

Current Practices of Court Interpreting in Taiwan: Challenges and Possible Solutions

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In the past two decades, Taiwan has experienced significant growth and development in the cultural and economic spheres. With more and more foreigners coming to Taiwan not just as tourists but for work and marriage, various legal issues have arisen. Consequently, how to help foreigners to fully express themselves in situations that may lead to legal problems has become an important issue. In 2006, the Judicial Yuan in Taiwan held its first recruitment and training program for court interpreters to ensure that all people, no matter what language they speak, could receive fair trials. However, since their establishment six years ago, the limitations of the guidelines governing court interpreters and court-interpreting practices have become increasingly clear. Court-interpreting is less transparent than other types of interpretation. Audio- and video-taping is typically banned in court sessions, and case-related documents are not made available to outsiders. These practices have made it difficult for those not in the court system to measure the quality of interpretations and to understand the problems facing court interpreters. This research study aimed at exploring the current court-interpreting practices in Taiwan by focusing on three points. First, what is the distribution of court interpreters in Taiwan? Second, what are the most frequently-encountered issues and challenges for court interpreters? Finally, what kinds of improvement are deemed necessary for in-service court interpreters? A survey was created, based on the major issues found by Hale's (2004) study of the court-interpreting practice in Australia, and sent to court interpreters working with a variety of foreign languages. Fifty-seven copies of the survey were sent and 39 returned. In addition, in-depth interviews were conducted with seasoned court interpreters to further understand the problems and challenges they faced. Finally, suggestions were made regarding the phenomenon of the shrinking number of court interpreters in Taiwan.

Keywords: court interpreting, High Court Interpreter list, training of court interpreters

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臺灣法庭翻譯發展現況與挑戰

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過去20年間，臺灣在經濟、文化方面蓬勃發展。許多外國人士因為工作、旅遊或婚姻來到臺灣，這些層面都可能衍生效律問題。於是，如何幫助外國人士在面臨法律疑難時，能充分表達自己意見，也成為重要議題。有鑑於此，司法院於2006年，大規模舉辦通譯人才招聘、訓練，目的為「保障不同語言者獲公平審判」。但成立六年來，此制度面臨許多挑戰及問題。法庭通譯不同於其他口譯性質，運作方式較不透明，案件的審理常有不能錄音、錄影的限制，外界多無法取得相關文件細節，這讓外界很難瞭解通譯人員的翻譯素質及面臨的問題。針對以上情況，此研究旨在探討臺灣法庭通譯的發展現況，研究問題有三。第一，目前臺灣法庭通譯的分布狀況為何？第二，協助處理不同案件時，通譯最常面臨哪些問題與挑戰。第三，通譯人員希望此制度做出哪些改進。本研究將Hale (2004) 所彙整之澳洲法庭通譯面臨之主要議題加以整理，改編成中、英文對應問卷，寄給高院編列之英、德、法、西、日、韓、葡語通譯人員，總共寄出57份問卷，回收39份。本研究也對一些資深及經常出庭的通譯進行訪談，以便進一步瞭解臺灣法庭通譯面臨的挑戰及瓶頸，更針對通譯人才逐年流失的現象提出建議，以期對法庭通譯的發展有更多助益。

關鍵詞：法庭通譯、高院通譯名冊、口譯人才訓練

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Introduction

Today, boundaries between countries are becoming more and more blurred. The convenience of transportation and the widespread availability of job opportunities have encouraged people to move around and even settle down in different countries. In this wave of development, Taiwan has also faced a situation in which more and more foreigners have come and stayed in Taiwan for work or as a result of marriage. Sometimes, disputes or arguments inevitably happen and evolve into legal matters. Then these foreigners have to defend or fight for themselves in the court system of Taiwan. Seeing the needs to provide foreigners an equal footing in the court of law, the Judicial Yuan (the governing authority in Taiwan) drafted and announced the plan to form a talent pool of court-certified interpreters on April 21, 2006 (jirs.judicial.gov.tw/Index.htm). However, the regulations stipulating the qualifications required for a court interpreter are quite loose. Any person who has passed a nationally-recognized English proficiency test at the intermediate level can send in an application form to become certified. Yet, these regulations have not taken into consideration the complexity of court cases and the intricacy of the legal language. Moreover, the regulations only mandate a court interpreter to attend a 22-hour training session which provides him/her with basic information of the court systems in Taiwan and the expected role of an interpreter. No further training is provided to address the issues of linguistic differences and cultural awareness needed for working with foreigners.

With little past research carried out in the field of court interpreting in Taiwan, this research explores the current court interpreting practices in this country. The scope covers those interpreters providing interpreting services to foreigners residing or working in Taiwan. The research design makes use of

official data, a survey and personal interviews. First, the official data provide basic demographic information of the interpreters and their qualifications. The survey then focuses on their previous training and court interpreting experiences. The survey questions include personal educational background, years of experience in court and general interpreting, the lengths of court and general interpreting training, frequency of court interpreting, and challenges/problems encountered in court interpreting assignments. Last, interviews are conducted on a narrower basis as the interpreters willing to take part in this study are limited in number.

Currently, the recruited interpreters in Taiwan cover 13 foreign languages and 8 local dialects. To serve the language needs in court, 161 interpreters are listed as court-certified, contracted interpreters. Among them, 70 interpreters (43%) provide service to the domestic population while another 91 interpreters provide their assistance to foreigners who reside or work in Taiwan. In the latter group, 55% of the interpreters have gained their qualifications on the basis of speaking the languages¹ as their mother tongues rather than having received formal interpreting training, whereas 45% are trained language professionals.² Consequently, the levels of training of these two groups and the challenges they encounter in court vary greatly. Due to the lack of a formal organization to organize court interpreters in Taiwan, it is difficult to mobilize or motivate them to share their experiences for a better understanding of challenges and difficulties existing in this specific working environment.

¹ These languages include Malay, Indonesian, Khmer (Cambodian), Filipino, Japanese, Thai, and Vietnamese. Moreover, a common similarity shared by these speakers is that they are married to Taiwanese citizens and have gained the status of formal residence in Taiwan.

² This category covers those who majored in the specified foreign languages and are working in areas that require these people to use their language skills and training. They are teachers, tour guides, labor agents, and church workers.

This study first reviews the court interpreting practices in other countries, including Austria, Australia and South Africa, and the difficulties/challenges they have encountered. Then the focus shifts to the current development of court interpreting in Taiwan. Moreover, the survey findings shed light on how different issues and difficulties are perceived by working court interpreters involved in this study. Finally, suggestions for improving the current practice and future research are provided.

Literature Review

This section of literature review covers two parts. First, issues and challenges encountered by other countries which have long-established court interpreting practices are reviewed to complement the relatively short court interpreting practice in Taiwan. Then, in the second part, the discussion focuses on the current status of court interpreting in Taiwan to serve as a background to understand the importance of this study.

Challenges Commonly-found in Court Interpreting

In Taiwan, studies in court interpreting are scarcely conducted. This portion of the information will mainly rely on other countries where court interpreting has been comparatively a longer practice. In Australia, for example, “the practice of court interpreting has been ad hoc, devoid of much theoretical underpinning and almost completely ignored by research as a field of study” (Hale, 2004, p. xv). Many interpreters work as individuals and are not part of an organized professional group. A majority of them seem to lack a commitment to this profession and provide their service only on a part-time basis for complementing the family’s income (Ozolins, 1998). To help address this issue, a small number of lawyers and practitioners have attempted to professionalize legal/court

interpreting through the establishment of a professional association, Australian Institute of Interpreters and Translators (AUSIT). Similarly, the Austrian Association of Court Interpreters has organized a group of interpreters in Austria.

As a communicative act that involves people, their emotions, and their language expressions, the process of interpreting often exhibits many difficulties. Hale (2004) has pointed out that common problems or challenges experienced by court interpreters include

the need to always prove themselves amidst constant suspicions of infidelity to the original text, the extremely high demands placed on them, the inherent complexities of the interpreting process, the inadequacies of the system they are to work in, the misunderstanding of their role by lawyers and witnesses alike, the poor working conditions and the low remuneration. (p. 2)

Among these problems, the issue of fidelity in interpreting has been frequently brought up, especially when the parties involved have doubt about whether their messages have been faithfully interpreted. Wadensjö (1998) has expressed that “before suspecting the other party of talking nonsense, or oneself of being unclear, many would rather suspect the interpreter of getting things wrong” (p. 19). Although such doubt for interpreters is not fairly-formed, the lack of understanding in court interpreting as a profession has precipitated the gravity of this problem. As those who speak through an interpreter have the right to have their messages translated into another language with as little alteration as possible, the role of an interpreter requires closer scrutiny.

Here, the codes of ethics in Austria and Australia are selected for more discussion. The Code of Ethics of the Austrian Court Interpreters clearly

indicates in its preamble that a crucial role of an interpreter is to uphold basic human rights equally before the law (Mikkelson, 2000, p. 48). Such a task is extremely difficult and the expectation on an interpreter grave. In addition, the ideal goal for an interpreter is to render the information from the source language (SL) into the target language (TL) as accurately as possible. This idea explains why Australian interpreters are bound by a professional Code of Ethics (AUSIT, 1996), which puts an emphasis on the needs for accuracy and impartiality. Also, Gonzalez (1989) has stressed that the goal of court interpreting is to produce a legal equivalent, an interpretation which is both linguistically true and legally appropriate. Even though the regulations and expectations have been spelled out clearly for interpreters, these two points highlighted above are complex issues and have remained controversial in the practice of this profession (Mikkelson, 2000). One attempt to understand the controversy and complexity of these two points shows that different interpreters may have different beliefs about the role of an interpreter.

To complicate matters further, other studies (Anderson, 1976; Brown, 1993; Fenton, 1997; Gentile et al., 1996; Dueñas Gonzalez et al., 1991; Mikkelson, 1998; Moeketsi, 1999; Roy, 1990) have revealed different views that court interpreters hold regarding their role in court. Take the use of English as the communicative language in Australian courts for example. At one end of the spectrum, some interpreters believe their job is to help disadvantaged non-native English speakers to succeed in their cases. The interpreters with this mindset may either deviate from the source language utterance to provide more detailed explanations to non-native English speakers for a better and clearer understanding (Conomos, 1993) or embellish the received answers to help non-native English speakers gain more favorable results (Barsky, 1996). At the other end, some interpreters argue that their role in court is similar to a conduit, with

the function of repeating verbatim whatever they hear in one language and translating the message into another language. The latter belief is usually held by those legal professionals who have little knowledge about the complexities and differences among languages. Wells (1991) has stated that

an interpreter should interpret every single word that the witness utters, exactly as it is said, either it makes sense or whether it is obviously nonsense; whether the witness has plainly not heard or whether, if he has heard, he has not understood. The interpreter should look upon himself rather as an electric transformer, whatever is fed into him is to be fed out again, duly transformed. (p. 329)

Then in the middle ground are those interpreters who believe that language is their client. For those holding this view, the role of an interpreter is to interpret what is said and mimic the way in which the information is expressed so that the interpreted version can not only be understood by its receivers in the same way as the original but also achieve the same potential response (Dueñas Gonzales et al., 1991; Edwards, 1995; Hale, 1996a, 1996b, 2002; Laster & Taylor, 1994; Moeketsi, 1999; Mikkelsen, 2000). In addition, Hatim and Mason (1990) have stated “equivalence is to be achieved not only of propositional content but also of illocutionary force” (p. 76). With these different views, how a court interpreter handles the information he/she receives in court is clearly determined by the beliefs he/she holds, making his/her performance a more complicated matter.

Another problematic issue closely linked to the issue of infidelity in interpreting is the lack of proper training. When commenting on South African court interpreters, Moeketsi (1998) has pointed out that interpreters in South Africa are “...ill-trained, over-worked, unsupervised, generally undermined

and...bound to be erratic” (p. 72). In Australia, the members of AUSIT have access to the training courses provided by this association; however, such training courses do not seem to sufficiently meet the needs of interpreters to handle different situations in various cases. Hale (2004) has indicated that, as a linguist herself, she is keenly aware of the desperate need for most interpreters in Australia to improve their performance. What has led to a great disparity in the quality of interpreters, from the highly-educated and well-trained to those with insufficient bilingual skills, is the lack of compulsory pre-service tertiary training. Moeketsi (1999) has even more boldly stated that the majority of court interpreters in Australia as well as the rest of the world mainly rely on their intuition rather than theory to make their interpreting choices.

Apart from the issues of fidelity and role/positioning, a lack of understanding for the interpreting process is another common issue that often results in the lack of respect. The interpreting process itself is very complicated in nature, involving translating from one language to another and the added difficulty of achieving it in a limited time. In the case of court interpreting, such a time frame can be as short as a few seconds (similar to the working mode of simultaneous interpreting) or up to one minute. In this short time frame, the interpreting process consisting of three main stages takes place. These three main stages are comprehension, conversion and delivery (Ginori & Scimone, 1995). However, interpreting should not be thought of as simply receiving a message in one language, translating it into the target language, and rendering the message in the target language. Scollon (1998) has observed, “We say not only what we want to say but also what the text must inevitably say for us” (p. 15). In other words, more than language conversion is at play in the interpreting process. It implies that every speaker is bound by his/her language resources in expressing ideas. Moreover, any conveyed message can be influenced by

a number of factors including “knowledge of the language, of the subject matter, of the institutional culture as well as the speaker’s own culture, and also by the speaker’s speech coherence and presentational style” (Hale, 2004, pp. 3-4). Without the understanding of such an intricate process, often when misunderstandings occur, the first person to be suspected or blamed is the interpreter in the middle (Wadensjö, 1998). Unfortunately, a certain level of this criticism targeted at interpreters is justified (Hale, 2004), making it very hard for this profession to earn the respect it deserves in court.

Even though court interpreting has been a long-established practice in Austria, South Africa, and Australia, many aforementioned challenges and difficulties still can be found today. Among them, the needs for more training, more understanding of this profession, and more commitment to this profession from interpreters are at the core.

Current Development in Taiwan

In the past two decades, Taiwan has experienced much economic and social development. In this gradually shrinking world, more and more interaction and exchange has taken place between the East and the West or even countries in the same region. In the former category, Taiwan has witnessed more foreigners who have come to Taiwan to work and take residence. In the latter category, many foreign laborers have come from Southeast Asia to work in factories or nursing homes. Moreover, in both categories, quite a few foreigners have married and formed families in Taiwan. However, the increasing exchange and interaction between the locals and their foreign counterparts have also elevated the possibility for disputes, arguments, and other problems. When problematic issues that require legal assistance arise, they become more serious and complicated in scope. Seeing the increase in the number of legal issues

involving foreigners traveling to, living or working in Taiwan and their difficulty when communicating in court, the Taiwanese government decided to establish a formal guideline to govern the recruiting, training, and working details for court interpreters (jirs.judicial.gov.tw/Index.htm). This document provides the rationale to establish a formal system for court interpreters in Article 1.

In order to protect the rights of the blind, the mute, and the local and foreign subjects who do not understand Mandarin Chinese as well as to improve the court interpreting practices in Taiwan, the entire court system in Taiwan (including the high court, local court and prosecutors' office) has established a set of guidelines for recruiting, training, and employing contracted certified court interpreters. (Author's translation)

The first announcement of the largest endeavor to recruit and train court interpreters in Taiwan can be dated back to April 21, 2006. Several language criteria were chosen at that time, and a person who intended to become a court interpreter just had to demonstrate his/her competence in meeting one of the criteria. Until now, the language requirement for becoming a court interpreter has still remained the same, a quite low threshold. Any person meeting one of the following five criteria can apply to become a court-certified interpreter.

- a. a passing score for the GEPT (General English Proficiency Test) at the intermediate level,
- b. a score of 550 on the TOEIC test,
- c. a score of 457 on the TOEFL paper-based test (see Appendix 1 for test equivalence),
- d. the proof of having stayed in the country or area of the chosen

- language for more than 5 consecutive years,
- e. the proof of language competency in Mandarin Chinese and the possession of a work permit for any foreigner who would like to become a court-certified interpreter in Taiwan.

After meeting one of these preliminary qualifications, the person is required to receive the following types of training before he/she formally receives the court-issued certificate valid and renewable every two years.

- a. Two hours of introduction for court cases and the business scope.
- b. Six hours of common knowledge for court proceedings.
- c. Twelve hours of court procedures for various cases.
- d. Two hours of Code of Ethics for court interpreters.

All court interpreters are offered a two-year certificate which differentiates them from non-contracted interpreters.³ Take the High Court in Taipei for example. The court mandates those who desire to stay on the list of court-certified interpreters to attend a one-day training session before their contracts can be renewed.⁴

Clearly, in both aspects of the required language proficiency and knowledge of the legal field as a whole, the current threshold for becoming a court interpreter is not very high. As a burgeoning profession, court interpreting in Taiwan naturally faces similar challenges as Austria, South Africa and Australia. The development in these countries has revealed that court interpreters must be

³ Some court systems still rely on community interpreters who often are not trained but can speak the designated languages.

⁴ The latest on-the-job training session for contract renewal took place in July 2012.

aware of their roles/responsibilities and understand the elements involved in this profession. Those in the legal system also have to improve their understanding of court interpreting so that this practice can be carried out more smoothly and reach its intended purposes of assisting those in need. The most important issue relates to training, for it bears the biggest impact to the performance of court interpreters. It is with these major concerns in mind that the idea of this project took shape. This project sets out to explore the extent of these phenomena in the field of court interpreting in Taiwan. Only with more understanding can steps be taken and measures formulated to improve the existing practice of court interpreting in Taiwan.

Research Questions

Since an official association for interpreters is not presently available in Taiwan, this research relies mainly on the name lists of court-certified interpreters published on the website of the Ministry of Justice (www.judicial.gov.tw/Intrprtr/). As indicated in the literature review, new court interpreters are recruited regularly through official announcement, usually by court systems in the five regions of Taipei, Taichung, Kaohsiung, Hualien and Kinmen respectively. Experienced court interpreters have their certificates renewed every two years. Routinely, before the certificates are renewed, the court will survey the listed interpreters for their willingness to continue their service to the court for another two-year extension. With the consent of interpreters, the pertinent authority then sends out notices to remind these interpreters of the one-day advanced training, usually held in July or August. In order to understand the current development of this field, this research is carried out to explore the following three questions.

1. What are the current distributions of court interpreters in Taiwan?
2. What are common problems, challenges or issues encountered by court interpreters in Taiwan?
3. From the interpreters' perspectives, what changes should be considered and implemented to improve the practice of court interpreting? What changes are deemed as desirable?

Research Methods and Data Collection

This study makes use of three data-collecting tools: a compilation of existing court interpreter lists (official data), a survey distributed to these interpreters, and personal interviews. The first part is aided by the officially-announced information on the website of the Ministry of Justice (www.judicial.gov.tw/Intrprtr/). However, as the name lists were initially compiled region by region, and some interpreters were cross-listed in more than one region, these name lists had to be sorted and tallied. The second part is a list of closed-ended and open-ended questions sent to the listed interpreters. Nevertheless, because some of the interpreters, especially the foreign spouses who have been naturalized and those aborigines who have become court interpreters on the basis of community interpreters,⁵ may not have enough literacy to read the survey questions, the current study is limited to interpreters who are certified in English, German, French, Spanish, Japanese, Korean, and Portuguese. Taken from Hale (2004), this current survey is modified but still focuses on 4 major components: (1) personal details, (2) knowledge of the legal system through training, (3) frequently-encountered difficulties, (4) suggestions for improvement.

⁵ Many tribal languages for aborigines are spoken languages without written records. The interpreters coming from this background are often referred to as community interpreters, for their reason of serving as interpreters is to help their own people in the court system of Taiwan.

Findings

Compilation of Court Data

The tally of interpreters registered in Taipei, Taichung, Tainan, Kaohsiung, Hualien and Kinmen indicates that, currently, there are 161 court-certified interpreters in Taiwan, providing court interpreting services in these five regions. Moreover, these interpreters can be divided into different language groups. In terms of foreign languages, interpreters with 13 language combinations are recruited by the court system to provide interpreting services to the people speaking these languages. These 13 foreign languages cover English, French, Spanish, German, Japanese, Korean, Khmer (Cambodian), Indonesian, Thai, Portuguese, Malay, Vietnamese, and Filipino. For more specific numbers of interpreters for each language, please refer to Table 1. Domestically, different dialects are spoken in Taiwan. Therefore, the interpreters of Hakka, Cantonese, and 5 tribal languages are included in the talent pool as well. In addition, 21 interpreters for sign language are on the team.

Table 1

Languages and Interpreters

Specified Languages	Sub-totals for Interpreters of Different Languages
English	22
French	7
Spanish	10
German	4
Korean	1
Portuguese	1

(continued)

Table 1

Languages and Interpreters (continue)

Specified Languages	Sub-totals for Interpreters of Different Languages
Malay	1
Indonesian	11
Vietnamese	23
Filipino	2
Japanese	12
Khmer (Cambodian)	2
Thai	9
Sign language	21
Hakka	14
Cantonese	4
Tribal languages (Lukai, Bunong, Amei, Paiwan, Taiya)	17
Grand Total of Interpreters	161

Note. Compiled by the author.

Survey and Interviews

This section focuses on the answers provided by the respondents through the survey and in interviews. The survey questions are divided into two formats. The first type of questions asks the respondents to mark their answers on a five-point Likert scale. The second type of questions is presented in a multiple-answer format. The respondents are encouraged to tick off all applicable answers. In terms of interviews, only ten respondents were available or willing to participate. The interview includes extended questions to gain more understanding of challenges and problematic issues experienced by court interpreters (see

Appendix 3). Since only ten respondents were able to share their experience and insight, their survey and interview responses were combined.

Personal Details of the Respondents

As this study is the first of its kind to be carried out in Taiwan, the chosen target group of interpreters is limited to those certified in English, German, French, Spanish, Japanese, Korean, and Portuguese. In other words, 57 questionnaires were mailed to these interpreters to invite them to participate in this survey. Nevertheless, these interpreters are not organized by a professional group. They share only one common point of being certified by court. Perhaps due to a low level of commitment to this profession, only 39 surveys (a return rate of 68.4%) were completed and sent back. These 39 respondents include 28 females and 11 males. Twenty-one (21) of them live and work in northern Taiwan; seven are registered with the Taichung court system; eight work for the Kaohsiung court system; two work for the Hualien court system, and one person lives and works in Kinmen. All of them hold a bachelor's degree. 26 of them majored in the certified languages at university and 13 majored in other disciplines. Moreover, 22 of these 39 interpreters hold a postgraduate degree and three of them have a master's or doctoral degree. One special note is that a handful of these 39 interpreters are also certified court interpreters in the US and previously worked there as well.

Knowledge of the Legal System through Training

Among the survey questions, three of them asked the respondents about their knowledge of the legal system with a special focus on their previously received training. Out of these 39 interpreters, a majority of 28 (72%) interpreters received a total of less than 25 hours of court interpreting training.

They indicated that the service training provided by the court before they became certified was the only legal training they had ever received. The other 11 interpreters received their degrees in language training or translation/interpreting. Most of them took either legal English or other interpreting courses in university. A rough estimate of total training hours came to approximately 70 hours for the latter group.⁶

In addition, when asked about the frequency of their appearance in court for providing interpreting services, the answers showed a great deal of variation. Twenty-one interpreters have seldom received cases assigned by the court, with the frequency of once every two months. Eight interpreters have received assignments about once a month. Five interpreters have regularly visited the court, about twice a month. Five interpreters (two of them take residence in Taipei) have provided their service to the court on a weekly basis (one of them even goes to court as frequently as two to three times a week).

Frequently-encountered Difficulties

Taking references from Hale (2004) and other research results, this portion of the survey focuses on problems and difficulties that court interpreters often encounter at work. As indicated in the literature review, many researchers have pointed out some common problematic issues in court interpreting practices of different countries. This current survey has collected a total of 20 potentially problematic conditions and asked respondents to provide their feedback (see Appendix 2). Among these conditions, the issues of a lack of information for preparation, poor working conditions, the need for training, a lack of respect, and irregular remuneration were highlighted by the respondents.

⁶ One semester of legal translation/interpreting comes with 54 course hours.

Lack of case information. Among these items, an overwhelming 35 out of 39 interpreters have indicated that they often do not receive enough information about their assigned cases from the court. Frequently, interpreters only receive a subpoena informing them when they need to go to the court and about what the assigned case will be. Under such circumstances, interpreters will only know what the case is about but will have no clue about case details. Sometimes, if the court clerk is thorough, a copy of the indictment will be enclosed. Then interpreters can perform their assignments with more preparation. For the court system, such improvement may also bring a more satisfactory result in the aspects of time management and efficiency.

Poor working conditions. Another most-checked difficulty by respondents is the poor working conditions. The difficulty perceived by the interpreters in this survey has mainly come from two sources. On the one hand, legal representatives including lawyers, prosecutors and even judges, often do not know how to work with an interpreter. Some of them do not know that they should allow time for an interpreter to render questions or comments into the target language. Some of them tend to give too much information (more than 5 sentences) at a time but do not even provide a notepad for the interpreter to take notes.⁷ Sometimes, judges cannot even decide whether they want the interpreter to provide simultaneous or consecutive interpretation in court. The reason is that judges will worry if the interpretation is rendered faithfully if the format is simultaneous interpretation, yet consecutive interpretation usually consumes too much court time. When a judge is caught in that dilemma and cannot decide in which form the interpretation should take place, an interpreter

⁷ Interpreters are not allowed to bring their own notepads into the court. Therefore, relying on their working memory is often the only tool for interpreters.

often faces some difficulty, too. In the interview, one interpreter described this frustrating experience.

On that day, there were three judges. I was told at the very beginning by one of the judges that she wanted me to provide consecutive interpretation because she wanted to make sure I was translating faithfully. Then I did what she asked. Three rounds into the court interrogation, the same judge told me to switch to simultaneous format because she didn't want to waste time. I have no problem working either way, but judges really should know what they want.

Other interpreters have also shared in their interviews that some judges and prosecutors lack experience in working with interpreters.

On the other hand, the interviews have shown court interpreters are rarely informed about the length of an assignment. Sometimes, when a case is very complicated, the court session may last four to five hours. Such duration is a challenge for most interpreters, even an experienced one. However, those in the court system often fail to understand that interpreting is a draining task, and asking any interpreter to work for 4 to 5 hours is not reasonable, not to mention the possibility that when the interpreter becomes tired, his/her interpreting quality may be adversely affected. When discussing this aspect, one interpreter shared an unpleasant experience.

One time, I arrived at the court for a 2:30 session. Each time when the judge questioned the defendant, he uttered more than 30 statements and totally ignored the load he put on me, the interpreter. That session was really long and the working condition, I meant the judge's questioning style, was not good. By 5:30, I was totally exhausted. Even

though I politely informed the judge that I had reached my limit, he failed to understand what I meant and told me to take a five-minute break. He simply had no idea how consuming an interpreter's job was.

Some interpreters have also stated that those in the court system seem to view interpreting as a language activity in which a language goes in and another language comes out. With this simple view, those working in the court fail to understand or appreciate the efforts that an interpreter has to make to complete an assignment. Consequently, court interpreters are exposed to difficult or unreasonable working conditions.

Lack of training, lack of respect & irregular remuneration. Other issues that have received much attention from the respondents include the need for more in-service training, the issue of not being respected, and the irregular remuneration. First, all court-certified interpreters have their contracts renewed on a two-year basis. Every two years, the court sends out an official notice to inquire whether the listed interpreters would like to continue their services as court-certified interpreters. If the answer is positive, the interpreter will receive a further notice to attend a one-day training program. The purpose of this training is to update interpreters with any new rules and regulations or modifications of existing laws. Even though the training is planned for one day, the actual implementation often only covers 4 to 5 hours of lectures and 2 hours of interaction and communication. It is in the last two hours that the practicing interpreters get a chance to communicate their concerns about the court-interpreting practice to the authority. Although such training is meant to help the interpreters perform their job better, its effectiveness can still be questioned because of the content and length.

Second, legal representatives are perceived as lacking respect towards interpreters. Such a perception is supported by the questions often addressed to interpreters. For example, when some judges want to know the professional qualifications of the assigned interpreters, the questions are often phrased in a condescending tone. For instance, one interpreter was once asked bluntly by a judge, “What makes you qualified to sit here as an interpreter?” This question might have been asked with a certain rationale and have its place in court proceedings. However, the judge should be aware that the interpreter who is called to be present in court has been previously verified as a court-certified interpreter. Therefore, asking a question in such a manner can be interpreted as rude and disrespectful or even as a sign of lacking trust. Other times, some defendants are rude to a court interpreter simply because they want to bring in their own interpreter or see the court interpreter as “someone” employed by the court. In this case, the issue of trust may block communication.

Last, although the remuneration of interpreters is regulated by the court system, it does not mean all judges know how they should compensate interpreters for their service. In this situation, how much a judge values an interpreter’s service becomes the only determining factor of that interpreter’s remuneration. Moreover, the issue of respect for the profession may even come into play when a judge decides the fee for an interpreter’s service (ipc.judicial.gov.tw).⁸ Based on the answers collected from the respondents, this issue still remains a problem. One interpreter recalled the following experience.

⁸ This set of guidelines established by the Judicial Yuan governs the working details of all court interpreters in Taiwan. Clause 11 stipulates that judges may determine interpreters’ fees based on case complexity and interpreters’ effort. However, in real practices, some judges are not able to fairly gauge either linguistic complexity or the effort required.

I remember one judge who decided, after a three-hour court case, to arrange a minimum pay for my service that day. I was greatly insulted because the court proceedings went very well even though it was long. I started to question myself why the pay was so low that day. Worse yet, I started to question my interpreting quality. I don't like the feeling of not being valued.

Even with varying levels of remuneration, many court interpreters still faithfully play their role in assisting court cases. However, more awareness or perhaps some basic training to judges can help address the situation described above.

Suggestions for Improvement

Among the 39 respondents to this survey, only eighteen of them have regular court interpreting assignments though their frequencies vary. Consequently, these respondents provided more insight in their suggestions. This section of findings mainly focuses on their input. Four suggestions are commonly shared by these 18 respondents. Eleven of them would like to receive more formal and regular training that involves more than just lectures. Preferably, courtroom practices can be offered as part of future training. It is also suggested that the court system regularly hold seminars for experienced interpreters to share their experiences in handling different cases and the strategies they have employed to help them perform better in court. In addition, fifteen of these more experienced court interpreters would like to advise the court to provide more detailed information regarding each assignment. For better time management, the respondents prefer knowing how long each session would last. Even an estimated time frame is appreciated, for many of them still hold regular jobs. It is also noted that the court should do better in its time management, too. Very often, an interpreter would go to the court on time, only to realize that his/her

assignment has been delayed indefinitely. A certain degree of delay is reasonable and acceptable, but being informed that a session is delayed indefinitely can be a very frustrating experience. Furthermore, 16 out of 18 interviewed respondents hope to see those working in the court system become better informed about how to work with interpreters. It is hoped that this awareness can bring forth an elevated level of respect to this profession, too.

Conclusions & Future Directions

This current study has helped the researcher to verify different phenomena existing in the practice of court interpreting in Taiwan. The responses collected from these 39 interpreters have informed the field that more training, both on-the-job and at the tertiary level, should be made compulsory so that those who intend to become court interpreters can better prepare themselves while they are still in university. Currently, several universities have offered graduate programs in translation and interpretation. One suggestion is that the court can organize short-term training programs with the assistance from professional interpretation instructors at these universities. Such training is recommended for two reasons. First, at the tertiary level, training materials can cover both theoretical and practical aspects in performing an interpreting task. Second, in such a training program, professionals from both the academic field and the court interpreting field can be recruited for collaboration of material development. Another suggestion is to have court interpretation offered as a regular course in either undergraduate or graduate programs. This course can be offered in conjunction with a practicum course which requires students to observe interpreting sessions in court.

Moreover, the court should set higher standards for recruiting interpreters because once an interpreter becomes certified by the court, he/she is granted

the privilege to take on court assignments. Thus, it is the court's responsibility to be the gate-keeper to ensure the quality of court interpreters. In addition, to provide court interpreters with better working conditions, other parties including judges, prosecutors, and lawyers in the court system should be trained or at least be informed of how to work with interpreters. Most importantly, these parties should have the awareness that interpreters are not translation machines. They need necessary information to prepare for upcoming cases. Their job is consuming both physically and mentally. Therefore, scheduling a reasonable period of time for an interpreting assignment should also be taken into consideration. Clearly, compared to other countries, the development of court interpreting in Taiwan still has a long way to go, and those in this field still have much to learn. Nevertheless, only with more informed participants can a system be improved. In conclusion, educational institutions, the court system, and court interpreters themselves have to work together as a team to bring forth necessary changes and improvement to the practice of court interpreting.

For future studies, a survey of a larger scale should be encouraged to cover all court-certified interpreters in Taiwan so that the responses can be more reliable. In addition, needs analyses can be conducted to help design a course in court interpretation. When such a course or short-term program can be offered, more data can be collected to help understand the needs and the linguistic challenges that court interpreters have. Moreover, studies focusing on the accuracy of interpretation should be carried out for more insight into what can be done to increase the accuracy level of interpreters. Such studies nevertheless will, to some degree, require the cooperation and participation of court interpreters. Consequently, in order to increase their level of participation and commitment, perhaps a professional association (similar to AUSIT in Australia) for this career should be planned and established.

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Appendix 1

Language Equivalence Chart for English Competency of Government Officials

Cambridge Main Suite	BULATS	GEPT	TOEFL			TOEIC IELTS	
			PBT	CBT	iBT		
Key English Test (KET)	ALTE Level 1	Elementary	390	90	29	350	3
Preliminary English Test (PET)	ALTE Level 2	Intermediate	457	137	47-48	550	4
First Certificate in English (FCE)	ALTE Level 3	High- intermediate	527	197	71-72	750	5.5
Certificate in Advanced English (CAE)	ALTE Level 4	Advanced	560	220	83	880	6.5
Certificate of Proficiency in English (CPE)	ALTE Level 5	Superb	630	267	108- 109	950	7.5

Note. Ratified by the Executive Yuan on April 4, 2006 Document Number 0950061619

Appendix 2

Survey of Current Court Interpreting Practices in Tainan

題號 Number	題目 Questions	完全 不同意 Totally Disagree	不同意 Disagree	沒意見 Fair	同意 Agree	極度 同意 Totally Agree
1	我們最初兩天的訓練及每隔兩年的回訓對我擔任法庭翻譯的幫助很大 The initial two-day training and the contract-renewal training every two years has been very helpful for me in performing the court interpreter's role.					
2	我希望能有更多關於法庭翻譯的訓練 I hope to receive more training in court interpreting.					
3	如果有機會參加正規的法庭翻譯訓練，我願意參加 If formal court interpreting training sessions are offered, I am willing to take part in the training.					
4	我經常有機會擔任法庭翻譯 I frequently have to go to court for interpreting assignments.					

(續下頁)

Survey of Current Court Interpreting Practices in Taiwan (continue)

題號 Number	題目 Questions	完全 不同意 Totally Disagree	不同意 Disagree	沒意見 Fair	同意 Agree	極度 同意 Totally Agree
5	我會花時間準備每次的案子 I spend time preparing for the assigned case every time.					
6	對於大部分的案子，我都能接到足夠的資料，進行準備 For most cases, I can receive enough information for preparation.					
7	出庭時，我覺得法官、檢察官、律師，對翻譯都很尊重 When I am in court for an interpreting assignment, the judge, the prosecutor, and the lawyer(s) all show me respect.					
8	當事人對我[翻譯]也很尊重 The people receiving my interpreting services show me respect.					
9	多數庭期都準時開始 Most court assignments begin on time.					

(續下頁)

Survey of Current Court Interpreting Practices in Taiwan (continue)

題號 Number	題目 Questions	完全 不同意 Totally Disagree	不同意 Disagree	沒意見 Fair	同意 Agree	極度 同意 Totally Agree
10	開庭的時間掌控非常不準確，也就是說，庭期開始時間常有延誤、無法預期出庭時間長短 Time management for court interpreting assignments is poor, meaning the assignments do not start at the designated time, and it is hard to know how long each assignment may last.					
11	若遇到已經排好的庭期有當事人不克出席的狀況，我會接到取消通知 If the person in need of my service for a scheduled assignment cannot make it to the court, I will receive a notice for assignment cancellation.					
12	法官、檢察官、律師知道如何與翻譯共事 Judges, prosecutors, and lawyers know how to work with me, the interpreter.					

(續下頁)

Survey of Current Court Interpreting Practices in Tainan (continue)

題號 Number	題目 Questions	完全 不同意 Totally Disagree	不同意 Disagree	沒意見 Fair	同意 Agree	極度 同意 Totally Agree
13	法官、檢察官、律師在問話時，會考慮到翻譯的處理時間、訊息處理長度 When making statements or asking questions, judges, prosecutors, and lawyers pay attention to the time an interpreter needs for handling the information and will control the length of the information.					
14	我覺得法院和檢察署對待翻譯的態度是一致的 I feel that the courts treat interpreters in the same manner as the prosecutor's offices do.					
15	出庭時，在費用領取上都很順利 For court interpreting assignments, the process of receiving remuneration is smooth.					
16	法官知道如何批翻譯的費用 Judges know how to arrange the remuneration for interpreters.					

(續下頁)

Survey of Current Court Interpreting Practices in Taiwan (continue)

題號 Number	題目 Questions	完全 不同意 Totally Disagree	不同意 Disagree	沒意見 Fair	同意 Agree	極度 同意 Totally Agree
17	我覺得一個好的法庭翻譯有責任讓法律程序順利進行 I feel that it is the responsibility of a good court interpreter to facilitate the smooth progression of court procedures.					
18	在出庭任務結束之後，我會檢討自己的翻譯過程 After completing the court interpreting assignments, I will review my performance.					
19	如果有機會，我願意擔任全職法庭翻譯 If there is an opportunity, I would be willing to take up a full-time court interpreter's position.					
20	我覺得臺灣的法庭翻譯制度非常完善 I think the court interpreting system in Taiwan is very sound.					

Open-ended questions:

個人資料 (personal information):

1 教育程度 (Education Background) :

_____ 研究所 (Graduate School)

_____ 大專/大學 (College/University)

_____ 高中 (High School)

2 年齡 (Age) :

_____ 50歲以上 (50+) _____ 40-50歲 (40-50)

_____ 30-40歲 (30-40) _____ 20-30歲 (20-30)

3 翻譯經驗 (Interpreting Experience) :

_____ 1-5年 (1-5 years) _____ 5-10年 (5-10 years)

_____ 10-15年 (10-15 years) _____ 15-20年 (15-20 years)

_____ 20年以上 (20+ years)

4 法翻經驗 (Court Interpreting Experience) :

_____ 1-5年 (1-5 years) _____ 5-10年 (5-10 years)

_____ 10-15年 (10-15 years) _____ 15-20年 (15-20 years)

_____ 20年以上 (20+ years)

5 出庭頻率 (Frequency of Court Interpreting) :

_____ 2個月0-1次 (0-1 time/2 months)

_____ 2個月2-3次 (2-3 times/2 months)

_____ 2個月4-5次 (4-5 times/2 months)

_____ 2個月5-6次 (5-6 times/2 months)

_____ 更多 (More Often) _____ 更少 (Less Often)

6 法翻訓練時數 (Total Training Hours in Court Interpreting) :

_____ 5-10小時 (5-10 hours) _____ 10-20小時 (10-20 hours)

_____ 20-30小時 (20-30 hours) _____ 30-40小時 (30-40 hours)

(續下頁)

_____ 40-50小時 (40-50 hours) _____ 50-60小時 (50-60 hours)
_____ 60-70小時 (60-70 hours)

7 最常碰到的問題，可複選 (Most Frequently-encountered Problems, please check those applicable to you)：

- 7.1 _____ 接到的資料不足，覺得擔任翻譯很吃力 (Difficulty in interpreting due to a lack of information)
- 7.2 _____ 法官開庭時間不準時 (Delay of court time by judges)
- 7.3 _____ 常常在法院等候很久 (Long wait in court)
- 7.4 _____ 無法估計開庭時間的長短 (Inability to estimate the length of time in court)
- 7.5 _____ 開庭審理時間過長，造成翻譯精神不濟的狀況 (Long court time to lead to exhaustion)
- 7.6 _____ 當事人的語言表達不清 [包含口音不好辨認] (Unclear expressions made by the defendant, plaintiff or witness, including heavy accents)
- 7.7 _____ 法官、檢察官、律師的問題不明確 (Unclear questions from judges, lawyers, and prosecutors)
- 7.8 _____ 請領翻譯費用時遇到困難 (Difficulty encountered in receiving remuneration)
- 7.9 _____ 庭期在到庭之後才知道當事人不會出席，造成時間的浪費 (Time wasted when a court assignment is canceled after my appearance in court)
- 7.10 _____ 臨時接到通知要出庭，造成時間上、準備上的困擾 (Short-time notice for a court assignment and not enough time for preparation)
- 7.11 _____ 法官、檢察官、律師不尊重翻譯專業 (Lack of respect from judges, lawyers, and prosecutors)
- 7.12 _____ 法官、檢察官、律師問題敘述過於冗長，沒有考慮到翻譯
(續下頁)

的感受 (Overly long statements from judges, lawyers or prosecutors and a lack of consideration for the interpreter)

- 7.13 _____ 法官、檢察官、律師講話速度太快，沒有顧及翻譯
(Overly fast utterances from judges, lawyers or prosecutors and a lack of consideration for the interpreter)
- 7.14 _____ 當事人不尊重翻譯 (Lack of respect from the defendant, plaintiff or witness)
- 7.15 _____ 翻譯案件性質、內容有時會讓翻譯不自在 (Being disturbed by case content or nature)
- 7.16 _____ 案子內容太過複雜，擔任翻譯角色會吃力 (Over-complicated case content and too much pressure)
- 7.17 _____ 訓練不足，有時覺得翻譯任務吃力 (A lack of training and the inability to perform the assignment)
- 7.18 _____ 庭期過長、翻譯費用過低 (Overly long court sessions and low remuneration)
- 7.19 _____ 庭期審理超過上班時間〔五點下班時間〕 (Court session exceeding the regular work hour at 5:00pm)
- 7.20 _____ 語言轉換上碰到不能順利轉換、表達的情況 (Difficulty in language conversion and expression)
- 8 你個人認為擔任法庭翻譯一職，感到最困難或最希望看到改進的有哪些議題，請解釋。

As a court interpreter, what are the changes and improvements you desire to see the most? Please provide your explanations.

Appendix 3

Interview Questions

1. How often do you go to court to help with an interpreting assignment?
2. Are you given enough time to prepare for cases?
3. What problems or challenges do you encounter most frequently?
4. Are there any issues that bother you a lot during an assignment?
5. If you can name two things that you want the court system to change the most, what are they? Please explain.
6. As a court interpreter, what can help you perform your role better?