion of legal terminology courses offered at the department as well as mastery of the basic techniques for all modes of interpreting. Naturally, there were differences in the level of the students, but all of them were essentially able to take active part and benefit from the course without struggling with (the lack of) prerequisite skills and knowledge.

The course spanned over 13 weeks and covered both theoretical underpinnings of legal interpreting, such as ethics, professional demeanour and decision-making, or preparation for assignments (based mainly on Mikkelsen 2017; Edwards 1995; Štefčík 2010), as well as practical interpreting assignments. In terms of the interpreting modes practised, the focus was on bilateral consecutive interpreting and sight translation, which are the modes most often needed⁸.

Since many of the situations in court interpreting require role playing (cf. Dahnberg 2023) and, in terms of human resources, it is not possible for the trainer to prepare the role plays with professionals or other trainers, students were mostly required to prepare the role plays. It was possible to build on their experience with preparing role plays in previous mandatory courses focusing on community interpreting and general bilateral interpreting. To control the learning objectives and enhance the quality of the role plays, students were provided with detailed briefs, and possibly background documents that they could rely on in preparation. They were also asked to think about any ethical or professional decision-making challenges they may want to include in the role plays such as the use of taboo words, emotions or slang, if relevant. Setting-wise, it is more reasonable to assume that students will be required to do legal interpreting in the Czech Republic, and therefore the role plays were also designed to be set in the Czech Republic, i.e. a meeting at a Czech notary's office, an interview of a foreigner by the Czech Police. The opposite constellation, though arguably less relevant for the trainees in their future practise unless they move to and work in an English-speaking country, was also reflected,

⁷ Since 5 years of professional interpreting experience must be evidenced to obtain the license of a court interpreter, university students are not likely to encounter the situations immediately after graduation. Still, the hands-on experience may help them decide whether this career path appeals to them, or not.

⁸ Whispered interpreting is also encountered in practise but does not lend itself very well to classroom use due to limited possibilities of providing feedback.

using teaching and practice materials by Confident Interpreter and Mikkelson (1995), mostly involving recordings based on US settings, which enabled students to compare the Czech and US court systems, and develop their knowledge of legal terminology and phraseology. Additional exercises inspired e.g. by Tipton and Furmanek (2016) were also included.

The following subsections describe the individual settings addressed in the course and provide details on the role-plays and other training materials used.

Police interviews

Since (police) interviews represent a substantial part of legal interpreters' work, a number of interviews were included in the course involving different situations, namely an interview of a suspect, an interview of a child victim and an interview of a forensic pathologist as an expert witness.

ROLE PLAY 1:

A US citizen living in the Czech Republic is summoned by the Police of the Czech Republic to be interviewed about a suspicion of stalking his Czech ex-girlfriend.

Instructions for students: Prepare a role play with one of you acting as a Czech police officer conducting an interview of an English-speaking person suspected of stalking his Czech ex-girlfriend. You are free to make up the details of the case, including any details of their relationship.

The interview of the suspect was also complemented with a sight translation of an advice of rights of a suspect from Czech into English to practice the sight translation technique as described e.g. by Čeňková (2010) on a terminology- and conceptually-heavy text.

Interpreting for minors is a very specific area not only of legal interpreting as attested e.g. by Salaets and Balogh (2019). Before the lesson with the actual role play, students were assigned to read Chapter 3 from Balogh, Salaets and Van Schoor (2018).

ROLE PLAY 2:

An English-speaking child that may have been a victim of child abuse is interviewed by a Czech police officer.

Instructions for students: Prepare a role play with one of you acting as a Czech police officer conducting an interview of an English-speaking child in a case of suspected child abuse by the child's stepfather, and the other role playing the abused child. A third student will act as an appropriate adult. Please do some research about good practice of interviewing children⁹.

⁹ As a minimum, students are recommended to apply the following recommendations by a Czech NGO dealing with victims of crime available at <https://www.bkb.cz/pro-odborniky/policiste-straznici/zasady-pro-rozhovor-policisty-s-ditetem/>.

Finally, an interview of an expert witness was included to make students aware of the fact that fields other than law may appear in legal interpreting. Specifically, an interview of a forensic pathologist on autopsy findings was included for its relevance and also for the availability of a professional forensic pathologist willing to act in the role play. The trainer acted as the interviewer. Students were required to do some terminology preparation.

ROLE PLAY 3¹⁰:

A Czech woman died in suspicious circumstances during her holiday in Egypt. Her body was transported to the Czech Republic, but the investigation is carried out by Egyptian authorities. Since the full autopsy was performed in the Czech Republic, the Egyptian Police need to interview a Czech forensic pathologist who performed it. The interview will be video-conferenced.

Since the forensic pathologist connected remotely, this was also an opportunity to discuss the use of video-conferencing in legal interpreting, and the challenges it involves.

Asylum setting

Even though interpreting in asylum settings is covered by a course on community interpreting, some interpreting situations in the Czech Republic require the assistance of a licensed court interpreter, so the topic was revisited in this legal interpreting course. Specifically, an interview at the Department of Asylum and Migration Police of the Ministry of the Interior with an applicant for long-term residence to live with a Czech national was included. The rationale behind the procedure is to interview both the foreign applicant and the Czech national to see whether their answers to basic questions about their everyday life match to avoid any false applications.

ROLE PLAY 4:

A Canadian 22-year old woman applies for Czech long-term residence to live in the Czech Republic together with her Czech boyfriend. They are invited to attend an interview at the Ministry of the Interior.

Instructions for the student acting as the officer: You will receive a list of questions in Czech that you will ask.

Instructions for the student acting as the foreigner: You will be interviewed by a Czech official about everyday things. Be ready to give truthful and relevant answers.

A sight translation of the rights and obligations of the interviewee from Czech into English was also included as part of the role play, as well as additional activities based on the UNHCR manual (2017).

¹⁰ The scenario is loosely inspired by a real-life case, which received a lot of media coverage, which was meant to be helpful for the students.

Notary's office

Legal interpreters may be called to interpret at a notary's office on different occasions e.g. when a foreigner needs to establish a company, enter into a pre-nuptial agreement or even for inheritance proceedings, which are conducted by the notary in the Czech Republic. For the purpose of the course, a meeting to execute a prenuptial agreement was chosen as a situation that may be closest to the vital experience of university students.

ROLE PLAY 5:

A couple, namely a Czech woman and an American man, is planning to get married, and wishes to execute a pre-nuptial agreement. They have an appointment at the notary's office to discuss the details of the agreement such as the scope of community property.

Instructions for students: You will receive a draft of a pre-nuptial agreement in Czech and during the appointment you will finalize it with the notary and discuss any unresolved points. Prepare such points, which may still be contentious for you, or which may need explanation. The teacher will act as the notary.

The role play included sight translation of some parts of the draft as read by the notary as well as interpretation of questions asked by the notary and the answers as well as possible discussions by the parties. The combination of sight translation with consecutive interpreting proved to be a challenge for the interpreter, as well as the management of turn-taking.

Weddings

Possibly surprisingly, legal interpreters in the Czech Republic are also required to interpret both civil and church wedding ceremonies when either the bride or the groom do not speak Czech. Therefore, interpreting at a wedding was also included in the course. The standard practice is that interpreters are provided with the speech of the registrar and the solemnizing officer, which often includes flowery language, quotations or even poems, in advance to be able to prepare the translation and then deliver it in a solemn manner. To simulate such a situation, students were divided into three groups and each was assigned a speech by a different solemnizing officer to prepare the way to deliver the speech in English, and the translations were then discussed in class; the focus lied on preserving the level of formality as well as the emotional elements of the speech, and the ways to express such elements in English. In addition, the translation of the phrases read by the registrar to open the ceremony and introduce the bride and the groom and their witnesses to the solemnizing officer was discussed in class as well as the legal formulae repeated by the registrar and the solemnizing officer at all weddings. As a possible follow-up activity, students may also be asked to research how the weddings ceremonies are conducted in English-speaking countries.

Court trials

Naturally, a course in legal interpreting should include court interpreting. Therefore, a mock trial was scheduled for the end of the course¹¹ as the highlight of the course. A mock courtroom at the Faculty of Law was booked to make the experience as realistic as possible. Students were also provided with as much background material as possible to prepare for their roles as well as interpreting.

ROLE PLAY 6:

An American father and a Czech mother have two twins who are about to start primary school. They have been divorced for 3 years, live in towns with a distance of 100 kilometres, and have the children in shared custody, i.e. the children spend one week with the father and one week with the mother. Since the mother does not want the children to attend two primary schools, she files an application for a court order to modify the custody arrangements and award her the sole custody of both children. The father disagrees. The court will have to decide whether to keep the existing arrangements or change them.

Instructions for individual roles (the teacher will act as the judge):

Mother and her lawyer: You will receive the application that you sent to the court with the description of your point of view and the arguments you put forward to be granted sole custody. You will be expected to defend this position in court.

Father and his lawyer: You will receive the defence statement that you sent to the court with the description of your point of view and the arguments you put forward to challenge the application filed by the mother. You will be expected to defend this position in court.

Child protection social worker: You will receive an application filed by the mother as well as the statement filed by the father. During the trial you will be expected to argue for the best interest of the child.

The actual trial spanned over 90 minutes, with all students other than those role playing taking turns in interpreting. The actual trial was followed by a feedback session and debriefing mostly focusing on experience of the students, the challenges and dilemmas they faced, rather than correct use of terminology or accuracy. Before entering the courtroom, a sight translation exercise of the instructions for people entering the courtroom was included for the English-speaking father.

¹¹ The original idea was to engage in cooperation with the Faculty of Law to enhance inter-faculty cooperation as promoted by Way (2002) and, as part of their course of mock trials for law students, schedule a course with a cross-border element, and interpreting. This would be convenient since the roles in Czech would be played by law students and thus more professional language would be used. However, this turned out to be impossible due to a low number of students interested in the course at the Faculty of Law.

Conclusion

Against a backdrop of legal interpreting being demanded on the market, but little specific training being available, the paper tried to present an attempt at a legal interpreting course for university students to have them experience as many legal interpreting settings as possible. There are other situations where legal interpreters are called to interpret in the Czech Republic such as driving license exams or education recognition exams, but these are rather specific and unlike the settings included in the course, offer little skills transferable to other settings.¹² As suggested from formal¹³ and informal, mostly anecdotal, feedback by the students, the course achieved its goal, and the material was reasonably challenging. In general, students enjoyed the variety and dynamics and felt motivated. They also realized the need to develop their subject-matter knowledge as well as the need to get acquainted with legal procedures and terminology.

It follows both from the trainer's observations and the student feedback that the use of the combination of different teaching methods proved to be effective. Lack of authenticity, which is a frequent drawback present in role plays developed by students, was mitigated by providing students with detailed instructions and background materials, as well as by the trainer often playing the role of the legal professional. Therefore, the role plays served well for teaching purposes. In terms of the interpreting performance, students naturally struggled with legal language and legal terminology, especially when they failed to realize that generalization or using a seemingly synonymous expression may involve a substantial meaning shift unlike, perhaps, in other interpreting settings. However, in other instances students were surprised that even interpreting a descriptive part, devoid of legal language, e.g. as part of witness testimony may require higher precision, since every detail may be relevant.

For future editions of the course, innovations are envisaged such as attendance of a real trial in court (cf. Wicherek 2023) or telephone interpreting for police. Other scenarios will also be added such as a lawyer-client interview, or possibly another mock trial focusing on criminal law. One scenario will also combine interpreting with translation since it is often the case in real life that the same person acts both as a court interpreter and court translator on the same case, and such scenario makes it possible to show how a text (e.g. a petition for divorce) may be treated differently in written translation and when delivered in the courtroom. In addition, more systematic terminological preparation will be included. Since the presented content of the course essentially involves legal interpreting in intra-social settings (Pöchhacker 2022: 14f.), it would also be interesting to include legal interpreting in international settings such as the Court of Justice of the European Union, or international arbitrations.

It is believed that the course presented may serve as a small contribution to the "imperfect world" of legal interpreter training (Preziosi – Garwood 2017) and an inspiration for other trainers who may adapt the content and modify the role plays to

¹² There is little point in having students learn all applicable driving regulations, which is basically the essence of this interpreting assignment.

¹³ Formal feedback was collected through the official university evaluation system, which includes questions about formal aspects (e.g. timely start of classes, consistency between the description of courses and their content), as well as about content aspects.

suit their language combinations or for training in non-university settings. It can be argued that such a course would be a useful module in interpreting programmes to complement the existing community and conference interpreting courses, and would be extremely beneficial for candidates aspiring to become legal interpreters. The design and methodology may also be easily transferred to non-university training settings and may be a stepping stone for developing specific training materials for the Czech-English language pair.

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RESUMÉ

Vzhledem k tomu, že možnosti přípravy soudních tlumočnicků se až na výjimky omezují na přípravu terminologickou a tematickou v oblasti práva, je tento didakticko-prakticky zaměřený příspěvek reakcí na absenci specifické tlumočnické přípravy soudních tlumočnicků v České republice. Představuje koncept kurzu právního tlumočení, který byl pilotně realizován pro bakalářské a magisterské studenty programu Angličtina pro překlad a tlumočení na Univerzitě Palackého v Olomouci. Příspěvek popisuje jednotlivé oblasti, jimž byla v rámci kurzu věnována pozornost, i konkrétní výukové aktivity, které byly ve výuce využity, a to včetně simulovaného soudního jednání s tlumočením. Koncepce kurzu je dle autora využitelná i v jiných výukových prostředích i pro jiné jazykové páry a může tak být v ideálním případě inspirací pro jiné vyučující tlumočení při realizaci odborných tlumočnických seminářů v rámci pregraduální výuky.

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