

**PHRASEOLOGICAL AND LEXICAL DIFFICULTIES  
IN SPANISH-SPEAKING WITNESSES' TESTIMONIES:  
A DESCRIPTIVE STUDY OF COURT  
INTERPRETER PERFORMANCE**

by

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**A thesis submitted to the  
Graduate School-New Brunswick  
Rutgers, The State University of New Jersey  
for the degree of Master of Arts  
Graduate Program in Spanish,  
Option in Translation and Interpreting,  
written under the direction of  
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**New Brunswick, New Jersey  
JANUARY 2012**

## **ABSTRACT OF THE THESIS**

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Although numerous research studies have been conducted on the accuracy of interpreters' performance during legal proceedings, the cross-cultural and cross-linguistic aspects that might represent difficulties in the cognitive process of interpretation have not been well explored. Beyond pure linguistic skills, technical competence, and mental ability, court interpreters should also possess a thorough knowledge of the two cultures in which their working languages exist, including political, social, and ethnic differences. In order to perform adequately, and therefore guarantee equal access to the judicial system for Limited English Proficient (LEP) individuals, court interpreters must be competent in understanding and managing the cultural and linguistic context that permeates through the communicative event. This paper presents the results of a descriptive, empirical study of Spanish-speaking witnesses' testimonies in domestic violence cases at the New Jersey Superior Court. Drawing on an analysis of the discourse of Spanish-speaking witnesses and the interpreters' rendering of phraseological and lexical units such as idioms, slang,

and collocations, this paper argues that the lack of cross-cultural competence on the part of the interpreter may hinder the production of an accurate and faithful interpretation of such expressions, which convey cultural and linguistic notions that are complicated to transfer from the source to the target language.

## **DEDICATION**

This thesis is dedicated to my wife, Allyson, whose continued and unconditional support was essential in completing this process, as well as my children, Isabela, Enrique, and Andrés, who are my eternal source of inspiration.

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## **1. INTRODUCTION**

Although numerous research studies have been conducted on the accuracy of interpreters' performance during legal proceedings in the United States and abroad (Hale 2002, Lee 2009, De Jongh 2008, and Fraser & Freedgood 1999), the majority of them focus on the content and the form of utterances, original as well as interpreted, rarely analyzing the cross-cultural and cross-linguistic aspects that might represent difficulties in the cognitive process of interpretation. Beyond pure linguistic skills, technical competence in the three interpreting modes, and mental ability, court interpreters should also possess a thorough knowledge of the two cultures in which their working languages exist, including political, social, and ethnic differences, as well as administrative structures and community relations (Kalina & Köln 2002: 3). In order to perform adequately, and therefore guarantee equal access to the judicial system for Limited English Proficient (LEP) individuals, court interpreters must be competent in understanding and managing the cultural and linguistic context that permeates through the communicative event. This paper presents the results of a descriptive, empirical study of Spanish-speaking witnesses' testimonies in domestic violence cases at the New Jersey Superior Court. Translation and interpreting are conceptualized as problem-solving activities (Lörcher 1991, Pöchhacker 2004), and this study examines the performance of interpreters when solving phraseological and lexical difficulties —such as idioms, slang, and collocations— which convey cultural and linguistic notions that are complicated to transfer from the source to the target language.

Drawing on an analysis of the discourse of Spanish-speaking witnesses and the interpreters' rendering of phraseological and lexical units, this paper argues that the lack of cross-cultural competence on the part of the interpreter may hinder the production of an accurate and faithful interpretation of such expressions. Interpreters are placed in the courtroom to remove the language barrier between the court and speakers from culturally and linguistically diverse backgrounds and to place them on an equal footing, as if the language barrier did not exist (González *et al.* 1991: 155). In fulfilling this duty, one may think that specialized terminology utilized by judges, attorneys, and experts during court proceedings is the most difficult aspect of the interpreter's job within the legal system. However, as the interpreter gains experience and familiarity since each type of proceeding follows a similar format, becoming predictable to a certain extent, the legal complexities associated with a highly specialized discourse can be progressively mastered in the long run. The same does not necessarily apply to lexical and phraseological problems arising from cultural and linguistic differences, which are not rare during witness testimonies in domestic violence cases while parties describe alleged incidents of harassment and assault.

According to Lee (2009: 382), competent interpreters can reproduce the pragmatic meaning of original utterances in interpreted renditions, taking into account cross-linguistic and cross-cultural differences, but the issue of inaccuracy of interpretation may still arise because of the lack of equivalent words and concepts in distinct languages and cultures. This difficulty is ever more present in the case of idioms, colloquialisms, slang, vulgarities, and other complex lexical and phraseological units, where the challenge lies in understanding the meaning, form, purpose, and context of the

original utterance, and then conveying a linguistic, pragmatic, or communicative equivalent—not only the content—with the same style and register as in the source language, which makes court interpreting an even more complex task (Hale 2002: 25). Even though there are different notions about the definition of accuracy and the role of the interpreter in the courtroom, this study agrees with Lee (2009: 381) in that “there is consensus about the fact that the interpreter must be sensitive to cultural dimensions and linguistic differences that might cause misunderstanding and ineffective communication.” In the legal setting, the interpretation should reflect the tone, intonation, register, and educational level of every source language speaker, because it is the interpreter’s word in the target language—and not the original source language utterances—that become the official court record (De Jongh 2008: 22). Therefore, any alterations by the interpreter might have a negative impact since the witness’ character as evaluated by others, including judges and jurors, also depends on delivery style and register, and not solely on factual information (Hale 2004: 90).

There are no formal guidelines set forth by the New Jersey Judiciary as to strategies to solve problems that might arise from the use of idioms, slang, and other phraseologisms in the courtroom. One of the few practical tools available to the interpreter in this communicative dilemma—intervening in the proceeding to inquire about the meaning and relevant context of such utterances—seems to have been repressed by the canon of “unobtrusiveness” that defines the role of the court interpreter according to the Code of Professional Conduct issued by the New Jersey Administrative Office of the Courts (NJAOC), which regulates court interpreting services in the state. In practice, court interpreters rarely interrupt the proceedings to seek clarification or for



other reasons (Hale 2004: 104), and they rarely admit errors and correct the record, a tendency that may adversely affect the witness (González *et al.* 1991: 290). The discussion contained in this paper highlights the importance of the interpreter's willingness to act against the principle of unobtrusiveness, when appropriate, in order to inquire about the meaning, intention, and context of the expression, and then render an adequate equivalent.

This study focuses on the strategies that court interpreters use to solve phraseological and lexical difficulties in domestic violence hearings while assisting Spanish-speaking witnesses, and evaluates their renderings at various levels of adequacy or inadequacy based on factors such as sense, form, omission, and addition. One of the variables in the study is the "approval" (certification) level of the subjects, as it is a key socio-professional characteristic that determines the status not only of the interpreters, but also of the product of their work. The other variables are the solutions to four categories of phraseological and lexical difficulties. After conducting a quantitative data analysis with statistical software, the results are presented in order to gain a better understanding of the factors affecting the interpreting process for these particular difficulties. There is also a comparison drawn between the level of performance found in this study and the minimum scores required by the NJAOC for approval at each interpreter level.

## **2. BACKGROUND**

### ***2.1 The Demand for Qualified Interpreters***

Hispanics are currently the largest ethnic or racial minority in the United States and also the fastest growing segment of the population, a trend mainly fueled by high rates of birth and immigration. According to the U.S. Census Bureau, there are almost 50 million Hispanics living in the nation, who represent about 16% of the total population. Taking into account that the newest waves of Hispanics tend to preserve their native language more than other groups, it is no surprise that this population's growth has translated into a well-documented, higher demand for qualified Spanish interpreters in the court system. This increase in demand, however, is not particular to Spanish interpreters as De Jongh (2008: 26) indicates:

Statistical reports on interpreter use in federal courts document the growth in foreign language speakers and the need for foreign language interpreters. Research on recent court interpreter decisions from state and federal courts indicates that non-English speakers are appearing in court across the country with increasingly frequency and that many courts are struggling to cope with a shortage of qualified interpreters.

The demand for qualified Spanish court interpreters may be even more dramatic in the near future while the Hispanic population in the United States keeps growing at an accelerated pace. Census data shows that the Hispanic growth rate (24.3%) is more than three times the growth rate of the total population (6.1%).

New Jersey, the state in which the legal proceedings observed in this study took place, has the sixth largest percentage of non-English speaking population (26%) in the

United States, after California (39%), New Mexico (37%), Texas (31%), New York (28%), Hawaii (27%), and Arizona (26%), another census trend propelled by Hispanics. According to the most recent statistical data on interpreting services released by the NJAOC<sup>1</sup>, there were 79,584 interpreted events in 80 different languages at the Superior Court level during fiscal year 2009-2010, with Spanish (68,038 events) as the most requested language followed by Portuguese (1,738), Korean (1,708), American Sign Language (1,048), and Haitian Creole (1,030). These numbers represent a significant increase in the demand for qualified court interpreters compared to data from fiscal year 1999-2000, one decade earlier, when there were a total of 56,341 interpreted events in 78 languages, with Spanish (49,176) leading the way trailed by Portuguese (930), American Sign Language (847), Polish (760), and Korean (673). For both fiscal years, more than 75% of the interpreted events were conducted before a judge or a grand jury, as opposed to other court proceedings of lesser magnitude such as mediations and intake interviews, which stresses the importance of interpreting accuracy in the interest of serving justice.

Faced with these pressing numbers, federal and state court administrators must take the necessary steps to ensure equal access to the legal system, including the availability of qualified court interpreters for all non-English speakers as set forth in the Court Interpreters Act of 1978, which mandated the development of a national certification examination at the federal level to test for linguistic and interpreting skills (González *et al.* 1991: 57). The Court Interpreters Act, signed by President Carter, also established the right of any individual involved in federal proceedings to have a certified court interpreter if his/her communication or comprehension capabilities are inhibited because of a language barrier or a hearing or speech impairment. This law represented the

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<sup>1</sup> NJAOC reports on interpreting services: <http://www.judiciary.state.nj.us/interpreters/statistics.htm>.

first regulation of the quality of interpretation in U.S. federal courts. Several individual states followed the lead of the federal courts and adopted certification requirements for court interpreters. California, for example, began testing interpreters in 1979, followed by New York (1980), New Mexico (1985), and New Jersey (1987). This trend accelerated in 1995 when the National Center for State Courts founded a consortium of states to pool resources for interpreter training and testing.

## ***2.2 NJAOC Interpreter Performance Testing***

The governing body for interpreting standards and resources in the state of New Jersey is the Administrative Office of the Courts (NJAOC), a member of the newly renamed National Consortium for Language Access to the Courts, composed by 40 states and whose mission is to standardize and support interpreter certification and professional development programs at the state level. As part of the effort to assess interpreter competency for court proceedings, the NJAOC offers complete performance tests in 19 different languages, including Spanish. Based on test scores, interpreters are approved at one of three levels: Master, Journeyman, or Conditionally Approved. Ordinarily, only the first two levels of interpreters may interpret in court according to NJAOC guidelines. However, for the most serious cases, like capital murder trials for example, only those interpreting at the Master level should be used. The interpreter performance test currently administered by the NJAOC is a multi-step process that includes a written examination, an orientation seminar, and an oral examination<sup>2</sup>. For those languages for which there is no oral examination available, candidates are able to take an English proficiency exam to be simply “registered” with the Judiciary after fulfilling all other requirements.

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<sup>2</sup> NJAOC overview of performance test: <http://www.judiciary.state.nj.us/interpreters/complete.htm>.

The first step to become approved and work as an interpreter in the New Jersey Superior Court is to pass the written examination—which covers issues concerning command of the English language and professional ethics for court interpreting, as well as legal terms and court procedures—with a minimum score of 70%. Afterwards, the candidate must attend an orientation seminar offered periodically throughout the year before being eligible to take the oral part. After paying a fee ranging from 80 to 120 dollars for Spanish, and between \$240 and \$375 for other available languages, the prospective interpreter can take one, two, or all three sections of the oral examination—sight, consecutive, and simultaneous—at the time. The NJAOC recommends that new candidates first take the simultaneous section by itself, since it is considered to be most difficult interpreting modality to master, and then move on to the other two sections if they reach a score of 50% or higher. Recordings and documents from simulated court proceedings are utilized to administer the exam. The simultaneous section usually consists of opening or closing arguments that must be interpreted from English into the second language, while the consecutive section requires interpretation of a witness testimony in both directions. Finally, the sight section is comprised of two legal documents, one in English and one in the second language, which must be interpreted into the other language within a given time frame. All sections include some idiomatic expressions and slang as scoring units.

In order to be approved at the Master level, an interpreter must achieve at least 80% in each section of the oral examination, including both individual portions of the sight section, and 85% on the written examination. To reach the Journeyman level a minimum score of 70% in each oral section, with no less than 65% on each individual

portion of the sight section, and 80% on the written examination is required. Meanwhile, to be Conditionally Approved —considered a failing and temporary status that must be upgraded within one year— an interpreter must achieve 50% or higher in each section of the oral part, at least 50% on the written examination, and a minimum average of 55% across all sections of the test. According to New Jersey Judiciary statistics, out of the 2,297 people who took the Spanish interpreter performance test between November 1987 and July 2010, only 2% passed at the Master level, 8% passed at the Journeyman level, 18% were Conditionally Approved, and 72% failed.

### ***2.3 Guidelines on Accuracy and the Role of the Interpreter***

An extensive review of guidelines, standards, and directives issued by the NJAOC regarding interpreter performance produced several mentions about “accuracy” and “faithfulness” as one of the main institutional goals, but no specific information or recommendations were found in terms of strategies that the interpreter can employ to effectively solve difficulties arising from the utterance of phraseological or complex lexical units —such as idioms, slang, and collocations— in the courtroom. One of the documents reviewed, the Code of Professional Conduct for Interpreters, Translators, and Translators, issued by the New Jersey Superior Court in 1994, sets forth the following guideline under Canon 2:

Interpreters, transliterators, and translators should faithfully and accurately reproduce in the target language the closest natural equivalent of the

source-language message without embellishment, omission, or explanation.

However, “natural equivalent” is never defined throughout the code, leaving the interpretation of such guideline to the interpreter, who must make decisions about the intent of this standard in daily practice. Pym (2010: 6-23) describes “natural equivalence” as a historical sub-paradigm that presumes the existence of the same linguistic or cultural item in the source and the target language prior to the act of translating and, therefore, should not be affected by directionality. Although this notion was the foundation for great advances in translation and interpreting studies, it is currently considered archaic and frequently unattainable.

Another mention of “accuracy” was found in the Interpreter’s Oath according to Standard 3.1, revised in 2004 as a Supplement to Directive #3-04:

All interpreters shall take the following written or oral oath at each proceeding of record for which they interpret: “Do you solemnly swear or affirm that you will interpret accurately and impartially, follow all guidelines for court interpreting that are binding on you, and discharge all of the solemn duties and obligations of an official interpreter?” No unsworn interpreter shall be permitted to interpret.

Once again, there is no explanation about what it means “to interpret accurately” and no specific resources or strategies are recommended in order to fulfill that oath. Only in one document (“Knowledge, Skills, and Abilities for the Profession of Court Interpretation”), which has no legal authority and is posted on the Judiciary’s website to help candidates prepare for the interpreter performance test, a little more insight is offered about “accuracy” and “faithfulness”. Under the heading of necessary linguistic skills for court interpreting, the following abilities are listed: convey meaning; provide transference from one language to another; select appropriate equivalents for vocabulary or phrases; accommodate for lack of equivalents in vocabulary or phrases; conserve intent, tone, style, and utterances of all messages; reflect register. The same document also mentions certain cross-cultural and cross-linguistic skills that are essential in court interpreting: “knowledge and use of cultural nuances, regional variations, idiomatic expressions, slang, and colloquialisms in all working languages.”

Regarding the role of the interpreter in legal proceedings, under Canon 4 of the Code of Professional Conduct, the NJAOC states that “interpreters and transliterators should be as unobtrusive as possible and should not seek to draw inappropriate attention to themselves while performing their professional duties.” It is precisely this guideline that may repress the willingness of the interpreter to seek clarification as to the meaning, intention, and context of a specific utterance, such as phraseological or complex lexical units, although Canon 5 later indicates that interpreters may assume a “secondary role” when they find it necessary to speak directly to the court to seek assistance in performing their duties, as in “seeking direction when unable to express a word or thought, requesting that speakers [...] repeat or rephrase something, identifying interpreting errors,



or notifying the court of their reservations about their ability to satisfy an assignment competently.” The interpreter must therefore balance these contradictory guidelines about his/her own role in everyday practice.

### **3. THEORETICAL SCOPE AND LITERATURE REVIEW**

#### ***3.1 Court Interpreting within Translation Studies***

Court Interpreting is a subfield covered under the larger umbrella of Translation Studies. According to Munday (2008: 1), Translation Studies is the academic discipline related to the study of the theory and phenomena of translation, an inherently multilingual and interdisciplinary endeavor that encompasses any language combination, different branches of linguistics, comparative literature, communication studies, philosophy, and various types of cultural studies including postcolonialism and postmodernism, as well as sociology and historiography. This academic research area has boomed in recent years since the early work of James S. Holmes, whose paper “The name and nature of translation studies” proposed both a name and a structure for the field back in 1972<sup>3</sup>. Holmes described the then nascent discipline as being concerned with “the complex of problems clustered round the phenomenon of translating and translations” and stressed the need to forge “other communication channels, cutting across the traditional disciplines to reach all scholars working in the field, from whatever background” (Holmes 1988/2004: 181). The interrelated branches of theoretical, descriptive, and applied translation studies initially structured research in this field, but the interdisciplinarity of the subject has become more evident and recent developments have

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<sup>3</sup> “The name and nature of translation studies,” by James S. Holmes, was not widely circulated until 1988.

seen increased specialization and the continued importation of theories and models from other disciplines. This study falls under the descriptive branch of Translation Studies as it seeks to obtain a better understanding of the interpreting process and to formulate theories by describing approaches, strategies, and products in court interpreting, instead of prescribing what a good interpretation should be or how it must be achieved (Pym 2010: 64-65).

Even though the discipline of Translation Studies has only emerged in recent times, the practice of translation has long been established. The term “translation” has several meanings: it can refer to the general subject field, the product (the text that has been translated), or the process (the act of producing the translation, otherwise known as “translating”). In regard to the process, Jacobson (1959/2004: 139) proposes three types of translation: (a) interlingual, the process of transposing an original text from the source language to the target language, which is the most traditional definition applied to “translating,” (b) intralingual (or rewording), an interpretation of verbal signs by means of other signs of the same language, and (c) intersemiotic (or transmutation), an interpretation of verbal signs by means of signs of non-verbal systems. Interpreting can be considered a case of interlingual translation and refers specifically to the act of transferring meaning from one language to another in the oral form for the purpose of communication between two or more people (González *et al.* 1991: 33-34). According to Pöchhacker (2007: 10-15), “interpreting can conceptually be distinguished from other types 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.”

Moreover, interpreting can be divided into legal, medical, conference, community, liaison, business, and several other subcategories depending on the inter-social or intra-social setting (González *et al.* 1991: 26-34). The field of legal interpreting covers all interpretation activity that occurs in a legal setting, such as a courtroom or an attorney's office, where some type of proceeding pertaining to the law is conducted. Legal interpreting can be further subdivided into (a) quasi-judicial interpreting, referring to the interpretation of interviews, hearings, and depositions that take place out of the court setting but are legally binding, and (b) judicial or court interpreting, which relates namely to interpretation activity that takes place in a courtroom. The goal of court interpreting is to produce a legal equivalent, a linguistically true and legally appropriate interpretation of statements spoken or read in court, from the second language into English or vice versa. Legal equivalence is the distinguishing characteristic of court interpreting, and sets it apart from all other branches of interpretation (González *et al.* 1991: 16-17). Court interpreting is the area of investigation of this study, which examines the performance of interpreters during witness testimonies in domestic violence hearings.

### ***3.2 Culture, Sociolinguistics, and Figurative Speech***

This study focuses on cross-cultural and cross-linguistic competence as an essential skill to accurately solve interpreting difficulties represented by certain phraseological and lexical units in the courtroom. Expressions such as idioms, slang, and collocations require the interpreter to fully understand the original utterance and render an adequate equivalent into the target language reflecting the same sense, form, tone, and register. However, the original utterance may include obscure figurative language, which is based

on cultural conventions, or may represent a problem of lexical transfer. Eco (2004: 100) sets forth the notion of “translation as negotiation” in discussing the need to understand the linguistic and cultural universe of the source text in order to transform the original by adapting it to the target linguistic and cultural universe. Although Eco was referring to written translation, the issue is certainly relevant to interpreting, as the interpreter is a “specialist in negotiating understanding between cultures” (Katan 2004: 18).

As far as challenges the interpreter may encounter in the process of “negotiating understanding,” Nord (1991: 151) identifies four distinct types of translation problems: textual, pragmatic, cultural, and linguistic. This study concentrates on cultural problems, which arise from differences in norms and conventions between the source and target cultures, as well as linguistic problems related to structural differences between the source and target languages, including lexical transfer. According to De Jongh (2008: 21), court interpreting involves a linguistic and cultural performance with the goal of overcoming language barriers and cultural misunderstandings that “could cause non-English-speaking defendants to be linguistically absent from their own legal proceedings.” Therefore, cross-cultural and cross-linguistic competence—including a deep knowledge of social norms and conventions, as well as geographic variations and regional nuances, in both working languages—is extremely important in order to provide accurate and faithful interpretation and guarantee equal access to the judicial system for individuals with limited English proficiency.

Sociolinguistics, the study of language and linguistic behavior as influenced by social and cultural factors, becomes then a discipline intrinsically tied to the issue of solving phraseological and lexical difficulties in interpretation, since the meaning of such

expressions is constructed based on social and cultural notions and conventions. According to Silva-Corvalán (2001: 1), sociolinguistics focuses on the relation between language and its social context:

La sociolingüística es una disciplina que abarca una gama amplísima de intereses relacionados con el estudio de una o más lenguas en su entorno social. Tanto los fenómenos lingüísticos como los sociales que conciernen a la sociolingüística son de naturaleza compleja. En sentido amplio, podemos definirla como el estudio de aquellos fenómenos lingüísticos que tienen relación con factores de tipo social, que incluyen: (a) los diferentes sistemas de organización política, económica, social y geográfica de una sociedad; (b) factores individuales que tienen repercusiones sobre la organización social en general, como la edad, la raza, el sexo y el nivel de instrucción; (c) aspectos históricos y étnico-culturales; y (d) la situación inmediata que rodea la interacción; en una palabra, el contexto externo en que ocurren los hechos lingüísticos.

Some phraseological and lexical units, such as idioms and collocations for example, are part of the linguistic and social phenomena described by Silva-Corvalán because their meaning is not constructed based on the individual sense of words that form the unit, but on the knowledge acquired through social and cultural systems.

Nolan (2005: 67) explains that words are frequently used to form units of meaning in ways that convey more than what the rules of grammar dictate. Such

combinations or clusters of words are used deliberately because they are “more than the sum of their parts” and thus serve as a kind of shorthand, which makes them especially useful to interpreters. Nevertheless, translators and interpreters must be alert to the use of figurative language and remember that a figure of speech in one language can often be rendered by a different figure of speech in another language, e.g. metaphor by a proverb, or by non-figurative language. Figures of speech include idioms, metaphors, similes, proverbs, allegories, hyperboles, and personifications. This study deals to a certain extent with figurative language, how often it appears during witness testimonies, and how court interpreters solve or not these difficulties.

### ***3.3 Relevant Definitions and Concepts***

The term “phraseology” has several different meanings depending on the academic approach. Kjaer (1990: 3) identifies five definitions: (a) a linguistic discipline — phraseological theory, (b) the subject of this discipline — the store of phraseological word combinations of a given language, (c) in terminological theory — the environment of terms, e.g. *to accept a bill of exchange*, (d) in lexicological theory — fixed multi-word expressions, e.g. *bill of exchange*, and (e) LGP and LSP phraseology — the store of phraseological word combinations in language for general and specific purposes. In describing the use and interpretation of phraseological and complex lexical units in court proceedings, this study focuses on definitions b, c, d, and e. Also of interest is the definition of “phraseological unit” provided by the International Standardization Organization in norm 12620 (2009): “any group of two or more words that form a unit, the meaning of which frequently cannot be deduced based on the combined sense of the

words making up the phrase.” According to Tercedor (1999), phraseological units (or phraseologisms) can be fixed expressions (idioms, proverbs, metaphors), whose meaning is not derivable from that of the constituents, or semi-fixed expressions (collocations), where the original sense of each element that composes the unit is still perceivable. A “collocation,” meanwhile, is “the tendency of certain words to co-occur regularly in a given language” (Baker 1992: 47).

This study also analyzes other expressions that depend on the socio-cultural context of production, such as slang and colloquialisms, which at the same time fall within the realm of phraseology. Alcaraz Varó *et al.* (2006: 109) define “slang” as “a short linguistic unit that is proper to a particular group and not standardized, whose function is to deliberately obscure the meaning of a concept as it usually relates to vulgarities, drugs, and crime.” Slang is part of the broader category of “colloquialisms,” which are expressions common in everyday, unconstrained conversation rather than in formal speech or writing. Colloquialisms are often used primarily within a limited geographical area, known by linguists to spread through normal conversational interaction of a language, although more often now through informal online interaction as digital social networks keep growing.

Another concept related to this study is “complex lexical units” or “lexical phrases,” which Nattinger & DeCarrico (1989: 118) define as follows:

Multi-word lexical phenomena that exist somewhere between the traditional poles of lexicon and syntax. They are similar to lexicon in being treated as units, yet most of them consist of more than one word,

and many of them can at the same time be derived from the regular rules of syntax, just like other sentences. These phrases are patterned sequences, usually consisting of a syntactic frame that contains slots for various fillers, and run the gamut from completely fixed, unvarying phrases to phrases that are highly variable.

A complex lexical unit, therefore, acts as a unit of meaning although it may comprise several words (e.g. *traffic light*, *upside down*). The lexical difficulties analyzed in this study have to do with the adequate transfer of meaning between different lexical systems and cultural contexts, taking into account that a word in one language may not have an identical meaning as any word in another language (Klaudy 2003: 81-82). Nevertheless, after reviewing all the preceding definitions and concepts, it is possible that the issue of overlapping scopes can cause problems in classifying variables for quantitative analysis in this study.

### ***3.4 Interpreting as a Cognitive Process***

Apart from being an act of communication and linguistic operation, interpreting is also the result of cognitive processing carried out by the interpreter. Hurtado & Alves (2009: 54) propose that the mental processes involved in the course of a translation task as well as the capacities interpreters are required to possess in order to do it adequately (translation competence) must be considered, although the analysis of the translation process as a cognitive activity is constrained by not being amenable to direct observation.



The theory of sense, or the interpretive theory of translation (ITT), a pioneering work in the cognitive approach to the study of interpreting, identifies three interrelated phases of the translation/interpreting process: understanding, deverbalization, and re-expression (Seleskovitch and Lederer 1984). Understanding is conceived as an interpretive process geared to the generation of sense. According to ITT, experience in translation and interpreting has shown that linguistic knowledge alone does not suffice and needs to be supplemented by other cognitive inputs such as encyclopedic and contextual knowledge. The end product of the process of understanding is called sense, which results from the interdependence of all linguistic and non-linguistic elements that play a role in the process. Deverbalization represents the intermediate phase that plays a fundamental role in the scope of ITT, since it considers that re-expression is achieved through deverbalized meaning and not on the basis on linguistic form. Re-expression, finally, involves the whole cognitive apparatus of an individual and generates an association between linguistic and non-linguistic knowledge. This phase presupposes a non-linear movement from a non-verbal level (the phase of deverbalization) to verbalization in a natural language and it is considered to be similar to the process of expression in monolingual communication: from the sender's intended meaning to its linguistic formulation.

Furthermore, Gile (1995: 153) builds on the notion of processing capacity stemming from cognitive psychology to propose a model of efforts (tightrope hypothesis), focusing on concepts such as memory, attention, logic, and reasoning, and relating it to simultaneous, consecutive, and even sight interpreting because “interpreters work close to processing capacity saturation” and are “vulnerable to even small variations

in the available processing capacity for each interpreting component.” In the simultaneous mode, the interpreter conveys the target language message at the same time as the source language speaker while, in the consecutive mode, the interpreter waits until the source language speaker pauses and then renders the original meaning in the target language. Sight interpreting is the oral rendition into the target language of a text written in the source language. Gile makes a distinction between automatic and non-automatic mental operations that consume part of the interpreter’s processing capacity available, and proposes three types of effort in simultaneous interpreting: (a) listening and analyzing linguistic input, which interacts with time constraints, attention, capacity, and short-term memory capacity, (b) discourse production in reformulation, entailing activation of background knowledge, the urgency to keep pace and start reformulating before knowing how the speaker will complete his/her reasoning, and the need to counteract constant linguistic interference, and (c) short-term memory capacity dependent on the speaker’s pace. The effort model varies slightly in consecutive interpreting, being broken down into only two phases (listening/analyzing and reformulation), and in sight interpreting, where the listening effort is replaced by reading effort. This study is based on the consecutive interpretation of witness testimonies.

Long-term memory also plays an essential, active role in interpreting according to Padilla & Bajo (1998: 107-117), because the interpreter’s overall specialized knowledge, previous experiences, and cultural baggage are integrated with the knowledge extracted from the input. Padilla & Bajo consider simultaneous interpreting a technique learned through systematic directed training, where 80% of effort or cognitive capacity is spent in listening and understanding while the other 20% is utilized in speech production. As an

overview of this cognitive approach to translation and interpreting studies, Hurtado & Alves (2009: 62-63) recognize the following main characteristics: (a) the existence of basic stages related to understanding and re-expression, (b) the need to integrate internal (cognitive) and external resources, (c) the role of memory and information storage, (d) the dynamic and interactive nature of the process, encompassing linguistic and non-linguistic elements, (e) the non-linear nature of the process, allowing for regressions and alternations between phases, (f) the existence of automatic and non-automatic processes, (g) the role of retrieval, problem-solving, decision-making and the use of translation specific strategies, and (h) the existence of specific characteristics, depending on the type of translation. Such traits lead Hurtado (2001: 375) to define the process of translation/interpreting as “a complex process which has an interactive and non-linear nature, encompasses controlled and uncontrolled processes, and requires processes of problem-solving, decision-making, and the use of strategies.”

### ***3.5 Translation Problems, Difficulties, and Strategies***

The notion of “translation problem” is intrinsically related to the concepts of “translation error” (which occurs when a problem is not properly solved) and “translation strategy” (problem-solving mechanisms) as proposed by Hurtado (2001: 279), although there is no widely accepted definition or empirically validated classification of such notion. Nord (1991:151) makes a distinction between objective translation problems, which the translator must solve in a given translation assignment regardless of his/her level of competence or particular technical work conditions, and translation difficulties that are subjective and related to the translator’s competence and his/her technical work

conditions. According to Nord, a concrete translation problem that seems extremely complex for a novice will still be a problem even after the novice has learned to solve it, but a difficulty may arise if the translator attempts to solve it without the necessary technical resources. Nord identifies four types of difficulties: (a) those specific to the source text and its understanding, (b) the ones related to the own translator, even if ideally competent and with experience in overcoming them, (c) those of pragmatic nature concerning the translation process, and (d) technical, related to the specific subject of the text. On the other hand, Nord identifies translation problems as textual, pragmatic, cultural, or linguistic. However, Gambier (2010: 415) argues that the difference between translation problem and difficulty is “never clear-cut,” adding that “problem” is a dynamic and relative notion since a feature of a given source text might not pose a difficulty to a translator, but the chosen solution might become problematic at reception, and vice versa. All of these problems or difficulties in understanding the source message, overcoming technical deficiencies, dealing with pragmatic transference issues, and accounting for cultural differences also apply to interpreting.

González *et al.* (1991: 310) explain that, when faced with difficulties inherent in oral communication in general, and interlingual communication in particular, “interpreters employ a number of strategies or techniques to ensure the successful transfer of messages from the source language to the target language with no loss of meaning, tone, style, or intent.” Vinay & Darbelnet’s pioneer work (“*Stylistique comparée du français et de l’anglais*”) back in 1958 represented the first classification of translation/interpreting techniques that had a clear methodological purpose, defining seven basic procedures operating on three levels of style: lexis, distribution (morphology

and syntax), and message. The procedures were classified as direct (or literal) or oblique in order to coincide with their distinction between direct (or literal) and oblique translation. According to Molina & Amparo (2002: 499), literal translation occurs when there is an exact structural, lexical, and even morphological equivalence between two languages, and is only possible when the two languages are very close to each other. The literal translation procedures are the following:

- (a) Borrowing. A word taken directly from another language, e.g. the English word *bulldozer* has been incorporated directly into other languages.
- (b) Calque. A foreign word or phrase translated and incorporated into another language, e.g. *fin de semaine* from the English *weekend*.
- (c) Literal translation. Word for word translation, e.g. *The ink is on the table* and *L'encre est sur la table*.

In contrast, oblique translation occurs when word for word translation is impossible. The oblique translation procedures are these:

- (a) Transposition. A shift of word class, i.e. verb for noun, noun for preposition, e.g. *Expéditeur* and *From*. Additionally, when there is a shift between two signifiers, it is called crossed transposition, e.g. *He limped across the street* and *Il a traversé la rue en boitant*.

(b) Modulation. A shift in point of view. Whereas transposition is a shift between grammatical categories, modulation is a shift in cognitive categories. Vinay and Darbelnet postulate eleven types of modulation: abstract for concrete, cause for effect, means for result, a part for the whole, geographical change, etc., e.g. the geographical modulation between *encre de Chine* and *Indian ink*.

(c) Equivalence. This accounts for the same situation using a completely different phrase, e.g. the translation of proverbs or idiomatic expressions like, *Comme un chien dans un jeu de quilles* and *Like a bull in a china shop*.

(d) Adaptation. A shift in cultural environment, i.e. to express the message using a different situation, e.g. *cycling* for the French, *cricket* for the English and *baseball* for the Americans.

Some additional problem-solving techniques from the interpreting perspective are described by González *et al.* (1991: 311-314): (a) amplification, the expansion of the target language version to cover the entire scope of the source language message, e.g. *They charged \$2,000 for overhead* in English for *Cobraron \$2,000 por concepto de gastos generales* in order to clarify and be more idiomatic, (b) paraphrasing, when a concept does not exist in other countries, e.g. *mirandize* in English, used by law enforcement as *to advise someone of his/her constitutional rights*, (c) omission or deletion, given that sometimes the target language is more efficient than the source language in expressing a given idea, and (d) compensation, which means taking an

element of the source language message and conveying it in a different form or at a different level of communication, e.g. the use of the Spanish second person pronoun *tú* to emphasize informality, as in *¡Tú, vete para allá!*, changing it to *Hey you, get over there!* in order to get the same effect. All of these strategies and techniques are considered in this study when examining and determining whether the interpreters provided or not an adequate rendering of the original utterance.

After describing the theoretical concepts and notions of interest for this study, such as linguistic and cultural competence, cognitive processing, interpreting difficulties, problem-solving strategies, and phraseologisms, the next stage involves the formulation of valid research questions and a hypothesis. The aim is to acquire a better understanding about the strategies implemented by court interpreters when faced with phraseological and complex lexical units in the courtroom, and what effect they have on performance.

#### **4. RESEARCH QUESTIONS AND HYPOTHESIS**

This study stems from an interest in the challenge that expressions such as idioms, slang, colloquialisms, and collocations may represent for court interpreters, who work under time and cognitive capacity constraints as previously reviewed in the literature. These expressions require a high cross-linguistic and cross-cultural competence because their meaning is sometimes obscured due to differences in linguistic and cultural systems. Another key interest is to identify the most common strategies employed by interpreters in solving these interpreting problems. Previous studies in this area have focused on accuracy of style during witness testimonies (Hale 2002), undisclosed linguistic and

cultural differences (Lee 2009), alterations to pragmatic features in trial testimony (Fraser & Freedgood 1999), and linguistic presence vs. linguistic absence based on accuracy (De Jongh 2008). The literature review for this study found no evidence of any study focused on the issue of phraseological and lexical units as a measure of cultural and linguistic performance by court interpreters.

One variable considered in this study is the socio-professional status of the interpreters. Although “approval level” is readily available, some other characteristics such as native language, country of formal education, social class, gender, and age can provide a better insight. The NJAOC interpreter performance test has minimum scores for approval at each level —Master, Journeyman, and Conditionally Approved— making it possible to compare performance in solving phraseological and lexical difficulties vs. test performance in order to determine if these expressions are generally more problematic. However, there is no certainty that the expressions appear with enough frequency in the courtroom to represent a real research problem. Institutional guidelines about the role of the court interpreter are another factor of interest, especially the canon of unobtrusiveness and its effect on interpreter inquiry about obscure utterances in the process of cross-cultural and cross-linguistic negotiation.

After reviewing relevant literature and delineating the theoretical scope, the research questions that this study proposes are:

- (a) Are phraseological and complex lexical units such as idioms, colloquialisms, slang, and collocations produced frequently enough during court proceedings to represent an interpreting problem? If that is the case,



do interpreters implement adequate problem-solving strategies or does the issue require more attention in terms of standards and training?

(b) Is it possible to quantify interpreter performance in relation to solving overlapping lexical and phraseological units? Would there be a significant difference between performance on lexical and phraseological difficulties and overall performance on the NJAOC oral examination?

(c) Which interpreter socio-professional characteristic is more conducive to an adequate solution of lexical and phraseological difficulties? Are native language, country of formal education, social class, gender, and age important?

(d) Does the institutional role of the court interpreter as defined by the NJAOC Code of Professional Conduct enhance or impair his/her ability to solve these difficulties? Do interpreters interrupt proceedings to inquire about meaning, form, and context, or do they adhere to the canon of unobtrusiveness?

This study assumes that phraseological and lexical difficulties occur with enough frequency in court proceedings to represent an interpreting problem. It would only take that some of these expressions not be solved adequately to question the Judiciary's core value of "equal access" for Limited English Proficient (LEP) individuals, possibly requiring a reassessment of institutional guidelines, standards, and training. However, there are research concerns about achieving statistical significance in the quantitative analysis and defining variables with overlapping concepts and notions. Once the results

are obtained, it would be interesting to compare them to the approval level of each interpreter to determine any differences in performance.

The working hypothesis for this study is that phraseological and fixed lexical units are more difficult to interpret than other units and, therefore, interpreters will perform below the required level for passing the NJAOC oral examination. Social characteristics including native language, country and level of formal education, social class, gender, and age are factors that could shed more light on interpreter performance, and should be explored. Finally, the role of the interpreter as defined by the principle of unobtrusiveness might be repressing the willingness of interpreters to intervene in the proceeding, inquire about linguistic and cultural difficulties, and provide an accurate interpretation. However, other factors —like avoiding an appearance of incompetence— could be influencing the interpreter's decision in this particular area.

## **5. THE STUDY**

### ***5.1 Methodology***

The data on which this study is based comprise 12 New Jersey Superior Court domestic violence hearings, held between December 2009 and October 2010 in two undisclosed counties. The interpretation was carried out by seven different court interpreters, all of whom were approved by the New Jersey Administrative Office of the Courts at one of three levels: Master, Journeyman, or Conditionally Approved. All Superior Court hearings are audio recorded, and the tapes were requested, obtained, and transcribed by the author. No personal information is contained in the data for reasons of confidentiality.

The Spanish-speaking witnesses' testimonies were extracted from all cases, totaling over five hours of recording. The proceedings were analyzed and five features were identified: four types of phraseological and complex lexical units, as well as the strategy of the interpreter's solution. Original utterances and interpreter renderings were later compared to determine adequacy. During these Final (FRO) and Temporary (TRO) Restraining Order hearings, presided by Family Division judges, plaintiffs and defendants testified about alleged incidents of assault and harassment which may constitute acts of domestic violence.

For purposes of quantitative analysis, phraseological and lexical units were divided into four categories: (a) colloquialisms, which are expressions of informal speech used within limited geographical areas, e.g. *Él se avispaba por la puerta*, (b) lexical difficulties, or patterned multi-word lexical units that might be problematic to transfer between different lexical and cultural systems, e.g. *Quedamos de vernos a las 10*, (c) phraseologisms, any group of two or more words that form a fixed or semi-fixed unit, whose meaning frequently cannot be deduced based on the combined sense of the individual words, e.g. *Me las vas a pagar*, and (d) slang, short linguistic units proper to a particular group and not standardized, whose function is to obscure the meaning of a concept as it usually relates to vulgarities, drugs, and crime, e.g. *Me decía que soy una india*. The solution of the interpreted units was classified as follows: (a) adequate in both sense and form when equivalent exists, (b) adequate in sense only when equivalent exists, (c) adequate in sense only when no equivalent exists, (d) inadequate due to distortion, (e) inadequate due to omission, and (f) inadequate due to addition. Finally, the seven interpreters included in the study were categorized by approval level according to the

NJAOC Interpreter Registry at the time of performance: 3 Masters, 3 Journeymen, and 1 Conditionally Approved.

Witness testimonies are interpreted in the consecutive mode, which is ideal for recording both original utterances and interpreter renderings. Nonetheless, portions of the proceedings examined for this study were inaudible, mostly due to witnesses not speaking loud enough. Another methodological problem was incomprehensibility arising from interference between the witness and the interpreter when speaking at the same time. The most significant shortcoming, though, was that only 70 units of phraseological and lexical difficulties were identified, a lot less than initially expected.

## 5.2 *The Data*

The data contained a total of 70 phraseological and complex lexical units, out of which 25 (or 35.7%) were phraseologisms, 21 (or 30%) were slang, 15 (or 21.4%) were lexical difficulties, and 9 (or 12.9%) were colloquialisms. Table 1 shows the frequency of all four unit categories, which appeared an average of 5.8 times per domestic violence hearing. Examples of each type of unit are also provided below.

**Table 1. Types of units (frequencies)**

	Frequency	Percent
Colloq.	9	12.9%
Lex. Diff.	15	21.4%
Phras.	25	35.7%
Slang	21	30.0%
<b>Total</b>	70	100.0%

Example A: Colloquialism (Master 2)

Witness: Después le dije que se vaya, que **se largue de la casa**.

Interpreter: Then I told him to leave, **to get out of the house**.

Example B: Lexical Difficulty (Master 3)

W: Entonces él **se pone mal** por cualquier comentario que uno haga.

I: And **he gets upset** for any comments that I make.

Example C: Phraseologism (Journeyman 1)

W: Me dijo no sé, no sé qué me pasa, a veces **se me entra el diablo**.

I: He said I don't know, I don't know what comes over me sometimes –  
**it's like the devil comes in me.**

Example D: Slang (Journeyman 3)

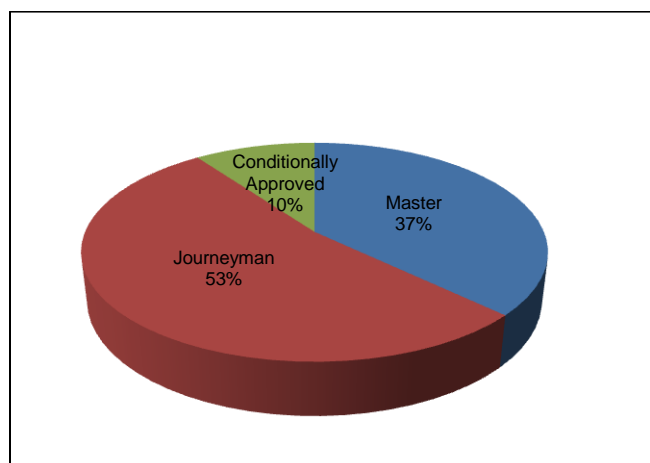
W: Sirves sólo para **coger** y tratarte como una puta.

I: That's the only thing you are good for, only **to get fucked** and be treated  
[...].

There was some disparity in the representation of interpreter levels. The Conditionally Approved category consisted of only one subject, as opposed to three subjects for each Master and Journeymen category. Thus, the Conditionally Approved level interpreted only 7 (or 10%) of all 70 phraseological and lexical units, while the

Journeymen interpreted 37 units (or 52.9%) and the Masters interpreted 26 units (or 37.1%). Figure 1 shows this disparity, which may hinder any possible generalization about specific results for the Conditionally Approved.

**Figure 1. Interpreted units by level**



### ***5.3 Quantitative Analysis***

Interpreter performance, a key aspect of this study, was fairly adequate according to crosstab results of phraseological/lexical unit type and solution. The interpreters provided an adequate rendition in 68% of all instances, performing better in solving phraseologisms (76%) followed by slang (71.4%), colloquialisms (66.7%), and lexical difficulties (53.3%). Table 2 shows the relation between unit type and solution, either adequate or inadequate. There were originally six categories of solution (adequate in both sense and form when equivalent exists, adequate in sense only when equivalent exists, adequate in sense only when no equivalent exists, inadequate due to distortion, inadequate due to omission, and inadequate due to addition) that were collapsed into only

two. However, it must be disclosed that the interpreters offered an adequate rendition in both sense and form most frequently (45.7%).

**Table 2. Interpreting adequacy by phraseological and lexical unit type**

		Solution		Total
		ADEQ.	INADEQ.	
<b>Colloq.</b>	Count	6	3	9
	% within	66.7%	33.3%	100.0%
<b>Lex.</b>	Count	8	7	15
<b>Diff.</b>	% within	53.3%	46.7%	100.0%
<b>Phras.</b>	Count	19	6	25
	% within	76.0%	24.0%	100.0%
<b>Slang</b>	Count	15	6	21
	% within	71.4%	28.6%	100.0%
<b>Total</b>	Count	48	22	70
	% within	68.6%	31.4%	100.0%

On Table 2, the first column contains the four types of units: colloquialisms, lexical difficulties, phraseologies, and slang. The second and third columns contain the solutions: adequate and inadequate. Out of a total of 9 colloquialisms, interpreters solved 66.7% of the units adequately and 33.3% of them inadequately. Out of a total of 15 lexical difficulties, interpreters solved 53.3% of the units adequately and 46.7% of them inadequately. Out of 25 phraseologisms, they solved 76% adequately and 24% inadequately. Out of 21 units of slang, they solved 71.4% adequately and 28.6

inadequately. Based on these results, lexical difficulties were the most problematic units for interpreters, solving 46.7% of them inadequately. According to data analysis without collapsing the solution categories, interpreters distorted the sense of lexical difficulties in 20% of instances, partially or completely omitted the unit in 13.3% of instances, and inadequately added meaning in 13.3% of these units.

**Table 3. Interpreting adequacy by approval level**

		Solution		Total
		ADEQ.	INADEQ.	
<b>Master</b>	Count	19	7	26
	% within	73.1%	26.9%	100.0%
<b>Journ.</b>	Count	24	13	37
	% within	64.9%	35.1%	100.0%
<b>Cond.</b>	Count	5	2	7
	% within	71.4%	28.6%	100.0%
<b>Total</b>	Count	48	22	70
	% within	68.6%	31.4%	100.0%

When analyzing interpreter approval level in relation to adequacy (Table 3), the Masters outperformed their peers by effectively solving lexical and phraseological difficulties 73.1% of the time compared to 71.4% for Conditionally Approved and 64.9% for Journeymen, as expected. Out of 26 interpreted units, the Masters solved 19 (73.1%) adequately and 7 (26.9%) inadequately. Out of 37 interpreted units, Journeymen solved 24 (64.9%) adequately and 13 (35.1%) inadequately. Out of 7 interpreted units, the



Conditionally Approved solved 5 (71.4%) adequately and 2 (28.6%) inadequately. Based on these results, the Conditionally Approved performed surprisingly better than the Journeymen. However, since the Conditionally Approved sample was so small (7 out of 70 interpreted units), the high adequacy mark for this level cannot be extrapolated. According to data analysis without collapsing the solution categories, the sole Conditionally Approved interpreter also provided the most adequate solution (both sense and form) at a higher rate than the rest of her peers (57.1%).

In an effort to obtain a better understanding of the interpreting process when dealing with phraseological and lexical difficulties, below are some examples of interest.

*Example E: Phraseologism (Master 1)*

Witness: Dijo que **estaba caliente** y que ese día iba pasar algo.

Interpreter: That **he was hot**, but I mean like **he was upset** and that on that day something was going to happen.

Observation: The interpreter in this case regresses to correct herself after rendering an inadequate, literal interpretation (“he was hot”), but still distorts the sense in her second offering since “caliente” means “mad” in this context.

*Example F: Phraseologism (Master 2)*

W: Y ella sabe que yo a mi hijo lo amo **con toda el alma**.

I: And she knows I love my son **with all my heart**.

Observation: The interpreter accurately applies adaptation technique by shifting cultural notion from “alma” to “heart.”

Example G: Phraseologism (Journey 3)

W: El que nace para florero del cielo le caen flores.

I: **What you do is what you get** [interpreter explains idiom].

Observation: The interpreter addresses the judge directly to advise that this is an idiomatic expression before rendering the meaning.

Example H: Slang (Journeyman 1)

W: Me decía que soy **una india**.

I: He would always tell me, tell me, I’m a, I’m a, I’m **an indigenous woman**.

Observation: The interpreter renders a literal interpretation that is not adequate in this context because of the offensive nature of “india.”

## 6. DISCUSSION

Although the interpreters performed adequately in this study, rendering effective solutions to interpreting difficulties in 68.6% of all instances, the rate of accuracy was below the minimum oral examination scores required to be approved at the Master (80%) and the Journeyman (70%) levels, but well above the passing score for Conditionally Approved (55%). As expected, the Mastered interpreters (73.1% of adequacy)

outperformed Journeyman (64.9%) and Conditionally Approved (71.4%). Since the units interpreted by the Conditionally Approved were such a small part of the sample, the high performance displayed cannot be generalized. Incorporating a more representative sample and additional social characteristics for the interpreters as variables can provide a better insight in future studies.

Some additional factors that were qualitatively observed support this study's working hypothesis that phraseological and lexical difficulties are especially problematic for the court interpreter. Instances of omission, false starts, and inadequate literal interpretations show that the interpreters' cognitive processes break down at certain points. The main source of many inadequate renderings was the fixed and semi-fixed nature of the expressions, making it difficult for the interpreter to carry out an effective transfer of sense and form given the external and internal working constraints. Although this study had several limitations in terms of sample and scope, it clearly demonstrates that expressions based on cultural notions and linguistic conventions linked to the source language —such as idioms, slang, colloquialisms, and phraseologisms— represent difficulties for court interpreters, who must be competent in negotiating meaning between different linguistic and cultural universes.

In negotiating meaning, however, the role of the interpreter in the New Jersey Superior Court —as in several other domestic and international jurisdictions— is restricted by principles of “invisibility” and “unobtrusiveness.” The court interpreter must be viewed as a neutral participant with an intellectual interest in the communicative viability of the courtroom. In this study, it was obvious that some interpreters at times did not fully understand the messages in the source language, but did not actively inquire

about the gaps. Maybe they did not want to seem incompetent, but it is also possible that institutional expectations are repressing their willingness to seek clarification. Lee (2009: 397) argues against restricting the role of the interpreter:

In order for the interpreter to disclose interpreting issues that arise from cultural and linguistic differences, interpreter competence, as well as collaboration between interpreting professionals and legal professionals is essential. This degree of complexity and expert judgment on the part of the interpreter inevitably requires training and specialist certification of court interpreter. It is crucial and pressing for all parties involved [...] to examine how the restrictive role of the interpreter produces ethical dilemmas [and how] to work together to come to a consensus on the desirable role of court interpreters in cross-cultural and cross-linguistic communication.

The cultural turn in Translation Studies also supports a different role for the interpreter as an individual that influences the medium in which he/she works. According to Pym (2010:144), the concepts associated with this cultural approach draw attention to the intermediary position of the translator, the cross-cultural movements that form the places where translators work, and the problematic nature of the cultural borders crossed by all translations.

## **7. CONCLUSION**

This paper presented the results of an empirical study of lexical and phraseological difficulties in court interpreting. Based on the work of Hale (2002), Lee (2009), De Jongh (2008), and Fraser & Freedgood (1999) about interpreting accuracy and its impact on the evaluation of the witness, as well as cultural differences and linguistic absence in the courtroom, the data was analyzed for features related to cross-linguistic and cross-cultural competence. Specific phraseologisms and lexical units were examined during Spanish-speaking witnesses' testimonies in domestic violence cases. The results show that these expressions are used with certain frequency in the legal setting. Seventy units were produced in 12 hearings, which was less than expected but enough to have a detrimental impact on a case if not solved adequately. Even though the interpreters performed at 68.6% of adequately when faced with these difficulties, the rate is below the minimum score required in the NJAOC oral examination for approval at the Master (80%) and Journeymen (70%) levels, which indicates that these units are particularly problematic for court interpreters and supports our working hypothesis.

One of the research questions raised concerns about defining variables related to phraseological and lexical difficulties due to overlapping concepts and notions. Several units identified during the study fit more than one category, e.g. *A veces se me entra el diablo* was classified as a phraseologism because it is a semi-fixed expression whose meaning is not literally derivable from that of the constituents, but it can also be considered a colloquialism since it is an expression common in informal speech. In future studies, the scope must be much narrower in order to understand better the effect of cross-cultural and cross-linguistic difficulties in court interpreter performance. However, the results of this study show that these expressions are in fact problematic for the

interpreter. Although there is no evidence that the principle of “unobtrusiveness” inhibits interpreters from inquiring about these difficulties during the proceedings, it is clear that interpreters need more training and support in understanding their role in the courtroom. The interpreters analyzed in this study only sought clarification twice when solving lexical and phraseological units.

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## APENDIX A: DATA TRANSCRIPTION

### Master 1-1 (7m)

#### 1. PHRASEOLOGISM

Witness: Quería, o sea, **quería tenerme**.

Interpreter: **He wanted to be with me**, he wanted to be with me. (2:40)

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### Master 1-2 (6m)

#### 2. PHRASEOLOGISM

W: Dijo que **estaba caliente** y que ese día iba pasar algo.

I: That **he was hot**, but I mean like **he was upset** and that on that day something was going to happen. (10:32:15)

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### Master 2-1 (27m)

#### 3. SLANG

W: Que era un bastardo, que soy **una puta**.

I: That he was a bastard, that I am **a whore**. (3:30)

#### 4. PHRASEOLOGISM

W: Soy una persona que **no tiene vergüenza**.

I: I am a person who **has no shame**. (3:55)

#### 5. COLLOQUIALISM

W: Después le dije que se vaya, que **se largue de la casa**.

I: Then I told him to leave, **to get out of the house**. (6:10)

#### 6. PHRASEOLOGISM

W: Y ella sabe que yo a mi hijo lo amo **con toda el alma**.

I: And she knows I love my son **with all my heart**. (8:20)

#### 7. PHRASEOLOGISM

W: Yo amo a ella y amo a mi hijo **sobre todas las cosas**.

I: I love her and I love my son more **than anything else**. (10:00)

#### 8. PHRASEOLOGISM

W: Perdóname **con todo corazón**.

I: Please forgive me. (11:15) – *Omission*

#### 9. SLANG

W: Como diciendo que soy **una puta** y lo voy a recibir y voy a estar con él.

I: He said look at the money and if you are going to take it then you are **a whore**. (12:30)

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**Master 2-2 (21m)****10. SLANG**

W: Me estaba gritando malas palabras: **hija de puta**.

I: Yelling bad words like **whore**. (2:30)

**11. SLANG**

W: **Hija de puta**.

I: **Slut**, whore. (2:35)

**12. SLANG**

W: Me dijo hija de puta, **zorra**.

I: He said whore, **slut**. (2:55)

**13. COLLOQUIALISM**

W: **Yo le saqué el dedo del centro**.

I: **I, I showed him my finger**. (3:05)

**14. LEXICAL DIFFICULTY**

W: Yo le pedí a ella que **nos lleváramos bien**.

I: I asked her, you know, **can we get along?** (12:15)

## 15. PHRASEOLOGISM

W: Yo sí le dije, como, que para qué diablos, **para dónde putas vas**.

I: And I said to her, you know, **where the hell are you going?** [Clarification as to “putas”] (13:05)

## 16. SLANG

W: Y ella me dijo **hijo de puta**.

I: And she said **son of a bitch**. (14:00)

**Master 3-1 (39m)**

## 17. LEXICAL DIFFICULTY

W: Le dije la hora que iba a **pasar por él**.

I: I told him the time when I was going to **pick him up**. (2:45)

## 18. PHRASEOLOGISM

W: Con el carro llegó y **se dio la vuelta**, y ya. Nada más llegó y se dio la vuelta.

I: He just arrived with the car, **he turned around**, and left. (3:10)

## 19. PHRASEOLOGISM

W: Dice mi amigo que le dijo: **que te aproveche**, que te aproveche, nada más.

I: He said to me that he said to my friend – **enjoy**, enjoy. (4:40)

## 20. LEXICAL DIFFICULTY

W: **Quedamos de vernos** a las 10 de la noche ahí mismo.

I: And **we, um, decided to get together** at 10 p.m. at the same place. (5:15)

## 21. LEXICAL DIFFICULTY

W: No sé cómo él **se da cuenta**, cómo él sabe que yo voy a salir.

I: I don't know how he **finds out** when it is that I am going to go out. (9:10)

## 22. LEXICAL DIFFICULTY

W: Es cierto lo que ella dijo que la mujer **con la que yo andaba** la llamó a ella.

I: It's true that the woman **that I was with at the time** called her. (19:25)

## 23. PHRASEOLOGISM

W: Yo la recojo **cuando me toque** a mí.

I: **When it's my turn** I will pick her up. (34:05)

## Master 3-2 (39m)

## 24. LEXICAL DIFFICULTY

W: Entonces él **se pone mal** por cualquier comentario que uno haga.

I: And **he gets upset** for any comments that I make. (2:25)

## 25. COLLOQUIALISM

W: O sea, **para no darme a mí** le dio a la pared y le hizo hoyo.

I: **Instead of hitting me** because he was upset, he hit the wall and made a hole in the wall  
(9:40)

## 26. PHRASEOLOGISM

W: En frente de toda la familia, eso sería para **estar mal de la cabeza**.

I: To do that in front of the whole family, I would **be crazy** (17:30).

## **Journey 1-1 (41m)**

## 27. PHRASEOLOGISM

W: Quiero que se vaya **a las buenas**, por favor.

I: I want you to leave **in good terms**, please. (4:28)

## 28. PHRASEOLOGISM

W: Me dijo no sé, no sé qué me pasa, a veces **se me entra el Diablo**.

I: He said I don't know, I don't know what comes over me sometimes – **it's like the devil comes in me**. (6:39)

## 29. SLANG

W: Siempre me decía que soy **una puta**.

I: He, he always tells me I'm **a whore**. (6:53)

## 30. SLANG

W: Me decía que soy **una india**.

I: He would always tell me, tell me, I'm a, I'm a, I'm **an indigenous woman**. (7:00)

## 31. COLLOQUIALISM

W: Me llama y me dice, **mi hija** quiero hablar contigo.

I: He calls and he says, ah, **honey** I wanna speak to you. (9:21)

## 32. PHRASEOLOGISM

W: A mí **me cuesta trabajo** limpiar.

I: You know, **it's hard for me** to clean. (14:39)

## 33. SLANG

W: Que soy **una vieja**, que soy una mierda.

I: That I'm an **old bag**, that I'm a piece of shit. (15:43)

## 34. SLANG

W: Que soy una vieja, que soy **una mierda**.



I: That I'm an old bag, that I'm a **piece of shit**. (15:43)

### 35. COLLOQUIALISM

W: Y él le dijo a la vecina, vecina ustedes **no se metan**.

I: And he said to the neighbor, you know, **don't you get involved**. (21:00)

### 36. LEXICAL DIFFICULTY

W: Sí, **hemos tenido muchos disgustos**.

I: Yes, **we have had, ah, many altercations**. (34:00)

### 37. PHRASEOLOGISM

W: Pero en ningún, en ningún momento **del corazón me salió** decir que iba a matar a mi hijo.

I: But at no time **from bottom of my, of my heart** have I said that I was gonna kill my child. (34:40)

## **Journey 2-1 (29m)**

### 38. LEXICAL DIFFICULTY

W: Y, de repente, yo **me di cuenta** que él estaba escondido.

I: And, all of a sudden, **I realized** that he was there hiding. (11:40:20)

## 39. PHRASEOLOGISM

W: Él, antes, siempre me ha dicho **haz tu vida**.

I: He had previously told that I can **go on with my life**. (11:40:45)

## 40. LEXICAL DIFFICULTY

W: También me dice... yo te desfiguro la cara a ti y **a él lo dejo cojo**.

I: He has also told me... he would disfigure me and **he would leave the guy limping**.

(11:41:00)

## 41. LEXICAL DIFFICULTY

W: Donde yo voy, me lo encuentro y es **mucha casualidad**.

I: *Omission*. (11:58:15)

## 42. PHRASEOLOGISM

W: Me sigue a la playa cuando **quiero paz** con mis niños.

I: He follows me to the beach when **I want to have some alone time** with my kids

(11:58:40)

## 43. SLANG

W: ¿Qué **carajo** quieres con este hombre?

I: What **the fuck** do you want with this man? (12:02:15)

## 44. PHRASEOLOGISM

W: **Lo siento con el dolor de mi alma**, pero nos veremos solamente para los compromisos familiares.

I: **I am so sorry**, but we are only going to be able to see each other when we have family gatherings. (12:05:20)

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### **Journey 3-1 (27m)**

#### 45. LEXICAL DIFFICULTY

W: Yo pienso que todo es por, **por la cabeza** de mi hermana menor, de Laura.

I: I think it's because of my younger sister's problem, her head, she's just **hard-headed**, Laura. (2:05)

#### 46. COLLOQUIALISM

W: Entonces ella **se cerró**, que sí, que sí, que sí, a hacer las cosas rebeldemente.

I: So she was just **really adamant**, yes, yes, yes, everything was very rebellious. (3:45)

#### 47. LEXICAL DIFFICULTY

W: Ella **se puso demasiado mal**, demasiado malcriada.

I: She got very disrespectful, very, she **was just too much**. (6:45)

#### 48. LEXICAL DIFFICULTY

W: Ella no quería que yo **pasara bien** [mi cumpleaños].

I: *Omission*. (7:10)

#### 49. PHRASEOLOGISM

W: Yo lo único que hacía era llorar y decirle que **me dejara en paz**.

I: I just wanted **to be left alone, in peace**. (7:15)

#### 50. COLLOQUIALISM

W: **El chiquito**.

I: **The little one**. (7:30)

### **Journey 3-2 (89m)**

#### 51. SLANG

W: Bájate, **hija de tu puta madre**.

I: Get out, you **son of a bitch**. (5:15)

#### 52. SLANG

W: **Putas asquerosas**, [...] baratas.

I: You **dirty bitch**. Cheap whore. (5:20)

#### 53. SLANG

W: Putas asquerosas, [...] **baratas**.

I: You dirty bitch. **Cheap whore.** (5:20)

#### 54. PHRASEOLOGISM

W: **Me las vas a pagar**, puta asquerosa.

I: **You are gonna pay for it**, you dirty bitch. (6:00)

#### 55. LEXICAL DIFFICULTY

W: Me dejó **el ojo morado**.

I: He left me with **a black eye**. (9:25)

#### 56. SLANG

W: Y si **fue sólo por mis huevos**.

I: And if **it was only for my balls**. (12:00)

#### 57. SLANG

W: **Fichera**.

I: *Omission*. (12:00)

#### 58. SLANG

W: Sirves sólo para **coger** y tratarte como una puta.

I: That's the only thing you are good for, only **to get fucked** and be treated like a bitch.

(14:30)

## 59. PHRASEOLOGISM

W: El que nace para florero del cielo le caen flores.

I: **What you do is what you get** [interpreter explains idiom]. (14:35)

## 60. PHRASEOLOGISM

W: Sigue con eso y **que lo goces**.

I: So keep going like that and **enjoy yourself**. (14:40)

## 61. SLANG

W: **Put**.

I: **Bitch**. (18:55)

## 62. SLANG

W: Bájate, hija de tu puta madre, **pinche puta barata**.

I: Get out of here you son of a bitch, **you dirty cheap whore**. (32:20)

## 63. SLANG

W: Ella es **bien puta**.

I: She is **a hoe**. (36:50)

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**Conditional 1-1 (24m)**

## 64. LEXICAL DIFFICULTY

W: A mí **no me pareció** la manera que él era.

I: He... his personality **didn't strike me as being acceptable**. (6:15)

## 65. PHRASEOLOGISM

W: Y yo **nunca le he quedado mal** al dueño de la casa.

I: And **I am never late with my payments** to the landlord. (8:10)

## 66. PHRASEOLOGISM

W: El me dijo que si mi esposo **no tenía las bolas suficientes** para decirle...

I: He said that my husband **didn't have the balls** to say... (9:10)

## 67. SLANG

W: Dijo que iba a ver a mi esposo en las calles y le iba a **quebrar el culo**.

I: And he said that if he saw my husband in the street that he was going to **kick my husband's ass**. (12:15)

## Conditional 1-2 (7m)

## 68. COLLOQUIALISM

W: Cuando llamé a la policía fue cuando él **se avisaba** por la puerta.

I: When I finally called the police it was when he **was leaving**. (2:10)

## 69. COLLOQUIALISM

W: Amenaza que **me va a echar a inmigración**.

I: He threatens that he is going to **call immigration on me**. (3:30)

## 70. PHRASEOLOGISM

W: Prácticamente **estamos en la calle** yo y mi hija.

I: Me and my daughter are practically **living in the street**. (4:45)

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