

A Report on the Deposition Interpreting Class at the Monterey Institute of International Studies

TAKEDA Kayoko

(Monterey Institute of International Studies)

Interpreting at depositions and other proceedings in civil litigation represents a significant segment of the Japanese interpreting market in the United States. There is also a solid need for interpreters at depositions taken in Japan. However, there seems to be no formal training course designed for this specialized field of interpreting. This paper describes the deposition interpreting class which has been offered experimentally as part of the advanced consecutive interpretation courses in the Japanese Program of the Graduate School of Translation and Interpretation at the Monterey Institute of International Studies (GSTI/MIIS). The main objectives of this three-session class are to acquire general knowledge of legal procedures, terminology and professional protocol, and to study basic interpreting strategies for depositions. In light of the demand in the markets, and based on feedback from students and graduates, not only should these sessions be continued, but considerations should also be given to their further development to cover a wider scope of legal interpreting in the future.

1. Introduction

Definitions: The term “court interpretation/interpreting” has been defined as interpreting in legal settings, during both court and non-court proceedings, as noted by Mikkelsen (2000), González et al. (1991), and federal and states court certification programs, among others. However, because of its connotation of interpreting in the courtroom and the fact that “court interpreters” work predominantly in criminal court proceedings, the term “legal interpreting” is used instead in this paper to refer to interpreting

TAKEDA Kayoko, “A Report on the Deposition Interpreting Class at the Monterey Institute of International Studies.”

Interpretation Studies, No. 3, December 2003, pages 83-102.

(c) 2003 by the Japan Association for Interpretation Studies

in any settings related to legal proceedings—civil or criminal, court or non-court. When “court interpretation/interpreting” is used in this paper, it is for general reference in the particular context. “Deposition interpreting” refers to interpreting at depositions and deposition preparation sessions.

In U.S. civil procedure, there is a fact-finding process called “discovery,” during which each party attempts to obtain relevant information before trial. The methods employed include depositions, interrogatories (written questions) and production of documents. In a deposition, a witness testifies under oath outside of the courtroom. The questioning is primarily done by the opposing counsel, but counsel for the witness may object,¹ advise, and even ask questions after the opposing side’s examination. No judge is present, but the testimony is recorded by a court reporter, and often videotaped, and the transcript and/or the videotape may be used during the trial.

Interpreting for Japanese witnesses and parties at depositions, trials and other proceedings in civil litigation represents a significant, and arguably the most secure, segment of the Japanese interpreting market in the United States. As a considerable number of Japanese corporations continue to design, manufacture and market their products in the United States and to partner with U.S. companies, litigation involving such Japanese firms is not uncommon in cases such as patent infringement, products liability, contractual enforcement, antitrust and employment. This has created a steady, if not increasing, demand for Japanese translators and interpreters during discovery, trials and other proceedings. In litigation-related assignments, translators mainly work on the review and translation of Japanese documents that are produced during discovery, while interpreters generally work on preparation sessions, deposition testimonies and trial testimonies for Japanese witnesses. Since depositions are occasionally taken in the U.S. Embassy and Consulates in Japan,² this is also an area relevant to interpreters based in Japan.

In teaching translation and interpretation, it is important for instructors to be attentive to the trends and needs of the evolving profession and to provide students with professional training in line with market demands. However, it seems that no formal course dedicated to Japanese/English interpretation in civil litigation exists at the present time. There are study groups, seminars and college courses on court interpretation in Japan, but their focus is on interpreting for foreign suspects and defendants in Japanese criminal proceedings. There is also a private Japanese interpreting school in Los Angeles that offers some instruction on deposition interpreting, but it is

offered on an ad-hoc basis and the school does not have courses designed for legal interpreting.

As an instructor of interpretation at GSTI/MIIS, I have been experimentally incorporating an introductory class of deposition interpreting in my advanced consecutive interpretation courses on and off since 1996³ in order to expose the students to this specialized field as a challenging, but quite possibly the most steady, interpreting job segment in the United States. This class has evolved over the years, with some adjustments made each year to offer more effective and up-to-date instruction.

This paper discusses various aspects of this deposition interpreting class in the most recent format, including where this class fits within the overall interpretation curriculum; how this class is structured; what is taught in the class; how students and graduates view this class; and how this class could be further developed in the future.

2. Deposition Interpreting in the Overall Curriculum

This section presents a brief overview of the school-wide interpretation curriculum at GSTI/MIIS; the court interpreting courses offered only in the Spanish Program and the reasons the approach and design of these Spanish courses may not be suitable for the Japanese Program; and where the deposition interpreting class fits within the overall interpretation curriculum of the Japanese Program.

2.1 Interpretation Curriculum at GSTI/MIIS

GSTI/MIIS is a graduate program of translation and interpretation in the United States, and offers Masters degrees in Translation (MAT), Translation and Interpretation (MATI) and Conference Interpretation (MACI) for Chinese, English, French, German, Japanese, Korean, Russian and Spanish.

The two-year curriculum consists of four semesters. Under the MATI and MACI tracks, students are required to take interpretation courses (Introduction to Interpretation; Intermediate Interpretation: Consecutive and Simultaneous; Advanced Interpretation I and II: Consecutive and Simultaneous; Action Research in Interpretation Studies; Interpretation as a Profession; and Interpretation Practicum) as well as some translation courses and general courses such as Public Speaking. Students are also required to take the Professional Exams at the end of the fourth semester, and those who pass these exams receive the Professional Exam Certificate.

2.2 Court Interpretation Courses in the Spanish Program

Although there are currently no courses specific to legal interpreting in the school-wide curriculum at GSTI/MIIS,⁴ the Spanish Program has the unique offerings of Introduction to Court Interpretation and Court Interpreting courses as electives in the third and fourth semesters.⁵ It also offers certificate programs for Spanish/English court interpretation, usually in the summer. Students include those who are preparing for the federal and states court certification exams. These courses are taught within the context of criminal proceedings since the criminal courts are where most Spanish interpreters work (although they engage in civil procedure, including depositions, as well). This approach is also in line with the contents of the federal and states certification exams, including the Japanese exam program in California.

It is true that the Introduction to Court Interpretation course in the Spanish Program serves as a general introduction to certain universal subjects such as the U.S. judicial system and interpreters' code of ethics for students of any language. However, the prime focus of this introductory course and the subsequent court interpreting courses in the Spanish Program is on criminal proceedings, and this is not consistent with the mainstream practices and needs in the Japanese/English legal interpreting field in the United States.

While a Spanish interpreter may go to a courthouse most mornings without knowing what kinds of cases are waiting, and interpret (consecutively or simultaneously) for as many as fifteen defendants in a day,⁶ the place a Japanese interpreter typically finds himself/herself is in a conference room of a law firm, *not* in a courtroom. Japanese interpreters work at depositions (including preparation sessions) far more often than in court. A typical assignment would be to spend two or three days of preparation with a witness and attorneys, followed by working at the actual deposition as the lead or check interpreter in a patent or product liability case. A deposition often lasts more than one day. (I have never done or heard of simultaneous interpretation performed at a deposition involving the Japanese language.)

As the markets create different needs and requirements for Japanese and Spanish interpreters who work in legal settings, different types of instruction must be given to properly train students in these different programs.

2.3 Consecutive Interpretation Courses in the Japanese Program

There are different objectives for different interpretation courses. The following is a

general description of the consecutive interpretation courses, in sequence, taught in the Japanese Program at GSTI/MIIS.⁷

a) First Semester: Introduction to Interpretation

This is the first interpretation course students must take. The course includes an overview of the interpreting profession; exercises for active listening, analyzing and memorizing; an introduction to note-taking; and interpreting exercises using speeches on general topics.

b) Second Semester: Intermediate Interpretation

The main course objective is to enhance the students' ability to grasp the structural organization and essential meaning of speeches of moderate difficulty. While improving their note-taking and public speaking skills, students also learn how to research and prepare for interpretation of specific topics.

c) Third Semester: Advanced Interpretation I

This course focuses on the settings where Japanese/English consecutive interpretation is commonly used in the actual market. Topics selected are also in line with the current market demand for Japanese interpreters.

d) Fourth Semester: Advanced Interpretation II

In this course, students are expected to interpret difficult and complex speeches. Guest speakers are invited so that students can experience first-hand how to keep the right pace and control the environment, among other things. Students are also prepared for the Professional Exams.

The deposition interpreting class is offered in three sessions. The first two sessions take place in Advanced Interpretation I (third semester), involving one lecture session and one practice session in the following week. The third session, which is another practice session, is taught in Advanced Interpretation II (fourth semester). (Since a substantial amount of time is dedicated to classes with guest speakers and preparations for the Professional Exams, it is not feasible to have more than one session for deposition interpreting in Advanced Interpretation II.)

These sessions are not offered in the first and second semesters, considering that students' knowledge and skills are not sufficient yet to receive training for deposition interpreting. Students may also become confused if complete and accurate interpretation

required in legal settings (which covers all aspects of what is said, including self-corrections, rambling and incoherent statements) is imposed upon them while still learning basic interpretation skills (which emphasize attention to the sequential logic and key ideas of a speech).

3. Deposition Interpreting Class

This section describes the three sessions on deposition interpreting, and the assignments given to the students before those sessions start.

Although linguistic challenges particular to Japanese/English interpretation in legal settings are discussed during the practice sessions, given the time limitations and the unlikelihood of students working at depositions immediately after graduation, the focus of the class is to make students familiar with discovery proceedings, legal terminology, deposition settings, basic interpreting strategies, and protocol in interacting with attorneys, witnesses, opposing interpreters and court reporters. This focus is consistent with the feedback received from graduates who are currently practicing in the legal interpreting field. (They generally stress the need to know the environment where Japanese legal interpreters work, and basic interpreting strategies, rather than detailed techniques and skills—since they believe those are of a nature interpreters acquire “on the job” through specific assignments.)

3.1 Pre-session Assignments

In order to make the best use of the limited class hours, reading assignments are given to the students prior to the first session. These assignments include selected chapters from various books, which present an overview of discovery procedures and depositions in litigation in which Japanese corporations are typically involved in the United States, and recent newspaper and magazine articles covering settlements, verdicts and other notable developments in cases where Japanese firms were named as parties. Recent reading materials contained the chapters on discovery from 『日/米国際訴訟の実務と論点』 and 『製造物責任なんでも事典』 and newspaper articles titled “Deposition: Firestone used lowest-rated tire” (*USA Today*. 8/16/2001), “Nakamura may face perjury trial” (www.optics.org. 4/19/02) and 「青色LEDの中村教授、米国特許訴訟が泥沼化」 (*Mainichi Shimbun*. 4/19/02). Students are expected to gain a working knowledge of what is involved in discovery proceedings through these materials. This process helps the instructor use the class hours more productively.

Students are also given terminology assignments. A list of English legal terms is provided, and each student is assigned a portion of the list. The student is expected to study the assigned terms and to post their Japanese translation on the course bulletin of the school network. The postings from all the students complete the terminology list with Japanese translation. The students are expected to review the portions contributed by other students before the first session. In addition, a list of objections which are frequently used by attorneys during depositions and trials is provided in English only. Students are expected to review them and to prepare translations of such objections prior to the session.

If the student wishes, audio tapes of actual depositions are provided for review. This is not a requirement, but most students have listened to a deposition tape before the first session to feel the atmosphere of the setting and to familiarize themselves with interactions between the participants.

3.2 Session 1 (Lecture)

a) Why “Deposition Interpreting?”

Session 1 starts with an explanation why this class is not called “court interpreting,” but “deposition interpreting.” The instructor describes the unique needs and opportunities found in the Japanese legal interpreting market in the United States, with a comparison to the Spanish market: There are a substantial number of court-certified Spanish interpreters and they are contracted by the courts to work in criminal court proceedings most of the time; while most Japanese legal interpreters are not court-certified, and they are usually contracted by private parties such as law firms and end clients to work in civil litigation. The instructor then introduces depositions (including preparation sessions) as the setting where Japanese legal interpreters work most frequently. Due to time limitations, the focus of this class is narrowed down to depositions instead of covering various types of legal proceedings; and it is accordingly called “deposition interpreting class.”

b) Civil Litigation Procedure and Needs for Japanese Interpreters

The reading assignments are reviewed with the students to confirm that they have a general understanding of what is involved in discovery and depositions. Types of litigation in which Japanese firms are commonly named as parties are also introduced, with references to some actual high-profile cases in such areas as products liability,

patent infringement, antitrust and employment.

The instructor then discusses the stages where the services of Japanese interpreters are needed, such as general strategy meetings; mediations and arbitrations; witness preparations; deposition testimonies; and trial testimonies. Again, it is pointed out that Japanese interpreters work in depositions (including preparation sessions) more frequently than in any other legal proceedings.

c) Lead Interpreter and Check Interpreter

The relationship between a lead interpreter and a check interpreter is explained as follows. In order to pursue the accuracy and completeness of interpretation, there is almost always an interpreter who checks the interpretation of the lead interpreter in a deposition. Generally, the interpreter from the examining party serves as the lead interpreter, and the one from the witness side as the checker. However, there are no established ground rules as to the roles of the lead interpreter and the checker. There are cases where the interpreter from the witness side serves as the lead, as well as those where the two interpreters take turns to be the lead and the checker. Also, there may be more than one interpreter checking the lead interpreter when there are more than two parties in the case.

d) Federal and States Court Certification Programs

Court certification programs and their relevance to Japanese interpreters are discussed in class. The Administrative Office of the United States Courts has federal court interpreter certification programs for Spanish, Navajo and Haitian-Creole, and designations for “professionally qualified” interpreters and “language skilled” interpreters for other languages. In other words, there are no federal certification exams prescribed by the Administrative Office for the Japanese language.

California is the only state that has a court certification program for Japanese along with those for Arabic, Cantonese, Korean, Portuguese, Spanish, Tagalog and Vietnamese.⁸ The instructor points out that although the state’s court certification is geared to the criminal justice system and does not reflect the practices of most Japanese interpreters in the actual market, “the courts are required to use certified court interpreters whenever available”, according to the Judicial Council of California; thus, becoming a court certified interpreter may be a good starting point for newcomers to work in the legal field.⁹

e) Codes of Ethics and Professional Protocol

Some of the main focus points of Session 1 are codes of ethics and professional protocol in working with the witness, the attorneys, the opposing interpreter and the court reporter. Referring to the instructor's own experiences as examples, it is emphasized that the codes of ethics generally recognized and practiced in the interpreting profession have even more significance in legal settings because of the high stakes usually involved in the case and the potential impact of interpreters' unprofessional conduct or incompetence on the outcome of the case. The instructor points out that legal interpreting requires probably the highest level of discipline in terms of the fidelity of interpretation and the professional conduct of the interpreter compared to other fields of interpreting, such as conference, media or escort interpreting. Among the topics discussed in class are the need for strict accuracy and completeness of interpretation, confidentiality, impartiality and conflicts of interest issues.

How to interact with the participants of a deposition is also discussed, initiated by the instructor's questions such as "What do you do if you don't agree with the checker's correction?" and "What do you do if the witness asks you for legal advice?"

The instructor also asks the students who have listened to actual deposition tapes about their thoughts on how the participants in the taped depositions interacted with each other, and leads class discussion based on them. The points emphasized by the instructor include the need to be keenly aware of one's role as an interpreter; the need to strictly limit one's conduct within the scope of the job; and the need for professional manners in interacting with all the participants of a deposition.

f) Basic Interpreting Strategies

Those students who have listened to taped depositions are also asked about the linguistic challenges they identified in the interpreters' performance in the tapes. In response to their comments, the instructor describes some of the problems deposition interpreters often encounter because of the characteristics of the spoken Japanese language and the complex legal language.

Basic strategies for handling those challenges are introduced by the instructor. The discussion includes how to handle the absence of singular and plural in the Japanese language; Japanese idioms that cannot be translated into English "verbatim"; the omitted subject and/or object of Japanese sentences; and lengthy sentences with complex syntax spoken by attorneys. Strategies such as the use of the passive voice

instead of the active (in the case of omitted subjects); the use of a Japanese term as is, followed by saying “literally,” and a “direct” English translation (in the case of terms and concepts peculiar to Japanese); and the occasional need to ask the witness to clarify homonym and singularity/plurality issues, are explained by the instructor using example sentences.

g) Review of Legal Terms and Objections

Assignments involving legal terms and objections are reviewed. The instructor makes corrections on the translation of the terminology list posted on the school network, if necessary. If there are questions on the meaning or concept of certain terms, the instructor or the students who were assigned such terms provide answers. The instructor also explains the importance of properly interpreting objections for the witness before he/she answers a question, and briefly goes over the translation of each objection.

3.3 Session 2 (Practice I)

a) Introduction

This is a practice session in a simulated deposition setting. Occasionally, an attorney is invited to the class as a guest. His introductory comments are interpreted by a student as part of the practice. Those comments generally cover the attorney’s self-introduction, the purposes of a deposition, and the roles of interpreters.

The seating of participants (the witness, his/her counsel, the opposing counsel, the lead interpreter, the checker, the court reporter and the videographer) in a typical deposition setting is explained with a diagram.

The instructor then sets up a role-playing session as follows: One student is assigned as the lead interpreter and another as the checker. The instructor plays the role of the Japanese witness, and the guest attorney or a first-year student (native speaker of English) plays the role of the examining attorney. When a guest attorney participates, a first-year student (native speaker of English) plays the court reporter for the swearing-in part and the opposing counsel for the objection parts. An actual deposition transcript usually from a product liability case is used as the base for a script. Those who play the roles of the witness and the counsel must be flexible to improvise their remarks in response to how the student interpreter interprets.

There are four 15-minute segments. Each segment has a different set of student interpreters (the lead and the checker). These segments are recorded and the tape is replayed after each segment for the instructor's feedback and class discussion.

b) Practice with a Product Liability Case

The following illustrates a typical sequence of text used in the practice. A script based on a product liability case has been used in recent years.

The first segment begins with the interpreter's swearing-in administered by the court reporter. The wording is standard, and the student is expected to understand it and make an affirmation without any trouble. Then, the student interpreter begins interpreting. First comes the witness' oath. This is also a standard phrase, and the student is expected to interpret it with no hesitation or back-tracking. The general instruction by the examining counsel and the first line of questions follow.

In the second segment, a portion that contains longer questions with complex syntax is selected as the script. It is also moderately technical.

The text used in the third segment has more technical content with some words and phrases, such as "hazard analysis" and "crashworthiness", which an examining attorney would frequently use in a product liability case.

The fourth segment has a line of questions that concern drawings and documents as exhibits. This is also technical, but contains some questions on the administrative aspect of the subject company, such as document retention policy.

c) Common Errors and the Instructor's Feedback

The student generally performs well in the first segment since it contains standard phrases and basic questions on the witness' background such as the name, the address, and current job. The instructor advises the students that memorizing the interpretation of standard introductory phrases is useful.

In general, the student interpreter is capable of grasping the main ideas of questions, but their interpretation tends to be incomplete, and sometimes inaccurate, when long sentences are used. The instructor emphasizes that no omissions, additions, alterations or explanations are allowed; every word, including "any" or "ever", must be interpreted in most cases; and all the aspects of what is said, including self-corrections, repetition and fragmentary statements, must be interpreted. It is also pointed out that different translations must be used for different words or phrases with similar

meanings (such as “produce” and “manufacture;” and “Were you aware ...,” and “Did you know about ...”). The need to pay attention to every detail and to write down specific words, rather than symbols, in their notes is suggested in order to achieve complete and accurate interpreting.

Some students have difficulty handling technical terms. The instructor’s suggestion is to transliterate those terms (i.e. to use English words as is) instead of attempting to come up with Japanese equivalents which may not be commonly used in the subject industry. The witness is generally familiar with those English technical terms as long as they are used in the context of his/her expertise.

As for technical and legal terms frequently used by the examining attorney in products liability cases (such as “design defects” and “assumption of risk”), the students are advised to become familiar with the concept and standard interpretation of such terms by reading product safety-related materials, for example.

When asking for clarification, the student interpreter sometimes forgets to differentiate his/her own remarks from the interpretation. The instructor advises the students to refer to themselves in the third person, such as “The interpreter would like to ask the witness for clarification,” or to signal before they speak by saying, “The interpreter speaking,” or “By interpreter:”.

The timing of corrections made by the check interpreter is also among the discussion topics. The student checker sometimes is so reserved that he/she delays too long in making a correction to the lead interpreter’s interpretation or makes no corrections at all when they are needed. The instructor stresses that the role of both the lead and check interpreters is to deliver accurate and complete interpretation to the best of their abilities and that both interpreters must strive to that end in a professional manner and should not be concerned with “offending” or “being offended” between themselves.

3.4 Session 3 (Practice II)

a) Practice with Lines of Questions Commonly Asked

In Session 3, the first half of the class is dedicated to interpreting practice with lines of questions frequently asked by the examining counsel in any type of case. They include:

- i. Voir dire: questions concerning the interpreter’s qualifications and credentials.
- ii. Preliminary instructions such as what to do if the witness doesn’t understand the question.

- iii. Introductory questions such as the educational background and job history of the witness.
- iv. Questions concerning documents, such as the identification of an exhibit document and the company's document retention policy.

The same format as the first practice session is used, with role-playing in a simulated deposition setting. In addition to providing feedback and leading class discussion on the interpreter's performance after each segment, the instructor discusses words and phrases frequently used in particular lines of questions.

With document-related questions, for example, the attorney's intentions in asking certain questions are briefly explained. The instructor also discusses frequently-used verbs such as "review," "prepare," "search" and "store" and shares with the students how they are usually translated into Japanese.

b) Practice with a Patent Infringement Case

In the second half of the class, a script based on a deposition transcript usually from a patent infringement case is used for two segments of interpreting practice. In the most recent session, the first segment concerned the subject company's internal procedures for patent applications, and the second segment contained some technical matters.

Types of errors the students make are usually the same as made in the previous session; and the instructor, again, stresses the importance of precise interpretation—no additions, omissions, summarization or editorializing. Through the patent translation courses in the previous semesters, most of the students already have a general understanding of patent prosecution in Japan and the United States and are familiar with patent-related terms. This makes it easier for the instructor to briefly touch upon some of the basic concepts associated with patent cases, such as patent validity, infringement and triple damages.

c) Summary of the Class and Suggestions for Further Studies

As closing, the instructor reviews the key points the students learned in the three sessions of deposition interpreting class, and makes suggestions for further studies.

The importance of sight translation is discussed since real time reporting by the court reporter is available to the interpreter during a deposition most of the time, eliminating the need for note-taking for the English into Japanese part of the

interpretation. Japanese documents with no English translation are sometimes presented as exhibits, and the interpreter is often required to sight-translate portions of such documents into English during a deposition. The instructor stresses the need of sight translation practice using legal and technical documents.

Lastly, for those students who are interested in pursuing legal interpreting, the instructor provides some practical advice, such as recommending that they start with on-site document review work at a law firm. There is a great need for reviewing and coding Japanese documents and translating those that are relevant to the case during discovery. Participating in such work at a law firm can be a good starting point to become familiar with the specifics of a case, potentially leading to introductory interpreting work such as witness preparations.

4. Feedback from Students and Graduates

Although students who took the deposition interpreting class have orally expressed their feedback on the class over the years, more specific comments were needed for considering further development of this class. In order to identify the students' interest in legal interpreting and the relevance of this deposition interpreting class to them, a survey was conducted immediately after the second session in the 2002 fall semester. Nine out of the eleven students who attended the class responded, and all of them indicated that they would like to spend more time studying legal interpreting in a separate elective course, not as part of the Advanced Interpretation courses. They especially liked the experience of interpreting in a simulated setting with role-playing. They were able to feel what an actual working environment would be like, but they regretted that time limitations didn't allow all of them to interpret as the lead interpreter in the practice sessions. They were interested in practicing in various types of cases as well. According to them, having an attorney's presence and listening to his feedback from the client's perspective was also a highlight of their learning in the class.

Some graduates of the GSTI Japanese Program, whose work includes interpreting in legal settings, suggested that there be a separate elective course, or workshops, dedicated to legal interpreting in the Japanese Program given the stable, and possibly growing, demand for deposition interpreting both in the United States and Japan. Among the reasons cited for making such a course elective was that not all students would be interested in or have aptitude for legal interpreting since it is a highly specialized field and location-dependent. The graduates also indicated that such a class

should cover an overview of civil litigation procedure, deposition settings, codes of ethics, and professional protocol; legal terminology, including objections and typical phrasing of questions; and basic interpreting strategies for dealing with linguistic challenges arising from the differences between English and Japanese languages.

5. Future Possibilities

In view of the feedback from students who took the deposition interpreting class and graduates who now work in the field of legal interpreting, instruction on deposition interpreting should be continued. The current deposition interpreting class could also be developed into a short elective course or a series of workshop-type sessions outside the required Advanced Interpretation courses in the future.

The coverage of the class could be expanded to include:

- a) more practice sessions;
- b) practice in a wider variety of cases such as employment and antitrust;
- c) a lecture on rudiments of patent law;
- d) a lecture on interpreting trial testimonies;
- e) sight translation of real time reporting using a laptop computer; and
- f) a lecture on translators' roles in document review and translation.

Since this expanded class may cover trials and other legal settings, it would be more appropriate for the class to be called by a broader name such as "legal interpreting." ("Court interpreting" may not be an appropriate title because of its possible connotation to criminal courtroom work.)

In order to avoid any confusion students may feel by engaging in a different interpreting style (i.e. interpreting all aspects of statements) from what has been taught and practiced in the regular interpreting courses, and so as not to impose this highly specialized field on the entire group of students, it would be ideal to have an elective short course or a series of workshops for teaching legal interpreting.

If the first session of such course or workshops included the topic of the roles of translators in the document production during discovery, translation-major students could also benefit from attending the session.

There would, however, be some challenges in such offerings that are more comprehensive. For example, it would be difficult for the resident teaching staff to cover a wide variety of topics. However, inviting guest lecturers who represent various

specialties would be an effective solution to that problem. Also, recruiting volunteer participants from a local law school in role-playing might be a good way to create simulated settings that are close to reality.

Another challenge would be how to incorporate sight translation in the class. While it would be ideal to have a court reporter and computer hook-ups in the classroom so that students could exercise sight translation using a laptop, making such arrangements would be extremely challenging. For the time being, student interpreters must continue to rely only on their notes in class. While it serves as part of note-taking practice, students should be reminded that sight translation is one of the keys to performing well in deposition interpreting and they should be encouraged to practice sight translation using technical and legal documents outside the class.

6. Conclusion

The purpose of this paper was to provide an overview of the deposition interpreting class offered as part of the advanced consecutive interpretation courses in the Japanese Program of GSTI/MIIS. In light of the demand in the Japanese interpreting market, and based on the feedback provided by students and by graduates who practice in the legal field, this type of class should be continued. It could also be expanded, in the future, into an independent short course, or a series of workshops. Participation of more lecturers with specific expertise would become one of the keys to success if more comprehensive courses on legal interpreting were to be offered.

It is my hope that this paper also serves as an introduction to the field of Japanese/English legal interpreting in the United States. During my research for this paper, I found very few materials that shed light on the roles of Japanese interpreters in civil litigation. Publications on court interpretation (not language-specific) in the United States had some references to civil procedure, but most of the discussions were dedicated to criminal procedure. Most of the books and articles on court interpretation in Japan also address issues stemming from the Japanese criminal justice system. Although there were some business and legal books that advise Japanese corporations on civil procedure in the United States, and some of them had references to the use of interpreters, those references were very general, and sometimes misleading.¹⁰

It also came to my attention that some practicing interpreters (including court interpreters) and interpretation professors of other languages had very little knowledge of what transpires in the work of Japanese interpreters in civil litigation. They seemed

to be unaware of the significance of legal assignments involving Japanese interpreters. The concepts of being checked by an opposing interpreter (and occasionally by more than one) and using a laptop computer to sight-translate the examining attorney's questions seemed foreign to some of them.

Future studies may include a more detailed discussion on the practices of Japanese interpreters in civil litigation in the United States, in order to present better understanding of this key segment of the profession. The number of Japanese interpreters who work in legal settings, the volume of such work, the types of cases they work on, the challenges they typically face, and professional guideline and standards could be among the topics to be covered. In addition, it may be interesting and informative to study the relevance of the California court certification program to Japanese interpreters who work in civil litigation, in order to address the issue of evaluating the competence of interpreters.

ACKNOWLEDGEMENT: I would like to thank my colleagues at GSTI/MIIS, Dean Chuanyun Bao, Ryoko Winter, Professor Emerita, Professors Joe Harvin, Yun-Hyang Lee, and Holly Mikkelsen, for their valuable comments and support. I am also grateful to my former students and fellow alumni for their most helpful input. My special thanks to Michael Hawkey for his generosity and encouragement.

筆者紹介: 武田 珂代子 (たけだ かよこ) フリー通訳者・翻訳者、モントレイ国際大学大学院客員教授。Visiting Professor in the Graduate School of Translation and Interpretation at the Monterey Institute of International Studies in California, USA. Freelance Interpreter/Translator. Email: kayoko.takeda@miis.edu

NOTES

1. To object is "a procedure whereby a party asserts that a particular witness, line of questioning, piece of evidence or other matter is improper." (Gifis, 300)
2. According to the U.S. Embassy in Tokyo, there were 40 days of depositions taken at the U.S. Embassy in Tokyo and 119 days of depositions taken at the U.S. Consulate General in Osaka in 2003 as of July 25. The deposition rooms at the U.S. Embassy and the U.S. Consulate General in Osaka are always booked six months in advance.

3. There were two sessions of deposition interpreting class offered by another instructor in 1991. There was another instructor who taught ad-hoc deposition interpreting classes from 1998 to 2000.
4. There was a school-wide general course, Introduction to Court Interpretation, offered in the past.
5. Besides MIIS, there are several other undergraduate and graduate programs of Spanish/English court interpretation in the United States, which reflects the great demand for Spanish interpretation services in the U. S. criminal justice system. In California, the number of court-certified Spanish interpreters was 1,030 in 2002 (*Report to the Legislature on the Use of Interpreters in the California Courts*), and the days of interpreter service for Spanish for fiscal year 1998-1999 were estimated to be 145,661 (*2000 Language Need and Interpreter Use Study*). The chronic shortage of court certified Spanish interpreters is considered a serious problem.
6. This reference is based on observing and interviewing Spanish interpreters working in the Monterey County Superior Court in Salinas, California.
7. Simultaneous interpretation courses are also taught in the second, third, and fourth semesters.
8. According to *Report to the Legislature on the Use of Interpreters in the California Courts*, the Judicial Council of California designated additional 5 languages for certification in 2002—Armenian, Khmer, Mandarin, Punjabi, and Russian. Certification examinations for these newly designated languages are currently under development.
9. In California, the number of court-certified Japanese interpreters was eight in 2002 (*Report to the Legislature on the Use of Interpreters in the California Courts*), and the days of interpreter service for Japanese for fiscal year 1998-1999 were estimated to be 1,080 (*2000 Language Need and Interpreter Use Study*). These numbers are significantly lower than those of Spanish. In the meantime, there are quite a few Japanese interpreters who almost exclusively work in civil litigation-related assignments on a daily basis.
10. In a book for advising Japanese companies about litigation in the United States, there was a reference to the effect that it is often the case that the attorneys on both sides get frustrated by the lead interpreter and the checker fighting and wasting time. (Underlined by Takeda.)

REFERENCES

Administrative Office of the United States Courts, Federal Court Interpreter Program.
Federal Court Interpreter information Sheet. Retrieved June 12, 2003

- [Online] <http://www.uscourts.gov/interpretprog/infosheet.html>
- Baylis, P. (2003, February 17). A long fight for better court interpreting. *The Asahi Shimbun News Service*. Retrieved July 2, 2003
- [Online] <http://www.asahi.com/englishfeature/K2003021700356.html>
- Black, H. C. (1990). *Black's Law Dictionary*. St. Paul, MN: West Publishing Co.
- de Jongh, E. M. (1992). *An Introduction to Court Interpreting: Theory & Practice*. Lanham, MD: University Press of America.
- Edwards, A. B. (1995). *The Practice of Court Interpreting*. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- Gifis, S.H. (1983). *Dictionary of Legal Terms*. New York: Barron's.
- González, R., Vásquez, V., Mikkelson, H. (1991). *Fundamentals of Court Interpretation: Theory, Policy, and Practice*. Durham, NC: Carolina Academic Press.
- Horton-Flaherty, K. (2002, April). Dearth of qualified interpreters raised the courtroom language barrier. *The California Bar Journal*. Retrieved July 4, 2003
- [Online] <http://www.calbar.ca.gov/calbar/2cbj/02apr/index.htm>
- Ivanichvili, N. (2003, July). A Lawyer's Guide to Cross-Cultural Depositions. *The Colorado Lawyer*, Vol. 32, No. 7, pp. 81-86. Retrieved July 4, 2003
- [Online] <http://languagealliance.com/white-paper/white-paper1.html>
- Judicial Council of California, Administrative Office of the Courts. (2000). *2000 Language Need and Interpreter Use Study*. San Francisco, CA
- Judicial Council of California, Administrative Office of the Courts. (2002). *The Judicial Council of California, Administrative Office of the Courts is pleased to announce the state certification examination for court interpreter*.
- Judicial Council of California, Administrative Office of the Courts. (2002). *Report to the Legislature on the Use of Interpreters in the California Courts*.
- Lise, W. *Japanese-English Deposition Interpreting*. Retrieved May 30, 2003
- [Online] <http://www.lise.jp/depo.html>
- Mikkelson, H. (2000). *Introduction to Court Interpreting*. Manchester, UK: St. Jerome Publishing.
- Mikkelson, H. (1998). Towards a Redefinition of the Role of the Court Interpreter. *Interpreting*, 3(1), 21-45.
- National Center for State Courts. (2002) *Court Interpretation: Model Guides for Policy and Practice in the States Courts*.
- National Center for State Courts. *Research: Court Interpretation*. Retrieved June 19, 2003,.
- [Online] http://www.ncsconline.org/D_Research/CourtInterp.html

Tsuda, M. (2002). Non-Japanese Speaking Suspects/Defendants and the Criminal Justice System in Japan. *Interpretation Studies*, No. 2, December 2002, 1-14.

木梨貞男（2001）『米国特許入門』工業調査会

住友商事文書法務部（1989）『アメリカビジネス法務』有斐閣ビジネス

高岡亮一（2002）『アメリカ特許法実務ハンドブック』中央経済社

『通訳事典 2002 年度版』（2002）「司法通訳」アルク

『通訳者・翻訳者になる本 2004』（2003）「法廷・捜査現場の通訳」イカロス出版

中山義壽（2002）『訴訟社会アメリカと日本企業』新評論

PL 研究所（1991）『製造物責任なんでも事典』ダイヤモンドセールス編集企画

藤田泰弘（1998）『日/米国際訴訟の実務と論点—訴状の送達から判決の執行まで』日本評論社

宮守則之（1992）『アメリカの PL 訴訟を知る 理論と実務の解明』有斐閣ビジネス

安田火災海上保険株式会社編（1989）『事例が語る米国 PL 訴訟』保険毎日新聞社

渡辺修、長尾ひろみ（1998）『外国人と刑事手続—適正な通訳のために』成文堂