UNIVERSITAT ROVIRA I VIRGILI

NON-STANDARD SPANISH IN THE UNITED STATES AND TRANSLATION NORM BEHAVIOR: A STUDY OF HOSPITAL AND COURT INTERPRETERS

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Abstract

Translating and interpreting in the highly specialized and regulated hospitals and courts of the United States require transferring concepts between languages in the most comprehensive, concise and clear way possible. The translators and interpreters who work in these contexts for Spanish speakers in the United States encounter a fragmented target audience that is culturally and linguistically diverse and that often uses non-standard language to communicate in Spanish. In order to achieve the communicative goal that responds to the needs of both the source initiators and the target audience, translators and interpreters are sometimes required to negotiate between adequacy norms and acceptability demands, an approach that often involves the use of non-standard language. They are nevertheless expected to follow standard language norms. As a result they are conflicted when faced with the prospect of using standard language with an audience that often does not. This research looks at situational, technical, linguistic and cultural elements that may be potential triggers for the use of non-standard language, and queries translators and interpreters about their translation decisions and thinking processes in those situations in order to identify patterns and common situational and professional characteristics.

Observations and surveys are the main data collection tools in this study. They are complemented by interviews and by a focus group with several interpreters. A series of translated materials was also analyzed in order to provide a more comprehensive contextual background and a medium against which to compare the incidence of non-standard language use noted during the observations and in the questionnaires. In terms of participant selection, the aim of the study was to reach out to the most qualified people who work in the health and legal fields professionally. The participants were selected from the membership of translation and interpreting associations, which attract professionals active in the translation field, many of whom are certified by the organizations to which they belong. Other participants were selected from hospitals and courts, where there is a growing demand for highly qualified professional translators and interpreters whose qualifications are vetted by the hospitals and courts themselves through their own testing mechanisms or through reputable third-party accrediting institutions. In addition to contributing qualified participants to the study, hospitals and courts also provided the ideal sites for the observation of interpreters at work. In total 127 translators and interpreters participated in the study. Of that group, 15 interpreters were observed in several clinics within a large hospital and in three courts. The observations provided a window on the work environment of the interpreters and were a valuable tool for the identification of potential triggers for non-standard language use in real encounters that were subject to time, human and situational constraints. They also provided an opportunity to observe the solutions adopted by the interpreters under those circumstances. The questionnaires that were completed by all the participants primarily addressed the concepts identified during the observations and other concepts that were singled out from the preliminary tests.

The findings suggest an overall tendency to follow the adequacy norms established by the source text, with a willingness to accommodate the target audience's acceptability norms when needed. Translators and interpreters are aware of the communicative habits of a target audience that is in the process of adapting and integrating into the host culture and that needs to deal with contexts and subjects that may not be familiar to them. The findings also suggest that contextual differences play a role in the way that translators and interpreters make their language decisions. Medical interpreters operate in a context where all participants share the same goal, the well-being of the patients. This provides a communicative situation with considerable conversational latitude and freedom to educate the audience, to disambiguate potential misunderstandings with the interlocutors (reducing the need to switch to English), or to use colloquialisms. In court, on the other hand, where the parties have opposing goals, the encounters take place in a more restricted communicative environment with limited conversational opportunities and where the interpreters must adopt a strict conduit approach to appear neutral to both sides. Although the data from variables such as country of origin, dominant language, and other such metrics do not point to any specific translator or interpreter profile for the use of non-standard language, professional experience does appear to play a role.

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I hereby certify that the present study *Non-standard Spanish in the United States and translation norm behavior: A study of hospital and court interpreters*, presented by Beatriz Cortabarria for the award of the degree of Doctor, has been carried out under my supervision at the Department of English and German Studies of the Rovira i Virgili University, and that it fulfills all the requirements for the award of the International Doctorate in accordance with current Spanish legislation.

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Finally, I would like to dedicate this work to the memory of my parents. Their sacrifices, their actions in the face of hardship, and their exemplary life taught me that hard work and perseverance make the impossible possible. This achievement is also theirs.

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1. Introduction

Translation does not take place in a vacuum. At the start of a language-mediation event all translators and interpreters are confronted with a series of questions about the nature and make-up of the target audience that are of "crucial importance" (Reiss and Vermeer 1984: 101, cit. Nord 1997: 23) and "a decisive factor" (Holz-Mänttäri 1984: 111, cit. Nord 1997: 23) to produce an output – written or oral – that fulfills its communicative purpose. This process triggers a series of decisions around which translation revolves and which are governed by norms (Toury 1995, Hermans 1996).

As a Spanish language educator I am required to teach language that is grammatically standard. As a translator I am often called upon to make language decisions that incorporate those standard forms to achieve the communicative goal of translation. These two functions are often at odds with each other in the highly diverse US Hispanic context. This conflict and the realization that grammatically accurate terms did not always fulfill the intended communicative goal were the subject of my first question: what is the best way to translate? This was also the catalyst of my research. Aside from the personal quest, it was obvious that this conflict presented a collective challenge, at least if we take into account that the Spanish and English translation and interpreting community in the United States is as diverse as the Hispanic community itself. Often professionals from various Spanish-speaking countries collaborate in translation projects, and many times they edit each other's work before publication. This prompted the second question: do translation norms exist when it comes to language and cultural diversity? To answer these questions, I first began paying close attention to the members of the US Hispanic community around me. I observed and experienced great language and cultural variability among them, which will be addressed later in this introduction. This diversity often forced members of the target audience to use non-standard forms of language to communicate with each other. This lack of common ground was often compounded by their exposure to systems such as those in the hospitals and courts, and to processes unknown to them. This finding led to my next quest, which was to examine how that variability affected the way translators operate in the diverse US Hispanic context and in the highly technical and equally diverse health and legal contexts.

This study will examine how a subset of translators and interpreters – medical and legal interpreters – who work between English and Spanish make their translation decisions when mediating for the US Hispanic audience, especially in view of that audience's diversity, language and cultural assimilation, their lack of knowledge of the systems, and the pressures of language correctness. To this end, I conducted a series of pilot tests that examined primarily the use and the acceptability of non-standard language in translation and in interpreting by the producers, the translators and interpreters themselves. These pilot tests confirmed my personal experience, as they revealed a deliberate attempt on the part of translators and interpreters to negotiate between the form of their outputs and their function. Translators understood the importance of maintaining standard language, as it is taught in school and expected in certification programs and professionally, but were reluctant to use it with an audience that often did not use it. Sometimes this type of challenge was triggered by the name of a medical procedure or condition, or by a legal proceeding that may not have been particularly technical in nature but unknown to the audience. Other times it was caused by dialectal and cultural differences, or by the use of non-standard terms by the target audience, all of which made the translator pause and assess the best translation approach. In this study I will focus mainly on those events as represented by lexical elements that are potential motivators for the use of non-standard language and assumed to trigger the translators' conscious deliberation, whose analysis can lead to a better understanding of the process and its norms.

The visibility of the Hispanic community in the United States and of its unique brand of Spanish has increased and evolved over the years to reach record numbers in the course of the past century. According to the 2010 US Census Hispanics accounted for 16% (approximately 50.5 million) of the total US population. This community is not only large but it is also diverse, it includes individuals from Cuba, Mexico, Puerto Rico, South and Central America and Spain. According to the 2010 US Census the single largest group (63%) of US Hispanics came from Mexico while Puerto Ricans and Cubans constituted the other two major groups with 9% and 4% respectively. The remaining 24% were from other Spanish-speaking countries. This aggregate represents the second largest concentration of Hispanics in the world after Mexico.

The members of this diverse US Hispanic community bring in their individual cultural and language traits threading them with the new language and cultural elements that they adopt in the process of integration into the host culture forming a unique paradigm. The emergence of this Hispanic microcosm was identified in the early findings of the researchers and scholars working in the field of cultures and languages in contact at a time when the presence of Hispanics in the United States was less significant and when their impact in the host culture was less perceptible (Espinosa 1909). Since those days, the growing demographic has required the adoption of unifying designations for governance purposes. Approximately forty years ago, the US Government mandated the use of the term "Hispanic" or "Latino" to characterize people in the United States that trace their origin to Spanish-speaking countries. However, a 2012 survey (Taylor, Hugo-López, Martínez and Velasco 2012) about the views of US Hispanics on identity shows that this label is not fully embraced by everyone in this community, whose members assert it represents not just one single culture but many. The data also show that half of the participants (51%) preferred to be identified by the name of their ancestral country instead. Nowadays there is pride in one's own heritage, and younger generations are encouraged to maintain their ethnic identity. Both sentiments show a departure from the attitude of older generations of immigrants who strived to assimilate into the host culture.

In terms of language, Taylor et al. (2012) show that the respondents were united in their strong commitment to the Spanish language and to its preservation, which approximately 82 per cent of the respondents claimed to speak. An overwhelming majority of them (95%) felt that it was important for future generations to maintain the Spanish language, which has become the most spoken language in the United States after English. Data from a 2009 US Census Bureau survey show that 20% (approximately 60 million people) of the total US population ages 5 and up spoke a language other than English (LOTE) at home (Johnson, Rios, Drewery, Ennis and Kim 2010). Of that total, 35.5 million people spoke Spanish, which represented the highest numeric increase by language of all LOTE speakers, making it, according to one report (Hugo López and González-Barrera 2013), the non-English language most commonly spoken at home, even by non-Hispanics. These data did not identify the Spanish proficiency or dialectal variety spoken by LOTE speakers; however, they provided information about how well they spoke English, which can help us make inferences about their ability to speak Spanish at least to the level of not requiring language assistance. According to the survey, approximately 72% of respondents reported speaking English "Very well" or "Well", while the remaining 28% did not speak it well or did not speak English at all.

We can only speculate about the Spanish proficiency of people who speak English very well or well, but we can assume that generally they would not require translation and interpreting assistance. However, it is not uncommon for Hispanics who speak English with some degree of proficiency to request interpreting support or translated material as a precaution when dealing with health and legal matters. These fields are technical in nature, and misunderstandings can have serious consequences. Also, it is worth noting that while Hispanic children and adolescents who are educated in the United States supposedly speak English well, their parents or guardians do not always do so. Often it is they who require interpreted assistance when their children are minors.

It is difficult to know with certainty the actual number of Spanish speakers in the United States. It is believed that more people speak the language than is officially estimated. For example, some people may not speak a language other than English at home, but they may speak it outside the home, and even teach it. This could have important implications in terms of who the speakers are (educators, health providers and those employed in the legal field) and how they influence language use and its evolution. A word or expression uttered by a person of authority has the potential of being imitated and incorporated into the lexicon. For example, one of my students was not aware that *la investigación* existed in Spanish for the English "the research" because her former Spanish teacher had always referred to it as "*el* research".

It is also difficult to know which dialectal varieties US Hispanics speak and in which areas of the United States are predominantly found. All Spanish-speaking countries have their own language idiosyncrasies that have resulted from adaptation and evolution, contact with existing indigenous cultures in the region, contact with and influence from languages of higher prestige, adoption of new terms and structures, and other variables. It can be assumed that population clusters with relatively similar ancestry maintain the language variety of their countries of origin. For example, large urban areas of the United States, with their cultural diversity and a range of social services, provide the ideal infrastructure to attract and sustain large immigrant communities "where English and Spanish are used on a daily basis" (Lipski 2008: 68). However, the people in these communities, who come from diverse Hispanic ancestry, live in close proximity and interact on a daily basis, adopting each other's customs and speech patterns.

As for languages spoken outside the home, data from a media marketing survey (Adage 2006) show that in 2006 approximately 42% of US Hispanics spoke mostly Spanish and some English outside the home, and of this group, approximately 17% spoke only Spanish. The same survey shows that Spanish was the dominant language of speakers from all Latin American countries with the exception of one, Puerto Rico. People from Central American countries represented the highest per percentage of speakers, with 66%, followed by Mexico with 61%. The same data show that foreign-born US Hispanics were overwhelmingly (73%) more comfortable speaking Spanish than English. These numbers decreased for first generation, second generation, third generation speakers, and so on.

The same study showed that in 2010 more than half (54%) of the Hispanic adult population in the United States was more comfortable speaking Spanish, although these numbers showed a downward trend from previous years, as English appeared to be gaining ground.

In addition to dialectal differences, there are other factors that may play a role in the language and the referents inspired by them, both of which need to be considered by the translator. The members of the US Hispanic community come from countries with different national civic systems, two of them being the health and judicial systems. The fundamental difference between the type of law effective in Spain and Latin America, and the United States, civil versus common (Emerson 2004: 6-7), the related court systems, and the ways in which cases are resolved may affect the understanding of certain concepts and the language used to refer to them. In the health system, differences in the funding of medical services and the understanding of basic organizational aspects and structures may equally affect the level of comprehension. For example, a clinic in many Hispanic countries is understood to be a private hospital, while in the United States a clinic is an outpatient or ambulatory healthcare facility. It is the assumption of this study that these differences, together with situational factors related to them, such as time constraints, have consequences in the way that concepts related to these topics are understood and in the way people talk about them. Hispanics in the United States often become aware of new medical concepts and how to refer to them as an integral component of the host culture, not as a translation of the systems that existed in their countries of origin. As a result, they are learned and assimilated in the context in which they exist. The opposite may be the case as well. Medical treatments, procedures, health conditions, laws and legal proceedings may exist in some countries but not in others. In these cases, members of the target audience are often inclined to refer to them in their own language, which may also challenge translation activity. As competent professionals, translators and interpreters are often familiar with most systems but have to interact with an audience that may not always be. In other cases, translators and interpreters themselves may be subject to the same cultural shortcomings and constraints and be predisposed to the same communicative strategies as their target audience. Even if concepts exist in the cultures of origin of the target audience, differences in the way they are referred to from country to country present a communicative challenge as well. For example, the medical procedure known as "Pap smear" in the United States is referred in Spanish as *PAP* in some Latin American countries and as *Papanicolau* in others, while in Spain it is known as *citología.* In many cases people unfamiliar with technical medical and legal terms use colloquial forms that are common in their countries to refer to them, which presents an added challenge for translators.

These restrictive communicative situations often require the use of creative solutions, both by the target audience and by the translators and interpreters who communicate with them, especially in fields where precision is paramount. The discursive repertoire required by Hispanics to participate in daily life in their adoptive culture often includes linguistic mechanisms that contain elements of both languages, some borrowed and inserted into the sentence structure, others transposed, and in many cases even lexical creations and hybrid words made up from combining terms from both. This trend does not necessarily reflect the existence of new concepts in general but of concepts that are new to the speakers, and that require the use of unique resources (Otheguy and García 1993: 141). This non-standard hybrid form of speech is colloquially known in the United States as "Spanglish" and its use may be motivated by different factors: to help overcome communicative needs, as explained above, to define in-group kinship, or to fill an identity gap (Stavans 2003). According to a study conducted in 2009 among a group of young Hispanics (mostly ages 16 to 25) by the Pew Hispanic Center, the predominance of Spanglish is generational and peaks in the second generation. Approximately one fourth (23%) of the participants reported using

Spanglish most of the time when speaking with friends and family, and 47% said they use it sometimes. For second-generation participants, the numbers increased slightly, with 26% of respondents claiming to use Spanglish most of the time and 53% some of the time.

This diverse Hispanic community is integrated into the fabric of the host culture and participates fully in most aspects of its social and public life. As seen above, not everybody is English proficient and many people require language assistance. As a result of this growing demographic, the demand for translators and interpreters of Spanish in the United States has also increased. As a nascent activity, ad hoc translators, family members, friends, and bilingual speakers with no formal training once satisfied language mediation. In time, the need for a standard practice and consistency gave rise to translation and interpreting as a profession.

It is the goal of all translators and interpreters to carry out the duties of their profession in the most competent and ethical way, adhering to existing norms, standards and protocols to ensure consistent outputs. However, as we have seen, the US Hispanic context is very diverse and complex. Cultural and language differences, especially lexical differences, which are "the most salient points of divergence among Spanish dialects" (Lipski 1994: 19), affect perception and consensus in terms of norms and tendencies, which are always in a state of flux and change. The lexicon, which some say "gives a language its shape" (Muysken 2000: 37) and its differences, may be more challenging for translators and interpreters than certain legal and health terms, which are codified in glossaries and books of usage that are readily available. These are often easier to access than dialectal and colloquial utterances of which complete glossaries are scarce (Lipski 1994: 19)

The brief exploration into the make-up of the target audience has only scratched the surface of a seemingly but deceivably homogenous community. This study will examine the impact that this diversity has on the translation decisions made by professionals mediating for them on an attempt to discover patterns and norms.

Chapter 2 will delve into the definition of norms examined from the different social, language and translation contexts, since these aspects are intrinsically intertwined. Given that this study relies on language observables and more specifically on non-standard language observations to explain norm behavior, I will define standard and non-standard language in this particular context.

In chapter 3 I will present the methodological approach, specifically the tools employed to collect data as well as the rationale behind them. In this section I will also identify and define the challenges and obstacles encountered throughout the study and in the data-collection process.

Chapter 4 will present the results from the various pilot tests that preceded the main study, as well as the data from the observations of interpreters in hospitals and courtrooms and from the questionnaires completed by all the participants in the study. Data from the analysis of translated texts collected from hospitals and courts where interpreters were observed will be presented in this chapter as well.

Chapter 5 will explain the conclusions stemming from the data and their analysis.

Chapter 6 will identify the limitations of the study as well as suggestions for future research.

2. Literature review

Translation facilitates communication between cultures through language. The process relies on norms to fulfill its communicative objective in an efficient and consistent manner. The cultural differences of US Hispanics and the language elements that reflect those differences change the dynamic of translation and arguably of its norms, of which they form integral part, making the communicative process challenging and often inefficient.

Translation norms do not exist in isolation. Human behavior is governed by norms of different types and levels of significance, intricately intertwined to form the fabric of society providing the guidelines that make harmonious existence possible. Therefore, the literature reviewed for this research revolves around three main areas: social norms, language norms, and translation and interpreting norms. The section on language norms will include information on standard and non-standard language, given the complexity of its understanding and perception in pluricentric contexts

2.1. Social norms

In this section I will review the different scholarly approaches to norms and their binding nature in order to provide the background against which translation and interpreting take place.

2.1.1. Defining norms

The exact definition of what norms are is elusive. It differs depending on the context in which the norm operates (community, language, law) or the function it serves (order, models, references). The term itself may vary depending on the scholar: while some call it “norms” others may call the same concept “rules”, “laws”, “orders”, “conventions”, “customs”, or “habits”, sometimes with very little, even imperceptible nuance, depending on the persons’ provenance, tradition, or even where they were educated (Ullman-Margalit 1977: 12).

In some contexts (Ross 1968) norms are understood from an action-and-reaction point of view: (1) a norm is formulated, (2) a subsequent action takes place, and (3) a reaction ensues. This approach presupposes the existence of an entity or authority formulating the norm: therefore it has greater prescriptive character because it makes the norm mandatory.

Ross (1968: 80) calls norms "a social state of affairs" and equates them with directives, or directions given by an authority, which have prescriptive connotations. An action must be performed by an individual, therefore the norm should have a *subject* or agent; the norm must indicate a *situation* in which the agent is supposed to behave according to expectations; and the norm must have a *theme* or a function that tells us how translators and interpreters should behave (Ross 1968: 107).

In some cases, a directive alone may not constitute a norm. A single utterance that has directive meaning may have an effect on behavior only at that moment and for that individual occurrence but has no overall *social relevance* or *lasting effect*, which are two of the requirements that Ross posits are needed for the existence of a norm. For example, if a bank robber says, "Hand over the money", the demand is a directive but it has no binding force. Certain single directives given to an individual may not qualify as norms independently but they may have a normative effect. For example, when a judge orders a defendant to pay restitution resulting from a lawsuit, this demand in isolation constitutes an individual directive without normative force, although it is an extension of a primary general norm and as such could be considered a norm. Therefore, a norm must be a "directive which stands in a relation of correspondence to social facts" (ibid. 82), that is, it must have social significance and create a lasting condition (ibid. 80), in such way that in "the majority of cases the pattern of behaviour presented in the directive (s ⇒ b) is followed by the members of the society" (ibid. 83).

In Ross's view, a personal directive with no connection to sanctions, real or perceived, cannot be considered a norm. Thus, a norm can be said to exist if it is effective in directing behavior. Rules of games, for example, can exist as norms (Ross 1968: 98), so we can say that *any* directive is said to exist as a norm when its conditions of effectiveness are fulfilled (ibid. 98). But a norm can also exist independently of the reaction of the individual (ibid. 99). For example, even when an interpreter does not follow norms on best practices, we do not conclude that the norms do not exist. Norms are not based on discrete instances but they exist as social facts. In that sense, a norm has the force and validity of a rule (ibid. 100).

On the other hand, from a sociological point of view, norms help explain how societies function: individuals living in a specific society display certain customary behavior, which becomes a shared and defining characteristic. This approach is more descriptive in nature. Von Wright uses precisely the notions of "prescriptive" and "descriptive" to distinguish "norms from things that are not norms" (1963: 3). He contends that the laws of nature are eternal, humans have no control over them, therefore they are descriptive, thus not norms (ibid. 2). On the other hand, the laws of mathematics and of grammar (ibid. 60) are man-made, thus making them prescriptive in nature and as a consequence normative-forming. However, he points out that certain laws that provide a prescriptive underlying basis to certain descriptive laws create a reference that can be used to measure the appropriateness or acceptability of those subject to them, becoming prescriptive and normative in nature as well (ibid. 2-3). For example, Von Wright includes in this category the rules of games, legal rules, technical norms, customs, moral principles, and ideal rules, which can carry normative forming consequences and can be used as models for classifying other acts of society.

Bartsch calls norms the "social rules with a normative force, which are not prescriptions or regulations" (1987: 169). These social rules are used as elements for the act of social order as long as that order is present in so-called "acts of will" (Geiger 1969: 43), making a distinction between "subsistent norms", or norm proper, and "verbal norms" (ibid. 43). Both can have a similar effect when referring to social order. Subsistent norms comprise a "set of social facts, which are revealed by the observation of behavior" (Ross 1968: 81), that is, the behavior occurs with certain regularity and thus may be learned by imitation. These norms compel individuals to act a certain way, and society in turn reacts with approval or disapproval if a deviation takes place, even when there is no verbal cue involved (Geiger 1969: 44). Therefore, if a pattern is regularly followed, a norm is said to exist. According to this view, a norm implies a set of observable facts that are carried out with certain regularity, enforced by sanctions that society imposes on those who deviate from them (Ross 1968: 81). The directive or verbal cue may confirm the existence of a norm, but does not create it. Ross argues that this view confirms the existence of a norm but does not indicate whether the norm is followed or applied. He contends that external observation alone is not sufficient to establish adherence to the norm because for a norm to exist it does not need to be manifested by external regularity and observable conformity.

2.1.2. Observing norms

Norms are difficult to observe directly because they represent a covert concept of societies that directs and shapes behavior, regardless of the event that triggers it or the scope and extent of their consequences. The societal reaction to norms and subsequent actions, whether they take place at an individual or group level, is a result of introspective analysis of certain aspects of daily life ingrained in the fabric of cultures. For example, in American culture, social etiquette stipulates that individuals place the hand that is not used for holding eating utensils under the table. If children do not follow this norm at home a family member may reprimand their bad table manners and instruct them accordingly. If the same behavior takes place in public, people will also have a negative reaction. They may also make additional inferences about the children's lack of discipline, the lack of interest of the parents for their children, or even belonging to a different culture. The observations of the behavior resulting from that introspective analysis are often used to make certain inferences about the nature, the existence, and the binding force of the norm, often without fully describing what a norm really is (Ross 1968: 2).

In certain cases the observation of the reaction by society or of the sanctions may inform about the nature of the norm. Certain norms may be followed by imitation or repetition, without the individual knowing of their existence, only to discover them if someone breaks the order of things and meets with the disapproval by members of the particular group or context (Geiger 1969: 44), at which time the norm may be verbally communicated (ibid. 46). For example, a company employee parks his car near his office building daily like his colleagues do, but one day he parks in a vacant space that is customarily reserved for the most senior employee. At that point he may meet the hostile reaction of his colleagues and learn about the norm or be verbally informed by his coworkers. On the other hand, Ross argues that disapproval of deviant behavior by society cannot be discovered by external observation only (1968: 87) because not every disagreeable reaction constitutes a sanction. People may not be happy to pay taxes but that is not a sanction, it is a duty. Ross argues that the described regularity has a "static" character (ibid. 88) and in some cases society does not even have to react with sanctions, others may do so. In legal contexts for example courts exist for that purpose (ibid. 93).

To this point, Ross argues that simple observation does not inform us of whether the norm is binding or not (1968: 81). As a result, simple observation alone cannot be used to determine whether the norm exists or not. Also a norm may not be recognizable at a large scale, because norms do not have to be followed by all members of society, only by those for whom particular norms are in force and have relevance if they influence the behavior of the social structure. Bartsch (1987: 169) also alludes to the scope of the norm in similar terms, by which the norm is upheld or accepted by those who operate within the specific community. Furthermore, Ross argues that external conformity alone does not imply the understanding of the relationship between the giver and the receiver of the command (1968: 101). And simple observation alone, even if compliance of a norm takes place at a large scale does not imply its binding nature. People put up a tree for Christmas but do not feel coercion or threat of sanction if they do not. This brings us to the point of asking what "binding" means.

2.1.3. The binding nature of norms

A norm has social significance and "social pressure for conformity" (Ullmann-Margalit 1977: 13). Regardless of the various theories and views about norms, there seems to be consensus on the idea that deviation from a norm triggers a reaction by society, which "constitutes the *normative force* of a norm, by which a norm is distinguished from a mere custom, usage or convention" (Bartsch 1987: 166). This reaction can have different degrees of severity, which may be real or implied. In other words, sanctions, which are the emotional and physical reactions of disapproval, make a norm binding (Ross 1968: 87). For a norm to be binding it requires *"internalization"* (ibid. 84, emphasis added), which external conformity alone does not prove. People sleep at night and are awake during the day, but this type of binding is an impulse: the agent may not feel the threat of a sanction. The reaction is similar to when a person is under the spell of sanctions but without having them. Ross posits that for a norm to be binding it requires (1) attachment of importance to the conditions that the rule of action arouses a feeling of obligation, and (2) that deviation from it will result in the imposition of sanctions by other members of society (1968: 87). The first action comes from memory. A person feels compelled to act in a certain way even if that action implies going against his principles (ibid. 85) and even if there is no real coercion. This could illustrate the case of interpreters who are not specifically instructed to use standard language in the exercise of their profession but they do it instinctively, as a result perhaps of learned behavior or from notions rooted in their upbringing. Ross calls this obligation the *experience of validity* or a "psychological experience" (ibid. 86). Geiger agrees on the second point, claiming that a norm is considered binding if there is "a reaction on the part of society […] that comes from individuals […] or institutional organs" (ibid. 86-87), in other words if there is *threat of coercion* or sanction (emphasis added).

Von Wright divides norms into different categories with various levels of binding constraints such as rules, prescriptions and directives or technical norms. The rules are man-made even though the giver of the rule may not always be clear. In this case there could be sanctions but the sanctions may be of lesser importance. For example, when the norm relates to a custom or social habit, which may be simply censured by disapproval. With prescriptive approaches on the other hand often there may be a clear giver of the norm, which in this case could almost qualify as a rule, and be enforced and made effective through more serious sanctions (1963: 7).

Sanctions exert influence on the seriousness of the norm and its binding nature to the extent that if there is no fulfillment or sanction some argue that the norm is *not binding* (Geiger 1969: 48). So, if a norm is not binding, is it really a norm?

Sometimes norms, similarly to laws or rules, do exist but are no longer feasible, at which time their binding force diminishes. They may still exist in theory but are not regarded with any seriousness by society because they no longer apply or are not relevant to current trends. In this case, while the "normative maxim" exists, neither the enforcers of the norm nor society in general take it seriously because the particular norm may be outdated or impossible to attain (Von Wright 1963). In other cases, deviating from a norm "does not abolish or abrogate the norm as long as such deviation is subject to criticism" (Bartsch 1987: 166). For example, translators and interpreters of English and Spanish, as language professionals, are compelled to adhere to the *norma culta*, the form of discourse used by educated people. However, in the United States, an environment where strict adherence to it is no longer possible or feasible for daily life, disregarding this norm may no longer make this maxim binding.

2.2. Language norms

In the field of linguistics it has long been maintained that prescription should not play a role in language and that any allusion to it should be descriptive in nature (Milroy and Milroy 1985: 5). But language is a social phenomenon, a "medium of exchange" (ibid. 23) with standard rules, if people do not speak according to the rules of grammar, we say either that they speak incorrectly or that they do not speak *that language* (Von Wright 1963: 66-67).

From the theory of norms we can conclude that norms exist at various levels of society with different binding parameters giving them a negotiable characteristic. When it comes to language, Bartsch (1987: 193) alludes to the negotiability of norms by dividing norms into two categories: "changeable" and "unchangeable". He contends that communication in itself is not changeable, but linguistic norms, which make communication possible, are changeable and thus negotiable. According to Bartsch, linguistic norms change to fulfill certain societal needs, one of them being "heterogeneity": (1) in a speech community, (2) between different styles and registers, and (3) in the linguistic system (ibid. 194). In the first two cases, heterogeneity between different social groups or between different speech styles or registers may be manifested through borrowed words or loans, the most common occurrences between different languages, which "in contact situations can lead to creating new expressions and even new languages" (ibid. 196).

Language is the element that makes translation and interpreting possible. It is considered "un fait social" (Aléong 1983: 256) that society makes judgments about the correctness of the language used in the mediation. Bartsch contends that "notions of correctness and norms are intimately related" (1987: 70), making correctness "the content of norms" (ibid. 4). The judgment of what correct behavior means in a particular speech community is based not on what may universally or theoretically be viewed as correct or incorrect but on what is *expected,* making it so for that particular society thus making it *its* norm. Language norms are the "*regularities* of the linguistic behavior by society" (ibid. 257, my translation and emphasis). Bartsch agrees in the point that "*norm* and *regularity* are related because a norm implies the expectation of a regularity" (ibid. 166). This regularity perpetuates societal expectations, making it normative and thus enforceable. For example, in Spain, it is customary to use the indirect object pronoun "le" where the direct object pronouns "lo" and "la" apply, and the speech community not only accepts it but also expects it.

2.2.1. Elements of language

The individual elements that constitute language norms are always changing and evolving, but norms themselves "are dominant and imposed on users" (Aléong 1983: 261, my translation). In monolingual contexts, persons who form integral part of the particular societies evolve with the changing norms of language and adapt to them. However, in diverse immigrant communities developed outside their cultures of origin, norms evolve separately from the original contexts and often in unison with the norms of the host cultures. The speech community that emerges from this relationship exists in a new paradigm where daily life requires the adoption of new social and language norms.

The fact that language norms are constantly evolving makes them a challenging topic for research and one that has lost ground in the last century (Aléong 1983: 256). As a result the language variable is seldom mentioned in the literature associated with legal and medical translation and interpreting, even though it is the central element of both activities. In the cases where language and linguistic references are made (Berk-Seligson 2002, Pöchhacker 2007), it is usually in the context of functional pragmatics.

In assessment tests for translators and interpreters in these two fields, there is no systematic approach to language competence either. Performance is evaluated on the ability of translators and interpreters to communicate effectively orally and on the acceptability of the end products in the case of written texts. Obviously, language is implicated in both processes but it is not the central subject of the assessment in terms of type and quality. The institutions that require translators and interpreters expect them to have mastered the language pair in which they work. Therefore, the language requirements are often expressed in such subjective terms as "proficient", "competent", "native" and "fluent" but the parameters in terms of qualifications and ratings are undetermined. Language is viewed as an existing skill set that was acquired in a formal setting of through socialization.

2.2.2. The normative effect of language acquisition

Regardless of how language is learned, whether at home or in school, individuals are taught about what is right and what is wrong, about expected writing and speech forms, and about the situations that require them. In his exploration of the rise of standard languages and their meaning, Joseph (1987: 17) states that "language education falls always in the domain of the standard", which is how standard languages are perpetuated. This prescriptive approach is normative-forming and long lasting and it is carried through all aspects of communication, both written and oral.

Even though translation and interpreting may no longer be seen as a function of the language exclusively, language is still their central element and translators and interpreters use learned behavior as referents when making translation decisions. If they deviate from it they may do so by emulating other translators and interpreters who have a proven record of professional success and experience.

2.2.3. Standard language

The focus of this study is the role of medical and legal translators and interpreters in a non-standard language context. For that reason it is important that the meaning and scope of standard and non-standard languages be explored, for it is these concepts that will allow us to make inferences about the broader patterns of the communication medium and thus the context to which translators and interpreters are exposed.

The use of standard language forms part of the notions of correctness embedded in the fabric of a society and accepted by its members, thus becoming normative. This affects translators and interpreters in particular, who function in those societies bridging the language and culture gaps. However, in the United States they are faced with a speech community that incorporates forms of non-standard Spanish. There are many definitions for "standard language" depending on the field of scholarship and/or the language or language groups involved. For example, in the context of Germanic languages, the "standard" has been defined as the variety "officially sanctioned by the government" (Van Leuvensteijn and Berns 1992: 13). For English, scholars regard the standard as a system with "minimal variation of form and maximal variation of function" (Leith 1983: 32) or as an "imposed, or superimposed, variety" (Giles et al. 1974, 1975, cited in Milroy and Milroy 1985: 27).

Ordinary people, on the other hand, have a more pragmatic view of what constitutes language. As a result, they may come to conclusions that have been instilled in them through the language learning or socialization process. The *Oxford English Dictionary* defines "standard language" as "the variety of a spoken or written language of a country or other linguistic area which is generally considered the most *correct* and *acceptable* form" (emphasis added). This definition implies the existence of non-standard forms that may be considered less correct or acceptable. This "correct" versus "incorrect" view of language has important implications that promote inferences about social status. Standard language is "often associated with high socioeconomic groups while non-standard varieties are associated with lower classes" (Carranza 1982: 64), and with success, since the "most successful people use it in writing, and to a great extent, in speech" (Milroy and Milroy 1985: 27).

Education also favors the standard when it comes to language acquisition. Sometimes textbooks include colloquialisms that may be commonly used by particular speech communities, but they are only provided to raise the awareness of the student, not to enforce their use. For example, in a Spanish textbook (Jarvis and Lebredo 2014: 167), the term *lonche* is listed as a colloquial footnote to *almuerzo* for the English word "lunch". The fact that the non-standard term is presented as a colloquialism and in a footnote reinforces its lesser value. Even if students were not explicitly instructed to favor one term over the other, which they usually are, all cues imply a hierarchical importance. It could be argued that from a communicative point of view both *lonche* and *almuerzo* are functionally valid, but the selection of one word over the other responds primarily to social and/or language correctness pressures and attitudes.

In their investigation of language and its standardization process, Milroy and Milroy (1985: 26) conclude that the "standard" label is "rather loose". We must explore what the term might mean with specific reference to Spanish.

2.2.3.1. Establishing a single standard Spanish

Societies usually establish the models and standards of language to be followed. However, in the Spanish-speaking world, establishing one standard form becomes more challenging because more than twenty countries use the language in an official capacity or as a primary mode of communication, each with its own social and linguistic tendencies. These variations represent a distinctive mark not only within the physical borders of the respective countries but also within them (Thompson 1992: 46-66). The notion that all Spanish-speaking countries have a single standard form is a fallacy (cf. Lipski 2009). Linguistic variations exist based on geographical locations and speech communities within "monolingual" countries or in countries where Spanish is the official language. For example in Spain, Castilian Spanish is considered the standard. As the place of origin of the Spanish language from where it extended beyond its borders, this type of Spanish has traditionally been considered the standard to follow. Speakers in other countries where Spanish is the dominant language come under judgment based on that standard and its notions of correctness, disregarding the idiosyncrasies and speech patterns of their communities. To overcome this generalization, some people have advocated the use of terms that denote the individual language spoken in a particular region or country, for example "Castilian" for the Spanish spoken in Spain (Thompson 1992: 55) or "Mexican" for Mexico. This illustrates the challenges that establishing a single Spanish standard entails.

2.2.3.2. The pluricentricity of the US Hispanic community

Instituting a single standard is even more challenging in the United States, where individuals from many Spanish-speaking countries converge and coexist.

The language and cultural diversity of US Hispanics is compounded by differences in their socioeconomic status, which may have implications in terms of education and thus language competence. While early arrivals from Cuba included intellectuals and members from the upper classes, other communities comprise laborers and agricultural workers (cf. Lipski 2008). Furthermore, the language of Hispanic immigrants in the United States has evolved during the process of integration, thus distancing itself from the forms of speech of their countries of origin. For example, in the case of Mexicans and Mexican-Americans, the Spanish spoken by these two communities and their attitudes towards certain speech patterns are different and are evolving separately (Garcia and Weller 1985).

The plural and diverse nature of Hispanics in the United States has important implications for the development of their language varieties. When *bómper* (bumper) was given as an example of a non-standard Spanish word in the questionnaire for this research, a participant pointed out that *bómper*, although considered a colloquialism (or Spanglish) by many in the US speech community, is a standard word in some countries outside of the United States (Dominican Republic, Panamá, Puerto Rico) (Multicultural Spanish Dictionary 1999: 22). The participant also contended that the term is as viable linguistically as *parachoques* or *defensa,* two of the words commonly considered correct and accepted translations for "bumper". Many lexical forms, due to the influence of the media, technology, or physical proximity of the Spanish-speaking countries to the United States, migrate across borders, making it impossible to trace their origin or to know when and how a word ceases to be a non-standard form and becomes part of the lexicon of a speech community.

Piña-Rosales (2010: 1), Director of the North American Spanish Academy in New York says that "society, people" create words to fulfill a need, then if the term "takes root […], if millions of people use it", the Real Academia Española includes it in its dictionary. Even though this inclusion does not imply acceptance, it does have normative force, given the visibility and status of this institution.

2.2.4. Standard and non-standard language

Language is a social vehicle and the object of social scrutiny. The acceptance of a standard as the correct form of communication implies that non-standard forms are less correct or incorrect. This is the belief that is generally maintained at the popular level.

Milroy and Milroy (1985: 8) state that "differences between standard and non-standard varieties are always socially conditioned and never purely linguistic". Matters relating to discrimination based on one's values and beliefs are overtly discouraged and often expressly penalized by law in some countries, but "it appears that discrimination on linguistic grounds *is* publicly acceptable" (ibid 3). This type of permissive social judgment makes standard choices prescriptive and normative in nature, not because of their linguistic superiority but because of the prestige and social value attached to them. Therefore, the debate about differentiating standard language from non-standard includes arguments that go beyond the linguistic level.

2.2.5. Linguistic elements of non-standard language

Determining what constitutes non-standard speech and defining its parameters is a challenge that language researchers face, since it has implications for the selection and comparison of data (Mendieta 1999: 9). Such is the case of code-switching and borrowing, two phenomena that are characteristic of languages in contact and that are prevalent among Spanish speakers in the United States. For instance, in "*la boda fue en* church", the word "church" clearly represents an instance of code-switching in a sentence otherwise uttered in Spanish. But the only difference in the following seemingly similar example "*la boda fue en la* church" is the inclusion of the definite article, making it still an example of code-switching for some scholars but of lexical borrowing for others. The article assigns gender to the English word, a condition that common nouns do not have in English, thus making the word feminine in keeping with the corresponding Spanish term *la iglesia.* Therefore, the definition of these linguistic phenomena varies depending on the nature, scope, and research goals of a particular study. Since a thorough investigation of these concepts and their characteristics is beyond the scope of this study, the definitions that will guide this research will be simple: lexical borrowing is usually limited to a single word or unit, which undergoes morphological and syntactic modification (and sometimes phonetic as well), whereas code-switching does not involve syntactic changes (Mendieta 1999: 15), in other words it maintains its original structure.

The incidence of language switches varies, as does the specific moment and time in the discourse where such phenomenon occurs. Borrowed terms also vary in their form and function within the speech activity, and both will be summarized in Sections 2.2.7.1 (Code-switching) and 2.2.7.2 (Lexical borrowing).

The easiest forms of non-standard language to recognize are hybrid forms, which are creations made up of elements of English and Spanish, either syntactic, phonetic or both. For example the word "Espanglish", which is made up from the words "Español" and "English", would be a classic example. Other examples would include words that derive from phonetic adoptions like "rait" (ride), which represents the morphological configuration in Spanish of the way the word is pronounced in English, or from a term borrowed from English and then altered to conform to Spanish syntax, like "mopear" (to mop).

2.2.6. Non-standard language and translation and interpreting

The cultural diversity of US Hispanics and the lack of consensus about a single standard Spanish sometimes leave the translators and interpreters who work in this context looking for common ground. This represents a challenge when it comes to the exercise of their professions. It also presents a problem for any study that involves non-standard language and translation, which explains in part the reason for the lack of such studies. This may be due in part to the fact that (1) the standard is the norm in many aspects of language communication, especially written, and is therefore expected in translation and interpreting as well, and that (2) non-standard forms of speech are associated with lack of language competence, which is something that translators and interpreters do not wish to be associated with.

A few books on translation and interpreting do mention non-standard language usage. De Jongh (1992) dedicates a chapter to the topic in a book about court interpreting. The section defines the components of non-standard language forms – code-switching, deceptive cognates, and Spanglish – and includes a brief list of non-standard terms commonly used in courts. The book provides practical information for court interpreters and makes them aware of the potential use of non-standard language by the Hispanic speech community in the court system. But such specific references to the topic, even if brief, are uncommon.

2.2.7. Non-standard Spanish and linguistic research

In contrast, the use of non-standard language by the US Hispanic community has been the subject of extensive research in linguistic contexts. It has been a long-held position among linguists to reject any notion of prescriptiveness associated with their field. As a result, terms such as “standard” and “non-standard” are used covertly in linguistics, if at all, to avoid the implication of hierarchy or imposition of one over the other. Instead, in linguistics it is more common to find research and data on the use of specific speech phenomena, such as code-switching or borrowing, in the contexts of languages and cultures in contact. The approach is also more pragmatic and targeted, since the linguistic study of all non-standard concepts would be too extensive. In sociolinguistics, on the other hand, the terms are sometimes used to describe the judgments made by language users.

Some linguists (Otheguy, Elías-Olivares, Stavans) studying the Spanish of the United States have come to justify or covertly defend the use of non-standard speech patterns in the context of a displaced speech community. They contend that non-standard language in the United States fulfills the communicative requirements of a new social paradigm. Borrowing words from English and switching from Spanish to English respond to the existence of dual referents in both languages, which the speaker can access at will to adapt to particular situations and engage in more effective communication (Otheguy 1993). Other scholars share this general premise (Elías-Olivares, Leone, Cisneros and Gutiérrez 1985), and note that Hispanics in the United States have a more extensive repertoire in English than in Spanish, especially when it comes to areas of civic life. Those who have overtly defended and even embraced the use of "Spanglish" have met with harsh criticism (Stavans 2003: 48-49). This type of outcry and the fact that the legitimacy of a form of speech needs to be defended shows the prescriptive nature of language and notions of prestige.

Most research in the areas of code-switching, lexical borrowing and other fields of linguistics related to the Spanish of the United States has been conducted in the three main Hispanic groups: Mexicans, Puerto Ricans, and Cubans and in specific areas of the United States (Floyd 1985, Hart-González 1985, Pedraza 1985, Lipski 1993, Otheguy 1993, Mendieta 1999). These demographic groups are prominent not only because of their size in numbers but also because they tend to cluster and congregate in specific geographical areas of the United States. They also have distinctive discursive traits that can be traced, analyzed, and compared, allowing scholars to make general and conclusive inferences. However, these groups do not remain immune to the influences of other Hispanic populations or to the pressures exerted by the host language and culture. As a result, they evolve in a changing context, and observations on their behavior evolve in time.

For the purposes of the present study, which is more inclusive in terms of demographics and less defined by geographical area than the works cited in this section, the conclusions offered by the previous studies will be used in broad terms, mainly as a guideline for the analysis of terms and phrases used by translators and interpreters. In addition, the findings of the linguistic studies provide an overall picture of the language context of the Hispanic speech community in the United States, which will serve as a backdrop to the activity of translators and interpreters in that context.

2.2.7.1. Code-switching

This linguistic phenomena consists of introducing lexical and grammatical elements from one language in another, "in such way that two different languages are used alternatively" (Mendieta 1999: 9). One characteristic of this phenomenon is that the words or structures maintain the syntax and morphology of the language where they originated.

There seems to be consensus that code-switching is a commonplace occurrence in situations where cultures and languages are in contact. The challenge and object of research in the linguistic community revolves around the reasons and the triggers for this phenomenon. One hypothesis proposes that "bilingual interaction" (Lipski 1985: 2), and most specifically a person's stage of bilingualism, can be a predictor of code-switching and of its significance. Certain sociolinguistic factors and more specifically situational factors have thus been proposed as possible motivators or triggers for code-switching. One of them is "lexical unavailability" (Lipski 1985: 11), where code-switching fills gaps in the speakers' lexical repertoire or curtails insecurity about language usage, which may not always be related to cognitive or language proficiency. Other hypotheses propose that such occurrences are motivated by the desire or need:

- to provide a signifier for referents that have no ready translation in one of the languages
- to shift to a language that gives greater comfort to the speaker
- to circumvent differences in connotations between 'equivalent' terms (Sánchez 1983: 163 cited in Lipski 1985: 11).

In his analysis of a corpus consisting of spontaneous conversations of callers to a Spanish-speaking radio station, Lipski (1985: 28) corroborated some of the triggers proposed for code-switching. He pointed out that (1) the availability of equivalent terms in English and Spanish and (2) their retrieval time were important factors in determining the extent of the role that lack of lexicon played in the practice of code-switching. However, they were not the only triggers. When a word in English lacks a perfect equivalent in Spanish, or even when an equivalent does exist but is difficult to access with the agility that some situations require – e.g. conversation or interpreting –, bilingual speakers may resort to code-switching.

These findings are significant for the analysis of interpreter observations, given the pace at which interpreters work and the technical nature of some concepts related to health and law.

Another proposed hypothesis for code-switching is that "many Hispanic Americans have a more extensive vocabulary in English than in Spanish, particularly in areas relating to business, technology, and other professional spheres of activity"

(Lipski 1985: 19), in other words that code-switching is a "deliberate linguistic activity" (De Groot 1997: 29).

Empirical research has also focused on other sociolinguistic factors as determinants not only of the type of language switches but also of their frequency. One such factor is the status or professional background of the interlocutors and whether or not they belong to the same ethnic group or speech community. Findings from a study where Hispanic subjects were interviewed by different researchers corroborated the hypothesis that individuals alter their code-switching activity according to the person with whom they are speaking. The data showed that when the interviewer was a member of the Hispanic community, they code-switched less frequently than when the interviewers were non-group members, for example Anglo-American or non-Hispanic American (Poplack 1981: 180-1, cited in Lipski 1985: 11).

Another study showed that individuals whose dominant language was English had a greater tendency to code-switch than did individuals whose dominant language was Spanish, in which case "spontaneous code-switching is inhibited or entirely suppressed" (Poplack 1981, Fishman et al. 1971, McMenamin 1973, cited in Lipski 1985: 10).

Much of the research on code-switching has been limited to spontaneous speech. Code-switching in writing is generally associated with literary work, especially poetry, attributed to Hispanic authors and has to do more with style than with psycholinguistic features. The findings from spontaneous speech are more valuable because of their correlation with interpreting.

2.2.7.2. Lexical borrowing

In the context of language, the phenomenon of borrowing consists of transferring lexicon or phraseology from L1 to L2 transforming it according to the syntactic norms governing the latter (Mendieta 1999: 14). The borrowed terms can be divided into several groups according to their level of transformation: (1) loanwords in their pure form, which are transferred from language A to language B unchanged, (2) hybrid constructions made of the fusion of words from languages A and B, (3) phonological loans or terms transferred to language B from language A adjusted to conform to the morphology of the latter, (4) calques and semantic extensions (ibid 15-18). The empirical data differ in terms of the frequency or incidence for some of the borrowed features. Some of these discrepancies have to do with the definition of what constitutes borrowing, which differs according to the context of the research (see 2.2.5. Linguistic elements of non-standard language). However, consensus does exist on two characteristics (1) that borrowed words in their pure form are the most common occurrence, and (2) that hybrid creations are the least common (Mendieta 1999: 24).

The findings of a study conducted by Mendieta on the spontaneous speech of a group of students showed that bilingual speakers whose dominant language is English "adapt phonetic and morphological borrowed words seven times more frequently" than individuals whose first language is Spanish (1999: 11). This study also indicates that English speakers use more calques and borrowed words, including reproduction, than speakers whose dominant language is Spanish (ibid. 25). Furthermore, the borrowed incidences were found not to be predictable and were not sanctioned by norms (ibid. 26).

Research on lexical borrowing, similarly to code-switching, involves spontaneous speech. Therefore these findings are more relevant to interpreting than to written translation.

2.2.8. Non-standard language and Spanglish

The terms "standard" and "non-standard" are often used in linguistic contexts to refer to adherence or deviation from lexical and grammatical norms. Even when elements such as code-switching and borrowing have not been specifically labeled as "non-standard" phenomena, consideration in the context of standard language use makes them by default non-standard forms. In popular contexts, the ambiguity surrounding concepts related to language and language use make people dismiss scholarly labels and considerations in favor of more pragmatic views of language use and subsequent popular definitions. For example, non-standard Spanish and "Spanglish" have come to mean the same thing in popular contexts even if the phenomena they refer to do not always fit those scholarly definitions exactly. Spanglish has become one of the most salient examples of language borrowing, and a symbol of "incorrect" speech, even though the practice of fusing elements of English and Spanish to create hybrid words, the true meaning of "Spanglish", is the least common (Mendieta 1999: 23).

The term "Spanglish" or its equivalent "Espanglish" in Spanish has been included in the dictionary of the Real Academia Española (RAE) as the language of "*certain* Hispanic groups in the United States" (emphasis added). The term has evolved and is correlated and associated with "Latinos born or residing in the United States" (Lipski 2008: 38), a view that identifies it with the deterioration of the Spanish language and is "used derogatorily to marginalize US Latino speakers" (ibid. 39). This implication has great impact on normative behavior when it comes to translation and interpreting for the US Hispanic community. Sanctions for the use of non-standard language do not necessarily come from the target community but from the translators themselves, who fear being identified with a speech community and a language practice that carries stigma. Even though many scholars in the linguistic community (Otheguy 1993, Stavans 2003), along with members of the US Spanish-speech community, have offered a rational explanation for this phenomenon as being not a result of lack of knowledge or education but instead to sentiments of identity, or to the condition of bilingualism and the need to function in a hybrid cultural paradigm. However, students acquire language skills in institutions of higher learning where the standard is the norm and where language competence and skills are measured against that norm.

2.2.8.1. Attitudes towards non-standard language

Language, the central element around which translation activity revolves, is a tool for communication and as such it uses certain linguistic elements – morphological, syntactic, and phonetic – that respond to the systems in use, so the linguistic rules in reality are a description of the rules of a language (Bartsch 1987: 2). However, in addition to being a discursive tool, language has its own meaning or "content" (Fishman 1971: 1) and it is used to judge and measure prestige, socioeconomic status, and even identity. When language is used in this manner it becomes normative in nature; some would even qualify it as discriminatory (Milroy and Milroy 1985: 3) since users are judged not only on its function or the ability to communicate effectively, but on the attitudes of the speech community as well. These attitudes based on notions of "*superiority* or *inferiority, beauty* or *ugliness* and *logicality* or *illogicality* in usage, are held to be irrelevant at the level of *language system,* although they may be relevant at the level of use" (Milroy and Milroy 1985: 15) (original emphasis).

2.2.9. Written language

As mentioned earlier, research on the use of non-standard language in written translation is scarce. Written translation is viewed and judged with the same criterion as written language, which is by nature a more formal form of expression and as such more standardized, in other words, "intolerant of optional variability" (Milroy and Milroy 1985: 65). Written language is also a more permanent medium that exists, in some way, to overcome the passing nature of spoken language. As such, written language provides a record that can be edited, consulted, and replicated. It is also a stand-alone medium, in other words, it can exist "*context-free"* (ibid. 64) and offers very little opportunity for disambiguation or contextual understanding. In principle, this forces writers, and translators included, to provide the most precise and accurate information to convey the intended meaning.

Non-standard language use in writing, if that were the case, may be limited to stylistic rather than a systematic function, especially in literature. In other genres, the motivation may be different. For example, in a study on Denglish, a fusion of *Deutsch* 'German' and English, conducted on a corpus of the writings of a group of computer science students for a Master's thesis (Hentschel 2008), the researcher determined that the use of certain hybrid creations were the result of lexical unavailability or of difficulty in expressing certain English concepts or terms in German, in this particular case computer-related.

2.2.10. Spoken language

There are many cultures worldwide that live in symbiotic relationships with neighboring cultures or that are embedded within them. A context that bears similarities with the US Hispanic community in terms of language plurality and diversity is the Basque community in Spain, which has seven major dialectal varieties and even more regional and local sub-varieties. In the 1960s, a standard form of Basque or *Batua* was instituted to establish uniformity and restore functionality in order to promote more efficient and consistent communication. As with the different varieties of Spanish in the United States, which intertwine and overlap, Basque varieties or dialects are used in close geographical proximity as well.

2.2.10.1 Interpreting in plural language contexts

The form of *Batua* is now considered the Basque standard and it is used in all official contexts, including education. However, generational and social factors among the speech community, resistant to change, continue to play a role in the preservation of dialectal varieties, hence their use still endures. Another important factor contributing to the persistence of Basque dialects is that particular speech patterns of communities have been maintained and passed down for generations, constituting a source of pride and identity, much like displaced Hispanics in the United States who identify with their countries of origin through their language.

A study on interpreting in the Basque legal system (González and Auzmendi 2009) illustrates the challenges faced by interpreters working in a linguistically diverse speech community. The researchers elicited information from nine full-time, highly competent and experienced court interpreters about, (1) the most challenging cases in which they had participated as interpreters over a multi-year span, and (2) the elements that contributed to those challenges. The results showed that dialectal diversity was the most common challenge, which was reported by all the interpreters but one. This is a relevant finding given that the sample of participants, even though small in number, is relatively significant, considering the very small number of Basque speakers and the even smaller number of speakers who may require interpreting to Basque.

2.2.11. Language correctness

Bartsch (1985; cf. Bartsch 1987: 4-70) divides language correctness into six categories according to linguistic function. Since this study is concerned with non-standard language, which is directly related to new lexicon, mainly borrowed from English, the notion of how lexicon is adopted and adapted is relevant.

According to Bartsch (1985: 8-9), there are two ways in which words are stored, (1) in the collective memory of people, and (2) in lists. Individuals will use their own memories to make correctness judgments believing that a word is correct if it is stored in their own memory, or if it is on the list. If people do not independently know a word they will consult a dictionary or a glossary and accept the word as correct.

2.2.12. Neutral Spanish

In a multilingual context, standardization is often necessary for consistency, understanding, and for functional and practical purposes. This is ever more pressing for translators and interpreters who work in a unique and challenging context constrained by norms of correctness and prestige and yet are required to provide effective communication. The concept of “neutral” Spanish, a language common to all speakers regardless of national origin or culture, has become part of the discourse in translation and interpreting circles as a solution to a communication and cultural problem[1] stemming from language diversity.

Neutral terms are simple forms of communication usually denoting the functional purpose of the items they represent, and whose meaning all speakers understand. For example, *automóvil* can be considered a neutral term for regional and colloquial variations for the word "car" such as *carro, coche, auto,* and *máquina* to name a few. It constitutes a form of standardization but one that is devoid of national variations or prestige connotations and that responds to the communicative needs and the social reality of a diverse speech community.

The challenge to this approach is that certain items and concepts cannot always be referred to by their function; as a result, no common terms exist to define them. For example, the English word "beans" can be translated in Spanish as *judías* (Southern Cone), *porotos* (some countries in South America), *frijoles* (Colombia, Cuba, Mexico, Panama), *habichuelas* (Caribbean), *frejoles* (Ecuador), *alubias* (Spain), and *caraotas* (Venezuela) (Martínez 1999) depending on the country of origin of the target audience. In such cases, the speech community can adopt the most common term based on the demographic majority of the community where they live, but this does not solve the problem for translators and interpreters whose texts must serve the entire Hispanic community.

The discourse surrounding neutral Spanish has come to acquire a similar pejorative connotation as "Spanglish" and labeled "a special construct" (Cabanellas de las Cuevas 2003) or a type of fabricated language that violates all grammatical systems.

2.3 Translation and interpreting norms

Translation and interpreting are norm-governed activities. Translators and interpreters are guided by norms in their decision-making process in order to produce texts that conform to criteria accepted by both the initiators of the texts[2] (the source) and the recipients (the target), while fulfilling the intended communicative function. One of the

[1] The *Multicultural Spanish Dictionary* includes many variations of words based on the country where they are used.
[2] For simplification purposes, in this study the term "text" or "texts" will refer to both written and oral (interpreting) translations.

challenges with norms is that the concept itself has not been clearly defined in any of its contexts. Attempts to define norms have produced broad generalizations, both in meaning and in scope, that challenge translators and interpreters and their decision-making process, as well as the ability to judge their competency. One of the definitions of norms is that of "a notion of what a particular community regards as correct or proper [...] the active ingredients by means of which general values are transmitted into guidelines and prompts for concrete action (Hermans 1999: 58). However, in a diverse context the community may not be homogenous enough to have a clear understanding of what their norms are.

The main framework of this research revolves around two different cultures and the translators and interpreters who are the bridge connecting them. In such contexts, translators and interpreters must decide whether to adhere to source norms or to target norms, and the outcomes determine the translation's "adequacy" or "acceptability" respectively (Toury 1995: 57). This approach would be valid in a translation situation where the texts have a specific function in each of the target contexts – persuasive, instructive, informative – and where they belong to "two sources [that are] different and therefore often incompatible" (Toury 1995: 56). Thus these texts are accepted or rejected based on the norms governing each of the two social entities. For example, in traditional situations many translated products that would have a persuasive function in the source culture, for example a campaign speech of a foreign political candidate, would only have an informative character in the target culture (Schäffner 1995: 2) since their recipients do not have to vote. However, in the context of this study both the source and target cultures coexist in terms of space and time. They are governed by a set of norms that may be distinct at times but that overlap at others. Functionality is at the core of the translation process in target cultures that are embedded within source cultures, as is the case of the Hispanic community in the United States. Members of this target community participate fully in most aspects of civic life, are afforded the same health care, and are held to the same legal standards as members of the source community. The merely informative function of the politician's speech mentioned above is no longer relevant in this cultural context because the target audience can use the information to vote. Thus the role of translators and interpreters operating in this environment is very different. They are no longer at the service of the target culture or the source culture but operate in a context that incorporates aspects of both. Translators and interpreters must focus on the delivery of the information, making sure that all aspects of the mediating instrument deliver the message of L1 to L2 in such way that the target audience can operate on equal terms. In this case, translators and interpreters have to concern themselves with "operational norms" (Toury 1995: 58) that guide translation behavior.

Another challenge facing this study is the pragmatic difference between the functions of translation and interpreting, one being written and the other oral. Until recently the study of translation norms was directed by the tenets of written communication, where research was conducted primarily on literary and scholarly works. Attention to and interest in oral communication – interpreting – as well as subsequent research did not develop until later when scholars began to identify textual and situational differences between both modes. Until then it was assumed that translation norms, at least some of them, applied to interpreting as well. Early discussion on interpreting norms (Shlesinger 1989, Harris 1990) outlined the potential difficulties in the methodological framework given the differences in delivery format and context. At the center of the discussion was also the question of whether interpreting was guided by any norms at all, and if so, whether translation norms applied to interpreting as well. Translation and interpreting are different modes of expression constrained by obvious extratextual factors inherent to their nature. Certain elements that affect interpretation, such as time constraints, memory demands, rate of delivery and fatigue, compounded by situational conditions inherent to certain environments that may affect the dynamic of the interpreting situation, are not relevant in translation. For example, in medical settings interpreters are exposed to potential adverse health and environmental hazards such as contagious diseases and radiation, as well as situational factors, for example patient privacy issues in intimate medical examinations. In courts, safety and security are a concern. Textual comparison, and language in particular, which is an element shared by both media as a tool for communication, would provide a common ground for analysis. Furthermore, the dialectal and cultural diversity of the US Hispanic community, the health and legal contexts, and the use of non-standard language typical of cultures and languages in contact provide the ideal environment for such comparative analysis. Given the vast scope of a textual approach and the limitations of the collection of data from observations, the focus of this study will be on episodes guided by the use of lexicon in certain constraining situations, which according to research conducted in the Hispanic speech community in the United States (Mendieta 1999) accounts for more than half of the types and cases of non-standard language use. The analysis of the use of language in both modes of delivery and the role it plays in the decision making process will hopefully help us establish translation and interpreting norms in the contexts subject to study and to define similarities and differences between them and the systemic, contextual and/or situational factors that foster them. The analysis of the syntactic and lexical forms will be directed by the linguistic research of non-standard language in spontaneous speech among Hispanic-Americans in the United States (Lipski 1985, Mendieta 1999). Given the fluidity and natural evolution of languages, the analysis of language phenomena in research that focuses on text items, such as the present study, may be problematic and short lived because terms that are considered non-standard at one point may in time, due to their widespread use and subsequent acceptance by the speech community become mainstream. Some of these terms, which may not appear in language dictionaries and glossaries at a particular time, or if they do it may be as Anglicisms, are in time codified and registered as accepted speech in the communities where their use is prevalent. In this age of technology where information is quickly and easily shared and disseminated the problem is ever more pressing. However, the overall approach to the study and analysis and the results are still valid in providing relevant references and guiding principles.

The first assumption of this research is that texts are pragmatic tools with high functional value in the health and legal contexts. The texts and utterances not only have informative but communicative value as well. Source and target texts coexist in bilingual contexts – often side by side – so their temporal, situational, as well as functional aim is the same and often operate simultaneously. The target audience needs to function in the systems of the host country, and the source culture relies on that ability to extend equal treatment under the law regardless of cultural and language abilities. As a result, the primary goal of the interpreters is to facilitate communication between the interlocutors by making concepts available and accessible through language that they use and can understand. Linguistic research reveals that the language that the target audience often uses in speech and understands in the United States includes utterances and forms of syntax not customary in their dialectal varieties of Spanish. Other studies (M. de Jongh 1992) have also exposed and defined the use of non-standard language specifically in different spheres of civic life – the courts – identifying it as a phenomenon that challenges interpreters. Cultural and dialectal diversity among US Hispanics are also important characteristics of this speech community, as are the differences in health and legal systems and the language related to them, all of which challenge translators and interpreters when it comes to providing effective and efficient communication.

The second assumption, which is related to the first, is that dialectal diversity and cultural and contextual differences force individuals, and by extension it is assumed that translators and interpreters, to use non-standard language in their pursuit of adequate communication. Some of these challenges, which will be used to test translation and interpreting norms are (1) dialectal differences in the US Hispanic speech community; (2) medical and legal terms, especially the use of acronyms prevalent in English in general and in health and legal contexts in particular, and (3), deceptive cognates.

Over the centuries, the understanding and attitudes of scholars studying these forms of language mediation have evolved dramatically, as have the terms used to refer to both domains, which depend on their evaluative norms and the countries where the activities take place. Both forms of delivery aim at facilitating communication between two cultures, but translation and interpreting are very different with respect to the contexts in which they take place, the functional processes involved, the cognitive skills required, and even extratextual factors such as contractual stipulations, accommodations, work environment, and other such considerations. As the professions of translation and interpreting have become more prevalent and visible in the last years, so has the realization of the differences between them and the public awareness and demands to consider them legally separate (*Amici Curiae* 10-1472, 2011). This has also sparked an interest among researchers and scholars who have focused their attention on the investigation of both fields and to the inquiry of matters relating to the norms governing them. Until that moment, research into norms had been dominated by written translation (Chesterman 1993, Even-Zohar 1981, Hermans 1996, 1991, Tour1995) and operated under the assumption that interpreting norms would follow similar guidelines. It is not until the last two decades that interpreting has emerged as its own field of study (Gile 1995, 1999, 2000, De Jongh 1992, Wadensjö 1993, 1998, Berk-Selingson 2002, Angelelli, 2004, Hale 2004, Pöchhacker 2007, Mason 2008), which has fostered comparisons of the functions of different textual genre and interpreting modes such as conference, business, and community interpreting, expanding the understanding of particular similarities and differences among them.

The purpose of this study is to investigate translation and interpreting norms from the point of view of a common element: language. Studying the use of language in both contexts will allow us to make inferences about the similarities and differences of the norms that govern each mode. Even though the study of norms, whether in language or in translation, is a descriptive empirical endeavor "because it describes which norms hold in a speech community […] without advocating them" (Bartsch 1987: 4), in the case of translation the "evaluative element" (Chesterman 1993: 4) in the study of norms allows us to make additional inferences about what is customary or accepted in specific speech communities and, as an extension, to understand what are considered good translation and interpreting practices.

2.3.1. Translation norms

Until the 90s the field of Translation Studies was focused primarily on questions of linguistics and text linguistics. Most of the findings and promulgations came from the study of texts exclusively. Furthermore, the study of norms was based generally on literary works and often language and literature were linked together (Even-Zohar 1981: 2). Although most of the references that we have on the subject stem mainly from translation norms, certain postulations (ibid. 5) related to theory of text transfer may indeed be applicable to any text regardless of the genre. However, important differences exist not only between the two modes but within translation itself as well. In literary texts (but not only there) authors and translators may neutralize standardized language functions and replace them with non-standardized forms for artistic purposes, for example in poetry.

2.3.1.1. Status and dynamics

In other aspects, even though the basic premise of the translation of literary texts and commercial texts may be the same, the dynamics involved, beginning with the status of the translators themselves and followed by the concept of language, are not. Unlike commercial translators, who are professionals using language as a commodity, literary translators are often scholars. The purpose of their work may have a scholarly function directed towards research, publication, or educational purposes. These two approaches to translation are subject to different constraints, and require different dynamics, and may even be governed by a distinct and different set of norms.

2.3.1.2. Context

Literary translation also offers a different context for study in terms of the information or data for analysis. While some of the elements of both literary and non-literary discourses may be common to all translation, for example, the study of a particular genre (poetry, religious manuscripts, historical novels, marketing, health care manuals), or a particular period (the 14th century or the 1990's), others, such as the study or analysis of a specific author may not be feasible. Much of the material translated in the community context has no known author. Often texts are produced by teams of translators who are impossible to trace and submit to study, or even to ascertain whether a particular text is the product of translating or not. Also, commercial translations are often reviewed and revised on demand, with portions of text eliminated or added to fulfill the needs of a client or of the originator of the source text, at which time a different translator or team of translators may be commissioned for the task. It is not unusual, either, for a text to be translated partially or entirely by computer programs, with very limited or no post-editing revisions by an actual person. These factors remind us that the traceable continuity that is present in literary texts, even if the latter are subject to subsequent editions and publications, no longer exists in commercial texts.

2.3.1.3. Scope of translation norms

The scope of what constitutes translation norms differs. Toury (1995: 54) defines norms as the factors that span between "rules" and "idiosyncrasies". (1996) uses similar parameters that classify their range between "conventions", which he calls "implicit norms", and "rules", which he defines as "strong norms", attributing a level of obligation to the norm. Regardless of the labels, norms in both cases are attributed to the intersubjective factors that span between both ends of the spectrum, forming a graded continuum along the scale and approaching one side or the other according to their potency (Toury 1995: 54), which presents "regularity of behaviour" in recurrent situations of the same type.

Chesterman (1993: 8) proposes two types of norms: "professional" and "expectancy", aspects of which sometimes coincide and others overlap with Toury's "preliminary" and "operational" norms. The former refer to the manner in which translators work – in terms of their best practices and ethics (*accountability norm) –,* their competence – in terms of their communicative excellence and capabilities (*communicative norm) –*, and their authority – in terms of the linguistic relationship between the source and the target texts *(relation norm)—,* all of which have an effect on the translators' tendency to take account of the expectancy norm. The expectancy norms have to do with what is expected by the target audience in terms of the formal and pragmatic elements of the translated texts and their correctness.

2.3.1.4. Functionality

The functionality aspect of translated texts of the US Hispanic context requires a target-oriented approach (Toury 1995: 53) since the texts usually have a functional character and intended purpose that is similar to the source texts in this context. However, source texts play an important role in the translation decision-making process, especially in the health and legal fields under study. This particularly concerns one of the types of operational norms, "matricial norms", which govern the order and general format of the text. This has to do particularly with liability concerns in litigious areas of civic life such as health and law, where the omission or addition of utterances or concepts, and even slight deviations from the source text, could be detrimental to the purpose of the texts and their intended outcome, which may hold translators and interpreters liable.

2.3.2. Interpreting norms

The question of whether translation norms could be extended to interpreting, or even whether interpreting was a norm-governed activity at all, began to surface with the emergence of interpreting as a separate field of study from translation (Shlesinger 1989, Schjoldager 1995). Translation involves written texts and a transfer dynamic that is different from oral encounters. Therefore, the question was a fundamental one. In her study of operational norms in simultaneous interpreting Schjoldager (1995: 67) determined that since interpreters undoubtedly make translation decisions, the activity must involve norm-governed behavior.

As the field of interpreting drew the attention of researchers, the new focus began to unravel areas of interest. A more defined landscape of potential norm-governed interpreting elements ensued, which extended into the role that language plays in relation to norms, and more specifically to errors and omissions in interpreted texts

(Harris 1990: 117). In most cases however, this incursion into language had to do with issues related to best practices: (1) the use of the first person, (2) "voice/personality dislocation", (3) working only into the first [dominant] language, and (4) the "honest spokesperson" or transferring the interlocutors' ideas faithfully (ibid. 115-116).

At the same time, the field of Interpreting Studies began to break down into separate and distinct areas of specialty as well. The discourse no longer focused on interpreting in general but on a subset of domains such as community interpreting – education, legal, health –, conference, and sign language interpreting, each with its own potential and unique norms.

2.3.2.1. Interpreting norms and research

Miriam Shlesinger (1989: 111-115) listed a series of logistical and methodological issues that the interpreting domain presented for researchers. Among them were: (1) lack or limited access to a large corpus, (2) the lack of clear parameters for interpreted products, and (3) the difficulty of observing or monitoring interpreting activity, especially professional interpreters, in genuine settings. The underlying problem of the scarcity of data was related to the limited number of references available for comparison and, as a consequence, the reliability of the results. Nowadays the literature on methodology and on research in all fields of interpreting has expanded, especially in the areas of health and law (Mason 2008, Morris 2008, Russell 2008, Pöchhacker and Shlesinger 2002, 2010, Berk-Seligson 2002, Hale 2002). However, the topic of norms has remained elusive. The literature in this area of research has focused primarily on extratextual and pragmatic issues related to the quality and adequacy of the interpretation, the ineffective use of untrained and ad hoc interpreters, and the errors and omissions resulting from it.

Obviously renewed interest in interpreting has provided new insights into the field and in particular we have gained the coveted data lacking at the onset. Information and findings on interpreting norms, however limited, have also contributed new data to this particular area of interest. Among those findings is the realization that with the expansion of the research into multiple fields of specialty within interpreting, looking at a variety of contexts and countries, the universal generalization of norms becomes challenging (Kolb and Pöchhacker 2008: 26). The areas of health and law in particular are subject to national policies and thus the interpreting norms in those fields are susceptible to the rules and regulations mandated by each country.

2.3.2.2. Linguistic approaches

The question about the validity of translation norms in interpreting posed in Section 2.1.3.2. has special significance when it comes to a linguistic approach. Obviously translation and interpreting are two distinct and different activities whose norms may parallel the norms governing written and oral communication. However, when it came to the study of norms, the belief at the onset was that the conventions used to measure them related “to written language use” (Wadensjö 1998: 79). In her exploratory study of simultaneous interpreting norms, Schjoldager (1995) illustrates the shortcomings and challenges of analyzing transcriptions of interpreted activity because they are presented in written form and tend to be judged by written standards (Schjoldager 1995: 74). In her research, the element used for the study of interpreting norms was a challenging conceptual term with deep cultural connotations in the Danish world. Scholdager soon became aware of the “impossibility of comparing oral and written performances directly” (ibid 1995: 74). Utterances may make complete sense in the spoken form but appear incoherent or incorrect when committed to writing.

In her study, Schjoldager (1995: 81-83) (inspired by Delabatista 1989 and 1993) adopted five categories of translational correspondence for the analysis of the data, which related to the solutions that the interpreters employed to translate the concept in question. The reconstruction of the guiding principles for the interpreting process reveals the struggle with the translation, especially for the least experienced subjects, some of whom opted for the deletion of the term, since L2 did not contain the specific term in L1. This could also reflect, according to the researcher, the fact that the interpreting was simultaneous. A member of the more advanced group of interpreters started out with a similar overall repetition but unlike the less experienced peer opted for a periphrastic solution for the term under analysis.

As a result, Scholdager identifies two underlying norms, the first of which aligns with the “adequacy” norm, implying that the subjects copied formal features of L1 into L2, this being associated with the least experienced subjects. However, a second norm, “substitution proper”, emerged with members of the more advanced group of students, which appears to supersede the former, where the target item aligned with a conceptually relevant translation that bore no formal resemblance to the source item.

This research is particularly relevant to the present study because Scholdager's approach involves challenging conceptual elements. It should be noted that despite important similarities between that study and the present study, in addition to the analytical challenges, other differences exist. The domain and directionality of the translation in the studies are two of them. The Danish research focuses on simultaneous interpreting, while in the majority of the instances of the present study the interpreters worked in the consecutive mode, although some of the subjects did engage in simultaneous interpreting as well. There are processing demand differences between the two modes, which affect the output (De Groot 1997:27). In the Danish exercise, the subjects translated from their dominant language into English, while the subjects in the present study translated from English into the dominant language. The third difference is the fact that all of the subjects who participated in the Danish study were students, while all the subjects in the present study are professional translators and interpreters.

2.3.3. Settings, roles and norms

Settings affect roles and roles define the extent of translators' and interpreters' participation or agency in the communicative event whether this is written or oral. This may have an effect on translation and interpreting norms. The discourse surrounding the concept of roles, and by extension of norms, often includes notions of transparency, visibility, and power (Lipkin 1993, Morris 1999 in Berk-Seligson 2002, Kolb and Pöchhacker 2002, Angelelli 2004, Hale 2004, Leanza 2007, Pöchhacker 2008, Venuti 2008).

For interpreters, their involvement in the triadic exchange may be limited or extensive and may include participation at the professional level exclusively or beyond. In theory, the roles expected of hospital and court interpreters are defined by the institutuions where they work, the professional code of ethics, and by standards of practice. In practice however, interpreters often fulfill ad hoc tasks based on particular needs and demands that often occur spontaneously. Often, these roles are not well defined and depend on the needs of the institutions, the settings, and the interlocutors involved, which "impose different constraints and needs on the interpreted communicative events […] Thus, their role as interpreters undergoes constant change in order to satisfy those needs and constraints" (Angelelli 2004: 13). For example, some interpreters in medical settings see themselves as "ushers" (Lipkin 1993: 90), while others consider themselves to be the "welcomers" and "support" providers for patients (Leanza 2007: 21). In a study of language assisted asylum hearings, the interpreters were found to act as "auxiliaries to the adjudicator" (Kolb and Pöchhacker 2002: 45) taking on tasks that traditionally are not within the parameters of the interpreter's role. The medium of the communicative event, written or oral, also poses constraints, for example, in written events translators do not have the opportunity to assume certain roles that interpreters can because interpreting is "socially situated" (Angelelli 2004: 24) and translation is not.

The examples presented here are evidence that interpreters have different perceptions of their roles and by extension of their agency or visibility in the communicative event. In a study conducted by Angelelli (2004) of hospital, court, and conference interpreters to assess the perception on the visibility/invisibility continuum, and whether different settings affect their perception of role (ibid 67), she found that medical interpreters ranked highest in the visibility continuum, followed by court interpreters. She suggests that court interpreters due to the "the frequency of interaction [...] may have to set more communication rules" (ibid 73). Translators also may be subject to similar restrictions imposed by the nature of the medium, which is constrained by the source text and its format, length, and function, making their roles in terms of language use more in line with court interpreters.

Angelelli also tested a series of variables such as age, gender, and education to assess which of them contributed to the interpreters' perception of visibility. The results show no correlation to any variable in particular, which "demonstrate conclusively that the overriding association with interpreters' self-perception of visibility is attributable to the interpreting *setting*" (ibid 77) (emphasis added). Also, spontaneous participation by court interpreters is more restricted because they are required to limit their input to faithful transfer of information (Hale 2004), often verbatim, more in line with the conduit role. In the health care setting on the other hand, interpreters enjoy more participation and agency, which allows them to interject in the conversation more freely and perform the various roles that have been accepted for their professional context. This may have an important implication in terms of language use and translation norms. Wider parameters allow for the interpreter's increased participation (visibility) and more opportunities to explain language and cultural concepts to the interlocutors, potentially limiting the use of non-standard forms of language.

Regardless of the extent of their participation interpreters are aware of the central role that they play in the mediation and the responsibility they assume. In the medical field the interpreter's accurate or inaccurate rendition of the communicative exchange has the "power to 'save lifes' […] but can also 'kill' " (Araújo-Lane 2004: 19). In the courtroom the interpreter's responsibility is central to the triadic exchange a reminder of which is that it is not the words of the defendant that are recorded by the court reporter but the words of the interpreter, which highlights the "gravity of the interpreter's role" (Freehill 2002: 22).

3. Methodology

This chapter presents the various steps involved in the collection, compilation, and organization of the data for the study, including: (1) the methodological approach, (2) research questions, (3) selection of subjects, (4) instruments employed for the collection of data and (5) the challenges encountered in the process. A timeline and summary of the nature, activities, data collection tools and participants of the various pilot and exploratory tests and fieldwork activities is shown in Table 3.1.

Table 3.1. Timeline and nature of the pilot tests and the fieldwork

Tests and dates	Elements tested	Data collection tools	Participants
First pilot test September 2010	Culturally appropriate terms (Use of the verb "coger")	Focus group	6 Translators/language instructors: Argentina, Cuba, Spain, United States
Second pilot test January 2011	Non-standard language in translated documents (hard copy and electronic format)	Translated material	Collected from sites and/or accessed through the Internet
Third pilot test April 2011	Testing tools and their adequacy (Efficacy of questionnaires created and delivered with Google Drive)	Questionnaires and Google Drive	3 translators: Colombia, Venezuela, Spain
Fourth pilot test April 2011	Interpreting and non-standard language use	Interviews over the phone	4 interpreters: Argentina, Mexico, Venezuela, Spain
Research fieldwork January, June, December 2012	Non-standard language use in translation and interpreting	Observations of medical and court encounters	15 court and hospital interpreters (various countries)
		Interviews in person	15 court and medical interpreters observed (various countries)
		Focus group	5 medical and court interpreters (various countries)
		Questionnaires	127 translators and interpreters (various countries)
		Translated texts (≈ 30,000 words)	Material (brochures, flyers, cards) collected in the hospital and courts where observations took place

3.1. Framework

To narrow down the parameters of the framework for the investigation, this study will follow three main guidelines borrowed from the social sciences, which specify three aspects or elements required for the study of norms: a subject, a situation, and the theme (Ross 1968: 109). These are as follows:

1. The **subject** or agent who is expected to follow a pattern of behavior, namely the translators and interpreters in this study.
2. The **situation** or context in which the norm is to be followed. Our expectations about how people should act depend upon the situations in which they are placed. In this study, medical and legal settings would be the contexts or situations in which the translators and interpreters operate.
3. The **theme** or the action where a norm is put into practice. In this case, we are dealing with legal and medical discourse.

3.2. Instruments and tools

Three primary and two secondary research instruments were used to collect data and to triangulate the results. The primary tools were (1) observations of language-mediated encounters in hospitals and courts, (2) interviews with the interpreters who were observed in those settings, and (3) questionnaires completed by all the participating translators and interpreters. The secondary instruments included (4) a focus group with members of the health and court interpreting community, and (5) translated texts of material collected in the observation sites. The reason for the secondary tools was to create redundancy for triangulation purposes and to compensate for the unforeseen loss of data collection opportunities, which threatened the integrity of the study and the availability of data. With that in mind, the use of several data-collection approaches seemed appropriate to arrive at the most objective conclusions possible. It is widely accepted, in any field where individuals are subject to observation or to inquiry, that differences exist between what people really believe and what they say they believe, making it “virtually impossible to rely on speakers’ reports of their own [language] usage or of their attitudes to usage” (Milroy and Milroy 1985: 18).

3.2.1. Observations

Observing the context in which discursive activity occurs is an important element of research (Toury 1995: 36). This exercise will allow us to observe regularities of behavior as well, since it is “the regularities in the observable results of a particular kind of behaviour, assumed to have been governed by norms, which are first noted” (Toury 1999: 15). In this study, there were a total of 44 encounters in both settings – hospitals and courts –, totaling approximately 60 hours of observations. In addition to providing data for discourse analysis, these sessions also constituted a situational context in which to (1) experience the dynamics and cultures involved in language-assisted encounters, and to (2) observe the language used in these settings as the basis for follow-up questionnaires. Furthermore, the observations constituted a link to the concepts presented for translation and a platform from which to extend the study to written translation. During the pilot phase of the research, analysis of the translated texts did not reveal the range of non-standard language observed in the speech community and seen in other empirical data. Therefore, to make this a more compelling case and since the approach of the present study is comparative and contrastive in nature, the data collected during the observations of interpreters were used to fabricate target sentences. This made it possible to study similar discursive instances in both contexts. The fabricated target sentences were incorporated into questionnaires, which provided constraining situations that could be analyzed in tandem.

Due to the restrictions imposed on interpreter observations (see Section 3.5 below), the data collected during the observations was limited to discrete episodes or utterances and concepts that were relevant to the research. In addition, my presence during the encounters may have influenced the performance of the interpreters and the behavior of all the parties involved. Even the most experienced interpreters, who had been providing interpreting services for more than twenty years, expressed trepidation and feelings of uneasiness in the presence of an observer. This behavior was manifested through expressions of inadequacy and frustration when they were unable to come up with the exact term or phrase, and through comments such as "How am I doing?" or "Now that you are here everything is going wrong" or "What a coincidence, it is usually fine, but today was not my day".

3.2.2. Interviews

Interviews are "a conversation between two people" (Benjamin 1969: ix). Many of the exchanges and contacts with the participants of this research could be defined as informal but targeted conversations. I am also a translator and my colleagues see me in that capacity, not in the role of researcher. Therefore it was easier for them to relate to me in a more relaxed format. This was also a calculated approach on my part to make data collection possible. The medical and legal fields are sensitive and contentious by nature; any questioning about procedures and protocols, no matter the purpose, have the potential of being taken as formal inquiries giving grounds for criticism. As a result, the interviews had a semi-structured format and were held immediately after the observations. So while the premise was similar in all the interviews, the particular event was not.

The main objective of the interviews was to inquire about certain transfer decisions that were noted during the observation sessions. A second goal of the interviews was to elicit information about hospital and court interpreting encounters in general, and about the one observed in particular in order to gain insight about the underlying nature of the hospital and court contexts and their impact, if any, on the ability of the interpreters to interpret effectively.

3.2.2.1. Purpose

The purpose of the interviews was to gather data about aspects of the observed session that had to do with the language dynamics and use, as well as to gather general information from the interpreters on the roles of the participants and their own roles and functions in the particular encounter. This exercise also provided the interpreters with an opportunity to add comments or to clarify their language decisions in that particular encounter, or in other encounters that they felt were significant or unusual, or to express overall opinions about interpreting.

3.2.2.2. Context

The hospital did not authorize follow-up interviews with the interpreters during work hours, which probably had to do with workload and work interference. In general the number of Spanish-speaking patients who require language assistance exceeds the availability of interpreters, who have a full workload that leaves no room for other activities that are not related to their jobs. As a result, the individual interviews took place immediately following the observations, often while in transit to the next medical appointment or during a break during the clinical consultation. It was customary for some interpreters to step outside of the examining or consultation room when the medical personnel are not there, in order to discourage any personal interaction with the patient. Often patients engage in medical-related conversations with the interpreters or seek medical input from them, which they are not prepared or allowed to provide. I used this momentary pause to ask the interpreter questions about certain vocabulary choices and to clarify concepts that came up during the encounter.

3.2.2.3. Effectiveness

The interviews were very valuable since during the consultations with the medical personnel I was limited to note taking, and even that was kept to a minimum to avoid detracting the participants from the purpose of the encounter. The information collected was equally valuable since it related to a particular element of the conversation and could be discussed in the context of a specific event that had just taken place. Both the interpreter and I were able to recall the circumstances and discuss the outcome almost in real time, which made it more productive than if the interview had been relegated to a later time. Often, depending on time availability, the interpreters were able to contribute additional comments to address other instances involving similar situations or to an occurrence that may have triggered the reaction in question. This provided a more in-depth look at the contexts and the outcomes.

3.2.3. Questionnaires

The questionnaires were particularly valuable in this research because they constituted an important "tangible" record, since the data from the observations could not be recorded.

As with the observations, I was cognizant of the fact that the answers from the participants could be biased, especially in the context of language use where participants were aware of the premise of my research. However, contrasting and comparing data from both the observations and the questionnaires proved to be a productive method for evaluating the attitudes of translators and interpreters in non-standard language contexts. All the participants completed a questionnaire.

3.2.3.1. Two questionnaires

Two questionnaires, one for interpreters (Appendix B) and one for translators (Appendix C), and two forms of delivery, electronic and manual, were used in this study.

The content of both questionnaires was very similar, aside from minor format adjustments that were required to overcome completion and delivery constraints. For example, in pen-and-paper formats respondents could leave questions unanswered and still be able to complete and submit the questionnaire. In electronic formats, on the other hand, respondents were redirected to any unanswered question before submitting the questionnaire.

The decision about the different design was based on the assumption that since all but one of the interpreters who were observed worked exclusively as interpreters, the trend would be consistent within the general population. The second reason, which was related to the first, was to make the questionnaires simpler and more enticing for informants to participate. The adjustments needed to incorporate questions that were pertinent only to translators or to interpreters, otherwise the questionnaires would have been long and cumbersome. In retrospect, it is clear that a simplified approach and single questionnaire would have been more efficient and productive, especially after learning that many of the respondents worked in both contexts and in a variety of fields. I am cognizant of the shortcomings of the questionnaires, especially when it comes to the collection of data involving electronic formats, which may not have been the most adequate for the type of inquiry involved (see Section 3.8.5 Design of the protocol and data-collectin tools).

3.2.3.2. The language of the questionnaires

The questionnaires were written in English. Originally, the intention was to write them in Spanish, since the translators and interpreters in this study were required to be bilingual English and Spanish speakers. However, during the pilot tests it became apparent that the potential dialectal differences between the participants, who were from many different Spanish-speaking countries, could infringe upon proper understanding of the questions, which would encumber and slow down the process and ultimately frustrate participants. This study tests the effect of the constraints posed by dialectal differences in the translation process as a potential trigger for non-standard language phenomena. Therefore, this was a first important realization of one of the main premises of this investigation.

3.2.3.3. Anonymity

The questionnaires were anonymous. Confidentiality was one of the conditions to ensure participation and to foster a spirit of collaboration and free expression. No names or personal details were elicited that could be traced back to the participants, the institutions where they work, or the patients and clients they serve. Many of the interpreters and translators work for the government, industry, private companies, translation agencies, and medical and legal institutions and they felt reassured to know that their answers would not be identified individually and would not compromise them or their employers.

3.2.3.4. Two questionnaire formats

There were two questionnaire formats, manual and electronic. Completing a questionnaire online would have required a computer, which some of the interpreters that I observed did not have at home, and completing it at work would have posed a problem. As a result and to make the process consistent for all the interpreters who were observed, this group received manual questionnaires, which were hand-delivered to them. Once the questionnaires were completed the participants returned them by postal mail.

The design of the two instruments posed a logistical problem. Tools online help control how participants respond, for example, by making sure that a particular question is answered before going on to the next (although some savvy participants did find a way to overcome this requirement). This is not possible to control on manual questionnaires, where participants can respond at will, leave questions unanswered, and are still able to submit the questionnaire.

3.2.3.4.1. Google Drive. The electronic questionnaires were designed and delivered using Google Drive, which made their mass delivery easier. The responses were also collected electronically on a spreadsheet on Google Drive. This format had its strengths and weaknesses. On the one hand, the response mechanism and its sequence could be controlled by requiring respondents to answer mandatory questions before submitting the questionnaire. On the other hand, whenever feedback was solicited or when respondents were given the opportunity for further comments, the responses were often long and unstructured. This feedback proved to be very valuable, but in some cases its lengthiness made it difficult to view the overall results on the spreadsheets and to correlate the data, as the instrument was not designed to handle such extensive text.

3.2.3.5. Line of inquiry and its rationale

The questionnaires were divided into two main categories: (1) background information of the respondents, and (2) technical data (translation decisions). To streamline the number of potential answers, the questions provided 3 or 4 possible answers to choose from, with an additional line for responses that were not contemplated in the options. These possible answers included the most common solutions that had been noted during the observations. Some of the responses triggered follow-up questions or elicited feedback from respondents. Also, at the end of the questionnaires space was provided for additional comments related to the survey itself, to the profession in general, or to instances or examples of similar situations. Some of the respondents took the opportunity to do so. These comments provided insightful information that was very helpful for understanding the motivation behind specific responses.

3.2.3.5.1. Background of the participants. The information about the participants (country of origin, native or dominant language, work base, mode and field of work, professional experience, professional and/or academic credentials) provided a profile of the translators and interpreters, which can be correlated to their language attitudes, perceptions, and transfer decision processes. Furthermore, one of the premises of the study is that translators and interpreters who form integral part of the speech community where they work are familiar with the language trends and evolution, and therefore may be more inclined to use the same lexicon and speech patterns as the individuals they broker for.

3.2.3.5.2. Translation decisions. Information on translation decisions was solicited either through specific questions that contained samples of language elements that could be potential triggers for non-standard language phenomena (e.g. dialectal variations), or through the translation of sentences that included samples of the same concepts.

3.2.3.5.2.1. Interpreters' questionnaires. The questionnaires for the interpreters included questions about the research concepts identified during the pilot tests and the observation phase, which related to high-value language incidences assumed to have an effect on the use of non-standard language: (1) acronyms in English, (2) culture-specific terms and concepts, (3) dialectal differences, and (4) deceptive cognates. The last segment of the interpreters' questionnaire included questions about the target audience, which provided a sample of the context in which the interpreting activities take place. This information, which complemented the observations, was related to (1) register, (2) language use, and (3) attitudes of the target audience for whom the interpreters mediate. In addition, the questionnaire included two questions regarding the attitudes of the interpreters towards constraints and policies related to interpreting practices and protocols, and their willingness to disregard them.

3.2.3.5.2.2. Translators' questionnaire. The translators' questionnaire included ten brief sentences to translate that represented high-value instances similar to those of their interpreting counterparts. These sentences were for the most part fabricated following observed discourse incidences. No information about the target audience was elicited from the translators since the assumption was that the texts were produced with the US Spanish speech community in mind. Furthermore, the responses from the question regarding the work base of the translators would inform us about their target audience.

The translation decisions in terms of approach, method and word choice were manifested in the text itself and considered self-explanatory.

3.2.3.6. Questions and their rationale

The following questions were included in one or both questionnaires (Appendices B and C). A note of the rationale for their inclusion (as well as the exclusion in some cases) accompanies each section.

3.2.3.6.1. Questions 1 and 2. These questions inform us about the country of origin of the participants and their native or dominant language, which is important to determine the dialectal variety that the translators and interpreters may be familiar with. There is reason to believe that language background and origin may have an impact on the translational decision-making process, since the dominant cultures and languages may play a role in the process.

3.2.3.6.2. Question 3. This section inquires about the country where translators and interpreters live and work on a regular basis. If they are embedded in the diverse Hispanic community of the United States, where data from empirical research supports the use of non-standard speech forms, it puts interpreters and translators in contact with this emerging paradigm.

3.2.3.6.3. Questions 4 and 5. These answers will provide data that will inform the study about the employment status within the fields of translation and interpreting and the length of time the participants have worked in them. Working for an institution that requires translation and interpreting credentials involves certain constraints that people who work as private contractors may not have. This was considered relevant to the study.

The length of time that translators and interpreters have worked in the profession informs us about their experience and as a result their ability to make independent translation decisions, as well as their reputation and status as language experts.

3.2.3.6.4. Questions 6 and 7 elicit information about credentials and accreditation requirements. Many of the interpreting programs provide training in a code of ethics or translation guidelines, which standardize the process and become normative in nature.

3.2.3.6.5. Questions 8, 9 and 10 are related to the type of work performed: translation, interpreting, or both. These questions also elicit information about the modality and the fields of concentration or expertise, mainly to create a profile of the professional background of the participants, which helps correlate their translation decisions with the mode of performance and expertise.

3.2.3.6.6. Questions 11 and 12 inform us about the target audience and the ability of its members to speak and understand medical and legal concepts. Only the interpreters' questionnaire included this question, since translators do not usually have personal contact with the immediate target audience.

3.2.3.6.7. Questions 13 to 21 inquire about the interpreters' methodology and attitudes towards language variation. The specific utterances included in these questions refer to dialectal differences relating to common words. Preliminary data from observations indicated it is often the simple, colloquial words that challenge speakers and interpreters, forcing them to use code-switching or other creative solutions. Also included are English acronyms of medical processes and procedures, which do not usually have equivalents in Spanish, where the use of acronyms in general is less common. Even if equivalent acronyms existed in Spanish, the speakers may not be familiar with them, or it may be the case that the acronym is different in the medical systems of their countries of origin. In such cases, the long form of the term may sound equally technical and unfamiliar to the patient, which may prompt the interpreter to use the acronym form in English.

3.2.3.6.8. Questions 22 to 24 refer to the interpreters' attitudes towards interpreting protocols and their willingness to disregard them.

3.2.3.6.9. Question 25 gives participants the opportunity to add personal comments related to any or all of the questions, and to speak about the role of the interpreter in a diverse Hispanic community in the United States.

3.2.3.7. Questionnaire packet for the interpreters observed

The packet for the manual questionnaire included the following items:

1. Cover letter (Appendix D)
2. Questionnaire
3. Self-addressed and stamped envelope
4. Gift card as a small token of appreciation for the respondent's time and effort.

Since these questionnaires were anonymous, in the case of the hospital the packets were personally delivered to the interpreter coordinator who in turn distributed them among the interpreters. In the courts, the packets were hand-delivered to the interpreters. To avoid duplication, these questionnaires had a random identifying numeric code that was produced by the password generator Techzoom. The return envelopes were addressed to a third party who was in charge of questionnaire management and data recording. This was done to maintain anonymity and to preserve the integrity of the information.

3.2.3.8. Electronic questionnaires for non-observed interpreters and for translators. These questionnaires were sent to participants electronically with a cover letter (Appendix E) explaining briefly the purpose of the study. As an incentive for participation the recipients were offered the option to take part in a drawing for a gift card for which they had to provide an e-mail contact for notification purposes. Participants were assured that this information was anonymous and would not form part of the research. Approximately half of the respondents opted out.

3.2.3.9. Data-collection spreadsheets

The data from the pen-and-paper questionnaires were recorded manually on a spreadsheet for subsequent analysis, while the data from the electronic questionnaires were collected automatically on a Google Docs spreadsheet upon response. The data from the three questionnaires – manual input, electronic from translators, and electronic from interpreters – were subsequently consolidated into digital format for analysis.

3.2.4. Focus group

The communication with the interpreters in the work place was limited and the subsequent interviews were precipitous. In some cases I would have liked additional information about certain occurrences I observed. In others, I felt that the interpreters themselves wanted to delve into the reasons for their translation decisions. The short interviews that took place during or after the observations provided a glimpse of specific speech instances and episodes but further exploration of the causes was not possible due to situational and time constraints surrounding the brief encounters during or after the clinical appointments. As a result, I felt compelled to give the interpreters an opportunity to express their feelings and their ideas and to talk about their interpreting approach in a more informal context. I also wanted to explore more in depth certain topics and to observe the group dynamic.

3.2.4.1. Participants

All the medical interpreters that formed part of the core group at the hospital as well as a few local court interpreters were invited to attend an informal focus group or gathering, which was held in my house.

3.2.4.2. Format and questions

The session was informal in nature to allow participants the freedom to express their feelings in a conversational or round-table format, and to discuss any topic of interest. The points of inquiry, listed below, revolved around subjects related to the differences and similarities in the interpreting contexts, the credentials available in both fields of practice, and the implications and constraints that they impose on the interpreter:

- the use of non-standard language by the target audience and by the interpreters
- interpreting credentials available, required by employees, and attained by participants
- credentials and interpreting ethics, and expected roles: do they support the interpreting process or not?
- roles of medical and court interpreters: how they are the same and how they are different.

3.2.5. Translated materials

Translated texts provided the context that the targeted sentences included in the questionnaires lacked. These texts included samples of medical flyers, patients' manuals about common conditions and surgical procedures, data about the hospital, patient and consumer information, and other material that is available to the patients and that I collected in the clinics and courts during the observations, totaling more than 30,000 words.

The purpose of these documents was to provide an additional source to help triangulate the data from the observations and the questionnaires in a more complex and complete context. One of the reasons why this material was treated as secondary was the lack of translators' profile in them. It is not unusual for hospitals, health care providers and government agencies to contract agencies or health-information centers to provide translations for their material. In these cases the names of the translation agencies or institutions who provided the material may be available to consumers, but for the most part no information on the individual translator is available, as is the case of the material in the present study. Moreover, since medical and health information is commonly available both digitally as well as in paper format, information can be easily accessed by translators and used as a reference or model, which in terms of analysis allows no insight into the motivation or reason for a specific translation decision.

On the other hand, translations of legal materials are not easily accessible or available. Documents pertaining to individual cases are sight-translated by interpreters in court during the proceedings, and Spanish discourse in court is not transcribed or kept on the record. Other general information is not readily available to the public either, so most of the written samples included in this analysis are related to health issues or to information about the social and ancillary services of the courts

3.3. Participants in the study

The legal and health environments are by nature prone to discord and litigation, since they deal with serious issues that may contribute to conflictive situations. In this litigious environment, mistranslations and omissions can have detrimental consequences since they can potentially contribute to wrongful actions. To avoid this predicament, it is in the best interest of the institutions to employ translators and interpreters who meet certain qualifications. As a result the institutions have well-established competence guidelines and requirements for potential translators.

3.3.1. Selection criteria for the participants

According to Chesterman (1993: 1) "normative laws describe the translation behavior of a subset of translators, namely, competent professionals, who establish the norms". This is an important guideline for the selection of adequate subjects for the study. Competence is a desirable skill set of translators and interpreters, which would (1) enhance their employability, and by extension, (2) be emulated by those who aspire to work in the profession. As a result, their behavior would become normative in nature.

One key aspect of the selection of research participants was that they correspond to the parameters of what constitutes a competent translator and interpreter. Given the specific characteristics of the medical and legal fields, as well as the differences in the professional requirements of translators and interpreters, it would be difficult to establish competence parameters that apply to both contexts and modes of delivery. Therefore, this research will take into account two benchmarks: (1) experience, and (2) credentials, which are applicable not only for these contexts, but for most professional activities.

3.3.1.1. Experience

It is difficult to quantify experience in terms that would be applicable across the board in any context unless one considers length of time spent in the practice of a particular activity as a measuring tool. It could be assumed that there is positive correlation between length of time and level of experience, whereby the greater the length of time spent translating and interpreting the greater the knowledge and skill.

3.3.1.2. Competence and credentials

There is no general standard for the monitoring of translation and interpreting competence. Competence may be monitored and enforced internally by the hospitals and courts, which have their own skills-assessment programs that meet their particular needs. Other institutions rely on third-party providers to evaluate a candidate's ability to perform as a translator or interpreter, or the institution may turn to the various national professional language organizations that have accreditation and certification credentials available. Furthermore, although the basic premise of the translation and interpreting activity may be similar for both courts and hospitals, each has a distinct set of skill requirements, as well as specific institutions that evaluate them.

The consideration of credentials was particularly significant in this study, because translation and interpreting norms, both ethical and functional, may change over time. Credentials and their upkeep eliminate the potential for disparity. Most translation and interpreting certification-granting institutions in the United States have specific clauses in place that address the requirement of their recipients to update their skills and knowledge throughout the life of the credentials. This upkeeping can be done through various channels approved by the institutions, and may include conferences, seminars, classes, research and publication, educational activities such as teaching language or translation and interpreting classes, to name a few. The American Translators Association (ATA), of which many of the participants in this study were members, has this requirement. In order to maintain their credentials, certified members must prove every three years until the age of 60, at which time they acquire lifetime status, that they have participated in qualifying activities.

3.3.1.2.1. Credential requirements for medical interpreters. In the medical context, the company CyraCom has established itself as a major provider of medical interpreter skills' assessments and it is the provider that Central Hospital uses. CyraCom's interpreter evaluation, which is administered by telephone and lasts approximately 20 to 40 minutes, is divided into four competency areas:

Section 1 – Interpretation from English into the other language
Section 2 – Interpretation from the other language into English
Section 3 –Interpretation from English into the other language and the other language into English
Section 4 – Medical vocabulary in both languages

The candidate's performance is broken down into three ratings: NI (Needs Improvement), ME (Meets Expectations), and EE (Exceeds Expectations). Central Hospital accepts ME and EE qualifications. There is no information available regarding the requirements needed to meet these expectations. CyraCom provides individual feedback on candidates' performance.

In addition to the interpreter skill assessment, Central Hospital requires candidates to have knowledge of medical interpretation protocols and best practices, and to pass a subsequent test, called Bridging *the Gap.* In terms of language competency, Central Hospital does not include provisions for the assessment of interpreters' language competence other that the interpreter must be "fluent in both English and another language". The requirement to attain this standing is to "demonstrate sufficient language competence". Central Hospital does include accepted language parameters for bilingual health providers. It is the assumption that the language competence of interpreters must be no less than approved qualifications for bilingual providers. CyraCom is again the third-party provider for language assessment and has established a proficiency-rating grid that ranges from 0 "none" to 4 "advanced professional". The test includes evaluation of grammar, vocabulary, pronunciation, fluency, cultural appropriateness and functional expertise, and strategies. The qualifications approved by Central Hospital for the language assessment are: 3 General Professional Proficiency, 3+ General Professional, and 4 Advanced Professional.

Central Hospital has provisions for competence testing for all the individuals who come in contact with LEP patients at the hospital, whether they are bilingual healthcare providers, interpreters on staff or contracted on a need basis, or volunteers. Therefore all the interpreters observed at Central Hospital had been previously vetted by the hospital.

3.3.1.2.2. Credential requirements for court interpreters. Interpreting competence in US courts is assessed through a certification process that addresses the requirements of either the state or the federal courts. The testing process has two components: one written, which includes comprehension of legal terms and concepts in English, and one oral, the extent of which is determined by the level of qualification that the participant is attempting.

3.3.1.2.3. Translation credentials. There is no nationally recognized translation certification other than the assessment provided by the American Translators Association (ATA), which is widely accepted as the qualifying credential to prove translators' competence. The written test, which is administered at designated times and locations internationally, consists of texts (e.g. legal, general) that need to be translated into the target language under time constraints.

3.3.1.3. Additional selection criteria

The targeted cohort of participants is made up of professionals who are knowledgeable of both the language and the translation norms, which may trigger normative behavior that rewards compliance. This broad knowledge was considered an important element in the research, since any deviation from the norm would give us an opportunity to question and explore its motivation. Therefore, additional criteria for the selection of participants were that: (1) the subjects operated[3] from within the United States, and (2) that they worked in the language pair English and Spanish.

Another consideration for the participating subjects that was important but not essential was that all or part of their translation work revolved around the community environment, especially the medical and legal fields. The familiarity of the participants with the contexts, with the users of their texts, and the constraints posed by them also helped us determine the reasons and motivations for certain translation behavior. However, many of the questions may require familiarity with these two contexts because they include terms that are typical in the fields of health and law. Other questions included in the questionnaire, such as translation and interpreting experience, area of expertise, and work distribution – whether they worked both as translators and interpreters –, were important to help create a profile of the participants and for data-correlation purposes, but they were not essential for the inclusion or exclusion of participants

3.3.1.4. Meeting the criteria

To meet the criteria established for the inclusion of subjects, participants had to:

- work in the English-Spanish language pair,
- work actively as translators and/or interpreters
- translate and interpret from the United States,
- translate and/or interpreter for US Hispanics.

[3] This point was one of the questions included in the questionnaire and was left ambiguous on purpose. Rather than saying "live in", which would have been the most logical approach, its use can inspire suspicion in an environment charged with immigration and legal status discussion and discord.

3.3.2. Recruiting participants

The assumption was that once the institutions agreed to participate in the study, the interpreters who worked in them would automatically be potential candidates for observation, as was the case. However, the individual translators and interpreters had the option to decline to participate, or to withdraw from the study at any time for any reason, which was the case in a few instances (see Section 3.8.4 Workplace rules and subject participation). The participants who were not observed were contacted and selected from the membership list of professional translation and interpreting associations, which provided a roster of individuals who were equally qualified. This was also the most efficient way to access potential participants, since many translators and interpreters work on a freelance basis and finding them and reaching them otherwise would have been time-consuming and difficult, if not impossible.

A total of 127 translators and interpreters agreed to participate. All participants satisfied the criteria for participation.

3.3.3. Estimating the population

To estimate the number of translators and interpreters working as such in the United States, I consulted the data provided by the Bureau of Labor Statistics (BLS) for the year 2008[4], which listed a total of 50,900. This number included all translators and interpreters in the United States at that time, regardless of language pair.

To estimate the number of translators and interpreters for the year 2011 when the collection of data began, I prorated yearly increments based on the 22 per cent projection growth estimated by BLS for this sector for the next decade. The resulting prorated total as of April 2011 was 53,537, which included translators and interpreters working in all languages. The translators and interpreters working in all language pairs was prorated using ATA membership, which in 2011 was 9,918 overall and 3,389 for English and Spanish. Based on this ratio I was able to estimate that the total number of translators and interpreters working in the US as of April 2011 was of 18,300.

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[4] The operationalization of the protocol and design of the sample base for the research took place in 2011 and subsequent execution was based on estimates based on data from that year (ATA) or published and available that year (BLS). We are confident that given the slow increment rate estimated by the BLS of new translators and interpreters joining the profession, the figures still stand and are adequate.

I realize that these numbers are not perfect. The total provided by the BLS is by its own estimation significantly lower than the real number of professional translators and interpreters working in the United States. Further, the totals do not provide a breakdown by category. A similar problem occurs with the ATA computation. The ATA does provide separate totals for translators and interpreters, but there is no guarantee that the name of a member is not included in both categories, since it is not unusual for professionals in the language field to work in both modes and to belong to various chapters or specialty groups within the association.

3.3.3.1. Reaching participants and rate of response

Most of the participants for this study were recruited from among the ATA membership. The professional profiles of its members are publicly available, which allowed me to review their backgrounds in terms of credentials, accreditation, and fields of practice, and to select potential participants based on their work in the health and legal contexts. Also, this organization is well known in the translation world and its members come from all over the country, which was another consideration to ensure that the participants were geographically diverse. Finally, I am a member of this organization, which I felt would potentially help recruit willing subjects among fellow translators.

I sent a cover letter (Appendix D) to 500 members of the ATA who fulfilled the professional criteria for participation listed above. The rate of response was 25%.

3.4. Research sites

Title VI of the Civil Rights Act of 1964 mandates that programs and services that are available in English be made equally available and accessible to the LEP (Low English Proficiency) population. As a result, hospitals and courts, especially the hospitals that are the recipients of federal assistance (Gentzler 2008: 8), are obligated by law to provide equal access to their services to everyone, including individuals who may require language assistance. The hospitals that receive federal funding are designated to provide services for the indigent population, including language services, free of charge. In exchange, the federal government imposes strict guidelines for the operation of the facilities and the quality of the services that the institutions provide, including in the area of translation and interpreting.

3.4.1. Selection criteria

People who qualify for federal assistance, many of whom are LEP patients, seek health care in designated hospitals where, as a result, there is high demand for translators and interpreters, making these good fields for medical interpreters because they enjoy professional continuity and security in terms of employment. For that reason, federally-funded hospitals were deemed ideal sites or contexts for this study since they provided subjects who presumably (1) had the required competence to contribute meaningful data for the study, and (2) who participated in triadic exchanges that are optimal for observation.

The courts, whether local, state, or federal are government funded and require highly trained professionals, so they also provided a good context for observing translation and interpreting activity.

3.5. Pilot tests

Given the scope of the study and the use of various data-collection instruments, four pilots were conducted in order to probe (1) the use of culturally appropriate terms, (2) the adequacy of the testing tools, (3) non-standard language use in translated material, and (4) the use of non-standard language in speech. The results of these pilot tests guided the design and data collection process of the main study.

3.5.1. First pilot test: culturally appropriate terms

The premise of this test was to probe the attitudes of speakers and their proposed translation solutions of the culturally diverse term *coger,* which has pejorative connotations in some Spanish-speaking countries. This verb presents two challenges to its users: (1) its pejorative and potentially offensive connotation in some Spanish-speaking countries (e.g. Argentina, Mexico), and (2) the lack of clear functional parameters. Most people who are familiar with the Spanish language are aware of its pejorative connotation as a colloquialism to refer to acts of a sexual nature. However, it is not always clear where and when its use is correct and acceptable and when it is not. For example, in Mexico *coger* is commonly used in certain contexts where objects are the subject of the conversation (e.g. *coger un libro* [to grab a book]), and avoided in others, especially when persons are part of the discourse (e.g. *coger al médico* [to grab the doctor]). While its misuse in casual situations may only have anecdotal consequences, in professional contexts the results can be detrimental, especially in translation, a medium that produces long-lasting texts and records.

The substitutes that people commonly use to avoid the conflictive term (e.g. *agarrar, tomar, conseguir*) have somewhat different meanings or nuances, and some also have pejorative connotations in certain countries. They are nevertheless accepted in the absence of a single standard term. Furthermore, the discourse regarding the ambiguity of *coger* has become so prevalent that most Hispanics living in the United States, regardless of their country of origin, are aware of the potentially bad meaning of the word and adjust their speech accordingly. The users of the word in questions and of other substitute terms follow a trial and error approach: if the interlocutors do not react negatively, the term is used, if they do, the term is avoided.

Educational and language-professional environments also raise awareness about this and other potential language pitfalls, in a way setting normative standards. This was the case of an article published in the ATA Chronicle, which addressed this issue in the following model sentence: *If you wish to enroll in the program, grab a pen and paper, and dial the toll-free number* (Kelly, Graves and Txabarriaga 2007: 26) strongly suggested reasonable and sensible alternatives to the readers.

This small pilot test was conducted in September of 2010 and involved a total of six participants – men and women – from Argentina, Cuba, Spain, and the United States. All were bilingual English-Spanish speakers involved in translation and interpreting, either professionally or as volunteers. It is important to note that while Argentina is one of the countries where the term in question has a pejorative meaning, Cuba and Spain are not.

The participants were presented with the sentence inspired by the ATA article, which recommended avoiding the pejorative term *coger* as well as *agarrar,* a common substitute for the former and equally offensive in some contexts, according to the article. The participants were asked to consider translation solutions for the sentence, paying special attention to the term in question, and to discuss them in a round-table conversational format. After the participants provided their proposed translation solutions (see Section 3.5.1.2.), they were shown the terms recommended by the authors of the article and were asked for feedback and reaction.

Given that the premise of the study was to explore translation norms or the normative behavior of translators and interpreters, this term, given its prevalence and diverse meaning among its users, was considered a suitable element for analysis. It was also the inspiration for the research and one of the questions that was included in the research questionnaire because the term illustrates the challenges that translators and interpreters face in culturally diverse contexts.

3.5.1.1. Divided results

The attitudes and opinions of the participants were divided along country lines. The participants from Argentina unequivocally provided the term *agarrar* as their preferred Spanish equivalent for the term "to grab". On the other hand, the participants from Cuba, Spain, and the United States (the latter with ties to the Spanish culture) leaned towards *coger*, because the term has no double meaning in those cultures. These participants were of the opinion that the verb *coger* expressed exactly the meaning of the L1 term, although they were familiar with its pejorative connotation in some Hispanic cultures, and by extension in certain circles in the United States, as a result they hesitated about their choice.

3.5.1.2. Discussing proposed solutions

The culturally appropriate solution in L2 for the L1 term "to grab" proposed by the authors of the ATA article that inspired this test was *consiga* (get, achieve). The participants in the test felt that the meaning of the proposed term was not consistent with the meaning of the L1 term due to differences in nuance and connotation. They discussed other options that arguably were not exactly comparable either but that could be considered more in line with the L1 meaning and consistent with more sensible options in the culturally diverse environment as well.

3.5.1.3. Reflections about the results and contribution of the pilot

The results of this test were inconclusive. The participants did not come to an agreement about the ideal solution for the translation of the term in question. However, the lengthy discussion and the conversation surrounding this concept raised awareness about such culturally charged language elements. This exercise illustrated (1) the challenging nature of translating and interpreting in culturally and linguistically diverse environments where there are no easy answers to these type of questions, (2) the importance that translators and interpreters place on exact translation, not just an approximation, and (3) that solutions are often a set of guidelines – norms – to help achieve coherent and consistent results not official recommendations. This type of words and concepts constraint translators and interpreters, who do not usually have the opportunity of lengthy discussions and feedback from colleagues, often posing the risk of being potential motivators for non-standard language use. These results thus inspired the inclusion of the same sentence in the questionnaire used to collect data from translators. The results (See 3.5.1.4) were similar to the pilot test with answers mostly divided along country lines. The information suggests the respondents' awareness of the pejorative meaning of the term and it illustrates the strategies that they used to avoid it while providing the tangible record of the data that was lacking in the pilot test.

3.5.1.4. Results of the translation solutions for the term "to grab"

The respondents used various strategies for the translation of the term "to grab". The majority revolved around variations of the form *tomar*, with 36 respondents (54%) using it, followed by *agarre* with 11 respondents (16%). Seven responses (10%) included periphrastic solutions that avoided the use of a single term (e.g. *con lápiz en mano* – "pen in hand") (Table 3.2). The wide range of lexical variants employed by respondents – *tomar, conseguir, buscar, usar, utilizar* – suggests a concerted effort on the part of translators to avoid the term *coger.* This term forms part of the lexicon of all Spanish-speaking countries and is widely used in many of them (e.g. Cuba, Peru, Spain) but has acquired a pejorative connotation in others (e.g. Argentina, Mexico). As a result, rather than inquiring about the audience for each translation, which is often unpractical, the term is eluded altogether in order to avoid offending some members of the diverse US Hispanic community.

Table 3.2. Registering to vote is easy: grab a pen, fill out the form, and drop it in the box.

Answers (variations in parentheses)	Respondents
1. […] tome (toma, tomar, debe tomar)	36
2. […] agarre (agarras)	11
3. […] coja (coge)	**4**
4. […] consiga	2
5. […] busque	1
6. […] use	1
7. […] utilice	1
8. […] Periphrastic or indirect solutions	7
9. llene el formulario (con pluma, usando bolígrafo)	2
10. complete el formulario con bolígrafo	1
11. con lápiz en mano llene […]	1
12. con un bolígrafo llene […]	1
13. rellene el formulario con bolígrafo	1
14. se llena el formulario con un bolígrafo	1

3.5.1.4.1. Profile of the respondents. Four participants (6%) provided variations of coger as translation solutions for this sentence. These translators did not fit any specific profile with respect to experience and field of expertise. However, it is significant to note that the countries of origin of the three respondents that used coger were Cuba and Spain, where the term in question does not have the pejorative meaning that is common in other Hispanic countries. The country of origin of the fourth respondent was Venezuela, but the dominant language in that case was English (Table 3.3).

Table 3.3. Profile of the respondents whose solution included a variation of the verb "coger"

Language		Experience				Field of expertise*				
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other	NA
3	1	0	1	1	2	1	1	1	1	0

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

3.5.2. Second pilot test: non-standard language in translated texts

The premise of this test was to explore non-academic and non-literary texts to identify a possible medium for the analysis of translation phenomena and was conducted in January 2011. It provided the original foundation and direction of the research and its purpose was twofold: (1) to probe translated material to evaluate the extent of non-standard language use in written formats, and (2) to establish the viability of this medium as a testing tool.

3.5.2.1. Selection of materials and procedure

For this pilot I targeted areas in the community domain – health, government, education, social services, industry – that could be potential sources for texts translated into Spanish, both on paper and in electronic formats. The majority of the sites, either physical or virtual, that provided material in Spanish for public consumption were large institutions that appeared to have the resources and/or the clientele base to justify its use (Benson Agriculture and Food Institute Corporation, Best Buy, Geico, Internal Revenue Service, U-Haul, UVA Health Services, MD Anderson, NAFTA, NY Attorney General, University of Kentucky – College of Agriculture, Texas Children's Hospital, and WIC (Women, Infants, and Children).

In the cases where it was possible to establish translation correlation between L1 and L2 texts, I compared them focusing primarily on non-standard phenomena at the morphological, syntactic, and lexical levels, and the potential causes that may have triggered them.

3.5.2.2. Constraints for the analysis

Many of the sites available did not provide significant translated material for evaluation or did not have information in English and in Spanish that allowed comparison. In some cases, Spanish texts existed but did not bear sufficient formal resemblance to their English counterparts to establish whether they were even translations.

3.5.2.3. Results

The analysis of a variety of texts in hard format and online suggested that this instrument by itself would not provide sufficient material for testing. The texts did not present widespread evidence of non-standard language phenomena, which was not expected in this medium. The production of written texts, possibly including translated texts, are governed by the norms of written language (Milroy and Milroy 1985: 63). By extension, translated texts require a more deliberate process and usually are subject to several revisions before publication.

3.5.2.4. Contribution of the test and potential for further research

The texts did present enough lexical, morphological, and syntactic phenomena consistent with languages in contact that are not as overt as other forms of language phenomena such as borrowed terms, calques, and hybrid creations. Therefore, given the nature of these texts and the widespread availability and dissemination of translations in this format, even small episodes of non-standard language use could be significant in terms of normative forming examples. This would warrant further investigation using other forms of textual analysis (e.g. fabricated language constructions targeting non-standard motivators).

The results of this trial test helped:

1. eliminate this type of translated texts as a primary testing tool,
2. identify and narrow down the field of study to the community context – health and law – where (1) translation and interpreting in Spanish are more prevalent, and observation more productive, and where (2) certain constraints (e.g. accuracy, technical terms, time) would potentially provide more opportunities for the observation of non-standard language evidence, and
3. determine that for a comparative approach between translation and interpreting, the protocol had to be targeted and designed using similar parameters.

3.5.3. Third pilot test: instruments and their adequacy

The results of the second pilot suggested the need for alternate and/or supplemental testing media and tools resulting in the third pilot test, which was conducted in April of 2011. The purpose of this pilot test was to evaluate the adequacy of the questionnaires as testing instruments, as well as Google Drive as the platform for their design distribution, and subsequent data collection.

3.5.3.1. Participants

Five translation and interpreting colleagues who agreed to participate in this test were contacted by electronic mail. Each participant was assigned a random password generated by an online password generator to make the responses anonymous. The make up of the participant cohort was as follows:

1. Two translators from Spain, one from Colombia, one from Venezuela, and one from the United States.

2. All worked in the language pair English-Spanish

3. All worked in the United States.

Only three participants were able to complete the questionnaire in its entirety. The rest, who had originally agreed to participate, were not able to do so due to work and family obligations.

3.5.3.2. Questionnaires and data

The questionnaire (Appendix A) had 19 questions, which were divided into three categories. The first category included questions about respondents' profile in terms of the nature of their translation work. The second section elicited information about their translation decisions in language constraining situations. And the third part gave them an opportunity to provide any additional comments related to their work as translators in the United States working for the Hispanic community.

3.5.3.3. Google Drive

The digital platform Google Drive was used to design and distribute questionnaires among participants and to collect data from them. Google Drive functions the same way as other surveying platforms, and the data collection and analysis capabilities are similar as well. The difference is that, unlike many other popular surveying methods (e.g. Survey Monkey, Qualtrics), Google Drive is an open and free platform, which was an important deciding factor in order to avoid incurring excessive expenses. However, one of the shortfalls of this method is that the production process involves knowledge and practice with digital data management and organization, which can have an impact on the readability of the information and its analysis.

3.5.3.3.1. Pre-pilot trial. A small-scale trial was conducted prior to the test to explore the efficacy of Google Drive and the way that participants could access the questionnaire electronically.

The test was very informal in nature and was conducted with seven volunteer friends who agreed to complete a questionnaire designed using Google Drive and accessed by the participants electronically. The questions were general in nature and unrelated to the study, since the primary and sole purpose of this exercise was to test the various features of Google Drive as well as its overall performance as a data collection tool. This test provided valuable feedback, such as data duplication, which was caused by the fact that the questionnaires were anonymous and did not require participant identification, as a result several respondents completed more than one questionnaire.

To remedy this problem, a random code system was introduced, which participants were asked to record when completing the questionnaire, which would help identify the responses at the time of submission and to avoid potential duplications. Other than that, in general the process of distribution of questionnaires, their completion, and subsequent data collection performed well into his pre-trial test, and Google Drive was considered a viable tool for data collection and it became the data collection platform for the pilot questionnaire.

3.5.3.4. Results. Constraints of the digital platform

Following the pre-trial test and after minor corrections and adjustments the actual pilot was conducted. The participants reported having difficulty accessing and submitting the questionnaires on line because a link had not been activated. They also reported having problems completing the questionnaire once the link had been properly activated. The reason for this was that all the questions were made mandatory and they had to be answered in sequence. However, if a question did not apply, participants were not able to skip it and submit the questionnaire.

In terms of the questionnaire itself, the respondents reported formatting issues such as duplication of questions and a few typographical errors, which were resolved during the design process of subsequent questionnaires. The minor technical issues with Google Drive were also amended and it was decided that Google Drive was a suitable medium.

3.5.4. Fourth pilot test: interpreters and non-standard language in speech

This pilot study was conducted in April of 2011 and was inspired by the first pilot test (see Section 4.1.1.). It addressed the use of non-standard language by the target audience and by the interpreters. The assumption was that, given the challenging nature of ambiguous terms, the diversity of US Hispanics, and the desire and need for exactness in translation, as exhibited by the results of the second test, many in the target and translation communities may be motivated to use non-standard language forms.

3.5.4.1. Procedure

The objectives of this pilot test were (1) to explore the use of non-standard language by the target audience and the attitudes to its use by the participants, and (2) to examine the effectiveness of the instrument for data collection.

The test consisted of telephone interviews with volunteer participants who assist the US Hispanic target audience with language issues. Five English-Spanish interpreters were contacted by electronic mail to solicit their participation in an interview structured around five questions related to the Spanish spoken in the United States and about the attitude and translation solutions of the interpreters. Four of them agreed to participate and were as follows:

1. One medical interpreter from Argentina providing volunteer interpreting services at a large hospital. This respondent is a biologist by training.
2. One certified legal interpreter from Spain serving full-time at the State Supreme Court. This respondent also translates, although not very much.
3. One certified legal/medical/community interpreter from Venezuela serving full time in a large hospital as well as in the court system. This respondent also interpreters in conferences and translates a wide range of documents.
4. One medical interpreter from Mexico (second generation) who has worked for 5 years at a large hospital and has recently left the profession.

3.5.4.2. Questions for the interview

The interview was conducted in Spanish. The five questions for the telephone interview were:

Question 1. Do the people for whom you interpret have different levels of comprehension and expressed differently?

Question 2. Do you or do you not adapt to the discourse level of the person for whom you are interpreting in Spanish?

Question 3. If the person for whom you are interpreting says a word or uses an expression that is not standard in Spanish, do you use that word or do you use the standard Spanish word instead?

Question 4. In your experience as an interpreter, how would you quantify or qualify the use of non-standard Spanish terms by the target audience?

Question 5. In your opinion, what is the most difficult task as an interpreter when are communicating with the person from the target audience for whom you are interpreting?

3.5.4.3. Results

The resulting data were divided into two groups corresponding to the attitudes towards non-standard language of (1) the target audience, and (2) of the interpreters. See Appendix G for a complete transcript of the responses.

3.5.4.3.1. The target audience and non-standard language. All the participants agreed that the target audience uses non-standard language (or "Spanglish" as they referred to it) very commonly and consistently in all contexts. For the most part, the interpreters reported not having difficulty understanding the non-standard terms, since they were familiar with them. If there were not familiar with them, the terms were disambiguated by the context of the conversation.

All the interpreters agreed that the Spanish proficiency of the Hispanics for whom they interpret varies considerably, and that many – "maybe in 90% of the cases" according to one interpreter – of their interlocutors had problems following interpreted conversations in Spanish. One participant claimed that this was due not to lack of education but to dialectal differences and perhaps the technical nature of the subject.

3.5.4.3.2. The interpreters and non-standard language. Here the responses diverged on the basis of the participants' interpreting field. The two medical interpreters and the third participant who worked in both the legal and the medical fields said that they adapted to the register of the persons for whom they were interpreting. As a result, in these cases they used any non-standard terms used by them, which all respondents agreed is often.

All the participants also agreed that the dialectal differences and the language "adjustments" that they had to make as a result of dialectal differences were a major challenge when they interpreted for the diverse US Hispanic audience. One interpreter added that sometimes he had to use words in English in order to be understood because it is the "language we all have in common". Two of the participants also alluded to the technical nature of the fields as a contributing factor for the use of English words.

3.5.4.3.3. Non-standard language and context. The participants were divided when it came to non-standard language use and the nature of the contexts. The medical interpreters and the participant who worked in both the hospitals and the courts indicated that they adapted the register to the level of their target audience in the hospital environment, where "they have more freedom to interpret less literally". As a result, they used non-standard forms when the target audience used them. The legal interpreter, on the other hand, indicated that he only lowered the register if instructed to do so by the judge, and did not use non-standard language even when defendants used it, claiming that "it is up to them [the defendants] to say something if they don't understand [me]". The interpreter who worked in both hospitals and courts shared this sentiment, claiming that in court interpreters have "less freedom" and that they "have to try to convey the words verbatim".

3.5.4.4. Adequacy of the testing instrument

The interviews were very productive because they provided instant feedback from the participants about the nature of their work, their audience, and their attitudes towards their profession. This type of communication had practical value not only because of its immediacy but also for its potential to identify elements for analysis and areas of interest that may not have been considered before.

3.5.4.5. Summary of the results and contribution

The data from the fourth pilot test identified three common interpreting challenges as potential motivators for the use of non-standard language, which helped set the premise for the study: (1) the dialectal diversity of the target audience, (2) the context in which interpreting takes place, and (3) the technical nature of the medium.

3.6. Criteria for the analysis

Many elements found at both poles of the translation process – source culture and target culture – affect the manner in which the target text is produced, not only in the expected transformation of the morphology and syntax but also in the range of cultural and sociolinguistic meanings embedded in the languages. Translators and interpreters use cultural, language, and translation norms to guide them in the process of bridging these cultural poles and to produce a text that fulfills the desired purpose in a way that is consistent with target norms.

This study will be informed by the tenets of translation norms (Toury 1995), which will guide the investigation of the forces at play in the thinking process or "black box" (ibid. 182) of translators and interpreters through their outputs with respect to a very specific problem. This problem involves concepts related to cultures and languages in extreme contact, such as the case of the US Hispanic community, which is required to function in the host culture into which they are gradually assimilating, some proactively and willingly, and others unwittingly. This bilingual and bicultural context, which includes different stages of integration or assimilation, presents challenges and constraints for the translators and interpreters who broker the language and culture barrier. The analysis of specific language use, constrained by cultural and social norms, can help us analyze differences and similarities in the translation decision process. I will focus on the use of non-standard language typical of languages in contact in order to draw conclusions about the similarities and differences of norms in translation and interpreting. By analyzing the incidence of solutions to this problem through the study of a "shared body of norms" (Shlesinger 1989) taken as "the manifestation of shared values or ideas in recurrent situations of the same type" (ibid. 111-112) will help us establish not only the guiding principles for translation and interpreting in these situations, but whether they are the same or not. The study will also be guided by general concepts on bilingualism and its effects on translation in general (Gentzler 2008) and in the United States in particular (Lipski 1985).

3.7. Data collection

The fieldwork for this study was conducted during the winter and summer of 2012 in 12 different specialty clinics of Central Hospital, as well as in State and Federal Courthouses of two metropolitan areas. This particular hospital serves a large LEP Hispanic population from the local community and from surrounding areas. The courts, also hear many cases that involve Spanish-speaking defendants who require language assistance.

Many of the patients and defendants in these encounters spoke and understood some English, but the majority preferred to have language assistance as a precaution.

Hospitals and courts also agreed to provide this resource to prevent potential misunderstandings and to ensure proper and equitable treatment and due process.

3.7.1. Procedure

The medical observations took place in the course of one week, and were divided into two daily sessions consisting of morning and afternoon clinical visits. During the observation period, I reported to the interpreters' office located in the hospital premises. The interpreter coordinator assigned the roster of patients requiring language assistance to each interpreter, and the interpreter and I reported to the assigned clinic or medical site located within the hospital compound.

The District Courts hear an array of cases, ranging from small claims to criminal offenses, which are listed on the docket. The docket provides a summary of the daily court hearings. However, only the coordinator in charge of the caseload knew which cases required language assistance in advance. The interpreters, on the other hand, were able access real-time information about the cases that required language assistance on their electronic devices, which they carried with them throughout the day.

However, appearances were unpredictable because often defendants settled the cases outside of court and their pre-scheduled hearings were vacated. Other times the defendants did not attend their hearings for other reasons. In both situations, the interpreters were no longer needed and were dismissed or assisted in other cases throughout the building until their assignments were completed or until the judge dismissed them. The judges, district attorneys, and other court personnel are familiar with the interpreters and with their demanding schedules. In a few cases the judges altered the order of cases or rescheduled them to accommodate the availability of the interpreter, who may have been called to an unexpected hearing or was delayed by long proceedings in another courtroom.

On the first day, I reported to the interpreters' office, located within the courthouse, where I was assigned to an interpreter. For subsequent appearances, I was given a list of potential cases and I either reported to the office or went directly to the designated courtroom. During the observation periods several cases were rescheduled or vacated, either because the defendants failed to appear in court or because they settled their cases outside of court. No recording was allowed.

3.7.2. Participants' consent

At the hospital, before the medical consultations began, the health providers as well as the patients were informed about the reason for my presence and they were asked for their consent, which they granted.

During the visit I remained in the background observing and taking notes. I neither engaged in conversation nor interfered with the routine of the group, unless I was invited to say something or was asked a question, which occurred on several occasions. Most of these situations involved questions from the interpreters and/or the patients seeking my opinion on ambiguous Spanish terms.

In court, if the case open to the public, I remained in the background observing and taking notes. If the defendants met privately with the attorney or with other court officials outside of the courtroom I was able to attend following the approval of the presiding judge. When permission was granted, all the parties involved were informed about the reason and extent of my involvement and they were asked for their permission, which they granted

3.8. Research Challenges

Various challenges permeated the data collection phase, ranging from withdrawal of participants to difficulty accessing observation sites, which threatened the integrity of the study. These complications, which most of them presented themselves unexpectedly and at stages of the research where considerable resources, time, and effort had already been invested, had repercussions on the overall process and required creative adjustments and solutions.

The research in general was overshadowed by feelings of reluctance and misgiving. Because of the nature of the fields, which deal with real medical and legal events, the presence of an observer challenged not only confidentiality but also a well-established working routine. For the interpreters who took part in the study, the watchful presence of an observer also challenged their normal routines and made them feel uneasy at times because they felt vulnerable to professional scrutiny. Even the participants who were not observed made veiled remarks on the questionnaires about the hardship of the involvement and the time commitment. Regardless of this atmosphere of reluctance, all sites, patients, medical personnel, and participants collaborated willingly and knew that they could withdraw from the study at any time and for any reason, as some did.

3.8.1. Limited access to overall resources

Hospitals that receive federal funding, such as the hospital where the observations took place, follow the legal guidelines very closely or they risk losing the federal subsidies and grants. As a result the hospital's patient services department, which oversees language-assisted activities, carefully arranged the observation sessions.

Originally I was granted the customary twenty-four hour observation period, which provided a very narrow window of opportunity to collect meaningful data. After further consideration the hospital generously extended the observation period to one week. Access to interpreters was limited to certain days and times, usually two to two-and-a-half morning and afternoon sessions, as stipulated by the interpreter administrator. Interviewing the interpreters during work hours or in their hospital offices was also prohibited. Meetings could be arranged with them at their discretion on their own time and outside of the work place.

I signed an observation agreement[5] (Appendix F) with the hospital that contained a series of guidelines and responsibilities, among them strict confidentiality of personal and medical information. The observation was limited in scope and precluded engaging and/or participating in conversations with the medical/health personnel and the patients both in and outside of the clinics. As part of the agreement I was required to complete a health screening and immunization that needed to be demonstrated with documentation prior to the initiation of the visits, which delayed the observation process somewhat due to scheduling conflicts.

Recording of the sessions was expressly prohibited as well, and this was made very clear. As a result, the data collected from the observations had to be limited to the areas of interest – instances of non-standard language use – without the benefit of other contextual language that may have triggered it.

[5] This process delayed observations due to scheduling conflicts for the medical tests and the time for subsequent results, whose documentation was required prior to initiating the visits.

3.8.1.1. Health care funding and availability of interpreters and sites

Many public hospitals in the United States receive state and federal funding to defray administrative costs as well as to finance academic responsibilities, if they are medical teaching institutions. This financial assistance often includes funds to serve patients with limited or no financial resources, which is subject to strict regulation. If recipient institutions wish to maintain the subsidies they must follow the rules and requirements closely. One of these requirements has to do with the provision of language assistance to LEP patients. A growing foreign population and legal and ethical issues stemming from interpreting inadequacy and subsequent errors by ad hoc language mediation practices contributed to the need for a language assistance system that was more reliable, efficient and that provided greater accountability. This systemization imposed requirements in terms of interpreter training and adequate ethical and language skills and standards of practice. Many of the medical facilities, including the ones contacted for this study, are not government funded. Therefore, the extent of certain laws related to the general administration of the institution may fall outside the scope of many legal regulations and as a result they may not be required to follow certain protocols. These health institutions often receive limited or no funds from the government and as a result they may choose not to provide language services at the level that the recipients of funds are required to offer. These institutions may still provide language assistance, sometimes at the expense of the patient and other times at their own. But unable or unwilling to cope with the burden that compliance with interpreting training and certification upkeep presents they have deferred language mediation services to private contractors or interpreting agencies who are required to account for the quality of their service and compliance with current laws and regulations. The hospitals in these cases defer any responsibility resulting from potential interpreting liability to the independent providers. These issues result in a reduction of the LEP patient population in these health care centers, and subsequently the availability and accessibility of interpreters that could be potential observation subjects.

In terms of this study, this meant, that, (1) these hospitals were no longer in contention for observation, which reduced considerably the availability of sites, and (2) that freelance or contractual interpreters had to be located independently, a task that proved to be very time-consuming. Therefore, I was limited to a number of institutions that provided language assistance in house, which meant that they had a contingency of interpreters on staff, on a full or part time basis. Furthermore, interpreters who are hospital staff members are employees of the hospital and as such they abide by the guidelines and rules of their employer and they cannot grant independent permission to be shadowed in their clinical rounds even if they were prepared to do so. Other medical institutions that were contacted, such as small private hospitals and practices that offer health services, did not return phone calls or declined participation.

3.8.2. Research and confidentiality. Privacy and ethical constraints

Privacy is closely enforced in health-related issues in the United States. The public expects a certain level of confidentially when personal information as well as medical data and records are involved, which stems from clauses in the Health Insurance Portability and Accountability Act (HIPAA). HIPAA is a federal law that was enacted in 1996 to protect the release and dissemination of protected health information (PHI) that can be traced to a particular individual. This law applies to doctors, nurses, and any other person involved in the care of a patient who transmit their insurance claims, referrals, authorizations, and other medical data and information on electronic format (Sullivan 2004). Nowadays most medical and health care facilities use technology for their medical and financial transactions with private insurance companies and with government assistance programs such as Medicaid and Medicare. Therefore, this law practically covers all providers and institutions committed to the care of patients. Experts contend that this law creates a national standard for PHI protection that all healthcare providers must follow (Sullivan 2004: 84), and by default, other institutions as well. Certain companies – social services, family mediation centers – that neither participate directly in the healthcare of patients nor handle their personal medical information may interact with medical and health issues in the course of their work, extend the same kind of privacy safeguards to their clients and patrons.

Patients are made aware of their privacy rights when they visit a health facility or healthcare provider at which time they are given HIPAA guidelines and other documentation that outline their rights and the potential extent of information disclosure by their providers. The professionals who do not participate directly in the care and diagnostic process of patients, such as interpreters, are still bound by the same rules, ethical issues and confidentiality matters as the medical personnel. The enforcement of confidentiality and privacy laws goes beyond the individual practice and provider: it affects large health institutions as well, especially the ones that receive public funds. These institutions are regulated by local, state, and federal laws, as well as by internal guidelines and policies adopted by the individual health institutions and providers.

In the courts on the other hand, confidentiality was not as restricted as in the medical setting. Proceedings for the most part are open to the public and the particulars of the case and the parties involved are a matter of public knowledge.

3.8.2.1. Privacy and the law

The private nature of medical information “creates an emotionally charged atmosphere” (Sullivan 2004: 84) that may foster litigation from individuals who feel that the confidentiality and privacy of their medical information has been breeched, to the extent that it is ultimately the individuals themselves who play an important role in the enforcement of the law than government itself (ibid. 83). Reports of violation of privacy rules by individuals have set litigation in motion, which is time-consuming for the parties involved and detrimental for the image and reputation of the healthcare institution or provider, even if the matter proves to be unfounded or misunderstood. To avoid this predicament, experts advice to “be proactive in preventing unauthorized disclosures by ensuring that a strong privacy policy is in place and actively enforced” (ibid. 85). The atmosphere of incertitude and caution that this creates in communities has direct repercussions for the present study, making it difficult to conduct research. Considering the importance of medical research for discovery and the advancement of medicine, in certain cases, laws make concessions by enacting regulation that addresses scientific research in particular (Legal Action Center 1995: 43), stipulating clear confidentiality-compliance guidelines and parameters that pertain to those areas of activity. However, in cases where the research does not contribute directly to the field of medicine, such as the present study, the regulations are not very clear and health institutions in effect find it easier to deny permission rather than devote time and resources to exploring the viability and scope of the study. In addition to federal guidelines, which pertain to all health institutions and providers across the United States, individual laws may exist at the local and state government levels that may be enforced separately or concurrently with any other federal laws in effect. This makes the task of evaluating the principles and usefulness of a particular research project even more cumbersome for institutions granting research permission.

3.8.2.2. Ethics and participation

In addition to governmental rules and regulations, ethical issues come into play in any research endeavor where human subjects are involved, and especially in the healthcare field, given the personal and private nature of the information. In these cases ethical approach and attitudes are encouraged and expected from the research community in general and was expressly outlined for this research, whether their protocols require deep subject involvement or not. In many cases, the subjects themselves may refuse to participate in a study or may decide to discontinue their collaboration at any time for any reason, especially if they consider that the inquiry has exceeded expected standards of privacy, for example in inquiries of nationality, race, origin, and other such areas that are commonly known to have discriminatory potential, even if they are not directly related to the specific research. For the present study, all subjects involved were briefed and asked for permission to be observed. However, in some instances, given the private and delicate nature of certain encounters I extended the courtesy of patient privacy and excused myself from the room, which resulted in loss of observation material.

Confidentiality and legal issues restricted the availability of observation sites as well. Some of the institutions that were approached for the study declined participation.

3.8.2.3. Time constraints and observations

A coupe of hospitals granted permission for a 24-hour observation period. However, given the short time frame in which medical consultations take place – several hours a day between morning and afternoon visits – the period authorized proved not to be productive because the opportunities for observation would have been limited to a few hours at best, or to no time at all at worst. It is not unusual for patients to cancel appointments, which would have resulted in no productive observation time. One of the hospitals finally agreed to extend the observation period to approximately 20 hours of productive time provided that there were consultations scheduled on the days agreed upon, of which there was no guarantee, and that the appointments were not cancelled or rescheduled for a time outside of the period authorized. Also, having a designated time for observations challenges the availability of language-assisted encounters during that period, which is not guaranteed. If there were no appointments during that time the chance for observation would have been lost. Similar scheduling issues applied to court settings where the caseload is very fluid and where language assisted encounters cannot be predicted with sufficient notice to allow for observation arrangements.

3.8.3. Courtroom safety and data collection

Security and safety issues are a concern in court proceedings. The public is not allowed in the proximity of the defendants, which makes close observation of the interpreting activity difficult. Furthermore, the opportunity for the observation of language-assisted cases in this study came fortuitously when original observation plans fell through due to complications and conflicts (see Section 3.8.4.2 Courtroom constraints). Neither voice nor video recording is normally allowed in the courts and, as a result of the precipitous nature of the observation opportunity, special permission to record conversations, or even to explore such possibility, was not possible. As a result, the information collected was of the language spoken openly by both the defendants and the interpreters in court, which was limited. Furthermore, the cases during the particular periods of observation were settled quickly and did not produce jury trials, which would have provided more material for observation. I was given special permission to attend a long mediation proceeding, which was held in separate quarters between parties involved in a dispute and was aimed at encouraging an amicable solution. This session was facilitated by a mediator in a more intimate court setting outside the presence of the judge and it provided more material for observation.

3.8.4. Workplace rules and subject participation

Both medical and legal interpreters who are staff members of hospitals and courts are bound by the rules and regulations of their institutions. As a result they must conduct themselves according to the confidentiality and ethical guidelines, as well as work protocols and procedures stipulated by their employers.

3.8.4.1. Hospital constraints

Interpreters in the hospital are not allowed to discuss particular information related to the medical cases, the participants, in or outside of the place of work. Their time at work was to be dedicated exclusively to activities related to their interpreting functions. These constraints meant that any meetings, follow up conversations or interviews with the interpreters observed had to take place outside of their work settings and work hours.

Scheduling meetings after a long workday was too complicated and demanding for the participants. Therefore, the interviews were conducted immediately after the observation sessions while waiting for the next appointment or in transit to a different clinic. This was not the perfect situation but it ultimately proved to be adequate since the particulars of the sessions were very present in the minds of both the interpreter and the researcher and made it possible to remember and access targeted situations easily. An ad hoc solution to this problem was to invite the interpreters to a focus group at a designated time and place outside of their work places where they could discuss their profession and answers questions collectively.

3.8.4.2. Courtroom constraints

In the court setting, the challenge was of a different nature and had to do with ethical guidelines that precluded the interpreters from facilitating interaction with non-court members. Also, one of the interpreters cited conflicts of interest in his capacity of senior staff member. This conflict of interest prevented him from disseminating questionnaires among other staff members or from encouraging other interpreters in his court or other courts to participate in the study, as this would have been seen as an imposition of his authority and hierarchical status. As a result, the local interpreters who had initially agreed to participate in the study decided to withdraw. The void that the loss of this resource created in the study was compensated by an observation opportunity that presented itself at another location. This event had not been planned beforehand and time constraints did not allow the opportunity to make proper arrangements with court administrators for observation details. As a result, the interviews with the interpreters who were observed were spontaneous and took place immediately after the court proceedings. Furthermore, on several occasions these interviews had to be cut short because of situational demands or because the interpreters were needed in a courtroom located in a different and distant location, greatly restricting the opportunity for a more extensive interview.

3.8.5. Design of the protocol and data-collection tools

Originally the study intended to engage a much smaller sample of translators and interpreters. The data-collection protocol and tools had been planned with that in mind, which could be managed easily. The collective challenges of this study, especially the void created by the sudden departure of the court interpreters, required expanding the search to other potential participants. This changed the dynamic of the process and created some issues that had an impact on the methodology and the tools committed to the collection of data.

The design of the original protocol was based on the assumption of (1) two distinct and separate groups of participants – medical and court –, (2) easy access to participants, creating a close-knit environment of collaboration and rich data (3), participants committed and willing to complete the study. Adjustments to the protocol and tools were necessary when these assumptions were not fully met. These adjustments required, among other things, the design of two different questionnaire formats and two forms of information delivery, which greatly constrained the flow of information and the dynamic of the analysis process.

4. Results

This chapter presents the results of the field study and includes data from observations, interviews, focus group, questionnaires, and translated material collected at the observation sites. Prior to the field study four pilot tests or small-scale exploratory exercises were conducted to test the initial inquiries that inspired this study and the various testing tools. A summary of the results from the pilot tests follows in Section 4.1. For a complete presentation, refer to Section 3.5. in the Methodology chapter.

4.1. Summary of the results from the four pilot tests

The intended goal of the four pilots was to test the various premises that guided the study, as well as the instruments for the collection of data.

4.1.1. Probing the premises of the study

The first and fourth pilot tests, which focused on content, indicated that the settings in which the translation and interpreting activities take place have the potential to determine the type of language used, including non-standard. They also identified dialectal diversity and cultural connotations as important components in the determination of the use of non-standard language.

4.1.2. Probing the testing instruments

The second test showed that publicly available texts that had been translated spontaneously (e.g. available on the Internet) were not very efficient in showing targeted episodes of non-standard language use and as a result could not be used as the only testing tool. However, it was determined that this material could be an asset as secondary or complementary source of information, especially when the texts were related to health and law, the targeted areas of this study.

Eliciting feedback from participants through interviews yielded important information, which confirmed that interviews had potential for collecting data.

4.2. Observations, interviews, focus group, questionnaires and translated material

This study included a number of testing tools and a variety of sources and settings that contributed information. The observations, interviews, and focus group served a dual purpose: (1) to experience, assess, and discuss the interpreters' translation decisions in the work environment, and (2) to use the resulting data for the formulation and design of the questionnaires. Therefore they will be presented first.

To make the results easier to follow, the data will be presented by categories, as follows:

- Observations of the interpreters by setting
- Interviews with the observed interpreters
- Focus group
- Questionnaires, presented by medium – translators and interpreters
- Translated material collected in the observation sites.

4.2.1. Observations

The observations of the medical and court interpreters took place at different times and stages of the research process. The data will be presented according to the site and in the order they occurred.

The criteria for the observations was to focus on the use of code-switching, loan words, and hybrid terms, and on any other language phenomena that appeared at first sight not to be standard, which could be subsequently evaluated with greater attention. Given that recording was not allowed, the observations had to be limited to words or phrases uttered by the interpreter, often preceded by a brief example or a note of the patient's utterances, which helped put the interpreters' discourse in context.

4.2.1.1. Medical interpreters

The nine medical interpreters who participated in the observations were from various Spanish-speaking countries – Cuba, Guatemala, Mexico, Peru, Spain, Venezuela – and from the United States. They had worked as medical interpreters on staff or as private contractors[6] at healthcare institutions for an average of 13.5 years.

[6] The designations of "private contractor" and "freelancer" or "freelance" refer to individuals who are not staff members of hospitals and/or courts and the terms are often used interchangeably. However, for the

4.2.1.1.1. Medical context. Central Hospital[7] is a large, regional public hospital with advanced diagnostic and treatment capabilities. It serves patients from the community and surrounding areas, as well as patients with serious conditions from outside the region. Central Hospital also treats the indigent population or patients who are uninsured.

The interpreting department coordinates the language-assisted services and its director manages the qualifications and credential requirements of the interpreters. This department is also the headquarters for the interpreting staff, whose offices are located within the hospital premises, accessible to medical personnel and patients.

4.2.1.1.2. Interpreting services at the hospital. The interpreters worked Monday through Friday, although they were on call during the rest of the time. An interpreter coordinator managed and distributed the patient roster and the assignments for the day, which were distributed to each interpreter in the morning. All the interpreters rotated throughout the various clinics located within the hospital premises, rather than serving the same specialty area or clinic all the time.

Twenty medical encounters were observed in the following clinics: breast health, dermatology, fetal care, gastroenterology–digestive medicine, in-patient wards, neonatal intensive care unit, ophthalmology, pediatrics, pharmacy, radiology, surgery, and urology. There were seven full-time Spanish interpreters at the hospital, several independent contractors who are contracted on a need basis, and a team of twenty to twenty-five volunteers, approximately, from the community. The medical students who were proficient Spanish speakers and who had fulfilled the training and certification requirements were also allowed to provide interpreting services to fulfill the growing demand for Spanish assisted mediation, although none of them were observed. The hospital coordinator assigned the interpreters to be observed and all of them were members of the hospital's interpreting staff, with the exception of one who worked on a contractual basis.

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purpose of this study, "contractor" or "contractual basis" will be used to refer to individuals who work on a freelance but continuous basis for the same institution.

[7] To respect the privacy and anonymity of the patients and employees of the hospital where the observations took place, a fictitious name will be used throughout the study.

4.2.1.1.3. Interpreting protocols and procedures. The interpreters reported to the particular clinic or site assigned to them. Most of them secured a pre-printed label with the name of the patient from the records that the clinic received prior to the appointment Interpreters placed this label beside the patient's name on the assignment roster as proof of the completion of the assignment. At the end of the visit or at the end of the day, the interpreters made a record of their visits for future reference.

The situation in the clinics and in the hospital premises in general was very fluid. Some of the patients receiving Spanish interpreting services sometimes had difficulty securing transportation to the hospital or missed their visits for other reasons and their appointments were cancelled or rescheduled. In those cases the interpreters were able to return to their offices to do follow-up work until the next scheduled appointment. Other times, when patients required emergency care and had no appointment, the interpreters were called on demand. Some patients, due to the extent of their treatments, are regular visitors to the clinics and know the interpreters, with whom they establish relationships and bonds, and they may seek their impromptu language assistance.

The duration of the visits is out of the interpreters' control. Often consultations are long and overlap with subsequent appointments, and the interpreter may be late or unavailable for the next scheduled visit. In those cases, the doctor may decide to postpone the appointment until an interpreter becomes available or to use a telephone translation service that is accessible from most consultation rooms in the facility.

Given the nature of the fields and the laws in effect that protect the patients' privacy, observation of interpreters at work in health settings was very restricted. No recordings were allowed during the doctor/patient encounters and as a result data from the observations was limited to note taking. Furthermore, these encounters dealt with real life issues, which are often traumatic, personal, and intimate. To respect the privacy of the patient, even note taking was in some cases deferred until the session had ended and was limited exclusively to specific utterances related to the linguistic interest and purpose of the research.

Observing the clinical environment in person gave me a first-hand view of the context in which interpreters work and a better understanding of the constraints and situations they encounter. It also gave me an opportunity to observe discursive behavior in a real environment. However, my presence may have contributed to changes in the interpreters' behavior since they were fully aware of being observed, especially when confined to small rooms.

4.2.1.1.4. General context of the encounters. All but three of the observation sessions consisted of triadic exchanges: a Spanish-speaking patient(s), health care provider(s), and the interpreter. The three instances where this format varied involved minor patients who understood and spoke English. In these cases the patients and the healthcare providers communicated with each other in English, but because they were minors they had to be accompanied by their parents or guardians, who only spoke Spanish. The interpreters in these encounters relayed the conversation between the doctor and the children to the parents in simultaneous interpretation mode. The presence of the parents or guardians was not only a legal requirement but a procedural one as well since they were ultimately responsible for authorizing any medical treatments or procedures.

Regardless of their age or condition, many if not all of the patients involved in the medical visits came to the clinic accompanied by one or several family members: husband or wife, mother or father, daughters, sisters, and extended family. In some cases, one of the members was more proficient in English than the others and served as the liaison for the other family members who spoke little or no English. For example, in one encounter involving a couple, the wife did not speak or understand any English but the husband was able to follow the conversation and to express himself in rudimentary English. He was not proficient enough to engage in fluid conversation, which was one of the reasons why an interpreter was present. However, the husband was able to convey information to his wife in Spanish and to engage in conversation with the interpreter, in Spanish as well, to request clarification of critical issues for which he may have felt he needed confirmation. In these cases, the interpreters basically interpreted into English for the health provider, and limited themselves to confirming or clarifying for the patient the instructions given in English, as needed. This was not the case for all the visits, but the patients accompanied by a family member who had greater English proficiency or those who had had previous experience with the health system, especially the ones with chronic conditions or extended treatments, were familiar with many of the concepts and the language of their particular condition. In terms of data collection, this changed somewhat the dynamic of the encounter because the patient was able to understand the health provider and give "yes" and "no" answers, which limited the involvement of the interpreter.

4.2.1.1.5. Cultural aspect (family names). One recurring cultural aspect observed during the encounters had to do with the use of last names in the Hispanic world, which required interpreter intervention. Unlike the American culture, where is customary to use one family name (usually the paternal last name), in most Hispanic cultures people use two surnames – the paternal followed by the maternal[8]. On two occasions the clinician needed to trace the patient's prior health records, which proved to be difficult due to the differences in the surname recording method. The patient, who was aware of this cultural difference, explained that the medical history could have been recorded incorrectly under the wrong family name. In these instances, the interpreters became cultural brokers to resolve the misunderstanding.

4.2.1.1.6. Advocacy. Examples of advocacy roles were observed during the clinical sessions. In one instance the interpreter urged the nurse to return to the examining room to speak with the patient who had a question after the appointment had ended. The nurse was under strict time constraints and was dismissive. The persistence of the interpreter and her visibility in the hospital setting where most interpreters are well known by the medical and hospital staff, resulted in a successful intervention, a response that the patient alone, especially considering her limited English proficiency, may not have been able to achieve. In another instance, an interpreter went beyond the call of duty to accompany the patient to the pharmacy to ensure that he received the prescribed medication, which had been strongly recommended by the attending physician to avoid serious health consequences.

4.2.1.1.7. Patients' discourse. During the clinical appointments the patients used non-standard utterances and phrases sparingly, and in these cases the occurrences were flagged as possible triggers for the interpreters' discourse and as context for the exchanges. Some of the terms were loan words such as *ordenar* (meaning "to organize"

[8] This is a point of contention. In the Hispanic world there are no standard protocols for the usage of last names, which vary from country to country. For example, in Argentina, it is customary to use only the paternal last name. Upon marriage, a woman may decide to append the husband's family name to her own or not. In Mexico and other countries were people use two family names, women can also change the configuration of their family names to incorporate the husband's.

but used here with the English meaning of “to order”)[9], *registrar*[10], or hybrid and semantic creations such as *liquear* (*liqueo*) (to leak), *el lonche* (the lunch), *puchar* (to push), *ponchar* (to punch or press), *un rait* (a ride).

4.2.1.1.8. Interpreters’ discourse. When the interpreters used non-standard terms, it was in the context of the interlocutors’ discourse and often repeated words that the patients or clients uttered. Many of the words, especially false cognates, which often exist in the other language but with different meanings, are commonly used by Hispanics in the United States. Many of them are deeply entrenched in the US Spanish lexicon and have been incorporated or have migrated (it is difficult to trace the contact process) from or to Spanish-speaking countries in the American continent, to the point that they have become part of the dialectal variety regardless of whether they convey the intended meaning in Spanish or not. One such phrase is *en la mañana*[11] (in the morning), which was used very often by the interpreters with the meaning of undefined time frame (normally expressed in Spanish as *por la mañana*), as a loan phrase from English.

Other non-standard terms or constructions used by the interpreters can be grouped into several categories as follows:

Code-switching: Some of the instances in this category were related to medical conditions and procedures: *el* cancer center, *el* Down Syndrome, *la* cystic fibrosis, *la* chemotherapy, *el* MRI.

Loanwords: Often used after the patient had uttered them: *checar* (*chequee la cita*, *los* check outs), *el lonche*, *el* chance.

Deceptive (or false) cognates: *ordenar*/to order (*mandar/pedir, recetar*), *soporte* / support (*apoyo*), *soporte* / support (*apoyo*), *remover* / remove (*sacar / quitar / extirpar*), *aplicación* / application (*solicitud*).

[9] Despite the existence of the term in Spanish, the criteria used to classify it as a loan word follows Mendieta’s (1999) criterion of the lack of semantic connection.
[10] This term is listed in the RAE dictionary as a pronominal verb with the meaning of “to subscribe”.
[11] This expression exists in Spanish but has a different meaning, “en la mañana del 6 de enero de 1975” (in the morning of January 6, 1975).

Semantic extensions: *papeleo*[12] / paperwork (trámite de documentos/papeles)

Grammatical calques: use of the possessive *su columna*, *su pelvis, su brasier, su pierna* / your spine, your pelvis… (*la columna, la pelvis*…), *qué es su fecha* [de nacimiento] / what is your date [of birth]*(¿cuál es su fecha?, población* / population (*población*), *mamograma* / mammogram (*mamografía*), *examinación* / examination (*examen*), *posicionarse* / to position (*colocarse*), *protectiva* / protective (*protectora*), *trabajarlo* / to work it out (*arreglarlo*), *un otro lado* / another side (*el otro lado*), *no problema* / no problem (*no hay ningún problema/sin problema*), *están saliendo* [del trabajo] *a las once* / they are leaving work [at 11] (*salen del trabajo*), *qué tan frecuente*, *qué tan rápido*, *qué tan grande* / how (frequent, fast, big) (*con qué frecuencia, con qué rapidez, como es de grande*).

Verbs (missing subjunctive): *quiere que tenemos* (*quiere que tengamos*), *quiere que no toma nada* (*quiere que no tome nada*), *necesitan que yo interpreta todo* (*necesitan que yo interprete todo*).

Verbs (missing imperative*):* *no se mueve* (*no se mueva*).

During the encounters, the interpreters used a low to medium register. In some instances they resorted to explanations and reformulations in Spanish, consistent with the perceived cognitive, linguistic and cultural competency of the patients. Sometimes the interpreters even followed the patients' discourse style. Samples of these instances are shown below:

Excerpt 1

D: Have they done an endoscopy?

I: *¿Han visto dentro con una cámara?*

[Have they looked inside with a camera?]

[12] From the RAE dictionary: "exceso de trámites en la resolución de un asunto" (excessive procedural steps in the resolution of a case) (my translation).

Excerpt 2

D: Do you have incontinence?

I: *¿Tiene problemas con incontinencia, con mojarse?*

[Do you have problems with incontinence, with wetting?]

Excerpt 3

D: I am going to give you this to prevent a gag reflex.

I: *Le va a dar esto para que no le dé asco.*

[(She) Is going to give you this so it doesn't make you feel like vomiting]

In the following examples, the interpreters used the same terms that the patients used. I suspected that they were used to simplify the process or to make the conversation more efficient, given that they knew the patients would understand those terms. This was later confirmed by many of the participants (Section 4.6.3.2).

Excerpt 4

P: *Están saliendo del lonche a las 12.* [*lonche* is an extension of the Enlgish word "lunch"]

[(They) Are finishing lunch at 12]

I: *¿Qué?* ¿Están saliendo del lonche *a las 12?*

[What? [they] are finishing lunch at 12?]

Excerpt 5

P:*¿Hay chance de pasar eso?*

[Is there a chance that that can happen?]

I: *El chance de que te pase eso es mínimo.*

[The chance for that to happen to you is minimal]

Excerpt 6

P:*¿Le va a checar ahora?*

[Is [he] going to check her out now?]

I: *Si, le va a checar la garganta y los pulmones.*

[Yes, [he] is going to check her throat and lungs]

In a few instances, as seen in the following exchanges, the interpreters switched code to express technical or specialized terms about illnesses and conditions, or used English acronyms for procedures. It is not unusual for patients, LEP or otherwise, to have a general idea of what the common procedures expressed by the abbreviated form entail, even though they may not know the full word or phrase.

Excerpt 7

D: […] in that case he may have Down syndrome.

I: *[…] en ese caso [él] puede tener* Down syndrome.

Excerpt 8

D: […] cystic fibrosis is very common.

I: *[…] el* cystic fibrosis *es muy común.*

Excerpt 9

D: If the pain bothers you we can do a TAP.

I: *Si le preocupa el dolor le haremos el* TAP.

Sometimes the interpreters resorted to a variety of solutions to circumvent certain terms that, although not technical or specialized, had the potential for regional and/or national variations and subsequent misinterpretation or confusion, as illustrated by these two examples:

Excerpt 10

D: Are there other sick children in the daycare?

I: *¿Hay otros niños enfermos <u>donde lo cuidan?</u>*

[Are there other sick children where they take care of him?]

Excerpt 11

D: Did you have a miscarriage before?

I: *¿<u>Perdió Ud. el bebé</u> en el embarazo?*

[Did you lose the baby in pregnancy?]

In Excerpt 10 the term 'daycare' can prompt a variety of translations in different Hispanic cultures: *jardín de infancia, centro de día, centro preescolar, guardería*, to name a few. Furthermore, the type of care or facility, whether government funded, private, or home-based, may also have implications for the translation. Therefore the interpreter provided a generalized translation of the concept rather than use one of the terms.

In Excerpt 11 the Spanish translation for "miscarriage" is *aborto*, a literal equivalent of which in English would be "abortion" (meaning the deliberate removal of a fetus from the womb). In some Spanish-speaking countries people differentiate spontaneous from induced birth by using terms like *malparto* for "miscarriage" or adding qualifiers such as *aborto espontáneo* for "miscarriage" and *aborto inducido* or *hacerse un aborto* for "induced abortion". However, to avoid confusion and misunderstandings, which may have linguistic as well as religious or ethical connotations, the interpreter resorted to providing an explanation.

In several encounters the interpreters reformulated the patients' discourse using standard terms uttered immediately after the patients' statements. This appeared to be an effort on the part of the interpreters to inform or educate the patients, as illustrated by the two examples below:

Excerpt 12

P: *¿Pregunta a ver dónde pago las tasas?*

[Is she asking about where I pay taxes?]

I: *Sí, donde paga <u>los impuestos.</u>*

[Yes, where you pay the taxes]

Excerpt 13

P: *¿[...] la herida va a dejar de liquear?*

[[…] is the wound going to stop leaking?]

I: *El <u>drenaje</u> se le va a poner mejor.*

[The drainage is going to get better]

In some instances interpreters used semantic extensions, perhaps to avoid periphrastic explanations that would prolong the conversation (Mendieta 1999:19). A Spanish translation is regularly longer than its English source, by about 30 per cent (McEwan 1986:5, in Berk-Seligson 2002:120). This means that both translators and interpreters, constrained by time and stylistic demands and the need to simplify L1 to L2 transfer, may adopt solutions that, although not linguistically incorrect, may have unintended meanings, often with negative connotations. The following example illustrates an exchange where the term 'paperwork' is translated as *papeleo* in Spanish, a term whose pejorative use is becoming widespread:

Excerpt 14

Administrator: I have more paperwork for you.

Interpreter: *Tengo más papeleo para usted.*

In this example the interpreter probably did not mean to imply that the completion of the paperwork was going to be cumbersome or involved, as the meaning of the Spanish term entails: "*exceso de trámites en la resolución de un asunto*" (Real Academia Española) [excessive transactions in the resolution of an issue - my translation]. The use of the term was probably motivated by the need or desire to expedite the process.

4.2.1.1.9. Summary of the medical interpreters' observations. In general, neither the patients nor the interpreters used non-standard language to the extent to which it is customary in informal or casual situations. The discourse took place in a formal environment and the interlocutors acted accordingly. Whenever the patients uttered non-standard words or constructions the interpreters, time permitted, were able to ask the patients to clarify them. The interpreters were also able to ask the patients when they anticipated potential misunderstandings as a result of dialectal differences by asking them: "How do you say that in your country"?

The interpreters were also able to ask the healthcare providers to reformulate their discourse in a lower register if the patients asked for clarification repeatedly or if the interpreters themselves observed that the patients had difficulty understanding. The dialogic nature of the encounters gave the interlocutors the opportunity to interact with each other and to disambiguate terms and misunderstandings in real time.

4.2.1.2. Court interpreters

The observations of the court interpreters took place in July/August and December of 2012, as well as in January of 2013. This fragmentation in the schedule was due to the limited availability of observation sites. I observed 24 encounters in State and Federal Courts. The interpreters were from various Spanish-speaking countries – Argentina, Guatemala, and Venezuela – and had worked full-time as staff members of the courts or as private contractors for an average of 10 years.

4.2.1.2.1. Courtroom context. In the courtroom setting the dynamic was very fluid, especially in the lower courts where cases are scheduled back to back. In the federal courts, where cases are often more complicated, their duration may extend days or weeks, especially if they are jury trials.

Most of the proceedings observed were open to the public and all the information related to the cases was a matter of public record. However, in accordance with the security policy of the courts, members of the general public were not allowed in the proximity of the defendant and of the interpreters, and recording of the proceedings were not permitted either.

State Courts hear cases at the state level, while the Federal Courts hear cases that span across state lines or that affect laws that are federally enforced. There were two Spanish interpreters in the particular district court where the observations took place, one full-time – the head of the department – and one part-time. Both were from South America. Other interpreters were contracted on a need basis.

4.2.1.2.2. Interpreting protocols and procedures. The federal courts where the observations took place did not have interpreters on staff. The federal courts have stricter interpreter qualification requirements and the training and certification processes are more demanding. The interpreters who attain master level certification command higher fees for their service, which means higher costs for the courts. Master interpreters are also assigned a hierarchical ranking that gives them priority access to interpreting assignments over interpreters with lower accreditation levels. More stringent training and accreditation requirements result in fewer master interpreters, which increases the demand for them. Despite the advantages and assignment options that master interpreters have, due to priority in the employment ranking many of them end up working at the same court on a regular and continuous basis. This was the case in the particular federal court site that participated in this study where three master interpreters were observed and interviewed.

4.2.1.2.3. General context of the encounters. The hearings took place in an orderly manner. The court environment in general was fast-paced and fluid, yet well coordinated and formal. There was a sense of seriousness and reverence in the courtroom, which became even more pronounced in the presence of the judge and while proceedings were in session, when the public in attendance was called into order. The presence of security personnel and of marshals in the room added to the gravitas. If the cases involved minor offenses, such as traffic violations or small claims, there was more public in attendance, and often the defendants were allowed in the general public area as well, if they were not incarcerated. For more serious offenses, such as drug-trafficking cases, often there was no public in attendance, with a few exceptions where several of the defendant's family members were seated in the public area of the courtroom.

The interpreters and the defendants do not know each other, unless the defendant has appeared in the same court before, in which case the name or the nature of the case could be familiar to the interpreters. It is not unusual for certain cases to require several appearances before the judge, depending on the phase of the proceedings – arraignment, plea, change of plea, trial, or sentencing. Interpreters and defendants usually do not intermingle either. During the observations, the defendants who were in custody were brought to court at the time of their hearings and were kept in a holding room until that time. The defendants who were free on bail or appearing for small infractions were allowed into the public area of the courtroom. However, it is not customary for the interpreters to address them unless they are in the presence of an attorney or at the defendant's request.

4.2.1.2.4. Data from the observations. After observing several proceedings, both in English and in Spanish, a similar and consistent pattern emerged. When the defendants spoke English, the attorney and the defendants read the charges and the defendant's rights and responsibilities together from a document provided by the presiding judge. In the language-assisted cases, after the defendants stated for the record their inability to speak or understand English, the judge ordered the interpreters to sight-translate the charges, as well as the rights and responsibilities to the defendant. The interpreters read the document quietly (chuchotage) and expeditiously to the defendant. Many of these proceedings are a matter of protocol, and the interpreter repeats similar, if not the same, statements in every case. Therefore they are very familiar with the language and content of the documents, and there is very little deviation allowed in terms of language use. I asked the interpreters about their ability to translate complicated and lengthy documents in a judicious and expedient manner and they indicated that the documents are often similar if not the same. Also, depending on the phase of the proceedings, the defendants could have been briefed beforehand by their attorneys about the protocol, so the information was not new to them and could be assimilated much easier than if it had been presented to them spontaneously.

4.2.1.2.5. The defendants' discourse. Many of the sessions observed did not include extensive defendant involvement because none of the cases were jury trials. In the cases where the defendants had an opportunity to speak openly in court, their participation was very brief, often limited to "Yes" and "No" answers, or to short prepared statements at the end of the proceedings. Their use of language was thus measured and for the most part did not include non-standard language.

Non-standard cultural constructions relating to expressions including names and dates were observed. For example, on two occasions during the verbal presentation of the proceedings the defendants transposed the dates in Spanish and placed the month before the day (e.g. *julio 14* instead of *14 de julio*) following the American notation system.

Other defendants on the other hand stated dates according to the Spanish system, as shown in the verbal exchange below:

Excerpt 15

Judge: Date of birth?

Defendant: 2 de abril de 1978

At least in one instance, this transposition was carried through to writing, as evidenced by a correction made by the judge upon reading the document signed by the defendant.

> Judge: "For the record, there is a transposition in the date, the defendant wrote 6/8 but today is 8/6".

When the involvement of the defendants was more extensive and less restricted (e.g. not within the courtroom setting) the use of non-standard language and phraseology was more extensive. For example, in mediation proceedings, the defendant had an opportunity to present and argue his case in a conversational format, and the following incidences were noted:

Loan words: *los fildes* (the fields)*, un* fence*/el* fence*/otra* fence (the fence/another fence), *el* police*, una pipa* (a pipe)*, el bil* (the bill)*, el* driveway*, un* stroke*, me ha choqueado* (has shocked me), *para el* railroad (for the railroad)*, los* weeds*, los* neighbors*, la corte, rentar/rentó* (to rent / rented)*, una* gate (a gate)*, una* main line*, los* sprinklers*, una* gat*e, una* main line*, un* baby.

Code-switching: *como* farmer (as a farmer), *son* farmers (they are farmers), *mi* garbage (my garbage), *pagué* labor / *expliqué* labor (I paid [for the] labor / I explained [the] labor), *para* trailors (for trailors), *paleta de* blocks (a palette of blocks).

Semantic extensions: *me ha afectado financialmente (me ha afectado financieramente), una línea eléctrica (un tendido eléctrico), reparar* (*arreglar*), *tapar el camino* (cover the road), *no quise hacer problemas (no quise causar problemas)* (I didn't want to cause trouble)*, echarlos para atrás (devolverlos)* (to return them).

Verbs: *rentó la propiedad (alquiló la propiedad)* (rented the property)

4.2.1.2.6. Interpreters' discourse. In general the interpreters did not use non-standard words, and when they did, it was generally in the context of a non-standard term or structure uttered by the defendant. For example, one of the interpreters used the word la fence whenever the defendant used that word. The term "fence", which is used in English to describe a general enclosure, can have different translations[13] in Spanish

[13] Several English-Spanish dictionaries list the word *valla* as the default translation for "fence". A fence can be made of different materials. A quick review of the RAE illustrates this point: *muro* and *tapia*

depending on the kind of structure. The use of the word by the client in English did not provide the interpreter with sufficient context to identify the specific type of enclosure to be able to translate it appropriately. In general contexts, this technicality would not have great significance. However, in legal settings, and especially in this case, where the very concept was at the center of the dispute, the wrong translation would set in motion a series of questions with greater implications.

In a different session the interpreter used "*el* garbage can" throughout the proceedings. This occurred in the context of the plaintiff's presentation in English and whenever he uttered the word, the interpreter translated it as "*el* garbage can". The reason for this, as will be explained in Section 4.3.2, had to do with dialectal differences.

4.2.1.2.7. Summary of the observations of court interpreters. When encounters took place in a formal environment, the interlocutors acted accordingly and very little non-standard language was observed. The interpreters made occasional parenthetical requests for clarification or observations that had to do with possible ambiguities (e.g. "Your honor, the interpreter has a question"). However, they were kept to a minimum so as not to disrupt the flow of the proceedings. Normally the interpreters did not interact openly with the attorneys either, and they allowed the defendants to state misunderstandings and to ask for reformulation themselves When the setting was less formal, the interpreters used non-standard language sparingly, mostly to circumvent ambiguities.

4.2.1.3. Differences between medical and court interpreting

The most salient language differences observed during the encounters in the clicnis and courtrooms were related to (1) the nature of the setting, (2) the accepted roles of the interpreters, and (3) the goal of the encounter.

The combination of these three elements created a dialogic environment that was more propitious to casual or impromptu exchanges, which occurred more frequently in the hospital setting. In these circumstances, it became more feasible for the interpreter to inquire about ambiguities, making the use of non-standard language potentially less prevalent. In the medical setting, interpreters and patients sometimes had the

(stone or masonry), *valla* (wood), *verja* (iron), *cerca* (general term for enclosures that can be made of various materials). The term *valla* can also refer to "billboard", although it was clear that in the context of the mediation this sense did not apply.

opportunity to relate to each other in a less restrictive way outside of the clinic (e.g. in the waiting room, or in transit to another clinic or pharmacy), which also provided a chance for educational activity and for infroming the patients about common terms and phraseology andabout the health system in geneal. This is an opportunity that court interpreters did not have outside the courtroom, because the defendants may be incarcerated, and even if they are not, such contact is considered professionally unethical.

The shared goal of all the participants in healthcare interactions also created an environment that was less restrictive than that of the courtroom, where friendly interaction with the defendants could be perceived as a departure from the interpreters' expected neutrality.

4.3. Interviews

The format of the questioning during the interviews varied depending on time constraints. Most of them had to be based on the interpreters' availability and the nature and scope of the language and culture incidences observed during the sessions. For example, some medical encounters were very short and did not present many opportunities for language observation; in those cases, the interview focused on the format of the encounter, similarities with other situations, and questions that may have been left unanswered in previous cases.

4.3.1. Specialized nature of the contexts

During the interviews all the interpreters agreed about the challenging nature of specialized medical and technical terms and procedures and other such general concepts that may differ within Spanish-speaking countries and their medical systems. When asked about translating common medical terms (e.g. 'x-rays', 'ultrasounds') or acronyms (e.g. IV, MRI, CAT-scans), all the interpreters found them to be challenging linguistically but often also conceptually. In some cases the concept itself had to be explained to the patient, as well as instructions and follow-up care. One of the most experienced interpreters in the cohort indicated that with acronyms and abbreviations the challenge extends beyond the names of general procedures and concepts and includes other instances where medical personnel use abbreviated forms of communication. Medical jargon can be difficult for patients to decipher (e.g. '1od x 3d', which means "one everyday for three days"), especially when it comes to prescription instructions that may be transmitted to them outside of the purview of the interpreters. In these cases, the interaction of the interpreters with the patients may extend beyond the hospital premises, for example when patients call to ask about the meaning of encrypted instructions. In these cases, even though there is no language interpretation involved, the interpreters are called to 'interpret' concepts of a medical cultural nature.

4.3.2. Dialectal diversity

The notion of language and dialectal diversity was also brought up by several of the interpreters. All agreed that certain common terms are very different from country to country and pose great challenges when it comes to interpreting in fast-paced environments. These interpreters belonged to different and diverse cultural backgrounds and were helpful to each other when it came to learning the different terms and their nuances, as well as expanding their knowledge of common pitfalls. These interpreters were also very experienced, and as a result were capable of detecting these differences, which was illustrated by a session where a court interpreter used the term "garbage can" in English throughout the court proceedings. When asked about his rationale for this, the interpreter indicated that at the time the only word that came to mind was *tacho*, which is very culturally specific to his country of origin. Realizing that the defendant was from Mexico where they may have a very different word for it, the interpreter decided to use the word in English to avoid misunderstandings. The interpreter later found out that the term for "garbage can" in Mexico is *cubo*. In some cases interpreters have the time and opportunity to consult the interlocutors for clarification or disambiguation if they realize that there is potential for confusion, but in this case he did not.

4.3.2.1. Indigenous languages

In some cases the misunderstandings may be caused not by dialectal diversity but by linguistic differences. Indigenous people from Spanish-speaking countries often speak Spanish along with their indigenous languages but sometimes not as proficiently. The availability of interpreters of indigenous and rare languages is uncommon. In those cases, if the patient or the defendant speaks and understands some Spanish they are assigned Spanish interpreters. One interpreter stated that these cases have the potential for complications because the level of understanding is not always adequate. In some cases, if accommodations are possible they use relay interpreting where two or more interpreters of different language pairs convey the message to the interlocutors. For example, in an encounter between a person who speaks only Mayan and another who speaks only English, one interpreter of Mayan and Spanish, and a second one of Spanish and English relay the message between them.

4.3.2.2. Idioms and colloquialisms

During the interviews the interpreters were asked about their translation solutions for idioms and colloquialisms, which are often motivators for the use of non-standard language. During several of the court proceedings the attorneys and the judges used idioms and colloquialisms such as “That is a two-edged sword”, “Lifted by your boot straps”, or “He talks the talk but doesn’t walk the walk”. All the interpreters agreed that due to the difficulty and the danger of interpreting cultural idioms in the context of legal cases they often opt for translating the terms and concepts verbatim instead of providing an equivalent in the other language, leaving it to the defendants to ask their attorneys for reformulation or disambiguation when needed. Furthermore, the implications of a misinterpreted term, which may be at the center of the dispute, can be detrimental to the outcome of the case. One of the interpreters recalled a drug-trafficking case in federal court where the defendant uttered a curse word in Spanish. Despite thorough interpreter preparation on commonly used drug-related and profane expressions and jargon, this particular term was unfamiliar to the interpreter, so she provided her own rendition of it. After consultation with a colleague outside of court she found out that her interpretation was inaccurate. Realizing its significance in the particular case, she informed the court clerk immediately about the potential error. The judge summoned all the parties involved and asked the defendant to repeat the curse word, giving the interpreter an opportunity to restate it and correct it for the record. This interpreter acknowledged that the correct approach in this case would have been to provide a literal translation of the utterance, even if it had no coherent meaning.

4.4. Focus Group

The short interviews with the interpreters provided a glimpse of a specific speech event, but a more in depth exploration of the context and circumstances in which they took place was not possible due to time and situational constraints surrounding the brief encounters during or after the clinical appointments. One of the points noted during the observations was the difference in the nature and extent of the interaction between the interpreters and their interlocutors before, during, and after the interpreting sessions, which suggested potential effects on the use of language. I felt that it was important to explore the effect that the context of the interactions had on the perception of formality and as a result on the manner of the interaction and the language use. The focus session provided an opportunity to explore those areas.

4.4.1. Procedure

The format of the session was informal in nature and took place at my home in 2012. Although all medical interpreters who had been observed at the hospital were invited, as well as a few area court interpreters who had participated in the pilot test, only five interpreters – four medical and one court – were able to attend. Given that both the hospital and court fields were represented in the gathering, the session provided an opportunity to explore interpreting approaches in both contexts to allow drawing comparisons in order to identify potential similarities and differences.

These interpersonal sessions proved to be very telling, as the interpreters spoke candidly about their approach to interpreting, thus revealing the "non-observables" (Toury 1995: 36) about these specific interpreting contexts.

4.4.2. Non-standard language use

Non-standard language was illustrated for the interpreters through examples of terms and phraseology. This was done to avoid conditioning them with detracting definitions that would inhibit honest discussion in broader terms, without the stigma associated with concepts such as "Spanglish" (used synonymously by the participants) that carry negative connotations associated with lack of language knowledge and proficiency. However, the discourse immediately reverted to discussions about "Spanglish", where the interpreters brought up examples of well-known cases that they had experienced during their professional careers.

While none of the medical interpreters condoned the use of non-standard language, they reported experiencing it every day in the exercise of their profession. Most of them admitted to using it themselves at times for expediency purposes. The court interpreter, on the other hand, claimed never to "give in" to this habit, regardless of the widespread use of non-standard forms of language by the target audience in the courts.

4.4.2.1. Interpreters' roles and differences in goals

A recurring theme of the discussion was the difference between the roles of the interpreters in the hospital and courtroom environments and they effect that it may have, together with the goals of the outcomes, in the use of language. The participants talked at length about the various training programs and certifications required for both the medical and legal fields and the different roles and ethics fostered and/or promoted by their guidelines. A program that was required of all the medical interpreters in the group was *Bridging the Gap*. This certification is designed exclusively for health care workers, especially interpreters. It outlines the code of conduct and ethics for the profession, including the roles that interpreters in the medical environment are expected to follow. There are four accepted roles: "conduit", "clarifier", "culture broker", and "advocate" (Roat 1999), which outline the extent of the interpreter's intervention during the encounter.

The conduit role is the default role and limits the participation of the interpreter to strict transfer of concepts from L1 to L2. The clarifier role on the other hand allows greater participation, and interpreters can check for comprehension if needed and even adjust the register accordingly. The culture broker role gives interpreters the ability to provide cultural context to the mediation whereby the interlocutors can understand the content of the conversation within a cultural framework. The advocate role is the least common and most intrusive. The interpreters can advocate for the patients to improve the quality of the interaction or care if needed, not only the communication.

4.4.2.1.1. Shared goals. The medical interpreters explained that their goal is in line with the goal of the patients, their families, and the medical staff, which equally affects their roles. The wellbeing of the patient is the most important aspect of the encounter and all the parties involved are working towards that goal. This is reflected in the guidelines for medical interpreters, who are able to switch between roles as needed. Their code of conduct even foresees the option of medical interpreters adopting the role of the patients' advocates or goodwill ambassadors, always within recommended parameters of the guidelines and ethical values.

One case that illustrated the differences in roles was the less restricted nature of the medical interpreters' movement within the hospital experienced during the observations. Interpreters at Central Hospital made periodic courtesy visits to the rooms of LEP patients to inform them about the availability of interpreting services and to give them a chance to address questions or concerns that they could in turn relay to the medical personnel. This speaks to the role that medical interpreters play, a role that is absent in the code of ethics of court interpreters.

The presence or absence of this dimension in the role of interpreters has an effect on the character of the encounter and the level of formality that any exchange in this context may have.

4.4.2.1.1.1. Shared goals that create bonds. The medical interpreters spoke about establishing relationships with the patients, especially with the ones who are involved in long medical treatments and repeated visits to the clinics or hospital. Some of them found it unavoidable to create bonds with the patients and to become involved in their wellbeing and care. One of the participants had interpreted for one patient from the moment of her cancer diagnosis, through surgery and the long treatment process. Often medical interpreters are the bearers of good medical news and of bad ones as well. And even though doctors are the health authorities in the encounter, patients hear diagnoses, prognoses, and health outcomes first-hand from interpreters with whom they form bonds. In this sense, interpreters represent the source of the news and are the most visible persons to the patient. This intimate relationship through the most difficult times in the life of a person creates a connection that blurs out the boundaries of the professional/patient relationship and with it all norms of formality and language. In such situations, the most pressing matter for interpreters is to convey the information professionally, yet empathetically and tactfully. In the process, language and professional norms may be relegated to a second level of importance. When interpreters communicate difficult news, such as the death of a family member or an unfavorable health outcome, it matters very little to the doctor, to the patient, and to the interpreter if the language involved has been sanctioned by language authorities or not. The only thing that matters is the message. And often, especially in situations where patient and interpreter have been together through a long medical ordeal, it would be understandable for the interpreter, as a human being, to show empathy even if displays of emotion are discouraged by professional code of conduct. Several of the medical interpreters attending the session admitted to being "different" in the sense that in very difficult and traumatic situations they were sometimes compelled to relax the protocol in favor of a more human approach.

4.4.2.1.2. Contending parties. In courtrooms, defendants also experience traumatic personal situations. However, as the court interpreter commented, unlike the health context, not all parties involved in court cases have the same goal in mind. While the defendants and their families, as well as their attorneys, share a goal, the prosecution expects an outcome that may include punishment. In these situations, the role of court interpreters is limited to facilitating communication in an impartial manner. It is not their responsibility to explain the law or the rules but to render them into Spanish so the defendants have the same opportunities as English speakers to an equal, just and fair outcome. Defendants already have advocates in the persons of their attorneys, who defend their rights and ensure they understand the proceedings.

4.4.3. Summary of the data from the focus group

The comments by the interpreters on credentials, roles, and the professional contexts point to vast differences between the fields. This seems to suggest that context affects the nature of the exchange and thus the perception of the interpreters' roles, the subsequent relationship with the interlocutors, and thus the use of language.

4.5. Questionnaires

The questionnaire survey was divided into two categories – translators and interpreters – each with its own questionnaire. The data that are common to both groups will be presented in this section. This will provide an overview of the characteristics of the participants in this study, which is a reflection of the cultural diversity of the translation community in general. Certain specific questions that pertained to either translation or interpreting (e.g. interpreting modes, types of materials translated) will be presented separately, as will be the analysis of the language transfer decisions by each group.

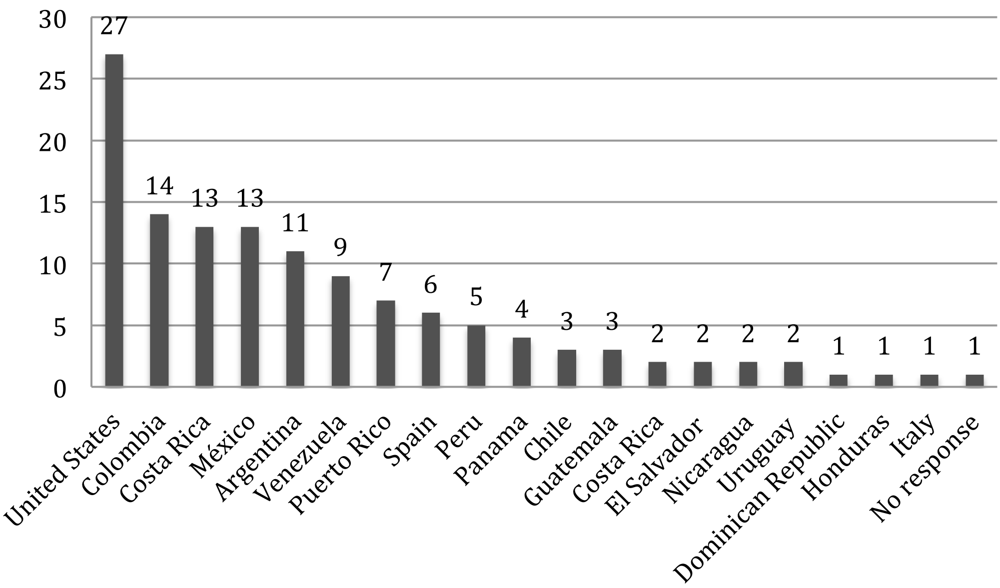
4.5.1. Personal and professional profiles of the participants

The data from common questions in both questionnaires – personal and professional profiles, employment status, experience, fields of translation/interpretation and materials, interpreting mode/register, credentials – will be presented together first, followed by the questions that pertain to each of the modalities.

4.5.1.1. Origin and language

The questionnaires were completed by 127 participants, of which 60 were interpreters and 67 were translators. All the Spanish-speaking countries with the exception of three -– Ecuador, Bolivia, Paraguay – were represented in the pool of participants. The respondents from the United States constituted the single largest group (21%). One respondent claimed Italy as the country of origin, and one person did not respond to this question. See Figure 4.1. for a breakdown of participants by country of origin.

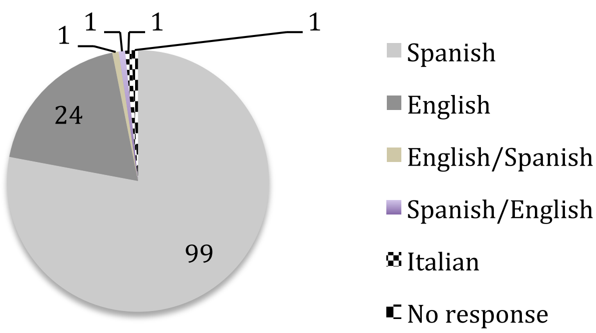
Figure 4.1. Number of participants by country of origin



The question about the origin of the participants is especially relevant to this study because it shows the diversity of the respondents, which reflects that of the Hispanic community in the United States. For the purposes of this study, dialectal diversity is assumed to be a factor in the production of non-standard language.

A large percentage of respondents (78%) reported Spanish as their native or dominant language. The second largest group (19%) claimed English, while two participants reported a combination of English and Spanish as their native languages. One person did no respond. See Figure 4.2.

Figure 4.2. Native or dominant language(s) in numbers



4.5.1.2. Work base

The majority of respondents (98%), which included translators and interpreters, claimed the United States as their work base. In terms of target audience, all the interpreters claimed US Hispanics as their main target audience. The translators, on the other hand, were divided into two categories, with half claiming the US Hispanic community as their main target audience, while the other half translated for Spanish-speakers both in and outside the United States. Two respondents worked exclusively for speakers outside the United States.

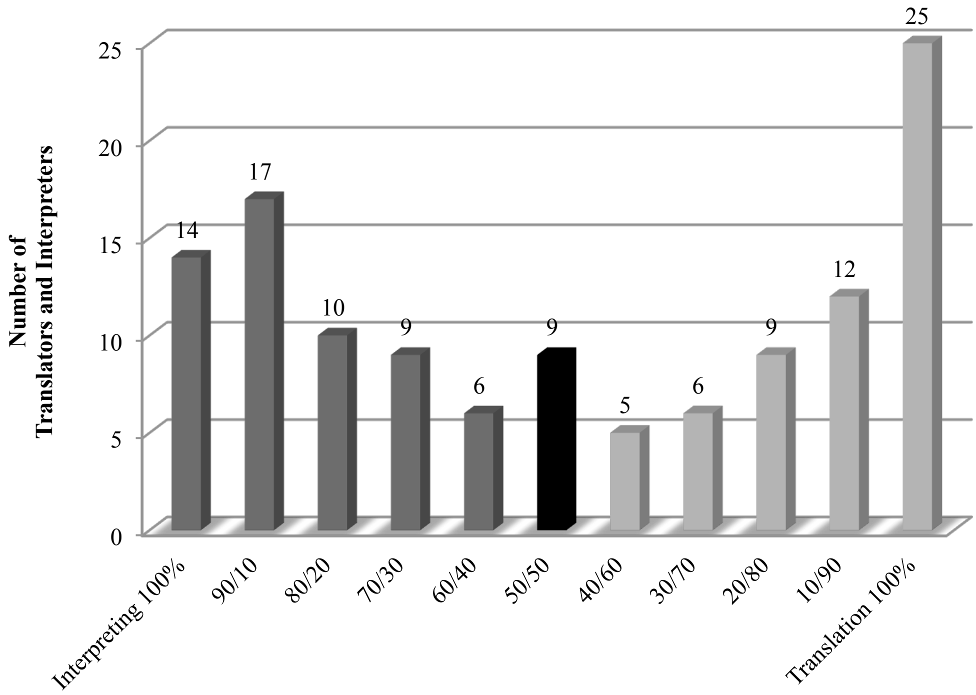
The information regarding place of work and target audience was important since it indicates that the majority of the respondents were members of the community and were presumably familiar with the sociolinguistic traits of the US Hispanic speech community, which constituted the exclusive target audience for a large group of the translators and interpreters surveyed (76%). This meant that the majority of those surveyed were directly in contact with the speech community in the exercise of their profession.

4.5.1.3. Modality of work and distribution

The participants were asked about their work as translators and/or interpreters as well as the distribution of their workload if they worked in both areas. Eighty-three respondents (65%) work both as translators and as interpreters, with a wide range of percentage variability (see Figure 4.3). Of the remaining group, 14 respondents (11%) only interpret while 25 respondents (20%) only translate. Five participants did not answer this question.

Data from a study of 374 conference interpreters from 80 different countries (Brown 2002) show similar work distribution. In that study, approximately 69% of the interpreters also worked as translators. Information for the direct comparison of both data was not available because the results in that study were classified by region, and the data from the United States and Canada were combined and presented together under the North American region. However, the combined results of the 47 respondents from the North American region (31 respondents from the US and 16 from Canada) are very similar (69.81%) to the overall results.

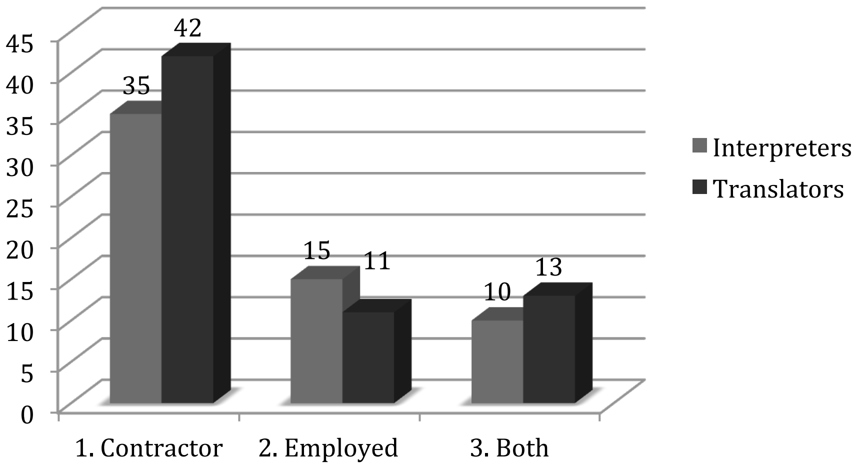
Figure 4.3. Work distribution



4.5.1.4. Employment status

The three main groups resulting from the question about employment status constituted (1) private contractors or individuals who do "freelance" work (61%), (2) employed by a company or institution (20%), and (3) a combination of both (18%). One respondent was a company owner. See Figure 4.4 for a distribution by modality. A negligible number of respondents reported other interpreting and/or translating activities – volunteer, educator – carried out in addition to their main responsibilities as translators and/or interpreters. For simplification purposes, these activities have not been included in the graph.

Figure 4.4. Employment status distributed by modality

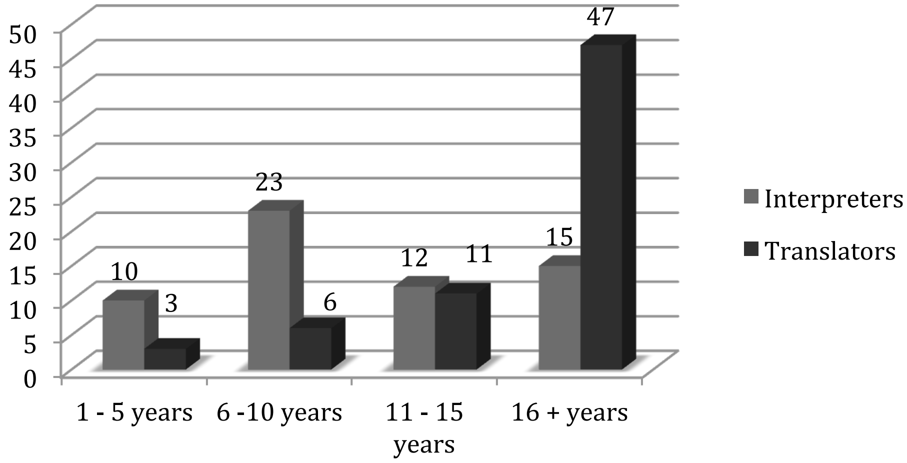


1. Contractor or freelancer. 2. Employed by a company or institution. 3. Translators and interpreters who work as freelancers and also as employees of a company or institution.

4.5.1.5. Professional experience

The professional experience of the participants was measured in terms of the years they had worked as translators and interpreters. The distribution ranged from 1 to 16 plus years. Those who reported having more than 16 years of experience constituted the largest group, with 62 respondents (49%), and there were more translators than interpreters in this category. See Figure 4.5 for a distribution of the experience by modality. A few respondents alluded in their comments to their experience beyond the maximum listed in the questionnaire as translators and/or interpreters (more than 25 years in some cases). It would be safe to assume that there may be other respondents with such extensive experience. However, it was decided that 16 years was a reasonable cap for the purposes of this study.

Figure 4.5 Experience in years distributed by modality



4.5.1.6. Field(s) of translation

This questions was asked only to translators, of whom twenty-seven (40%) translated both medical and legal material. Nineteen participants (28%) worked on medical documents, while 12 respondents (18%) translated legal material. Nine people did not answer this question.

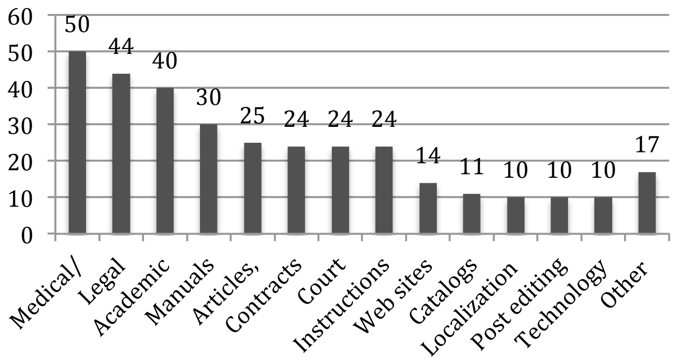
4.5.1.6.1. Translation software. The translators were also asked about their use of translation software for professional activities. In some cases translation agencies make work assignments of large collaborative projects (e.g. education, government) that require language management and consistency contingent on the knowledge of certain software programs. Some of the software platforms include glossaries and cross-referencing tools, which have the potential of forcing translators to use certain terms and phraseology sanctioned by the software.

Fifty-two per cent of the respondents claimed to use translation software (20% "always" and 31% "sometimes"). The most common computer-assisted suite listed in the responses was Trados, with 35% of the respondents listing this platform. Other platforms or translation memory software listed by the translators were: OmegaT, WordFast, Pahomts, DVX2, Déjà Vu, and Memo Q.

4.5.1.7. Type(s) of materials translated

This question was asked only to translators. The majority of the respondents listed a variety of materials, which ranged in nature from academic papers and localization projects to technology and web sites (Figure 4.6). The majority of the respondents translated medical/health documents, with 50 respondents claiming this category, and court and legal documents, with 24 and 44 respondents respectively. The latter two categories are presented separately to differentiate between documents that have specific direct relevance to the courts (e.g. depositions, sentencing documents, settlements) and documents that have a legal nature but are not related specifically to court (e.g. birth certificates, marriage licenses, death certificates).

Figure 4.6. Type of materials translated



4.5.1.8. Field(s) of interpretation

This question was aimed at interpreters and translators who also interpret. All the interpreters but five interpreted in hospitals and/or courts, or worked in those two areas in combination with other fields of specialty such as education or conferences. From the groups of translators who also interpreted (42), all but 10 respondents worked in courts and hospitals. In some cases, the areas where they interpreted did not correspond to their fields of specialization (Table 4.1).

Table 4.1. Fields of interpreting and areas of expertise

	Court		**Medical**		**Court + Medical**		**Court + Medical + Other**		**Other***	**No answer**
	Field	Expertise	Field	Expertise	Field	Expertise	Field	Expertise	Field	Expertise
Interpreters	5	16	13	31	18	0	19	0	5	6
Translators†	16	11	8	12	9	26	0	0	10	8

+This table includes data from translators who also interpret
* These respondents interpret in contexts other than court and medical (e.g. conference).
† Twenty-five translators do not interpret.

4.5.1.9. Interpreting mode and register

The interpreters were asked about their most common interpreting mode. Thirty-four reported working in the consecutive mode only, and 15 respondents in simultaneous only, while 11 respondents worked in both consecutive and simultaneous modes. Of the latter group, six respondents also did sight translation. The overwhelming majority of the respondents who did simultaneous interpreting worked in court.

The interpreters were asked to rate the register that they used most commonly in their interpreting activity. The majority (63%) reported using "medium" register, while 10 respondents (17%) and 8 respondents (13%) respectively used "low" and "high" registers. The rest of the respondents (7%) reported using different registers depending on the interlocutors (e.g. in the court context, "high" with judges and "low" with the target audience).

The distribution of the ten respondents who reported using only high register is as follows: (1) two are conference interpreters, (2) one is a court interpreter, (3) four listed a combination of conference and court interpreting as their main fields (of these, three claim the legal context as their field of specialty; for the fourth respondent conference interpreting is the specialization), (4) three listed both court and medical interpreting.

Of the respondents who listed using only low register, six are medical interpreters (one claims to use a low register in all fields of work), while the other two interpreters listed both the court and medical fields as their areas of work (the fields of specialty of both respondents is health).

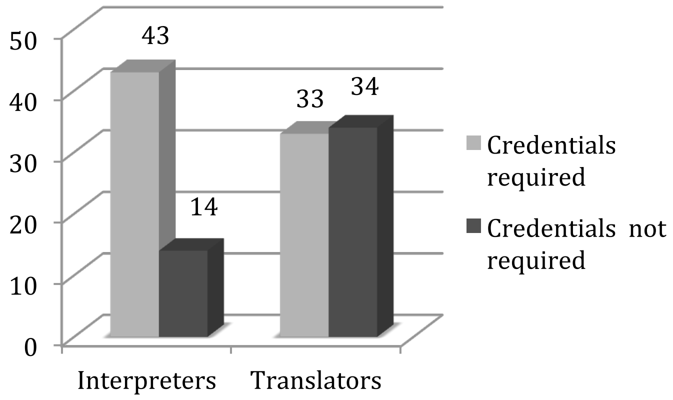
In summary, these data indicate that the most common register for all the participants is "medium". However, the results suggest that overall, "high" register use is more common in court and "low" register in the health field. Of the interpreters who reported using high register (12%), all but one worked in court, while the interpreters who reported using low register (15%) all worked in the medical field.

4.5.1.10. Professional credential requirements

The use of certain types of non-standard language phenomena has been attributed in some cases to lack of vocabulary and/or education. Therefore, in an attempt to ascertain the professional preparation of the translators and interpreters in this study, the participants were asked to list their academic achievements and/or translation and interpreting certifications and credentials, whether they were required for work or not

(Figure 4.7). Sixty per cent of the respondents reported needing credentials to work as interpreters and translators, with more interpreters than translators in this category. For the latter group, the required credentials were mostly medical and court interpreting certifications.

Figure 4.7. Number of respondents requiring credentials



A total of 119 respondents (94%) reported having completed (1) university studies at the undergraduate and post-graduate levels in a variety of fields and specializations, and/or (2) various levels of certification and accreditation in translation and/or interpreting. For the purpose of the study, having translation and interpreting accreditation or certifications alone, even in the absence of any other academic attainment, is considered a sufficient educational qualification, given the language and technical scope and depth of the certification process.

The remaining participants reported not having credentials or did not answer the question. Many respondents listed multiple diplomas and credentials, which would be too lengthy and unpractical to present here, especially for the purpose of this study, which is to validate some form of education not the type or level. See Table 4.2 for a summary of the credentials divided by domain.

Table 4.2. Academic achievements and translation and accreditation credentials of participants

INTERPRETERS

Academic										Certifications/Accreditation*		None
AA••	BA/BS†			Masters			Ph.D.					
	S††	T/I	Other	S	T/I	Other	S	T/I	Other	T/I	Other	
2	8	1	17	2	7	10	0	1	2	83	9	6‡‡

TRANSLATORS

				Academic						Certifications/Accreditation*		None
AA••	BA/BS†			Masters			Ph.D.					
	S††	T/I	Other	S	T/I	Other	S	T/I	Other	T/I	Other	
0	8	6	5	1	9	5	2	0	2	86‡‡	2	0

+Some respondents listed multiple diplomas and accreditations.
* Includes national and local accreditations in legal and medical fields.
••Associate Degree (two-year college)
† Bachelor of Arts/ Bachelor of Science Degree
†† Bachelor Degree in Spanish
‡ Bachelor Degree in Translation and/or Interpreting
‡‡ This total includes 57 accreditations from ATA in the language pair English-Spanish (regardless of directionality)

4.5.1.11. Membership in professional organizations.

All the participants were asked as well about their affiliation to professional language, translation, and/or interpreting organizations. All of them are members of at least one – in many cases more than one – national and international translation and interpreting organization, either legal or medical, as well as of other academic, language, and professionals organizations. The overwhelming majority listed the ATA.

4.6. English proficiency and language use during the encounters

This section presents the data from the questions that elicited information about the nature and the register of the languages used, English and Spanish, both by the target audience and by the interpreters during the encounters. Some of the participants provided their rationale for certain language-use decisions, which are also included at the end of the section. These questions were only for the interpreters.

4.6.1. The target audience and its English proficiency

The interpreters were asked about the ability of their target audience to speak and understand English in the context of their encounters. Forty-one respondents (69%) reported that their audience speaks and understands some English “sometimes”, while

11 respondents (18%) say they "often" do. The remaining eight respondents (13%) stated that their audience can "rarely" speak and understand English.

4.6.2. The target audience and non-standard language

The interpreters were also asked about the frequency with which their target audience uses non-standard language during the medical and court encounters. The most common answer was "often", with 30 respondents (50%), followed closely by "sometimes", with 27 interpreters (45%), and two said "rarely" (one of these respondents only does conference interpreting, while the other works in a variety of fields). Only one respondent, who works exclusively in the legal field, indicated that the target audience "always" uses non-standard language. This may either reflect the respondent's personal threshold for determining what constitutes non-standard language or a spontaneous generalization.

4.6.3. Interpreters and use of non-standard language

The respondents were asked about their own use of non-standard language in the course of the interpretation sessions when their target audience used it. Eleven respondents (18%) reported using non-standard language "often", while 29 respondents (48%) said "sometimes". The remaining participants, 13 respondents (22%), reported "never" using non-standard language, and seven respondents (12%) chose other solutions. Only three respondents in this last category provided an explanation of their approach, as follows.

1. "I will check that *la pipa* means "the pipe" for them so that we know we are talking about the same item. Then I will continue using the word as they use it, to provide them with the level that they feel comfortable."
2. "I use the standard word followed by an explanation such as 'what you called 'non-standard term' " (repeating the non-standard word as a way of clarifying the standard version).
3. "Rarely, usually only when Spanglish is almost more their real language than Spanish, for understanding and ease of articulation."

The respondents who answered "never" to this question represented a variety of countries: Argentina (2), Colombia (2), Cuba, Mexico (2), Panama (2), Puerto Rico, Spain, United States, and Venezuela. They worked both in the legal and medical fields, exclusively or in combination with other areas of interpretation (one respondent worked as a conference interpreter only). The professional experience of the respondents ranges from 1 and 5 years to 16+ years.

4.6.3.1. Rationale for using non-standard language

Of the 60 people who answered this question, 50% reported using non-standard language either because (1) it was more practical in the particular situation or (2) some of the terms are familiar to US Hispanics (Table 4.3). The profile of the respondents in these two categories did not correlate with any specific countries, experience, or particular fields of practice.

Table 4.3. If you answered 1 or 2 above [Often or Sometimes] it is because.… If you check “Other” provide an explanation.

Answers	**Respondents**
1. It is more practical in the particular situation	14
2. Some of those terms are commonly used by Spanish speakers in the U.S.	16*
3. Did not answer 1 or 2 in the question above	20†
4. Other‡	10

* Two respondents also indicated that the meaning of words that appear to be “cognates” is not the same.
† Thirteen respondents in this category answered “Never” and 7 respondents answered “Other”.
‡ The respondents in this category gave reasons other than 1 and 2 for using non-standard language. See Table 4.4 for explanations.

Seventeen per cent of respondents from Argentina (2), Puerto Rico (3), and the United States (4) chose the option “other”, which included a range of opinions that were mostly favorable to using non-standard language. Some of the feedback recognized the discursive reality of US Hispanics, with comments like: “Sometimes those people do not understand the Spanish version of the term, for clarity I temporarily adopt their word”, or “Only when I can’t think of the standard word” (see Table 4.4 for a complete list of comments).

Table 4.4. Comments and explanations provided by participants who answered "Other" reasons for using non-standard language during the interpreting encounter*

1. It's the word they know and the one they'll understand.
2. Keeps the register they used and lets them continue speaking in their own style/register.
3. Sometimes those people do not understand the Spanish version of the term, for clarity I temporarily adopt their word.
4. Only when I can't think of the standard word.
5. When they speak more English than Spanish or Spanglish is their functional language.
6. Rendering meaning for meaning for better understanding.
7. Fairly often, but it depends, "el bómper" is in fact standard usage in certain countries and if they use "bómper" I definitely use it. In the case of "pipa/tubo" on the other hand I might stick with "tubo" and generally even if they initially say "pipa" they understand "tubo" perfectly well.
8. I often provide the standard Spanish term, but if I can tell that usage in the area from which the speaker comes favors the non-standard term or if that is the only term to which the speaker seems to respond, I'll use both the standard and the non-standard terms. If providing both versions of the term seems to be too distracting, then I stick with what the speaker seems to feel more comfortable using (as long as there are no issues with meaning and accuracy).
9. I say the non-standard word used by the person followed immediately by the correct word, then I use the correct word "el bomper for parachoques". Later in the conversation I use "parachoques".
10. Most speakers know the word in English or the closest equivalent depending on the word, for example, most of our patients will say "emarai" instead of "resonancia".
11. I remind them that they used it.
12. Sometimes they know the word in English.
13. I use the standard word then the non-standard word.
14. When an immigrant starts working in construction, for example, he will start learning the English terms for the tools, machines, etc. If they have never worked in construction in their country they don't know the word in Spanish. So, as an interpreter not only do I have to know "forklift" – montacarga– I also need to know that they might not know "montacarga" but will say "forlif" with sort of an Americanized accent. As a translator you don't worry about this, but as an interpreter you have to. I've been doing this for over 25 years.

* Four respondents answered 1 or 2 to the question represented in Table 4.18, but provided additional insightful explanations under the category of "Other", which are included in this table.

Some of the comments suggest that the interpreters adopt an educational role: "I say the non-standard word used by the person followed immediately by the correct word, then I use the correct 'el bomper [for] parachoques'. Later in the conversation I use 'parachoques' ", or "I use the standard word then the non-standard word".

4.6.3.2. Rationale for avoiding non-standard language

The interpreters who reported never using non-standard language were asked to provide an explanation for their decision. The explanations given by nine of the respondents (four did not answer) can be summarized as an overall sentiment of complete rejection of the notion of non-standard forms, or Spanglish as they referred to it, with comments such as "I refuse to perpetuate incorrect Spanish" or "because it is not standard and it is not Spanish" (see Table 4.5 for complete feedback).

Table 4.5. Explanations provided by participants who answered "Never" using non-standard language during the interpreting encounter.

NEVER. I let them speak any way they wish but I do not allow my Spanish to become corrupt by Spanglish terms a la mode in the U.S.
I feel that as interpreters we are at the forefront of correct usage. Most people who use non-standard words usually understand standard equivalent(s) for the word. If they don't, in a community setting, it's easy to explain. In a more formal (court, for example), I tend to say: Interpreter requests permission to discuss terminology with subject. It is usually granted, and things can be cleared up. Then I continue using the correct term.
Because I want the client to learn the "correct" word instead of using Spanglish.
I refuse to perpetuate incorrect Spanish.
I always use the most correct term I know.
I use the proper Spanish word. More often than not, it is just a matter of my clients using the "quick and easy" route of using the English word (I was lazy growing up using Spanglish so I understand very well!). After they hear my usage of the formal word, it works as a reminder and they incorporate it into their responses. / The "why" is that I feel that in the cases where there is a perfectly easy and correct equivalent word in Spanish, I rather keep the interaction at a professional level. Given the fact that I do not look "Hispanic", I think it also helps my clients to confirm that I have a formal training in the language they use and then they relax and know that they are in good hands when I start using the language they do not know. Please understand that during informal conversations with friends I do all sorts of language switching but I am responding to this survey as a linguistics professional.
Because I am there to interpret and say the Spanish correct words. I have sometimes but not very often, have said the non-standard word even though, our Spanish is changing and people living in the USA are getting more use[d] to understand some words in English and they are using them as part of their new culture in America.
I ask if [what] they mean and then provide the word in Spanish, if they say yes I continue using the word in Spanish, if they don't know the word in Spanish I continue using the word in Spanish and in English and at the end just the word in Spanish. They will have learned a new word by the end of the session. I try to be as faithful to each language as possible. If there is an opportunity for me to improve the vocabulary of my patients I will do it, as long as that […]
Because it is not standard and it is not Spanish.

4.6.4. Summary of non-standard language use during the encounters

This section summarizes the use or rejection of non-standard language by the target audience and by the interpreters, their attitude towards non-standard language, and their rationale for using or not using non-standard language.

4.6.4.1. Target audience

According to the participants in this study, the US Hispanic speech community that constitutes their target audience uses non-standard language "often" and "sometimes" in 95% of the encounters, with "often" being the answer of 50% of the respondents.

4.6.4.2. Interpreters

Forty interpreters (66%) reported using non-standard language themselves when their target audience used it because it was either more practical for the specific situation or for the particular audience. Some respondents adopted a pragmatic approach to their interpreting, recognizing the linguistic patterns of the Hispanic speech community in the United States. They tolerate and/or participate in the use of non-standard language, even if temporarily, as a way to aid in the process.

The data also suggest that some respondents adopted an educational role by guiding or encouraging their target audience to use standard forms by example, or by informing them of the "correct" usage for future reference.

The respondents who reported never using non-standard language rejected this approach for the most part because they considered non-standard language incorrect.

4.7. Potential constraints

The interpreters were asked about their ability to fulfill their communicative goal while negotiating interpreting guidelines and protocols and the dialectal diversity of US Hispanics.

4.7.1. Recommended best practices and willingness to disregard them

This question was asked only to medical and courtroom interpreters, whose codes of ethics and standards of practice often recommend certain professional roles. The parameters of these roles can impose certain restrictions in terms of the freedom that the interpreters have when chosing language transfer solutions. We can speculate that certain roles (e.g. using only the conduit role) could have an impact on the use of non-standard language because they may encourage it or discourage it. For example, if the interpreters need to keep the encounter on time or if the discourse includes technical terms, they may use the terms that the target audience is known to be familiar with or they may choose to translate the terms "correctly" and let the target audience inquire about them if they have difficulty understanding. With this in mind, the interpreters were asked to rate the interference that the recommended best practices and protocols impose on their ability to interpret. Twenty-six respondents said that the protocols "rarely" interfere with their interpreting, while 15 respondents said that they were a problem "sometimes". Ten respondents found that the protocols were "often" a challenge, and three respondents claimed "always". Five respondents found that the protocols were "never" challenging for them. One person did not answer this question.

When they were asked about their willingness to disregard the protocols if they interfered with the communicative goal of the encounter, four respondents said that they would "always" disregard the protocol, while an equal number said that they would "often" adopt this approach. Twenty-nine respondents said that they would disregard the protocol "sometimes", while 21 respondents said "never". One respondent answered "rarely" and one respondent did not answer this question. Although the participants who answered "never" and "rarely" interpret in the medical and/or legal fields, sometimes in combination with areas such as conference and government, the specialty or main field of practice of the single largest group was court interpreting, where protocols and roles are more restrictive, which suggests that the context may play a role in the approach. The reasons given by several of the respondents who claimed strict adherence to the protocols and rules had to do with their concern for having their accreditation revoked (e.g. "you can lose your credentials"), or because of a personal decision (e.g. "personal standards and professionalism"). Other respondents reported making concessions depending on the situation and context. Two of these respondents indicated that they rarely disregard the protocols but that they would do it if needed. Here are some examples: (1) "in the courtroom – never. In the medical or community field if someone is truly in danger", (2) "my goal is [for] the client [to] understand English as if they too could speak it. It's challenging when lawyers are interrupting each other but I persevere to stop them even if they are annoyed by how it slows things down".

4.7.2. US Hispanics and dialectal diversity

The participants were asked to rate how challenging it is to translate and interpret for the linguistically diverse US Hispanic audience. The most common answer was in the middle, neither challenging nor not challenging, with 40 respondents (31%) giving this response. Forty-nine respondents (39%) claimed rating degrees of 4 and 5, while 38 respondents (30%) chose levels 1 and 2 (Table 4.6).

Table 4.6. How challenging is it to translate for a linguistically diverse Hispanic audience in the United States?

Scale	**(Not challenging)**	**1**	**2**	**3**	**4**	**5**	**(Challenging)**
Participants		17	24	40	34	12	

Most relevant in this category is that the respondents who completed the translators' questionnaire rated working for US Hispanics significantly higher on the challenge scale (24.4% or 31 respondents identified with the 4 and 5 ratings) than interpreters (14% or 18 respondents identified with the 4 and 5 ratings).

In order to see if respondents in each category presented a specific profile, I examined their professional experience, educational attainment and dominant language. The data show that the respondents whose perception of difficulty is higher (scales 4 and 5) are in the higher ranks of professional experience overall, with those in the 16+ category being slightly higher (Table 4.7). In terms of the educational attainment the respondents who have completed translation, interpreting or language studies rate the challenge significantly higher than those who have not (Table 4.8). Finally, in terms of language, the respondents who listed Spanish as their primary or dominant language identified themselves with the lower difficulty scale (Table 4.9). These results may indicate that while the individuals acknowledged the difficulty of the situation, they also had the tools provided by their condition of native speakers to work out the differences.

Table 4.7. Experience in years of respondents who claimed challenge scales 1 and 2 (lower difficulty) and scales 4 and 5 (higher difficulty)

Scale	**1 to 5**	**6 to 10**	**11 to 15**	**16+**
1	2	4	1	10
2	2	8	5	9
4	3	6	9	16
5	1	2	3	6

Table 4.8. Education of respondents who claimed challenge scales 1 and 2 (lower difficulty) and scales 4 and 5 (higher difficulty)

Scale	T/I/S	Other	None
1	12	3	2
2	21	2	1
4	31	0	3
5	11	0	1

+The abbreviations "T/I/S" indicate that the respondents in this category have completed academic studies in one or all the fields of Translation/Interpreting/Spanish, or have certification and/or accreditation credentials in those areas.

Table 4.9. Primary language of respondents who claimed challenge scales 1 and 2 (lower difficulty) and scales 4 and 5 (higher difficulty)

Scale	English	Spanish	Other
1	2	15	0
2	3	21	0
4	9	22	1 No answer 2 E/S Comb.
5	1	10	1

4.8. Summary of the participants' personal and professional profile

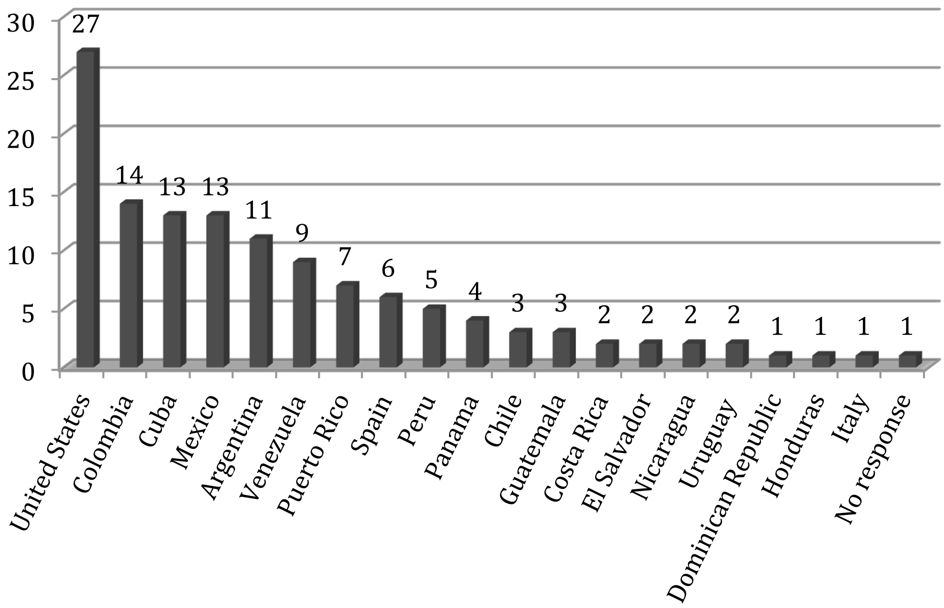
This section outlines the important elements of the personal and professional profiles of all the participants.

4.8.1. Personal profile

Ninety-eight (77%) participants in this study claimed a Spanish-speaking country as their place of origin (Figure 4.8), and all of them listed Spanish as their primary or dominant language. The single largest group – 27 respondents – was from the United States, and English was the primary language of 24 of them. For the remaining three respondents who listed the United States as their country of origin, Spanish was their native or dominant language as well, as it was for the respondent whose country of origin was Italy, making Spanish the primary language of 101 respondents (80%). Two respondents claimed both English and Spanish as their primary languages, while one person listed Italian. One person did not answer this question.

We can conclude that the majority of the translators and interpreters who participated in this study are from Spanish-speaking countries and Spanish is their primary or dominant language.

Figure 4.8. Country of origin of the participants



4.8.2. Professional Profile

In this section I will provide a summary of the professional profile of the participants in the study in terms of (1) the main base where they practice the translation profession as well as the target audience; (2) the most common register they use, their area of expertise and the fields where they work, as well as the mode of delivery – translation or interpreting –; (3) their professional experience; and (4) the credentials required by the companies and/or the initiators of the translation, as well as the credentials attained by the participants.

4.8.2.1. Work base and target audience

Almost all (98%) of the participants in this study worked in the United States, where the Hispanic speech community is the target audience for all of them. From that group, 32% also translate for Hispanics outside of the United States.

4.8.2.2. Register, field of work, expertise, and mode of delivery

More than half of all the respondents (65%) worked both as translators and as interpreters, and more than half of them also (61%) provided services as private contractors or freelancers. The interpreters worked predominantly in the medical and legal fields, and most of them interpreted in the consecutive mode, although the court interpreters listed simultaneous as their customary mode of interpretation. The most common register was "medium".

The three most common areas for the type of materials that translators translated were: (1) a combination of court and legal, (2) medical, and (3) academic, in that order. Of the translators who also interpreted, the majority worked in the medical or legal fields or listed a combination of both, together with other areas of interpretation.

4.8.2.3. Experience

The majority of the participants (85%) had six or more years of experience translating and/or interpreting, and 57% of that total reported having 16 years of experience or more with more translators than interpreters in this category.

4.8.2.4. Credentials required and attained

More commonly than not, participants were required to have some type of academic background or translation and/or interpreting credentials for work. In this group, interpreters were in the majority.

Most participants (all but eight) reported having some type of academic qualification or had attained certification or accreditation in translation and interpreting, often a combination of both.

4.9. Transfer solutions for non-standard language use motivators (interpreters' questionnaires)

The observations of the interpreters suggested that certain cultural and language elements typical of cultures in contact could motivate speakers to use elements of non-standard language (e.g. code-switching, lexical borrowing, and hybrid constructions). This phenomenon may be more prevalent among interpreters, who are exposed to an audience that admittedly uses non-standard language. Interpreters also work in environments that are subject to time constraints and scrutiny, which challenges their ability to access proper terms with speed and accuracy. Therefore the questions about the transfer solutions adopted in the specific questions presented in this section were asked only of interpreters. The same concepts were presented to translators in a format that is

Most of the questions eliciting this information listed words that served as examples of potential non-standard language motivators (e.g. "college"). These examples were not the direct purpose of the analysis, but the concepts they represented were. This was done to make sure that all the participants understood the purpose of the questions and their meaning, given that the concept of what constitutes "non-standard" language may lead to a variety of interpretations.

This section also provides the profile of the participants who selected answers that do not align with standard language solutions, given that the interest of this research is to study the motivation for the use of non-standard language in order to detect a pattern.

4.9.1. US Hispanics and dialectal diversity. Accessing terms in linguistically diverse contexts

Only interpreters were asked about situations in which they are unable to access the specif term in the dialectal variety used by the person(s) for whom they interpret. The evidence from the observations (Section 4.3.1.2) suggested that under time constraints (e.g. in hospital and courtroom settings) where speed and accuracy are important, accessing the most appropriate translation for a term in dialectally diverse contexts can be challenging. It is the assumption that translators have the resources and the time to search for appropriate solutions and apply them accordingly, so they are not subject to the same time constraints.

Often interpreters are aware of the country of origin and the dialectal variety of their target audience if they are provided documentation prior to the encounter, which may not be common. If the country of origin of the target audience is different from their own, which is often the case, interpreters may have difficulty accessing the appropriate terms quickly enough due to time constraints or because they simply are not familiar with them. It is the assumption that in such cases, the interpreters may opt to switch to English.

4.9.1.1. Interpreting solutions in dialectally diverse contexts

The assumption behind this question was that interpreters in hospitals and courts do not have the time to engage in lengthy interpreting solutions, which may motivate them to switch to English. In this case (See question in Table 4.10) the word "swimming pool", which can be translated in Spanish in a variety of ways (*piscina, pileta, alberca, pozo*) depending on the country, was used to represent the concept of dialectally diverse terms.

None of the participants used the word in English. An overwhelming majority chose the option of saying several words in Spanish and asking the interlocutor about the one they use. Thirteen respondents responded that they use the word they are familiar with (Table 4.10).

Table 4.10. You need to interpret a word that has several dialectal varieties (e.g. "swimming pool": pileta, piscina, alberca) and you are not sure about which one is known to the person for whom you are interpreting.

Answer	Respondents
I. I use the word that is most familiar to me	13* (1)
2. I say several words I know for it in Spanish and ask the person which one they use	32* (3)(3)
3. I say the word in English	0
4. Other.	18* (2)

* Three respondents in these categories gave more than one answer. The number in parenthesis represents the allocation of their answers.

4.9.1.2. Profile of the respondents who consult with the target audience

The data show that the majority of the respondents who take the time to ask the target audience about the word that is most familiar to them are medical interpreters (Table 4.11).

Table 4.11. Profile of respondents who selected answer two: I say several words I know for it in Spanish and ask the person which one they use

Language		Experience				Field of Interpretation			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both*	Other
28	4	3	12	8	9	11	2	16	3

* A few respondents in this category also work in other fields including conference interpreting, in addition to interpreting in courts and hospitals.

4.9.3. Culture-specific terms with no exact equivalent in Spanish

Certain distinct cultural terms in L1 may have no exact equivalent in L2 because the concept does not exist in that culture. This part of the survey elicits information about transfer solutions in situations where cultural specific terms in English (e.g. "prom", "freshman") have no exact equivalent in Spanish. Given the lack of direct translation to refer to these concepts, transfer solutions may require lengthy or periphrastic explanations. In this case, the assumption is once again that time constraints and the interpreters' awareness of the target audience's familiarity with the host culture may motivate interpreters to code-switch or borrow terms from English.

4.9.3.1. Approaches to interpreting culture-specific terms

The majority of the participants chose to use the closest equivalent term in Spanish when interpreting culture-specific terms. However 21 respondents said they would either use the word in English only (5 people) or in English after explaining explaining its meaning in Spanish (16 people) (Table 4.12).

Table 4.12. You have to interpret a culture-specific word for which there is no term in Spanish (e.g. prom, garage sale, freshman)

Answer	**Respondents**
I. I provide the closest equivalent in Spanish	33* (3)
2. I say the word in English with an explanation in Spanish, then I continue using the term in English	16* (3)
3. I say the word in English	5
4. Other.	9

* Three respondents in these categories gave more than one answer. The number in parenthesis represents the allocation of their answers.

4.9.3.2. Profile of respondents who used English with (2) or without an explanation (3)

Four out of the five respondents who use English when translating culture-specific terms are from the United States and their dominant language is English. Three of them work both in hospitals and courts. The fourth respondent in this category only works in the medical field.

The respondents who used the word in English with an explanation in Spanish were from nine countries – Argentina, Colombia, Cuba, Guatemala, Mexico, Panama, Peru, Spain, and the United States (one person did not answer this part of the question). The dominant language of these respondents was predominantly Spanish. See Table 4.13 for information on language, experience, and field of interpretation of the respondents in these two categories.

Table 4.13. Profile of the respondents who selected answers 2 and 3 above.

Language*		**Experience**					**Field of interpretation**			
Spanish	English	S-E**	1-5	6-10	11-15	16+	Medical	Legal	Both†	Other
13	6	1	2	7	5	7	7	2	12	0

* One person did not answer this question.
** Spanish and English combination.
† A few respondents in this category also work in other fields, including conference interpreting, in addition to interpreting in courts and hospitals.

4.9.4. Deceptive cognates

The morphologies of certain words and terms in English and in Spanish look very similar, however, the similarities can be deceptive as their meanings may be very different. The challenge with these words lies in the fact that logical translations for them are legitimate words in the target language but their meanings are either incorrect or different. Often these terms can be found in the areas of government, law, health and education, where names of institutions or related concepts have a specific, and different, meaning in the culture. For example, *colegio* looks like an equivalent and legitimate translation in Spanish for the English "college", however their meanings are not equivalent. This is an important consideration in the medical and legal contexts, where accuracy is paramount. The assumption in such cases, given that the interpreters are aware of their interlocutors' familiarity with areas of civic life in the host culture, they may be motivated to switch to English in the name of expediency.

4.9.4.1. Solutions for interpreting deceptive cognates

When confronted with deceptive cognates, the overwhelming majority of respondents chose solutions that incorporated the equivalent term in Spanish. Six people said they would use the word in English (Table 4.14).

Table 4.14. You have to interpret a term for which there is a word in Spanish, but the meaning is somewhat different (e.g. college/colegio)

Answer	**Respondents**
I. I use a word like "universidad"	47
2. I say the word in English	6
3. Other	10*

*Among the comments under the category of "Other" is that the word "universidad" (or other words that represent similar deceptive cognates) does not convey the same meaning.

4.9.4.2. Profile of the respondents who used the word in English

The participants who selected answer 2 ("I say the word in English") are from five different countries (one person did not answer this question) and their dominant language is predominantly Spanish (one person claims English as the primary language). See Table 4.15 for a profile of the respondents in this category.

Table 4.15. Profile of respondents who selected answer 2: *I say the word in English.*

Language*		**Experience**				**Field of interpretation**			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both**	Other
4	1	1	1	1	3	4	0	2	0

* One person did not answer this question.
**A few respondents in this category also work in other fields including conference interpreting in addition to interpreting in courts and hospitals.

4.9.5. Acronyms and abbreviations

Acronyms and abbreviations are used more commonly in English than in Spanish in any context. However, this is especially so in the medical and legal fields, where they refer to the names of lengthy medical procedures and laws and regulations that are well known to the individuals in the culture, especially to the people who work in those field. Often these acronyms become the substitutes for long names and concepts and are so prominent in everyday life that it is not uncommon for people to know and use them but to be unfamiliar with their meaning or with the relationship between the acronym and its full description. The assumption is that the interpreters may choose to use them in English, even though in many cases equivalent acronyms or full names for the same procedures and concepts may exist in Spanish.

4.9.5.1. Solutions for interpreting acronyms and abbreviations

Most of the respondents (75%) reported using the full Spanish name of the exact concept represented by the English acronym. Five respondents used a similar explanation in Spanish (option 2), while 6 interpreters (10%) claimed to use the acronym in English (option 3) (Table 4.16).

Table 4.16. You have to interpret a term that is often in acronym or abbreviated form in English (e.g. MRI, TAP, IV line, DIU) but there is no equivalent abbreviated form in Spanish.

Answer	Respondents
1. I say the full word in Spanish (e.g. imagen por resonancia magnética for MRI)	45* (3)
2. I provide a similar form or explanation in Spanish with no English mention	5
3. I use the abbreviated form in English	6* (3)
4. Other	10

* Three respondents in these categories give more than one answer. The number in parenthesis represents the allocation of their answers.

4.9.5.2. Profile of the respondents who use English or other combinations

Three of the respondents who opted for the acronym in English listed Spanish-speaking countries of origin – Guatemala, Mexico, Spain –, while the other three respondents listed the United States.

Of the participants who said they would use a similar form in Spanish or explain the meaning in Spanish with no reference to English, three were are from Spanish-speaking countries – Cuba, Guatemala, Peru – while the other two were from the United States. See Tables 4.17 and 4.18 for a profile of the respondents in these two categories in terms of dominant language, experience, and field of work.

Table 4.17. Profile of respondents who selected answer two: "I provide a similar form or explanation in Spanish with no English mention".

Language		Experience				Field of interpretation			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both*	Other
3	2	2	2	0	1	1	0	4	0

* A few respondents in this category also work in other fields including conference interpreting in addition to interpreting in courts and hospitals.

Table 4.18. Profile of respondents who selected answer 3: "I use the abbreviated form in English".

Language		Experience				Field of interpretation			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other
4	2	1	4	0	1	5	0	1	0

The results of this analysis show that Spanish is the language of 66% percent of the interpreters who use the acronym in English when interpreting to Spanish, which suggests that language dominance may not be a factor in the translation decision. More significant here is the fact that all the respondents in this category interpret in the medical field, with one interpreter working in both the medical and the legal fields. It would be speculative to indicate the reasons for this approach, given that not all the respondents provided an explanation for their decision. However, those who did give explanations suggested expediency as their reason, with comments like "it's the word they know and the one they'll understand".

4.10. Translated sentences from the translators' questionnaires

The translators' questionnaires were similar to the interpreters' in terms of the language concepts probed; the difference was the way in which the information was elicited. The interpreters were presented with questions about language concepts, while the translators were asked to translate sentences containing the same language concepts. Some of the sentences presented a single-language element while others had more than one. All the critical words were marked in bold in the sentences.

Certain assumptions for language transfer solutions can apply to interpreters and not be relevant to translators. For example, face-to-face interaction provides interpreters with information about the target audience (e.g. cues about their level of comprehension, regional accents, etc.) that is generally not available to translators. Translators have to assume that their translations will be available to a wide Hispanic audience across the United States and beyond (if we consider that nowadays many of their translations are also available electronically). This point was taken into consideration and the questionnaires were adjusted accordingly: certain questions that only pertained to interpreters were removed (e.g. does your target audience use non-standard language during the encounters?). Furthermore, translators were not given information about the target audience in their instructions, other than it was Spanish-speaking. The majority of the participating translators were based in the United States, and all but a small minority translated for the US Hispanic audience, which is their usual demographic.

4.10.1. Dialectal diversity

This section addresses the dialectal diversity of Spanish speakers in the United States and the solutions adopted by translators and interpreters in situations that encounter those situations. The questions in the survey included terms that were either heard from the target audience during the observations or that are commonplace in the US Hispanic community.

4.10.1.1. Terms "ride" and "pipe"

These two terms were the samples for the dialectal diversity probe because they are commonly translated as *rait* and *pipa* respectively by US Hispanics. These terms were also included in the sentences because they had been uttered by the patients in the hospital and by the defendants in court during the observed encounters.

None of the respondents used colloquial translations. Instead, they offered other functional solutions or substitutions that were used to circumvent the challenging terms. All the translations to the sentence shown in Table 4.19 included the term *le ofreció* (he offered him) followed by one of the following: (1) *llevar (lo,la,le) en un / su auto / automóvil / vehiculo* (to take him/her on a / his car / automobile / vehicle), (2) *transportar* (to transport), (3) *acompañar* (to accompany), (4) *conducir* (to drive), with option 1 (*llevar (lo,la,le) en un / su auto / automóvil / vehiculo* (to take him/her on a / his car / automobile / vehicle), being the most common solution, with 54 responses (80%). Several translators included the word *aventón* (e.g. *le ofreció un aventón*), which according to one of the respondents is a colloquial term commonly used in Mexico for "ride", and was the only specific dialectal reference in the sample. It is important to note that in all the cases where translators opted to add "car" or "vehicle" to the translation, they chose a neutral form like *auto, automóvil,* or *vehículo*, and none provided dialectal variations such as *carro* or *coche*, which are more common in spoken form. Several respondents made comments to this effect, indicating that when dialectal diversity is in question they use "neutral", "more plain" or "generic" words that are understood by the widest audience. One person did not answer.

Table 4.19. The marshal offered to give the defendant *a ride* to the Court House.

Answers presented in order of incidence (variations in parenthesis)	**Respondents**
1. […] le ofreció llevar (la, lo, le) en un/su (auto, automóvil, vehículo) *	54
2. […] le ofreció transportar (lo)	5
3. […] le ofreció (darle) un aventón	5
4. […] le ofreció acompañar	1
5. […] le ofreció conducir	1
6. No answer	1

* The respondents who opted for this translation solution included "auto, automóvil, vehículo" as part of the translation. One respondent added it as a parenthetical note, and one respondent added "darle un aventón" also in parenthesis. Of the total number of respondents only one addressed gender by translating the term as "llevarlo/la".

The second borrowed term from English that was noted during the observations was *pipa* (from "pipe", as in "irrigation pipe"). In this case, also, none of the translations included a borrowed term in their translations (Table 4.20).

Table 4.20. The neighbor broke the irrigation *pipe* and the Judge ordered him to pay for the damage

Answers presented in order of incidence (variations in parentheses)	Respondents
1. […] (caño, cañería, cisterna, conducto, tubo, tubería) de irrigación	34
2. […] (caño, cañería, manguera, tubo, tubería) de riego	25
3. […] (tubo, tubería) de regadío	5
4. […] caño del regador	1
5. […] cañerías del sistema de riego	1
6. No answer	1

4.10.2. Culture-specific terms with no exact equivalent in Spanish

Many concepts related to civic and political institutions are set in national contexts, which often constrain the possibility of direct and precise translation. There are many examples in this regard, but the ones chosen for this test have to do with educational and legal concepts.

4.10.2.1. The educational system in the US

The education system is a challenging context for translation, not only because its structure may be different from country to country, but in some cases it may differ from state to state within the country, and sometimes even from district to district within the state. The terms selected for this test are "freshman" and "high school", because the concepts they represent are subject to interpretation.

4.10.2.1.1. The American educational system. Background to the terms. In the United States a student entering both high school and college, which usually consist of four years of education, is referred to as a "freshman". Students in subsequent academic years are called "sophomore", "junior", and "senior". In college, a "freshman", man or woman, refers to a student in the first year of university studies. This is a standard concept across the United States.

Compulsory education in the United States varies from state to state and it is stipulated by age, which is made to correlate with grade numbers. In Virginia, for example, where compulsory education spans from age 5 to 18, a student entering school at age 5 would be placed in kindergarten, followed by 1st grade at age 6, and so on, until the 12th grade, at which time secondary education is completed and culminates in graduation from high school at the age of 18. Regardless of the age at which a student is required to begin and to complete the compulsory education, the beginning and ending points of the education range are similar; the difference is in what happens in between. In some school districts, elementary school education may go up to 4th grade, while in others it may be extended to 5th and even 6th grade. This creates differences in the subsequent educational progression affecting the second phase, middle school (usually 6th, 7th, and 8th grades) or junior high school (usually 7th, 8th, and 9th grades). As a result, for some students the first year in high school coincides with 9th grade, while for others it would be 10th grade depending on their particular school systems. The 9th grade is customarily associated with the first year in high school and is known as “freshman” year, but that may not be the case for students in different education systems. For example, a student who completed the 9th grade in Junior High School will go on to the High School phase consisting of 10th, 11th, and 12th grades only. In such cases, the “freshman” label would not apply because 9th grade does not exist in that context. To further complicate matters, this grade-level structure applies to the public school system only. Private schools, often located within the same district as a public school, are sometimes organized differently. For example, a public high school may consist of just sophomore, junior, and senior levels, while a nearby parochial (Catholic) high school may be a four-year institution consisting of a freshman class, or 9th grade, as well as the subsequent traditional three grades.

4.10.2.1.2. Cultural idioms and translation. In order to find appropriate transfer solutions, translators must be familiar not only with the source culture and the meaning of those terms in that context, but with the target cultures and the closest and most appropriate equivalent in those contexts. In the particular case of the sentence presented in this section, the translators must understand the education system in the United States and its idiosyncrasies, as well as the differing education systems in the countries of their target audience to be able to correlate terms and concepts from L1 to L2. Even if the term “freshman” is often understood to correlate to the first year of high school in the US education system, it does not always correlate with education systems in Spanish-speaking countries. One respondent pointed out that “someone’s first year of High

School in the US (9th grade) is NOT someone's first year of *preparatoria* in Mexico (which is someone's 10th year in school)".

The challenge is compounded when we consider that the US Spanish-speaking target audience is comprised of cultures from twenty different Hispanic countries, each with its own education system. It is our assumption that this ambiguity may cause translators to leave the terms in English, not only for functional reasons but also for clarity and correctness. This correlation can have potential significance, especially in legal contexts where the age of the defendant may play an important role in the outcome. For the most part, the age of a person correlates to the grade level (e.g. a "freshman" in "high school" is normally between the ages of 14 and 15).

These two concepts were analyzed together due to their significance in terms of the correlation of the grade level and the phase within the education cycle. The ambiguity of the concepts and the differences in education systems can be seen in the number of solutions (22) adopted by the respondents to this sentence (Table 4.21). Although the majority (75%) chose *primer año* (first year) for "freshman", in some cases it is expressed in the context of university studies or *escuela superior* and not high school, which is why it is difficult to analyze the terms independently of each other. The second most common answer was 9th grade (with 13% of respondents). Other solutions where the translations included the grade levels, presented a wide range of variations from 8th, 10th and 11th grades (with 1.5% of respondents in each category). Less specific substitutions included terms like *de ingreso reciente* (recently admitted) with one respondent (1.5%) using this solution, to *de los primeros años* (in his first years) with one respondent (1.5%). And finally, two respondents (3%) translated "freshman" as *segundo año* (second year) of *bachillerato* and *secundaria* respectively. One person did not answer this question.

The terms for the translation of "high school" also presented many variants. The most common answer was *escuela secundaria* (or *secundaria* alone) (secondary school) with thirty seven respondents (55%), followed by *escuela preparatoria* (or *preparatoria* alone) with nine respondents (13.5%). Other transfer solutions in order of incidence were: *bachillerato* with seven respondents (10.5%), "high school" (followed by the Spanish terms *preparatoria, enseñanza media*, or *secundaria* in parenthesis) with three respondents (4.5%), *educación media* (or *enseñanza media)* with two respondents (3%), *universitario* (or *de universidad*) with two respondents (3%), "high school" with two respondents (3%), *escuela superior* with one respondent (1.5%) and *colegio* with one respondent (1.5%). Two respondents (3%) did not make any reference to the education cycle – they only provided the grade level – and one person did not answer this question.

In light of this ambiguity, translators often try to seek as much information as possible from the initiator in order to make the best decision for the translation. One such case is illustrated by the comments made by a participant who inquired about the nature of the translation to decide how to translate high school "if we translate it at all". The same translator also asked whether they needed to convey "just an appropriate idea" or to "be specific". Suggestions to circumvent the ambiguities of these concepts included non-idiomatic explanations such as "*último ciclo de enseñanza media, if the target version so allows*" or "use a footnote […] if there is no way of seeking clarification". Other respondents made similar comments related to education calling it a "subject on its own".

The gender of "freshman" was addressed by three respondents, of which only one carried both genders throughout the sentence. The remaining 63 respondents translated the sentence in the masculine gender, even though the term "freshman" is used indistinctively for students of both sexes.

Table 4.21. The defendant is a *freshman* in *high school*.

Answers grouped by similarities in *freshman* and *high school*	**Respondents**
1. El acusado cursa el primer año de la escuela secundaria	30*
2. El acusado cursa estudios de primer año de preparatoria	7
3. El acusado es un estudiante del noveno grado de la escuela secundaria	5†
4. El demandado está en primer año de bachillerato	3‡
5. El acusado es un estudiante del noveno grado en la escuela preparatoria	2
6. El acusado estudia el primer año de educación media	2
7. El estudiante está en su primer año de universidad	2
8. El demandado es un alumno de primer año en “high school”	2
9. El acusado es un estudiante de los primeros años de secundaria	1
10. El acusado está en 8vo grado	1
11. El acusado es un estudiante de noveno grado	1
12. El acusado cursa el undécimo grado de bachillerato	1
13. El acusado cursa segundo de bachillerato	1
14. El acusado es un estudiante de bachillerato de ingreso reciente	1
15. El acusado es un estudiante de 9vo grado de bachillerato	1
16. El acusado es un estudiante de primer año de colegio	1
17. El acusado está en segundo año de la secundaria	1
18. El acusado estudia el primer año de educación media	1
19. El acusado es un estudiante de primer año en la escuela superior	1
20. El acusado va en primer año de preparatoria (high school en inglés)	1
21. El procesado cursa el primer año de high school [o primer año del ciclo de enseñanza media.	1
22. El acusado estudia el noveno grado de secundaria (“high school”)	1
23. One person did not answer this question	1

* One respondent in this category includes several options for the word “defendant”: “El acusado / demandado / imputado”.
† One respondent in this category includes two options for the word “defendant” and makes a reference to gender: “El acusado/la acusada [“demandado/a” de ser caso civil]”.
‡ One respondent in this category includes two options for the word “defendant” and makes a reference to gender throughout the sentence: “El/la acusado/a [demandado/a] es un/a estudiante del primer año de bachillerato.”

4.10.2.1.3. Profile of translators who used the word “high school”. The translators who chose not to replace the word “high school” or who decided to append it to the Spanish translation as clarification do not fit one particular profile, although the majority of them are Spanish speakers and have more than 16 years of experience (Table 4.22).

Table 4.22. Profile of respondents who used the term “high school” in their translation

Language		**Experience**				**Field of expertise***			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	NA
4	1	1	0	1	3	0	1	1	3

* All these respondents translate medical and/or legal materials, although these may not be their fields of expertise.

4.10.2.2. The legal context

Legal institutions and professional and judicial rankings are also problematic because they represent concepts that are culture- or country-specific. These words or concepts may not have translations that can be specifically correlated to the terms of systems known by all the members of the diverse target audience. For this reason, US Hispanics often tend to say them in English or to use cognate-like renditions to refer to them.

The two terms selected to test this concept were "marshal" and "Court (Court House)", which are commonly used in legal contexts. In the United States the term "marshal" can have two meanings: it may refer to (1) a local authority (e.g. a county representative), or (2) an official of the judicial system, which was the meaning in our particular case. According to the Real Academia Española, in Spanish the term *alguacil* relates closely to both meanings of the English "marshal". This translation was chosen by 29 respondents (43%), either by itself or followed by qualifiers like "judicial" or "federal" (e.g. *alguacil judicial*). However, translators and interpreters are aware of the widespread use of the term in English because its translation can result in ambiguous or confusing renditions that not always correspond to the exact meaning of the words. In the spirit of expediency, some translators, and especially interpreters, may opt for leaving them in English when they translate. In the words of one respondent, even though *alguacil* is commonly used, under time constraints and the pressures of dialectal diversity, it is not unusual in the profession to use "marshal". In the written translations, two respondents (3%) used the word in English. Seven respondents (10%) used *mariscal,* and the remaining 13 respondents (19%) chose a variety of transfer solutions ranging from *agente* or *agente federal* to *oficial*, *comisario* and *guardia*. One person did not answer (Table 4.23).

Table 4.23. The *marshal* offered to give the defendant a ride to the Court House.

Answers in order of incidence (variations in parentheses)	**Respondents**
1. El alguacil (federal, judicial)	29
2. El policía (jefe de policía)	15
3. El mariscal	7
4. El agente (federal)	5
5. El oficial (de la corte, del orden público, de policía)	5
6. El comisario	2
7. El marshal	2
8. El guardia	1
9. No answer	1

The term *mariscal* may look like an appropriate translation because of its resemblance to the English word and its existence in Spanish. However, according to the Real Academia Española, the word in Spanish has a different meaning, denoting military ranking or a level of authority within that context.

As for the “Court”/“Court House”, the US Hispanic community often refers to it in Spanish as *la corte.* Among translators, ten respondents (15%) chose to use that term in their translations, with or without a qualifier (e.g. *corte judicial*). Of those responses, half were expressed in upper case and the other half in lower case. The most common translation for this term was *Tribunal* (capitalized) or *tribunals*, with 36 respondents (54%) giving this solution. In the latter case as well there was variation in the capitalization of the word, with a majority opting for lower case. The next most frequent word choice was *juzgado*, also in upper and lower cases, with 14 responses (15%). The remaining solutions included *Palacio de Justicia* and *Palacio de Tribunales*, with five respondents selecting the first and one respondent using the second. One person did not answer (Table 4.24). The issue of capitalization has important significance in this case. In English, the names of most judicial institutions and rankings are capitalized, a point that is reflected in some of the translations to Spanish.

Table 4.24. The marshal offered to give the defendant a ride to the *Court House*.

Answers in order of incidence (variations in parentheses)	**Respondents**
1. […] al (los) Tribunal (es) [upper case and lower case]	36*
3. […] al Juzgado [upper case and lower case]	14
4. […] a la Corte (judicial) [upper case and lower case]	10†
5. […] al Palacio de Justicia [upper case and lower case]	5
6. […] al Palacio de Tribunales	1
7. No answer	1

* One respondent added “palacio de justicia” in parenthesis.
† One respondent added “judicial” in

The term “Court” was also present in another questionnaire sentence. In this case, two respondents who had previously selected standard terms for the translation of “Court House” (*Tribunal* and *juzgado*) rendered “Court” as *corte*. The dominant language of one of the respondents is Spanish, while the other’s is English, and their countries of origin are Peru and the United States respectively. While the latter is based in the United States the former is not. Both respondents claimed professional experience of 16 years or more.

4.10.2.2.1. Profile of the translators who used “marshal” and “Corte”. The translators who used the words “marshal” and Corte in their Spanish translations do not fit a particular profile in terms of dominant language or country of origin. The majority (75 per cent) claimed Spanish as their dominant or native language, with the remaining claiming English. The respondents also represent a variety of countries – Argentina, Colombia, Mexico, Panama, Spain, United States, and Venezuela. Their professional experience varies as well, although the majority (75%) of the respondents for both categories are in the 16 + range (Tables 4.25 and 4.26).

Table 4.25. Profile of respondents who used the word "marshal"

Language		Experience				Field of expertise*			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other
2	0	0	0	0	2	0	1	1	0

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

Table 4.26. Profile of respondents who used the word "Corte"

Language		Experience				Field of expertise*			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other
7	3	1	1	1	7	2	1	2	5

* All these respondents translate medical and/or legal material, although these may not be their areas of expertise.

4.10.2.3. Summary of translation decisions for culture-specific terms

The majority of the translation solutions were within the standard range in both contexts, that is, the solutions included English words in only a few cases. However, in some cases, (e.g. "freshman" or *mariscal*) some of the L2 transfer solutions in did not depict the exact L1 concept. This approximation may be acceptable in certain contexts but they may not be precise enough in others, especially in health and law, where close equivalence is important and necessary. The challenging nature of culture-specific terms is illustrated by the number of solutions provided by translators for the concept of "high school" (*bachillerato, colegio, enseñanza media, preparatoria, secundaria*).

The term "Court/Court House", of all the words tested in this category, exhibited the most variations in Spanish. Even though the meaning of *Corte* in Spanish does not equate to the meaning of the American "Court" or "Court House", it is a word commonly used by US Hispanics and is listed as an Americanism by the Real Academia Española.

4.11.1. Deceptive cognates

This section addresses concepts for which there may be equivalent substitutions in Spanish but whose meaning is different. The term "college" was selected to represent this problem because of its significance and common use in English by US Spanish speakers, especially when the exact meaning is important to the context of the exchange.

The post-secondary education or higher academic system in the United States is comprised of colleges and universities. While both these references are used interchangeably in colloquial contexts, the term "college", which often forms part of the institution's name (e.g. Lynchburg College), refers to four-year institutions that culminate in a Bachelor's diploma. Universities, on the other hand, are comprised of various academic schools that offer a variety of specializations (e.g. Medical School, Architecture School, etc.) as well as postgraduate diplomas or degrees beyond the undergraduate level (e.g. Master, Ph.D., MD).

4.11.1.1. Translating the term "college"

The Spanish *colegio*, and the American "college", are equivalent morphologically but not semantically. In the Hispanic world, the term *colegio* refers to secondary education, which depending on the country may include the middle school and high school phases of the education system in the United States. Respondents were asked to translate a sentence that included this word.

The most common translation for "college student", with fifty-seven respondents (85%), was *estudiante universitario*. Five translators (7%) chose a variation of the latter (Table 4.27) while three respondents (4%) substituted the term simply with the word *estudiante*, without making any reference to the educational level. One respondent translated it as *estudiante de colegio unviersitario*, which suggests that when a qualifier is appended to the word *colegio* the translation appears more logical, or at least less ambiguous.

Table 4.27. The person who hit Mr. Smith on a pedestrian sidewalk was a **college student** with two DUIs on his record

Answers in order of incidence (variations in parentheses)	Respondents
1. […] un estudiante universitario	57
2. […] un estudiante	3
3. […] un estudiante de la Universidad (universidad)	2
4. […] un universitario	2
5. […] un alumno de universidad	1
6. […] un estudiante de colegio universitario	1
7. […] no answer	1

4.11.1.2. Translating the word "record"

Another lexeme that often produces deceptive substitutions is the word "record" with the meaning of "file" or "history", which was included in the sentences in the context of the DUI infraction. As evidenced by the Real Academia Española, this word has been adopted in the Spanish language as *récord* with the meaning of "best performance" (e.g. in sports events). The fact that the word exists in Spanish explains why it may appear correct even when used incorrectly.

Table 4.28. The person who hit Mr. Smith on a pedestrian sidewalk was a college student with two DUIs on his **record.**

Answers in order of incidence (variations in parentheses)	Respondents
1. […] que tenía (con dos) infracciones (arrestos, cargos, citaciones, condenas, multas, ofensas, partes) por conducir (manejar) bajo la influencia (los efectos) del alcohol	14
2. […] con dos arrestos (antecedentes, cargos, casos, causas, condenas, infracciones, multas) por conducir (conducción, manejar) en estado de embriaguez (embriagado).	11*
3. […] con dos (antecedentes, casos, condenas, fallos, infracciones) por conducir (manejar) bajo los efectos de drogas o alcohol (drogas o narcóticos, alcohol u otra substancia ilegal.	9
4. […] con dos cargos (arrestos, casos, infracciones) de conducir (manejar) bajo la influencia.	8 †
5. […] con dos cargos (condenas, incidentes, multas, sanciones) por conducir (conducción, manejar) en estado de ebriedad.	6 ‡
6. […] con dos infracciones por conducir (manejar) intoxicado (mientras intoxicado).	4
7. […] con dos antecedentes (antecedentes penales) por conducir (manejar) bajo los efectos (la influencia) de estupefacientes.	2
8. […] que tenía dos infracciones.	1
9. […] con dos contravenciones por manejar bajo la influencia de alguna sustancia.	1
10. […] con dos antecedentes por manejar bajo los efectos de cierta sustancia °	1
11. […] no answer	1

* One answer in this category presents a slight variation in: "A quien ya lo habían condenado dos veces"
† One answer in this category presents a slight variation in: "Que ha sido condenado dos veces"
‡ One answer in this category presents a slight variation in: "Que ya había sancionado dos veces"
° Translator's note: "lack of context it may be advisable to keep DUI"

In this case, the majority of the translators (33%) opted for a more literal approach, translating it as *antecedentes* or *antecedentes penales*. Other variations included *historial*, *registro*, *prontuario*, and *ficha policial*. Six respondents (9%) translated it as *récord*. The translators who provided more functional substitutions included translations that included terms such as *con dos incidentes previos*, *que ya había sido sancionado 2 veces*, *que había sido detenido dos veces* (See Table 4.28).

4.11.1.2.1. Profile of translators who used "récord". All but one of the participants who opted for "record" claimed Spanish as their dominant language. Also, all the respondents with the exception of one are on the highest bracket (l6 + years) of experience (Table 4.29).

Table 4.29. Profile of respondents who used the translation "récord"

Language		**Experience**				**Field of expertise***				
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other	Other
5	1	0	0	1	5	1	0	3	2	0

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

4.11.2. Translating "to report"

The word "to report" with the meaning of presenting oneself in a place, in this case in Court, was inserted into a sentence in order to probe the transfer choices into Spanish. The US Hispanic community often uses *reportar* in Spanish to refer to this concept. The term is listed in the dictionary of the Real Academia Española as an Americanism but with a different meaning, transmitting or communicating news, as in a television report conducted by a reporter. The majority of the translators used standard transfer solutions, with the most common being a variation of the form *presentarse*, with 31 responses (46%), followed by variations that included verbs such as *comparecer,* and *acudir.* Other approaches that showed varying degrees of formality were *Sírvase presentarse* and *Por favor esté presente*. Four respondents (6%) used reflexive variations of the verb "report" in their translations (see answers 8, 9, 12 in Table 4.30).

Table 4.30. Please **report** to Court at the time of your hearing.

Answers presented in order of incidence (variations in parentheses)	**Respondents**
1. (Por favor) preséntese	31
2. (Sírvase, favor de, haga el favor de) presentarse	13
3. Favor de (acudir, asistir, anunciarse, comparecer)	4
4. Por favor (acuda, esté presente, llegue puntualmente, tenga el bien de presentarse)	4
5. Sírvase (aparecer, dirigirse)	2
6. Por favor comparezca	2
7. Sírvase comparecer	2
8. Sírvase reportarse	**2**
9. Asegúrese de reportarse	**1**
10. Debe presentarse	1
11. Debe comparecer	1
12. Favor reportarse	**1**
13. Le rogamos se presente	1
14. Vaya	1
15. No answer	1

4.11.2.1. Profile of respondents who translated as "reportar"

The four translators who opted for a form of *reportar* do not conform to a particular profile, with the exception that half of them claim English as their dominant language, with the remaining half claiming Spanish. The countries of origin of the respondents are Colombia, Mexico, and Venezuela. All the respondents but one are at the highest level of experience with 16+ years (Table 4.31)

Table 4.31. Profile of respondents who used a variation of "reportar"

Language		**Experience**				**Field of expertise***			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other
2	2	1	0	0	3	0	1	0	3

4.12.1. Acronyms and abbreviations

Two sample sentences were provided to probe translation solutions for the acronyms IV and MRI[14], and DUI[15]. The reason for using two sets of acronyms was twofold: (1) to acknowledge the two fields of expertise – medical and legal –, and (2) to represent their different significance. The medical acronyms concern procedures that are common in

[14] "IV" is short for "intravenous". The full designation in abbreviated form is "IV line", but this medical procedure is so common that "IV" alone provides sufficient information. "MRI" is short for "Magnetic Resonance Imaging", also referred to as "MRT" (Magnetic Resonance Tomography), although the former is more common.
[15] "DUI" stands for "Driving Under the Influence", which may refer to the influence of alcohol and/or other substances, such as drugs. This infraction can also be referred to as "DWI" (Driving While Intoxicated), however, "DUI" is more common.

the health system in the United States and in most countries worldwide. The acronym DUI (Driving Under the Influence), on the other hand, represents a concept that may exist in the legal systems of many countries but also refers to a particular infraction in the United States, with specific sentences and penalties. This presents a translation challenge not only because the concept needs to be explained but also because the translator needs to preserve the reference to the legal charge.

4.12.1.1. The acronym "IV"

The most common term used by the translators for the acronym "IV" was *una intravenosa*, either by itself or together with a variety of nouns preceding the adjective – *infusión, inyección, línea, sonda, transfusión* – with 26 respondents (39%) choosing these transfer solutions, followed by *suero* or *un suero*, with 11 respondents (16%), and *una intravenosa*, without a noun, in eight cases (12%). The remaining sentences included more than 13 variations. Among this group were seven respondents (10%) who used the acronym "IV" by itself or in the context of another description (e.g. *una vía IV*). See Table 4.20 for responses listed by frequency.

Several respondents (see answers 3, 8 and 12 in Table 4.32) used standard adjectives (*intravenosa, endovenosa*) by turning them into nouns using definite or indefinite determinants, in the same manner as the English acronym "IV".

Table 4.32. They placed an **IV** on the patient and she was taken to the emergency room for an MRI.

Answers presented in order of incidence (variations in parentheses)	**Respondents**
1. […] una (infusión, inyección, línea, sonda, transfusión) intravenosa	26
2. […] (un) suero	11
3. […] una intravenosa	8
4. […] un (cáteter, suero) intravenoso	7
5. […] un IV	3*
6. […] una (sonda, vía) IV	2
7. […] fluidos for vía intravenosa	1
8. […] la intravenosa	1
9. […] la vía intravenosa	1
10. […] le cogieron la vena	1
11. […] le pusieron fluidos intravenosos	1
12. […] una endovenosa	1
13. […] suero por vía intravenosa	1
14. […] una sonda endovenosa	1
15. […] una IV	1*
16. […] una vía intravenosa (IV)	1

*These responses are presented separately because they are different. The determinant "un" may correspond to "un [suero] IV", making it a borrowed word different from any variant that responds to the determinant "una": "una [infusion, inyección, transfusión, sonda, vía] IV". It is difficult to know what the translator had in mind.

4.12.1.1.1. Profile of respondents who used "IV" or included it in the translation. The respondents who used the acronym "IV" by itself or together with other standard forms do not fit a particular profile in terms of dominant language (both English and Spanish are represented) or field of expertise. We can see in Table 4.33 that the majority (71%) of the respondents who use English words in this category have more than 16 years of experience as translators.

Table 4.33. Profile of respondents who used the acronym "IV" alone or together with a standard term

Language		**Experience**				**Field of expertise***			
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other
4	3	2	0	0	5	1	2	1	3

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

4.12.1.2. The acronym "MRI"

The most common translation for this acronym was *una resonancia magnética*, chosen by 26 respondents (39%).

Other solutions included more than 12 different word combinations, ranging from *una imagen de resonancia magnética* to *un examen por resonancia magnética*. Despite the similarity of these and other combinations (Table 4.34), they are presented separately because of their significance in terms of noun gender (*una resonancia* vs. *un examen*), which suggests that the translators considered the non-gender English acronym masculine or feminine depending on the gender of their Spanish referent. For example, a translator whose rendition for "MRI" in Spanish is *una imagen de resonancia magnética* will replace it with *una MRI*, while a translator whose referent in Spanish is *un examen por resonancia magnética* will translate it as *un MRI.* This is also reflected in the cases where the acronym was replaced with the Spanish *IRM* (see 4 in Table 4.34), with the articles *un* or *una.* The solutions chosen by seven respondents (10%) for this included a variety of acronyms in Spanish presented either by themselves, for example, *una RMN [Resonancia Magnética Nuclear*], or accompanied by a noun, *una resonancia magnética (RM).* Ten respondents (15%) provided the full explanation of the procedure in Spanish, followed by the acronym in English – e.g. *un estudio de imagen por resonancia magnética (conocido en inglés como MRI)* –, and two respondents (3%) left the acronym in English.

Table 4.34. They placed an IV on the patient and she was taken to the emergency room for an **MRI.**

Answers in order of incidence	Respondents
1. […] una resonancia magnética	26*
2. […] una imagen de resonancia magnética	5
3. […] un examen de (con) resonancia magnética	3
4. […] una (un) IRM	3†
5. […] un estudio (escaneo) de (con) resonancia magnética (MRI)	3
6. […] una imagen por(de) resonancia magnética (IRM)	2
7. […] un MRI	2
8. […] (unas) imágenes de (por) resonancia magnética	2
9. […] un MRI (tomografía por resonancia magnética)	1
10. […] una prueba de imagen por resonancia magnética (MRI en inglés)	1
11. […] un estudio de imagen por resonancia magnética (conocido en inglés como MRI)	1
12. […] un examen de resonancia magnética (MRI)[…] un examen de resonancia magnética (MRI)[…] un examen de resonancia magnética (MRI)[…] una imagen por resonancia magnética (M[…] un examen de resonancia magnética (MRI)[…] un examen de resonancia magnética (MRI)	1
13. […] una imagen por resonancia magnética (MRI)	1
14. […] un estudio de imágenes por resonancia magnética (MRI)	1
15. […] un estudio de imágenes por resonancia magnética (MRI/siglas en inglés)	1
16. […] una resonancia magnética (MRI, por sus siglas en inglés)	1
17. […] un MRI (Imagen de resonancia magnética)	1
18. […] una resonancia magnética (MRI)	1
19. […] una tomografía por resonancia magnética nuclear	1‡
20. […] un estudio de resonancia magnética	1
21. […] una exploración de resonancia magnética	1
22. […] un estudio de imágenes por resonancia magnética	1
23. […] una prueba de resonancia magnética	1
24. […] unas imágenes por resonancia magnética	1
25. […] una resonancia magnética (RM)	1
26. […] una resonancia magnética nuclear	1
27. […] una imaginería por resonancia magnética	1
28. […] una tomografía	1
29. […] una RMN […] una RMN […] una RMN	1

* One respondent in this category provided two versions depending on the audience: "una resonancia magnética" for "castellano" [Castillian Spanish] and "EM-AR-AI" for US Hispanics.
† The determinant "un" does not correspond to the gender of "I" (Imagen) in the "IRM" acronym, but this solution has been included here because of the acronym use.
‡ Respondent's note: Depending on the purpose of our translation and the target audience, we may want to keep the English acronym "MRI".

4.12.1.2.1. Profile of the respondents who used "MRI" or included it in the translation.

The dominant language of the majority of the respondents (71%) who used the acronym "MRI" by itself or together with other standard forms is Spanish. Most respondents are in the higher range of the experience scale with 71% in the 16+ category, while there were no respondents in the 1-5 year experience range (Table 4.35).

Table 4.35. Profile of respondents who used the acronym "MRI" alone or together with a standard term

Language			Experience				Field of expertise*				
Spanish	English	Italian	1-5	6-10	11-15	16+	Medical	Legal	Both	Other	NA
12	4	1	0	1	4	12	2	3	4	6	2

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

4.12.1.3. The acronym "DUI"

In the sentence "The person who hit Mr. Smith on a pedestrian sidewalk was a college student with two DUIs on his record" the acronym "DUI" (Driving under the Influence) refers to the influence of alcohol and/or any other legal or illegal substance (e.g. narcotics, pharmaceuticals) that impairs the ability of a person to operate a motor vehicle safely. However, in the absence of context or further description, the acronym is often understood as impairment resulting from alcohol intoxication (Driving Under the Influence).

The substitutions provided by the translators for this acronym illustrated precisely the ambiguity when context is lacking, as was the case of the sentence provided in the questionnaire, which reflected a common real-life scenario. The responses included a range of terms that identified the substance involved in the infraction, from *alcohol,* which was the most predominant answer with 14 respondents (21%), *embriaguez* (drunkenness) with 11 responses (16%), and a variation of this term with *estado de ebriedad* (drunken state) with six respondents (9%), to *alcohol y drogas* with nine respondents (13.5%). Eight translators (12%) reformulated the phrase and provided only *bajo la influencia* (under the influence), with no mention of the substance involved, and four respondents (6%) chose the solution *por manejar intoxicado* (driving while intoxicated). Two respondents (3%) referred only to *estupefacientes* (narcotics), while two respondents (3%) chose to use *alguna* or *cierta sustancia* (some substance). One person (1.5%) did not make any reference at all to the type of infraction, other than saying that the person had two infractions. One person did not answer this question. Eight respondents (12%) chose one of the solutions already listed followed by the acronym "DIU" or "DWI" in parenthesis: e.g. *bajo los efectos del alcohol (DUI), bajo* *la influencia de alcohol o drogas (DUI, por sus siglas en inglés)*. One respondent (1.5%) only provided the acronym in English *(con dos DUIs)*.

Table 4.36. The person who hit Mr. Smith on a pedestrian sidewalk was a college student with two **DUI**s on his record

Anwers presented in order of incidence (translation variations)	Respondents
1. […] que tenía (con dos) infracciones (arrestos, cargos, citaciones, condenas, multas, ofensas, partes) por conducir (manejar) bajo la influencia (los efectos) del alcohol	14
2. […] con dos arrestos (antecedentes, cargos, casos, causas, condenas, infracciones, multas) por conducir (conducción, manejar) en estado de embriaguez (embriagado)*	11
3. […] con dos (antecedentes, casos, condenas, fallos, infracciones) por conducir (manejar) bajo los efectos de drogas o alcohol (drogas o narcóticos, alcohol u otra substancia ilegal)	9
4. […] con dos cargos (arrestos, casos, infracciones) de conducir (manejar) bajo la influencia†	8
5. […] con dos cargos (condenas, incidentes, multas, sanciones) por conducir (conducción, manejar) en estado de ebriedad. ‡	6
6. […] con dos infracciones por conducir (manejar) intoxicado (mientras intoxicado)	4
7. […] con dos antecedentes (antecedentes penales) por conducir (manejar) bajo los efectos (la influencia) de estupefacientes.	2
8. […] que tenía dos infracciones.	1
9. […] con dos contravenciones por manejar bajo la influencia de alguna sustancia.	1
10. […] con dos antecedentes por manejar bajo los efectos de cierta sustancia °	1
11. […] no answer	1

* One answer in this category presents a slight variation in: "A quien ya lo habían condenado dos veces"
† One answer in this category presents a slight variation in: "Que ha sido condenado dos veces"
‡ One answer in this category presents a slight variation in: "Que ya había sancionado dos veces"
° Translator's note: "lack of context it may be advisable to keep DUI"

For simplification purposes, the responses have been grouped by categories according to the translation for the substance involved (e.g. alcohol, alcohol and drugs, etc.) (Table 4.36). Participants used different nouns and verbs to complete the translation, and they are presented in parentheses. The responses that included the acronyms "DUI" (Driving under the Influence) or "DWI" (Driving while Intoxicated) in the translations are listed separately because they were presented in a variety of configurations.

The reason why the acronym "DUI" is presented together with the term "on his record" is to provide additional context to the acronym, which in some cases is necessary to evaluate the translator's solution. Many of the solutions include the term "on his record" as part of the translation. In ambiguous cases like these it is expected for translations to be very similar and all acceptable, although nuances, even if small, can have significant consequences.

4.12.1.3.1. Profile of the respondents who used "DUI" or "DWI" or include it in the translation. The respondents who used the acronym "DUI" or its synonym "DWI", either by itself or together with other standard forms, are from a variety of Spanish-speaking countries, although the largest representation (by a small margin) is from the United States. The respondents do not fit a single profile in terms of dominant language either, although Spanish is the most predominant, with seven respondents in this category. The areas of expertise also vary considerably and, although all of the respondents translate legal and medical material, those fields may not be their main areas of expertise. The most significant feature of the respondents in this category is their experience, with more than half (6 respondents or 60%) reporting more than 16 years. (Table 4.37)

Table 4.37. Profile of respondents who used the acronym "DUI" or "DWI" alone or together with an explanation

Language		**Experience**				**Field of expertise***				
Spanish	English	1-5	6-10	11-15	16+	Medical	Legal	Both	Other	NA
7	3	1	1	2	6	1	2	2	4	1

* All these respondents translate medical and/or legal material although these may not be their areas of expertise.

4.12.1.4. Summary of translation decisions for acronyms and abbreviations

The responses suggest that the use and translation of acronyms and abbreviations is challenging. Many acronyms in English, especially the ones that depict common concepts and medical procedures, have equivalent acronyms in Spanish. For example, the acronyms *IV* and *IRM* are listed in Spanish medical dictionaries.[16] However, the general public, especially US Hispanics without prior experience with the health system of their countries of origin, may not be familiar with them in their own language. This is suggested by the few responses (four respondents translated *un* or *una IV* and three translated *un* or *una IRM)* that included a direct substitution in Spanish in acronym form. The remaining respondents chose the full description of the concepts, or a combination of the description followed by the acronym in English.

Many countries may have similar legal concepts (e.g. speeding, driving while intoxicated, texting while driving) that conform to general areas of the law, but in some cases the acronyms that refer to them (e.g. DUI) have become a hallmark of country-specific concepts that have no direct equivalent in Spanish. In such cases, the translation

[16] According to the 1999 edition of the University of Navarre's Medical School's medical dictionary, both "IV" and "IRM" are common acronyms in Spanish. However, most recent searches (August 27, 2014) in their dictionary on line show no such acronyms.

may require functional substitutions or explanations that often are neither clear nor complete. This was reflected in the variety of translations that included a range of approaches to the substance involved in the charge (e.g. alcohol, narcotics, alcohol and drugs, etc.). Many translators included the English acronym in parenthesis.

In summary, the majority of the translations included standard-language solutions. The responses seem to suggest reluctance on the part of translators to use equivalent acronyms in the Spanish translations, even if they exist and are reportedly common. The translators who chose to leave the acronym in English, or to include it along with an expanded translation of the concept it represents, are among the most experienced.

4.13. Summary of language transfer decisions

The data from the analysis of the various non-standard language motivators and other related tests do not point at any specific country or language profile. However, the one element that may be significant is the translators' and interpreters' professional experience. Even though the reported use of non-standard language illustrated by the data from questionnaires is minimal, those who do use it are in all cases but one (Table 4.17) in the highest ranking of professional experience, with reportedly 16 or more years working as translators and interpreters. This suggests that the use of non-standard Spanish may be associated with professional maturity rather than lack of it. Defining the reasons for this trend may be speculative at this point, but given that experience is an important quality valued by those requiring translation and interpreting services, it may suggest translators' confidence and choice of function (effective communication) over form.

4.13.1. Unsolicited data from translators and interpreters

The participants were given the opportunity to provide additional comments about the questions and/or their answers, as well as any feedback that they believed could help us better understand their translation decisions. Thirty-seven per cent of the respondents provided meaningful or constructive remarks, which revolved around subjects relating to context, interpreters' roles, level of education of the interlocutors, language register, cultural diversity, and relationship with interlocutors, with one recurring theme: "flexibility". The majority of the respondents reported adopting translation decisions based on the needs of the particular situation to fulfill their objective, "effective communication", which according to one participant "takes precedence over form".

The comments have been divided into categories according to medium and context, interpreting, health and legal (Tables 4.38 and 4.39), and translation (Table 4.40). While an effort was made to divide these comments along specific contexts and media lines, many of the participants work in both fields, often in combination with other areas of specialty, and both as translators and interpreters, therefore in some cases the comments may overlap or provide an overall opinion.

The respondents' comments were cross-checked with their years of professional experience as well, but there were found to be only marginally associated (See Appendix H).

Table 4.38. Comments made by healthcare interpreters in the questionnaires

1. My goal as an interpreter is to convey the meaning and confirm understanding so I focus more on that than on the register or standardization of any specific word. At times I educate patients after or before any given session so they understand the context and system in which the information is being given.

2. Our role is very "flexible", meaning that we always ended up doing the unexpected, such as advocating, going to financial assistance, contacting other resources for the patients. Providers have very little understanding of our professions, and learning and teaching is part of each appointment. There are many challenges we are not trained for, and that they are not in the books but they are part of the profession.

3. As medical interpreters we are trained to not get "emotionally" involved with patients. In the field this proves easier said than done. With Latinos, not showing any "interest" in their situation is often tantamount to not being caring and supportive and not showing affections [as in a pat in the back or a hug when confronted with dire news], can make the interpreter seem cold and uninterested in their case at best, and standoffish as worst. I sometimes find myself "breaching protocols" to prevent any misunderstandings and facilitating a proper communication between physician and patient. I often find myself "education" [educating] the doctor in regard to the culture nuances and expectations of the Latino patient. I am a better interpreter when I truly care for the patient and I'm able to help the doctor offer the best care he can. Although the community interpreter is often not truly appreciated, the truth is that he/she is vital to the proper communication between physician and patient.

4. Though I answered that I use non-standard terms used by the Spanish speakers I am interpreting for, this does depend on the context. There are certain situations, especially in the medical field, where I think it is helpful to introduce the patient to standard terminology, so they are familiar with it the next time, with another interpreter/doctor, etc. I think it is more important to keep the term the person used in legal translation. And yet, even there, there is room for clarification.

5. […] about the words such as mopping they will call mopear this is the term many people use. And many others when it comes down to communication as long as we know we are talking about cleaning the floor, pasar el palo se [de] piso, limpiar el piso. I will utilize the word that they feel more comfortable with. One thing I always would like to research is the IME's, which stands for independent medical examination mainly for workers compensation cases, the rules behind it, and then the level of expertise, how fast they get this examination one and the challenges for the

Table 4.38. Comments made by healthcare interpreters in the questionnaires

interpreter, many providers record their findings and in one specific situation he was recording that patient was smiling where I had clarify that is an expression of pain in the particular Mexican culture. I had discussed with many people from Mexico of when they in pain that tend to [have a] smile like expression.

6. I take into consideration where the person is from, if they are Mexican, I use the vocabulary and register they know. For example, I say “paleta” instead of “omóplato” since using [the] latter would let the interpreting flow and that is the main objective of the process.

7. I work primarily as an interpreter in medical settings. I find this work educational and fulfilling, but I can see that there is much work that needs to be done to educate our Spanish-speaking population around both how the U.S. healthcare system functions, and general health “literacy” information.

8. I am not so sure about the legal (criminal law) translations, as it is not my field. When interpreting, sometimes I have to ask further questions to the patient in order to understand their slang words or colloquial terms for conditions, for example “tacote” for “boil” and “guajalote” instead of “pavo” for “turkey”. Most of the patients I help in Houston, TX are Mexican. The register is also a challenge. Hardly anyone understands “rigidez” for “stiffness” so I resort to very colloquial terms.

9. My job is to interpret what is being said. I can intervene if there is potential for misunderstanding.

10. Rules and regs are in place for a reason; they protect the relationship between both served parties, e.g. legal advice comes from the lawyer not the interpreter, medical advice comes for the med professional.

Table 4.39. Comments made by legal interpreters in the questionnaires

1. I interpret but not only speak a variety but also a mix of many varieties, made-up words, Spanglish, English, and regional terms. The average education level is 6th grade according to the census. They speak the only way they know how to speak, they don’t have a long repertoire of registers to choose from. Many times not even the lowest form of the register is comprehensible to them, as we speak about an artificial construct of laws and procedures they never heard of before. Unfortunately, there is not much we can do unless we work in a private environment (attorney and clients only) and the attorney is understanding and patient. Otherwise, as much as we may have it, the interpreter must remain invisible or risk losing the certificate.

2. The majority of the persons I interpret for are Cubans and I also lived in PR several years. However, I try to familiarize myself with other idioms, particularly from countries such as Argentina, Venezuela, Nicaragua, and Colombia where most other deponents are from.

3. I disagree with your assessment that “bómper” is non-standard. Non-standard for whom? Well, it is certainly non-standard (or worse) for people who speak varieties of Spanish that use “defensa” or “parachoques”, “paragolpes” etc. but I think you need to reconsider your criteria for what you mean by standard. I try to follow protocol as closely as possible but communication is, I believe, the key element, in other words, substance takes precedent over form. I interpret in Immigration Court.

4. During my 16+ years in the judicial settings, I have had just a handful of encounters with folks who have a “passive” knowledge of Spanish, that is, their native language is indigenous. I see them answering the Yes and No at the correct instances, but when they need to answer in a sentence their syntax can be worse than that of a kindergartner.

Table 4.39. Comments made by legal interpreters in the questionnaires

5. […] is simply a reflection of the work I do as a court interpreter. I don't have the option of bypassing standard interpreting practices and protocols so I've had to learn to observe them while looking for options that will facilitate communication among all the parties involved. That approach requires some flexibility, and it is hard to provide one-size-fits-all answers to many of the "very challenging indeed" scenarios featured in the survey. When addressing these challenges as a court interpreter, though, my priorities are fairly clear: 1) convey meaning accurately and completely by acting in full compliance with our code of ethics; 2) let the parties know when there is some ambiguity and offer to assist the parties in clarifying that ambiguity with the speaker if need be; 3) not to deceive my listener by using something other that the most contextually appropriate equivalent; 4) ensure and facilitate clear communication among the parties (unless there is ambiguity and lack of clarity in the first place).

6. The other side of the coin is for the professional interpreter to know when to ask the deponent, for example in a deposition, to clarify the meaning of an expression. Having this "knack" to me is more important than the myth that the interpreter must be say, Mexican if the deponent is Mexican, Cuban if the deponent is Cuban, etc.

7. I work with a population that is about 90% Mexican and of a very low educational level. I frequently deal with illiterate defendants, and rarely with defendant with a high school or higher education. As a result, I try to use Mexican vocabulary and speak and write in as clear a way as I can. It is hard not to fall into the habit of using words like "troca" "aseguranza" "los biles" etc.

8. In response to your question number 17, I find it is challenging to interpret or translate to the diverse Spanish-speaking people, because each region uses their own words, and only years of experience could teach you that. One example: to the majority of the Spanish speaking population "una bolsa" is a purse, or a bag, but for the people from Salvador it means pockets. I found that out years ago while working a trial.

9. I've noticed the client will start using the standard term once they hear me use it. Depending on the client's attention span I will stick to standard terms (if they are paying attention) or I'll interchange it with their non-standard word if they are frazzled.

10. The situation and degree of formality of the setting regularly dictates how I may resolve a particular language or interpretation issue.

11. I have an ethical duty to keep the same register and I encounter all kinds of registers throughout my practice.

12. I have run into this situation before. Usually this happens when one person's level of formal education is low and the other person is using a high register. Standard practice and protocol does not allow interpreters to "choose" what is being said so the person can understand. Having said that, when I encountered this situation I have told the person trying to communicate that the other person might not be understanding this type of register and therefore the communication is not effective. What has happened before is that once I made the person trying to communicate aware of this situation, he or she makes the appropriate changes to make sure his message is being understood. I will only interpret exactly what is being said by if I sense the communication is not being effective I make the person truing to communicate aware of this fact.

13. I always ask where the individual is from before I do any interpreting so that I can adjust my 'Spanish'. Knowing the different variations of a term is something every interpreter should learn. There is one Spanish language and then there are variations. Just like there is one English, one Japanese, etc. our responsibility is speaking it correctly and education [educating] the non-native speakers. There are many lazy interpreters that prefer to just say the English equivalent, which tends

Table 4.39. Comments made by legal interpreters in the questionnaires

to confuse the Spanish speaker. As a result new non-Spanish terms are incorporated into their vocabulary: roof=rufa, bill=bila, gang=ganga, truck=troca, grass=grasa, dime=daime, etc. Words that end up in the US Spanglish Dictionary.

14. It does behoove the professional interpreter to become aware of the specific terms used in the various communities (including distinguishing rural from urban) and, particularly, what words to avoid because of their "dirty meaning". I am sure you know exactly what I mean.

Table 4.40. Comments made by translators in the questionnaires

1. Marshal: se necesita más contexto para elegir el término equivalente en español. Depende de para qué audiencia (Estado de EEUU o país hispanohablante) es la traducción, o dónde se desarrollan los hechos, dado el caso. Defendant: la elección del término depende en español dependerá del contexto de los destinatarios de la traducción y/o del objetivo de ésta. Toda la oración puede referirse a un ofrecimiento (casual o no, espontáneo o no); o al uso de un eufemismo para denotar la amenaza del alguacil de llevar al acusado a la Corte.

2. The translations in parenthesis are different versions of the same phrase that sometimes may be used depending on the context.

3. I would need the audience information and purpose of the communication to render a better translation. By better I mean, more "plain" and understandable to most Spanish speakers in the US. And translate as "plain as possible"

4. When translating materials for a lay audience, I am often asked to make them appropriate for a low literacy level. The following word choices where made with this in mind: 1. Inscribirse para votar instead of empadronarse, 2. la cuenta instead of la factura, 3. Suero instead of solución intravenosa, 4. Crucero instead of cruce de peatones. I also add English terms in parenthesis, which may be more recognizable to Spanish speakers in the US than the formal Spanish term. 3. Imagen de resonancia magnética (MRI en inglés), 10. Preparatoria (high school en inglés). I refrain from using Spanglish and false cognates, even though they may be in common use. 5. Palacio de justicia instead of corte, 6. Tubería instead of paipa and camioneta instead of troca.

5. I am acutely aware of so called dialects in the Spanish-speaking community of the United States, However, I find "problems" to be the exception rather than the rule. The more "formal", the more Spanish is standard throughout the various countries.

6. I have learned to translate in a "generic way" so that the translation is understandable by the majority of the Spanish speaking community. Also, if I have the time, I like to test the translation among Spanish speakers of different countries to help convert the message as best as possible. At times, I have had to change the translation to a literal one because the message is better understood.

7. These phrases need more content. "Defendant" is a word that changes meaning depending on the settings and there is no target audience indicated.

8. Siempre hay que tener en cuenta el nivel académico de las personas para las cuales se está traduciendo, a fin de no utilizar terminología demasiado elevada. Además, siempre hay [que] considerar los regionalismos, ya que en EE.UU. hay personas de muchos países de habla hispana.

9. I chose formal answers avoiding regional slangs such as "aventón" for "ride".

10. […] a translation is just one solution to a specific problem and it is context and field-specific. Not

Table 4.40. Comments made by translators in the questionnaires

surprisingly, several solutions are often equally legitimate, a truly successful translation, however, will depend on how much information we have on the context, nature, purpose, and audience of our source and target texts. I hope that the comments included for each one of the above exercises provide a clear (though by no means exhaustive) illustration of the challenges with which we are faces as translators.

11. The answers may very depending on context, public and your client's special requests. These are my choices but there could be more.

12. If no target audience is specified, I try to be as neutral as possible so that any Spanish-speaking reader may be able to understand the text. For example, instead of using "carro" (Latin America) or "coche" (Spain), I would use "automóvil".

13. I believe the goal of translation is understanding by the reader, not literal equivalence. If different terms are used in different countries to denote the same concept, I will use the most widespread term and, if necessary, add a modifier to avoid ambiguity.

14. When working with Spanish speaking communities in the US, I tend to use clarification in parenthesis for acronyms due to most interpreters using a more Spanglish or borrowed terminology. Also, the first prompt could have been read as drop it in the box as in mail it or as I interpreted the phrase being, drop it in this box that is at the registration table. Good luck with your project.

15. One of the challenges in translating for diverse Spanish-speaking communities has to do with the vocabulary, and the usage of expressions. The translator must be aware of these differences without assuring that one word or phrase means the same for the diverse public.

16. Interesting test; generally, I try my best to pick neutral forms that will be understood by a broad audience (such as "estudiante de noveno grado" por "freshman in high school", though this is not always possible. Sometimes I will mention more than one term (for example, in a list of food items I might include two terms for the same ("chícharos o guisantes", for example) if the audience is varied, though this is also a hard call, and I only do it for terms that I know are strongly local in nature.

17. We have chosen to ignore the gender issue in these translations, opting for using the masculine in all instances when appropriate. This may not always be possible or appropriate in the real world. The rol of the translator is to facilitate communication whenever possible while respecting the register of the original and avoiding oversimplifying the target language.

18. The target audience of the document is a determining factor in the variety and register of language employed in the translation. Sometimes the local Anglicized dialect is the best choice to reach the largest audience, complete with High School instead of preparatoria, troca instead of camioneta, and common terms like IV, miscarriage, and DUI simply in English. In translations meant for large audiences, the objective is to avoid obscure regionalisms in favor of a more neutral, universally known lexicon. After all, the goal is communication by means of the clearest, most efficient linguistic medium possible.

19. My translation is into Spanish from Spain.

20. More than the target audience per se, I think the challenging part for translators is dealing with the agency's client and his/her preconceived idea of what US Spanish is. Unfortunately, many agencies and their project managers have a extremely difficult time going over style-guides and word choices with their clients, especially in NYC where there are several Spanish speakers working for the end client and they all have an opinion. It takes a lot of time and patience for project managers to discuss language choices with their clients and unfortunately, the translators end up compromising their own opinion to respect the client's wishes. It would be interesting to include questions regarding this issue in your survey.

21. I oversee a team of Spanish-language translation. My role is one of manager/coordinator,

Table 4.40. Comments made by translators in the questionnaires

editor/proofreader, and advisor to study staff. In my role as editor, my primary focus is ensuring the equivalency of the Spanish translation to the English original, with the overreaching aim of ensuring the validity of the data collected using the translated instrument.

22. […] I have been in the U.S. for more than thirty-five years, so I have a couple of Spanish terms from other Spanish speaking countries. I believe that there is a standard Spanish language that is understood by most Spanish speakers with a mid-level education.

4.13.2. Interpreters' roles

A subject that was cited repeatedly in the comments provided by the interpreters was the educational role that they are often called to play. Thirty-six per cent of the interpreters alluded to some form of pedagogical involvement in the exercise of their profession, which one respondent saw as their "responsibility". This activity was mainly directed towards the target audience, either in terms of culture, by teaching them about the system before, during or after the sessions, or language, by introducing them "to standard terminology, so they are familiar with it the next time". In some cases the educational activity was directed towards other interpreters, and in one case to the health providers who needed to learn about "the culture nuances and expectations of the Latino patient" in order to provide adequate services.

One medical interpreter reported playing additional roles that "are not in the books" such as helping patients with financial issues, contacting other resources for them, making appointments, and other "unexpected" tasks for which "providers have very little understanding" but that they are "part of the profession".

Fourteen per cent of respondents working both in hospitals and courts alluded to the subject of "neutrality" in their profession and the expectations of the Hispanic community in terms of expressions of empathy and "emotional" connection with their interlocutors, which challenges the interpreters' professional code of conduct. One respondent pointed out that interpreters must remain neutral in order to do a "good job", and the better the job and the resulting outcome the stronger the bond the target audience feels towards the interpreter whom they feel is on "their side".

Other translators and interpreters, whose main areas of practice or expertise involved more formal fields, which were the minority, alluded to different challenges, which suggests that context matters. Two participants indicated that in certain areas of interpreting (e.g. conference) "dialectism" is non-existent, and that the more formal the context the more standard the language, regardless of the country.

4.13.3. Context, diversity and education

The cultural and linguistic diversity of US Hispanics was also a central theme in the responses of the participants who translate. Eighty per cent of them claimed context to be a very important factor in their decision process. In the absence of information, or when the target audience is diverse, which is often the case on both counts, translators report translating in a "generic way", using "plain" language, "neutral" forms, and most "widespread" terms (e.g. to translate "car" "instead of using "carro" (Latin America) or "coche" (Spain), I would use "automóvil").

One court-certified interpreter and translator of education and legal documents with more than 16 years of experience indicated that there is "a standard Spanish that is understood by most Spanish speakers with a mid-level education" however; often translators are asked to make their translations "appropriate for a low literacy level". As a result they are required to make "word choices with that in mind" and in order to avoid "Spanglish and false cognates".

This was the most recurrent comment, which the following statement summarizes:

> Sometimes the local Anglicized dialect is the best choice to reach the largest audience, complete with "High School" instead of "preparatoria", "troca" instead of "camioneta", and common terms like "IV", "miscarriage", and "DUI" simply in English. In translations meant for large audiences, the objective is to avoid obscure regionalisms in favor of a more neutral, universally known lexicon. After all, the goal is communication by means of the clearest, most efficient linguistic medium possible.

In these circumstances, some translators alluded to educational roles as well. One participant characterized his work as "educational and fulfilling", while others also expressed similar sentiments: "When working with Spanish speaking communities in the US, I tend to use clarification in parenthesis for acronyms".

4.14. Translated material available to the public

The material from the translated flyers and booklets that were collected during the observations in the clinics and courts was analyzed for the use of non-standard language and structures. The rationale behind this analysis was twofold. The first reason was to complement the data from the translated sentences in the questionnaires, which were short and lacked the context as well as the scope to observe non-standard language phenomena that may be present when the textual content is more extensive. Cross-analysis of these findings was important to triangulate them with those observed in the hospital and courts and in the questionnaires. The second reason for the analysis was the fact that the printed material is very common and readily available to the public who frequent hospitals and courts, which makes this information easy to internalize and emulate.

The drawback of these texts was the lack of information regarding the identity of the translators, which made correlation between them and their translation decisions impossible. This was one of the reasons why this material was considered secondary and supportive in nature.

4.14.1. Functional structures

Many of the terms borrowed or transferred from English appeared in functional structures that may be potentially problematic in translation because they are distinctively different in English and Spanish. Included in this category were (1) prepositions, (2) articles, especially definite articles, often overused or underused in Spanish, and (3) subject pronouns, especially the second person “you” (translated as *Usted* in Spanish in the more formal medical context), which were translated to Spanish in accordance with English-language norms and as a result were either overused or underused in Spanish.

While these language phenomena may not interfere with overall meaning and comprehension, analysis of potential deviation from what is considered “acceptable” language may illustrate patterns and thus contribute to the understanding of translation norms.

4.14.1.1. Article overuse and underuse

For the most part the use of definite and indefinite articles in English and in Spanish is very similar. However there are significant differences. For example, while English is neutral in terms of grammatical gender and number of nouns, Spanish is not. This was observed in the underuse and overuse of articles in the Spanish translations, which were the most recurring phenomena observed in the material analyzed. These differences have the potential to cause underuse in Spanish:

Excerpt 16
To contact the hospital call 1-877 […]
Para ponerse en contacto con el hospital marque [el] 1-877 […]

Excerpt 17
Men, women, and children of all ages can develop hernias […]
[Los] Hombres, mujeres y niños de todas las edades pueden tener hernias

Excerpt 18
Influenza can cause fever […] and worsen preexisting health conditions.
La influenza puede causar fiebre […] y puede empeorar [las] condiciones de salud preexistentes.

Excerpt 19
This cuts off blood supply […]
[…] que corta la circulación de [la] sangre […]

In other cases, the articles, both definite and indefinite, were overused in Spanish:

Excerpt 20
To learn about your gallbladder problem […]
Para obtener más información sobre su problema de la vesicula […]
(Possible alternate translation: *Para obtener más información sobre problemas con su vesícula*)

Excerpt 21

[…] loss of appetite, liver cancer, kidney dialysis […]

[…] pérdida del [de] apetito, cáncer del [de] hígado, diálisis del [de] riñón

Excerpt 22

Painful attacks, often after a meal […]

Episodios de cólicos muy dolorosos que suelen aparecer después de <u>*una*</u> *comida […] [después de las comidas]*

In Excerpt 20, the conflict may relate not to the article itself but to a grammatical constructive challenge stemming from the way descriptive adjectives are expressed in English. From the Spanish point of view, it may not be clear whether the possessive adjective "your" in Excerpt 20 refers to "[your] problem" or to "[your] gallbladder", which is reflected in the construction chosen.

4.14.1.2. Prepositions

Prepositions were the least common incidence in these texts. Certain prepositions may be challenging to translate because more than one translation may exist for the same word in English (e.g. prepositions *por* and *para* both "for" in English) or because certain prepositional forms exist in Spanish and their use may appear familiar.

Excerpt 23

Influenza can occur at any time, but most […]

La influenza puede ocurrir a [en] cualquier momento, pero la mayoría […]

Excerpt 24

[…] play tennis

[…] jugar tenis [jugar al tenis]

4.14.1.3. Pronouns

Certain pronouns, especially subject pronouns, may need to be explicitly stated in English because verbs in this language do not have the degree of inflection that Spanish verbs do. In Spanish, when the agent of the action has been established subsequent statements do not require subject pronoun repetition (Excerpt 25), unless clarification is needed.

Excerpt 25

If it goes away when you lay down […] you have a hernia […] although you are not in danger […]

Si ésta desaparece cuando usted se acuesta […] usted tiene una hernia […] aunque usted no está en peligro […]

Direct and indirect object pronouns also exhibit marked differences in the two languages, as they do between Spanish-speaking countries. Third person direct (*lo, la, los, las*) and indirect (*le, les*) object pronouns are the most conflictive in this category and have produced the "*leismo*" and "*loismo*" phenomena characterized for the overuse of the pronoun "*le*" in some countries (namely Spain) and of "*lo*" and "*la*" in others (mainly in Latin America):

Excerpt 26

General anesthesia to let you sleep.

La anestesia general lo [le] hace dormir.

Excerpt 27

Reclining on a sofa can help you feel better […].

Reclinarse en un sillón o sofá puede ayudarlo a sentirse mejor […].

4.14.2. Punctuation and capitalization

The norms for punctuation marks and the use of upper and lower case are very different in English and Spanish. One challenging aspect of these structures is the lack of consensus and consistency. While some language material and texts promote the norms of written Spanish, many in the US Hispanic community are aware of the norms in English and may alternate their use, making it challenging for everyone involved, especially translators.

4.14.2.1. Commas vs. periods

In the materials analyzed, the arithmetical periods and commas customarily used in most Hispanic countries[17] to express "thousands" and "decimals" were consistently reversed to correspond with standard use in the United States (e.g. *menos de 1 caso de cada 100,000 personas por año*), with the exception of one set of translations where the punctuation was used in accordance with Spanish norms.

4.14.2.2. Capitalization

Capitalization is more prevalent in English than in Spanish. Titles, headings, forms of address, nationalities, months, to name a few, are capitalized in English but not in Spanish. Capitalization was consistently transferred to Spanish following the norms of written English, as illustrated by the examples below.

Excerpt 28

Patient Rights and Responsibilities. What You can Expect.

Derechos y Responsabilidades del Paciente. Lo Que Usted Puede Esperar.

Excerpt 29

Help for Pregnant Women, Families and Children.

Ayuda para Mujeres Embarazadas, Familias y Niños.

4.15. Lexical structures

Many of the lexical phenomena observed in the texts included adjectives, nouns, and verbs, which were often translated following English-language norms. While the functional structures in these texts provided a wider view of the translation activity and thus a better understanding of translation norms in these specific contexts, the lexical

[17] Among Hispanic countries there is no clear consensus about the use of periods and decimal commas. In some countries (e.g. Mexico) both approaches are often accepted. However, the sources consulted (Martínez de Sousa 2000: 525, RAE 2005, *Diccionario Panhispánico de dudas*) favor the comma in Spanish to separate the whole numbers from the decimals.

structures, particularly nouns, were the primary focus of the analysis to be consistent with inquiry in questionnaires.

4.15.1. Adjectives

Possessive adjectives are used in English more often than in Spanish. Sometimes they are necessary to compensate for the lack of grammatical structures (e.g. Reflexive Verbs) that are useful to clarify potential ambiguities:

Excerpt 30
Make sure <u>your</u> stomach in empty […].
Asegúrese de que <u>su</u> estómago esté vacío […].

Other times, these adjectives do not fulfill any apparent communicative function in English but are adopted as fillers or idiomatic expressions:

Excerpt 31
Healthy children between their 2nd and 3rd birthdays […].
Los niños sanos entre su 2º y 5º cumpleaños […].

In other cases, their use may have an emphatic value in L1, as illustrated by the following examples, which do not compromise the flow of the statements in English as much as they do in Spanish, where simple adjustments in the construction would avoid redundancy and still conform to norms of written Spanish.

Excerpt 32
Will I have to change <u>my</u> diet?
¿Tendré que cambiar <u>mi</u> dieta?

Excerpt 33
Only <u>your</u> surgeon can diagnose and treat a medical problem.
Sólo <u>su</u> médico puede diagnosticar y tratar un problema.

Excerpt 34

This is the first step to evaluate your problem […], you and your doctor may keep in mind […] Then your doctor will decide […] to repair your hernia.

Este es el primer paso para evaluar su problema […], usted y su médico podrán considerar […] Luego su médico decidirá […] para reparar su hernia.

Excerpt 35

Here, your blood pressure, your pulse, and your breathing will be carefully monitored

[…] donde se vigilará cuidadosamente su presión arterial, su pulso y su respiración [the addition of the pronoun "le" would have eliminated the need for the possessive adjectives: *donde se le vigilará cuidadosamente la presión arterial, el pulso y la respiración*]

4.15.2. Nouns

The analysis of this study involved the use of non-standard language in translation represented by potential L1 lexical triggers, which are often the subject to code-switching and borrowing, and are also at the root of dialectal differences. Therefore, the translation solutions provided for these elements, which often related to technical health-related and legal terms, was of great interest. Sometimes the L2 transfer solutions included periphrastic translations chosen to circumvent the L1 challenging term. Other times the solutions included parenthetical notes with common terms that immediately followed the proper technical term or concept, suggesting that translators recognized limited cognition and made preemptive adjustments as needed.

The data in this category are separated by concepts to make them easily relatable to the data of analyses from interviews and questionnaires.

4.15.2.1. Acronyms

In the flyers and brochures collected during the observations, English acronyms were the most commonly transferred features. They varied in type and style.

4.15.2.1.1. Institutions and governing bodies. In publications and notices related to health and legal issues that are unique to national contexts (e.g. in documents related to vaccinations mandated by law), the names of many institutions, governing bodies, and programs are commonplace. In most of the documents analyzed, these concepts, which were often referred to in English by their acronyms (e.g. CDC, Centers for Disease Control and Prevention), were also left in English in the Spanish text (e.g. *Visite el sitio Web de los CDC*). This is not uncommon because people in the culture are familiar with the names of important institutions, like the one in the example, and also because the public needs that referent for subsequent follow up (e.g. inquire about programs, require forms, feedback), or when visiting official web sites.

4.15.2.1.2. Medical procedures. In the United States, vaccines are referred to in general by their acronyms, and the general public, regardless of their dominant language, are familiar with them, especially the most common, which are mandatory for school-age children. The names of vaccines in the patient informative flyers analyzed were all expressed by their English acronyms in Spanish, even though equivalent acronyms or full-length descriptions exist in Spanish, as illustrated in the following examples:

Excerpt 36
Measles, Mumps and Rubella (MMR) Vaccines.
Vacunas contra el Sarampión, las paperas y la rubeola (MMR).

Excerpt 37
Children should get 2 doses of MMR.
Los niños deben recibir 2 dosis de la vacuna MMR.

In this document, the acronym MMR was given in parenthesis the first time after the full description in Spanish. In subsequent instances in the same document only the acronym in English was used (Excerpts 36 and 37)

The non-translational descriptions and acronyms given for these vaccines in three of the Spanish-speaking countries that had tables or lists of vaccinations available (Argentina, Mexico, Spain) were as follows and show how they differ from country to country:

Argentina: *triple viral (SRP)*
Mexico: *SRP (Sarampión, Rubéola, Parotiditis)*

Spain: *triple vírica*

The only acronym that was expressed in Spanish consistently throughout the body of the texts analyzed was *VIH/SIDA* for HIV/AIDS, suggesting that this term is well known and generalized across the Spanish-speaking world.

Medical procedures were often expressed in acronym form in L1, and they were transferred to L2 either with their full description in Spanish or with a combination of the description and the acronym in English, as illustrated below. In some of the cases, when the term was repeated within the body of the text, a combination of description and acronym in English was used in L2 or the acronym alone:

Excerpt 38

You'll then be given an IV.

…le insertarán una sonda intravenosa (IV).

Excerpt 39

You'll then be given an IV (intravenous line).

…le pondrán una sonda intravenosa (IV).

Excerpt 40

CT scan ("CAT scan") A CT scan uses […].

Tomografía compuratizada (CT or CAT, por sus siglas en inglés).

En la tomografía computarizada se usa……

Excerpt 41

HIDA (Hepatobiliary scan) A HIDA scan […].

Gammagrafía hepatobiliar (HIDA, por sus siglas en inglés). En la gammagrafía HIDA se usa […].

Excerpt 42

ERCP (Endoscopy retrograde cholangiopancreatography).

Colangiopancreatografía retrograde endoscópica (ERCP, por su sigla en inglés).

Excerpt 43

ERCP can also be performed […].

La ERCP también puede hacerse […].

4.15.2.1.3. Mnemonic acronyms. Mnemonic acronyms present a dilemma for the translator who wishes to maintain the integrity of the message yet achieve the communicative objective, as illustrated in the following example.

A small glossy card warning about the dangers of a Stroke (*Infarto Cerebral*) is available to the public attending the hospital. It lists the common physical signs that may precede a stroke, which require a speedy response. The acronym "FAST", which stands in English for "Face, Arm, Speech, Time" has a dual meaning: 1) the common physical traits that may signal a stroke, and 2) the speedy action (FAST) recommended for a more positive outcome and favorable recovery.

Excerpt 44

Actúe rápido siguiendo la guía F.A.S.T!

Face *(cara),* Arm *(brazo),* Speech *(habla),* Time *(tiempo)*

The words are then followed by very brief explanations of the physical impairments to observe for each function stated and the procedure to follow if the listed signs are present.

Another example from a guide issued by the Department of Health and Welfare for families with children, collected in court, presents a program for uninsured children called the Children's Health Insurance Program or CHIP. Like the previous example, the significance of this acronym revolves around the familiarity of the term, which is a common household word, and easy to remember.

4.15.2.2. Deceptive cognates. Dialectal Variations. Culture-specific terms

Unlike the texts from questionnaires, which were inspired by hospital and court observations but partially fabricated to target specific non-standard motivators, in these texts the lexical markers were more spontaneous and unpredictable. Therefore, the focus in this case became, first, the identification of instances that may pose a challenge for translators as a result of dialectal and/or cultural differences, and, second, the solutions adopted in those cases from a general standpoint.

4.15.2.2.1. Cognitive and cultural adjustments. In some cases, especially with potential dialectal variations or with certain procedures or terms, the translations included optional terms or parenthetical notes with explanations in Spanish or words in English, suggesting that the translators recognized potential cultural and cognitive challenges and preemptively adjusted accordingly:

Excerpt 45
Try peanut butter […]
Mantequilla de cacahuete (maní)

Excerpt 46
Broccoli, cabbage and peas […]
El brócoli, el repollo y las arvejas o chícharos […]

In Excerpts 45 and 46, the translator recognized dialectal differences and provided several variations of the words underlined in English. Other such examples are offered in the following excerpts:

Excerpt 47
In other cases the […] may need to be removed
En otros casos podría ser necesario extirpar (sacar) las […]

Excerpt 48
Your doctor may prescribe pain medication
Su médico le recetará analgésicos (calmantes del dolor)

Excerpt 49
These liquids include broth, plain coffee, gelatin […]
[…] *como por ejemplo, caldo (sin sólidos), café solo, gelatina* […]

Excerpt 50

The test is usually done in the hospital on an outpatient basis

[…] *y suele hacerse en el hospital de manera ambulatoria*

(como paciente externo)

In the examples illustrated by Excerpts 47 through 50, the translator added parenthetical explanations to adjust the register or to explain the word in English, perhaps recognizing potential problems in understanding the term that a health professional would use in Spanish.

Excerpt 51

This is a high-fiber supplement available at most grocery and drugstores

Un suplemento rico en fibra que puede comprarse en la mayoría de

las tiendas de abarrotes y farmacias

In Excerpt 51 no dialectal adjustment was made. The translator selected "*las tiendas de abarrotes"* (for grocery [stores]), which is used only in some Spanish-speaking countries.

Excerpt 52

[…] try using cotton pads soaked in witch hazel

[…] *pruebe a aplicarse algodones empapados en solución de hamamelis* (witch hazel*)*

Excerpt 53

Influenza ("flu") is a contagious disease […]

La influenza (conocida como gripe o flu*) es una enfermedad contagiosa* […]

In the examples illustrated by Excerpts 52 and 53 the translators seem to recognize potential problems with comprehension of the translations they chose for the underlined words in English. The word "influenza" has several dialectal variations *gripe* (Spain), *gripa* (Mexico), *monga* (Puerto Rico) and the US Hispanic community is familiar with the word "flu", which the translator provided in parenthesis.

The word *hamamelis* is not a household name and may not be familiar to many Spanish speakers. In this case, the translators chose to provide the equivalent in English in parenthesis, which protects them from potential conflict (the patient may use a different product by accident, which may cause harm). It is also easier for patients to locate the product in the pharmacy, even if they do not know its name in Spanish.

Excerpt 54

[…] you need a high *booster* seat […]

[…] *usted necesita un asiento* booster *más alto* […]

Excerpt 55

[…] a vehicle with a passenger air bag

[…] *un vehículo con un* air bag *para el pasajero*

Excerpt 56

Small clips close off the bile duct

El conducto biliar y […] se ligan con unos pequeños "clips"[18]

In the examples illustrated by Excerpts 52 through 56, the translators simply used the words in English.

The texts also presented many cases of semantic extensions or cognates, of which the most common were terms such as *el doctor* instead of *el médico,* and *reportar* instead of *informar* for "to report", which have become commonplace in the US Hispanic community and recognized in these translations (4.14.12). But there were other examples, not as prevalent yet common:

Excerpt 57

Eventually this will die from lack of blood flow

Eventualmente [Con el tiempo / Finalmente] éste se morirá por falta de irrigación sanguínea

[18] According to the RAE the word "clip" is derived from English and is used with meanings such as devices for holding papers together, or for earrings, etc.

Excerpt 58

Internal hemorrhoids often bleed. They can also discharge mucus

Las hemorroides internas suelen sangrar, y a veces también producen moco[19] *[mucosa]*

Excerpt 59

Lie on an exam table

Se acueste sobre una mesa de examen [camilla]

Excerpt 60

Eat a balanced diet

Coma una dieta balanceada [equilibrada]

4.15.3. Verbs

In the category of verbs, the most problematic forms were the gerund, the conditional tense, pronominal verbs, and the subjunctive mood.

415.3.1. Present participle (Gerund or Gerundio in Spanish)

The present participle is often used as the subject of the sentence (e.g. Driving while intoxicated is against the law). While equivalent translations in Spanish do not require exact substitutions (e.g. *Está prohibido conducir embriagado*), often there is a tendency to follow the exact order of the source text but using a verbal form that is more appropriate in Spanish (e.g. the infinitive) (Excerpts 61 and 62). Other times, the *gerundio* is used in Spanish, as illustrated by Excerpts 63 and 64 from the texts.

Excerpt 61

Reclining on a sofa can help you feel better […]

Reclinarse en un sillón o sofá puede ayudarlo a sentirse mejor […]

[19] RAE: "Humor espeso y pegajoso que segregan las membranas […] y especialmente el que fluye por las ventanas de la nariz".

Excerpt 62

Smoking increases your risks during surgery […]

Fumar aumenta los riesgos de la cirugía […]

Excerpt 63

Getting vaccinated in December […] will still be beneficial

Vacunándose en diciembre […] será beneficioso

Excerpt 64

Eating more fiber-rich foods will also help

También se beneficiará comiendo más alimentos con mucha fibra

4.15.3.2. Conditional tense

The conditional aspect is used both in English and in Spanish to explain what a person would do in certain situations or under certain conditions. However, some English forms, such as "may", "might" and "could", which are used to express possibility, are often translated in Spanish with conditional forms as well, with awkward, even unclear results. Excerpts 65 and 66 show a few samples of the common use of the conditional in the texts examined.

Excerpt 65

Other people might get hepatitis A vaccine […]

Otras personas podrían vacunarse contra la hepatitis A […]

Excerpt 66

[…] vaccine might get recommended […]

[…] *la vacuna se podría recomendar* […]

4.15.3.3. Subjunctive mood

Spanish has a dedicated mood, the subjunctive, to express subjectivity and uncertain eventuality. The English language has a way of expressing the subjunctive as well, although over time it has lost a specific verb form for this function and other verb tenses are used instead: the present of the indicative (Excerpts 67 and 68), or even the future (e.g. Anna doubts that her mother will come to visit). Therefore, mastery of the subjunctive is challenging in contexts where English is the dominant language. As a result, people who spend their formative years in the US education system may have difficulty assimilating the use of the Spanish subjunctive, and some bilingual speakers in the US are even abandoning it (Lipski 2008: 59).

Excerpt 67

The […] may remain after the abscess is gone

[…] puede persistir después de que desaparece [desaparezca] el absceso

Excerpt 68

For a time it may hurt to bend, stand, or take deep breaths

Por un tiempo quizás usted sienta dolor cada vez que se agacha, se pone de pie o respira hondo

4.15.3.4. Pronominal verbs

To compensate for the lack of pronominal verbs, English relies on possessive adjectives and other grammatical structures to express a function that Spanish fulfills in some cases with reflexive verbs.

Excerpt 69

To help manage pain, you may receive a special pump that lets you <u>give yourself</u> pain medication

Para ayudar a controlar el dolor, podrían darle una bomba especial que le permite <u>administrarse</u> analgésicos <u>a sí mismo</u>

4.16. Overview of the data from translated material

In many of the cases identified in these texts, the use of certain L2 functional structures indicates a tendency to maintain exact L1 structures, which suggests that the translators were concerned with norms of adequacy, in other words, subscribing to the norms originating from the source text. The texts in Spanish are not grammatically incorrect, in other words, the functional components are present in the Spanish translation, but their organization and compositional structure do not always conform to standard Spanish. Many of the translation samples illustrate that certain structures that are grammatically feasible in English are not in Spanish, as shown in the example below. Small changes in the organization of the paragraph would produce a translation that is grammatically correct and equivalent in meaning.

Excerpt 70

Persons 1 year of age and older <u>traveling to or working in</u> countries with […] such as those located in <u>Central or South America</u>, Mexico […]

Las personas de 1 año de edad y mayores que <u>viajen a, o que trabajen en</u>, países con […] como los situados en <u>Centro o Sudamérica</u>, México […]

Possible alternative: *[…] que trabajen en países con […] o viajen a los mismos […] situados en América Central o del Sur* […]

In other cases, simply adding grammatical elements may not produce results that conform to functional norms, as illustrated by the sentence below. Example 2 may be grammatically correct but lacks the customary L2 structure because it was produced following L1 norms. Throughout the texts analyzed for this study, the tendency was to maintain the structure of the source texts, suggesting that translators often used certain grammatical and lexical structures that, although not in line with L2 standard forms, fulfilled the immediate need.

Excerpt 71

Source text: Men, women and children of all ages can develop hernias […]

Example 1. Original translation:

Hombres, mujeres y niños de todas las edades pueden tener hernias […]

Example 2. Grammatically correct:

Los hombres, mujeres y niños de todas las edades pueden tener hernias […]

Example 3. Functionally appropriate:

Las hernias pueden aparecer en hombres, mujeres y niños de todas las edades […]

4.17. Crosschecking the data

The triangulation of the data proved to be challenging because of the variety of sources from which they came. The observations and interviews conducted with the interpreters referred to speech incidences, which are affected by constraints that often are not present in translation activity. Speech is short-lived and forgiving. It also allows for disambiguation and clarification, which means that, (1) form is less of a concern for interpreters, and (2) comprehension problems can be solved at the moment when they occur. In writing, on the other hand, translators are concerned with the format and need to make sure that L2 texts conform to L1 specifications. The written medium also allows fewer or no opportunities for disambiguation and it is more permanent in nature.

The translated texts and the sample sentences in the questionnaires, although both are samples of written material, were subject to different constraints, which had to do with (1) differences in format and contextual framework, (2) differences in the initiators and recipients of the texts. The flyers and booklets presented their translators with constraints that translators of the sentences in the questionnaires, which were short and targeted, did not have. Also, the participants knew that these samples were part of a study, they were not "real", and they addressed a specific issue, which did not have the constraining elements of richer contexts. With that in mind, I will compare the data from the translated material with the data from the observations and the questionnaires paying special attention to translation solutions of non-standard language motivators such as dialectal varieties, culture specific terms, and English acronyms. An overview of this comparison is presented in Table 4.41.

Table 4.41. Summary of main results for the use of non-standard language

Data collection instrument	**Medium and level of the analysis**	**Overall results**	**Main determinants**
Observations	Hospitals and courtrooms • Lexical: use of non-standard language by the interpreters during the encounter • Contextual: environment and its effect on language decisions	Sporadic use but > in hospital than courts (mainly with dialectal terms, rare/less common conditions), lack of access to standard terms (often triggered by awareness of dialectal variety)	Context: Hospital- (1) fast-paced (2) familiar relationship with returning patients, Court- (1)formal/no contact/relation with defendants
Interviews	Hospital/Court interpreters • Rationale for transfer decisions in interpretation	Try not to use non-standard but using standard may trigger confusion, misunderstanding, unwanted delay	Expediency/practical: they are the terms speakers know and use
Focus group	Hospital/court interpreters • Context, settings, protocols, roles and language use	Shared goals and outcomes have an effect on interpreters' roles/dialogic environment/language decisions.	Context, goals and roles Medical: shared goals of all participants; interpreter exercises advocacy role Court: different goals (prosecution/defense) interpreter must remain neutral
Questionnaires	Completed by all the participants (translators and interpreters) • Use of non-standard language when presented with potential triggers/motivators	• Dialectal varieties: 0% • English acronyms: 25.5% (29.5% include it in sentence) • Culture specific: 8% (24% English+Spanish) • Deceptive cognates: 9.5%	Context, goals, roles Common denominator: experience
Translated material	Manuals, flyers, brochures, instructions…collected in hospitals and courts • Non-standard language phenomena in spontaneous (non-research) and medium with contextual background	• Language structure: overall tendency to adequacy norms • Translation strategies: reformulation to avoid problematic terms, code-switch, borrowed terms (especially acronyms and names of certain conditions (e.g. flu).	

5. Conclusion

This chapter includes a summary of the most salient findings of the study. It will also outline the limitations encountered during the process, some of which, together with the questions that some findings have generated, may present an opportunity for future research. They are also presented here.

5.1. Aim of the study

The aim of this research was to study translation and interpreting and the norms that govern them by testing non-standard language and its potential motivators. The hypothesis that inspired this study was that translation and interpreting are governed by different norms, and that interpreters condone the use of non-standard language more than translators do. Given the vast scope of the research field, the context was narrowed down to hospitals and courts. The study applied a comparative approach to these two fields.

5.1.1. Norms and correctness

The reason why non-standard language was chosen as the focus for the study of norms was because translators and interpreters are conditioned to exercise their profession with attention to both form and function, in other words, to achieve their communicative goal effectively while paying close attention to delivery. I conjectured that the restrictions posed by cultural and dialectal diversity, the technical and diverse nature of the contexts, and the medium or mode of delivery, compounded by time constraints and the need for accuracy in these highly contentious settings, results in the use of non-standard language. Members of a society or a culture develop certain social tendencies that become well known to all its members. These tendencies are accepted and followed, becoming part of the fabric of that culture. This phenomenon affects language as well. Whether particular language tendencies agree with established standards or not, they are considered not only appropriate but expected of all the members of that culture.

In translation, most problems have more than one solution and fulfilling the communicative objective by using non-standard language may just be one of them. The challenge is the difficulty that we have in disassociating language from the communicative objective of the mediation. Whether communication is achieved through grammatically correct diction or through non-standard forms should matter very little from the standpoint of the communicative purpose of the encounter. However, convention promotes the use of "proper" language, especially in professional settings; as a result, translators and interpreters are expected to follow it. Any deviation from expectations results in criticism, often not from the interlocutors but from the translators themselves or their peers, creating stigma and resistance to non-standard use.

5.1.1.1. Language acquisition and translation and interpreting training

Language is the main and common element of translation and interpreting, the mastery of which is a skill that is expected of individuals who plan to engage in those activities. As a result, bilingual speakers often gravitate into translation and interpreting careers. While language undoubtedly forms part of their professional training, it is not the focus. The acquisition of language, either by socialization or in school, is implemented through reinforcement of standard principles, which become the guiding referent in terms of language, making those standard principles the norm thus transferring them into translation regardless of whether it serves the purpose of the translators' and interpreters' communicative objective or not.

5.1.2. Norms and diversity

The adequacy and acceptance of norms can be limited to a specific culture, country, society or community. In those contexts, popular conventions are well defined and expected of all the members that make up those societies. For example, in terms of language use, certain morphological and phonological phenomena that defy stipulated grammatical laws may be so prevalent in the environments that have adopted them (e.g. the *"leísmo"* in Spain) that they become expected and therefore correct. When conventions are followed there is no tension or criticism. The challenge arises when communities from diverse cultural backgrounds become into contact with each other and in turn with a host culture (e.g. Hispanics in the United States). In this case, the boundaries of norms and therefore correctness are blurred, and this challenges translators and interpreters who strive to provide clear and concise communication in the most effective and correct way.

The friction between opinions about language use in Spanish was brought up by at least one participant who stated that the "real" challenge was the struggle with the client about language choices, at which time translators end up "compromising their own opinion to respect the client's wishes" (See comment 26 in Table 4.40). Translations are almost always reviewed and revised before they are finalized. The reviewers are for the most part language professionals, editors, project managers, or fellow translators. But sometimes employees of the client who happen to speak Spanish initiate the inquiry and the questioning about L1 to L2 transfer decisions, especially with respect to language use.

5.2. Main findings

The findings of this study suggest that the sample groups equate standard language with correct language, which translators and interpreters strive to achieve, and non-standard language with incorrect language. Furthermore, the majority of participants in the study regarded "non-standard" language and "Spanglish" as being one and the same. The stigma associated with Spanglish contributes to its unequivocal rejection and the consideration of the standard as the norm, at least in principle. Comments made by some of the participants in this study suggest that they know what constitutes correct language and understand the protocols and code of ethics but are compelled to fulfill the goal of their profession by "preventing any misunderstandings and facilitating a proper communication" by adjusting the language or "breaching" protocol.

5.2.1. Language correctness or communicative objective?

The goal of translators and interpreters is to facilitate communication between the source culture and the target culture in a way that conveys the correct meaning (function) in a correct way (form). The former is a function of the message itself. Telling a patient that he needs an MRI when he really needs an X-ray would be considered an error. However, telling the same person that he needs an "emarai", if the translator considers that to be the best transfer solution in the particular situation, would be semantically equivalent but linguistically incorrect. Correctness is "intimately related" to norms (Bartsch 1987: 70), and it is a judgment of how the message is delivered, in other words a "social phenomenon [and] the social reality of the correctness notions [which] exist in a community by being the contents of norms" (Milroy and Milroy 1985: 4-11).

Borrowing from Saussure (1959: 88-89) who likened the language system to a game of chess where two different players can compete in a match by making different and innovative moves, translators and interpreters may use different registers, styles, and translation approaches within the same language system to convey a message. Language and how it is delivered involves a longer process that is embedded in the fabric of the culture and learned from socialization and practice. The outputs are judged differently according to the expectations of the recipient of the message, because "language is not merely a carrier of content, whether latent or manifest. Language itself is content" (Fishman, cited in Ryan, Giles, and Sebastian 1982: 3). It is in the best interest of translators and interpreters, as trained professionals in theirs fields, to maintain a sense of correctness because of the prevailing notion that improper use of language is associated with lower classes, which promotes rejection of non-standard speech by the educated (Milroy and Milroy 1985: 3-103). These attitudes may be conventionalisms but have a normative force since those who do not follow them are looked upon unfavorably. However, there is no authority stipulating which forms are proper or expected: people try to imitate those people whom they hold in esteem and try to imitate them (Jones, cited in Milroy and Milroy 1985: 5).

The data suggest that translators and interpreters reflected deeply for this survey about matters concerning language correctness and about the communicative goal of their profession. Many of the participants indicated having the opportunity and the willingness, to a reasonable extent, to negotiate and even disregard professional and language protocols in order to achieve effective communication. Sometimes that required adjusting the register to conform to the level of cognition and language proficiency of the target audience, sometimes using non-standard language, and yet on other occasions educating the interlocutors.

5.2.1.1. Register and non-standard language

Adjusting the register in the exercise of mediation is neither unusual nor incorrect. As a standard procedure, adjustments often come at the request of the originator of the L1 texts, who may require L2 texts suited for a target audience within a specific cognitive level (e.g. a 6th grade level education). In oral communication, the target audience or the interpreters themselves may ask the interlocutors to reformulate their discourse in a lower register, at which time they can interpret accordingly. This can have opposing consequences: it may reduce the incidence of non-standard phenomena because language has been adjusted to an adequate level, or it may increase it, because lowering the register also lowers language expectations, thus giving the interpreter "license" to lower the standard as well, and that may include using non-standard language.

In some cases, especially under time constraints, as expressed by some of the participants, translators and interpreters are compelled to act preemptively and adjust the discourse on their own accord to facilitate and expedite the process. This often requires using non-standard language and structures as well, because they may feel this is the most efficient mode of communication.

5.2.1.2. Educational role of translators and interpreters

The data (See Section 4.2.1.1.8. Interpreters' discourse) suggest that some translators and interpreters, provided there is time and opportunity, are prepared to assume the role of educators of their interlocutors, either overtly or covertly. Medical interpreters especially have a better opportunity for this activity, given the dialogic environment in which their mediation takes place. Furthermore, potential interaction with the target audience, often outside of the presence of authority, increases the opportunities for this role. Educational activity may happen overtly, by (1) proactively teaching patients about terms in English and in Spanish "so they know them the next time", or (2) covertly, by using standard forms in the context of the non-standard discourse, or uttering the "correct" version immediately after the interlocutors so they can "learn" it.

Court interpreters and translators are limited by their context and medium; they thus have fewer opportunities for educational activity. However, court interpreters do have some opportunities for covert teaching moments. For example, if the defendant uses the non-standard word *troca* in Spanish for "truck", the interpreters can use the same word or use the standard word *camioneta* instead if they want to make the point. Translators act similarly by stating the word they consider correct or appropriate, followed by the non-standard form in parenthesis.

5.2.2. Context, roles, and non-standard language

Functionalist theory claims that "forms of language are determined and shaped by the communicative function in which they are placed" (Whinney 1997: 215). Hospitals and courts are two very different settings affected by different constraints, which in turn may dictate the nature and scope of the interpreters' roles. Some of the participants alluded to this factor with comments such as (1) "context, public and your client's special requests", (2) "the situation and degree of formality of the setting […] dictates how I may resolve a particular language […] issue" suggesting that a series of extratextual factors (goals, setting) may have an effect on the use of language.

The goals of all the participants in the encounters, whether they are shared or not, also suggest having an effect in the translation decision process. The goal of the participants in the medical encounter is the wellbeing of the patient. This creates an environment where dialogue is not only feasible but at times even encouraged. In this amicable context, the scope of the interpreters' roles is more extensive and allows for greater agency – ethical, linguistic, and cultural –, without concern for personal interference.

In contrast, the goals of the participants in the court encounters are not the same for all. There are clearly two opposing sides with different outcome expectations. As a result, interpreters are required to remain neutral and impartial. In this environment, their roles are restricted to facilitating communication without any overt intervention that may be misconstrued and become detrimental for the process.

Both the nature of the environments and the nature of the goals also appear to inspire cognitive and translation reactions on the interpreters that go beyond their duty as facilitators of intercultural communication. During the observations as well as in some of the comments made by the participants, the interpreters sometimes covertly and other times overtly "showed" their personal emotion and a sense of duty to help the process, which had implications in the use of language. Interpreters are not exempt of the natural human emotions, such as compassion, in the face of illness or aversion to crime. A convicted drug dealer may not inspire the same type of compassion as a child who has a chronic health condition. In the former case, interpreters need to remain neutral as is their ethical and professional duty, but they may also distance themselves from the case as an interpreter that I observed in court did to avoid any contact with the family members of the defendant. In the hospital setting on the other hand, most of the interpreters were ready to extend their personal attention to patients and/or family members often by accompanying them to administrative offices or even making arrangements with other institutions that did not provide language assistance. Interpreters also made assumptions about the recurrence of the events: some patients may return to the hospital, most defendants may not return to court. There is motivation for an educational role in this assumption as some interpreters, especially medical interpreters, suggested by using non-standard words followed by standard ones so they [the patients] know "next time".

5.2.3. Medium and non-standard language

The data also suggest that the medium, whether translation or interpreting, has an effect on the use of language. While it would seem that interpreting is a medium more prone to non-standard language activity due to its dynamic and conversational nature, the comments by the participants suggest that it is not. Although interpreting takes place in a conversational format, thus providing many opportunities for informal and non-standard discourse, it is precisely the face-to-face interaction that gives interpreters the opportunity to ask questions of the target audience and to disambiguate dialectal differences, which appeared to be important motivators for non-standard phenomena. This face-to-face interaction also gives interpreters the ability not only to avoid the use of non-standard language but to encourage members of the target audience to do the same as illustrated by comments such as "there are certain situation, especially in the medical field, where I think it is helpful to introduce the patient to standard terminology".

Translators on the other hand are constrained by the nature of the medium, which is governed by the norms of written language. Often, especially in restricted fields as are, health and law were errors, omissions, and misunderstandings can have serious and detrimental consequences, L1 and L2 texts must conform exactly in format and content for pragmatic reasons, and deviations from literal translations may be regarded as a dangerous practice. The translation pattern observed in the texts analyzed for this study illustrated that approach. There is not sufficient evidence to suggest that this practice promotes the use of non-standard language however, the L2 texts in this study were very often produced following the L1 order and structure, which at times required the use of semantic extensions and calques. Other times, the translators switched code when confronted with culturally or cognitively challenging terms that would have required parenthetical explanations and semantic extensions, which are often discouraged due to their length and flow disruption. Furthermore, written translation produces indelible records that can be used as proof of evidence in highly litigious contexts, as are health and law. Individual translators, their companies, or the agencies and institutions that contract them can be exposed to liability issues as a result of errors and omissions. For this reason, translators tend to follow L1 formats, style, and wording as closely as possible in order to avoid potential misinterpretations. The same can be argued for court interpreters, whose utterances and renditions in English are transcribed in court and made part of the case file making them easy to track and to challenge in appeal cases.

Translators are also limited by the demands and recommendations of the originator of the texts. To this point, one translator commented that Spanish speakers working for the client with "preconceived ideas of what US Spanish is" question "language choices" creating a situation where "translators end up compromising their own opinion to respect the client's wishes". In my own personal experience as a translator, especially in government projects where there were Spanish speakers among the employees of the government agency, I was asked to provide an explanation of the language I used in the translations.

5.2.3.1. Professional environment and non-standard language

When it comes to interpreting, differences in the professional environment or setting where the activity takes place may also contribute to differences in scrutiny. For example, in medical triadic encounters all participants are in close proximity of each other and take active part in the exchange, giving all involved the opportunity to intervene when needed. As a result, the interlocutors are able to observe extralinguistic phenomena (body language, pitch, tone, discursive length) and to some extent evaluate accuracy. For example, doctors and patients alike may become suspicious when extensive L1 expository produces a very short L2 rendition, and vice versa, and may inquire about it.

In court, on the other hand, physical distance between participants (attorneys, judge, jury, witnesses) often makes it difficult to hear the conversation between the interpreter and the defendant clearly, and comparing the discourse in the two languages can be challenging, unless a person is observing them purposely. Kinesics phenomena denoting lack of comprehension, disagreement, or other body language are less likely to be noticed by the participants as well for the same reason, unless the interpreter makes overt remarks about them. As a result, words uttered by the interpreters cannot be easily scrutinized, and neither are other actions that may trigger questions about the accuracy of the exchange between the interpreter and the defendant.

5.2.4. Professional experience and non-standard language

One of the most salient findings of this study is the concept of experience. The data resulting from the study of several variables suggest positive correlation between the use of non-standard language and professional experience. As discussed in Section 4.17 supported by data presented in the sections leading up to it, it was the translators and interpreters in the most experienced category who used non-standard discourse in relation to all the language motivators tested but one. This seems to defy the general notion that non-standard language use is associated with lack of education and language proficiency. This finding also supports the idea that certain translation skills and "how to translate occur if and when an individual embarks on a course of acquiring language experience of a certain type, for instance, translation experience" (Shreve 1997: 124).

The comments contributed by all the participants who used non-standard language suggest a deliberate approach when it comes to its use. Some of the comments indicate a clear separation between standard and non-standard language and the contexts in which they are used, professional or personal. In other cases, participants show acceptance for a practice that is common among members of the Hispanic community. Both of these approaches indicate deep internalization of the issue and conscious realization of the approach.

5.2.4.1. Exposure to the target audience

We could speculate that exposure to the target audience and to the profession may give translators and interpreters the opportunity to realize the importance of the communicative objective of their profession, which results in their willingness to sacrifice form in the name of function.

Greater experience usually implies well-established careers and credibility, which give translators and interpreters the status and the confidence to defend their decisions when working for clients who question their translation choices. I have personally experienced this, and other translators have too, as evidenced by a comment from a participant stating that this type of event is in reality more challenging than dealing with the target audience. Experience can play an important role in these situations, as the client may be more receptive to the explanations offered by the translators and even persuaded by their expertise, thus establishing their credibility for future projects.

It could also be argued that exposure to an environment where non-standard language is a common occurrence can have an effect on translators and interpreters. The distance, both physical and chronological, from contexts where standard language is used, or lack of contact with the normal evolution of language in monolingual countries may similarly have an impact on the adoption of non-standard language. However, most professional translators and interpreters need to stay current in their fields of expertise. Besides, the use of non-standard language does not always come from lack of access to terms and language. Many participants in this study have indicated that their adoption of non-standard forms is often a necessity to communicate with the target audience. Furthermore, new medical and legal terminology that is "standard" in the Spanish-speaking world outside of the United States often has no relevance in the context of the US health and legal systems, either because the systems are different and the terms do not apply, or because those terms are not practical for the new situation and are not used by the members of the target audience.

5.2.4.2. Experience and outdated norms

We could speculate that experience comes with longevity in the profession, which implies that translators and interpreters who have been practicing for an extended period of time could be more familiar with old translation norms that may have changed over time. However, most of the professionals in these fields are certified, as was the case of the participants in this study, and thus are aware of new trends. Certified members need to stay current in their fields of practice by updating their skills on a stipulated timetable (e.g. every three years for ATA members) by attending seminars, teaching, or doing research, as a requirement to maintain their translation credentials. Those who are not certified are at least members of professional translation and interpreting organizations and are aware of the latest trends by virtue of their membership to the associations and their regular publications.

5.2.4.3. Experience and efficiency

It would be expected for translators and interpreters to become more efficient in their profession over time. More experienced translators would have the ability to apply minimax principles to obtain maximum effects and thus use non-standard language for expediency. However, deviating from accepted norms can be detrimental unless the "offender" is well regarded professionally. We can speculate that if the more experienced translators use non-standard language it may be because they feel confident about their professional standing and as a result are unconcerned about negative consequences. In this case, experience, thus efficiency, would not only have an impact at an individual level, but also at a collective level, as more experienced professionals would serve as a model for the wider translation community and especially for new generations of translators and interpreters who would emulate them, thus perpetuating the use of non-standard language.

5.3. Limitations

In addition to the shortcomings and challenges encountered in the data-collection process, which demanded adjustments in the methodological approach, there is no doubt that this research has its limitations both in its nature and scope. Experts had already identified some of the challenges and limitations of studying norms in translation and interpreting, which related to (1) conducting research through authentic observations, and (2) analyzing all the data using one type of norms (sections 2.3.2.1 and 2.3.2.2).

5.3.1. Nature of the research

I am cognizant of the fluidity and changing nature of a medium as dynamic as language, especially nowadays where media and technology have made it very easy to create and share terms and concepts worldwide. As a result, the lexicon is changing constantly and changing with it are the norms of acceptability. Some utterances and speech forms may be deemed unacceptable at one time but soon become mainstream. This presents a problem for research that focuses on isolated speech acts and social attitudes that may be rendered obsolete in a short period of time and that therefore should be considered only "probabilistic in nature" (Toury 1995: 69). This elastic and fluid environment also affects translators and interpreters, who are trained to use appropriate language and may be reluctant to incorporate new lexicon.

Time and social factors also restrict the results of this study. The data were collected in 2012, and since then the Hispanic population has changed. Other social events may have also affected the context of the study in ways that are not easy to gauge yet. For example, the passing of the Affordable Care Act (ACA) in June 2012, just after the completion of the data collection, may have an effect on federal funding for health care and may subsequently impact the patient demographic and the use of translators and interpreters by hospitals. New laws, new procedures, new social and economic trends, all these unforeseeable forces may make this research only a point of reference.

5.3.2. Scope of the research

In terms of the research itself, one of the most salient limitations of this study is paradoxically its vast and ambitious scope, which included two media and two contexts. The lack of research in the area of language use in translation and interpreting, particularly in relation to non-standard language, made the manageability even more daunting. This vacuum resulted in a slow and tedious process of building up a testing protocol and process, sometimes following intuition, other times simply using trial and error.

Another limitation that related to the scope was the difficulty in the data-collection process, both in terms of logistics and availability. Some of the challenges concerning the availability of participants and observation sites have been presented in Section 3.8. Research Challenges. This could have a potential effect on the quality and scope of the samples. Most of the translators and interpreters who agreed to participate were members of the ATA, so future research could span the range and scope of participants to include a more representative sample.

5.4. Suggestions for future research

Both the results and the limitations of this study have raised awareness of the challenges that translators and interpreters face in their professions, as well as questions that can be taken as opportunities for potential future research. Some of the limitations and shortcomings have been listed above or throughout the study, and more, no doubt, will still be identified. However, the fact that a study of this kind, with all its imperfections, has been produced already addresses a core point of the investigation: the lack of studies of this nature. The data will hopefully provide a basis and starting point for future research, a guiding tool, and an opportunity for improvement. Future research could build on this foundation and expand the scope and nature of the sampling base to include a more diverse group of translators and interpreters.

In terms of time progression, the present research can be used as the first of a series of longitudinal studies that could continue measuring the pulse of Spanish translation and interpreting in the United States, and indirectly the pulse of the use and evolution of language itself. There is no reason for this research to be limited to Spanish. Other languages in extreme contact situations can also be tested to produce comparative data and a better understanding of the nature and process of translation and interpreting, and of the challenges of working in intersecting cultures.

5.4.1. Disconnect between contexts and functions

In the process of the study, two apparent disconnects came to light, which can be further explored: (1) between language and communication, and (2) between academic learning and professional needs. I believe that these areas are interconnected and tightly related to the way language and translation are taught. Language is only one element, although an important one, in the communicative process. In addition, translation and interpreting are not new activities: people have been communicating through written and oral translation for centuries. However, the activities are relatively new in terms of established professions with rules and regulations.

The main objective of translators and interpreters is to broker between two cultures in order to bridge the language barrier and to facilitate communication accurately. To this effect, the data revealed two points: (1) that 95% of the Hispanics in the United States use non-standard language, and (2) that only a small fraction of the translators and interpreters surveyed say they use non-standard language in the exercise of their profession. This begs the question (1) does the target audience understand translated and interpreted events? This topic could be explored by surveying the target audience and testing whether they understand better when the translators and interpreters use standard language or non-standard language.

These data would provide insight into whether the translation and interpreting academic programs and the testing processes in place are adequate in addressing the goals, aims, and values of the translation profession.

5.5. Final remarks

This study emerged from a question about lack of consistency in translation and interpreting. Sometimes these inconsistencies were not triggered by lack of knowledge but by differences in the systems that govern language and translation and interpreting. This research was mainly inspired by the lack of consensus on the norms governing translation and interpreting with respect to language use in the highly diverse US Hispanic community. While the data suggest that standard Spanish is the norm in translation and interpreting activities, at least in theory, they also suggest that consensus among members of the target audience and among translators and interpreters about what constitutes the standard is lacking as it was seen by covert and overt comments to the effect. Monolingual or homogenous contexts function in an environment with more or less common language concepts and the standards and norms that correlate with them. Each member of that particular society is familiar with the norms that govern it and is predisposed to act accordingly. However, in highly diverse contexts conventions differ, especially in communities that are transitioning between cultures because their members bring their individual standards and norms and adapt them and adopt new ones in the integration and assimilation process. This presents a challenge for translators and interpreters, whose competence is often measured according to standards that no longer apply and language that is no longer used. Terms that conform to the language standards of Spain may have very little significance to a member of a very different Spanish-speaking culture, and perhaps even less to a member of the Hispanic community in the United States. Using it would not achieve the intended communicative goal. On the surface, this discrepancy may not appear to interfere with the readability of a text or the clarity of the discourse, but it challenges the consistency and harmony desired, first by the translators themselves, and then by the producers and the recipients of the end product, especially in contexts where all Hispanic cultures converge.

Form and function are equally important components in the L1 to L2 transfer process. In terms of assessing translators' competence, the mastery of both skills is important. While form validates knowledge of structures and styles, function reflects the ability of the translator and interpreter to achieve their communicative goal effectively. However, in the absence of a single set of well-defined norms, these two objectives are often in conflict, and may result in the sacrifice of one in favor of the other. In terms of language, this often requires resorting to "neutral" forms as a way to reach the widest audience, or to hybrid creations in order to conform to the new standards of the target audience, even if they are not the most adequate solution, or even English in some cases, this being the only element common to all. Translators and interpreters understand the proper course of action, but they are often reluctant to act on it for fear of scrutiny and criticism. That is why professional maturity appears to play an important role in giving translators the understanding of how, why and when protocols can be disregarded and the confidence to exercise their authority without detriment to their professional reputation or to the effectiveness of the exchange.

The solution to the problem presented in this study may not be simple but by changing testing protocols and teaching methodologies, we may begin to send a different message to translators and interpreters. If we give them working tools that match their expectations and their needs, we may not only improve the process but also their self esteem.

5.6. Contribution

I realize that this study prompts more questions than it provides answers. However, I hope that through the study of language and the constraints posed by cultural and dialectal diversity, the media – translation and interpreting – and the settings – hospitals and courts – I have illustrated their potential effect on norms, which need not be mechanical and predefined but can be negotiated and adapted according to the needs of the context and situation.

This incursion into the various aspects of translating and interpreting in uniquely demanding contexts also illustrates the challenges that translators and interpreters face, and the intricate interpersonal, cultural, and social skills required to navigate them, which transcend the acquisition of language and the mechanics of translation.

It is my hope that this study will become a catalyst for further inquiry to enhance our understanding of these challenges, which will result in the creation of comprehensive training programs to give translators and interpreters the cognitive, personal, technical and social skills required to perform intercultural mediation in the widest sense of the word. These training programs would also equip future professionals with the necessary skills and guidelines to ensure the best, and therefore consistent outcomes that may be required in a profession and target context that are constantly expanding and evolving.

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Appendixes

Appendix A. Pilot test – Translators' questionnaire.

Edit this form

Translators Survey

This is a test survey that I am distributing among colleagues. When the survey is revised and finalized it will be distributed among a wide group of translators to help me collect data for my research on Spanish in the United States and the role of translators and interpreters. Please feel free to provide any feedback on the content of the survey as well as on the format itself. Thank you for your expert input and your time.
For the purpose of this survey your target audience will be the Spanish speakers in the United States.

* Required

This test is anonymous so the following pass code is your personal identification. Please write it in the box below. It will help me track responses and avoid duplicate submissions. *

I translate: *

- ☐ English to Spanish
- ☐ Spanish to English
- ☐ Both

I do: *

- ☐ Written translation
- ☐ Oral translation (interpreting)
- ☐ Both

If you answered "Both" above, how much of it is translation? how much interpreting? (in that order). Express it like: 50/50 or 60/40...

I translate: *

For the purpose of this survey: literary texts are books, novels, poetry..., and non-literary-texts everything else (manuals, web sites, legal documents...)

- ☐ Literary texts
- ☐ Non-literary texts
- ☐ Both
- ☐ Other____________________

You have to translate a word that has several regional variations (e.g.: swimming pool: pileta, piscina, alberca...). I provide the term that: *

- ☐ is most familiar to me

- ☐ I think is most appropriate and I write other options in parenthesis
- ☐ is commonly used in other translations
- ☐ I provide a neutral word that I think everybody understands

You have to translate a culture-specific term like "prom". *

- ☐ I leave the word in English
- ☐ I leave the word in English with an explanation
- ☐ I provide the closest translation and no word in English
- ☐ Other ________________________

You have to translate a term (like "high school") that has different regional variations and meanings in the various Spanish-speaking countries (liceo, colegio, bachillerato, escuela secundaria, instituto, preparatoria...) *

- ☐ I leave the word in English
- ☐ I leave the word in English and write a translation in parenthesis
- ☐ I provide the regional variation most familiar to me, and add 'high school' in parenthesis
- ☐ I provide the regional variation most commonly used in my area
- ☐ I provide a neutral word that I think everybody understands
- ☐ Other

You have to translate a word for which there is a word in Spanish but the word has a different meaning (e.g.: college) *

- ☐ I leave the word in English
- ☐ I leave the word in English followed by a word in Spanish in parenthesis
- ☐ I translate it as 'universidad' with the English word in parenthesis
- ☐ I translate simply as 'universidad'
- ☐ Other ________________________

You have to translate a term that you know has an offensive connotation in some of the Spanish-speaking cultures. (e.g. "coger"). *

How would you translate 'grab' in 'Grab a number and take a seat'?

- ☐ coger
- ☐ agarrar
- ☐ tomar
- ☐ conseguir
- ☐ Other ________________________

You have to translate a cultural concept that generally is not common in Hispanic cultures outside of the U.S. (e.g. "garage sale"). *

- ☐ I leave the word in English
- ☐ I leave the word in English and provide an explanation
- ☐ I look for the closest equivalent in Spanish

- [ ] I look for what the speakers in the area commonly use
- [ ] Other ______________________

A client asks you to translate an instruction sheet for a particular professional field. You look at translated web sites in the field. All use the same terms for products and procedures. You feel that some of the terms would not be used in Spanish-speaking countries the way they are translated. How do you translate for your client: *

- [ ] I use the word that I think is correct
- [ ] I use the word that I think is correct and I warn the client about the situation
- [ ] I use the word that is common in the field, even though is less than perfect
- [ ] Other ______________________

A client asks you to translate an instruction sheet. The client has a well-established web site and many downloadable and printed forms available, all in Spanish already. You feel that some of the terms used in those translation are calques and you know that there are terms in Spanish that could be used instead. *

- [ ] I use the word in Spanish that I think is the correct one
- [ ] I use the word in Spanish that I think is the correct one and warn the client about the calques
- [ ] I use the same form from his existing web site and forms
- [ ] Other ______________________

A company has asked you to translate a letter to Spanish for its clients. The company is regulated by the government and its legal team is nervous about deviating too much from the English letter. How do you translate it? *

- [ ] The way the letter would be in a monolingual Spanish-speaking country
- [ ] Very close to the English version, even when the terms look a bit awkward

In previous questions, if you decided to leave a word in English it is because: *

- [ ] Everybody in the target audience knows the meaning of the word
- [ ] Everybody in the target audience knows and uses the word
- [ ] There are space constraints in the translation
- [ ] The translation looks awkward with many parenthetical explanations
- [ ] Other ______________________

When I see a Spanish word that is widely used by the Spanish speakers in the U.S. but it has not been "approved" yet. *

- [ ] I have no problem using it in my translation
- [ ] I prefer not to use it

In your opinion what is/are the most difficult thing/s for a translator to negotiate when translating for the Spanish target audience in the U.S.? *

Feel free to provide any feedback from your experience as a translator in the United States that you think may help me with this research.

Feel free to suggest any other questions that you think may help me with this research.

Feel free to provide input on the survey (e.g: I needed more options. It was difficult to follow, etc.)

Muchas gracias.

Submit

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Appendix B. Interpreters' questionnaire.

* Required
My e-mail address (optional):

1. My country of origin is: *

2. My native or first language is: *
If you have more than one, write only the one that you consider your dominant language.

3. My work is based in the United States. *
Yes
No

4. I work as: *
a. an interpreter
b. a translator
c. both

5. If you checked "both" above, provide an approximate percentage of the work distribution (e.g.: interpreter 60/translator 40).

6. I work as: *
Check all that apply, regardless of whether you work full time or part time. If you check "other" provide an explanation.
a. a contractor or "free lance"
b. an employee of a company/institution
c. a volunteer
d. other

7. I work in the following field(s) as an interpreter. *
Check all that apply. If you check "other", provide the field(s).
a. Conference
b. Court/Legal
c. Health/Medical
d. Other

8. If you checked more than one box in the previous question, select below the area of expertise or primary field(s) of interpretation.
If you check "Other" provide the area(s).
a. Conference
b. Legal/Court
c. Health/Medical
d. Other

9.The interpreting mode that I practice most commonly is: *
If you check "other" provide an explanation.
a. Consecutive
b. Simultaneous

c. Other

10. Number of years you have worked as an interpreter. *
This includes all your work as an interpreter regardless of when it took place.
1 to 5 years.
6 to 10 years
11 to 15 years
16 years or more

11. My institution requires the following credentials (accreditations, certifications, degrees, etc.), to work as an interpreter and/or translator. If none are required, write "None". *

12. Your credentials (accreditations, certifications, degrees, etc.). If you do not have any write "None". *
Include all your language credentials and any other credentials including the level and accrediting institution (e.g. BA in Spanish, Federal Court Accreditation, ATA Certifications, Bridging the Gap, etc.)

13. The Spanish speakers for whom I interpret can understand and speak some English. *
a. Always
b. Often
c. Sometimes
d. Rarely

14. The register or level and type of language that I use most commonly when I interpret are: *
a. high
b. medium
c. low
d. very low

15. You need to interpret a word that has several dialectal variations (e.g. "swimming pool": *pileta, piscina, alberca…*) and you are not sure about which one is most familiar to the person for whom you are interpreting. *
If you check "Other" provide an explanation.
a. I use the word that is most familiar to me.
b. I say several words I know in Spanish and ask the person which one they use.
c. I say the word in English.
d. Other.

16. You have to interpret a culture-specific word for which there is no term in Spanish (e.g. "prom", "garage sale", "freshman"…). *
If you check "Other" provide an explanation.
a. I use the closest equivalent in Spanish
b. I say the word in English with an explanation in Spanish and then I continue using the word in English
c. I say the word in English

d. Other

17. You have to interpret a term that is often used in acronym or abbreviated form in English (e.g. MRI, DUI, TAP, IV line…) but there is no equivalent abbreviated form in Spanish: *
If you check "Other" provide an explanation.
a. I use the full word in Spanish (e.g. *imagen por resonancia magnética* for MRI)
b. I provide a similar tern or an explanation in Spanish with no English mention
c. I use the abbreviated form in English
d. Other:

18. You have to interpret a term for which there is a word in Spanish, but the meaning is somewhat different (e.g. college/*colegio*). *
If you check "Other" provide an explanation.
a. I use a word like *universidad*
b. I say the word in English
c. Other:

19. You have to interpret a word that has many dialectal variations in Spanish but you can only remember one. You are not sure that the client will understand it. *
If you check "Other" provide an explanation.
a. I use it anyway
b. I say the word in English followed by the word I know in Spanish
c. I say the word in English
d. Other:

20. If you answered "I say the word in English" or "I use the abbreviated form in English" in any or all the previous 5 questions, it is because: *
Check all that apply. If you check "Other" provide an explanation.
a. Most Spanish speakers in the US know the meaning of the word in English
b. Most Spanish speakers in the US use the word in English
c. The meaning of *universidad* and other similar terms do not correspond exactly to their counterparts in English
d. I did not answer: "I say the word in English" or "I use the abbreviated form in English" in any of the previous 5 questions
e. Other:

21. If the Spanish speakers for whom you interpret use a non-standard word when they speak Spanish (e.g. *la pipa* for "pipe" in plumbing, *el bomper* for "bumper" in a car…), I also use the non-standard word with them: *
If you check "Other" provide an explanation.
1. Often
2. Sometimes
3. Never
4. Other:

22. If you answered 1 or 2 above it is because: *
If you check "Other" provide an explanation.
a. It is more practical in the particular situation.

b. Some of those terms are commonly used by Spanish speakers in the US
c. I did not answer 1 or 2 in the question above
d. Other:

23. If you checked 3 (I never use non-standard words) explain why: *
If you did not check 3, write "N/A" below.

24. The Spanish speakers in the US for whom you interpret use non-standard words (as shown in previous questions) during the interpreting session: *
a. Always
b. Often
c. Sometimes
d. Rarely
e. Never

25. In your opinion, when it comes to interpreting for the diverse Spanish speakers in the United States, how challenging are the regional and dialectal variations in general? *
Not challenging 1 2 3 4 5 Challenging

26. I am aware of the recommended interpreting practices and protocols but I consider it challenging to follow them strictly in real situations: *
a. Always
b. Often
c. Sometimes
d. Rarely
e. Never

27. I am willing to disregard any interpreting practices and protocol if I realize that they are not helping in the particular situation. *
a. Always
b. Often
c. Sometimes
d. Never

28. If you answered "Never" above explain why: *
If you did not answer "Never" write "N/A" below.

29. Please add any comments below that you feel further explain your answers or that you think will help me understand them better. Identify the question or topic to which you are referring. You may also add any other comments about your role as an interpreter in the diverse Spanish-speaking community in the United States.

Muchas gracias por su colaboración.

Appendix C. Translators' questionnaire.

This questionnaire is for translators of English to Spanish. All questions are related to translation unless otherwise indicated.
Every question with an asterisk must be answered. If a particular questions does not apply write N/A in the space provided, as instructed.
This questionnaire is anonymous. If you wish to be included in the drawing for a gift card, please provide an e-mail address where you can be contacted.
* Required

My e-mail address (optional):
1. Country of origin: *

2. My native of first language is: *
If more than one, write only the one that you consider your dominant language.

3. I am based in the United States: *
Yes
No

4. My main target audience is: *
This question refers to the majority of your work.
a. Spanish speakers in the United States.
b. Spanish speakers outside the United States.
c. Spanish speakers in and outside the United States

5. I work as: *
Check all that apply.
a. contractor or "free lance"
b. an employee of an agency/company/institution
c. a volunteer
d. Other:

6. Types of materials you translate. *
Check all that apply.
a. Academic (diplomas, transcripts…)
b. Articles, books
c. Catalogs
d. Contracts
e. Court (depositions, settlements…)
f. Instructions
g. Legal (birth/marriage certificates…)
h. Localization
i. Manuals
j. Medical/Health care
k. Post editing
l. Technology

m. Web sites
n. Other:

7. I translate in the following field or fields: *
Check all that apply.
a. Business
b. Education
c. Government
d. Legal
e. Literary
f. Medical/Health care
h. Other:

8. If you checked more than one box in question 7, which field do you consider your specialty or area of expertise? If you did not check more than one box, write N/A below. *
If you have more than one list them in order of importance beginning with the most important (e.g. Business, Legal…)

9. Length of time working as a translator regardless of your employment status. *
1 to 5 years
6 to 10 years
11 to 15 years
16 years or more

10. I am required to have translation credentials for my work.
Yes
No

11. If you answered "Yes" to question 10, please list the required credentials. If you answered "No" write N/A below. *

12. List all of you translation and/or language credentials whether they are required or not. If you do not have any, write N/A below.
Include accreditations, certifications, degrees, etc. as well as the type and level (e.g. ATA Certification English<>Spanish, BA in Spanish…)

13. I am a member of a language and/or translation organization or association. *
Yes
No

14. If you answered, "Yes" to question 13, list the organization(s) and/or association(s) of which you are a member. If you answered "No" write N/A below. *

15. I use translation software: *
a. Always
b. Sometimes
c. Never

16. If you answered "Always" or "Sometimes" in question 15, list the software program(s) you use. If you answered "Never", write N/A below. *

17. In your opinion, how challenging is it to translate for the diverse Spanish-speaking community in the United States? *
Not challenging 1 2 3 4 5 Challenging

18. I also work as an interpreter. *
Yes
No

19. If you answered "Yes" in question 18, provide an approximate distribution of your work (e.g. translation 60/interpreting 40). If you answered "No" write N/A below. *

20. If you also work as an interpreter, list the areas where you work (e.g. business, conference, legal…) in order of relevance. If you do not work as an interpreters write N/A below.

Translation

Please translate the following sentences to Spanish.

1. Registering to vote is easy: grab a pen, fill out the form, and drop it in the box. *
2. The hospital bill was sent to the patient two days ago. *
3. They placed an IV on the patient and she was taken to the emergency room for an MRI. *
4. The person who hit Mr. Smith on a pedestrian crosswalk was a college student with two DUIs on his record. *
5. The marshal offered to give the defendant a ride to the Court House. *
6. Please report to Court at the time of your hearing. *
7. The defendant was given a chance to testify. *
8. The patient had a miscarriage because the monitor was not working properly. *
9. The neighbor broke the irrigation pipe with his truck and the Judge ordered him to pay for the damage. *
10. The defendant is a freshman in high school. *

Please add any comments below that you feel further explain any of your answers in this survey or that you think will help me understand them better. You may also add any other comments about your role as a translator in the diverse Spanish-speaking community in the United States.
Muchas gracias por su colaboración.

Appendix D. Letter sent to the interpreters with pen-and-paper questionnaire.

17 de julio de 2012

Estimados intérpretes,

Adjunto les envío el cuestionario como les anticipé por correo electrónico. También encontrarán un sobre con la dirección y sello para el envío del cuestionario completado.

El cuestionario es anónimo. Lleva un código en el encabezamiento que ha sido asignado al azar para evitar duplicaciones. Como verán el sobre va dirigido a una tercera persona quien anotará los resultados, o sea que lo único que yo podré ver de estos cuestionarios son las respuestas.

Les quedo muy agradecida por su colaboración y amistad. A cambio por favor acepten esta pequeña muestra de mi aprecio.

Saludos,

Beatriz

[Translation of the letter]

July 17, 2012

Dear Interpreters,

Please find attached the questionnaire that I mentioned to you in my previous e-mail. Also attached is a self-addressed and stamped envelope to return the completed questionnaire.

The questionnaire is anonymous. A code has been included on its heading, which has been assigned at random, to avoid duplications. As you can see, the envelope is addressed to a third party, who will tally the results, which means that the only information I will see from this questionnaire are your answers.

I am very grateful for your collaboration and friendship. In return, please accept this small token of appreciation.[20]

Best regards,

[20] Each participant received a small gift card to a Starbucks coffee shop.

Appendix E. E-mail sent to translators and interpreters with electronic questionnaire.

Dear fellow linguists,

I would like to wish you and your families a happy and healthy new year.

I would also like to ask for your expert professional input. I found your contact information through ATA, of which I am also a long-time member. Please refer to the ATA website for my contact and affiliation information. You may also visit my personal website to learn more about me and my research.

https://sites.google.com/a/sbc.edu/beatriz-cortabarria/

I am doing research for my thesis dissertation, which I will present in front of a panel of judges in the near future. My hope is that this study will advance the general understanding of a very important, but often forgotten, field: community translation and interpreting.

Your experience and views will be very valuable to my research.

This survey is anonymous. The responses will be automatically recorded on a data sheet with no name or identifying information from the respondent. It should not take more than 15 minutes of your time to complete it. I know that in our busy lives even a small amount of time is a lot so I cannot thank you enough.

I wish I could compensate each of you for your help, but unfortunately I have no grants or research money, I am financing this study myself.

However, I still want to show my appreciation for your time and help. I will have a drawing for a $100 gift card among the respondents. If you wish to be part of the drawing you should include your e-mail address in the space provided at the beginning of the survey, so I can contact the winner. This e-mail will not form part of the report, it will only be used for the purposes of the drawing and it will be deleted as soon as the drawing is done. Entering your email address is completely optional. If you prefer not to participate in the drawing and to leave the space for the e-mail blank, I hope you will still go ahead and complete the survey. The deadline for the completion of the survey is January 25.

I thank you very much for your participation in this important project. If you have any questions, please do not hesitate to contact me.

Click here to complete the survey:

Saludos,

Beatriz

Appendix F. Agreement for medical observations in the clinics.

[redacted] Medical Center Observation Agreement

Sponsor: Review, complete, and sign this agreement with the observer. Sponsor is required to retain this form on file for five (5) years.

Please Print

Name of Observer: Beatriz Cortabarria **Date of Birth:** 5/5/1956
(Must be at least 16 years)

Sponsor Name/ Role or Title: [redacted] Language Svcs.

Dates of Observation: 1/3/12 - 1/13/12

Purpose of Observation: observe patient encounters where interpreter is present

Location(s) of Observation: outpatient clinics, inpatient units

Signature of Medical Center Manager in area of Observation: [redacted]

Medical Center Manager Name: [redacted]

Sponsor Responsibilities

In consideration of being given the opportunity to sponsor an observer at the [redacted] Medical Center, I agree to instruct and ensure that the observer performs the following:

1. The observer shall review the attached written information regarding the Medical Center's policies for **Patient Privacy** and **Standard Precautions**. I shall answer any questions the observer may have about this information.
2. I understand that the observer is permitted only to observe patient care, and only with patient consent. I agree that the observer shall not touch any patient or anything in the patient's environment, or provide to the patient any kind of medical care or miscellaneous support.
3. The observer shall be instructed to wear his/her identification badge at all times during the observation experience at the Medical Center facilities
4. The observer shall be instructed to follow good hand -hygiene practices while at the Medical Center facilities. The observer shall not observe when he/she is sick, has a fever, or has been exposed to a contagious disease.

Sponsor Signature: [redacted] **Date:** 11/15/11

Observer Responsibilities:

1. I agree to follow the directives of my sponsor (or his/her designee) as outlined above. I understand that I must remain with my sponsor (or his/her designee) while in patient care areas – I am not permitted to move freely around the hospital. I understand that I am on Medical Center Property at my own risk and insurance coverage or, in the case of a minor, under the coverage of my parent(s) or guardian(s).
2. I agree to abide by the Medical Center's dress code, to dress neatly and with the awareness that I am a temporary representative of the Medical Center. Specifically, I agree not to wear jeans, shorts, sweat clothes or T-shirts.
3. I agree to follow directions of my sponsor in the event of a fire alarm in an area where I am observing. I am aware that a **Fire Alarm** is announced by a series of four gongs followed by **"Call to Station,"** and the location of the alarm.
4. With my signature below, I agree to comply with the attached [redacted] Medical Center rules regarding **Patient Privacy**, and shall not divulge any medical, financial, or other personal information about a patient or his/her family.
5. I understand that failure to comply with the rules and policies above shall result in termination of the observation.

Appendix G. Pilot test. Transcript of the interpreters' responses

Medical interpreter from Argentina:

Question 1: Yes, I observe a big difference. There is a difference in accents and also in the use of words. This is not related to the education level, which is OK, but to the difference in Spanish accents and words used by people from different countries.

Question 2. Yes, I adapt to the level of the person. Besides, often the language was very simple and so was the subject of the conversation.

Question 3. If they use a word in English like "shot" instead of "inyección", I continue using the word "shot" because I know that they understand that. There is no point in switching vocabulary, the idea is to communicate.

Question 4. In my experience people use non-standard words in Spanish all the time. I know what they mean so that is no problem.

Question 5. For me the most difficult thing of the exchange was the different words used by the people form the different Spanish-speaking countries. Sometimes we had to use a word in English to understand each other.

Legal interpreter from Spain:

Question 1: Yes, of course, but our motto is not to simplify the translation. We don't like the word "mediator" and "mediate" because it sounds like we are advocating, we are a "puente" (bridge), and in fact we tend to appear invisible.

Question 2. No. When the Judge says something the interpreter translates exactly what he says. If the person does not understand it, it is up to them to say so. An explanation can be provided only after the lawyer or the judge allows it.

Question 3. No. I use the standard word in Spanish.

Question 4. Yes, they use many words like: *chequear* (to check), *troca* (truck), *traila* (trailer), *shingolero* (shingle installer), *rufero* (roofer), *draiolero* (drywall installer), *jaratá* (heart attack), *bolsa de coras* (bag of quarters). Sometimes I understand these terms from the context of the conversation. Other times we say words in English, like "sexting", [texting sex messages on the cell phone by young people, generally], of which we have many cases, because that is how everybody refers to it.

Question 5. The most difficult thing is the adjustments that I need to make for the different terms used by the different Spanish-speaking countries. For example if I have to interpret "reckless driving", and I said it in standard Spanish "conducción temeraria", I know that people from Mexico – and 85 percent of our cases are from Mexico – would not understand it. They do not say "conducir" they say "manejar", so I would have to interpret it as "manejo peligroso" or something like that. Then there are words like "coger", which may have an offensive connotation depending on the country. I use "tomar" or "agarrar".

Medical/legal interpreter (and translator) from Venezuela (living in Texas)

Question 1. Yes, very much so. Besides here in Texas people speak TexMex.

Question 2. In the health care system and in the community, we have more freedom to interpret less literally. Sometimes we have to explain the meaning of a word extensively, and also interpret the culture. Doctors often feel distant to the Hispanic patients who are warmer and look for support. Besides, it is important to remember that this is a medical encounter and the patients are most of the times scared. In the courts, we have less freedom and have to try to convey the words verbatim.

Question 3. Yes. If the person for whom I am interpreting says a word that is not standard Spanish, I continue using that word. I know they understand it.

Question 4. Yes, I do not like to admit it but the reality is that we speak Spanglish. People make up words. One time in court the Judge asked a defendant what she was doing when the accident occurred. She responded "estaba con una amiga *garageando*" (I was going with a friend from garage sale to garage sale [people buy other people's used housewares and clothing, which are displayed in their garages, a common activity all over the United States]). Other times there is no choice but to use the word in English. One time a helicopter pilot used the word "flair" and I interpreted it as "bengala". But the term refers to a helicopter-landing maneuver to prevent nose-diving, a well-known term among pilots that I was not aware of.

Question 5. Medical terms are difficult to translate because they [the people] do not understand them. There are also different words used in different countries. Take for example "car", you have "carro", "coche", "guagua", and in Mexico they call it "mueble" like in "Tengo el mueble aparcado junto a la casa" (I have the piece of furniture –car- parked by the house). So I use something neutral like "carro" because everybody understands that.

Interpreter from Mexico (second generation)

Question 1. Yes, I notice it immediately. They have difficulty understanding at least something, maybe in 90 percent of the cases.

Question 2. I lower the register and adapt to the level of the patient. Often I engage the doctors and ask them to explain the same thing in English at a simpler level so I can interpret it at that level. It is a way to engage the doctors otherwise it feels like the conversation is between the patient and the interpreter.

Question 3. Yes, I use any word they use. Sometimes they are made up words, and intertwined but I use them if I know that the patient understands them.

Question 4. Yes. Many people, it is very common.

Question 5. The most difficult thing for me other than the words is the diagnosis.

Appendix H. Translators' and interpreters' comments by years of experience

1 to 5 years of experience

1. I always ask where the individual is from before I do any interpreting so that I can adjust my 'Spanish'. Knowing the different variations of a term is something every interpreter should learn. There is one Spanish language and then there are variations. Just like there is one English, one Japanese, etc. our responsibility is speaking it correctly and education [educating] the non-native speakers. There are many lazy interpreters that prefer to just say the English equivalent, which tends to confuse the Spanish speaker. As a result new non-Spanish terms are incorporated into their vocabulary: roof=rufa, bill=bila, gang=ganga, truck=troca, grass=grasa, dime=daime, etc. Words that end up in the US Spanglish Dictionary.
2. Our role is very "flexible", meaning that we always ended up doing the unexpected, such as advocating, going to financial assistance, contacting other resources for the patients. Providers have very little understanding of our professions, and learning and teaching is part of each appointment. There are many challenges we are not trained for, and that they are not in the books but they are part of the profession.
3. I've noticed the client will start using the standard term once they hear me use it. Depending on the client's attention span I will stick to standard terms (they are paying attention) or I'll interchange it with their non-standard word if they are frazzled.
4. I chose formal answers avoiding regional slangs such as "aventón" for "ride".
5. Rules and regs are in place for a reason; they protect the relationship between both served parties, e.g. legal advice comes from the lawyer not the interpreter, medical advice comes for the med professional.

6 to 10 years of experience

6. My goal as an interpreter is to convey the meaning and confirm understanding so I focus more on that than on the register or standardization of any specific word. At times I educate patients after or before any given session so they understand the context and system in which the information is being given.
7. […] about the words such as mopping they will call mopear this is the term many people use. And many others when it comes down to communication as long as we know we are talking about cleaning the floor, pasar el palo se [de] piso, limpiar el piso. I will utilize the word that they feel more comfortable with. One thing I always would like to research is the IME's, which stands for independent medical examination mainly for workers compensation cases, the rules behind it, and then the level of expertise, how fast they get this examination one and the challenges for the interpreter, many providers record their findings and in one specific situation he was recording that patient was smiling where I had clarify that is an expression of pain in the particular Mexican culture. I had discussed with many people from Mexico of when they in pain that tend to [have a] smile like expression.
8. I take into consideration where the person is from, if they are Mexican, I use the vocabulary and register they know. For example, I say "paleta" instead of "omóplato" since using [the] latter would let the interpreting flow and that is the main objective of the process.
9. I am not so sure about the legal (criminal law) translations, as it is not my field. When interpreting, sometimes I have to ask further questions to the patient in order to understand their slang words or colloquial terms for conditions, for example "tacote" for "boil" and "guajalote" instead of "pavo" for "turkey". Most of the patients I help in Houston, TX are Mexican. The register is also a challenge. Hardly anyone understands "rigidez" for "stiffness" so I resort to very colloquial terms.
10. An interpreter shall never bypass a protocol (ethical rule) that exposes the interpreter to many problems and it is a slippery slope to do it.
11. I have an ethical duty to keep the same register and I encounter all kinds of register throughout my practice […].
12. I truly believe that thinking of Spanish clients as unable to understand higher than low register doesn't take into consideration that people are intelligent and able to make connections in a context. That's my policy.

13. I would need the audience information and purpose of the communication to render a better translation. By better I mean, more "plain" and understandable to most Spanish speakers in the US. And translate as "plain as possible"
14. When working with Spanish speaking communities in the US, I tend to use clarification in parenthesis for acronyms due to most interpreters using a more Spanglish or borrowed terminology. Also, the first prompt could have been read as drop it in the box as in mail it or as I interpreted the phrase being, drop it in this box that is at the registration table. Good luck with your project.
15. My translation is into Spanish from Spain.
16. I have ran into this situation before. Usually this happens when one person's level of formal education is low and the other person is using a high register. Standard practice and protocol does not allow interpreters to "choose" what is being said so the person can understand. Having said that, when I encountered this situation I have told the person trying to communicate that the other person might not be understanding this type of register and therefore the communication is not effective. What has happened before is that once I made the person trying to communicate aware of this situation, he or she makes the appropriate changes to make sure his message is being understood. I will only interpret exactly what is being said by if I sense the communication is not being effective I make the person truing to communicate aware of this fact.

11 to 15 years of experience

17. As medical interpreters we are trained to not get "emotionally" involved with patients. In the field this proves easier said than done. With Latinos, not showing any "interest" in their situation is often tantamount to not being caring and supportive and not showing affections [as in a pat in the back or a hug when confronted with dire news], can make the interpreter seem cold and uninterested in their case at best, and standoffish as worst. I sometimes find myself "breaching protocols" to prevent any misunderstandings and facilitating a proper communication between physician and patient. I often find myself "education" [educating] the doctor in regard to the culture nuances and expectations of the Latino patient. I am a better interpreter when I truly care for the patient and I'm able to help the doctor offer the best care he can. Although the community interpreter is often not truly appreciated, the truth is that he/she is vital to the proper communication between physician and patient.
18. […] is simply a reflection of the work I do as a court interpreter. I don't have the option of bypassing standard interpreting practices and protocols so I've had to learn to observe them while looking for options that will facilitate communication among all the parties involved. That approach requires some flexibility, and it is hard to provide one-size-fits-all answers to many of the "very challenging indeed" scenarios featured in the survey. When addressing these challenges as a court interpreter, though, my priorities are fairly clear: 1) convey meaning accurately and completely by acting in full compliance with our code of ethics; 2) let the parties know when there is some ambiguity and offer to assist the parties in clarifying that ambiguity with the speaker if need be; 3) not to deceive my listener by using something other that the most contextually appropriate equivalent; 4) ensure and facilitate clear communication among the parties (unless there is ambiguity and lack of clarity in the first place).
19. The situation and degree of formality of the setting regularly dictates how I may resolve a particular language or interpretation issue.
20. […] a translation is just one solution to a specific problem and it is context and field-specific. Not surprisingly, several solutions are often equally legitimate, a truly successful translation, however, will depend on how much information we have on the context, nature, purpose, and audience of our source and target texts. I hope that the comments included for each one of the above exercises provide a clear (though by no means exhaustive) illustration of the challenges with which we are faces as translators.
21. More than the target audience per se, I think the challenging part for translators is dealing with the agency's client and his/her preconceived idea of what US Spanish is. Unfortunately, many agencies and their project managers have a extremely difficult time going over style-guides and word choices with their clients, especially in NYC where there are several Spanish speakers working for the end client and they all have an opinion. It takes a lot of time and patience for project managers to discuss language choices with their clients and unfortunately, the translators end up compromising their own opinion to respect the client's wishes. It would be interesting to include questions regarding this issue

in your survey.

22. My job is to interpret what is being said. I can intervene if there is potential for misunderstanding.

16+ Years of experience

23. I interpret but not only speak a variety but also a mix of many varieties, made-up words, Spanglish, English, and regional terms. The average education level is 6th grade according to the census. They speak the only way they know how to speak, they don't have a long repertoire of registers to choose from. Many times not even the lowest form of the register is comprehensible to them, as we speak about an artificial construct of laws and procedures they never heard of before. Unfortunately, there is not much we can do unless we work in a private environment (attorney and clients only) and the attorney is understanding and patient. Otherwise, as much as we may hate it, the interpreter must remain invisible or risk losing the certificate.
24. The majority of the persons I interpret for are Cubans and I also lived in PR several years. However, I try to familiarize myself with other idioms, particularly from countries such as Argentina, Venezuela, Nicaragua, and Colombia where most other deponents are from.
25. I disagree with your assessment that "bómper" is non-standard. Non-standard for whom? Well, it is certainly non-standard (or worse) for people who speak varieties of Spanish that use "defensa" or "parachoques", "paragolpes" etc. but I think you need to reconsider your criteria for what you mean by standard. I try to follow protocol as closely as possible but communication is, I believe, the key element, in other words, substance takes precedent over form. I interpret in Immigration Court.
26. During my 16+ years in the judicial settings, I have had just a handful of encounters with folks who have a "passive" knowledge of Spanish, that is, their native language is indigenous. I see them answering the Yes and No at the correct instances, but when they need to answer in a sentence their syntax can be worse than that of a kindergartner.
27. The other side of the coin is for the professional interpreter to know when to ask the deponent, for example in a deposition, to clarify the meaning of an expression. Having this "knack} to me is more important than the myth that the interpreter must be say, Mexican if the deponent is Mexican, Cuban if the deponent is Cuban, etc.
28. I work with a population that is about 90% Mexican and of a very low educational level. I frequently deal with illiterate defendants, and rarely with defendant with a high school or higher education. As a result, I try to use Mexican vocabulary and speak and write in as clear a way as I can. It is hard not to fall into the habit of using words like "troca" "aseguranza" "los biles" etc.
29. In response to your question number 17, I find it is challenging to interpret or translate to the diverse Spanish-speaking people, because each region uses their own words, and only years of experience could teach you that. One example: to the majority of the Spanish speaking population "una bolsa" is a purse, or a bag, but for the people from Salvador it means pockets. I found that out years ago while working a trial.
30. One of the most difficult factors of interpreting is that the interpreter must remain neutral to do a good job. When you actually do a good job and help the person who does not understand the other language, he or she tends to "bond" with you and consider that you are "on their side". At times this creates difficult situations (but not insurmountable).
31. Marshal: se necesita más contexto para elegir el término equivalente en español. Depende de para qué audiencia (Estado de EEUU o país hispanohablante) es la traducción, o dónde se desarrollan los hechos, dado el caso. Defendant: la elección del término depende en español dependerá del context de los destinatarios de la traducción y/o del objetivo de ésta. Toda la oración puede referirse a un ofrecimiento (casual o no, espontáneo o no); o al uso de un eufemismo para denotar la amenaza del alguacil de llevar al acusado a la Corte.
32. The translations in parenthesis are different versions of the same phrase that sometimes may be used depending on the context.
33. When translating materials for a lay audience, I am often asked to make them appropriate for a low literacy level. The following word choices where made with this in mind: 1. Inscribirse para votar instead of empadronarse, 2. la cuenta instead of la factura, 3. Suero instead of solución intravenosa, 4. Crucero instead of cruce de peatones. I also add English terms in parenthesis, which may be more recognizable to Spanish speakers in the US than the formal Spanish term. 3. Imagen de resonancia magnética (MRI en inglés), 10. Preparatoria (high school en inglés). I refrain from using Spanglish

and false cognates, even though they may be in common use. 5. Palacio de justicia instead of corte, 6. Tubería instead of paipa and camioneta instead of troca.

34. I am acutely aware of so called dialects in the Spanish-speaking community of the United States, However, I find "problems" to be the exception rather than the rule. The more "formal", the more Spanish is standard throughout the various countries.
35. It does behoove the professional interpreter to become aware of the specific terms used in the various communities (including distinguishing rural from urban) and, particularly, what words to avoid because of their "dirty meaning". I am sure you know exactly what I mean.
36. I have learned to translate in a "generic way" so that the translation is understandable by the majority of the Spanish speaking community. Also, if I have the time, I like to test the translation among Spanish speakers of different countries to help convert the message as best as possible. At times, I have had to change the translation to a literal one because the message is better understood.
37. These phrases need more content. "Defendant" is a word that changes meaning depending on the settings and there is no target audience indicated.
38. Siempre hay que tener en cuenta el nivel académico de las personas para las cuales se está traduciendo, a fin de no utilizar terminología demasiado elevada. Además, siempre hay [que] considerar los regionalismos, ya que en EE.UU. hay personas de muchos países de habla hispana.
39. The answers may very depending on context, public and your client's special requests. These are my choices but there could be more.
40. If no target audience is specified, I try to be as neutral as possible so that any Spanish-speaking reader may be able to understand the text. For example, instead of using "carro" (Latin America) or "coche" (Spain), I would use "automóvil".
41. I believe the goal of translation is understanding by the reader, not literal equivalence. If different terms are used in different countries to denote the same concept, I will use the most widespread term and, if necessary, add a modifier to avoid ambiguity.
42. One of the challenges in translating for diverse Spanish-speaking communities has to do with the vocabulary, and the usage of expressions. The translator must be aware of these differences without assuring that one word or phrase means the same for the diverse public.
43. Interesting test; generally, I try my best to pick neutral forms that will be understood by a broad audience (such as "estudiante de noveno grado" por "freshman in high school", though this is not always possible. Sometimes I will mention more than one term (for example, in a list of food items I might include two terms for the same ("chícharos o guisantes", for example) if the audience is varied, though this is also a hard call, and I only do it for terms that I know are strongly local in nature.
44. We have chosen to ignore the gender issue in these translations, opting for using the masculine in all instances when appropriate. This may not always be possible or appropriate in the real world. The role of the translator is to facilitate communication whenever possible while respecting the register of the original and avoiding oversimplifying the target language.
45. I oversee a team of Spanish-language translation. My role is one of manager/coordinator, editor/proofreader, and advisor to study staff. In my role as editor, my primary focus is ensuring the equivalency of the Spanish translation to the English original, with the overreaching aim of ensuring the validity of the data collected using the translated instrument.
46. […] I have been in the U.S. for more than thirty-five years, so I have a couple of Spanish terms from other Spanish speaking countries. I believe that there is a standard Spanish language that is understood by most Spanish speakers with a mid-level education.