

Translation Quality Assessment in Court Interpreting

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Abstract The current study investigates the quality assessment of interpreting in courtrooms. This study aims at examining the accuracy of interpreting in courts. The data of the study comprise a trail Arabic girl named Tahani in the Providence court in Rhode Island state. To assess the interpreting quality, the model of Pöchhacker & Shlesinger (2008) of interpreting quality assessment is adopted. The study presents an overview of interpreting by comparing it with the activity of translating. Then, it examines the concept of court interpreting and the types of interpreting used in courts. The study also explores the parameters or criteria usually used to assess the quality of interpreting. The analysis of the selected data reveals that the interpreter violates these criteria in some cases. It shows the frequencies and the percentages of the violated criteria and presents the overall findings and conclusions.



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1. An Overview of Interpreting

It is obvious that interpretation is not an activity which has been originated since few years or decades ago. However, the beginnings or the early stages of this thought-provoking linguistic field can be traced back to the beginnings of the humans history itself. This is due to the fact that whenever a person or group of people with one language met another with a different language, they must need a person who has the ability to understand both languages to be able to interpret. Otherwise, they would be obliged to use signs and gestures to communicate. According to Pöchhacker (2004, p. 9), the activity of interpreting is actually “an ancient human practice which clearly predates the invention of writing—and (written) translation”. Consequently, it could be impossible to determine a specific year of interpretation origins. Though, Pöchhacker and Shlesinger, (2008, p. 2) state that “interpreting must have been practiced when ancient people were driven into exile, when explorers had to transact business, and when slaves were being put to work for the colonizer”. Thus, the interpreter role is crucial, but this role is not “specifically named or mentioned in historical documents” at the ancient times (Phelan, 2001, p. 1).

Interpreting is described in a number of ways by many scholars. It is worth noting that the activity of interpreting is not the same of the activity of translating. These two concepts are usually understood by layman as they are the same. However, they are not because each one requires different skills. Colin and Morris (2001) explain that the two terms:

According to Phelan (2001, p. 6), interpreting is the process that happens when “one person translates orally what he or she hears into another language”. However, there is a confusion about the difference between the two concepts “translating”

and “interpreting”. Yet, this it is very simple “a translation is a written down whereas interpreting is spoken. Similarly, Pöchhacker (2004, p. 10) describes the term of interpreting as “translational activity”. It can be characterized from other kinds of “translational activity most succinctly by its immediacy: In principle, interpreting is performed ‘here and now’ for the benefit of people who want to engage in communication across barriers of language and culture”. This view of interpreting has its origins in the theory of Otto Kade (1968). He claims that interpreting is a kind of translation where the message of the source language (SL) is only rendered once and it could be impossible for the target language (TL) to be revised much.

In addition, the presence of an interpreter is the crucial difference between translating a written message and oral one. Moreover, the time constrain is another main difference between translation and interpreting. On the one hand, the translator usually has the time to correct, change and improve the accuracy of his/her output. On the other hand, the interpreter “must instantaneously arrive at a target language equivalent, while at the same time searching for further input” (González, Mikkelsen, & VásquezVictoria, 2012, p. 295). According to Jones (2014, p. 6), interpreting is described as the activity in which “the interpreter has first to listen to the speaker, understand and analyze what is being said, and then resynthesize the speech in the appropriate form in a different language”.

It can be noted that interpreting is in fact a part of translation. However, this view or opinion is rejected by many scholars because it results in “a confusing situation where interpreting is still in the process of establishing itself as a discipline in its own right” (Phelan, 2001, p. 1). Thus, according to Pöchhacker and Shlesinger, (2008, pp. 2-3), interpreting can be broadly defined as “interlingual, intercultural, oral or signed mediation,

enabling communication between individuals or groups who do not share, or do not choose to use, the same language(s)".

2. The Concept of Court Interpreting

It is a well-known fact that interpreting is divided into many types according to settings. There are conference interpreting, media interpreting, business interpreting, medical interpreting and court interpreting etc. Since the present study is concerned with court interpreting, it received more elaboration. The term "court interpreting" is commonly used to point to any type of legal interpreting. However, courtroom interpreting is only one type of legal interpreting. Court interpreting denotes the interpreting services which are provided in courtrooms of law or in any sort of legal cases (González, et al., 2012, p. 95). Despite the fact that interpreting is so important in different areas, it is particularly essential in the area of courts because "so much depends on what say and whether they are perceived to be telling the truth". There are many cases of "miscarriages of justice when untrained, unqualified interpreters are at work" (Phelan, 2001, p. 28).

Fairly, the history of court interpreting is dated to the war trails between 1945-1948. These war trails result not only in court interpreting, but also in simultaneous interpreting as one strategy which is overused in court interpreting. Court interpreting is characterized from other types of interpreting by its close attention to ethical issues which are followed by interpreters in courtrooms. There should be an insistence on fidelity, impartiality and confidentiality. Thus, what is uttered in the courtrooms should be preserved entirely, not only through interpreting the words and the sentences, but also through rendering even the 'ers' and the 'ums' that are uttered by a speaker. This is because what is uttered in the court is related to a human's life or liberty. However, paralinguistic features and prosodic elements are still not interpreted courts (González, et al., 2012, p. 242).

For the courts to be fair, the legal presence of the accused in the courtroom. This legal presence has to be accompanied by linguistic presence. In other words, the accused should be able to understand what others are saying inside the court. Thus, there should be a court interpreter. The need to an interpreter in the courts is a legal right which is supported by many legislations in different countries, particularly in the international courts. In this sense, the main concern of court interpreting is to enable the client whether they are witnesses, accused or other contributors to understand what is uttered inside the courtroom (Baker & Saldanha, 2011, pp. 63-64).

For achieving this aim, a number of interpreting forms or strategies are used in courts. An interpreter might use consecutive interpreting, simultaneous interpreting or sight translation of documents might also be included in the work courts. Moreover, It is worth noting that since court interpreters speak instead of the original speakers, the first person singular "I" is usually overused. In simultaneous interpreting, the message of the target language (TL) is interpreted at the same

time as the source language (SL) message is produced. In this type of interpreting, the interpreter usually sits in isolated booth and wears headphones. The interpreter usually "hears the speech through the headphones and simultaneously interprets". Sometimes, there are two interpreters who can take turns alternately. In simultaneous interpreting, an interpreter should understand information in one language, and then produces it using another language. Sometimes, it is necessary to "wait for more information to in order to give a correct interpretation". (Phelan, 2001, pp. 6-8).

In consecutive type of interpreting, the "interpreter listens to a speech while taking notes. When the speaker has finished, the interpreter stands up and delivers the speech in his or her native language". This interpretation is not a summary. It is normally a complete interpretation of the SL message by using another language. One of the demerits of this interpreting strategy is that it is "time consuming as the time element is almost doubled". The center of this method is notetaking. Within consecutive type of interpreting, the interpreter may have the time to ask for an explanation or may ask the speaker to repeat an utterance or a part of it in contrast to the simultaneous interpreting which has to be achieved at the same time (ibid, p. 9).

In sight translation, an interpreter may be asked to "read and translate documents" orally. This strategy is usually used in courts. It is considered as a combination of both simultaneous interpreting and consecutive one (ibid, p. 13). There are some of the principles that should be followed by interpreters in courtrooms interpreting. Since interpreting is a kind of profession, it has to be governed or guided by certain standards or ethics including "accurate and faithful interpretation, confidentiality, and impartiality" regardless of the setting they are working in. These standards are stated in the following:

1. Fidelity: Interpreters are obliged not only legally, but also morally and professionally to convey the meaning of the speaker's message accurately and completely. This standard is also called accuracy. In other words, court interpreters have to interpret all the messages as entirely, accurately and faithfully as possible without any distortion, addition, exaggeration or omission of the meaning. In courtroom settings, it is "important to refrain from simplifying complex or technical language for the benefit of unsophisticated defendant or witness" because it "distorts the legal process". The meaning of fidelity and accuracy is involved in both the "linguistic elements" that include "words, phrases and grammatical structures" etc. and the "non-linguistic elements" that include "tone of voice, pauses, facial expressions and gestures" etc. of a message. However, some non-linguistic elements need not to be interpreted because they can be observed by everyone in the courtroom. It is obligatory to court interpreters to tell the court parties of any impediment that can results in unfaithful interpretation such as rapid speech, inability to hear or

understand a speaker and fatigue from long time interpreting without break etc. Errors of interpreting at any setting other than court setting may be acceptably glossed over (Mikkelsen, 2017, pp. 75-77).

2. Confidentiality: This code of ethics indicates the meaning that interpreters “refrain from revealing information about the cases they interpret, they must also keep secret the identity of the parties they interpret for”. They should not disclose what is happened inside the courtroom.

3. Impartiality: This code denotes the meaning that interpreters should “remain impartial” regardless of the setting they interpret at. It means that should not show any bias or preference to one party or another in courts (ibid).

3. Quality Assessment of Court Interpreting

It is obvious that assessing the quality of interpretation is the main concept of interpreting studies. The concept of quality has approached from different viewpoints. Within the domain of interpreting, it denotes the criteria that must be used to describe it. It means the criteria which can be used in interpreting to evaluate interpretation (Pöchhacker, 1997, p. 122).

According to Pöchhacker & Shlesinger (2008, pp. 335-336), there are some of the essential principles or parameters which can be used to assess or evaluate the quality of interpreting. These parameters or criteria of assessment are divided into three main categories. The first category includes the *content-related* criteria which are *sense consistency with original*, *logical cohesion of utterance* and *completeness of interpretation*. The second category involves the *form-related* criteria which are the *use of correct terminology*, *correct grammatical usage* and the *use of appropriate style*. The third category includes the *delivery-related* criteria which are *fluency of delivery*, *native accent*, *pleasant voice*, *lively intonation* and *synchronicity*.

In the first two criteria, *sense consistency with original* and *logical cohesion of utterance*, an interpreter has to be consistent to the original meaning expressed by the original speaker and has to make the interpretation as coherent as possible. These two criteria are important in assessing the quality if interpreting because “the original speech contains many passages in which an idea is developed over a number of parallel utterances” (Pöchhacker, 1997, p. 112).

The criterion of *completeness of interpretation* denotes the notion that interpreters should interpret the original message completely and accurately. The accuracy and the completeness of interpretation are not isolated from each other, and they should be combined in one concept as “meaning transfer”. There are other terms which refer to this parameter like “*fidelity* or *faithfulness*”, but they should not be understood narrowly as fidelity or loyalty to the speaker and the original speech” (Baker & Saldanha, 2011, p. 373).

It is well-known that each industry or field has its terminologies. Therefore, the *use of correct terminology* is one of the criteria which are used to assess the quality of interpreting. Court interpreters should have good knowledge of the terminologies used in courts (Admin, 2018). The *correct grammatical usage* and the *use of appropriate style* are also two of the main criteria used to evaluate the form or the structures of interpreting.

The delivery-related criteria which include the *fluency of delivery*, *native accent*, *pleasant voice*, *lively intonation* and *synchronicity* are “widely recognized as crucial to the interpretation quality and effectiveness...in court interpreting”. This is because the interpreter’s tone and delivery can “have a significant impact on how jurors perceive witness testimony, and hence potentially on the outcome of a criminal trial” (Setton & Dawrant, 2016, p. 407).

4. Data Analysis

The data of the present study comprise a trial of Arabic girl named Tahani in the U. S. Providence Court in Rhode Island state. She has committed traffic violation. Selected extracts of this trial with their interpretations are adopted to be the data of the present study. In order to assess the accuracy of interpreting, Pöchhacker & Shlesinger (2008) of interpreting quality assessment is adopted. In the three cases observed the consecutive type of interpreting is used. In this trial for the Saudi girl, the selected extracts are investigated in the following:

Extract 1.

The judge: *You have six unpaid parking tickets and most of them, let’s see, they are all in the afternoon. There are parking meters.*

This extract is interpreted as *لديك ستة مخالفات غير مدفوعة تخص مخالفة الوقت بعد انتهاء العداد ومعظمها كانت في اوقات ما بعد الظهر*

The interpreter does not interpret the original message accurately and completely. Firstly, the interpreter does not follow the parameter of the consistency to the original message where the two phrases “*let’s see*” and “*There are parking meters*” are not interpreted to the target language. This results in the violation of quality assessment parameter of interpretation completeness. The words “*unpaid parking tickets*” are unfaithfully interpreted into “مخالفات غير مدفوعة تخص”. The interpreter adds words which have no correspondent ones in the original utterance or the source language. Interpreting the words “*unpaid parking tickets*” into “تذاكر لوقوف السيارة غير مدفوعة” would be more appropriate. The word “*all*” in the phrase “*they are all in the afternoon*” is not accurately translated into Arabic. It is interpreted into “معظمها”, however; it should be interpreted into “جميعها”. Such interpreting violates the parameter of using correct words and terminologies. Leaving out some of the phrases not interpreted, interpreting some of the words with

relatively different meaning and adding some of the words in the target language which have no correspondent ones in the source language can really affect the logical cohesion of the whole interpretation.

Extract 2.

The judge: *Okay, first of all I am gonna waive the penalties. Okay?. Then, what I'm going to do with the other tickets is the original tickets were one hundred and fifty dollars, with penalties, it is three hundred and fifty dollars. So I'm gonna charge you half of the original tickets which is seventy five dollars. I'm reluctant even to do that. You are student. You are living there. You have an overnight parking pass. So, we are trying to do what I think is just an equitable taken into consideration this position of the city so I'm going to find you seventy five dollars.*

This extract is interpreted as in the following:

سوف الغي الغرامات وقيمة المخالفة الاصلية 150 دولار ومع الغرامات 350 سوف أجمعك تدفعين نصف المخالفة الأصلية وهي 75 دولار. ما زلت مترددا كونك طالبة ومن سكان المنطقة ولديك بطاقة سنوية للوقوف ليلا ولكن حتى اكون منصفاً للجميع تدفعين 75 دولار فقط.

In this extract, the interpreter also violates certain parameters of interpreting evaluation. The completeness of interpreting which is highly connected to concepts such as accuracy, faithfulness and fidelity is not observed in some of the phrases of this extract. The interpreter does not interpret the words "Okay, first of all". This might represent an obstacle to the accused for comprehending the rest of the judge's speech. The word "Okay" which stands for a question, is also omitted because it may represent no importance for the interpreter. The word "then" is also omitted from the interpretation. The omission of such connector of utterances can affect the logical cohesion of interpretation since it connects what is said before to what is said after.

Moreover, the phrase "what I'm going to do with the other tickets" is not interpreted. Consequently, this can affect the sense consistency with the source language because leaving out some phrases untranslated can distort the general intended meaning delivered by the judge. Though the interpreter adds the word "قيمة" which has no correspondent in the source language speech, the words "the original tickets" are correctly interpreted into "المخالفة الاصلية". The interpreter actually observes the use of correct terminology because of interpreting the word "ticket" as "مخالفة" and not as "تذكرة". The preposition "with" is interpreted into "ومع", but this interpretation does not convey the intending meaning. It would be better to be interpreted it into "بالإضافة الى". The use of such inappropriate style can affect the comprehension of the judge's speech by the accused.

In the phrase "So I'm gonna charge you half of the original tickets which is seventy five dollars", the interpreter does not interpret the word "so" which functions as a connector between

what is said previously and what will be said. It should be translated into "لذا" to show the logical cohesion in the speech of the judge. Moreover, the interpreter adds the verb "أجمعك" which is not existed within the original utterance. The verb "charge" is interpreted into "تدفعين", but this interpretation seems not to be appropriate to the court terminologies. Translating this verb into "سأفرض" would be better.

The words "to do that" are left out untranslated in the phrase "I'm reluctant even to do that". It should be interpreted into "للقيام بذلك" because the words "to do that" refer back to what is uttered previously. Thus, this phrase is not interpreted accurately to show that what the judge is talking about is logically coherent. Furthermore, the phrase "You have an overnight parking pass" is interpreted into "ولديك بطاقة سنوية للوقوف ليلا". Such interpreting does not show consistency to the original message where the word "سنوية" is added to the target text and the word "pass" which has the meaning of "رخصة" is interpreted into "بطاقة".

The phrase "So, we are trying to do what I think is just an equitable taken into consideration this position of the city so I'm going to find you seventy five dollars" is translated into "ولكن حتى اكون منصفاً للجميع تدفعين 75 دولار فقط". Again, the word "so" is not translated. Moreover, the whole phrase "we are trying to do what I think is just" is also omitted and replace only by "ولكن حتى اكون". However, it should be translated into "نحن نحاول أن نفعل ما أعتقد أنه مجرد إنصاف". Additionally, the phrase "taken into consideration this position of the city" which should be translated into "أخذاً بنظر الاعتبار هذا الموقف من المدينة" is also left out untranslated. These untranslated words and phrases show, on the one hand, the incompleteness of interpretation, and on the other hand, the violation of the use of the appropriate style. These untranslated phrases can also affect the logical cohesion in the target language because part of the information expressed in the original language is omitted.

Extract 3

You have a very good attitude for somebody that is trying to study here. I'm gonna reconsider what I did. Base on the fact that you had your window broken and cost you money for that, right? You have done everything you were supposed to do, I'm gonna give you break on this. It is gonna cost you nothing, okay? See if you can solve the problem.

This extract is interpreted as follows:

تتمتعين بسلوك ممتاز كشخص يحاول الدراسة هنا. سوف اعيد النظر في الحكم فقد كتبت مصاريف تصليح زجاج سيارتك. سوف الغي المخالفات ولن تدفعي شيء. فكري في حل مشكلة الوقوف.

In the above extract, some of the parameters of interpreting quality assessment are not observed. Firstly, the parameter of using correct terminology is violated in interpreting the word "attitude" into "سلوك". It would have more clearer and expressive meaning related to the trail if it is interpreted into

“موقف”. Secondly, the parameter of incompleteness of interpretation is also not observed in interpreting the phrase “Base on the fact that you had your window broken and cost you money for that, right?”, where it is not accurately interpreted. The phrase “Base on the fact that you...” is totally omitted though it is an important part since it represents a justification for what is going to be said later on. Additionally, the same parameter is violated in the phrase “You have done

everything you were supposed to do” which is also left out. Omitting or leaving out some of the phrases can affect the comprehension of the accused of what is going on in the court.

The frequencies and the percentages of interpreting quality assessment violated or that are not observed by the interpreter are presented in the following table:

Table 1: The frequencies and the percentages of the violated parameters

The violated parameters	The frequency	The percentage
Completeness of interpretation	4	25%
Logical cohesion of utterance	4	25%
Sense consistency with original	3	18.75%
The use of appropriate style	2	12.5%
The use of correct terminology	3	18.75%
The total	16	100%

These percentages are well-represented in the following figure:

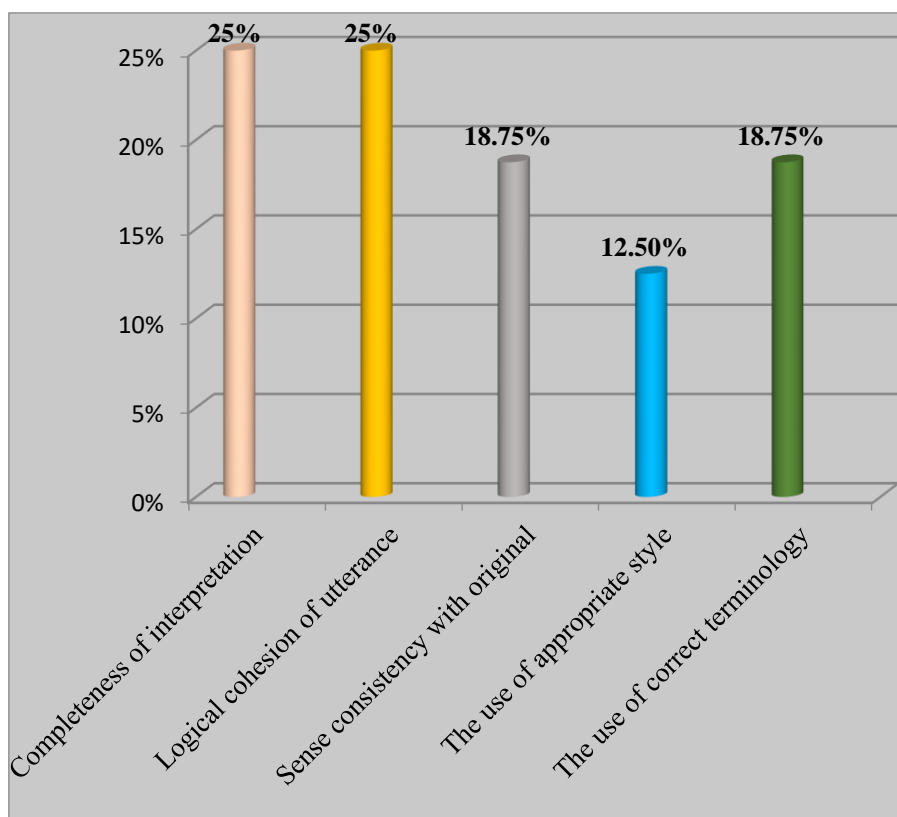


Figure 1: The percentages of the violated parameters

The analysis of the selected data reveals that the most highly unobserved parameters are the ones of interpretation completeness and the logical cohesion of an utterance have the same frequency which is (4). This frequency represents (25%)

of the total percentages for each. On the other side, the parameter of using appropriate style is the least violated one with the frequency of (2) times occurring which stand for (12.5%) of the total percentages. The parameters of consistency

to the original message and the use of correct terminology also have the same frequency which is (3) that represents (18.75%) of the total percentages.

CONCLUSIONS

Court interpreting is one of the interpreting domains in which the interpreters have to convey the meaning and information from the source language to the target language precisely and accurately. However, the data detected in the present study show that interpreters can misinterpret some of the terms and phrases. They might even omit some of the words and the

phrases which seem not to be essential from his\her point of view. Yet, such omission can lead to a miscomprehension of what is going on inside the court. The present study reveals that the content-related and the form-related criteria are the most highly unobserved parameters within court interpreting. The delivery-related criteria are usually observed because each person can see the others and hear their voices. The study concludes that the violation of any parameter of the court interpreting assessment can inevitably lead to the violation of anothe

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