

Legal Translation – Why Faster Isn't Always Better

It's happened to all of us. You're involved with an international case. You've been focusing on the issues for months and the trial date is fast approaching. You think everything is in order, when suddenly you realize that one of the documents you're going to enter into evidence isn't written in the language of the court where you're going to file. You rush to the internet, type in Legal Translation, and find scores of translation agencies, all advertising that their turnaround time is just a day or so. One even boasts, "Translation at the Speed of the Internet"!

You choose an agency-probably the one at the top of the list- send off the document to be translated and breathe a sigh of relief. Whew, dodged a bullet! But did you?

Legal translation is not something that most people consciously think about. Before you send your document out to a large agency that promises a speedy return of the translation, it's a good idea to know what really happens to your document once it leaves your computer.

Some misconceptions about translation:

First, let's consider some commonly held misconceptions about translation:

- You just "run the document through your computer" and then print out the translation
- There is special computer software that automatically translates from one language to another
- Anyone who took a foreign language in high school or college can translate
- All you need is a dictionary to translate
- Any bilingual person can translate
- There's a website that translates sentences as you type them

Translation is not accomplished by "running a document through a computer." That may work in science fiction novels, but there is currently no such software on the market.

There is software to aid translators, but it doesn't translate anything. The program stores the translation as the translator types it. If the same terminology appears later in the document, the word or words will appear as an option for the translator to use again. The context will allow the translator to choose whether or not the word or words will fit into a specific context. This assures consistency within the document, but the actual translation must be done by a living, breathing human being.

If you think anyone who took a foreign language in school can translate, take one of your legal documents in English and try to translate a sentence or two into the language you studied 20 years ago. Unless you've been speaking that language every day, you probably don't remember much beyond the days of the week and how to count to ten. Would you trust yourself to translate that document for court?

Some believe that all it takes is a good dictionary to be a translator. While it's true that you can look up one word after another and string them together to form a sentence, you'll end up with the kind of language we all laugh at when we read translated instruction manuals:

- With waste metal parts, keep away small children to prevent from some injuries by them.
- The bolt of screw is not of left or write.
- It is your duty as compulsion things.

Being bilingual is no guarantee of producing an accurate and professional translation. Many Americans have grandparents who speak two languages, but most lawyers would probably not turn to them to translate an 80-page contract for litigation purposes. Translators need a solid comprehension of the subject matter. For this reason, professional translators limit their work to one or two fields. Some only translate medical documents. Others specialize in engineering, legal, financial, IT or patent translation.

In the same way an attorney who specializes in intellectual property law would not take a criminal case, professional translators only work in their strongest field. To do otherwise can result in an unreliable, possibly inaccurate translation.

The worst misconception about translation is that there are websites that translate sentences as you type them in. While it is true that machine translation is now possible, the results are not always dependable, particularly with the complex structures of sentences in legal documents. Here is an example of such a machine translation. The first version was done by Google Translate, the second version was done by a professional legal translator:

Whereas, on the other hand, in rejecting the objection raised by the defendant, who claimed that there was a time October 30, 1998, three full years after October 30, 1995, when the last act which interrupts or trial- interrogation report, the Court of Appeal held that the complainant was under the introductory submission and supplementary charges, indicted by the October 19, 1998 notice sent by registered post to his two known addresses, such an act Training was interrupted regularly again the requirement of public action;

Whereas, on the other hand, to reject the objection raised by the defendant, who argued that the statute of limitations had lapsed on October 30, 1998, three full years after October 30, 1995, the date of the last action suspending the statute of limitations, which was the transcript of the interrogation of the defendant, the Court of Appeals asserted that, by virtue of the district attorney's original and supplemental applications, the defendant was officially charged by notice dated October 19, 1998 served by registered mail to his two known addresses, such investigative action legally suspended again the statute of limitations of the prosecution;

8 Steps to Determining if a Translation Agency is Right for You

If you decide to use a translation agency, here are several steps to assure that you'll get the best possible translation of your document:

1. Ask how your translation job gets assigned. Ask the Project Manager (PM) if the agency sends out a mass e-mail to everyone on its database who works in the two languages required for your translation. If so, you may not get a translator with the proper background or training to understand a legal text.

2. Is your document confidential? If so, ask the PM how he or she will protect the confidentiality during the job assignment phase. Since many legal documents contain private information like names, home addresses, bank account identifiers and social security numbers, emailing such information to a large number of potential translators could have disastrous results.

3. Ask if the agency has a list of translators who specialize in legal translation. For the same reason that attorneys specialize in one field, a translator who specializes in legal translation will produce a better translation than someone who accepts any job that comes along, regardless of the field. Using a translator who has legal training and/or legal translation experience is especially critical if you're dealing with a case involving both the Common and Civil law systems. Some select agencies send legal documents to translators whom they know have either a law degree or experience in legal translation. Most do not. Ask the PM if a specialized legal translator is available for your job.

4. Ask if the agency requires its freelancers to be either trained/experienced in translation or their field of specialization, or if they are certified by the American Translators Association. Unlike attorneys, there is no state or national licensing requirement for translators, so anyone can call him or herself a translator. Ask the Project Manager if he or she can provide a translator who has a translation degree or several years of legal translation experience.

5. Ask what the translator's native language is. There is an un-written code among professional translators that one should always translate into one's native language, because we are always strongest in that language. Your translation will read smoothly and won't "sound like a translation" if it is translated by a native speaker.

6. Ask where the translator is located. The English dialects spoken in the U.S., Canada, England, India and Australia vary widely. The same is true for the French spoken in France, Québec, the Caribbean, Switzerland and Africa. Or the Spanish spoken in Spain, Mexico and Puerto Rico. The translator should be a native speaker of the target language, preferably living in the country where your translation will be read.

7. Ask if the translation will be edited. Regardless of how carefully a translator works, it is always prudent to have a translation edited. Ask the PM if your translation will be edited by a second translator. Be clear that you want it edited (the translation is checked against the source document for accuracy), not just proofread (the translation is read to find typos, formatting errors and spelling mistakes, but it is not compared with the source document). Proofreading cannot find, for example, that a paragraph was skipped or a number was transposed.

8. Ask what happens if your translation is a "rush job." This creates a serious problem for the Project Manager, as he or she has to find multiple translators who will each translate a portion of your document, in order to get it back by your deadline. If your document cannot be translated by one single translator, ask how many different people will be working on it. Ask how they will coordinate the terminology among themselves. Inconsistent terminology between the various portions of the translation may ultimately create a problem for your client – and for you.

By sending your legal document to a translation agency, you may get your translation back overnight, but it will have been read and translated by numerous people, living all over the world. And any hope of consistency or confidentiality will have been lost.

Is there a better way to find a legal translator?

The best way to be assured of getting a well translated document is to work directly with a professional translator. You can ask international law colleagues for the names of professional translators they use. Or you can go to the website of the American Translator's Association (atanet.org), where you can enter the language combination you need, as well as the specialization. Once the list appears, you can then select a translator whose qualifications match your needs.

There is one caveat, however. If you choose to hire a professional legal translator, you'll have to arrange for the translation several days before you need it. A professional translator can translate between 1,500 and 2,000 words per day, depending on how much research is needed for terminology verification. If you are organized enough to send the source document in advance of your deadline, the result will be well worth it. Your document will be translated by one translator, guaranteeing terminology consistency and confidentiality. When your global business requires the translation of documents, accuracy and experience count. It is in your best interest to compile a list of professional translators to whom you can turn for this important service.

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French to English Translator

English to French Translator

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