

“the right FIIT for your language needs”



the Florida Institute of Interpretation and Translation

Index of Resources

- ✓ Legal Rights p. 2
- ✓ Basic legal terminology (English) p. 3
- ✓ Continuing activities for small study groups p. 42
- ✓ Courtroom phrases p. 47
- ✓ Criminal law motions p. 58
- ✓ Ethic decisions examples p. 62
- ✓ Glossary of legal terms p. 65
- ✓ How to research a word p. 129
- ✓ Lost in translation article p. 132
- ✓ Memorization techniques for consecutive interpreting p.138
- ✓ Model code p. 140
- ✓ Note taking symbols p.149
- ✓ Practical guidelines p.153
- ✓ Reference for Spanish interpreters p. 154
- ✓ Simultaneous exercises p. 158
- ✓ Skill enhancing exercises p. 161
- ✓ Drug slang p.163
- ✓ Test anxiety relief tips p. 174
- ✓ Candidate Information Booklet (Oral Exam) p. 181
- ✓ Useful Links p. 224

ARRAIGNMENT - LEGAL RIGHTS

All defendants appearing for the first time in this court are advised that you have the right to remain silent. You are not obliged to make any statement here in court, but if you do make a statement, the contents of that statement may be used against you in future proceedings.

You have the right to an attorney and the right to have that attorney present with you during all court proceedings. You also have the right to have that attorney present with you any time that you are questioned by an agent of the United States government.

If you do not have the money to hire your own attorney, this court will appoint an attorney for you after you have demonstrated that you do not have the money to hire your own attorney. In order to demonstrate that you do not have the money to hire your own attorney, I will require that you fill out a financial affidavit. That financial affidavit is made under penalty of perjury. If you make any false or dishonest statement in the financial affidavit, you could subject yourself to further prosecution.

You are here for an initial appearance before the United States Magistrate. The purpose of this appearance is for you to be told what the charges are against you and to have the court set conditions for your pre-trial release.

You have the right to a preliminary hearing to determine if there is probable cause to believe that you committed the crime which is alleged against you in the complaint. That hearing must be held within ten days of today's date if you are in custody, or within twenty days of today's date if you are not in custody. If, at any time before the end of the ten- or twenty-day period, you are indicted by the Federal Grand Jury, then you no longer have the right to a preliminary hearing.

You also have the right to be released on reasonable bail. If you cannot make the bail which the court sets for you here today, you have the right to come back to this court at some later time to have the court again consider whether bail that was set in your case is the proper bail after considering the facts and circumstances of your case and your particular individual situation.

If your case was originally filed in a district court other than this district court, then you may choose to enter a plea of guilty or nolo contendere in this district rather than returning to face the charges in the district in which you were originally charged. You may do this, however, only with the consent of the United State Attorney in this district and the United States Attorney in the district in which you were originally charged. If you wish to transfer your case to this district for a plea of guilty or nolo contendere, you should consult with your attorney regarding that possibility.

Exercise: Sight translate this text into your foreign language at about 200 words per minute (a little slower than the average person speaks). Repeat until you can sight translate it, with no stops, accurately, at a very fast speed.

BASIC LEGAL TERMINOLOGY

ENGLISH**ENTER YOUR EQUIVALENT WORD**

abeyance (in)	
abrupt	
abruptly	
accessory	
accessory after the fact	
accomplice	
accurate	
accuse	
accused, defendant	
acquire title to	
acquit	
acquittal	
actually	
addict (the)	
admission	
adjourn	
admonishment	
admonition	
advisement (to take under)	
affiant	
affidavit	
aforethought	
aid and abet	

alias	
alibi	
alien	
alimony	
allege	
allocation	
Anglo	
answer	
anti-injunction law	
anus	
apathy	
appeal (the)	
appeal (to)	
appeal for reversal	
appear	
appearance (by attorney)	
appearance (make an)	
appoint	
appointment	
apprise	
arraignment	
arrears (to be in)	
arrest (the)	
arrest (to)	

arrest warrant	
Arson	
assault (simple)	
aggravated assault	
assault and battery	
assign (to)	
attachment proceedings	
attempt (the)	
Attest	
attorney (at law)	
attorney general	
auto theft	
available	
awaiting	
Awl	
background	
bad check	
Badge	
Bail	
bail bond	
bail bond office	
bail forfeiture	
bailout	
bailable	

bailiff	
bargain	
bartender	
basis	
bastard	
battery	
battery (electric)	
bearings (auto)	
beer joint	
bench trial	
bet	
betting markers	
bill of sale	
billiard cue	
bills	
billy club	
bind over	
bind over for trial	
birthmark	
black eye	
blackjack	
blackmail	
bladder	
blade (of a cutting instrument)	

blank	
blink	
blisters	
block (the)	
block (to)	
blood type	
blow the horn	
blowout (of a tire)	
blows with the butt of a rifle	
blue laws	
blurred	
board of supervisors	
body attachment	
bogus	
boisterous conduct	
bolt (of a door lock)	
book (to)	
bookie; bookmaker	
booking (the)	
bookmaking	
brakes	
brass knuckles	
brawl	
breaking and entering	

breech (of a gun)	
bribe (the)	
bribe (to)	
bring up to date	
Broker	
brothel	
Bruise	
buckshot	
Bullet	
bulletproof vest	
bullshitting	
bullwhip	
Bully	
Bump	
bumper (auto)	
Bunco	
bunco artist	
burglarize	
burglary	
butt (of a gun)	
buzzing of ears	
cab (truck)	
Cake	
capital punishment	

carjack	
carjacking	
careless driving	
case	
case dismissed	
cash box	
cashier	
cash register	
catch	
catch with the goods	
causeway	
caveat (Latin)	
certificate	
certify	
chain	
challenge	
chamber (of a gun)	
change of venue	
charge (the)	
charge (to)	
charged	
chase (to give chase; to pursue)	
chase down; to pursue	
chattels	

cheat (to)	
check (to)	
child support	
chills	
chisel (the)	
chisel (to)	
choke (to)	
choose	
circumstantial evidence	
citation	
City Council	
civil code	
claim (the)	
claimant	
claims release	
clause	
close range	
cock a pistol	
clot (the)	
club (the)	
cocaine	
collision	
comity	
commutation	

complaint	
complainant	
compromise (settlement)	
concurrent	
concussion	
concussion (cerebral)	
condone	
confession	
confinement	
confirm	
conformity	
consumer goods	
contempt	
contemptuous	
contention	
contest (the)	
contest (to)	
contest the charge	
contingency	
continuance	
continue	
contributory negligence	
convertible top	
convict	

convict (to)	
conviction	
co-owner	
cop-out (to)	
corner (to, to trap)	
cornfield	
coroner	
corporal punishment	
corpse	
counsel (the)	
counsel (to)	
counselor	
count	
counter	
counterclaim	
counterfeit	
counterfeit (to)	
counterfeiter	
counterfeit money	
county clerk	
county jail	
court	
court clerk	
covenant	

craftsman	
cramps	
crime	
cross-eyed	
crowbar	
crutches	
cuff (to handcuff)	
cuffs	
cutting edge	
cutting edge of the blade	
dagger	
damages	
damages (award of)	
dark-skinned	
deaf	
deaf and dumb	
deaf-mute	
deceased	
decedent	
decelerate	
default	
default judgment	
defend	
defendant	

Degree	
delineate	
delinquency	
delirium	
demeanor	
demurrer	
Department of Motor Vehicles (DMV)	
Depict	
deponent	
deposition	
deprive	
descent	
Detain	
detainer	
detention	
Digress	
discharge (the)	
discovery	
dismantle	
dismiss	
dismissal	
disorderly conduct	
dispose of	
disposition	

district attorney	
ditches	
diversion	
divest	
dizziness	
docket number	
doorknob	
dope peddler	
down payment	
draft (the)	
draw a check	
drawing unemployment	
driver's license	
driveway	
drug addict	
due process	
duly	
duly sworn	
duress	
dust (to)	
easement	
EKG (electrocardiogram)	
embezzlement	
encourage	

encumbrance	
enforce	
entitle (to)	
entrapment	
equal protection	
escrow	
estate	
estate tax	
estoppel	
evict	
evidence	
exclusionary rule	
execution (of a document)	
execution (of judgment)	
exhibit	
expert	
expert (the)	
expunge	
extent	
extenuating circumstances	
extortion	
extradition	
eye-witness	
facts in issue	

Failure	
failure to perform	
faint (the)	
faint (to)	
fall guy	
Fallacy	
false arrest	
Federal Bureau of Investigation (FBI)	
Fee	
feigned	
Felon	
Felony	
fence (slang)	
Fender	
field (in the)	
Fields	
Fight	
fight the case	
File	
file (in court)	
file (line)	
file (tool)	
file a claim	
file a judgment	

file a motion	
file a protest	
file a suit	
file an appeal	
file an objection	
final order (or decree)	
finding (the)	
findings	
fine (the)	
fine (to)	
fingerprints	
fire (the)	
fire (to)	
fire (under)	
fire company	
fire department	
fire insurance	
firearm	
foreclosure	
forfeiture	
forgery	
freeze	
frisk (to)	

fugitive	
fugitive warrant	
further proceedings	
gag (the)	
gag (to)	
gag order	
gamble	
gambler	
gang	
garnish	
gasket	
gears	
germane	
get in the way	
glove compartment	
grand theft	
grant a delay	
grant a stay	
grapevine	
gross negligence	
guardian	
guess (the)	
guess (to)	
Habeas Corpus	

hammer (the)	
handcuffs	
handle (of a knife or gun)	
Handle	
handles (of tools)	
headlights	
Health and Safety Code	
hearing	
hearing (preliminary)	
hearsay evidence	
highway flare	
highway patrol	
hijacking	
Hire	
hire out	
Hit	
hit and run	
holdup (the)	
homicide	
homicide (excusable)	
homicide (felonious)	
Honk	
Hood	
horn	

hostage	
hostile witness	
hubcaps	
hung jury	
ice pick	
impanel a jury	
impeachment of a witness	
imprisonment	
improper lane usage	
indecent exposure	
indict	
indictment	
information	
inheritance	
inheritance not yet occupied	
injunction	
injure	
ink (to)	
inquest	
insanity	
insurance	
Insurance policy	
insurance premium	
intent	

interlocutory order	
involuntary manslaughter	
irresistible impulse	
jab	
jack (auto)	
jack-knife	
jam (to)	
joyriding	
judgment	
judiciary power	
jukebox	
jump bail	
juror	
jury	
jury box	
just	
juvenile delinquency	
juvenile delinquent	
keyhole	
kick (the)	
kick (to)	
kick out	
kick the habit	
Kidnap	

knife (the)	
knock (to)	
knock down	
knock out	
Ladder	
Lane	
larceny	
Latch	
Latent	
law-abiding	
Lawful	
lawsuit	
Lawyer	
lay-off (the)	
lay-off (to)	
leading question	
lease (the)	
lease (to)	
liability	
liability insurance	
lie detector	
lifting tape	
light bulb	
line-up (the)	

lit	
litigation	
load a gun	
lock (the)	
loiter	
loot (the)	
loot (slang)	
looting (the)	
losses incurred	
machete	
machine gun	
magistrate	
malice	
malice aforethought	
malicious	
malicious mischief	
malign	
mandatory sentence	
manslaughter	
manslaughter (involuntary)	
manslaughter (voluntary)	
marshal	
mason	
mayhem	

misdemeanor	
mistrial	
mitigating circumstances	
monkey wrench	
moral	
moral (the)	
moral turpitude	
morale (the)	
motion (the)	
motive	
muffler (auto)	
mug (to)	
murder (the)	
murder (to)	
murderer (the)	
muzzle (of a firearm)	
negligence	
nickname	
nolo contendere (Latin)	
note (promissory)	
note (the)	
note (to)	
notes	
Notice	

Notify	
nuisance	
null and void	
Nunc pro tunc (Latin)	
Oath	
object (to)	
objection	
obnoxious	
obsequious	
obstruct	
Offense	
on duty	
one-eyed	
opening statement	
order (final)	
order (interlocutory)	
order (the)	
ordinance	
out of breath	
out of danger	
out of work	
overrule	
own recognizance	
panel, jury	

panic	
pardon	
parole	
parole board	
partnership	
partnership agreement	
part-time release	
past record	
peace officer	
penalty	
pending	
pending appeal	
pending trial	
peremptory	
peremptory challenge	
perjury	
perjury, subornation of	
personal property	
pertinent	
perusal	
petty	
petty cash	
petty theft	
pimp	

pink slip	
pipe	
plaintiff	
plea	
plea bargain	
plead (to)	
plead guilty	
plead not guilty	
pleadings	
pocket-knife	
police force	
policeman	
poll (the)	
poll the jury	
poll (to)	
power of attorney	
pre-emption	
prejudice	
preliminary hearing (or examination)	
premeditated	
preponderance of the evidence	
present the case	
presently	
presumption	

pretrial release	
prick (the)	
Prints	
Prison	
Prison, State	
probable cause	
probate a will	
probate proceedings	
probation	
Probation Department	
probation officer	
procedure	
proceeding	
proceedings	
process	
Prong	
pronounce judgment	
pronouncement	
Proof	
property	
prosecute	
prosecution	
prosecution of an action	
provide	

provided (in a law)	
provided that	
provision (the)	
pry	
pry into	
public defender	
pull	
pull the trigger	
punitive	
purport	
pursuant to	
purse	
push	
put	
put a case off calendar	
put a question	
put in writing	
put off	
putative	
quash	
question (the)	
question (to)	
question of fact	
question of law	

questionable	
quitclaim	
raise an issue	
raise an objection	
ramble	
rape (the)	
rape (to)	
rating	
real estate	
real estate broker	
rear lights	
rear-view mirror	
rebuttal	
recess (the)	
recess (to)	
recess (to take a)	
recidivist	
reckless	
reckless driving	
record (the)	
record, to have a	
records	
red-handed	
redemption	

redirect examination	
redress (to)	
Referee	
refund (the)	
refund (to)	
rehearing	
reinstate	
Release	
release certificate	
release on bail	
release (to)	
relief (the)	
remand (to)	
remarks	
Renege	
rent (the)	
rent (to)	
report (the)	
report (to)	
reporter	
reporter, court	
Reports	
reprieve	
reprimand	

request (the)	
request (to)	
requirement	
rescue squad	
respondent	
rest the case	
restriction	
retail	
rifle	
right of way	
rims	
robbery	
rock	
rod	
rookie	
rough	
roughing up	
rule (the)	
rule (to)	
rule out	
ruling	
running	
safety	
sawed-off	

scan	
scar	
scene	
schedule	
scope	
search (the)	
search (to)	
search and seizure	
security	
securities	
seize	
seizure	
self-defense	
self-incrimination	
sentence (the)	
sentence (to)	
serve a subpoena	
set (to)	
set aside	
setoff	
settle	
settle out of court	
settlement	
settlement, full	

sever (to)	
sexual intercourse	
sharp end	
shell (cartridge)	
Sheriff	
sheriff's sale	
shoot (to)	
shoplifter	
shoplifting	
Shot	
shotgun	
show up (up)	
simulate (to)	
skid (to)	
skid mark	
slammer (slang)	
slash (the)	
Sling	
slippers	
slurred speech	
smuggle	
smuggler	
smuggling	
smuggling aliens	

sniff	
snuff (slang)	
Social Security Office	
socket	
spare tire	
spark plug	
speaker	
speedometer	
spotlight	
spring blade knife	
springs (auto)	
squeal (to)	
squealer	
stab (the)	
stab (to)	
stall (auto)	
stall (to)	
start (to, auto)	
starter (auto)	
station wagon	
statute	
statute of limitations	
statutes	
statutory	

stay (the)	
stay (to)	
stay of execution	
stay of proceedings	
steal	
steering wheel	
step-brother	
step-daughter	
step-father	
step-mother	
step-sister	
step-son	
stimulants	
stipulate	
stipulation	
stomp	
stool pigeon	
stop lights (auto)	
strike	
striker	
strip a car	
subpoena (the)	
subpoena (to)	
subpoena duces tecum	

Sue	
summons	
support	
suppression of evidence	
surveillance	
suspect (to)	
Sustain	
sway (the)	
sway (to)	
swaying movement	
swear (to)	
swindler	
swing (to)	
tag light	
tail-light	
tamper with	
tamper (to)	
tape deck	
teller, banking	
Tenant	
Test	
Testify	
Theft	
thief	

thievery	
third party claim	
ticket	
timely	
tire	
tire iron	
toolbox	
tools	
tow truck	
track (the)	
track (to)	
track, to keep	
track, to loose	
transcript	
transcript of record	
trial	
trial by court	
trial by jury	
trigger (the)	
trigger (to)	
truck	
trust	
trust fund	
trustee	

try a case	
tutor	
tutorship	
under bond	
under contract	
under date of	
under instruction from	
under my hand and seal	
under oath	
under penalty of	
unemployed	
unemployment	
upset	
upsetting	
usage	
usury	
vagrancy	
venue	
verbatim	
verdict	
verify	
vis-a-vis	
vis mayor (Latin)	
Void	

void (to)	
vote (to)	
vote (the)	
Voter	
Voting	
Vouch	
vouch for	
voucher	
vouchered	
wage, wages	
Waiter	
waitress	
waive (to)	
waiver (the)	
Wanted	
Wanton	
warehouse	
warning	
warrant	
warrant, bench	
warrant of arrest	
warrant, search	
weapon	
weave	

welfare	
wheel	
wheelchair	
whereabouts	
whip (the)	
whitey	
wholesale	
whom it may concern	
will	
willful	
windshield	
windshield wiper	
wino	
wire (the)	
with prejudice	
withdraw	
without prejudice	
witness (the)	
witness (in witness whereof)	
wrench (the)	
wrench (monkey wrench)	

CONTINUING ACTIVITIES FOR SMALL STUDY GROUPS

The activities described below will allow you and your study partners to continue fine-tuning your language, reference, and interpreting skills. The feedback you provide each other is the key to learning. An interpreter never stops learning. Words and expressions feed your intellect and enhance your worth.

We suggest that you meet regularly as a group and come prepared to engage in one of the activities listed below. As you get to know each other better, and as your skills improve, you will think of other activities or variations on those we have suggested. Please share with us any ideas you have, so that we may pass them on to others. Remember to utilize this notebook. It is full of good advice and further ideas on enhancing your language and interpreting skills which you should incorporate into your study sessions.

Remember to bring your dictionaries to each meeting, both monolingual and bilingual. Select a group leader for each meeting. This person should make sure you know what to do next time and will keep an eye on people who misbehave or have too much fun!

1. **BOOK REPORT I**

Each group participant will read a book in the foreign language, preferably one you have not read before. Give the group a five-minute oral report on the book. Do not read a prepared, written report. The group participants will critique the contents, your pronunciation, grammar, syntax, etc. Did you speak smoothly? Did you sound rushed and nervous? Did you make sense? Was there some confusion about what you said because of your accent? Did you complete your sentences? How was your posture? Did you distract the listeners with the use of your hands when you spoke? Did you have fun?

2. **BOOK REPORT II**

Each group participant will read a book in English. You may all read the same book, if you wish. Discuss your understanding of the contents. Don't let any group member just sit there and listen. Ask their opinions and get them talking. Look for the same kinds of things as you did in the previous exercise.

3. **WHAT'S NEW IN THE NEWSPAPER?**

Bring today's local newspaper and the most recent edition of your own language newspaper (you must agree which one to bring ahead of time). Take turns sight translating paragraphs and follow along in your newspaper. Keep track of what is said and critique each other's efforts. Did they use the right word or expression? What would you have said? Was it a particularly clever

translation? Now, put away your newspapers while one person translates an article or paragraph. Did it make sense? Did you have to ask them to repeat sections so that you could understand them better? Take turns summarizing what they said. Then check the newspaper article to see how well you understood the original speaker.

4. **WRITTEN TRANSLATION AND BACK TRANSLATION**

Each group participant will select a short magazine article to translate. Bring your translation and the original article to your group meeting. Make enough copies of both your translation and the original article for everyone in the group. The group leader will distribute one of the translations to the whole group. Find a partner and the two of you translate the article back into the original language. When you are finished, compare your *back translation* with the original text, which your group leader has cleverly kept hidden until this moment. What happened? Where did the texts deviate? Why? Do this repeatedly until everyone's translation has been scrutinized in this way.

5. **EXTEMPORANEOUS SPEECHES - LORDS, LADIES AND GENTLEMEN!**

In this exercise each of you will have selected two topics ahead of time and written each of them on a separate piece of paper. All the papers are folded and one person pulls a topic at random and stands up before the group and makes a two-minute, unprepared speech on that topic in English. If you pick your own topic, put it back and try again. The group then critiques the content, style of delivery, body language, coherence, level of language, etc. The second person then does the same thing, but in the foreign language. Each group participant takes turns doing the same thing. Some ideas for topics: *My Home Town*, *Why I Became an Interpreter*, *The View from My Window*, *Why is Conservation of Resources Necessary?* *Interpreters Should be Licensed*, *Life Without Computers*.

6. **INPRETING THE NEWS**

Practice interpreting the news every evening for ten days. Keep in mind that each *news bite* on the network programming is only about 30 to 45 seconds long. This is good to start with; however, make sure that you select a station with longer reports for ongoing practice. Public radio and public television provide more substantial reports with a greater variety of topics and a higher level of language. After ten days, start recording yourself as you interpret. Play it back. Does it make sense? Bring four of your recorded efforts to the group. Pick partners and allow them to listen to your tape, while they attempt to interpret it back. What happened? Did *they* make sense? Why or why not?

7. **TAPES FOR SIMULTANEOUS PRACTICE**

Each group participant prepares two twenty-minute tapes to be used for simultaneous practice. The tapes should be recorded at speeds from 100 to 160 words per minute. Subject matter should include courtroom topics, such as motions, opening or closing arguments, testimony, conditions of probation, etc., all of which may be found in court transcripts. High level language articles from magazines or newspapers may also be recorded. Enlist friends and family in this project so that different voices are heard. Make enough copies of your tape so that each group participant receives a copy. During the group meeting, practice interpreting and taking turns listening to the tape with headsets while your partner listens to you and critiques you. Start with a two-minute segment and build up to interpreting the whole tape.

8. **SPEED PRACTICE, OR HOW LOOSE ARE YOUR LIPS?**

Prepare a ten-minute tape at home where you record yourself in English, speaking fast, then faster, then faster. Then prepare a similar tape in the foreign language. You may use any text you wish. Bring the tapes to your group meeting and take turns listening to them while you attempt to shadow the speaker by repeating exactly what is being said. This will help you prepare for those speed demons you have to interpret for in court by honing your listening skills and loosening your lips and tongue. Who is the group's speed champion? That person has the privilege of taking everyone else out for coffee!

9. **THE LOSE EXERCISE**

At home, do the following: Take any newspaper and copy five articles. Put the copies aside. Using a black marker, black out every 10th word in each article, regardless of the length or importance of the word. Now, copy the articles where you have blacked out the words and bring them to your group meeting. Take turns reading the articles and filling in the blanks with whatever words you feel are appropriate in the context. The group members will follow along on their copies of the blacked out text while the group leader follows along, using the original text. If the words selected distort the original meaning, bring this to the attention of the reader and the group. This exercise will help you to hear and to see language in context and meaning rather than as individual words. Remember, when you interpret, you often lose words, and you must be able to recover and keep interpreting without losing the original meaning.

10. **ROUND ROBIN FREE ASSOCIATION**

Each participant comes prepared with a list of five related words, such as car, truck, motorcycle, rickshaw, baby carriage. The group leader picks one person to recite his words. The next person then takes the last word and says five other words related to it, such as infant, baby, pacifier, cuddly, blanket. The next person takes the last word again, in this case, blanket, and continues this free association with five more words, such as, cover, sheet, paper, book,

information. Do you see how *Blanket* became *Information*? *Sheet* can mean many things and gave rise to the word *Paper*. Continue in this fashion until the group runs out of words and steam. Then, start with a new set of words. Help each other out when you are really stuck.

11. **CROSSWORD PUZZLES**

Two people are given the task of bringing copies of five crossword puzzles each to the group meeting. Each person will have used a different newspaper from which to copy the puzzles. Use large, daily newspapers, not the TV Guide. Select a partner. Distribute one crossword puzzle to each pair and upon a given signal, start solving the puzzle. The pair that finishes first will answer questions from the group and explain how they arrived at their solutions. This exercise helps expand your vocabulary and speeds up your reasoning ability. Continue in this fashion with the rest of the crossword puzzles. You will not be able to finish all of them in one evening. Take the unfinished ones home and continue your work with your partner either by phone or in person. You should attempt to solve the crossword puzzle in your daily newspaper every day. Remember: Dictionaries may be used at any time.

COURTROOM PHRASES

Compiled by Patricia Michelsen-King

Language heard in the courtroom and other legal settings contains many standardized expressions and set phrases, and their equivalents in the target language should be familiar to the court interpreter. After studying this list, you should be able to interpret and translate these expressions without hesitation.

COMMANDS

As jurors, you are not to be swayed by sympathy.

Bail should be continued.

Call your next witness.

Can you tell the jury....?

Could you briefly describe....?

Could you describe the appearance of?

Counsel, lay a foundation.

Defendant will be remanded.

Don't belabor the point, counselor.

Don't discuss the case.

Don't volunteer explanations of your answers.

I direct the jury to disregard the statement that....

Jurors may be excused.

Keep your voice up.

Keep your own counsel, don't talk about the case.

Let the record reflect that the witness has identified the defendant.

Let's have the charge conference.

Make your application to Judge <...>.

May the record reflect....

May I have it?

Members of the jury, you are instructed to disregard....

Mr. <...> will reduce the decibel level.

Please proceed.

Please raise your right hand.

Please remain standing.

Please resume your seat.

Please be seated.

Poll the jury.

Remember, you are under oath.

Rephrase the question. 6 - 183

Speak into the microphone.

State your full name for the record.

The following prospective jurors are excused.

The witness will resume the stand.

Use your common sense.

Will the defendant please rise?

Will the prospective jurors please stand?

Will the people in the well of the courtroom please stand?

Will you call the first (next) case?

Would you raise your right hand?

Would you indicate....?

Would you describe....?

Would you point (someone) out?

Would you look at....?

Would you state for the record....?

Would you label that as (car, building, exhibit, etc.)?

Would you mark that with an Ax@?

You are excused.

You can proceed.

You can resume your seat.

You can answer the question.

You have exhausted that subject. Please move on.

You may answer that question.

You may be seated.

You may cross-examine, counsel.

You may inquire.

You may proceed.

You may step down.

REQUESTS FOR INFORMATION

Are you familiar with a device known as?

Are you familiar with this?

Can you tell from looking....?

Directing your attention to People's Exhibit Number <one, two, etc.> in evidence, can you tell the court what is exhibit <one, two, etc.>?

Do you recall making that statement?

Do you recall this question?

Do you recognize that exhibit?

Do you swear that this is a true and accurate statement?

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Do you swear to well and truly interpret these proceedings, so help you God?

Do you solemnly swear or affirm that the answers you are about to give, touching upon your qualifications to serve as jurors in this case now before the court, will be the truth, the whole truth and nothing the truth, so help you God?

Do you want the jury polled?

Do you wish to say anything before sentence is imposed?

Does <the picture, the writing, etc.> reasonably and accurately depict <the building, the file, etc.>?

Does that refresh your recollection?

Did you discuss <cocaine, etc.>?

Did you go to trial or did you plead guilty?

Did you notice anything about <the item>?

Did you post bail for <x>'s release?

Did you advise <him/her> of <his/her> rights?

Did there come a time when you...?

Have you filed a notice of ...?

Have you had any involvement with....?

Have you had occasion to be involved with....?

Have you ever been involved in....?

Have you formed an opinion as to the....?

Have you reached a verdict?

Have you read the pre-sentence report?

Have you received a copy of the complaint?

Have you retained a lawyer or has one been appointed for you?

Have you reviewed the pre-sentence report with your client?

Is there anything that would prevent you from serving fairly and impartially?

Is that your testimony?

Is there any reason why sentence should not be imposed at this time?

Is time excluded, your Honor?

Is it fair to state...?

Isn't it a fact that....?

Isn't that correct?

Isn't that right?

Juror Number <x>, is that your verdict?

What was your state of mind regarding the reliability of the informant?

Would that refresh your recollection?

Would it be fair to say that... prior to that time?

Would you like the jury polled?

Would you like to be heard?

Would you like to say anything on your own behalf?

You and each of you, do solemnly swear or affirm that you will well and truly try this case before you, and a true verdict render, according to the evidence and the law, so help you God?

You have the right to remain silent. Anything you say may be held against you in a court of law.

You have the right to consult your lawyer and insure his presence at your interrogation. If you want a lawyer and cannot afford one, one will be appointed for you. Do you understand each and every right that has been explained to you? Having all these rights in mind, do you wish to talk to me now?

Have you been threatened or coerced into pleading guilty?

How are you employed?

How much schooling have you had?

How do you plead?

How do you plead to the charge contained in count number...?

How do you recognize that....?

How can you tell....?

What are your current duties?

What happened next?

What, if anything, did you do?

What, if anything, did you say?

What is People's Exhibit number <#> for identification?

What is the government's recommendation?

What is your current assignment?

What is your immigration status?

What were the lighting conditions at...?

What were the weather conditions that....?

Where was... in relation to the....?

REQUESTS FOR PERMISSION

At this time, I would like to read...

Could I have a brief voir dire?

Could we have a sidebar?

I move to strike.

I move to strike the....

I would like to advise the court that...

I would ask that the court instruct the witness to....

I would ask most respectfully, your Honor, for a ruling.

If it please the court...

Let me call your attention to....

Let me direct your attention to....

May I approach the bench?

May I beg the court's indulgence for a moment?

May I call my first witness?

May I have the witness approach the...?

May I inquire?

May I publish these <items> to the jury?

May it please the court...

May we approach?

May we get a ruling?

May we have a short recess?

May we see you at sidebar, your Honor?

Move to strike.

Move to strike, there's no question before the witness.

Your Honor, may the jury be instructed to disregard that...

At this time, the defense rests.

At this time, the government <people, state> rests.

STATEMENTS

Criminal cause for pleading, United States versus <...>.

Each count carries a... fine.

Exhibit number <#> is received in evidence.

Exhibit number <#> is marked as evidence.

I'll enter a not guilty plea on your behalf.

I'll show you what has already been received in evidence as People's exhibit number <#>, handing you exhibit number <#> for identification.

I am showing you...

I call your attention to...

I deny your motion...

I don't have any objection.

I find that the government has sustained its burden aided by the presumption.

I have a procedural matter.

I have no further questions.

I have to reserve an application.

I move for a directed verdict.

I now show you...

I object on the grounds that...

I object to that; no predicate has been laid.

I object to these self-serving statements.

I offer government <people, state> exhibit number <#> into evidence.

I remind you that you are still under oath.

I'll rephrase the question.

I'll show you what has been marked for identification as exhibit number <#>.

Do you recognize that?

I'm going to move to strike that answer as non-responsive.

I said, AFreeze!@

I take it that...

I'll address any application to the district court.

I use the struck jury method of picking a jury.

I would submit that they are conditions to ensure <x>'s return to court.

It is received.

Lawyers may exercise challenges.

Marked as evidence.

Motion denied.

No objection.

Not that I recall.

Objection.

Objection to the form, your Honor.

Object, your Honor, leading.

Overruled.

Received.

Received in evidence.

Received subject to connection.

Sustained.

Sustained; rephrase the question.

Tell us... to the best of your recollection.

That was your sworn testimony.

The counsel is mis-characterizing the witness' testimony.

The court finds that there is a factual basis for the plea.

The court is prepared to proceed to sentencing.

The defendant acted knowingly and intentionally.

The defendant admits to frequent travel to....

The defendant has admitted his involvement in the instant charge.

The defendant has no history of drug or alcohol abuse.

The defendant has no prior convictions.

The defendant is guilty as charged in the incident.

The defendant represents to me that...

The defendant says that he is sorry and remorseful.

The defendant waives a public reading of the indictment.

The defendant has not made his bail yet.

The defendant is being brought over by way of writ.

The defendant is innocent until proven guilty.

The defense has no objection as to foundation.

The defense rests.

The evidence is overwhelming.

The evidence will show...

The exhibit is accepted into evidence.

The government objects as to the relevance of this document.

The objection is overruled.

The objection is sustained.

The only thing I have redacted is...

The outburst was non-responsive.

The witness' answer was not responsive to the question.

We'll take a break for lunch.

We're awaiting the execution of the documents.

You are entitled to have a lawyer.

You have been placed on probation.

You testified earlier that...

You testified on direct that...

You are under oath.

Criminal Law Motions

Motion: An oral or written application to the court, requesting an order or rule in favor of the applicant. Motions may be known by the name of the precedent case establishing the need (e.g., Marsden Motion) or by the code section they are based on. These names vary from one jurisdiction to another.

Motion in limine: Made for the purpose of preventing the prosecutor from presenting evidence whose prejudicial effect outweighs its probative value. Presented right before a trial begins, outside the presence of the jury.

Motion to discover: The disclosure by a litigant of facts, titles, documents, or other things which are in his exclusive knowledge or possession, and which are necessary to the party requesting them.

Motion to suppress evidence: A request that evidence be excluded because it was obtained by illegal means.

Motion to continue: A request to adjourn or postpone an action or proceeding in a court until some future date.

Motion to dismiss: A request that the court throw out the entire case.

Motion to consolidate: Request permitting the consolidation of a series of crimes committed in any one jurisdiction into a single complaint or information.

Motion for severance of offenses: Request to separate offenses because of prejudicial effect on a defendant.

Motion for severance of defendants: Request for separate trials for two or more defendants jointly charged with the same offense.

Motion to determine present sanity: Request made by a judge or defense counsel at any time prior to or during a trial for a hearing to ascertain a defendant's present mental capabilities.

Motion to exclude witnesses: Request made by a judge, defense counsel, or prosecutor during a court hearing or trial to prevent witnesses' presence in the courtroom before they have testified. The primary purpose for this motion is to ensure that witnesses do not try to corroborate the testimony of other witnesses irrespective of the truth.

Motion to appoint expert witnesses: Request made to appoint persons with special skills, training or knowledge of a subject who will be able to testify in court by answering specific questions relating to the subject.

Motion for a change of venue: Request made by the defendant to transfer his case to a different location.

Motion to amend the complaint: Request for the court=s permission to correct an error in the complaint or to add further information.

Motion for judgment on the pleadings: Request made if the pleading alone shows that one party is entitled to a judgment without the need for any trial or additional showing to the court.

Motion for diversion: Request to hold a hearing based on the probation department=s report to determine if a defendant should be diverted from criminal prosecution for education, treatment and rehabilitation.

Motion to name attorney: Request to appoint a private attorney for an indigent defendant when the Public Defender=s Office declares a conflict of interest.

Motion to reduce bail: Request that the court reduce the bail set by the arresting agency.

Motion to disqualify the judge for cause: Request that a case be transferred to a different judge because of prejudice or bias.

Motion for revocation of probation: Request to impose all or part of a suspended sentence because the defendant has violated one or more terms of probation.

Motion for a directed verdict: Request that the court instruct the jury that the only possible verdict is Anot guilty.@

Motion for judgment N.O.V. (non obstante veredictum, notwithstanding the verdict): Request that the court render a judgment different from the jury=s verdict.

Objections

Leading: A question asked in such a way as to suggest the answer.

Hearsay: Statement made by someone other than the witness who is testifying, reported by the witness to prove the truth of the matter stated. There are many exceptions to the hearsay rule.

Beyond the scope of direct: A question that enters into areas of inquiry not covered in the direct examination of the witness.

Assume facts not in evidence: A question based on an assumption which has not been proven.

Lack of foundation: A question that inquires into matters not yet established through testimony.

Calls for speculation: A hypothetical question or one that asks a witness to guess about a situation. Only expert witnesses can be asked hypothetical questions.

Asked and answered: The witness has already been asked the same question and has already given an answer.

Argumentative: A question that attempts to contradict a witness rather than eliciting new information.

Non-responsive: An answer that fails to address the question posed.

Narrative: When a witness tells a story rather than responding point by point to specific questions.

Commonly Mistranslated Legal Terms

Terms that have a different meaning in the legal context than in ordinary spoken English:

Complaint: A written statement of the essential fact constituting the offense charged. Complaints are generally filed in misdemeanor cases in courts of limited jurisdiction; the term may also be used for felony charges filed in courts of limited jurisdiction prior to a finding of probable cause which will result in charges being filed in the court of general jurisdiction. A complaint may also be filed in a civil lawsuit.

Continue: To adjourn, postpone, or delay.

Discovery: Request for information from the opposing party to assist in preparing for trial.

Diversion: A system in which certain criminal defendants are referred to community agencies for counseling, education or rehabilitation as an alternative to criminal prosecution. Criminal charges are held in abeyance until completion of the program, after which they may be dismissed. Most commonly applied to substance abuse and domestic violence cases.

Enhancement: A factor that increases the penalty for an offense (e.g., use of a weapon).

Examination: Questioning.

Parole: Early release from prison of a person convicted of a felony, so that he can serve the remainder of his term outside of prison, subject to specified terms and conditions.

Plea: The defendant=s response to a criminal charge.

Pleadings: Statements of fact, in logical and legal form, which constitute plaintiff=s cause of action and defendant=s ground of defense.

Probation: A procedure in which a defendant found guilty of a crime is given a suspended sentence and is released by the court subject to certain conditions for a specified period of time.

Stipulation: An agreement made by opposing attorneys, orally or in writing, regulating any matter incidental to the proceedings (e.g., the designation of an expert witness).

Voir dire: The oral examination by the judge and by the attorneys to determine a person's qualifications to serve in a given capacity (e.g., as a juror, expert witness, or interpreter).

EXAMPLES OF ETHICS DECISIONS

What should I do if ... ?

Court interpreters are often faced with problem-solving situations. Below is a list of the most common questions asked by court interpreters to help you resolve some of these difficult issues.

If the defendant is asked to spell his name and he spells it wrong, what should I do?

Spell it exactly the way the witness spelled it. It is not your function to correct his spelling. If he is completely unable to give a spelling, the court may ask you how the name is spelled. Sometimes people can write their names but cannot say the letter out loud. You might suggest that the witness be given a piece of paper to write on, or you may write the name yourself and ask him if it is correct, provided that you have obtained the court's permission first.

What if the witness makes a slip of the tongue and says something he clearly does not mean, like "I was born in 1853" instead of "1953"?

Interpret exactly what the witness said. It is up to the attorney to clarify misstatements or to ask follow-up questions if something does not make sense.

What if the witness keeps saying, "tell him that . . ." instead of addressing the attorney directly?

Interpret exactly what the witness says. Witnesses and attorneys who are not used to working with interpreters may forget that they are supposed to address each other directly. If this becomes a problem, you may ask the judge to instruct them on the proper procedure.

What do I do if a witness goes on and on and does not give me a chance to interpret?

First of all, you should develop your memory capacity to such an extent that you can retain and interpret two or three sentences of normal testimony. In most cases, the attorney will not allow a witness to go into a long narrative, anyway. In the pre-testimony interview with the witness, you should instruct the witness to pause periodically for you to interpret if she needs to give a long answer. If the witness fails to do so, or if you have not had an opportunity to talk to her ahead of time, ask the judge to instruct the witness accordingly. If the witness continues to ignore such instructions, simply interrupt her when you need to, making sure that you wait until she has completed a thought so that she does not forget what she was saying. If a witness speaks in fragments or hedges a lot (“I, uh, was going uh, you know, uh, well I man, it was sort of, uh . . .”) you will have to interrupt her more often than if she gives a clear, coherent answer.

What if a witness uses a hand gesture as part of his answer? For example, a man said, “Well, I was kind of, you know . . .” and then he made a motion with his hand that is usually associated with drinking alcohol or being drunk.

Simply interpret his words. If a witness does not complete his thought verbally, it is up to the attorney to ask a follow-up question to clarify what he means. If the gesture is not one that is meaningful to English speakers, the attorney should ask the witness what it means. Do not volunteer to explain cultural matters on your own.

What if I do not understand the attorney’s question?

Ask for a clarification. You cannot interpret something you do not understand. Do not hesitate to ask for clarifications or repetitions, but remember to address the judge directly (e.g., “Your Honor, could counsel please explain what she means by ‘hot sheet?’”).

What if the defendant keeps talking to me while I am trying to interpret the proceedings for him?

Inform the court of the problem and ask that the defendant be instructed not to address the interpreter. If he needs to consult with his attorney, he should tell the attorney, through you, and the attorney will ask for a recess for that purpose.

What if someone says, “Do not translate this,” and then proceeds to tell a joke or discuss something they do not want the defendant to understand?

Tell them it is against your professional ethics to omit anything said in the defendant’s presence, and if they wish to discuss something without his knowledge they should do so outside the courtroom. Users of interpreting services may be unaware of the ethical standards that court

interpreters are bound to follow, and it may be necessary to show them the Code of Professional Responsibility for Interpreters in the Judiciary if an issue like this arises.

During the arraignment process, a defendant approaches me and says, “What should I do? Should I plead guilty?” (Sometimes they even say it when I am interpreting for them before the judge.) How should I handle this situation?

If the defendant asks questions while you are interpreting on the record, simply interpret the question and let the judge answer it. If she asks you outside the

courtroom or during a break in the proceedings, tell her that you are an interpreter, not a lawyer, and you are prohibited from giving legal advice.

During an attorney-client interview, the attorney told the client how to testify (“When I ask you what you were wearing, say you had a black jacket on”). What should I do in situations such as this that are unethical?

If an attorney is clearly doing something that violates the Bar Association’s Canons of Ethics, you should ask to speak to the judge in chambers and inform him/her of the incident.

What if I know a witness is lying because I have interpreted for him on a prior occasion?

Your duty is to interpret exactly what the witness says, ignoring your personal feelings or beliefs. Your opinion of the witness’ credibility is irrelevant. Any prior knowledge you have about a person or a case should be kept confidential. If you feel this may be a problem for you, you should not accept the interpreting assignment.

What if I know information the attorney is seeking, and the witness does not know it? For example, the attorney wants to know the exact address of a business in town, and I happen to know it. Should I volunteer the information?

Never volunteer information on your own accord. The attorney wants to know what the witness knows, not what the interpreter knows.

Sometimes I am interpreting for the defendant while another interpreter is up on the witness stand. I sometime hear/see mistakes made by other interpreters. How should I handle this situation?

If the error is trivial, such as a grammatical mistake, do not do anything. If it is an error of substance, something that alters the meaning of the witness’ testimony, wait until the next break

and inform the interpreter of the error. The interpreter should correct the record as soon as the court resumes. If the interpreter disagrees with you or refuses to correct the record, ask the judge to discuss the matter in chambers.

GLOSSARY OF LEGAL TERMS

ENGLISH/SPANISH

Compiled by Gloriela R. Webster

Federally Certified Court Interpreter

Interpreter Coordinator, Multnomah County Courts

March 2001

ABANDONMENT - A parent's or custodian's act of leaving a child without adequate care, supervision, support, or parental contact for an excessive period of time. Also, the desertion of one spouse by the other with the intent to terminate the marriage relationship.

ABATEMENT OF ACTION - A suit which has been quashed and ended.

ABSTRACT - A summary of a larger work, wherein the principal ideas of the larger work are contained.

ABSTRACT OF RECORD - A short, abbreviated form of the case as found in the record.

ABSTRACT OF TITLE - A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.

ACCESSORY - A person who aids or contributes in the commission of a crime.

ACCOMPLICE - One who knowingly, voluntarily, and intentionally unites with the principal offender in the commission of a crime. A partner in a crime.

ACCORD - A satisfaction agreed upon between the parties in a lawsuit which bars subsequent actions on the claim.

ACCORD AND SATISFACTION - A method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim.

ACCUSATION - A formal charge against a person, to the effect that he has engaged in a punishable offense.

ACCUSED - The generic name for the defendant in a criminal case.

ACKNOWLEDGMENT - 1. A statement of acceptance of responsibility. 2. The short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged.

ACQUIT - To legally certify the innocence of one charged with a crime. To set free, release or discharge from an obligation, burden or accusation. To find a defendant not guilty in a criminal trial.

ACQUITTAL - In criminal law, a finding of not guilty. In contract law, a release, absolution, or discharge from an obligation, liability, or engagement.

ACTION - Case, cause, suit, or controversy disputed or contested before a court of justice.

ADJUDICATE - To determine finally.

ADJUDICATION - Giving or pronouncing a judgment or decree. Also the judgment given.

ADMINISTRATOR - 1. One who administers the estate of a person who dies without a will. 2. A court official.

ADMISSIBLE - Pertinent and proper to be considered in reaching a decision.

ADMISSIBLE EVIDENCE - Evidence that can be legally and properly introduced in a civil or criminal trial.

ADMISSION - Voluntary acknowledgment of the existence of certain facts relevant to the adversary's case.

ADMONISH - To advise or caution. For example the Court may caution or admonish counsel for wrong practices.

ADOPTION - To take into one's family the child of another and give him or her the rights, privileges, and duties of a child and heir.

ADVERSARY SYSTEM - The trial method used in the U.S. and some other countries. This system is based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries. All this is done under the established rules of procedure before an impartial judge and/or jury.

AFFIANT - A person who makes and signs an affidavit.

AFFIDAVIT - A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths. For example, in criminal cases, affidavits are often used by police officers seeking to convince courts to grant a warrant to make an arrest or a search. In civil cases, affidavits of witnesses are often used to support motions for summary judgment.

AFFIRMATIVE DEFENSE - Without denying the charge, the defendant raises circumstances such as insanity, self-defense, or entrapment to avoid civil or criminal responsibility.

AFFIRMED - In the practice of appellate courts, the word means that the decision of the trial court is correct.

AGENT - One who has authority to act for another.

AGGRAVATED ASSAULT - An attempt to cause serious bodily injury to another or purposely, knowingly or recklessly causing such injury, or an attempt to cause or purposely or knowingly cause bodily injury to another with a deadly weapon.

AGGRAVATED BATTERY - The unlawful use of force against another with unusual or serious consequences such as the use of a dangerous weapon.

AGGRAVATING FACTORS - Any factors associated with the commission of a crime which increase the seriousness of the offense or add to its injurious consequences.

AGREED STATEMENT OF FACTS - A statement of all important facts, which all the parties agree is true and correct, which is submitted to a court for ruling.

AGREEMENT - A mutual understanding and intention between two or more parties. The writing or instrument which is evidence of an agreement. (Although often used as synonymous with contract, agreement is a broader term.)

AID AND ABET - Help, assist, or facilitate the commission of a crime.

ALFORD PLEA - A special type of guilty plea by which a defendant does not admit guilt but concedes that the State has sufficient evidence to convict; normally made to avoid the threat of greater punishment. Source: Black's Law Dictionary (1996); North Carolina v. Alford , 400 U.S. 25 (1970).

ALIBI - A defense claim that the accused was somewhere else at the time a crime was committed.

ALIMONY - A court-ordered allowance that one spouse pays the other spouse for maintenance and support while they are either separated, pending suit for divorce, or after they are divorced.

ALLEGATION - The assertion of a party to an action, setting out what he expects to prove.

ALLEGE - To state, recite, assert, claim, maintain, charge or set forth. To make an allegation.

ALLEGED - Asserted to be true as depicted or a person who is accused but has not yet been tried in court.

ALLOCUTION - A defendant's statement in mitigation of punishment.

ALTERNATIVE DISPUTE RESOLUTION (ADR) - Settling a dispute without a full, formal trial. Methods include mediation, conciliation, arbitration, and settlement, among others.

AMEND - To change, correct, revise, improve, modify, or alter.

AMENDMENT - The correction of an error admitted in any process.

ANNOTATION - A case summary or commentary on the law cases, statutes, and rules illustrating its interpretation.

ANNUAL REVIEW - Yearly judicial review, usually in juvenile dependency cases, to determine whether the child requires continued court supervision or placement.

ANSWER - The defendant's response to the plaintiff's allegations as stated in a complaint. An item-by-item, paragraph-by-paragraph response to points made in a complaint; part of the pleadings.

APPEAL - A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal."

APPEARANCE - A coming into court as party or interested person or as a lawyer on behalf of party or interested person.

APPELLANT - The party appealing a final decision or judgment.

APPELLATE COURT - A court having jurisdiction to hear appeals and review a trial court's procedure.

APPELLATE JURISDICTION - The appellate court has the right to review and revise the lower court decision.

APPELLEE - The party against whom an appeal is taken. Sometimes called a respondent.

ARBITRATION - The referral of a dispute to an impartial third person chosen by the parties to the dispute who agree in advance to abide by the arbitrator's award issued after a hearing at which both parties have an opportunity to be heard.

ARGUMENT - Remarks addressed by attorney to judge or jury on the merits of case or on points of law.

ARRAIGN - The procedure where the accused is brought before the court to hear the criminal charge(s) against him or her and to enter a plea of either guilty, not guilty or no contest.

ARRAIGNMENT - A proceeding in which the accused is brought before the court to plead to the criminal charge in the indictment or information. The charge is read to him or her and he or she is asked to plead guilty or not guilty or, where permitted, nolo contendere (no contest). Another term for preliminary hearing.

ARREST - To deprive a person of his liberty by legal authority.

ARREST OF JUDGMENT - Postponing the effect of a judgment already entered.

ARSON - The malicious burning of someone else's or one's own dwelling or of anyone's commercial or industrial property.

ASSAULT - Any willful attempt or threat to inflict injury upon the person of another, when coupled with the present ability to do so, and any intentional display of force such as would give victim reason to fear or expect immediate bodily harm.

ASSAULT WITH A DEADLY WEAPON - An aggravated unlawful assault in which there is threat to do bodily harm without justification or excuse by use of any instrument calculated to do serious bodily harm or cause death.

ASSAULT, AGGRAVATED - An assault committed with the intention of committing some additional crime.

ASSIGNEE - The person to whom property rights or power are transferred by another, a grantee

ASSUMPTION OF RISK - In tort law, a defense to a personal injury suit. The essence of an affirmative defense is that the plaintiff assumed the known risk of whatever dangerous condition caused the injury.

AT ISSUE - The time in a lawsuit when the complaining party has stated his or her claim and the other side has responded with a denial and the matter is ready to be tried.

ATTACHMENT - Taking a person's property to satisfy a court-ordered debt.

ATTEMPT - An endeavor or effort to do an act or accomplish a crime, carries beyond preparation, but lacking execution.

ATTEST - To bear witness to, to affirm to be true or genuine, to certify.

ATTORNEY - Attorney at law, lawyer, counselor at law.

ATTORNEY OF RECORD - The lawyer who represents a client and is entitled to receive all formal documents from the court or from other parties. Also known as counsel of record.

ATTORNEY-AT-LAW - An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts.

ATTORNEY-IN-FACT - A private person (who is not necessarily a lawyer) authorized by another to act in his or her place, either for some particular purpose, as to do a specific act, or for the transaction of business in general, not of legal character. This authority is conferred by an instrument in writing, called a letter of attorney, or more commonly, a power of attorney.

AUTHENTICATE - To give authority or legal authenticity to a statute, record, or other written instrument.

AUTO TAMPERING - The manipulation of an automobile and its parts for a specific purpose.

BAIL - Money or other security (such as a bail bond) provided to the court to temporarily allow a person's release from jail and assure his or her appearance in court. Bail and Bond are often used interchangeably.

BAIL BOND - An obligation signed by the accused to secure his or her presence at the trial. This obligation means that the accused may lose money by not properly appearing for the trial. Often referred to simply as bond.

BAIL BONDSMAN - A person who is the liable party in paying the bond for the defendant's release from jail.

BAIL FORFEITURE - Bail that is kept by the court as a result of not following a court order.

BAIL REVIEW - A hearing established to re-evaluate the bail amount that was originally set for the accused.

BAILIFF - A court officer who has charge of a court session in the matter of keeping order and has custody of the jury.

BANKRUPT - The state or condition of a person who is unable to pay his or her debts as they are or become due.

BANKRUPTCY - Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court in getting a fresh start. Under the protection of the bankruptcy court, debtors may be released from or discharged from their debts, perhaps by paying a portion of each debt. Bankruptcy judges preside over these proceedings. The person with the debts is called the debtor and the people or companies to whom the debtor owes money to are called creditors.

BAR - 1. Historically, the partition separating the general public from the space occupied by the judges, lawyers, and other participants in a trial. 2. More commonly, the term means the whole body of lawyers.

BAR EXAMINATION - A state examination taken by prospective lawyers in order to be admitted and licensed to practice law.

BATTERED CHILD SYNDROME (B.C.S.) - Physical condition of a child indicating that external or internal injuries result from acts committed by a parent or custodian.

BATTERY - An offensive touching or use of force on a person without the person's consent.

BATTERY, SPOUSAL - An offensive touching or use of force on one's spouse without the spouse's consent. See **BATTERY**.

BENCH - The seat occupied by judges in courts.

BENCH CONFERENCE - A meeting either on or off the record at the judge's bench between the judge, counsel, and sometimes the defendant, out of the hearing of the jury.

BENCH TRIAL - Trial without a jury in which a judge decides the facts.

BENCH WARRANT - An order issued by a judge for the arrest of a person.

BENEFICIARY - Someone named to receive property or benefits in a will. In a trust, a person who is to receive benefits from the trust.

BEQUEATH - To give a gift to someone through a will.

BEQUESTS - Gifts made in a will.

BEST EVIDENCE - Primary evidence; the best evidence available. Evidence short of this is Asecondary.@ That is, an original letter is Abest evidence,@ and a photocopy is Asecondary evidence.@

BEYOND A REASONABLE DOUBT - The standard in a criminal case requiring that the jury be satisfied to a moral certainty that every element of a crime has been proven by the prosecution. This standard of proof does not require that the state establish absolute certainty by eliminating all doubt, but it does require that the evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.

BIAS - Inclination, bent, a pre-conceived opinion or a predisposition to decide a cause or an issue a certain way.

BIFURCATE - To try issues separately, such as guilt and criminal responsibility in a criminal proceeding or liability and damages in a civil action.

BILL OF PARTICULARS - A statement of the details of the charge made against the defendant.

BIND OVER - To hold a person for trial on bond (bail) or in jail. If the judicial official conducting a hearing finds probable cause to believe the accused committed a crime, the official will bind over the accused, normally by setting bail for the accused's appearance at trial.

BODY ATTACHMENT - A written order issued by a court directing a sheriff or peace officer to take custody of and bring before the court: 1) A witness who fails to comply with a subpoena, 2) a party who fails to comply with a court order in a civil action, or 3) a material witness in a criminal case.

BOND - A certificate or evidence of a debt. Often used interchangeably with bail .

BOOKING - The process of photographing, fingerprinting, and recording identifying data of a suspect. This process follows the arrest.

BOOKING NUMBER - The number assigned to the criminal record that corresponds to the person's arrest.

BOOKMAKING - The act of collecting the bets of others or making odds on future gambling events.

BRANDISHING A WEAPON - The act of showing a weapon to another person, typically the police or the victim.

BREACH - The breaking or violating of a law, right, obligation, or duty either by doing an act or failing to do an act.

BREAKING AND ENTERING - Breaking and entering a dwelling of another in nighttime with intent to commit a felony therein.

BREATHALYZER TEST - Test to determine content of alcohol in one arrested for operating a motor vehicle while under the influence of liquor by analyzing a breath sample.

BRIBE - A gift, not necessarily of monetary value, given to influence the conduct of the receiver.

BRIEF - A written statement prepared by the counsel arguing a case in court. It contains a summary of the facts of a case, the pertinent laws, and an argument of how the law applies to the facts supporting counsel's position.

BURDEN OF PROOF - The obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.

BURGLARY - The act of entering or remaining illegally in a movable or immovable structure, vehicle or dwelling with intent to commit a felony.

CALENDAR - List of cases scheduled for hearing in court.

CALLING THE DOCKET - The public calling of the docket or list of causes at commencement of term of court, for setting a time for trial or entering orders.

CAPITAL CASE - A criminal case in which the allowable punishment includes death.

CAPITAL CRIME - A crime punishable by death.

CAPITAL PUNISHMENT - Punishment by death for capital crimes. Death penalty .

CAPTION - The heading on a legal document listing the parties, the court, the case number, and related information.

CASE - A general term for an action, cause, suit, or controversy brought before the court for resolution.

CASE LAW - Law established by previous decisions of appellate courts, particularly the Supreme Court.

CASE NUMBER - See **DOCKET NUMBER**.

CAUSATION - The act which produces an effect.

CAUSE - A lawsuit, litigation, or action. Any question, civil or criminal, litigated or contested before a court of justice.

CAUSE OF ACTION - The facts that give rise to a lawsuit or a legal claim.

CEASE AND DESIST ORDER - An order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

CERTIFICATION - 1. Written attestation. 2. Authorized declaration verifying that an instrument is a true and correct copy of the original.

CERTIFIED - Attested as being true or an exact reproduction.

CHAIN OF CUSTODY - An accounting for the whereabouts of the tangible evidence from the moment it is received in custody until it is offered in evidence in court.

CHALLENGE - An objection, such as when an attorney objects at a hearing to the seating of a particular person on a civil or criminal jury.

CHALLENGE FOR CAUSE - Objection to the seating of a particular juror for a stated reason (usually bias or prejudice for or against one of the parties in the lawsuit). The judge has the discretion to deny the challenge. This differs from peremptory challenge.

CHALLENGE TO THE ARRAY - Questioning the qualifications of an entire jury panel, usually on the ground of partiality or some fault in the process of summoning the panel.

CHAMBERS - A judge's private office. A hearing in chambers takes place in the judge's office outside of the presence of the jury and the public.

CHANGE OF VENUE - Moving a lawsuit or criminal trial to another place for trial.

CHARACTER EVIDENCE - The testimony of witnesses who know the general character and reputation of a person in the community in which he or she lives. It may be considered by the jury in a dual respect: 1) as substantive evidence upon the theory that a person of good character and reputation is less likely to commit a crime than one who does not have a good character and reputation, and 2) as corroborative evidence in support of a witness's testimony as bearing upon credibility.

CHARGE - A formal allegation, as a preliminary step in prosecution, that a person has committed a specific offense, which is recorded in a complaint, information or indictment. To charge; To accuse. See INSTRUCTIONS.

CHARGE TO THE JURY - The judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

CHARGING DOCUMENT - A written accusation alleging a defendant has committed an offense. Includes a citation, an indictment, information, and statement of charges.

CHIEF JUDGE - Presiding or Administrative Judge in a court.

CHILD ABUSE - Any form of cruelty to a child's physical, moral, or mental well-being.

CHILD MOLESTATION - Any form of indecent or sexual activity on, involving, or surrounding a child under the state's designated age.

CHILD SUPPORT - The legal obligation of parents to contribute to the economic maintenance, including education, of their children. Money paid by one parent to another toward the expenses of the children of the marriage.

CIRCUMSTANTIAL EVIDENCE - All evidence except eyewitness testimony. One example is physical evidence, such as fingerprints, from which an inference can be drawn.

CITATION - A reference to a source of legal authority. A direction to appear in court, as when a defendant is cited into court, rather than arrested.

CIVIL ACTION - Non-criminal case in which one private individual or business sues another to protect, enforce, or redress private or civil rights.

CIVIL CASE - A lawsuit brought to enforce, redress, or protect private rights or to gain payment for a wrong done to a person or party by another person or party. In general, all types of actions other than criminal proceedings.

CIVIL PROCEDURE - The rules and process by which a civil case is tried and appealed, including the preparations for trial, the rules of evidence and trial conduct, and the procedure for pursuing appeals.

CLAIM - The assertion of a right to money or property.

CLASS ACTION - A lawsuit brought by one or more persons on behalf of a larger group.

CLEAR AND CONVINCING EVIDENCE - Standard of proof commonly used in civil lawsuits and in regulatory agency cases. It governs the amount of proof that must be offered in order for the plaintiff to win the case.

CLEMENCY OR EXECUTIVE CLEMENCY - Act of grace or mercy by the president or governor to ease the consequences of a criminal act, accusation, or conviction. It may take the form of commutation or pardon.

CLERK - Officer of the court who files pleadings, motions, judgments, etc., issues process, and keeps records of court proceedings.

CLOSING ARGUMENT - The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

CODE - A collection, compendium, or revision of laws, rules, and regulations enacted by legislative authority.

CODE OF CRIMINAL PROCEDURE - Body of federal or state law dealing with procedural aspects of trial for criminal cases.

CODE OF FEDERAL REGULATIONS - The CFR is the annual listing of executive agency regulations published in the daily Federal Register, and the regulations issued previously which are still in effect. The CFR contains regulatory laws governing practice and procedure before federal administrative agencies.

CODE OF PROFESSIONAL RESPONSIBILITY - The rules of conduct that govern the legal profession. The Code contains general ethical guidelines and specific rules written by the American Bar Association.

CODICIL (kod'i-sil) - An amendment to a will.

COLLATERAL - 1. Property that is pledged as security against a debt. 2. A person belonging to the same ancestral stock (a relation), but not in a direct line of descent.

COLLATERAL ATTACK - An attack on a judgment other than a direct appeal to a higher court.

COMMISSIONER - A person who directs a commission; a member of a commission. The officer in charge of a department or bureau of a public service.

COMMIT - 1. To execute, perpetrate, or carry out an act. To commit a crime. 2. To send a person to prison, asylum, or reformatory by a court order.

COMMITMENT - 1. The action of sending a person to a penal or mental institution. 2. The order directing an officer to take a person to a penal or mental institution.

COMMITMENT ORDER - A court order directing that an individual be kept in custody, usually in a penal or mental facility.

COMMON LAW - The legal system that originated in England and is now in use in the United States. It is based on judicial decisions rather than legislative action.

COMMUNITY PROPERTY - Property owned in common by husband and wife each having an undivided one-half interest by reason of their marital status. For example, the earnings of one spouse during the marriage do not belong solely to that spouse; the earnings are community property.

COMMUTATION - The reduction of a sentence, such as from death to life imprisonment.

COMPARATIVE NEGLIGENCE - A legal doctrine by which acts of the opposing parties are compared to determine the liability of each party to the other, making each liable only for his or her percentage of fault. See also **CONTRIBUTORY NEGLIGENCE**.

COMPETENCY - Mental capacity of a person, especially with regard to his or her ability to stand trial and to assist counsel in his or her defense.

COMPLAINANT - The party who complains or sues; one who applies to the court for legal redress. Also called the plaintiff.

COMPLAINT - The legal document that usually begins a civil lawsuit. It states the facts and identifies the action the court is asked to take. 2. Formal written charge that a person has committed a criminal offense.

COMPLY - To act in accordance with, to accept, to obey.

COMPOSITE DRAWING - A picture of an alleged criminal created by a professional police artist using verbal descriptions given by the victim or a witness.

CONCILIATION - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who helps lower tensions, improve communications, and explore possible solutions. Conciliation is similar to mediation, but it may be less formal.

CONCURRENT JURISDICTION - The jurisdiction of two or more courts, each authorized to deal with the same subject matter.

CONCURRENT SENTENCES - Sentences for more than one crime that are to be served at the same time, rather than one after the other. See also **CUMULATIVE SENTENCES**.

CONDEMNATION - The legal process by which the government takes private land for public use, paying the owners a fair price. See **EMINENT DOMAIN**.

CONDITIONAL RELEASE - A release from custody which imposes regulations on the activities and associations of the defendant. If a defendant fails to meet the conditions, the release is revoked.

CONFESSION - Voluntary statement made by one who is a defendant in a criminal trial, which, if true, discloses his or her guilt.

CONFISCATE - To seize or take private property for public use (the police confiscated the weapon).

CONFLICT OF INTEREST - 1. A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. 2. A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent.

CONSECUTIVE SENTENCES - Successive sentences, one beginning at the expiration of another, imposed against a person convicted of two or more violations.

CONSERVATORSHIP - Legal right given to a person to manage the property and financial affairs of a person deemed incapable of doing that for himself or herself. (Conservators have somewhat less responsibility than guardians. See also guardianship.)

CONSIDERATION - The cause, price, or impelling influence which induces a party to enter into a contract.

CONSPIRACY - An agreement by two or more persons to commit an unlawful act; in criminal law, conspiracy is a separate offense from the crime that is the object of the conspiracy.

CONSTITUTIONAL RIGHT - A right guaranteed by the U. S. Constitution, interpreted by the federal courts; also, a right guaranteed by some other constitution (such as a state constitution).

CONTEMPT OF COURT - The finding of the court that an act was committed with the intent of embarrassing the court, disobeying its lawful orders, or obstructing the administration of justice in some way.

CONTINUANCE - The adjournment or postponement of a session, hearing, trial, or other proceeding until a future date.

CONTRACT - A legally enforceable agreement between two or more competent parties made either orally or in writing.

CONTRIBUTORY NEGLIGENCE - A legal doctrine that says if the plaintiff in a civil action for negligence also was negligent, he or she cannot recover damages from the defendant for the defendant's negligence. Most jurisdictions have abandoned the doctrine of contributory negligence in favor of comparative negligence .

CONTROLLED SUBSTANCE - Any of the drugs whose production and use are regulated by law, including narcotics, stimulants, and hallucinogens.

CONVICT - 1. A person who has been found guilty of a crime and is serving a sentence for that crime; a prison inmate. 2. To find a person guilty of an offense by either a trial or a plea of guilty.

CONVICTION - A judgment of guilty following a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere.

CORONER - Public official charged with duty to make inquiry into the causes and circumstances of any death which occurs through violence or suddenly, with marks of suspicion.

CORROBORATE - To support with evidence or authority; make more certain.

CORROBORATING EVIDENCE - Supplementary evidence that tends to strengthen or confirm the initial evidence.

CORROBORATION - Confirmation or support of a witness' statement or other fact.

COSTS - An allowance for expenses in prosecuting or defending a suit. Ordinarily this does not include attorney fees.

COUNSEL - A legal representative, attorney, lawyer.

COUNSEL TABLE - The physical location where the defense and prosecuting parties are seated throughout the duration of the trial.

COUNT - Each of the allegations of an offense listed in a charging document.

COUNTERCLAIM - A claim presented by a defendant in a civil lawsuit against the plaintiff. In essence, a counter lawsuit within a lawsuit.

COUNTERFEIT - To forge, to copy or imitate, without authority or right, and with the purpose to deceive or defraud, by passing off the copy as genuine.

COUNTY JAIL - A building or structure used to house alleged criminals and/or convicted criminals of local area crimes.

COURT - 1. A unit of the judiciary authorized to decide disputed matters of fact, cases or controversies. 2. Figuratively, the judge or judicial officer. Judges sometimes use "court" to refer the briefs."

COURT ADMINISTRATOR/CLERK OF COURT - An officer appointed by the Court or elected to oversee the administrative, non-judicial activities of the court.

COURT APPOINTED COUNSEL - A defense attorney designated by the court to represent a defendant who does not have the funds to retain an attorney.

COURT COSTS - The expenses of prosecuting or defending a lawsuit, other than the attorneys' fees. An amount of money may be awarded to the successful party (and may be recoverable from the losing party) as reimbursement for court costs.

COURT OF RECORD - A court in which the proceedings are recorded, transcribed, and maintained as permanent records.

COURT ORDER - A written direction or command delivered by a court or judge.

COURT REPORTER - A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.

COURT, APPEALS - In some states, the highest appellate court, where it is the Court's discretion whether to hear the case on appeal.

COURT, DISTRICT - 1. Federal - A trial court with general Federal jurisdiction. 2. State - Meaning varies from state to state.

COURT, JUVENILE - A court having jurisdiction over cases involving children under a specified age, usually 18. Cases generally involve delinquent, dependent, and neglected children.

COURT, MUNICIPAL - A court having jurisdiction (usually civil and criminal) over cases arising within the city or community in which it sits.

COURT, NIGHT - A specialized court that deals with cases during the late evening and early morning hours.

COURT, SUPERIOR - Meaning varies from state to state.

COURT, TRAFFIC - A specialized court that hears crimes dealing with traffic offenses.

COURTROOM - The section of a courthouse in which the judge presides over the proceedings.

CREDIBILITY - The quality in a witness which makes his or her testimony believable.

CRIME - 1. An act of omission or commission in violation of law which carries criminal consequences. 2. Criminal activity in general relating to a specific time or place.

CRIMINAL - 1. One who has been convicted of a criminal offense. 2. That which is connected with the law of crimes; That which has the character of a crime (criminal justice; criminal intent).

CRIMINAL CASE - A case brought by the government against a person accused of committing a crime.

CRIMINAL INSANITY - Lack of mental capacity to do or abstain from doing a particular act; inability to distinguish right from wrong.

CRIMINAL RECORD - 1. Arrest record. A written account listing all the instances in which a person has been arrested. 2. A form completed by a police officer when a person is arrested.

CRIMINAL SUMMONS - An order commanding an accused to appear in court.

CROSS-CLAIM - A claim by codefendant or co-plaintiffs against each other and not against persons on the opposite side of the lawsuit.

CROSS-EXAMINATION - The questioning of a witness produced by the other side.

CUMULATIVE SENTENCES - Sentences for two or more crimes to run consecutively, rather than concurrently.

CUSTODY - 1. The care and control of a thing or person for inspection, preservation, or security. 2. The care, control, and maintenance of a child awarded by a court to one of the parents in a divorce or separation proceeding. 3. The detention of a person by virtue of lawful process or authority.

DAMAGES - Money awarded by a court to a person injured by the unlawful act or negligence of another person.

DEATH PENALTY - State-imposed death as punishment for a serious crime. Capital punishment.

DEATH ROW - The area of a state or federal prison where criminals who are sentenced to death are confined until their sentence is commuted or carried out.

DECISION - The judgment reached or given by a court of law.

DECLARATORY JUDGMENT - A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

DECREE - An order of the court. A final decree is one that fully and finally disposes of the litigation. An interlocutory decree is a preliminary order that often disposes of only part of a lawsuit.

DEFAMATION - That which tends to injure a person's reputation. Libel is published defamation, whereas slander is spoken.

DEFAULT - A failure to respond to a lawsuit within the specified time.

DEFAULT-JUDGMENT - A judgment entered against a party who fails to appear in court, respond to the charges, or does not comply with an order, especially an order to provide or permit discovery.

DEFENDANT - 1. In a criminal case, the person accused of the crime. 2. In a civil case, the person being sued.

DEFENSE - 1. Defendant's statement of a reason why the plaintiff or prosecutor has no valid case against defendant, especially a defendant's answer, denial, or plea. 2. Defendant's method and strategy in opposing the plaintiff or the prosecution. 3. One or more defendants in a trial.

DEFENSE ATTORNEY - An attorney who represents the defendant.

DELIBERATE - 1. To discuss, ponder or reflect upon before reaching a decision. A judge will usually deliberate before announcing a judgment. 2. Intentional, characterized by consideration and awareness.

DELIBERATION - The jury's decision-making process after hearing the evidence and closing arguments and being given the court's instructions.

DELINQUENCY, JUVENILE - Antisocial behavior by a minor; especially behavior that would be criminally punishable if the actor were an adult, but instead is usually punished by special laws pertaining only to minors.

DEMURRER - A motion to dismiss a civil case because of the legal insufficiency of a complaint.

DEPENDENT CHILD - A child who is homeless or without proper care through no fault of the parent, guardian, or custodian.

DEPORTATION - The act of removing a person to another country. Order issued by an immigration judge, expelling an alien from the United States. A deportation has certain consequences regarding the number of years within which a deportee may not legally immigrate. There are also criminal consequences for reentry within a prescribed time period.

DEPOSITION - A pretrial discovery device by which one party questions the other party or a witness for the other party. It usually takes place in the office of one of the lawyers, in the

presence of a court reporter, who transcribes what is said. Questions are asked and answered orally as if in court, with opportunity given to the adversary to cross-examine. Occasionally, the questions are submitted in writing and answered orally.

DEPRIVATION OF CUSTODY - The court transfer of legal custody of a person from parents or legal guardian to another person, agency, or institution. It may be temporary or permanent.

DEPUTY D.A. - An assistant lawyer to the district attorney.

DESCENT AND DISTRIBUTION STATUTES - State laws that provide for the distribution of estate property of a person who dies without a will. Same as intestacy laws.

DETENTION - The act or fact of holding a person in custody; confinement or compulsory delay.

DETENTION HEARING - In juvenile court, a judicial hearing, usually held after the filing of a petition, to determine interim custody of a minor pending a judgment.

DIRECT EVIDENCE - Proof of facts by witnesses who saw acts done or heard words spoken.

DIRECT EXAMINATION - The first questioning of witnesses by the party on whose behalf they are called.

DIRECTED VERDICT - Now called Judgment as a Matter of Law. An instruction by the judge to the jury to return a specific verdict.

DISBARMENT - Form of discipline of a lawyer resulting in the loss (often permanently) of that lawyer's right to practice law. It differs from censure (an official reprimand or condemnation) and from suspension (a temporary loss of the right to practice law).

DISCLAIM - To refuse a gift made in a will.

DISCOVERY - The procedure by which one or both parties disclose evidence which will be used at trial. The specific tools of discovery include depositions, interrogatories and motions for the production of documents.

DISMISS - To terminate legal action involving outstanding charges against a defendant in a criminal case.

DISMISSAL WITH PREJUDICE - The dismissal of a case, by which the same cause of action cannot be brought against the defendant again at a later date.

DISMISSAL WITHOUT PREJUDICE - The dismissal of a case without preventing the plaintiff from bringing the same cause of action against the defendant in the future.

DISORDERLY CONDUCT - Any behavior, contrary to law, which disturbs the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

DISPOSITION - A final settlement or determination. The court decision terminating proceedings in a case before judgment is reached, or the final judgment.

DISSENT - To disagree. An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.

DISSOLUTION - The act of bringing to an end; termination. The dissolution of a marriage or other relationship.

DISTRICT ATTORNEY - A lawyer appointed or elected to represent the state in criminal cases in his or her respective judicial districts. See **PROSECUTOR**.

DISTURBING THE PEACE - Conduct which tends to annoy all citizens, including unnecessary and distracting noisemaking.

DIVERSION - 1. The process of removing some minor criminal traffic, or juvenile cases from the full judicial process, on the condition that the accused undergo some sort of rehabilitation or make restitution for damages. 2. Unauthorized use of funds.

DIVORCE - Legal dissolution of a marriage by a court. Also termed dissolution of marriage.

DOCKET - A list of cases to be heard by a court, or a log containing brief entries of court proceedings.

DOCKET NUMBER - The designation assigned to each case filed in a particular court. Also called a case number.

DOMESTIC VIOLENCE - An assault committed by one member of a household against another.

DOMICILE - The place where a person has his or her permanent legal home. A person may have several residences, but only one domicile.

DOUBLE JEOPARDY - The constitutional prohibition under the Fifth Amendment against a person being put on trial more than once for the same offense.

DRIVING WHILE INTOXICATED (DWI) - The unlawful operation of a motor vehicle while under the influence of drugs or alcohol. In some jurisdictions it is synonymous with **DRIVING UNDER THE INFLUENCE (DUI)**, but in others, driving while intoxicated is a more serious offense than driving under the influence.

DRUNK DRIVING - The operation of a vehicle in an impaired state after consuming alcohol that when tested is above the state's legal alcohol limit.

DUE PROCESS OF LAW - The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as adequate notice, assistance of counsel, the right to remain silent, the right to a speedy and public trial, the right to an impartial jury, and the right to confront and secure witnesses.

ELEMENTS OF A CRIME - Specific factors that define a crime which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction. The elements that must be

proven are 1) that a crime has actually occurred, 2) that the accused intended the crime to happen, and 3) a timely relationship between the first two factors.

EMBEZZLE - To willfully take or convert to one's own use, another's money or property, which the wrongdoer initially acquired lawfully, because of some office, employment, or some position of trust.

EMINENT DOMAIN - The power of the government to take private property for public use through condemnation.

EN BANC - All the judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

ENHANCE - To make greater in value, to increase.

ENJOINING - An order by the court telling a person to stop performing a specific act.

ENTER A GUILTY PLEA - The formal statement before the court that the accused admits committing the criminal act.

ENTRAPMENT - A defense to criminal charges alleging that agents of the government induced a person to commit a crime he or she otherwise would not have committed.

EQUAL PROTECTION - The guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons be treated equally by the law.

EQUITABLE ACTION - An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action.

EQUITY - Generally, justice or fairness. Historically, equity refers to a separate body of law developed in England in reaction to the inability of the common-law courts, in their strict adherence to rigid writs and forms of action, to consider or provide a remedy for every injury. The king therefore established the court of chancery to do justice between parties in cases where the common law would give inadequate redress. The principle of this system of law is that equity will find a way to achieve a lawful result when legal procedure is inadequate. Equity and law courts are now merged in most jurisdictions.

ESCHEAT (ES-CHET) - The process by which a deceased person's property goes to the state if no heir can be found.

ESCROW - Money or a written instrument such as a deed that, by agreement between two parties, is held by a neutral third party (held in escrow) until all conditions of the agreement are met.

ESTATE - An estate consists of personal property (car, household items, and other tangible items), real property, and intangible property, such as stock certificates and bank accounts, owned in the individual name of a person at the time of the person's death. It does not include life insurance proceeds (unless the estate was made the beneficiary) or other assets that pass outside the estate (like joint tenancy assets)

ESTATE TAX - Generally, a tax on the privilege of transferring property to others after a person's death. In addition to federal estate taxes, many states have their own estate taxes.

ESTOPPEL - A person's own act, or acceptance of facts, which preclude his or her later making claims to the contrary.

EVICTION - Recovery of land or rental property from another by legal process.

EVIDENCE - Information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

EVIDENCE, CIRCUMSTANTIAL - Inferences drawn from proven facts.

EVIDENCE, DIRECT - Evidence in form of witness testimony, who actually saw, heard, or touched the subject of question.

EVIDENCE, EVANESCENT - Evidence which can disappear relatively quickly, such as the amount of alcohol in a person's blood.

EXAMINATION, DIRECT - The first examination of a witness by the counsel who called the witness to testify.

EXAMINATION, RECROSS - A second examination of a witness by the opposing counsel after the second examination (or redirect examination) by the counsel who called the witness to testify is completed.

EXAMINATION, REDIRECT - A second examination of a witness by the counsel who called the witness to testify. This examination is usually focused on certain matters that were discussed by the opposing counsel's examination.

EXCEPTIONS - Declarations by either side in a civil or criminal case reserving the right to appeal a judge's ruling upon a motion. Also, in regulatory cases, objections by either side to points made by the other side or to rulings by the agency or one of its hearing officers.

EXCLUSION OF WITNESSES - An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant. The witnesses are ordered not to discuss their testimony with each other and may be held in contempt if they violate the order.

EXCLUSIONARY RULE - The rule preventing illegally obtained evidence to be used in any trial.

EXCLUSIVE JURISDICTION - The matter can only be filed in one court.

EXCULPATORY EVIDENCE - Evidence which tends to indicate that a defendant did not commit the alleged crime.

EXECUTE - To complete the legal requirements (such as signing before witnesses) that make a will valid. Also, to execute a judgment or decree means to put the final judgment of the court into effect.

EXECUTOR - A personal representative, named in a will, who administers an estate.

EXHIBIT - A document or other item introduced as evidence during a trial or hearing.

EXHIBIT, PEOPLE'S - Exhibit and/or evidence that is offered by the prosecution.

EXONERATE - Removal of a charge, responsibility or duty.

EXPERT TESTIMONY - Testimony given in relation to some scientific, technical, or professional matter by experts, i.e., person qualified to speak authoritatively by reason of their special training, skill, or familiarity with the subject.

EXPUNGEMENT - Official and formal erasure of a record or partial contents of a record.

EXTENUATING CIRCUMSTANCES - Circumstances which render a crime less aggravated, heinous, or reprehensible than it would otherwise be.

EXTORTION - The act of obtaining the property of another person through wrongful use of actual or threatened force, violence, or fear.

EXTRADITION - The process by which one state or country surrenders to another state, a person accused or convicted of a crime in the other state.

EXTRAORDINARY WRIT - A writ, often issued by an appellate court, making available remedies not regularly within the powers of lower courts. They include writs of habeas corpus, mandamus, prohibition and quo warranto.

EYE WITNESS - One who saw the act, fact, or transaction to which he or she testifies.

FAILURE TO APPEAR - The act of not appearing in court after being presented with a subpoena or summons.

FAILURE TO COMPLY - The act of not following an order that is directed by the court.

FAIR HEARING - A hearing in which certain rights are respected such as the right to present evidence, to cross examine and to have findings supported by evidence.

FALSE ARREST - Any unlawful physical restraint of another's personal liberty, whether or not carried out by a peace officer.

FALSE IMPRISONMENT - The unlawful restraint by one person of another person's physical liberty.

FALSE PRETENSES - Representation of some fact or circumstance which is not true and is calculated to mislead, whereby a person obtains another's money or goods.

FAMILY ALLOWANCE - A small amount of money set aside from the estate of the deceased. Its purpose is to provide for the surviving family members during the administration of the estate.

FEE SIMPLE - The most complete, unlimited form of ownership of real property, which endures until the current holder dies without heir.

FELONY - A crime of a more serious nature than a misdemeanor, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines.

FELONY MURDER - A murder committed during the commission of a felony such as robbery, burglary, or kidnapping.

FIDELITY BOND - See SURETY BOND.

FIDUCIARY - A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the others benefit, e.g., a guardian, trustee, or executor.

FIELD SOBRIETY TEST - A method of determining whether a person is intoxicated using a motor skills test which is administered by testing the driver's speaking ability and/or physical coordination.

FIFTH AMENDMENT - Among other rights, the Fifth Amendment to the U.S. Constitution guarantees that a person cannot be compelled to present self-incriminating testimony in a criminal proceeding.

FILE - To place a paper in the official custody of the clerk of court to enter into the files or records of a case.

FIND GUILTY - For the judge or jury to determine and declare the guilt of the defendant.

FINDING - Formal conclusion by a judge or jury on issues of fact.

FINE - To sentence a person convicted of an offense to pay a penalty in money.

FINGERPRINT - The distinctive pattern of lines on human fingertips that are used as a method of identification in criminal cases.

FIREARM - A weapon which acts by force of gunpowder, such as a rifle, shotgun or revolver.

FIRST APPEARANCE - The initial appearance of an arrested person before a judge to determine whether there is probable cause for his or her arrest. Generally the person comes before a judge within hours of the arrest, and are informed of the charges against him or her and of his or her rights to a preliminary hearing, to counsel, and to bail. No plea is asked for at this state. Also called initial appearance.

FORCIBLE ENTRY AND DETAINER - Ordinarily refers to a summary proceeding for restoring possession of land to one who has been wrongfully deprived of possession.

FORECLOSURE - Procedure by which mortgaged property is sold on default of the mortgagor in satisfaction of mortgage debt.

FORFEIT - To lose, or lose the right to.

FORFEITURE - The loss of money or property resulting from failure to meet a legal obligation or from the illegal nature or use of the money or property.

FORGERY - The act of claiming one's own writing to be that of another.

FOSTER CARE - A program of parental care for children who do not have an in-home parental relationship with either biological or adoptive parents.

FOUNDATION - In a trial, a foundation must be laid to establish the basis for the admissibility of certain types of evidence. For example, an expert witnesses's qualifications must be shown before expert testimony will be admissible.

FOURTH AMENDMENT - Among other matters, the 14th Amendment to the U.S. Constitution prohibits states from depriving any person of life, liberty, or property without adequate due process.

FRAUD - Intentional, unlawful deception to deprive another person of property or to injure that person in some other way.

GAMBLING - The act of staking money, or other thing of value, on an uncertain event or outcome.

GARNISH - To withhold a debtor's money, and turn it over to another in order to pay a debt. Typically, the one withholding the money is the debtor's employer.

GARNISHMENT - A legal proceeding in which a debtor's money, in the possession of another (the garnishee), is applied to the debts of the debtor, such as when an employer garnishes a debtor's wages.

GENERAL ASSIGNMENT - The voluntary transfer, by a debtor, of all property to a trustee for the benefit of all of his or her creditors.

GENERAL JURISDICTION - Refers to courts that have no limit on the types of criminal and civil cases they may hear.

GLUE SNIFFING - The act of inhaling glue in order "to get high".

GOOD CAUSE - Substantial reason, one that affords a legal excuse.

GOOD FAITH - An honest belief, the absence of malice, and the absence of design to defraud.

GOOD TIME - A reduction in sentenced time in prison as a reward for good behavior. It usually is one-third to one-half off the maximum sentence.

GRAND JURY - Jury of inquiry. The jury which determines which charges, if any, are to be brought against a defendant.

GRAND THEFT - Taking and carrying away the personal property of another person of a value in excess of an amount set by law with the intent to deprive the owner or possessor of it permanently.

GRANTOR OR SETTLOR - The person who sets up a trust.

FOUNDATIONS - A foundation or basis; points relied on.

GUARDIAN - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If a parent dies, this will usually be the other parent. If both die, it probably will be a close relative.

GUARDIANSHIP - Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable of providing these necessities for himself or herself, usually an incompetent adult or minor child.

GUILTY - Responsible for a delinquency, crime, or other offense; not innocent.

HANDCUFFS - Chains or shackles for the hands to secure prisoners.

HARASSMENT - Words, gestures, and actions which tend to annoy, alarm, and verbally abuse another person.

HARMLESS ERROR - An error committed during a trial that was corrected or was not serious enough to affect the outcome of a trial and therefore was not sufficiently harmful (prejudicial) to be reversed on appeal.

HEARING - A proceeding similar to a trial, without a jury, and usually of shorter duration.

HEARING, CONTESTED - A hearing held for the purpose of deciding issues or fact of law that both parties are disputing.

HEARING, PRELIMINARY - The hearing given to person accused of crime, by a magistrate or judge, to determine whether there is enough evidence to warrant the confinement and holding to bail the person accused.

HEARSAY - Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

HIT AND RUN - Crime in which the driver of a vehicle leaves the scene of an accident without identifying himself or herself.

HOLDING CELL - A temporary location that is meant to secure the accused while waiting for trial to begin or continue.

HOLOGRAPHIC WILL - A will entirely written, dated, and signed by the testator in his/her own handwriting.

HOME MONITORING - An alternative to incarceration where an individual is confined to his or her home and monitored electronically.

HOMICIDE - The unlawful killing of one human being by another.

HOSPITAL WARRANT - A warrant that a court issues under Health-General Article Section 12-120 after a probable cause determination that the named defendant has violated a conditional release under Title 12 of the Health-General Article.

HOSTILE WITNESS - A witness whose testimony is not favorable to the party who calls him or her as a witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

HUNG JURY - A jury whose members cannot agree upon a verdict.

HYPOTHETICAL QUESTION - An imaginary situation, incorporating facts previously admitted into evidence, upon which an expert witness is permitted to give an opinion as to a condition resulting from the situation.

ILLEGAL - Against, or not authorized by law; unlawful.

IMMUNITY - Grant by the court which assures someone will not face prosecution in return for providing evidence in a criminal proceeding.

IMPANEL - To seat a jury. When voir dire is finished and both sides have exercised their challenges, the jury is impaneled. The jurors are sworn in and the trial is ready to proceed.

IMPEACHMENT OF WITNESS - To call into question the truthfulness of a witness.

IMPLIED CONTRACT - A contract in which the promise made by the obligor is not expressed, but inferred by one's conduct or implied in law.

INADMISSIBLE - That which, under the rules of evidence, cannot be admitted as evidence in a trial or hearing.

INCAPACITY - The lack of power or the legal ability to act.

INCARCERATE - To confine in jail.

INCEST - Sexual intercourse between persons so closely related that marriage between them would be unlawful.

INCOMPETENCY - Lack of capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing a defense.

INCRIMINATE - To make it appear that one is guilty of a crime.

INDECENT EXPOSURE - Exposure to sight of the private parts of the body in a lewd or indecent manner in a public place.

INDEMNIFY - The term pertains to liability for loss shifted from one person held legally responsible to another.

INDEPENDENT EXECUTOR - A special kind of executor, permitted by the laws of certain states, who performs the duties of an executor without intervention by the court.

INDETERMINATE SENTENCE - A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.

INDICTMENT - A formal written accusation, issued by a grand jury, charging a party with a crime.

INDIGENT - Needy and poor. A defendant who can demonstrate his or her indigence to the court may be assigned a court appointed attorney at public expense.

INFORMANT - An undisclosed person who confidentially discloses material information of a crime to the police, which is usually done in exchange for a reward or special treatment.

INFORMATION - A formal written document filed by the prosecutor detailing the criminal charges against the defendant. An alternative to an indictment, it serves to bring a defendant to trial.

INFRACTION - A violation of law, not punishable by imprisonment. Minor traffic offenses are generally considered infractions.

INHERITANCE TAX - A state tax on property that an heir or beneficiary under a will receives from a deceased person's estate. The heir or beneficiary pays this tax.

INITIAL APPEARANCE - In criminal law, the hearing at which a judge determines whether there is sufficient evidence against a person charged with a crime to hold him or her for trial. The Constitution bans secret accusations, so initial appearances are public unless the defendant asks otherwise; the accused must be present, though he or she usually does not offer evidence. Also called first appearance.

INJUNCTION - Writ or order by a court prohibiting a specific action from being carried out by a person or group.

INMATE - A person confined to a prison, penitentiary, or jail.

INNOCENT UNTIL PROVEN GUILTY - A belief in the American legal system which states that all people accused of a criminal act are considered not to have committed the crime until the

evidence leaves no doubt in the mind of the court or the jury that the accused did or did not commit the crime.

INSANITY PLEA - A claim by a defendant that he or she lacks the soundness of mind required by law to accept responsibility for a criminal act.

INSTRUCTIONS - Judge's explanation to the jury before it begins deliberations of the questions it must answer and the applicable law governing the case. Also called charge.

INTANGIBLE ASSETS - Nonphysical items such as stock certificates, bonds, bank accounts, and pension benefits that have value and must be taken into account in estate planning.

INTENT - The purpose to use a particular means to bring about a certain result.

INTERLOCUTORY - Provisional; not final. An interlocutory order or an interlocutory appeal concerns only a part of the issues raised in a lawsuit. Compare to decree .

INTERROGATORIES - Written questions asked by one party in a lawsuit for which the opposing party must provide written answers.

INTERVENTION - An action by which a third person who may be affected by a lawsuit is permitted to become a party to the suit. Differs from the process of becoming an amicus curiae.

INTESTACY LAWS - See DESCENT AND DISTRIBUTION STATUTES.

INTESTATE - Dying without a will.

INTESTATE SUCCESSION - The process by which the property of a person who has died without a will passes on to others according to the state's descent and distribution statutes. If someone dies without a will, and the court uses the state's interstate succession laws, an heir who receives some of the deceased's property is an intestate heir.

INVESTIGATION - A legal inquiry to discover and collect facts concerning a certain matter.

IRRELEVANT - Evidence not sufficiently related to the matter in issue.

IRREVOCABLE TRUST - A trust that, once set up, the grantor may not revoke.

ISSUE - 1) The disputed point in a disagreement between parties in a lawsuit. 2) To send out officially, as in to issue an order.

JAIL - A place of confinement that is more than a police station and less than a prison. It is usually used to hold persons convicted of misdemeanors or persons awaiting trial.

JEOPARDY - The peril in which an accused is placed when he is properly charged with a crime before a court. Jeopardy normally attaches when the petit jury is impaneled. After such time, the

accused may not be released and tried at a later date for the same offense. Subject to exception. See **DOUBLE JEOPARDY**.

JOIN - To unite, to combine, to enter into an alliance.

JOINT AND SEVERAL LIABILITY - A legal doctrine that makes each of the parties who are responsible for an injury liable for all the damages awarded in a lawsuit if the other parties responsible cannot pay.

JOINT TENANCY - A form of legal co-ownership of property (also known as survivorship). At the death of one co-owner, the surviving co-owner becomes sole owner of the property. Tenancy by the entirety is a special form of joint tenancy between a husband and wife.

JOINT VENTURE - An association of persons jointly undertaking some commercial enterprise. Unlike a partnership, a joint venture does not entail a continuing relationship among the parties.

JOYRIDING - The illegal taking of an automobile without intent to deprive the owner permanently of the vehicle, often involving reckless driving.

JUDGE - An elected or appointed public official with authority to hear and decide cases in a court of law.

JUDGMENT (JUDGMENT) - The final decision of the court, resolving the dispute; an opinion; an award.

JUDICIAL NOTICE - A court's recognition of the truth of basic facts without formal evidence.

JUDICIAL REVIEW - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

JURISDICTION - 1. The legal authority of a court to hear and decide a case. 2. The geographic area over which the court has authority to decide cases.

JURISPRUDENCE - The study of law and the structure of the legal system.

JUROR - Member of the jury.

JUROR, ALTERNATE - Additional juror impaneled in case of sickness or disability of another juror.

JURY - A body of persons temporarily selected from the citizens of a particular district sworn to listen to the evidence in a trial and declare a verdict on matters of fact.

JURY BOX - The specific place in the courtroom where the jury sits during the trial.

JURY COMMISSIONER - The court officer responsible for choosing the panel of persons to serve as potential jurors for a particular court term.

JURY FOREMAN - The juror who chairs the jury during deliberations and speaks for the jury in court when announcing the verdict.

JURY TRIAL - Trial in which a jury decides issues of fact as opposed to trial only before a judge.

JURY, HUNG - A jury which is unable to agree on a verdict after a suitable period of deliberation.

JUSTICIABLE - Issues and claims capable of being properly examined in court.

JUVENILE - A young person who has not yet attained the age at which he or she should be treated as an adult for purposes of criminal law and other legal matters.

JUVENILE HALL - The facility where juvenile offenders are held in custody.

JUVENILE WAIVER - A procedure by which a charge(s) against a minor is transferred from a juvenile to circuit court.

KIDNAPPING - The taking or detaining of a person against his or her will and without lawful authority.

KNOWINGLY - With knowledge, willfully or intentionally with respect to a material element of an offense.

LARCENY - Stealing or theft.

LAW - The combination of those rules and principles of conduct promulgated by legislative authority, derived from court

decisions, and established by local custom.

Page 25

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

LAW AND MOTION - A setting before a judge at which time a variety of motions, pleas, sentencing, orders to show cause or procedural requests may be presented. Normally, evidence is not taken. Defendants must be present.

LAW CLERKS - Persons trained in the law who assist judges in researching legal opinions.

LAWSUIT - An action between two or more persons in the courts of law, not a criminal matter.

LAY PERSON - One not trained in law.

LEADING QUESTION - One which instructs the witness how to answer or puts words in his mouth to be echoed back.

One which suggests to the witness the answer desired.

LEASE - A contract by which owner of property grants to another the right to possess, use, and enjoy it for a specified period of time in exchange for payment of an agreed price (rent).

LEGAL AID - Professional legal services available usually to persons or organizations unable to afford such services.

LENIENCY - Recommendation for a sentence less than the maximum allowed.

LESSER INCLUDED OFFENSE - A crime composed of some, but not all, of the elements of a greater crime; commission of the greater crime automatically includes commission of the lesser included offense.

LETTERS OF ADMINISTRATION - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.

LETTERS TESTAMENTARY - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.

LEVY - A seizure; the obtaining of money by legal process through seizure and sale of property.

LEWD CONDUCT - Behavior that is obscene, lustful, indecent, vulgar.

LIABILITY - Legal debts and obligations.

LIABLE - Legally responsible.

LIBEL - Published words or pictures that falsely and maliciously harm the reputation of a person. See **DEFAMATION**.

LIE DETECTOR - A machine which records by a needle on a graph varying emotional disturbances when answering questions truly or falsely, as indicated by fluctuations in blood pressure, respiration, or perspiration.

LIEN - A legal claim against another person's property as security for a debt. A lien does not convey ownership of the property, but gives the lien holder a right to have his or her debt satisfied out of the proceeds of the property if the debt is not otherwise paid.

LIFE IMPRISONMENT - A type of sentence where the convicted criminal is ordered to spend the rest of his or her life in prison.

Page 26

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

LIMITED ACTION - A civil action in which recovery of less than a certain amount (as specified by statute) is sought.

Simplified rules of procedure are used in such actions.

LIMITED JURISDICTION - Refers to courts that are limited in the types of criminal and civil cases they may hear. For

example, traffic violations generally are heard by limited jurisdiction courts.

LINEUP - A police identification procedure by which the suspect to a crime is exhibited, along with others, before the victim

or witness to determine if the victim or witness can identify the suspect as the person who committed the crime.

LITIGANT - A party to a lawsuit. Litigation refers to a case, controversy, or lawsuit.

LITIGATION - A lawsuit.

LIVING TRUST - A trust set up and in effect during the lifetime of the grantor. Also called inter vivos trust.

LOITERING - To stand idly around, particularly in a public place.

LYNCHING - Putting a person to death, usually by hanging, without legal authority.

MAGISTRATE - Judicial officer exercising some of the functions of a judge. It also refers in a general way to a judge.

MALFEASANCE - Evil doing, ill conduct; the commission of some act which is positively prohibited by law.

MALICE - Ill will, hatred, or hostility by one person toward another which may prompt the intentional doing of a wrongful act without legal justification or excuse.

MALICIOUS MISCHIEF - Willful destruction of property, from actual ill will or resentment toward its owner or possessor.

MALICIOUS PROSECUTION - An action instituted with intention of injuring the defendant and without probable cause, and which terminates in favor of the person prosecuted.

MALPRACTICE - Violation of a professional duty to act with reasonable care and in good faith without fraud or collusion.

This term is usually applied to such conduct by doctors, lawyers, or accountants.

MANDATE - A judicial command or order proceeding from a court or judicial officer, directing the proper officer to

enforce a judgment, sentence, or decree.

MANSLAUGHTER, INVOLUNTARY - Unlawful killing of another, without malice, when the death is caused by some

other unlawful act not usually expected to result in great bodily harm.

MANSLAUGHTER, VOLUNTARY - Unlawful killing of another, without malice, when the act is committed with a sudden

extreme emotional impulse.

MASTER - An attorney who is appointed by the judges of a circuit court with the approval of the Chief Judge of the Court

of Appeals, to conduct hearings and to make finding of facts, conclusions of law, and recommendations as to an appropriate

order.

Page 27

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

MATERIAL EVIDENCE - That quality of evidence which tends to influence the trier of fact because of its logical

connection with the issue.

MATERIAL WITNESS - In criminal trial, a witness whose testimony is crucial to either the defense or prosecution.

MAYHEM - A malicious injury which disables or disfigures another.

MEDIATION - A form of alternative dispute resolution in which the parties bring their dispute to a neutral third party, who

helps them agree on a settlement.

MEMORIALIZED - To mark by observation in writing.

MENTAL HEALTH - The wellness of a person's state of mind.

MERITS - Strict legal rights of the parties; a decision "on the merits" is one that reaches the right(s) of a party, as

distinguished from disposition of a case on a ground not reaching the right(s) raised in an action; for example, entry of nolle

prosequi before a criminal trial begins is a disposition other than on the merits, allowing trial on those charges at a later time

without double jeopardy attaching; similarly, dismissal of a civil action on a preliminary motion raising a technicality, such

as improper service of process, does not result in res judicata of an issue.

MIRANDA RIGHTS - Requirement that police tell a suspect in their custody of his or her constitutional rights before they question him or her: specifically, the right to remain silent; that any statement made may be used against him or her; the right to an attorney; and if the person cannot afford an attorney, one will be appointed if he or she desires.

MIRANDA WARNING - See **MIRANDA RIGHTS**.

MISDEMEANOR - A lesser offense than a felony and generally punishable by fine or limited jail time, but not in a penitentiary.

MISTRIAL - An invalid trial caused by some legal error. When a judge declares a mistrial, the trial must start again from the beginning, including the selection of a new jury.

MITIGATING CIRCUMSTANCES - Those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

MITIGATING FACTORS - Facts that do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

MODIFICATION - A change, alteration, or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.

MOOT - A moot case or a moot point is one not subject to a judicial determination because it involves an abstract question or a pretended controversy that has not yet actually arisen or has already passed. Mootness usually refers to a court's refusal to consider a case because the issue involved has been resolved prior to the court's decision, leaving nothing that would be affected by the court's decision.

MORAL TURPITUDE - Immorality. An element of crimes inherently bad, as opposed to crimes bad merely because they are forbidden by statute.

Page 28

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

MOTION - Oral or written request made by a party to an action before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

MOTION DENIED - Ruling or order issued by the judge denying the party's request.

MOTION GRANTED - Ruling or order issued by the judge granting the party's request.

MUGSHOT - Pictures taken after a suspect is taken into custody (booked), usually used as an official photograph by police officers.

MULTIPLICITY OF ACTIONS - Numerous and unnecessary attempts to litigate the same issue.

MURDER - The unlawful killing of a human being with deliberate intent to kill.

NEGLIGENCE - Failure to exercise the degree of care that a reasonable person would use under the same circumstances.

NEXT FRIEND - One acting without formal appointment as guardian for the benefit of an infant, a person of unsound mind not judicially declared incompetent, or other person under some disability.

NO BILL - This phrase, endorsed by a grand jury on the written indictment submitted to it for its approval, means that the evidence was found insufficient to indict.

NO-CONTEST CLAUSE - Language in a will that provides that a person who makes a legal challenge to the will's validity will be disinherited.

NO-FAULT PROCEEDINGS - A civil case in which parties may resolve their dispute without a formal finding of error or fault.

NOMINAL PARTY - One who is joined as a party or defendant merely because the technical rules of pleading require his presence in the record.

NON-CAPITAL CASE - A criminal case in which the allowable penalty does not include death.

NOT GUILTY - The form of verdict in criminal cases where the jury acquits the defendant, finds him or her not guilty.

NOT GUILTY BY REASON OF INSANITY - The jury or the judge must determine that the defendant, because of mental disease or defect, could not form the intent required to commit the offense.

NOTICE - Formal notification to the party that has been sued in a civil case of the fact that the lawsuit has been filed. Also, any form of notification of a legal proceeding.

NOTICE TO PRODUCE - In practice, a notice in writing requiring the opposite party to produce a certain described paper or document at the trial, or in the course of pre-trial discovery.

NULL AND VOID - Having no force, legal power to bind, or validity.

NUNCUPATIVE WILL - An oral (unwritten) will.

Page 29

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

OATH - Written or oral pledge by a witness to speak the truth.

OBJECT - To protest to the court against an act or omission by the opposing party.

OBJECTION - A protest to the court against an act or omission by the opposing party.

OBJECTION OVERRULED - A ruling by the court upholding the act or omission of the opposing party.

OBJECTION SUSTAINED - A ruling by the court in favor of the party making the objection.

OF COUNSEL - A phrase commonly applied to counsel employed to assist in the preparation or management of the case, or

its presentation on appeal, but who is not the principal attorney for the party.

OFFENDER - One who commits a crime, such as a felony, misdemeanor, or other punishable unlawful act.

OFFENSE - A crime, such as a felony, misdemeanor, or other punishable unlawful act.

OFFER OF PROOF - Presentation of evidence to the court (out of the hearing of the jury) for the court's decision of whether the evidence is admissible.

ON A PERSON'S OWN RECOGNIZANCE - Release of a person from custody without the payment of any bail or posting of bond, upon the promise to return to court.

OPENING ARGUMENT - The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

OPENING STATEMENT - See **OPENING ARGUMENT**.

OPINION - A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion

disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A

concurring opinion agrees with the decision of the court but offers further comment. A per curiam opinion is an unsigned opinion of the court.

OPINION EVIDENCE - Witnesses are normally required to confine their testimony to statements of fact and are not allowed

to give their opinions in court. However, if a witness is qualified as an expert in a particular field, he or she may be allowed

to state an opinion as an expert based on certain facts.

ORAL ARGUMENT - An opportunity for lawyers to summarize their position before the court and also to answer the judges' questions.

ORDER TO SHOW CAUSE - Court order requiring to appear and show cause why the court should not take a particular course of action. If the party fails to appear or to give sufficient reasons why the court should take no action, the court will take the action. In criminal cases, the defendant must show why probation should not be revoked.

ORDER, COURT - A written or verbal command from a court directing or forbidding an action.

ORDINANCE - An act of legislation of a local governing body such as a city, town or county.

ORIGINAL JURISDICTION - The court in which a matter must first be filed.

Page 30

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

OVERRULE - A judge's decision not to allow an objection. A decision by a higher court finding that a lower court decision was wrong.

OVERRULED - See **OVERRULE**.

OVERT ACT - An open act showing the intent to commit a crime.

PANDERING - Pimping. Arranging for acts of prostitution.

PARALEGAL - A person with legal skills, but who is not an attorney, and who works under the supervision of a lawyer or who is otherwise authorized by law to use those legal skills.

PARDON - A form of executive clemency preventing criminal prosecution or removing or extinguishing a criminal conviction.

PAROLE - Supervised release of a prisoner before the expiration of his or her sentence.

PAROLE EVIDENCE - Oral or verbal evidence rather than written. The Parole Evidence Rule limits the admissibility of

parole evidence which would directly contradict the clear meaning of terms of a written contract.

PARTY - A person, business, or government agency actively involved in the prosecution or defense of a legal proceeding.

PATENT - A government grant giving an inventor the exclusive right to make or sell his or her invention for a term of years.

PATERNITY - Fatherhood.

PENALTY - Punishment, civil or criminal, generally referring to payment of money.

PENDING - Begun, but not yet completed. Thus, an action is pending from its inception until the rendition of its final judgment.

PENITENTIARY - A prison or place of confinement where convicted felons are sent to serve out the term of their sentence.

PEOPLE (PROSECUTION) - A state, for example, the People of the State of New York.

PEREMPTORY CHALLENGE - The right to challenge a juror without assigning a reason for the challenge.

PERJURY - A false statement given while under oath or in a sworn affidavit.

PERMANENT INJUNCTION - A court order requiring that some action be taken, or that some party refrain from taking action. It differs from forms of temporary relief, such as a temporary restraining order or preliminary injunction.

PERMANENT RESIDENT - One who lives in a location for a period of time and denotes it as their official address or residence.

Page 31

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

PERSON IN NEED OF SUPERVISION - Juvenile found to have committed a status offense rather than a crime that would provide a basis for a finding of delinquency. Typical status offenses are habitual truancy, violating a curfew, or running away from home. These are not crimes, but they might be enough to place a child under supervision. In different states, status offenders might be called children in need of supervision or minors in need of supervision. See **STATUS OFFENDERS**.

PERSONAL PROPERTY - Tangible physical property (such as cars, clothing, furniture, and jewelry) and intangible personal property. This does not include real property such as land or rights in land.

PERSONAL RECOGNIZANCE - Pre-trial release based on the person's own promise that he or she will show up for trial (no bond required). Also referred to as release on own recognizance or ROR. See **ON A PERSON'S OWN RECOGNIZANCE**.

PERSONAL REPRESENTATIVE - The person who administers an estate. If named in a will, that person's title is an executor . If there is no valid will, that person's title is an administrator.

PETIT JURY - The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

PETITION - A formal, written application to the court requesting judicial action on some matter.

PETITIONER - The person filing an action in a court of original jurisdiction. Also, the person who appeals the judgment of

a lower court. The opposing party is called the respondent.

PETTY OFFENSE - An offense for which the authorized penalty does not exceed imprisonment for 3 months or a fine of \$500.

PETTY THEFT - The act of taking and carrying away the personal property of another of a value usually below \$100.00

with the intent to deprive the owner or possessor of it permanently.

PIMP - To obtain customers for a whore or prostitute. One who obtains customers for a whore or prostitute.

PLAINTIFF - A person who initiates a lawsuit against another. Also called the complainant.

PLEA - In a criminal proceeding, it is the defendant's declaration in open court that he or she is guilty or not guilty. The

defendant's answer to the charges made in the indictment or information.

PLEA BARGAIN - The process whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to court approval. Usually involves the defendant's pleading guilty to a lesser offense or to only one.

PLEADINGS - The written statements of fact and law filed by the parties to a lawsuit.

POLLING THE JURY - The act, after a jury verdict has been announced, of asking jurors individually whether they agree with the verdict.

POLYGRAPH - Lie detector test and the apparatus for conducting the test.

POSSESSION OF DRUGS - The presence of drugs on the accused for recreational use or for the purpose to sell.

Page 32

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

POST CONVICTION - A procedure by which a convicted defendant challenges the conviction and/or sentence on the basis of some alleged violation or error.

POSTPONEMENT - To put off or delay a court hearing.

POUR-OVER WILL - A will that leaves some or all estate assets to a trust established before the will-maker's death.

POWER OF ATTORNEY - Formal authorization of a person to act in the interest of another person.

PRECEDENT - A previously decided case that guides the decision of future cases.

PRE-INJUNCTION - Court order requiring action or forbidding action until a decision can be made whether to issue a

permanent injunction. It differs from a temporary restraining order.

PREJUDICE - A forejudgment, bias, a preconceived opinion.

PREJUDICIAL ERROR - Synonymous with reversible error ; an error which warrants the appellate court in reversing the judgment before it.

PREJUDICIAL EVIDENCE - Evidence which might unfairly sway the judge or jury to one side or the other.

PRELIMINARY EXAMINATION - The hearing available to a person charged with a felony to determine if there is enough evidence (probable cause) to hold him for trial.

PRELIMINARY HEARING - Another term for arraignment.

PRELIMINARY INJUNCTION - In civil cases when it is necessary to preserve the status quo prior to trial, the court may issue a preliminary injunction or temporary restraining order ordering a party to carry out a specified activity.

PREMEDITATION -The planning of a crime preceding the commission of the act, rather than committing the crime on the spur of the moment.

PREPONDERANCE OF THE EVIDENCE - Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.

PRE-SENTENCE REPORT - A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

PRESENTMENT - Declaration or document issued by a grand jury that either makes a neutral report or notes misdeeds by officials charged with specified public duties. It ordinarily does not include a formal charge of crime. A presentment differs from an indictment .

PRESUMPTION - An inference of the truth or falsity of a proposition or fact, that stands until rebutted by evidence to the contrary.

PRESUMPTION OF INNOCENCE - A hallowed principle of criminal law that a person is innocent of a crime until proven guilty. The government has the burden of proving every element of a crime beyond a reasonable doubt and the defendant has no burden to prove his innocence.

Page 33

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

PRESUMPTION OF LAW - a rule of law that courts and judges shall draw a particular inference from a particular fact, or from particular evidence.

PRETERMITTED CHILD - A child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of estate property to go to such children.

PRE-TRIAL CONFERENCE - A meeting between the judge and the lawyers involved in a lawsuit to narrow the issues in the suit, agree on what will be presented at the trial, and make a final effort to settle the case without a trial.

PRIORS - A slang term meaning previous conviction(s) of the accused.

PRISON - A federal or state public building or other place for the confinement of persons. It is used as either a punishment imposed by the law or otherwise in the course of the administration of justice. Also known as penitentiary, penal institution, adult correctional institution, or jail.

PRIVILEGE - A legal right, exemption or immunity granted to a person, company or class, that is beyond the common advantages of other citizens.

PRIVILEGED COMMUNICATIONS - Confidential communications to certain persons that are protected by law against any disclosure, including forced disclosure in legal proceedings. Communications between lawyer and client, physician and patient, psychotherapist and patient, priest, minister, or rabbi and penitent are typically privileged.

PRIVITY - Mutual or successive relationships to the same right of property, or the same interest of one person with another which represents the same legal right.

PROBABLE CAUSE - A reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

PROBATE - The court-supervised process by which a will is determined to be the will-maker's final statement regarding how the will-maker wants his or her property distributed. It also confirms the appointment of the personal representative of the estate. Probate also means the process by which assets are gathered; applied to pay debts, taxes, and expenses of

administration; and distributed to those designated as beneficiaries in the will.

PROBATE COURT - The court with authority to supervise estate administration.

PROBATE ESTATE - Estate property that may be disposed of by a will.

PROBATION - A sentence imposed for the commission of a crime whereby a convicted criminal offender is released into

the community, usually under conditions and under the supervision of a probation officer, instead of incarceration. A

violation of probation can lead to its revocation and to imprisonment.

PROBATION BEFORE JUDGMENT (PBJ) - A conditional avoidance of imposition of sentence after conviction; failure to

satisfy the conditions may cause imposition of sentence after a finding of violation of probation.

PROBATION DEPARTMENT - The department that oversees the actions of probationers as well as the location of where

probation officers work.

PROBATION OFFICER - One who supervises a person placed on probation and is required to report the progress and to

surrender the probationer if they violate the terms and conditions of the probation.

Page 34

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

PROCEDURAL LAW - The method, established normally by rules to be followed in a case; the formal steps in a judicial

proceeding.

PROFFER - An offer of proof as to what the evidence would be if a witness were called to testify or answer a question.

PROOF - Any fact or evidence that leads to a judgment of the court.

PROSECUTING ATTORNEY - See **PROSECUTOR** and **DISTRICT ATTORNEY**.

PROSECUTION - A proceeding instituted and carried on in order to determine the guilt or innocence of the accused.

PROSECUTOR - A trial lawyer representing the government in a criminal case and the interests of the state in civil matters.

In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute.

PROSTITUTION - The performance or agreement to perform a sexual act for hire.

PROTECTIVE ORDER - A court order to protect a person from further harassment, service of process, or discovery.

PROXIMATE CAUSE - The act that caused an event to occur. A person generally is liable only if an injury was proximately

caused by his or her action or by his or her failure to act when he or she had a duty to act.

PUBLIC DEFENDER - An attorney appointed by a court or employed by a government agency whose work consists

primarily of defending people who are unable to hire a lawyer due to economic reasons.

PUNITIVE DAMAGES - Money awarded to an injured person, over and above the measurable value of the injury, in order

to punish the person who hurt him.

PURGE - To clean or clear, such as eliminating inactive records from court files; with respect to civil contempt, to cure the

noncompliance that caused the contempt finding.

QUASH - To overthrow, to vacate, to annul or make void.

QUASI JUDICIAL - Authority or discretion vested in an officer whose acts partake of a judicial character.

RAP SHEET - A listing of all the criminal convictions against an individual.

RAPE - Unlawful intercourse with an individual without their consent.

RAPE, STATUTORY - See **STATUTORY RAPE**.

RATIFICATION - The confirmation or adoption of a previous act done either by the party himself or by another.

REAL EVIDENCE - Evidence given to explain, repel, counteract, or disprove facts given in evidence by the adverse party.

REAL PROPERTY - Land, buildings, and other improvements affixed to the land.

Page 35

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

REASONABLE DOUBT, BEYOND A - The degree of certainty required for a juror to legally find a criminal defendant

guilty. An accused person is entitled to acquittal if, in the minds of the jury, his or her guilt has not been proved beyond a

"reasonable doubt"; that state of mind of jurors in which they cannot say they feel a persisting conviction as to the truth of

the charge.

REASONABLE PERSON - A phrase used to denote a hypothetical person who exercises qualities of attention, knowledge,

intelligence, and judgment that society requires of its members for the protection of his or her own interest and the interests

of others. Thus, the test of negligence is based on either a failure to do something that a reasonable person, guided by

considerations that ordinarily regulate conduct, would do, or on the doing of something that a reasonable and prudent (wise)

person would not do.

REBUTTAL - Evidence given to explain, counteract, or disprove facts given by the opposing counsel.

RECALL - Cancellation by a court of a warrant before its execution by the arrest of a defendant; also, a process by which a retired judge may be asked to sit on a particular case.

RECIDIVISM - The continued, habitual, or compulsive commission of law violations after first having been convicted of prior offenses.

RECKLESS DRIVING - Operation of a motor vehicle that shows a reckless disregard of possible consequences and indifference of other's rights.

RECOGNIZANCE - The practice which enables an accused awaiting trial to be released without posting any security other than a promise to appear before the court at the proper time. Failure to appear in court at the proper time is a separate crime.

RECORD - All the documents and evidence plus transcripts of oral proceedings in a case.

RECUSE - The process by which a judge is disqualified from hearing a case, on his or her own motion or upon the objection of either party.

RE-DIRECT EXAMINATION - Opportunity to present rebuttal evidence after one's evidence has been subjected to cross-examination.

REDRESS - To set right; to remedy; to compensate; to remove the causes of a grievance.

REFEREE - A person to whom the court refers a pending case to take testimony, hear the parties, and report back to the court. A referee is an officer with judicial powers who serves as an arm of the court.

REGULATION - A rule or order prescribed for management or government.

REHEARING - Another hearing of a civil or criminal case by the same court in which the case was originally heard.

REJOINDER - Opportunity for the side that opened the case to offer limited response to evidence presented during the rebuttal by the opposing side.

RELEVANT - Evidence that helps to prove a point or issue in a case.

RELINQUISHMENT - A forsaking, abandoning, renouncing, or giving over a right.

Page 36

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

REMAND - The act of sending a case back to the trial court and ordering the trial court to conduct limited new hearings or an entirely new trial.

REMEDY - The means by which a right is enforced or the violation of a right is prevented, redressed or compensated.

REMITTITUR - The reduction by a judge of the damages awarded by a jury.

REMOVAL - The transfer of a state case to federal court for trial; in civil cases, because the parties are from different states;

in criminal and some civil cases, because there is a significant possibility that there could not be a fair trial in state court.

REPLEVIN - An action for the recovery of a possession that has been wrongfully taken.

REPLY - The response by a party to charges raised in a pleading by the other party.

REPORT - An official or formal statement of facts or proceedings.

RESPONDENT - The party who makes an answer to a bill or other proceedings in equity; also refers to the party against

whom an appeal is brought. Sometimes called an appellee.

REST - A party is said to rest or rest its case when it has presented all the evidence it intends to offer.

RESTITUTION - Act of giving the equivalent for any loss, damage or injury.

RESTRAINING ORDER - A court order forbidding the defendant from doing any action or threatened action until a hearing

on the application can be conducted.

RETAINER - Act of the client in employing the attorney or counsel. Also denotes the fee the client pays when he or she

retains the attorney to act for him or her.

RETURN - A report to a judge by police on the implementation of an arrest or search warrant. Also, a report to a judge in

reply to a subpoena, civil or criminal.

REVERSE - An action of a higher court in setting aside or revoking a lower court decision.

REVERSIBLE ERROR - A procedural error during a trial or hearing sufficiently harmful to justify reversing the judgment

of a lower court. See **PREJUDICIAL ERROR**.

REVOCABLE TRUST - A trust that the grantor may change or revoke.

REVOKE - To annul or make void by recalling or taking back.

RIGHTS, CONSTITUTIONAL - The rights of a person guaranteed by the state or federal constitutions.

ROBBERY - The act of taking money, personal property, or any other article of value that is in the possession of another

done by means of force or fear.

RULE - An established standard, guide, or regulation.

Page 37

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

RULE OF COURT - An order made by a court having competent jurisdiction. Rules of court are either general or special; the former are the regulations by which the practice of the court is governed, the latter are special orders made in particular cases.

RULES OF EVIDENCE - Standards governing whether evidence in a civil or criminal case is admissible.

SANCTION - A punitive act designed to secure enforcement by imposing a penalty for its violation. For example, a sanction may be imposed for failure to comply with discovery orders.

SEALING - The closure of court records to inspection, except to the parties.

SEARCH AND SEIZURE - A practice whereby a person or place is searched and evidence useful in the investigation and prosecution of a crime is seized or taken. The search is conducted after an order is issued by a judge.

SEARCH WARRANT - An order issued by a judge or magistrate commanding a sheriff, constable, or other officer to search a specified location.

SECURED DEBT - In bankruptcy proceedings, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.

SELF-DEFENSE - Claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from the threat or action of another.

SELF-INCRIMINATION - Acts or declarations by which one implicates oneself in a crime.

SELF-PROVING WILL - A will whose validity does not have to be testified to in court by the witnesses to it, because the witnesses executed an affidavit reflecting proper execution of the will prior to the maker's death.

SENTENCE - The judgment formally pronounced by the court or judge upon the defendant after his or her conviction by imposing a punishment to be inflicted either in the form of a fine, incarceration or probation.

SENTENCE REPORT - A document containing background material on a convicted person. It is prepared to guide the judge in the imposition of a sentence. Sometimes called a pre-sentence report.

SENTENCE, CONCURRENT - Two or more sentences of jail time to be served simultaneously.

SENTENCE, CONSECUTIVE - Two or more sentences of jail time to be served in sequence.

SENTENCE, SUSPENDED - A sentence postponed in which the defendant is not required to serve time unless he or she commits another crime or violates a court-imposed condition.

SENTENCING - The postconviction stage in which the defendant is brought before the court for imposition of sentence.

SEPARATE MAINTENANCE - Allowance ordered to be paid by one spouse to the other for support while the spouses are living apart but not divorced.

SEPARATION - An arrangement whereby a husband and wife live apart from each other while remaining married either by mutual consent or by a judicial order.

Page 38

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

SEQUESTRATION OF WITNESSES - Keeping all witnesses (except plaintiff and defendant) out of the courtroom except

for their time on the stand, and cautioning them not to discuss their testimony with other witnesses. Also called separation of

witnesses. This prevents a witness from being influenced by the testimony of a prior witness.

SERVE A SENTENCE - The act of spending an allotted amount of time in a designated location such as a prison as

punishment for the crime committed.

SERVICE - The delivery of a legal document, such as a complaint, summons, or subpoena, notifying a person of a lawsuit or

other legal action taken against him or her. Service, which constitutes formal legal notice, must be made by an officially

authorized person in accordance with the formal requirements of the applicable laws.

SERVICE OF PROCESS - Notifying a person that he or she has been named as a party to a lawsuit or has been accused of

some offense. Process consists of a summons, citation or warrant, to which a copy of the complaint is attached.

SETTLEMENT - An agreement between parties that dictates what is being received from one party to the other.

SETTLOR - The person who sets up a trust. Also called the grantor.

SEXUAL MOLESTATION - Illegal sex acts performed against a minor by a parent, guardian, relative or acquaintance.

SHERIFF - Elected officer of a county whose job is to conserve peace within his or her territorial jurisdiction as well as aid

in the criminal and civil court processes.

SHOPLIFTING - The willful taking and concealing of merchandise from a store or business establishment with the intention

of using the goods for one's personal use without paying the purchase price.

SHOW CAUSE - An order requiring a person to appear in court and present reasons why a certain order, judgment, or decree should not be issued.

SIDEBAR - A conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators.

SLANDER - False and defamatory spoken words tending to harm another's reputation, community standing, office, trade, business, or means of livelihood. See **DEFAMATION**.

SMALL CLAIMS COURT - A court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.

SODOMY - Oral or anal copulation between humans, or between humans or animals.

SOVEREIGN IMMUNITY - The doctrine that the government, state or federal, is immune to lawsuit unless it gives its consent.

SPECIFIC PERFORMANCE - A remedy requiring a person who has breached a contract to perform specifically what he or she has agreed to do. Specific performance is ordered when damages would be inadequate compensation.

SPEEDY TRIAL - The right of an accused to a speedy trial as guaranteed by the 6th Amendment of the United States Constitution.

Page 39

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

SPENDTHRIFT TRUST - A trust set up for the benefit of someone who the grantor believes would be incapable of managing his or her own financial affairs.

STANDARD OF PROOF - There are essentially three standards of proof applicable in most court proceedings. In criminal cases, the offense must be proven beyond a reasonable doubt, the highest standard. In civil cases and neglect and dependency proceedings, the lowest standard applies by a mere preponderance of the evidence, (more likely than not). In some civil cases, and in juvenile proceedings such as a permanent termination of parental rights, an intermediate standard applies, proof by clear and convincing evidence.

STANDING - The legal right to bring a lawsuit. Only a person with something at stake has standing to bring a lawsuit.

STATEMENT, CLOSING - The final statements by the attorneys to the jury or court summarizing the evidence that they have established and the evidence that the other side has failed to establish. Also known as closing argument .

STATEMENT, OPENING - Outline or summary of the nature of the case and of the anticipated proof presented by the attorney to the jury before any evidence is submitted. Also known as opening argument .

STATUS OFFENDERS - Youths charged with the status of being beyond the control of their legal guardian or are habitually disobedient, truant from school, or have committed other acts that would not be a crime if committed by an adult. They are not delinquents (in that they have not committed a crime), but are rather persons in need of supervision, minors in need of supervision, or children in need of supervision, depending on the state in which they live. Status offenders are placed under the supervision of the juvenile court. See **PERSON IN NEED OF SUPERVISION**.

STATUTE - A formal, written statement by legislature declaring, commanding, or prohibiting something.

STATUTE OF LIMITATIONS - The time within a plaintiff must begin a lawsuit (in civil cases) or a prosecutor must bring charges (in criminal cases). There are different statutes of limitations at both the federal and state levels for different kinds of lawsuits or crimes.

STATUTORY CONSTRUCTION - Process by which a court seeks to interpret the meaning and scope of legislation.

STATUTORY LAW - Law enacted by the legislative branch of government, as distinguished from case law or common law .

STATUTORY RAPE - The unlawful sexual intercourse with a person under an age set by statute, regardless of whether they consent to the act.

STAY - The act of stopping a judicial proceeding by order of the court.

STIPULATE - An agreement by attorneys on both sides of a civil or criminal case about some aspect of the case; e.g., to extend the time to answer, to adjourn the trial date, or to admit certain facts at the trial.

STRICT LIABILITY - A concept applied by courts in product liability cases in which a seller is liable for any and all defective or hazardous products which unduly threaten a consumer's personal safety.

STRIKE - The act of quitting work by a group of workers for the purpose of coercing their employer to accept some

demand(s) they have made upon their employer who has initially refused.

SUBMIT - To yield to the will of another.

Page 40

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

SUBPOENA - An order of the court which requires a person to be present at a certain time and place to give testimony upon

a certain matter. Failure to appear may be punishable as a contempt of court.

SUBSTANTIVE LAW - The law dealing with rights, duties, and liabilities, as contrasted with procedural law , which

governs the technical aspects of enforcing civil or criminal laws.

SUE - To commence legal proceedings for recovery of a right.

SUIT - Any proceeding by one person or persons against another in a court of law.

SUMMARY JUDGMENT - A decision made on the basis of statements and evidence presented for the record without a

trial. It is used when there is no dispute as to the facts of the case, and one party is entitled to judgment as a matter of law.

SUMMONS - A notice to a defendant that he or she has been sued or charged with a crime and is required to appear in

court. A jury summons requires the person receiving it to report for possible jury duty.

SUPPORT TRUST - A trust that instructs the trustee to spend only as much income and principal (the assets held in the

trust) as needed for the beneficiary's support.

SUPPRESS - To forbid the use of evidence at a trial because it is improper or was improperly obtained. See also

EXCLUSIONARY RULE.

SUPPRESSION HEARING - A hearing on a criminal defendant's motion to prohibit the prosecutor's use of evidence

alleged to have been obtained in violation of the defendant's rights. This hearing is held outside of the presence of the jury,

either prior to or at trial. The judge must rule as a matter of law on the motion.

SURETY BOND - A bond purchased at the expense of the estate to insure the executor's proper performance. Often called a

fidelity bond.

SURVIVORSHIP - Another name for joint tenancy.

SUSTAIN- To maintain, to affirm, to approve.

SWEAR - To put to oath and declare as truth.

TANGIBLE - Capable of being perceived, especially by the sense of touch.

TANGIBLE PERSONAL PROPERTY MEMORANDUM (TPPM) - A legal document referred to in a will and used to

guide the distribution of tangible personal property.

TEMPORARY RELIEF - Any form of action by a court granting one of the parties an order to protect its interest pending

further action by the court.

TEMPORARY RESTRAINING ORDER - A judge's order forbidding certain actions until a full hearing can be held.

Usually of short duration. Often referred to as a TRO.

TENANCY - An interest in realty which passes to the tenant.

TESTAMENT - A will disposing of personal property. See WILL.

Page 41

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

TESTAMENTARY CAPACITY - The legal ability to make a will.

TESTAMENTARY TRUST - A trust set up by a will.

TESTATE - One who has died leaving a will or one who has made a will.

TESTATOR - Male person who makes a will (female: testatrix).

TESTATRIX - Female person who makes a will (male: testator).

TESTIFY - To make a declaration under oath in a judicial inquiry for the purpose of establishing or proving some fact.

TESTIMONY - The evidence given by a witness under oath. It does not include evidence from documents and other physical evidence.

THEFT - The act of stealing or the taking of property without the owner's consent.

THIRD-PARTY A person, business, or government agency not actively involved in a legal proceeding, agreement, or transaction.

THIRD-PARTY CLAIM - An action by the defendant that brings a third party into a lawsuit.

TIME SERVED - A sentence given by the court to a convicted criminal equal to the amount of time that the criminal was incarcerated during the trial.

TITLE - Legal ownership of property, usually real property or automobiles.

TORT - A civil injury or wrong committed on the person or property of another. A tort is an infringement on the rights of an individual, but not founded on a contract. The most common tort action is a suit for damages sustained in an automobile accident. See EX DELICTO.

TRANSCRIPT -A written, word-for-word record of what was said, either in a proceeding such as a trial or during some

other conversation, as in a transcript of a hearing or oral deposition.

TRANSITORY - Actions are "transitory" when they might have taken place anywhere, and are "local" when they could

occur only in some particular place.

TRESPASSING - Unlawful interference with one's person, property and rights.

TRIAL - A judicial examination and determination of issues between parties before a court that has jurisdiction.

TRIAL COURT - See **TRIAL, COURT (BENCH)**.

TRIAL, COURT (BENCH) - A trial where the jury is waived and the case is seen before the judge alone.

TRIAL, SPEEDY - The Sixth Amendment of the Constitution guarantees the accused to an immediate trial in accordance

with prevailing rules, regulations and proceedings of law.

Page 42

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

TRIER OF FACT - Term includes the jury or the judge in a jury-waived trial, who have the obligation to make finding of fact rather than rulings of law.

TRO - See **TEMPORARY RESTRAINING ORDER**.

TRUE BILL - The endorsement made by a grand jury on a bill of indictment when it finds sufficient evidence for trial on the charge alleged.

TRUE TEST COPY - A copy of a court document given under the clerk's seal, but not certified.

TRUST - A legal device used to manage real or personal property, established by one person (the grantor or settlor) for the benefit of another (the beneficiary). A third person (the trustee) or the grantor manages the trust.

TRUST AGREEMENT OR DECLARATION - The legal document that sets up a living trust. Testamentary trusts are set up in a will.

TRUSTEE - The person or institution that manages the property put in trust.

TURNCOAT WITNESS - A witness whose testimony was expected to be favorable, but who later becomes an adverse witness.

UNCONSCIONABILITY - An absence of meaningful choice on the part of one of the parties to a contract, and contract

terms which are unreasonably favorable to the other party.

UNCONSTITUTIONAL - That which is contrary to or in conflict with the federal or state constitutions.

UNDERCOVER - A person participating in a secret investigation in order to acquire information about the crime without the other party realizing their identity.

UNDUE INFLUENCE - Whatever destroys free will and causes a person to do something he would not do if left to himself.

UNEMPLOYMENT - State or condition of not being employed.

UNILATERAL - One-sided, ex parte, or having a relation to only one of two or more persons or things.

UNJUST ENRICHMENT, DOCTRINE OF - The principle that one person should not be permitted to unjustly enrich himself at the expense of another, but should be required to make restitution for the property or benefit received.

UNLAWFUL DETAINER - The unjustifiable act of retaining possession without right; e.g. a tenant whose lease has expired.

UNSECURED - In bankruptcy proceedings, for the purposes of filing a claim, a claim is unsecured if there is no collateral, or to the extent the value of collateral is less than the amount of the debt.

USURY- Charging a higher interest rate or higher fees than the law allows.

VACATE - To render an act void; to set aside.

Page 43

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

VAGRANCY - The state or manner of living by wandering from place to place without a home, job, or means of support.

VANDALISM - Willful or malicious acts that are intended to damage or destroy public or private property.

VENUE - The proper geographical area (county, city, or district) in which a court with jurisdiction over the subject matter may hear a case.

VERDICT - The opinion of a jury, or a judge where there is no jury, on the factual issues of a case.

VICTIM - A person who is the object of a crime or civil wrongdoing.

VICTIM IMPACT STATEMENT - A statement during sentencing which informs the sentencer of the impact of the crime on the victim or the victim's family.

VIOLATION - The act of breaking, infringing, or transgressing the law.

VISITATION - The right given to a non-custodial parent to see his or her child at court appointed times.

WAIVE (RIGHTS) - A knowing and knowledgeable act to abandon, renounce or surrender a person's rights.

WAIVER OF IMMUNITY - A means authorized by statute by which a witness, before testifying or producing evidence, may relinquish the right to refuse to testify against himself or herself, thereby making it possible for his or her testimony to be used against him or her in future proceedings.

WAIVER OF RIGHTS - See **WAIVE (RIGHTS)**.

WARRANT - Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search.

An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based.

WARRANT OF ARREST - See **WARRANT, ARREST**.

WARRANT, ARREST - An order of a court directing the sheriff or other officer to seize a particular person to answer a complaint of otherwise appear before the court.

WARRANT, SEARCH - A written order directing a law-enforcement officer to conduct a search of a specified place and to seize any evidence directly related to the criminal offense.

WEAPON - An instrument used or designed to be used to threaten, injure or kill someone.

WEAPON, CONCEALED - A weapon that is carried by a person, but that is not visible by ordinary observation.

WEAPON, DEADLY - A weapon, device, instrument, material or substance, whether animate or inanimate, which if used as it is used or intended to be used is known to be capable of producing death or serious bodily injury.

WEIGHT OF THE EVIDENCE - The persuasiveness of certain evidence when compared with other evidence that is presented.

Page 44

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

WILL - A legal declaration that disposes of a person's property when that person dies. See **TESTAMENT**.

WILLFUL - A "willful" act is one done intentionally, as distinguished from an act done carelessly or inadvertently.

WITH PREJUDICE - Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from

bringing a lawsuit on the same claim or cause.

WITHOUT PREJUDICE - A claim or cause dismissed without prejudice may be the subject of a new lawsuit.

WITNESS - 1. One who testifies to what they have seen, heard or otherwise observed. 2. (v) To subscribe one's name to a

document for the purpose of authenticity.

WITNESS STAND - The space in the courtroom occupied by a witness while testifying.

WITNESS, DEFENSE - A non-hostile witness that is called by the defense counsel to assist in proving the defense's case.

WITNESS, EXPERT - A witness who is qualified by knowledge, skill, experience, training or education to provide a

scientific, technical or specialized opinion of the subject about which he or she is to testify. That knowledge must generally

be such as is not normally possessed by the average person.

WITNESS, HOSTILE - A witness whose relationship to the opposing party is such that his or her testimony may be

prejudiced against that party. A witness declared to be hostile may be asked leading questions and is subject to cross-examination

by the party that called him or her.

WITNESS, MATERIAL - A witness who can give testimony relating to a particular matter that very few others, if any, can

give.

WITNESS, PROSECUTION - The person whose complaint commences a criminal prosecution and whose testimony is

mainly relied on to secure a conviction at the trial.

WORK FURLOUGH - See **WORK RELEASE**.

WORK RELEASE - A correctional program which allows inmates, primarily one's being readied for discharge, to leave the

institution for the purpose of continuing regular employment during the daytime but reporting back on nights and weekends.

WRIT - A court's written order commanding the addressee to do or refrain from doing some specified act.

WRIT OF EXECUTION - A writ to put in force the judgment or decree of a court.

ZONING - The division of a city by legislative regulation into districts, and the design of regulations having to do with

structural and architectural design and use of buildings.

LATIN TERMS

Page 45

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

ACTION IN PERSONAM - An action against the person, founded on a personal liability. In contrast to action in rem, an action for the recovery of a specific object, usually an item of personal property such as an automobile.

ACTION IN REM - Proceeding "against the thing" as compared to personal actions (in personam). Usually a proceeding where property is involved.

AD LITEM - A Latin term meaning for the purposes of the lawsuit. For example, a guardian ad litem is a person appointed

by the court to protect the interests of a minor or legally incompetent person in a lawsuit.

ADDITUR - An increase by a judge in the amount of damages awarded by a jury.

AMICUS CURIAE (A-MI'KUS KU'RIE) - A friend of the court. One not a party to a case who volunteers to offer

information on a point of law or some other aspect of the case to assist the court in deciding a matter before it.

CAVEAT - A warning; a note of caution.

CAVEAT EMPTOR - "Let the buyer beware." Encourages a purchaser to examine, judge, and test for himself.

CERTIORI - A means of getting an appellate court to review a lower court's decision. The loser of a case will often ask the

appellate court to issue a writ of certiorari, which orders the lower court to convey the record of the case to the appellate

court and to certify it as accurate and complete. If an appellate court grants a writ of certiorari, it agrees to take the appeal.

This is often referred to as granting cert.

CORPUS DELECTI - Body of the crime. The objective proof that a crime has been committed. It sometimes refers to the

body of the victim of a homicide or to the charred shell of a burned house, but the term has a broader meaning. For the state

to introduce a confession or to convict the accused, it must prove a corpus delicti, that is, the occurrence of a specific injury

or loss and a criminal act as the source of that particular injury or loss.

DE NOVO - A new. A trial de novo is a new trial of a case.

ET AL - And others.

ET SEQ - An abbreviation for et sequentes, or et sequentia, "and the following," ordinarily used in referring to a section of

statutes.

EX CONTRACTU - Arising from a contract.

EX DELICTO - Arising from a wrong, breach of duty. See TORT.

EX PARTE - On behalf of only one party, without notice to any other party. For example, a request for a search warrant is an ex parte proceeding, since the person subject to the search is not notified of the proceeding and is not present at the hearing.

EX PARTE PROCEEDING - The legal procedure in which only one side is represented. It differs from adversary system or adversary proceeding.

EX POST FACTO - After the fact. The Constitution prohibits the enactment of ex post facto laws. These are laws that permit conviction and punishment for a lawful act performed before the law was changed and the act made illegal.

Page 46

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

GUARDIAN AD LITEM - A person appointed by a court to look after the interests of an infant, child, or incompetent during court proceedings.

HABEAS CORPUS - A writ which commands that a party be brought before a court or judge and to protect him or her from unlawful imprisonment or custody.

HEARING DE NOVO - A full new hearing.

IN CAMERA - In chambers, or in private. A hearing in camera takes place in the judge's office outside of the presence of the jury and the public.

IN FORMA PAUPERIS - "In the manner of a pauper." Permission given to a person to sue without payment of court fees on claim of indigence or poverty.

IN LOCO PARENTIS - "In the place of the parent," refers to actions of a custodian, guardian, or other person acting in the parent's place.

IN PROPIA PERSONA - In courts, it refers to persons who present his or her own case without lawyers. See PRO PER and PRO SE.

IN REM - A procedural term used to designate proceedings or actions instituted against the thing in contrast to actions instituted in personam or against the person.

INTER ALIA - Among other things.

INTER VIVOS GIFT - A gift made during the giver's life.

INTER VIVOS TRUST - Another name for a living trust.

LIMINE - A motion requesting that the court not allow certain evidence that might prejudice the jury.

LIS PENDENS - A pending suit.

LOCUS DELICTI - The place of the offense.

MANDAMUS - A writ issued by a court ordering a public official to perform an act.

MENS REA - The AgUILty mind@ necessary to establish criminal responsibility.

MITTIMUS - The name of an order in writing, issuing from a court and directing the sheriff or other officer to convey a

person to a prison, asylum, or reformatory, and directing the jailer or other appropriate official to receive and safely keep the

person until his or her fate shall be determined by due course of law.

MOTION IN LIMINE - A written motion which is usually made before or after the beginning of a jury trial for a protective

order against prejudicial questions and statements.

NE EXEAT - A writ which forbids the person to whom it is addressed to leave the country, the state, or the jurisdiction of

the court.

Page 47

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

NOLLE PROSEQUI - Decision by a prosecutor not to go forward with charging a crime. It translates, AI do not choose to

prosecute.@ Also loosely called nolle pros.

NOLO CONTENDRE - A plea of no contest. In many jurisdictions, it is an expression that the matter will not be contested,

but without an admission of guilt. In other jurisdictions, it is an admission of the charges and is equivalent to a guilty plea.

NON COMPOS MENTIS - Not of sound mind; insane.

NON EST (INVENTUS) - Translated: "not to be found"; a sheriff's return of process when service is not made because the

person to be served was not found.

NON OBSTANTE VERDICTO (N.O.V.) - Notwithstanding the verdict. A verdict entered by the judge contrary to a jury's

verdict.

NUNC PRO TUNC -A legal phrase applied to acts which are allowed after the time when they should be done, with a

retroactive effect.

PARENS PATRIAE The doctrine under which the court protects the interests of a juvenile.

PER CURIUM OPINION - An unsigned opinion of the court.

PRIMA FACIE CASE - A case that is sufficient and has the minimum amount of evidence necessary to allow it to continue in the judicial process.

PRO BONO PUBLICO - For the public good. Lawyers representing clients without a fee are said to be working pro bono publico.

PRO PER - One who represents oneself in a court proceeding without the assistance of a lawyer. Also known as pro se.

See also **IN PROPIA PERSONA**.

PRO SE - A Latin term meaning Aon one's own behalf@; in courts, it refers to persons who present their own cases without lawyers. See **IN PROPIA PERSONA** and **PRO PER**.

QUANTUM MERUIT - Expression means "as much as he deserves," and describes the extent of liability on a contract implied by law.

QUID PRO QUO - What for what; something for something; giving one valuable thing for another.

QUO WARRANTO - A writ issuable by the state, through which it demands an individual to show by what right he or she exercises an authority which can only be exercised through grant or franchise from the state or why he or she should not be removed from office.

RATIO DECIDENDI - The ground or reason of the decision in a case.

RES IPSA LOQUITUR - Literally, "a thing that speaks for itself." In tort law, the doctrine which holds a defendant guilty of negligence without an actual showing that he or she was negligent.

Page 48

Rev. 2/8/01

ENGLISH

LEGAL GLOSSARY

RES JUDICATA - A rule of civil law that once a matter has been litigated and final judgment has been rendered by the trial

court, the matter cannot be relitigated by the parties in the same court, or any other trial court.

RESPONDEAT SUPERIOR - "Let the master answer." The doctrine which holds that employers are responsible for the acts and omissions of their employees and agents, when done within the scope of the employees' duties.

STARE DECISIS - The doctrine that courts will follow principles of law laid down in previous cases. Similar to precedent.

SUA SPONTE - A Latin phrase which means on one's own behalf. Voluntary, without prompting or suggestion.

SUB CURIA - Translated: "under the law"; the holding of a case by a court under consideration, sometimes to await the filing of a document, such as a presentence investigation report or memorandum of law, or to write an opinion.

SUBPOENA DUCES TECUM - A court order commanding a witness to bring certain documents or records to court.

SUPERSEDEAS - A writ issued by an appellate court to preserve the status quo pending review of a judgment, or pending other exercise of its jurisdiction.

TRIAL DE NOVO - A new trial or retrial held in an appellate court in which the whole case is heard as if no trial had been heard in the lower court or administrative agency.

VENIRE - A writ summoning persons to court to act as jurors, Also refers to the people summoned for jury duty.

VOIR DIRE - "To speak the truth": the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors.

Page 49

Rev. 2/8/01

HOW TO RESEARCH A WORD

When confronted with a new word or phrase, the first impulse of most interpreters is to run to a colleague and ask, How do **you** say it? This is fine for a quick fix in an emergency, or as the first step in researching a word, but to truly understand and integrate a word into your vocabulary, extra research is called for.

It is imperative that a good interpreter gather together a good research library, or have ready access to a public library. You must have at your disposal:

Several same-language dictionaries, i.e. English/English, French/French, etc.

Cross-language dictionaries, i.e. English/Spanish, Japanese/English, etc.

Special use dictionaries, such as medical and legal in all your working languages

Dictionaries of slang, sayings, idiomatic expressions

Dictionaries of word origins

Newspapers and magazines in all your working languages

Now that you have all these wonderful books at your fingertips, what do you do? First, you must determine the function of the word within its context. Is it used as a verb, a noun, an adjective, or an adverb? Also, try to determine which sense the word is used; is it a sports term or legalese or something else altogether?

Let's take a word and play with it. For example, **BENCH**.

She sat alone on a bench in the park. (Plain old noun)

The judge took the bench at 8:30 a.m. (Legalese noun)

The coach had to bench Johnny for the rest of the season. (Sports term and verb)

See how tricky just a *simple* word can be? Now you are ready to start researching the word.

1. Look up the word in a same-language dictionary in the source language.
 - A. Check the uses and select the one you deem appropriate.
 - B. While you're there, review the word origin and appropriate pronunciation(s). You will find country of origin codes and international phonetic symbols toward the front of most dictionaries.
2. Check the cross-language dictionary.
 - A. Make sure you find the proper contextual usage.
 - B. Check to see if there are regional differences in the uses of the word and make a note of it.
3. Check the same-language dictionary in the target language.
 - A. Determine the contextual uses of your chosen translation.
 - B. Check the word origins and acceptable pronunciation(s).
4. Do a back-check.
 - A. Trace the new target word back to the source.
 - B. Verify that it retains linguistic integrity. Some words or phrases have a nasty habit of losing their original meaning. A great example of that is one faulty translation machine's rendition of the phrase, "Out of sight, out of mind," as "Invisible, insane!"

When you encounter a new word or phrase, or a use with which you are not acquainted, it is also helpful to:

Endeavor to question the speaker as to his/her use of the word. This is particularly beneficial at the interview stage, since it helps everyone define their terms to aid communication.

Attempt to determine the original country of origin of the speaker and/or the word.

Question several colleagues about their experiences with the uses of the word and the interpretations they may choose, and why. This is especially helpful when trying to determine the nuances of a slang term.

Question experts in the field of the word=s usage, i.e. attorneys about a legal term, doctors about a word used in a medical context, etc.

Find the word in a word-origins (etymological) dictionary. This can be a fascinating meander down the path of the development of the present use of the term.

It is also fun and often very informative to check the word out in a crossword puzzle dictionary.

Although it may seem like an awful lot to go through for one little word at first, the research is not only necessary for an interpreter worth his or her salt, it can also become a wonderfully addictive pastime and something to do when you have free time on your hands. It is also a great antidote for those know-it-alls@ who insist that *their way* is the *only way* to say something. All languages are in a state of continuous growth and redefining. One of the pleasant challenges with which an interpreter is faced is to stay at the dynamic forefront of linguistic changes, and constant research is the only way to do it.

LOST IN TRANSLATION FOR IMMIGRANTS IN COURT, BAD INTERPRETERS RIG THE JURY

Ruth Hammond

October 24, 1993; Page c3

ST. PAUL -- If you speak English and get into trouble with the law in America, you can at least be confident that the police, your lawyer, the prosecutor, the judge and the jury will speak your language too. In theory, every utterance by you and your accusers and supporters will be faithfully transcribed, and no nuance or ambiguity can escape scrutiny and challenge.

If you speak only Spanish, however, the odds increase dramatically that your fate may be determined by a misunderstood word, an altered vocal inflection or a phrase that suffers in translation.

And what if you know only Estonian or Hindi or Swahili or Hmong -- or one of more than 100 other "exotic" languages used in American courts today? For you the law, rather than blind, may be speechless.

While people tend to equate bilingualism in America with Spanish, nearly half of the 31.8 million U.S. residents who don't routinely converse in English are speaking a language other than Spanish at home, according to 1990 U.S. Census Bureau figures.

Speakers of these Asian, African, East European and other exotic languages suffer particular disadvantages in court. The dissimilarities between the exotic language and English may be profound. Yet exotic-language interpreters employed on a freelance basis tend to have less legal interpreting experience than Spanish-English interpreters do and fewer resources, such as good dictionaries, to help them develop their skills. If the linguistic minority community is small and close-knit, it might be impossible to find a local interpreter who is unknown to any party and who has no conflict of interest in a case.

Every day across the nation, hundreds of bilingual cooks, secretaries, college students, social workers and insurance agents -- who learned almost everything they know about the U.S. court system from television -- show up in courtrooms to interpret for witnesses and defendants who would be at a loss to communicate without them.

How well these untrained bilinguals perform their task is something that the non-English-speaking defendants cannot judge, and that court officials probably wouldn't want to know if they hope to retain the illusion that they are administering justice. Clearly many defendants have no real assurance that they will receive an accurate rendering of the proceedings or that their version of the story will be conveyed to the jury in English words legally equivalent to those they have used in their own language.

The inevitable outcome in some cases is what San Francisco attorney Ben McClinton calls "the hidden injustice." Unlike errors made by judges and attorneys, which are open to challenge on

appeal, errors in interpretation seldom come to light because the only official record of a trial is what was said in English.

Amazingly in this electronic age, courts seldom bother to tape-record testimony in the original language for subsequent review in case of appeal. Some police officers tape interviews when investigating serious crimes and court reporters sometimes make backup tapes to check details as they prepare transcripts in English, but for the most part the interpreter's version of witnesses' statements to police and testimony in court is the only one available.

Defense attorneys have successfully argued that non-English-speaking defendants have a constitutional right to an interpreter in order for them to be linguistically as well as physically present in court. But when it comes to an accused's rights to a competent interpreter, some experts argue that there is no equal protection under the law. In practice, such factors as geography and what language the defendant speaks may determine whether he is provided with an interpreter of proven skill, assigned a novice getting on-the-job training, or just told to bring a friend or relative who speaks more English than he does.

The federal Court Interpreters Act passed in 1978 first established the limited right of non-English-speaking defendants and witnesses appearing in federal courts to a certified interpreter. Since then, tests have been developed for Spanish -- the language needed in 87 percent of interpreted federal cases last year -- and, more recently, Haitian Creole and Navajo.

Attracted by the higher pay that certified federal court interpreters command, state court interpreters flocked to take the federal test. But only 4 percent of them and others seeking federal certification have passed both the written and oral sections of the examination. Even after failing, many test-takers continue to interpret in state courts.

In spite of efforts to improve services, the federal courts had to rely on noncertified interpreters in 31 percent of the 64,423 appearances that required interpreters last year. This is partly because the supply of federally certified interpreters in the three tested languages doesn't meet the demand. It can also be blamed on the lack of a certification procedure for 90 of the languages used in federal courts last year. The situation in state courts -- which together handle hundreds of thousands of interpreted proceedings each year -- is far worse.

Studies undertaken in various state courts over the past decade have invariably uncovered serious problems in the treatment of linguistic minorities, even in states with supposedly high standards. Perhaps the most thorough examination was conducted by a New Jersey Supreme Court task force from 1982 through 1985. The study found that more than two-thirds of the interpreters most frequently used in state courts had no training in law and legal terminology, and nearly nine in 10 had no interpreting training whatsoever. Courtroom evaluations of Spanish-English

interpreters showed that only 17 percent met or exceeded a proposed minimum standard of proficiency; one was so inept that the simple statement "I pronounce you husband and wife" emerged in Spanish as "Now you are hunted." Since then, New Jersey's court interpreting system has made some improvements, including the introduction of high-standard testing in Spanish, Portuguese and Haitian Creole. But as elsewhere in the country, progress has been slowed by lack of funding. Carlos Astiz, a professor of political science at the State University of New York at Albany who has written extensively on court interpreting, says only a handful of states have developed their own testing and certification processes, and some that did so set such minimal standards that Astiz dismisses the tests as "phony." Most states do little or no interpreter screening. The potential impact of a single interpreting error was vividly illustrated last year on a fictional episode of the NBC show "Law & Order." After a baby froze to death in an unheated apartment building, the building superintendent, who testified in Spanish that he had gone to turn on the furnace, but the defendant "ordered me away." The court interpreter rendered this as "pulled me away," suggesting greater culpability on the part of the landlord. Informed of the error by a bilingual juror, the judge immediately declared a mistrial.

In real life, the idea that a defendant would win a new trial because of a single interpreting error is largely fantasy. State appellate courts have been reluctant to acknowledge that interpretation errors can prejudice a defendant's right to a fair trial. The typical conclusion is that such errors are harmless. "That's baloney," Astiz says. "Who knows? How do you know the jury didn't think those expressions, as presented to them, were important?"

In 1990 two Hmong-American men here in St. Paul were separately accused and convicted of raping married women they supposedly were helping to look for work. Both men claimed they had had only consensual sex with the women. They said the women were pressured to accuse them of rape in order to have them punished as harshly as men in their native Laos would have been punished for committing adultery with married women.

In both cases, all of the main prosecution witnesses spoke Hmong and had to have their testimony interpreted into English. Complicating the interpretation was a widespread belief in the Hmong community that the English word "rape" is an appropriate cultural translation for acts that violate the Hmong sexual code, such as having consensual sex with a married woman.

After the two trials, I compared the Hmong testimony preserved on tape with the court interpreters' English version. It was clear that -- considering their lack of training and a haphazard selection process -- the interpreters did as well as could be expected: very poorly. At the first trial, nearly a third of the question-and-answer exchanges conducted in English-Hmong were so altered by interpreters that jurors were substantially misled about what the witnesses' actual testimony was. At the second trial, a correct interpretation of an exchange seldom occurred.

One interpreter, in fact, said later that no one had informed him that he was assigned to a rape trial. So when the term "sexually assaulted" was used, he confused it with something else (differences in *italic*):

Prosecutor in English: "Do you remember the day that King Lee sexually assaulted you? Do you remember that day?"

Interpreter in Hmong: "Do you remember the day King Lee made love to you? Do you remember that day?"

Witness in Hmong: "I don't remember. Go one more time again, but -- "

Interpreter in English: "She wants you to repeat it again."

Prosecutor in English: "Okay. What I am talking about right now is the day that King Lee sexually assaulted you."

Interpreter in Hmong: "He said: Right now I am saying, Do you remember the day that, umm, King Lee, uh, played with you? Do you remember?"

Prosecutor in English: "Do you understand what I'm talking about now?" {This question was not interpreted.}

Witness in Hmong: "Mm-mm. I don't understand. Have him repeat it again. What did he say? Because I don't know."

Interpreter in English: "She wants you to say it again clearer than that so she going to understand {sic}. Right now she doesn't understand."

Some mistakes in the trials could be blamed on faulty memory and the interpreters' weaknesses in English or Hmong. Other errors demonstrated that the interpreters either did not understand or did not accept their proper role: that of neutral court officers present to give a verbatim interpretation of testimony. At times, the interpreters usurped the role of the witness, providing explanations that had not been offered in Hmong, or changing details to conform with other witnesses' testimony. At other times, they usurped the roles of the prosecuting and defense attorneys, independently asking questions the attorneys had never posed in order to help the witness formulate a more detailed response. They also usurped the role of the judge when they struck answers they apparently deemed nonresponsive by not interpreting them. None of this was

apparent to the lawyers, the judge or the jury, of course; nor does any of it appear in the trial transcripts.

The alterations of testimony in the St. Paul trials are not isolated flaws in an otherwise well-run system. Similar major errors were discovered among Spanish-English courtroom interpreters in the New Jersey study and among interpreters of various Asian languages and Spanish during a 1989 San Jose Mercury News investigation of court interpreting in California.

Yet even subtle errors made by the courts' best-trained interpreters can have an impact on jurors' perception of a witness, according to Susan Berk-Seligson, an associate professor of Spanish from the University of Pittsburgh who conducted a systematic study of court interpreters. In her 1990 book, "The Bilingual Courtroom," she showed that mock jurors' evaluations of witnesses can be influenced by an interpreter's use of linguistic features such as politeness, hedging and hyperformality.

For example, when an interpreter retained a Spanish-speaking witness's polite forms of address, saying "sir" for "senor," mock jurors rated the witness more positively than when an interpreter omitted the "sir." Even bilingual mock jurors who understood that the witness had spoken politely in Spanish rated the witness as more competent and intelligent when the polite forms were interpreted into English than when they were not.

Berk-Seligson concluded that court interpreters have "the powerful capability of changing the intent" of what the non-English-speaking witness wishes to say and how he chooses to say it. Given the interpreter's power to influence the outcome of a trial through either deliberate or unconscious modifications in testimony, most courts' attitudes toward screening and training interpreters can only be regarded as negligent. The Administrative Office of the United States Courts should push forward with its plan to include many more languages in the certification process, and state courts should strive to approach the federal standards. The National Center for State Courts in Williamsburg moved in the right direction in July when it convened experts from around the country to discuss the feasibility of developing a core competency test for all state court interpreters, along with other interstate efforts to improve interpreting services. Whatever tests are developed should be realistic and meaningful; they should be just as hard to excel in as it is to deliver a faithful interpretation in court.

While they wait for large-scale reform, judges and attorneys need to be more attentive to the interpreting issue. They should inquire about the interpreter's qualifications before each hearing and object when it is clear an interpreter has stopped communicating the proceedings to a defendant or is having what seems to be a private conversation with a witness on the stand. All interpreted hearings should be taped, so there is evidence in the event of a dispute.

The U.S. justice system has yet to gain the trust even of English-speaking minority groups who have lived in this country for centuries. It can hardly afford to embitter each new immigrant group so shortly after its arrival by failing to ensure that those immigrants' actual words -- and not an incompetent interpreter's reinvention of them -- will be the basis for the legal judgments made for or against them.

Ruth Hammond, who speaks Hmong, is a freelance writer in Minneapolis

MEMORIZATION TECHNIQUES FOR CONSECUTIVE INTERPRETING

1. How do you remember? Are you a visual or a verbal learner? Neither, or both? If you forget something you have heard, try to understand what prevented you from storing or retrieving that information.

2. Your short-term memory (STM) capacity is normally limited to between five and nine bits of information, i.e., units of memory, and your ability to recall depends upon how well you can organize what you have heard by finding patterns in what you hear. Have someone read a series of numbers to you. As soon as you are able to repeat seven unrelated numbers accurately, do the same thing but repeat the numbers backwards. You must be able to retain the whole series of seven numbers in your short-term memory in order to say them backwards.

3. Increase your analytical skills by reading a newspaper or magazine. After each story, try to summarize what you read in a single sentence. Do this in all your working languages.

4. Try this same exercise after listening to a news report or a radio or television talk show. Summarize the main idea in a single sentence.

5. Have someone record newspaper or magazine articles for you to use in the exercises below, or record talk or interview programs from the radio or television. Limit yourself to nontechnical material. (Do not record the news, because the newscaster reads from a prepared script.) Record increasingly longer texts as your skills improve. You will only repeat the information you hear in the same language B not interpret it.
 - A. Listen to the passage without taking notes and try to repeat as much as possible.

B. Listen to the passage and take down key words to help you remember the content. Then repeat as much information as possible. Compare the results you achieved by taking notes with those without note-taking. Which worked best for you?

C. Listen to the passage and try to repeat it verbatim with or without notes.

D. Try condensing the passage into a few meaningful units, while keeping in mind that your STM can handle only between five and nine bits of information. Organize the information into groups, e.g., if a person were to list the school she had attended and the subjects studied, you could group the schools by location and the subjects studied by topic. Numbers can be grouped in the same way people recite phone or social security numbers, in groups of two, three, or four, rather than as a string of unrelated numbers. Please note that, when interpreting testimony, the speaker's word sequence should remain as spoken except to accommodate the syntax of the target language.

. Do not allow your opinions to color your rendition of a speaker's words. The subject matter may be one about which you have strong opinions. Pay close attention to your reaction to the text while listening and maintaining the same level of language (register) as the speaker.

Note that improving your listening and memory skills is an ongoing and lifelong endeavor. As you gain experience and confidence, your skills will increase.

Model Code of Professional Responsibility

For Interpreters in the Judiciary

Introduction

The following document is a Model Code of Professional Responsibility for Interpreters in the judiciary. The Model Code presents key concepts and precepts, which over the years have emerged in statutes, rules, case law, and professional experience. Like the Model Court Interpreter Act (Chapter 10), it has been prepared in consultation with an advisory group of individuals who have special expertise in court interpretation. The advisory group included the judges, lawyers, court administrators, and state and federally certified professional interpreters who are named in the acknowledgements for this publication.

Purposes of the Model Code

The purposes of the Model Code are threefold:

- 1) To articulate a core set of principles, which are recommended for incorporation in similar codes that may be adopted in the several states or local jurisdictions;
- 2) To serve as a reference, which may be consulted or cited by interpreters, judges, and court managers where no other authoritative standards have been adopted, and
- 3) To serve as a basis for education and training of interpreters and other legal professionals.

Court Interpretations: Model Guide for Policy and Practice in the State Courts

Research has shown that courts must often rely on interpretation services of bilingual individuals who have received no specific training about the requirements, role and responsibilities of a court interpreter. Research has also shown that many judges and attorneys are also unaware of the professional responsibilities of the interpreter and how these translate into highly demanding technical skill requirements. At the very least, anyone serving as a court interpreter should be required to understand and abide by the precepts set out in this Model Code. Judges and attorneys should also become familiar with the code and expect conduct from interpreters that is consistent with it.

Code of Professional Responsibility for Interpreters in the Judiciary

CODE OF PROFESSIONAL RESPONSIBILITY FOR INTERPRETERS IN THE JUDICIARY

PREAMBLE

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

APPLICABILITY

This code shall guide and be binding upon all persons, agencies and organizations who administer, supervise use, or deliver interpreting services to the judiciary.

Commentary:

The black letter principles of this Model Code are principles of general application that are unlikely to conflict with specific requirements of rule or law in the states, in the opinion of the code's drafters. Therefore, the use of the term "shall" is reserved for the black letter principles. Statements in the commentary use the term "should" to describe behavior that illustrates or elaborates the principles. The commentaries are intended to convey what the drafters of this model code believe are *probable* and *expected* behaviors. Wherever a court policy or routine practice appears to conflict with the commentary in this code, it is recommended that the reasons for the policy as it applies to court interpreters be examined.

¹ A non-English speaker should be able to understand just as much as an English speaker with the same level of education and intelligence.

Court Interpretations: Model Guide for Policy and Practice in the State Courts

CANON 1: ACCURACY AND COMPLETENESS

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

Commentary:

The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non-English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language. Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but *every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted*. This includes apparent misstatements.

Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires -- including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

Code of Professional Responsibility for Interpreters in the Judiciary

CANON 2: REPRESENTATION OF QUALIFICATIONS

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

Commentary:

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

Commentary:

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties. The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a non-English speaking party's personal dependence.

Court Interpretations: Model Guide for Policy and Practice in the State Courts

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel?

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officials any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;
2. The interpreter has served in an investigative capacity for any party involved in the case;
3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;

4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for that case.

Code of Professional Responsibility for Interpreters in the Judiciary

Interpreters should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

Interpreters should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter.

CANON 4. PROFESSIONAL DEMEANOR

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

Commentary:

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to them. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting.

Interpreters are encouraged to avoid personal or professional conduct that could discredit the court.

CANON 5: CONFIDENTIALITY

Interpreters shall protect the confidentiality of all privileged and other confidential information.

Court Interpretations: Model Guide for Policy and Practice in the State Courts

Commentary:

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

CANON 6: RESTRICTION OF PUBLIC COMMENT

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

CANON 7: SCOPE OF PRACTICE

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Commentary:

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from

Code of Professional Responsibility for Interpreters in the Judiciary

initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation. Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose of forms, services, or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

The interpreter should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

Commentary:

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at

Court Interpretations: Model Guide for Policy and Practice in the State Courts

a rate of speed that is too rapid for the interpreter and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize

themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Interpreters should notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS

Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Code of Professional Responsibility for Interpreters in the Judiciary

Commentary:

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

CANON 10: PROFESSIONAL DEVELOPMENT

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

Commentary:

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings.

Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

Court Interpretations: Model Guide for Policy and Practice in the State Courts

Additional References

The following sources were used as references when the Model Code was originally drafted for discussion by the work group of judges, interpreters and interpreter program administrators in Williamsburg, Virginia, in July, 1993. Source materials marked with an asterisk are recommended as supplementary references.

California Standards of Judicial Administration-Section 18.3, *Standards of Professional Conduct for Court Interpreters* (See California Rules of Court, Rule 985)

*Judicial Council of California, Administrative Office of the Courts Workshops For Court Interpreters (Training Manual), *Professional Ethics and the Role of the Court Interpreter*

California Court Interpreters Association, *Code of Ethics*

Federal Courts *Code of Professional Responsibility of the Official Interpreters of the United States Courts*

Massachusetts *Office of the Chief Administrative Justice, Massachusetts Trial Court, *Code of Professional Conduct for Court Interpreters of the Trial Court*

New Jersey *Administrative Office of the Courts, Court Interpreting, Legal Translating and Bilingual Services Section, *Recommended Code of Professional Responsibility for Interpreters, Translators and Translators*

Washington *Rules of Court, General Rule 11.1, *Code of Conduct for Court Interpreters*
Registry of
Interpreters
for the Deaf, Inc. *Code of Ethics*

Texts *Chapter 34, "Ethical Principles and Standards" in Gonzalez, Roseann; Vasquez, Victoria; and Mikkelson, Holly, *Fundamentals of Court Interpretation*, Carolina Academic Press, 1991.

NOTE TAKING SYMBOLS

+ plus, and, more, enhanced

- minus, less, mitigated

= equals, same as, similar

⊙ group, meeting

☯ drug, pharmacy, medicine

♂ male, man, boy

✚	church, religion, crossroad
¢	cents, change, spare change
<	less than, before, prior to
>	more than, after,
#	railroad, tracks, train
\$	dollars, money, price,
	house, home,
⊘	strike that, strike out, never mind
#	number, pounds,
÷	between, between 2 people, between us, going through
^	up, above
∨	down, below
⊘	weaved, as in traffic

.	straddled two lanes, as in traffic
π	Plaintiff
D	Defendant
Ct	Court
CA	City Attorney
PD	Public Defender (be careful, could be Police Department)
DA	District Attorney (be careful, could be Defense Attorney)
Wh	white
Bk	black
Bl	blue
Gty	guilty
NG	not guilty
d	day

wk	week
mo	month
yr	year
st	street
ave	avenue
blvd	boulevard
x	times
s/x	sometimes
100/x	a hundred times
tr?	Isn't that true?
corr?	Is that correct?

PRACTICAL GUIDELINES FOR COURT INTERPRETERS

1. Always appear on time for an interpreting assignment. Arrive at least 15 minutes before the scheduled time.
2. Wear appropriate clothing for court; ethnic clothing should not be worn.
3. Report directly to the clerk of the assigned court, identify yourself, even if the court is in session, and be seated in the courtroom until called upon. A card or a piece of paper with your full name clearly spelled out is helpful the clerk.
4. If you leave the courtroom to go to the restroom, lock-up, or to the hall to do an interview or to smoke, let the clerk and the bailiff know where you are at all times.
5. Always bring a pad and pen so that you can write down names, dates, addresses, figures, etc.
6. Try to get as much information as possible about the case you will be interpreting about so you can assess the special vocabulary you may need to know. The court calendar or docket is a wealth of information – it contains the case name, number, code violation and the number of counts or charges. Ask the attorneys involved about the subject matter of the case.
7. When the case to which you are assigned is called by the judge or bailiff, go to the front of the courtroom to be sworn. After taking the interpreter's oath, state your name and spell it for the record.
8. When you are interpreting for the defendant, you sit or stand next to him or her, facing the judge and interpret simultaneously all the testimony and verbal proceedings during trials, arraignments, motions or probation reports and sentencings.
9. When you are interpreting for a witness, you sit or stand next to the witness stand and interpret consecutively all questions and answers.
10. In juvenile court proceedings, you sit next to a parent or other interested party and simultaneously interpret everything that is said.

11. When interpreting on the witness stand, speak in a loud, clear voice so that the judge, jury and all counsel and parties may hear you. Interpret in the first person (“I”), rather than saying “he says that...”
12. When interpreting at the defense table, speak only loudly enough to be heard by the defendant. Similarly, when interpreting for parents or interested parties in juvenile proceedings, your voice should be kept low so as not to interfere with the proceedings.
13. When the proceeding is completed, do not leave the courtroom until you are officially excused by the judge or clerk or until court has adjourned.
14. When you are released from duty, call the interpreter assignment office (typically the clerk’s office, but this varies by court) to report the status of your case(s) and give continuance dates, if any.
15. If a case you are working on is continued, do not assume that you are assigned to that case. Always confirm with the interpreter assignment office.

REFERENCES FOR SPANISH INTERPRETERS

Spanish-English Dictionaries

Simon & Schuster’s International Dictionary
American Heritage Larousse Spanish Dictionary
Harper-Collins Spanish Dictionary

General Language References

Diccionario de ideas afines, by Fernando Corripio, published by Editorial Herder
Vox Diccionario general ilustrado de la lengua Española
Diccionario de dudas y dificultades de la lengua Española, by Manuel Seco, published by Espasa Calpe
Legal Dictionaries, Glossaries and Terminology

Butterworth’s English-Spanish Dictionary

Cabanellas & Hoague (@ \$100)

West’s Spanish-English/English-Spanish Law Dictionary

Gerardo Solís, Raúl Gasteazoro, Jr.
West Publishing Company, 1992 (@\$60)

Diccionario de Derecho

Pina y Pina Vara, published by Porrúa

Bilingual Dictionary of Criminal Justice Terms

Virginia Benmaman, N. Connolly, Scott R. Loos
Gould Publications, 1991 (@ \$25)

Dictionary of Legal Terms/Diccionario de Términos Legales

Louis A. Robb
John Wiley & Sons Inc., 1995

Black's Law Dictionary (English only)

West Publishing Company (frequent updates)

Diccionario de Términos Jurídicos (English-Spanish/Spanish-English)

Enrique Alcaraz Varó and Brian Hughes
Editorial Ariel, SA
Barcelona, 1992

Law Dictionary (English only)

Barron's Educational Series, Inc.
250 Wireless Blvd., Hauppauge, NY 11788

Diccionario de Términos Jurídicos

Hughes & Alcaraz, published by Ariel

Diccionario Jurídico Elemental (Spanish only)

Guillermo Cabanellas de Torres, 1998
Editorial Heliasta SRL
Viamonte 1730
Buenos Aires 1055, Argentina

Diccionario Jurídico (Spanish only)

Juan D. Ramírez Gronda, 1998
Editorial Heliasta SRL
Viamonte 1730
Buenos Aires 1055, Argentina

Diccionario de Ciencias Jurídicas, Políticas y Sociales (Spanish only)

Manuel Osorio, 1987
Editorial Heliasta SRL
Viamonte 1730
Buenos Aires 1055, Argentina

Diccionario Jurídico / Law Dictionary (2 Volumes)

Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague, 1990

Editorial Heliasta SRL

Viamonte 1730

Buenos Aires 1055, Argentina

Legal Translation

Skills for Bilingual Legal Personnel, Frankenthaler, published by South-Western Publishing Company

Attorney References

Giannelli, Paul C. and Imwinkelried, Edward J. Scientific Evidence, Volumes I & II (Second Edition). Charlottesville, Virginia: The Michie Company. (@ \$160)

Loewy, Arnold H. Criminal Law in a Nutshell. St. Paul, Minnesota: West Publishing Company, 1987.

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Forensic DNA Analysis: Issues. June 1991, NCJ-128567. (Please note that many publications are available from BJS at no minimal cost.)

Tapes

ACEBO (excellent glossaries and practice tapes for legal interpreting)

-The Interpreters Edge

-The Interpreters Companion

P.O. Box 7485

Spreckels, CA 93962

408/455-1507

A-Lexis Publications

Dr. Alexander Rainoff

Santa Monica, CA

-Consecutive Forensic Interpretation and Methodology Exercises

-Weapons and Tools Terminology, Volumes I and II

Merl Publications – P.O. Box 426
Oak Park, IL 60303
Bilingual Court Glossaries
Cuauhtémoc Gallegos, Editor
-Delitos – Crimes
-Procedimiento Penal – Criminal Procedure

Text Books

Fundamentals of Court Interpretation: Theory, Policy and Practice
Roseann González, Victoria Vásquez and Holly Mikkelson, 1991
650 pp (@ \$75.00)
Carolina Academic Press
700 Kent Street, Durham, NC 27701
An Introduction to Court Interpreting: Theory and Practice
Elena M. De Jongh, 1992
University Press of America, Inc.
4720 Boston Way, Lanham, MD 20706
342 pp

Other Sources to Consult

General monolingual and bilingual dictionaries
Atlas, maps
Holy Bible- La Santa Biblia
Weekly news magazines
News broadcasts
Public libraries, public law libraries
Government Printing Office
Encyclopedias
Legal text books
Court Reports Associations (for practice tapes)

Imported Books
P.O. Box 4414
Dallas, TX 75208
214/941-6497

Libería de Porrúa Hnos. y Cía., S.A.

Apartado M – 7990
Delegación Cuauhtémoc
06020, México, D.F.
702-45-74 y 702-49-34

i.b.d., Ltd.
24 Hudson Street
Kinderhook, NY 12106
800/343-3531

EXERCISES TO DEVELOP AND IMPROVE

SIMULTANEOUS INTERPRETING SKILLS

The suggested exercises listed here are based on experiences gained in the training of both conference and court interpreters. Since the various modes of interpretation involve many of the same mental tasks, the exercises recommended in the sight translation and consecutive interpretation sections will contribute to the development of simultaneous interpreting skills as well. The exercises in the sight translation section that are designed to develop analytical techniques are particularly applicable to simultaneous interpreting, as are the memory-building exercises outlined in the consecutive section.

The following exercises, developed specifically to build the skills involved in simultaneous interpreting, are divided into those that emphasize dual-tasking and those that emphasize input analysis. These exercises should be done in all of the interpreter's working languages, beginning with his or her native, or more dominant, language. They should be practiced daily, for about a half hour at a time, as simultaneous skills must be acquired over time to allow for maximum routinization and retention.

Dual-Tasking Exercises

1. Have someone record passages from magazines or newspapers on tape, or record radio or television talk shows or interview programs (news broadcasts are not suitable for these exercises, because the pace is too fast and the content is too dense). The subject matter of these passages is irrelevant, but it should not be too technical nor contain too many statistics and proper names. Essays and opinion columns are good sources of text for recording. As you play back the tape, “shadow” the speaker. Repeat everything the speaker says, verbatim. Try to stay further and further behind the speaker until you are lagging at least one unit of meaning behind.

2. Once you feel comfortable talking and listening at the same time and are not leaving out too much, begin performing other tasks while shadowing. First, write the numerals from 1 to 100 on a piece of paper as you are repeating what the speaker says. Make sure you are writing and speaking at the same time, not just writing during pauses. When you are able to do that successfully, write the numerals in reverse order, from 100 to 1. Then, write them counting by 5's, by 3's, and so on. Note what happens whenever numbers appear in the text you are shadowing.

3. When you are able to do exercise 2 with minimal errors, begin writing out words while shadowing. Begin with your name and address, written repeatedly. Then move on to a favorite poem or a passage such as the preamble to the U.S. Constitution. Always choose a passage in the same language as that which you are shadowing. When writing this text, you should copy from a piece of paper placed in front of you. Do not try to write the passage from memory while shadowing the tape.

While shadowing the tape ads in the previous exercises, write down all the numbers and proper names you hear. Then, play the tape back and check to see if you wrote them correctly.

The purpose of the above exercises is to accustom your mind to working on two “channels” at the same time and to force you to lag behind the speaker. If you find yourself breezing through an exercise with no problem, move on to the next one. You should be taxing your mental capacities to the fullest at all times. On the other hand, if you are having difficulty keeping up with the speaker and are barely able to mumble a few words at a time, move back to the previous exercise until you are doing it well. These exercises should be repeated as many times as necessary over a long period of time.

Analysis Exercises

1. Using the same tapes you prepared for the above exercises (or with new ones, if you have grown tired of those), rephrase what the speaker says rather than simply repeating it, as in the rephrasing exercise in the sight translation section. Stating the same message in different words forces you to lag behind the speaker, waiting until he or she has said something meaningful for you to work with. In order to change the wording of the message without altering the meaning,

you must thoroughly analyze and understand the original message. This exercise also develops your vocabulary, because you are constantly searching for synonyms and alternative ways of phrasing things. It is perfectly acceptable and even advisable for you to look up words and phrases in a dictionary or thesaurus before attempting to rephrase the passages on the tape. It does not matter how many times you go over the tape again; even if you have memorized the passages, you are still deriving benefit from the exercise. Rephrasing simulates mental processes required in simultaneous interpreting, in that you must abandon the original wording and put the message into a different external form, while retaining all of its meaning.

2. To develop your ability to predict the outcome of a message based on your knowledge of the source language's syntax and style and on your common sense and experiences, do the following exercises with written passages from a magazine or newspaper:

A. cover up the latter half of a sentence and try to predict the ending of it. Did certain key words provide important clues?

B. Read the title of an entire article or essay and try to predict the content. Confirm or reject your conclusion as you read the article.

C. Read the article, paragraph by paragraph, predicting what will come next. Again, pick out key words that contain hints about the direction in which the author is heading.

D. Repeat exercises A and B with oral input, having someone read the passages to you.

E. Just as you increase your awareness of key words, learn to look for pitfalls that can lead you astray, such as embedded clauses and dangling participles. Develop your ability to skip over those distractions and get to the heart of a sentence or passage.

3. Using all the techniques you have developed in the preceding exercises, begin interpreting from the source language to the target language. At first, use the tapes you have already recorded and worked on in other exercises. Then, make new tapes specifically for interpreting practice. You may want to choose texts related to law and the courts for this purpose, but do not make them too technical at first. When you feel you are ready, use some actual court proceedings for practice. Court reporting schools are a good source of professionally recorded tapes of law-related texts. Additional exercises and recommendations for improvement can be found in the Federal Court Interpreter Examination Manual, (Gonzalez, 1986).

SKILL ENHANCING EXERCISES FOR INTERPRETERS OF ALL LANGUAGES

With so few interpreter training classes available, it is often difficult to obtain feedback on our interpreting performance. The exercises described below will provide both the novice and the experienced interpreter with methods to improve skills in consecutive and simultaneous interpreting and sight translation.

EFFECTIVE LISTENING

1. Observe conversations conducted outside of earshot (across a room, with the volume turned down on the television, in a crowded area such as a shopping center or an airport). Note how facial expressions, gestures, body movements, posture, eye contact or lack of it, reveal what the speakers may be saying. What are they talking about? Which non-verbal cues suggest the conversation to you? Which language are they speaking? How do you know? Do this exercise in all your working languages. How do the cues differ in each language?
2. Listen closely to someone you cannot see, i.e. on the telephone or the radio, and analyze their manner of speaking. Voice, pitch, tone, and volume as well as other sounds, such as sighs, hesitations, stutters, and tongue clickings. Do this exercise in all your working languages and compare the differences.

3. Go to a store with a friend and a small cassette recorder, and ask the clerk about a product. Five minutes later, try to repeat exactly what the clerk said. Play back the tape recording to see how close you came to the original message.
4. Analyze words and their meanings by asking others what they mean when they use a particular word or phrase. How does their word usage differ from yours?
5. Ask someone for directions to a place you know how to get to, then ask for directions to an unfamiliar place. What happens in your mind in these two situations? Do you lose your train of thought or do you jump ahead?
6. The next time you have a conversation with someone and miss part of what was said, analyze what went wrong. How did you lose your concentration? Were you daydreaming? Were you distracted by an unfamiliar word or a physical interference? Did a previous, unresolved conversation or thought intervene?
7. While listening to a speaker, try to conclude what the speaker's point is early in the presentation. At the conclusion of the speech, make another evaluation. Were your evaluations the same? Why or why not?
8. How and why are linkage words, such as *however*, *but*, *unless*, *therefore*, used? How do they establish the relationships of ideas? Make a list of these words and listen to how they are used. Do this in all your working languages.

Drug Slang Glossary

A

ACAPULCO GOLD - a very potent strain of marijuana from Acapulco, Mexico.

ACID - LSD

ACID HEAD - user of LSD, "Acid Freak"

AIRHEAD - under the influence of marijuana

ALCOHOL - booze, juice, sauce

ALLEY JUICE - very cheap wine, "Grapes"

AMPHETAMINES - speed, crystal, crank, meth, black beauties, bennies, uppers, dexies, 357 magnums

ANGEL DUST - Phencyclidine or PCP

ARTILLERY - equipment for shooting drugs

B

BAG MAN - person who transports money

BALLOON - small amount of contained narcotics

BANG - to inject narcotics

BARBS - Barbiturates; "downers, "reds"

BASE - Crack Cocaine

BEAN - capsules for drugs, ecstasy
BENNIES - Benzedrine; "peaches"
BENZOS - Tranquillizers
BIG C - Cocaine
BIG CHIEF - Mescaline
BINDLE - a small packet of drug powder
BLACK BEAUTIES - Amphetamines
BLACK HOLLIES - Amphetamines
BLACK RUSSIAN - Hashish
BLASTED - high on drugs
BLAZE - Marijuana
BLOTTER - LSD
BLOW - smoke Marijuana; sniff Cocaine
BLUE DEVILS - Am barbitol
BLUES - Valium
BLUNTS - a cigar slit open and filled with marijuana
BOMBED OUT - very much intoxicated by narcotics
BOMBITA - mixture of Cocaine & Heroin
BONG - a cylindrical water pipe for smoking narcotics, especially Marijuana
BOOST - to steal
BOOZE - alcohol (beer, wine, liquor)
BREAD - money
BRICK - a kilogram (2.2 pounds) of tightly compacted Marijuana, Cocaine or Hashish
BRING DOWN - come off a drug
BROKER - go-between for a drug deal
BROWN - Heroin
BROWNIES - Ecstasy
BUDS - Marijuana
BUMMER - bad experience with drugs
BURNOUT - heavy user of drugs
BUSTED - arrested on a drug-related charge
BUTTONS - peyote or mushrooms
BUZZED - mildly intoxicated

C

C - Cocaine
CACTUS - Mescaline or Peyote
CANDY - Barbiturates or Cocaine

CANDYMAN - drug supplier
CAPS - drug capsule
CARTWHEELS - Amphetamines
CHARGED UP - under the influence of drugs
CHASING THE DRAGON - a particular way of inhaling Heroin
CHEESE - a starter form of Heroin containing Tylenol PM and up to 8 percent heroin
CHARLIE - Cocaine
CHEER - LSD
CHINA WHITE - a very pure white Heroin
CHIPPING - occasional use of drugs
CHIPPY - person who uses drugs infrequently
CHRISTINA - Crystal Meth
CHRONIC - Marijuana
CLEAN - drug free; not having drugs in one's possession
COASTING - being high on drugs
COCAINE - crack, coke, booth, blow, railers, snow, ringer, divits, toot, cola, rocks, blast, white dust, ivory flakes, nose candy, mobbeles
COKE - Cocaine
COKE BROKE - financially incapacitated from supporting Cocaine habit
COLD TURKEY - sudden withdrawal from drugs
COLOMBO - Marijuana grown in Columbia
CONNECT - to purchase drugs
CONNECTION - supplier of drugs
COOKER - usually a spoon or bottle cap used to heat drugs for injection
CRACK - Cocaine prepared for smoking
CRASH - to sleep off the effects of drugs
CRYSTALS - Methamphetamine
CUT - to adulterate drugs

D

DAGGA - South African word for Marijuana
DARKS - Heroin
DEALER - someone who sells illegal drugs
DECK - a packet of drugs
DEXIES - Dexadrine, or "dex"
DIME BAG - \$10 worth of a narcotic
DOLLIES - Methadone
DOLPHINS - Ecstasy
DOTS - LSD

DOWNERS - Tranquillizers
DRIED OUT - having gone through a withdrawal program for drugs or alcohol
DROP - to take a drug orally; a place where money or drugs are left
DROP - LSD
DRUNK PILLS - Valium
DUST - narcotics in powder form
DUSTING - sprinkling a narcotic powder on another drug such as PCP on Marijuana
DYNAMITE - high quality, potent drugs

E

E's - Ecstasy
EGGS - Tranquillizers
EIGHTH - one-eighth of a pound of drugs
ELEPHANT - PCP

F

FACTORY - place where illicit drugs are prepared for sale
FIX - an injection of drugs
FLAKE - Cocaine
FLASH - LSD
FLASHBACK - recurrence of previous hallucinations
FLEA POWDER - poor quality drugs
FLIP OUT - become psychotic or irrational
FLYING - under the influence of drugs
FOOTBALL - Xanax pills
FREEBASE - smoking Cocaine from a special water pipe
FREEZE - to renege on a drug transaction
FRONT - to put money out before receiving the merchandise
FUZZ - the police

G

GANJA - the Jamaican word for Marijuana
GEAR - Heroin
GET ON - use drugs for the first time
GLASS - Crystal Meth
GLUEY - a glue sniffer
GOLD - Marijuana, also called Acapulco

GOODS - drugs
GOOFBALLS - Barbiturates
GRAM - a metric measure of weight
GRASS - Marijuana
GREEN - Marijuana
GUN - equipment for injecting drugs

H

H - Heroin
HAPPY DUST - Cocaine
HARD STUFF - narcotics
HASH - Marijuana
HAWK - LSD
HAY - Marijuana
HEAD SHOP - store specializing in the sale of drug paraphernalia
HEARTS - Dexadrine
HEAVEN - Cocaine
HEAVENLY BLUE - morning glory seeds; a hallucinogen
HEAVY BURNER - a person who smokes a lot of dope, a burnout
HEELED - having plenty of money
HERB - Marijuana
HEROIN - china white, fix, horse, smack, whack, mother pearl, H. junk
HIGH - to be intoxicated on drugs
HIT- a single dose of drugs
HOG - PCP
HOLDING - in possession of drugs
HOME GROWN - locally grown Marijuana; local weed; ditch weed
HOOKED - addicted
HOPPED UP - under the influence of drugs
HORSE - Heroin
HOT - wanted by authorities
HOT SHOT - fatal injection of drugs
HUFFER - glue sniffer
HUFFING - inhaling solvents from a bag
HUSTLE - attempt to obtain drug customers
HYPE - narcotic addict

I

ICE - Crystal Meth
ICE CREAM HABIT - occasional drug use
ISOMERIZER - used to increase potency of THC in Marijuana

J

JAG - extended period of using a drug
JELLIES - Tranquillizers
JIVE - Marijuana
JOINT - a Marijuana cigarette
JOY POPPING - occasional use of drugs
JUICE - Alcohol
JUNK - Heroin, so named because it's never pure when sold on the street
JUNKIE - an opiate addict

K

KEY- kilogram
KICK - to stop using drugs
KICKBACK - relapse back into drug usage
KIDDIE DOPE - usually prescription drugs
KIF - North African word for Marijuana
KILLER - strong drug
KILLER WEED - strong Marijuana, or marijuana sprinkled with PCP
KILO - 2.2 Ibs., also "KEY"
KIT - equipment used to inject drugs

L

L - LSD
LEMONADE - poor-quality drugs
LETTUCE - money
LEAPERS - Amphetamines
LID - one ounce or less of Marijuana
LIGHTENING - LSD
LINE - a dose of Cocaine arranged in a line on a smooth surface
LIQUID ACID - LSD
LOAD - a large quantity of drugs
LOADED - high on drugs or alcohol
LOCKER ROOM - Butyl Nitrate (inhalant)

LSD - acid, microdots, purple haze, blotters, fry, blaze, tab, dose, gel, pyramid, trips

LUCY - LSD

LUDES - Methaqualone; Quaaludes, Valium

M

MAINLINE - inject a drug directly into a vein, to "shoot up"

MAINLINER - a person who injects directly into the vein

MANICURE - remove seeds from marijuana

MARCHING POWDER - Cocaine

MARIJUANA - buds, bhang, dope, goof butt, grass, hash, hay, hemp, herb, jive, pot, rope, stinkweed, stuff, tea, weed, wacky tobaccky, whack,

MARY JANE - Marijuana

MARIJUANA CIGARETTE - bone, doobie, joint, J, reefer, spiff

MATCHBOX - measurement for a small amount of Marijuana

MAZZIES - Tranquillizers

MESCALINE - mess, crystal

MEET - buyer and seller get together

MERCHANDISE - drugs

METH - Chrystal Meth

MICRODOT - a tablet containing LSD

MITSUBISHI'S - Ecstasy

MIXTURE - Methadone

MISS EMMA - Morphine

MOGGIES - Tranquillizers

MONKEY - drug dependency; a kilogram of a narcotic

MULE - a carrier of drugs

MUNCHIES - the hunger that follows after using Marijuana

MUSHROOMS - magic mushrooms, shrooms, mushies

N

NAILED - arrested

NARC - narcotic agent

NEEDLE FREAK - a person who prefers to take drugs with a needle

NICKEL BAG - a \$5 bag of drugs

NORML - National Organization for the Reform of Marijuana Laws; lobbies for lenient drug laws

NORRIES - Tranquillizers

NUGGET - Marijuana

O

O.D. - overdosed on drugs

ON - under the influence of a drug

ON ICE - in jail

ON THE NOD - under the influence of narcotics or depressants

OUT OF IT - under the influence of drugs

O.Z. - one ounce

P

P's - Crystal Meth

PAKALOLO - Hawaiian term for Marijuana

PANAMA GOLD, RED - potent Marijuana grown in Panama

PANIC - drugs not available

PAPER MUSHROOMS - LSD

PAPERS - rolling papers, used to make marijuana or tobacco cigarettes

PARAPHERNALIA - accessories used to take drugs

PCP - (Phencyclidine) angel dust, kools sherms, high, wet daddies, dust, juice

PEACE PILLS - PCP

PEBBLES - Crack Cocaine

PEPSI HABIT - occasional use of drugs

PERCY - Cocaine

PEANUTS - Barbiturates

PEYOTE - hallucinogenic cactus, buttons

PIECE - usually one ounce of drugs

PILLS - Ecstasy

PINKS - Second (Barbiturate)

PLANT - a hiding place for drugs

POPPERS - Amyl Nitrate capsules (inhalant)

POT - Marijuana

POWER HITTER - a device (often plastic) used to deliver a blast of Marijuana smoke to the lungs

Q

QUACK - doctor

R

RAINBOWS - LSD
RED DEVILS - Seconal (Barbiturate)
REEFER - Marijuana
RIG - the paraphernalia for injecting drugs
RIDING THE WAVE - under the influence of drugs
RIPPED OFF- robbed
ROACH - the stub of a Marijuana cigarette
ROACH CLIP - any tweezers-like device used to hold a Marijuana cigarette stub that is too short to hold in the- fingers
ROCKS - Crack Cocaine
ROLEXES - Ecstasy
ROOFIES - tranquilizers
RUGBY BALLS - tranquilizers
RUSH - an intense surge of pleasure; Butyl Nitrate inhalant
ROXIES – Roxicet, Oxycodone

S

SAUCE - alcohol
SCAT - Heroin
SCHOOL BOY - Codeine
SCORE - to locate and purchase a quantity of drugs
SCRIPT WRITER - a Doctor willing to write a prescription for faked symptoms
SENSI -Marijuana
SHOOTING GALLERY - place where addicts inject drugs
SHOOT UP - to inject intravenously
SHOTGUN - a way of smoking Marijuana, by blowing smoke back through the joint into another's mouth
SINSEMILLA OR SINS - a potent type of Marijuana without seeds grown in Northern California
SKAG - Heroin
SKIN POPPING - to inject a drug under the skin
SKUNK =Marijuana
SMACK- Heroin
SMILIES - LSD
SMOKE - Marijuana
SNAPPERS - Amyl Nitrate capsules (inhalant)
SNORT - to inhale drugs through the nostrils
SNOW - Cocaine
SNOW BIRD - dependent on Cocaine

SOLID - Marijuana
SPACE CADET - habitual user of Marijuana
SPACED OUT - under the influence of drugs
SPACED - unresponsive to surroundings
SPEED - Amphetamines
SPEEDBALL - a mixture of Cocaine and Heroin; "Bombita"
SPEED FREAK - person who repeatedly takes Amphetamines, usually intravenously
SPIKE - needle used to inject drugs
SPOONS - paraphernalia associated with Cocaine, often worn as jewelry
STAR DUST - Cocaine
STARS - LSD
STASH - a place where drugs are hidden
STEP ON - to dilute drugs
STICK - a Marijuana cigarette
STIMULANTS - pep pills
STONED - under the influence of drugs
STONES - Crack Cocaine
STRAIGHT - not using drugs
STRUNG OUT - heavily addicted to drugs
SUPERMAN - LSD blotter with Superman imprint

T

TAB - LSD
TEA - Marijuana
THAI STICKS - Marijuana laced with Opium
TINA - Crystal Meth
TOKE - inhaling Marijuana or Hashish smoke
TOLLEY - or toluene; a cheap, extremely harmful paint solvent (inhalant)
TOOT - to sniff Cocaine
TOOTER - small, hollow tube (straw-like) to sniff Cocaine
TRACKS - a row of needle marks on the skin
TRAP - a hiding place for drugs
TRIPPER - LSD
TRIPS - LSD
TURF - a location where drugs are sold
TURKEY - a substitute sold as a specific drug
TURNED ON - introduced to drugs, or under the influence of drugs
TWEEZES - a wild variety of psilocybin mushrooms (hallucinogen)

U

UNCLE - Federal Agents
UPPERS - Stimulants, Amphetamines

V
VALLIES - tranquilizers
VALIUM - drunk pills, v's blues

W
WASH - Crack Cocaine
WASTED - intoxicated, strung out
WEED - Marijuana
WHITE - Cocaine
WHITE LIGHTENING - LSD
WINDOW - LSD
WIRED - addicted to Amphetamines or Heroin
WORKS - equipment for injecting drugs

X

XTC - Ecstasy

Y

YABA - Crystal Meth
YELLOW JACKETS - Nembutal, Barbiturate
YEN - a strong craving

Z

ZIGZAG - a brand of rolling papers used to make Marijuana cigarettes
ZOMBIE - heavy user of drugs
ZONKED - extremely high on drugs
<http://www.drugrehab.co.uk/street-drug-names.htm>

TIPS
TO
ALLEVIATE
TEST

ANXIETY

Most of us experience some level of uneasiness or tension before and/or during a test. A small amount of tension or stress is expected. Sometimes, that nervousness works in our favor, motivating us. However, in larger amounts, that tension can interfere or even impair our capacity to think, plan, and perform on tests. The following information will help you to cope with and overcome test anxiety.

The first question I ask students consulting for test anxiety is whether their anxiety is a result of lack of preparation or a consequence of overreacting/panicking during testing. Anxiety produced by inadequate preparation is easy to understand, and can be easily eliminated with appropriate studying.

If you are adequately prepared, but still overreact or panic, you are suffering from test anxiety. In this section, we will review the steps that will help you to overcome its effects.

BEFORE THE TEST

Preparation

Preparation is a key element for reducing anxiety; the higher your level of preparation, the lower your level of anxiety. Moreover, getting ready for your test will increase your self-confidence.

No Cramming

Avoid cramming for a test. This is an ineffective way of studying. If you cram the night before, you might be able to pass some parts of your test, but you will remember nothing afterwards. Trying to learn weeks' worth of material, the day before the test does not work, either. Usually, this is not a good time to learn much because you feel anxious. You feel pressured, and probably guilty, for studying at the last minute; therefore you cannot concentrate very well. Please do not think that when you study ahead of time, you do worse than when you study the day before. Years of research on how to study are against you. If this happens to you, it is because you are either studying in advance without learning, or you have developed the negative habit of learning under pressure. Both are ineffective ways of learning and both can easily create anxiety.

Review All Information

Study from whatever materials you have, as well as those suggested to you. Combine the information. Work on mastering the main, as well as the specific terminology related to the subject.

Use Flash Cards

Yes, you can use flash cards to organize your study. This kind of help will allow you to allocate your time in an effective way. You will be able to determine what you already know, and spend more time reviewing those materials that need more study.

THINKING STRAIGHT ABOUT YOUR TEST

Change The Way You Think About Studying

Changing the way you think about studying can improve your performance. Studying and test scores are NOT a measure of your self-worth. You may be investing too much of your personal definition on studying and test scores. This kind of thinking can lead you to see studying as an insurmountable task. These kinds of beliefs are very effective in creating anxiety and stress. And, these reactions can reduce, in turn, your capacity to concentrate and learn, confirming that studying is an impossible task for you. (Does the concept "vicious cycle" ring a bell?)

Put Your Test In Perspective

A test is only a test. Keep in mind that, in most cases, you will have other chances to take the test. This will help you remove part of the emotional charge placed on tests, reducing your stress, and allowing you to study better.

Eliminate Negative Self-Talk

Avoid thinking of yourself in a negative way. Avoid getting entangled in negative aspects related with studying. Focus on what needs to be done and do it. You will be surprised how much time test takers spend doing everything else but studying. Negative thoughts are an example of time spent doing "everything else."

Invest Time In Planning

Plan ways to improve your studying. Evaluate your plan accordingly with your performance. Plan ways to keep what you did right, and plans ways to improve what can be improved.

Put Your Test Score In Perspective

Your results are not necessarily a reflection of your preparation. Some people believe that the success of a test anxiety reduction program should be measured by the grades obtained. The

reality is that your grades will not improve immediately. It will take time and more than one test to see that kind of result. Therefore, your performance should be evaluated against what you did. If you had a good plan, and you stuck to it, which is what really counts; even if the results were not what you would have liked them to be. You might have improved significantly, but the test may have been more difficult than you expected. The reverse is also possible; you may have failed your plan and you may still get a good score. Again, you should use more than just your results to evaluate your performance.

Develop Reasonable Expectations

Prepare for your tests one at a time. Set realistic goals. Hope for a result that matches the stage of development you have reached at this point. Unrealistic expectations will only lead to frustration, which, in turn, will become an excuse to give up.

TAKING CARE OF YOUR BASIC NEEDS

Keep In Mind That You Are More Than A Test-Taker

People who are overly concerned about tests usually neglect other aspects of themselves. Do not forget that taking a test is only one of the important things in your life. You should also care about your biological, emotional, psychological, and social needs.

"Mens Sana In Corpore Sana"

"Healthy mind in healthy body." Exercise, stay in good shape. Eat consciously. Keep up with your recreational and social activities. All contribute to your well-being and capacity to buffer test anxiety.

Remember That "Food For Thought" Is Only A Literary Expression

More often than not, you will see people who are preparing for a test abusing food (e.g. cookies) or beverages (e.g. coffee). It looks as if they believe that this will help them in studying or taking tests. In fact, the result is often the opposite. A stomachache will keep you from concentrating. Caffeine may give you the jitters. You may end up feeling light-headed.

Dosify Your Study

Study for short periods of time. Follow a moderate pace. Do not forget that your mind can take more of the same forever. Take breaks.

Rest The Night Before The Test

Distract your mind with activities other than studying. Rest. Get plenty of sleep. A refreshed mind will allow you to do your best. An overly tired mind will not function at its best. This is the reason why studying overnight usually does not payoff.

Do Not Abuse Yourself

Once you feel you know what you need to know, quit studying, and do something relaxing. The only reason you keep studying way after you are reasonably prepared is due to a lack of confidence. Be patient. Learning when to stop takes time. Accomplishing it boosts your sense of self-confidence and self-esteem.

GETTING READY

Face The Day Of The Test With Pride

Take responsibility for your actions. If you studied enough, be proud of yourself. What really matters at this point is not the potential grade, but the fact that you did what you were supposed to do. This is an accomplishment in itself.

Eat A Sensible Breakfast

Do not abuse food before the test. Some people use food as a way to reduce anxiety. Indulging in food on the day of the test may backfire on you, impairing your performance by making you feel physically uncomfortable or sick during the test.

Relax During The Hour Before The Test

Do something relaxing the hour before the test. It is too late to try to learn what you did not learn before. Last minute cramming will cloud what you have learned before. It will also undermine your confidence.

Avoid “Stress-Carriers”

Politely avoid colleagues who produce anxiety and affect your disposition to the test. Do not let them scare, stress, or upset you.

Have A Stress-Saver With You

Have something that calms you nearby, such as a photo or a picture that makes you feel relaxed.

Use Physical Relaxation

Learn and use tensing and relaxing techniques to fight off tension and anxiety.

FACING THE TEST

Check Your Internal State

How are you? How is your anxiety level? If it is high or moderately high, take a moment to relax. Relaxing increases your chances of doing a more efficient job.

Coach Yourself

Sometimes people taking tests get anxious after finding out that they do not know the answer to the first or second question. Tell yourself that you are going to do your best. Tell yourself that you are going to answer the questions you know first, then the questions you are not really sure about, and finally, the questions you do not know. Follow your plan.

DURING THE TEST

Relax Your Tension

If your tension is hampering your capacity to do your best, tense and relax your body as needed during the test. This exercise releases your tension. Breathing deeply, in and out, also helps to release anxiety. For more information on relaxation see the Relaxation Techniques on the last page of this document.

Talk To Yourself

If your anxiety continues, tell yourself phrases like, "I can be anxious later. Now I am going to continue my test." Use any type of internal dialogue (nobody else needs to hear you) that can help you do better in your test.

Try Not To Read Into The Test

Sometimes, people read into a question, thinking that some items are trick questions, or too easy. Instead of it being too easy, it may be that you studied effectively and remember the material well.

AFTER THE TEST

Reward Yourself

Whether you did well or not, reward yourself for taking and surviving your test. You deserve it.

Later On

Evaluate your study plan. Were you prepared for it? Were you able to control your anxiety and relax? Find out what you did right and repeat it the next time. Find out what needs more work. Do not dwell on your mistakes; you are supposed to make some. Use them as a guide for what needs to be improved, and work on improving it.

Then...

Develop an improved plan and begin studying for your next test.

RELAXATION TECHNIQUES

This is a series of relaxation techniques that you can do almost anywhere and anytime. They do not take very long to do. Do not force yourself to relax - just let it happen.

BREATHING: 2-step breath. Fill the bottom of your lungs first, then, add the top as you breathe through your nose. Breathe out slowly. Feel the tension flowing out.

TENSE-RELAX MUSCLES: Tighten the muscle that you want to relax. Focus on and feel the tension where you have tightened. Now, let the muscle become loose and limp. Feel the relaxation flow into the muscle.

BODY SCAN: With your mind, briefly scan every muscle in your body from the tips of your toes to the top of your head. If you sense a tight muscle, let it become loose and limp.

LIMP RAG DOLL: Do the 2-step breath two times. With your mind, imagine that you are a limp rag doll. Feel your mind and body become limp and relaxed. (You may be whatever image you like best.)

MIND QUIETING: To quiet your mind, first focus on your breathing. As you breathe in, say slowly to yourself, "I am" and as you breathe out, say slowly to yourself, "Calm." When your mind feels calm, focus solely on your breathing, with no thoughts at all.

SHOULDERS, ARMS, AND HANDS; HEAVY AND WARM: Put your mind into your shoulders, arms, and hands - imagine and experience them becoming heavy, relaxed, and warm.

The article, "Tips to Alleviate Test Anxiety" was written by Carlos P. Zalaquett, Ph.D, and the article, "Relaxation Techniques" was written by Dale Walters, Ph.D. These articles were adapted and reproduced specifically for interpreters taking the Language Line Court Certification test with Dr. Zalaquett's permission and approval. Both articles are property of the authors and may not be reproduced without their permission. The articles may be read in their original form at the following web site: <http://www.shsu.edu/counsel/help.html>

OVERVIEW OF THE ORAL

PERFORMANCE EXAMINATION
FOR PROSPECTIVE COURT INTERPRETERS

Consortium for State Court Interpreter Certification

Revised August 2000
Revised July 2005

**The contents of this manual are intended to be adapted
by state personnel to reflect the state's specific policies
and procedures concerning state court interpreter
certification oral examinations.**

1. Introduction

This document has been prepared to help persons aspiring to become approved court interpreters understand what the oral examination measures, how it is administered and scored, and how to prepare for taking the examination. Each examinee should study this overview thoroughly in order to be more fully prepared for the oral performance examination.

The oral examination is only one part of the process for becoming a qualified court interpreter. There may be other requirements you will need to fulfill before your state considers you eligible to participate in this examination. Passing this test will demonstrate that you are considered minimally competent to interpret in your state's court system. Passing scores on this examination may or may not be recognized by other states' court systems.

2. Background

Court interpreting is a sophisticated and demanding profession that requires much more than being bilingual. One must possess high levels of knowledge and fluency in English and the non-English language, a level generally equivalent to that of an educated native speaker of the language. Court interpreters must also possess specialized cognitive and motor skills, have a firm understanding of court procedure and basic justice system concepts and terminology, and be thoroughly familiar with requirements of the Code of Professional Responsibility for Interpreters in the Judiciary.

Court interpreters play a vital role in court proceedings that involve non-English speaking individuals as litigants or witnesses. The Code of Professional Conduct for Court Interpreters in your state describes the expectations of the judiciary with respect to what court interpreters must know and be able to do during interpreted proceedings.

It is important that judges have timely access to *appropriately qualified* interpreters to assist them in conducting court proceedings involving individuals who do not speak English, or who have a limited ability to speak English. The objectives of the Court Interpreter Testing and Qualification Program, therefore, are:

to identify individuals who possess the required knowledge and skills; and,
to expand the pool of qualified interpreters available to assist the court in the conduct of interpreted proceedings.

3. Exam objectives, design, and structure

Oral performance examinations are tests designed to determine whether candidates possess the minimum levels of language knowledge and interpreting skills required to perform competently during court proceedings. The tests are substantially similar in structure and content to tests that have been developed by the federal courts. The tests are designed and developed by consultants who have extensive knowledge of courts and court proceedings, the job requirements for court interpreters, and/or advanced training or high levels of fluency in English and the non-English language. These experts may include federally certified court interpreters, judges and lawyers, scholars, and/or legal professionals.

4. What does the exam measure?

The test measures language knowledge and fluency in both languages and the ability to successfully render meaning from target to source language in each of the three *modes* of interpreting that are required of court interpreters. The three modes of interpreting include: simultaneous interpreting; consecutive interpreting; sight translation of documents.

In short, the test measures what a court interpreter should and must be able to do to meet minimum professional requirements.¹ In all three modes of interpreting the interpreter must demonstrate the following abilities:

Ability to speak the non-English language and English fluently and without hesitation;

Ability to transfer all meaning faithfully from the source language to the target language while interpreting in both the consecutive and simultaneous modes, and while sight translating documents (sometimes called sight interpreting);

Ability to pronounce the non-English language and English in a way that does not systematically interfere with meaning and understanding.

5. What is the structure of the exam

The entire exam consists of four parts. All four parts are based on actual transcripts or other court documents and simulate in many respects, actual court interpreting. The four parts of the exam are:

Sight translation of a document written in English interpreted orally into the non-English language

Sight translation of a document written in the non-English language interpreted into oral English

Consecutive interpreting from English into the non-English language and from

¹See for example, William E. Hewitt, *Court Interpretation: Model Guidelines for Policy and Practice in the State Courts* (National Center For State Courts, 1995), Chapter 3, "Job Analysis and Position Descriptions for Professional Court Interpreters." Available online: http://www.ncsconline.org/wc/publications/res_CtInte_Pub.pdf

the non-English language into English
Simultaneous interpreting from English into the non-English language

5.1 Sight translation: English to non-English language

This part of the test simulates an interpreter reading an English document aloud to a non-English-speaking person. The document is about 225 words in length. After instructions are given, the examinee is allowed six minutes to complete this portion of the exam.

5.2 Sight translation: non-English language to English

This part of the test simulates an interpreter reading a non-English language document aloud to an English speaking person. This document is also about 225 words in length. After instructions are given, the examinee is allowed six minutes to complete this portion of the exam.

5.3 Consecutive interpreting

This is the appropriate form of interpreting for non-English speaking witnesses, and other question and answer situations involving non-English speaking persons. During this portion of the test, the interpreter interprets English language questions (segments) into the foreign language and foreign language answers (segments) into English. Although the consecutive portion of the examination usually follows the format of "question – answer – question – answer," there may be times when the cadence changes.

The examinee may ask to have two of the test segments repeated. The consecutive portion is administered by having a test proctor play the recorded courtroom simulation on a CD player.

5.4 Simultaneous interpreting

Simultaneous interpreting is the appropriate mode of interpreting for many situations interpreters encounter in the courtroom, for example, interpreting for defendants during procedural hearings and trials. This part of the exam consists of a CD recording of a simulated attorney's opening or closing statement to a judge or jury. It is approximately 800 to 850 words in length, is recorded at an approximate speed of 120 words per minute, and is about seven minutes long. One hundred and twenty words per minute is *much slower* than most ordinary courtroom speech. Most of the passage is monologue speech by one voice, representing an attorney. A brief section of colloquy by voices representing the judge, other attorneys, or a witness may be included in addition to the monologue.

During this portion of the exam, the examinee listens to the prerecorded English passage through earphones and, while listening, interprets aloud into the non-English language. The candidate's interpretation is recorded on a tape recorder for later review and scoring by the test examiners. This part of the examination takes approximately ten minutes, including instructions and preparation.

6. Test rating and scoring

Each exam will be assessed in two ways: 1) by the number of *scoring units* interpreted correctly and 2) by an overall non scoring-unit evaluation.

Scoring units

Scoring units are particular words and phrases that are selected to represent various features of language that interpreters encounter in their work, and that they must render accurately and completely, without altering the meaning or style of speech. The examiners determine whether those scoring units are interpreted correctly or incorrectly. When interpreting into the non-English language, the examiners will consider correct any rendering that would be acceptable in *any appropriate spoken variety of the non-English language*.

It is important for examinees to understand that when the test is prepared, test reviewers try to make sure that the test does not include words or phrases that are used in a way that is peculiar to a particular country or region.

The types of scoring units that are scattered throughout the test include the following:
Grammar--words or phrases that might be interpreted incorrectly due to an inadequate command of grammar

False cognates—words that sound or look alike in both languages, but that have different meanings

General vocabulary—a range of nouns, verbs, adjectives, etc.

Technical vocabulary—special terminology frequently encountered in court contexts, such as common legal terms

Idioms and expressions—words or phrases in the source language which will usually result in lost meaning or nonsense if they are interpreted word-for-word into the target language

Numbers, names, dates—these must be accurately preserved during the interpretation

Modifiers, emphasis—adjective, adverbs, exclamations, etc. in the source language that must be accurately preserved in the target language

Register/style—words or phrases characteristic of a style of speech (formal, casual, informal) that must be preserved in the interpretation, for example, “yeah” and “yes” mean the same, but make a different impression on the listener

Position and special function—words or phrases that might be overlooked or left out because of their position in the sentence, such as embedded phrases or tag-ons, or because they are “fillers,” such as false starts, stalls, etc., and

Slang/Colloquialisms—words or phrases that are slang or colloquial language.

6.1.1 How many scoring units must a candidate get right to pass the exam?

Each portion of the exam has a fixed number of scoring units. There are 75 scoring units in the simultaneous, 75 or 90 units in the consecutive (depending upon what version of a test is used), and 25 units in each of the sights, for a total of 50 units that are used to calculate the score for the sight translation portion of the exam. The candidate must score at least a 70% on each of the three scorable parts of the test in order to pass.

6.1.2 *How do the test raters (examiners) determine if a scoring unit is rated “correct” or “incorrect?”*

Each candidate's test is reviewed by two raters. The raters independently score each scoring unit, and then compare their scores. When a scoring unit is omitted or rendered incorrectly, the raters will place an "X" over that scoring unit (for example, if the scoring unit is June 16, 2004 and the examinee said June 15, 2004, that scoring unit will be marked as "incorrect"). When there is disagreement between the raters about the interpretation of a scoring unit, the raters consult a *scoring dictionary*. The *scoring dictionary* includes a compilation of interpretations for that scoring unit that have been deemed "acceptable" or "unacceptable" by other teams of raters in the past. If the *scoring dictionary* does not adequately address the disagreement, the raters will turn to reputable bilingual dictionaries and other resources to see if the interpretation would be acceptable in any country where the language is spoken. When there is disagreement that cannot be resolved through discussion or by consulting the *scoring dictionary* or published resources, a third opinion may be sought. The benefit of any doubt always goes to the candidate. In other words, if after discussion and research, just one rater believes a scoring unit is interpreted correctly, the unit is marked as "correct". Once the raters have rated and discussed an examination, they count the number of incorrect scoring units and subtract that sum from the total number of scoring units in that section of the test. The result is the total number of correct scoring units. The total number of correct scoring units and that number, expressed as a percentage, is reported to the examinee. For example, if a candidate had 15 scoring units out of a possible of 75 marked as "incorrect," that number would be subtracted from the total number of scoring units, leaving 60 scoring units as "correct." The report to the examinee would illustrate 60 correct scoring units, and the percentage score (in this example, 60 divided by 75, or 80%).

6.2 Nonscoring unit evaluation

In addition to the evaluation of a candidate's scoring unit assessment, each section of the exam is further evaluated in a general way by the test raters for consistency in interpreting and language skills. This is a structured assessment of interpreting and language skills that may not be captured within the framework of the scoring unit assessment. It will be used to evaluate any consistently repeated mistakes, difficulty understanding a candidate due to speech habits or accent, and significant changes in meaning in non-scoring unit phrases of the exam. For example, on rare occasions, an examinee may "hit" the correct interpretation of scoring units enough times to achieve the minimum acceptable score in an exam section (70% or better), while routinely misinterpreting the entire unit of meaning within which the scoring unit has occurred. Examinees may also manage to correctly interpret many keywords, but frequently embellish the text or "make-up" words. These are serious breaches of professional conduct and may result in an unacceptable rating on that dimension of the evaluation. The nonkeyword (non-scoring unit) evaluation functions as a corrective measure of the quantitative performance criteria associated with the point score earned through interpretation of the scoring units.

Using this evaluation, the test raters will assign one of three values to the candidate's performance on each of three dimensions—English Language Skills, Foreign Language Skills and Interpreting Skills. The values are *Acceptable*, *Borderline*, and *Unacceptable*.

Assignment of an *Acceptable* score occurs when the raters believe that the examinee's overall performance is competent or better. In such circumstances the scoring unit scoring will determine whether the examinee achieves the "pass" or "does not pass" status on the exam.

A *Borderline* classification is an indication to the examinee that his/her performance on the exam demonstrated weaknesses that concerned the raters. This rating does not influence the objective (scoring unit) score, so a candidate will not fail if a *borderline* rating is received and the candidate passes on the point score.

Examiners will assign an *Unacceptable* rating to performances that clearly do not meet minimum standards for court interpreting. Usually, *Unacceptable* ratings are matched by scoring unit scores that do not meet the minimum standards for passing the test. However, if an *Unacceptable* rating is given on a dimension of the nonkeyword scoring system, it forces the assignment of a "fail" status, even if the point score is in the passing range. The procedure followed in such cases is that if both raters agree on an *Unacceptable* rating for any of the three categories, and the candidate's overall scoring unit score would otherwise entitle the candidate to pass the test, then the candidate's examination will automatically be referred to a second rating team. If the second rating team agrees with the *Unacceptable* rating, then the candidate will not qualify for a "pass" status on the exam, regardless of the score on the scoring unit assessment, and the results report will be returned with a "does not pass" classification.

7. Procedural and mechanical aspects of the exam

(NOTE: EACH STATE SHOULD ENSURE THAT THIS SECTION CONFORMS TO THE PRACTICE IN THAT STATE)

7.1 Application

Candidates who have complied with all the state requirements can apply to take the test and pay any required registration fee (or comply with any other state requirements). This is done well in advance of the test day. If you have already applied to take the test and paid the fee (if applicable), you should have received notice with this booklet telling you of the testing location, test date, and specific time of your appointment. To take the test, you must show up on time and be prepared to confirm your registration information and your identity with photo identification that matches your registration form. *If you do not have a photo identification, you should make advance arrangements with the test coordinator from whom you received your registration form to agree on some other form of acceptable positive identification.*

7.2 Exam Day

As noted above, you must appear on time at the test site with your identification and test registration confirmation forms. In most cases, there will be a registration clerk or test proctor waiting to confirm your identity and your appointment. Please report to the clerk or proctor as soon as you arrive. After confirming your registration and completing the paperwork

required to process your exam, you will be asked to take a seat in a waiting area until a test administrator calls your name. Examinees will be taken to the test room in the order they arrive. Appointments are generally made on a staggered schedule to limit the total sign in, waiting, and test time to no more than one hour. Generally, you can expect to complete the entire process in 60 minutes or less.

When your name is called you will be escorted to the test room by a proctor. *You will not be allowed to bring any purses, handbags, or other similar personal belongings that have not been opened and examined into the test room. Tape recorders or any other mechanical devices will not be allowed inside the test room.* After you are seated, the proctor will give you further detailed instructions before the exam begins. You should behave as you would if you were working in court.

8. What will the examination room look like?

The exam is normally given in a room such as a courtroom, a jury room, or a conference room. Only you and the test administrator(s) or proctor(s) will be present in the room during the exam. Your consent is required for observers to be present.

The administrator/proctor will have a list of individuals to be tested that day and a "script" that he or she will follow to read the instructions. All examinees are given exactly the same instructions. At your seat, there will be a water pitcher, paper cups, a cup of water poured for you, a note pad, and pencils and pens for you to take notes if you wish. On the table, there will be one Compact Disk player and an audio cassette tape recorder. The tape recorder will record your test and will be turned on as soon as you enter the room. The CD player will be used to play the pre-recorded simultaneous and consecutive portions of the test.

9. What happens once I'm in the examination room?

The following descriptions apply to the specific parts of the exam.

Sight

First, the test administrator will hand you a document, written in English, which you must interpret into the foreign language. After that exercise is completed, the test administrator will hand you a second document, written in the foreign language, which you will interpret into English. You will be given six minutes to read and interpret each document. The administrator will inform you that you have two minutes to read the document to yourself to gain a perspective of the contents and the overall meaning. Although you can begin your interpretation at any time, you are encouraged to use that time to familiarize yourself with the document and take notes if it will help you in your delivery. If you haven't begun to interpret the contents after two minutes, the test administrator will tell you that "you should begin." At that point, you have four minutes remaining to orally translate the document. This procedure is identical for both documents. The goal is to render an accurate rendition of the document in a

fluid, smooth manner, avoiding hesitations, false starts, and constant repeats of passages that detract from the listener's ability to comprehend the message.

Consecutive

The consecutive portion of the exam will be played on a Compact Disk player. The test administrator will play a segment of the test and then pause the machine. At the pause, you will interpret what was said into the other language. For example if the segment represents an attorney asking a question in English, at the pause, you will interpret that question into the foreign language. The administrator will then play the next segment and pause. Again, you will interpret what was said into the other language. For example, if the segment is the witness answering in the foreign language, at the pause, you will interpret that answer into English.

You will be allowed to ask for two repetitions during the consecutive portion of the exam. The segments will vary in length from one word to over forty words. You may not ask for a *part* of a segment to be repeated or for a segment to be split into two separate utterances. If you ask for a repetition, the whole segment will be repeated for you (this can only occur twice during this portion of the exam). You may not ask for clarification of any particular word or phrase.

You are encouraged to take notes to assist your memory. It is in your best interest to keep up with the pace of the segments since you will be allowed 22 minutes to complete this portion of the exam. If you take long, detailed notes, try to write everything that was said before you begin your interpretation, or if you deliver more than one rendition of your interpretation of utterances, you are likely to run out of time. If you run out of time, all of the scoring units from the point where you ran out of time to the end of the consecutive portion will be counted as incorrect.

Simultaneous

The simultaneous passage has been pre-recorded on a CD. After a brief introduction by the test proctor, you will put on a set of earphones. You will hear a brief introductory message on the CD before the simultaneous portion begins. As you listen to the introduction, you will have the chance to make sure the earphones fit comfortably and to adjust the volume. Then, when the test begins you will interpret out loud and simultaneously everything that is said into the non-English language. You may sit or stand during the test. However, if you choose to stand, you should speak loudly and clearly so that your interpretation is recorded adequately, and bear in mind that your movement will be restricted by the length of the earphone wires. Once the simultaneous portion of the exam begins, you are not permitted to stop the exam. If you stop during the simultaneous portion, that will terminate the exam. At that point, all scoring units that follow will be counted as wrong. Once the simultaneous portion of the test is over, you will be permitted to take off the earphones.

10. After the exam

After the exam you will be asked to leave the testing area without returning to the waiting area. You are not allowed to discuss the exam with any other candidates. One of the sign-in requirements is that you sign an oath, promising not to divulge any information about specific language or test items to any other person after you complete the examination.

11. Notification of exam results

You will be notified by mail of your exam results. The exam administrator or proctor will give you an idea of how much time will expire between the time you take the test and the time you will receive the results. Your test tapes, test scores, and test-rating sheet will be confidential. Only the test administrators, test raters, and staff at the National Center for State Courts will have access to these materials. The summary results – whether you pass or do not pass the test – are matters of public record and may be reported in response to any inquiry. The details about your scores may be provided to an official representative of another Consortium member state upon request, and may be provided to others if you submit a written request for that information to be released.

12. Who scores the exam?

In most states, the exam is scored by teams of two interpreters who have themselves taken and passed a similar certification test, or, in the case of newly developed examinations, are academic experts who have participated in the development of a test and who have been trained in the theory and practice of scoring Consortium examinations. Raters receive specific training and usually have experience in test administration and test scoring. All members of the teams are evaluated carefully to assure that they follow the testing standards established for the examination process.

13. Suggested “do's and don'ts” during the examination

There are several tips that will be helpful to you if you keep them in mind while you are taking the examination. Please study the following suggestions carefully.

13.1 DO

- Perform throughout all parts of the oral exam as though you were interpreting in a courtroom. The only times you should go out of this role is between exam sections.
- Concentrate on the source language and your rendition as you go through the various parts of the test.
- Try to interpret any words or phrases that may be unfamiliar to you, as long as you can make an educated guess about the meaning from the context given to you in the passage.
- *Stick with it* in the simultaneous. If you find yourself getting frustrated, or feeling that you are unable to keep up, pause for a second or two to regain your composure and then keep trying! (Remember that you cannot ask the proctor to stop the exam and then start over.)
- During the consecutive portion, use the same grammar “person” that is employed by a speaker. For example, if the witness says in the foreign language the equivalent of “My name

is Teresita Salazar," the proper interpretation into English would be, "My name is Teresita Salazar," NOT, "She says her name is Teresita Salazar."

- Conserve the intent, tone, and language level of the source messages you interpret. *If you encounter any impolite words or phrases, slang, or obscene language, interpret them as closely as possible into the target language just as they sound in the source language.* Do not attempt to clean up or change the language of any speaker.

13.2 DON'T

- Guess wildly the meaning of a word or phrase that you don't know.
- Allow yourself to get frustrated when you don't know how to interpret a word or phrase. Skip it and keep going.
- Give a string of synonyms for a given word or several interpretations for a particular phrase. If you do this, only the last synonym or phrase you render will be graded, even if you said it correctly on the first try.

SUGGESTIONS FOR PREPARING FOR THE TEST²

Sight Translations:

Take any written materials (for example, newspaper and magazine articles, letters, books, birth certificates, etc.) and, speaking into a tape recorder, perform sight translations. Evaluate your rendition against the source material. Practice on a variety of subjects and vary the type of material that you use. Continue practicing until you are able to comfortably translate at least 225 words accurately within a six-minute time frame.

Consecutive Interpretation:

Practice your ability to repeat sentences and paragraphs of varying lengths, from one to fifty words. You are likely to find a number of sources for practice materials. For example, your local court reporter's office may be willing to let you have draft copies of actual transcripts, or you may find practice materials on the World Wide Web. If necessary, you can ask friends and family members to create samples of "question and answer" formatted transcripts. Say a segment aloud in the source language (or have a friend or family member read the segment out loud for you), then interpret that segment into the target language. Be sure to vary the lengths of the utterances and practice until you are able, with the use of notes if you are trained in notetaking skills, to interpret long passages.

For many interpreters, note taking is extremely beneficial in all modes of interpretation, but especially in the consecutive mode. If you find that you benefit from note taking, develop an efficient note taking system in order to remember relevant names, dates, places, and figures. It is often essential to develop this skill under the direction of an experienced interpreter or teacher. However, the skill you develop will be your own personal method of note taking. Notes might be recorded in the form of simple outlines, charges, diagrams, or graphs. Listing information in the form of a diagram might be helpful while interpreting at a trial during which a particular scenario is repeatedly mentioned. An effective note taking system allows you to concentrate on the ideas and concepts contained in the message, not on taking the notes. It is important to adopt a strategy or strategies that work best for you. Attend as many different kinds of court proceedings as possible. As you listen, practice taking notes that highlight actions, specific information (dates, names, etc.) and legal concepts. Develop your own symbols for the court, the district attorney, the public defender, etc.

Practice consecutive interpretation until you are able to accurately interpret oral passages that are 850 to 900 words in length, with segments of varying lengths, within a 20- to 22-minute time frame.

² Most of the information in this section is adapted from *FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY, AND PRACTICE* by Roseann Duenas Gonzalez, Victoria Vasquez, and Holly Middelson. It is available from Carolina Academic Press, 700 Kent Street, Durham, NC 27701; 919-489-7486, Fax 919-493-5668.

Simultaneous

Before the exam, practice your ability to listen through earphones and interpret out loud as you listen. Practicing silently is not as effective as practicing *out loud*. Being very comfortable with earphones and listening to a reader while interpreting out loud is important.

You should practice in front of other people so that you become comfortable with someone else being in the room, listening to your interpretation. It doesn't matter if the other person is bilingual or not. The goal is to become accustomed to having someone else listening.

Attend as many different kinds of court proceedings as possible. While you listen, render them silently to yourself simultaneously with the speaker. When you run into a word or phrase that you cannot interpret, make a note of it. When you return home, look up those words and phrases to determine their meaning and the appropriate interpretation of them.

Use television and radio broadcasts as interpreting materials. Interpret them aloud while you are driving or performing another activity simultaneously.

Practice will help you avoid being startled or "paralyzed" by what you don't know or a word you cannot remember. If you become "paralyzed" during the simultaneous portion of the exam, you will miss much of the incoming message.

Shadowing

Shadowing is a basic exercise that will help you strengthen your simultaneous skills. It familiarizes the interpreter with performing two tasks simultaneously.

To practice:

Have someone record varied paragraph-length passages in English and in the non-English language into a tape recorder.

Listen to a passage. Then play it again and repeat everything you hear in the same language, staying as close to the speaker as possible.

Listen to the passage again, repeating it in the source language.

When you reach a point where this exercise is somewhat "easy" for you, increase your capacity by repeating the exercise and writing the numbers 1 through 100 at the same time.

When that becomes "easy" for you, repeat the exercises and simultaneously write the numbers 100 to 1 backwards. With progress, complete the following exercises:

Repeat the exercise and simultaneously write 1-100 by 5's.

Repeat the exercise and simultaneously write 1-100 by 3's.

Repeat the exercise and simultaneously write out a poem you know from memory.

Repeat the exercise and simultaneously write anything committed to memory such as the Pledge of Allegiance or the Preamble to the Constitution, or the names and telephone numbers of your family and friends.

These techniques are excellent for stretching your ability to *multi-task*. Multi-tasking is an essential part of interpreting. Repeating these exercises will essentially provide your brain with a “workout.”

Other exercises:

Since effective court interpreting requires accuracy and speed, it is essential that you enhance your listening and concentration capabilities.

Listening: Practice your ability to listen through earphones and other mechanical devices.

Listening: Listen carefully to the meaning and concept of the communication rather than the separate words. You can practice critical listening anywhere at anytime.

Concentration: Learn to concentrate on what the person for whom you are interpreting is communicating. Concentrate only on the actual communication without being distracted by external factors such as physical appearance, gestures, etc. Accurate interpretation relies on how well the interpreter understands a message.

Understanding a message requires *intellectual listening*, that is, *listening for ideas*. An interpreter must listen to a message and simultaneously classify the information in the message into a *hierarchy*. An interpreter makes instantaneous decisions about which ideas are central and which are supporting or minor. The following is an exercise that may help build this skill:

Have someone record several passages of approximately 15 words in English.

Choose texts representing a variety of areas (a newspaper report about a local crime, a scientific report of the results of research, a passage from a book, etc.).

Listen to each passage without taking notes. Turn off the recorder. Write down the main idea of the passage. (For example: “Language interpreting performance tests are oral tests designed to determine whether candidates possess the minimum levels of language knowledge and interpreting skills required to perform competently during court proceedings.” Main idea of the passage: oral interpreting tests determine if one has the minimal level of skill required to interpret in the courts.)

Continue this procedure with all the passages.

Then listen to each passage again, confirming that the main idea you recorded was, indeed, the main idea of the passage.

Listen to the passage again.

Turn off the recorder.

Note additional specific information that supports the main idea you had originally taken down. (For example: performance exams are oral tests that determine if one has the language knowledge and interpreting skills required to interpret in the courts.)

Continue the procedure, taking notes and adding to the information until you have written a complete summary for each passage.

You should practice these exercises with another person or a small group of people in order to receive immediate and constant feedback. Practicing with others is a great way to increase your vocabulary and to be aware when more than one interpretation is accurate and acceptable. All of the exercises mentioned in this section and those that are suggested to you at training sessions are more beneficial when performed interactively.

Appendix 2

Lists of resources available to help you increase your interpreting skills

A heartfelt “thank you” to Holly Mikkelson, who so kindly shared her comprehensive and valuable lists of resources for Spanish interpreters, including:

Recommended References for Spanish Interpreters

Regional Spanish Websites

Recommended References on Regional and Colloquial Spanish

English Slang References

and to the State of New Jersey, a founding member of the Consortium for State Court Interpreter Certification, our appreciation and admiration for the collection of resources found at its Web site, many of which are included in this document.

Examinees, please note: Many of the institutions listed below offer “academic certificates,” which are different from state or federal interpreter certifications. If you receive academic certificates, and are not state or federally certified, you should clearly identify the certificate in your resumes or biographies and not claim state or federal interpreter certification. To do so would be unethical.

COLLEGES AND UNIVERSITIES

BINGHAMTON UNIVERSITY

Translation Research & Instruction Program

Library Tower 1302

P.O. Box 6000

Binghamton, NY 13902

(607) 777-6726

<http://www.binghamton.edu/trip>

trip@binghamton.edu

The Translation Research and Instruction Program is the pedagogical division of the Center for Research in Translation (CRIT). It administers the interdisciplinary curriculum and examination that lead to translator certification. Although most students in the program are matriculated in one of the University degree programs, the translation study courses may be taken as a separate track.

BOSTON UNIVERSITY

Interpreter Certificate Program (Portuguese)

Center for Professional Education

940 Commonwealth Avenue West
Boston, MA 02215
(617) 353-4497
<http://www.butrain.com/cpe/legalcert.asp>
CPE@BU.EDU

BROOKDALE COMMUNITY COLLEGE
Community Interpreting in Spanish Certificate Program
Business and Community Development
765 Newman Springs Road
Lincoln, NJ 07738-1543
(732) 224-2315
www.brookdalecc.edu

The community need for interpreting Spanish to English is critical. The ability to overcome language barriers is essential in a variety of instances that include medical emergencies as well as legal and social situations. This program is designated to train entry-level interpreters for service and employment opportunities. The instructors—all specialists in their respective fields of interpreting—will incorporate “real life” samples of materials and examples of situations that will be encountered in the field. Consecutive interpreting used in medical, legal, and social service situations, as well as simultaneous and sight translation will be covered. Advanced training for the state exam for Court Interpreters will be offered.

COLLEGE OF CHARLESTON

Dr. Virginia Benmaman, Director
MA Program in Bilingual Legal Interpreting
University of Charleston
Charleston, SC 29424-0001
(843) 953-4947
<http://www.cofc.edu/~legalint>

Masters Degree Program Description The Masters of Arts in Bilingual Legal Interpreting for English-Spanish is the only graduate program in the United States which offers the opportunity to receive the education and training required and expected of a professional degree-holding legal interpreter. The program is a comprehensive, sequenced, and integrated series of courses designed to provide the student with the theoretical foundation, performance competencies, and research skills required of a graduate entering this growing profession. The curriculum consists of 14 courses (42 credits) which can be completed over a two-year period. Eight of the ten courses must be completed at the University of Charleston during two full summers. The teaching faculty who are invited to teach during the summer sessions are among the most qualified professors of interpreting and professional interpreters in North America. The remaining two core courses, a practicum in legal settings and an

internship as an apprentice interpreter, may be completed in a court jurisdiction of the student's choice. Four remaining courses may be taken at another university, subject to approval by the program director, and applied to the program as transfer credit.

Certificate Program Description This certificate program, comprised of existing courses within the present master's program, will provide the means by which students enrolled in other language oriented graduate programs, as well as other interpreting and translating professionals, can attain the foundational skills in legal interpreting in an abbreviated time frame, generally in one full summer. Students in the program will take four of the courses regularly offered during the summer session.

KEAN UNIVERSITY

*Department of Foreign Languages, Literatures, and Cultures
Hutchinson Hall, J-309
Union, New Jersey 07083-0411*

<http://www.kean.edu/>

MARYMOUNT MANHATTAN COLLEGE

221 East 71st Street
New York, NY 10021
(212) 774-0780

<http://marymount.mmm.edu/>

MONTCLAIR STATE UNIVERSITY

Certificate Program in Translation and Interpretation in Spanish
María José Vizcaíno, Director
Spanish/Italian Department
Montclair State University
Upper Montclair, NJ 07043
(973) 655-4285

Montclair State University's Certificate Program in Translation and Interpretation in Spanish provides basic preparation for entry-level translating and interpreting positions in government, telecommunications, the judiciary, the helping professions, business and the arts. Designed for students who have good speaking and writing skills in both English and Spanish, the four-course sequence focuses on the specific skills of translation and interpretation.

MONTCLAIR STATE UNIVERSITY

Department of French, German, and Russian
Montclair State University
Upper Montclair, NJ 07043

(973) 655-7422

<http://chss2.montclair.edu/french>

This department offers a Translation Concentration for French Majors.

NEW YORK UNIVERSITY
SCHOOL OF CONTINUING AND PROFESSIONAL STUDIES

Center for Foreign Languages and Translation

NYU School of Continuing and Professional Studies

10 Astor Place, Suite 505

New York, NY 10003

(212) 998-7030

<http://www.scps.nyu.edu>

scps.foreignlanguages@nyu.edu

RIDER UNIVERISTY

Department of Foreign Languages and Literatures

Rider University

2083 Lawrenceville Road

Lawrenceville, NJ 08648

609-896-5146

Forlang@Rider.edu

<http://www.rider.edu/>

RUTGERS UNIVERSITY

Department of Spanish & Portuguese

Faculty of Arts & Sciences

Rutgers, The State University

P.O. Box 270

New Brunswick, NJ 08903-0270

(732) 932-9412 x. 25

<http://span-port.Rutgers.edu/> or <http://french.rutgers.edu>

span-port@rci.rutgers.edu

Certificate of Proficiency in Spanish-English and English-Spanish Translation

OBJECTIVE: To provide students with the opportunity to gain competence in Spanish-English and English-Spanish translation. The program will train students in a skill which can be applied to future employment in connection with such major fields as Banking, Business, Journalism, Legal Translation and Social Services.

TEMPLE UNIVERSITY
Department of Spanish and Portuguese
Anderson Hall, Room 450
Philadelphia, PA 19122
(215) 204-1706
<http://www.temple.edu/spanpor>
haldaron@unix.temple.edu

UNION COUNTY COLLEGE
Interpreting Spoken Language Certificate Program
Elizabeth Campus E-500
12 West Jersey Street
Elizabeth, NJ 07201
(908) 965-2345

The Interpreting Spoken Language Program trains bilingual individuals in the basic skills needed for professional work in interpreting and translating. Union County College offers three courses as part of a certificate program. Students from all language backgrounds may study in the program.

LANGUAGE REQUIREMENTS: A high level of proficiency in English and at least one other language is required for entrance into these courses. The College provides a placement test in English. Those wishing to study in this course must finish all developmental English and ESL requirements before registering for interpreting courses. Evaluation in one's other language is done by the student her/himself or in consultation with the coordinator of the program. It is recommended that the student have some college education in that language and be fluent both in speaking and writing.

UNIVERSITY OF ARIZONA
THE NATIONAL CENTER FOR INTERPRETATION
University of Arizona
Modern Languages Bldg., Room 445
Tucson, AZ 95721
(520) 621-3615
<http://nci.arizona.edu/>
ncitrp@u.arizona.edu

Summer Institute:

This is an intensive three-week course offered every summer to help beginning and intermediate court interpreters develop their interpretation abilities and to help advanced or working interpreters hone their skills. Advanced, intensive program alternatives are available for experienced federal and state certified interpreters.

Special Weekend Seminars (Friday-Sunday)

These will be held at least four times throughout the year in Tucson to assist candidates in preparing for the federal written and oral, as well as state, exams. In addition, traveling seminars are available to groups of 15 or more elsewhere.

UNIVERSITY OF MASSACHUSETTS-BOSTON

Division of Corporate, Continuing and Distance Education
University of Massachusetts, Boston
100 Morrissey Boulevard
Boston, MA 02125-3393
<http://www.conted.umb.edu>

Department of Hispanic Studies (617) 287-7550

This intensive six-credit undergraduate certificate program has been specially designed to provide qualified applicants with a comprehensive introduction to professional court interpretation. The program teaches the fundamentals of theory and practice through classroom discussion and activities, as well as through laboratory exercises designed to develop interpreting proficiency. Novice and experienced interpreters will benefit equally from extensive practice. Students will devote additional time out of class to court visits and to fulfill oral and written assignments. Not offered as an online course as of 2006.

WILLIAM PATTERSON UNIVERSITY

Center for Continuing Education and Distance Learning
P.O. Box 913
Wayne, NJ 07474-0913
(973) 720-2491

ENGLISH SLANG AND IDIOMS REFERENCES

Cassidy, F. and Hall, J. (eds.) **DICTIONARY OF REGIONAL AMERICAN ENGLISH VOLS. I-IV.**
Harvard University Press

Chapman, Robert L. **DICTIONARY OF AMERICAN SLANG**. Harper Resource, 1998. ISBN 006270107X

Green, Jonathan. **THE BIG BOOK OF FILTH: 6500 SEX SLANG WORDS AND PHRASES**. Sterling Publishing, 2000. ISBN 0304353507

Johnson, Sterling. **ENGLISH AS A SECOND F*CKING LANGUAGE**. ESFL University Press, 1995. ISBN 0-9644545-0-5

Novobatzky, Peter and Shea, Ammon. **DEPRAVED AND INSULTING ENGLISH**. Harvest Books, 2002. ISBN 0156011492

Philbin, Tom. **COP SPEAK: THE LINGO OF LAW ENFORCEMENT AND CRIME**. John Wiley & Sons, 1996. ISBN 0-471-04304-4

Spears, Richard A. **NTC'S AMERICAN IDIOMS DICTIONARY**. National Textbook Co., 1988. Library of Congress Number: 86-63996

Spears, Richard A. **SLANG AND EUPHEMISM: A DICTIONARY OF OATHS, CURSES, INSULTS, SEXUAL SLANG AND METAPHOR, RACIAL SLURS, DRUG TALK, HOMOSEXUAL LINGO, AND RELATED MATTERS**. Jonathan David, 1981. ASIN 0824602595

Spears, Richard A. **FORBIDDEN AMERICAN ENGLISH**. McGraw-Hill/Contemporary Books, 1990. ISBN 0844251496

Online Slang Dictionaries

Commonly-Used American Slang

<http://www.manythings.org/slang/>

Cool Western Slang

http://www.bibble.org/western_slang.html

Slang Dictionary

<http://members.tripod.com/~jaguarpage/slang.htm>

Vox Dictionary of Contemporary Slang

<http://www.lexscripta.com/desktop/dictionaries/slang.html>

SOME ESSENTIAL DICTIONARIES AND OTHER REFERENCE MATERIALS FOR COURT INTERPRETERS

English monolingual dictionaries

American Heritage Dictionary of the English Language, 4th Edition

Format: Hardcover, 4th ed., 2116pp.

ISBN: 035825172

Publisher: Houghton Mifflin Company

Pub. Date: September 2000

Edition Desc: 4th

Random House Webster's Unabridged Dictionary

Format: Hardcover, 3rd ed., 2256pp.

ISBN: 0375425667

Publisher: Random House Information Group

Pub. Date: September 2001

Edition Desc: 2nd

Black's Law Dictionary (American and English Jurisprudence)

Format: Textbook Hardcover, 7th ed., 1776pp.

ISBN: 0314228640

Publisher: West Group

Pub. Date: August 1999

Dictionaries for languages other than English

ARABIC

Al Mawrid (English-Arabic/Arabic-English dictionary)

Format: Hardcover, 3rd ed., 2376pp.

ASIN: 1894412974

Publisher: Dar El Ilm Lilmalayin

Pub. Date: March 1998

Al Mawrid 2002: A Modern English-Arabic Dictionary

Format: Hardcover

ISBN: 9953900426

Publisher: Librarie Du Moyen-Orient

Pub. Date: 2001

Arabic-English Faruqi's Law Dictionary

Format: Hardcover, 3rd ed., 380pp.

ISBN: 0884310728

Publisher: I B D Ltd

Pub. Date: December 1986

(This dictionary is also available in English-Arabic)

CHINESE

Chinese-English Dictionary

Format: Hardcover, 1401pp.

ISBN: 962-04-0398-3

Pub. Date: 1991

English-Chinese Dictionary

Format: Hardcover, 1769pp.

ISBN: 962-04-0201-4

Pub. Date: 1991

Chinese-English New Practical Dictionary

Format: Paperback, 1418pp.

ISBN: 0-88431-193-7

Pub. Date: 1987

Chinese-English (Mandarin) Dictionary

Format: Hardcover, 660pp.

ISBN: 0-88431-261-5

Pub. Date: 1967

English-Chinese Glossary of American Criminal Law

Format: Paperback, 246pp.

ISBN: 0-88727-111-1

Pub. Date: 1989

English-Cantonese Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

Glossary of Selected Legal Terms English-Cantonese
Office of the Administrator of the Courts, State of Washington
Distributed by ACEBO, P.O. Box 7485, CA 93962

FRENCH

Dictionnaire Encyclopedique, 2 vols

Format: Hardcover, 2124 pp.

ISBN: 2-03-301806-1

Pub. Date: 1994

Le Nouveau Petit Robert: Dictionnaire De La Langue Francaise

Format: Hardcover

ISBN: 2850368261

Publisher: Le Robert

Pub. Date: 2002

Harper Collins Robert French Unabridged Dictionary

Format: Hardcover, 6th ed., 2142 pp.

ISBN: 0060084502

Publisher: Harper Resource

Pub. Date: 2002

English-French Lexicon of Legal Terms

ISBN: 928712313-6

GREEK

Greek-English Dictionary, 2 vols

Format: Hardcover, 1318 pp.

ISBN: 0-88431-922-9

Pub. Date: 1961

English-Greek Dictionary

Format: Hardcover, 1102 pp.

ISBN: 0-88431-125-2

Pub. Date: 1961

HAITIAN CREOLE

Haitian Creole-English-French Dictionary

Deslan Rincher & Associates

22-11 Church Ave

Brooklyn, NY 11226

(718) 693-0461

Haitian Creole-English-French Dictionary

1981, Bloomington Indiana-Creole Institute

Haitiana Publications

170-08 Hillside Ave.

Jamaica, NY 11432

(718) 523-0135

Haitian Creole-English Dictionary

Targetej, Dunwoody Press

ISBN 0-93174575-6

ITALIAN

Italian Encyclopedia Universal Dictionary

Format: Hardcover, 1860 pp.

ISBN: 88-7166-174-5

Italian-English English-Italian Dictionary (Sansoni)

ISBN: 88-3831437-3

English-Italian Law Dictionary

ISBN: 88-1400316-5

Pub. Date: 1994

Italian-English Law Dictionary

ISBN: 88-1405001-5

Pub. Date: 1996

KOREAN

Korean-English Dictionary

Format: Flex, 2182 pp.

ISBN: 89-387-04020-5

Publisher: Minjungseorim
Pub. Date: 1994

English-Korean Dictionary

Format: Flex; 2687 pp.
ISBN: 89-387-0401-7
Publisher: Minjung
Pub. Date: 1994

English-Korean Glossary

Format: Looseleaf
ISBN: N/A
Publisher: ACEBO
Pub. Date: N/A

POLISH

The Great Polish/English Dictionary (2 Volume set)

Format: Hardcover; 1728 pp.
ISBN: 83-214-0956-3
Pub. Date: 1992

The Great English/Polish Dictionary

Format: Hardcover; 1404 pp.
ISBN: 83-214-0955-5
Pub. Date: 1992

Polish/English Dictionary of Legal Terms

ISBN: H3-04-01897-7

English/Polish Dictionary of Legal and Economic Terms

Format: Hardcover; 724 pp.
ISBN: 83-214-0533-9
Pub. Date: 1991

Kodeks Karny – Postepowania Karnego

ISBN: 83-85330-30-5

Kodeks Cywilny – Kodeks Postepowania Cywilnego

ISBN: 83-9004443-3-1

PORTUGUESE

Portuguese Dictionary-Novo

ISBN: 85-209-0411-4

Pequeno Dicionário Enciclopédico Koogan Larousse

Editoria Larousse do Brasil, Rio de Janeiro

Imported Books. P.O. Box 4414, Dallas Texas

(214) 941-6497

Dictionary Portuguese-English (2 volumes)

Format: Hardcover; 1328 pp.

ISBN: 85-06-01598-7

English-Portuguese Dictionary

Format: Hardcover; 1151 pp.

ISBN: 85-06-01599-5

Dicionário Jurídico, 3rd edition

Maria Chaves de Mello. Rio de Janeiro: Barrister's Editors, 1987

Noronha's Legal Dictionary

Durval de Noronha Goyos, Jr.

Sao Paulo: Editora Observador Legal, 1993

RUSSIAN

Russian Encyclopedic Dictionary

Format: Hardcover; 1632 pp.

ISBN: 5-85270-001-0

English-Russian Dictionary 2 Volumes

Format: Hardcover; 2108 pp.

ISBN: 0-88431-168-6

Pub. Date: 1988

Russian-English Translator's Dictionary

Format: Hardcover; 735 pp.
ISBN: 0-471-93316-3
Pub. Date: 1991

Russian-English Legal Dictionary
ISBN: 5-88746-004-0

English-Russian Dictionary of American Criminal Law
ISBN: 0-313-30455-6
Available from Greenwood Publishing Group
P.O. Box 5007, Westport, CT 06881-5007

SPANISH

Diccionario de la Lengua Española
ISBN: 84-239-4399-2

Diccionario de Uso del Español (*2 volumes*)
ISBN: 84-249-1344-2

Larousse Gran Diccionario
Español-Ingles/Ingles-Español
ISBN: 970-607-023-0

Simon and Schuster International Dictionary
English-Spanish/Spanish-English
ISBN: 0-671-21507-8 plain edition
ISBN: 0-671-21267-2 thumb-indexed

Unabridged Spanish Dictionary
Harper Collins

Diccionario Jurídico Español-Inglés
Guillermo Cabanellas de las Cuevas and Eleanor C. Hoague.
Editorial Heliasta, 1998

Diccionario De Términos Jurídicos Inglés-Español, Spanish-English
Format: Hardcover; 688 pp.
ISBN: 84-344-0506-7
Pub. Date: 1995

Bilingual Dictionary of Criminal Justice Terms (English-Spanish)
ISBN: 0-87526-379-8

The Interpreter's Companion, *4th Edition*

ACEBO, P.O. Box 7485, Spreckels, CA 93962

(Contains six separate Spanish-English, English-Spanish glossaries: Legal Terms, Traffic and Automotive Terms, Drug Terms, Weapons Terms, Medical Terms, and Slang Terms)

VIETNAMESE

Vietnamese-English/English-Vietnamese Dictionary

Format: Hardcover; 826 pp.

ISBN: 0-88431-113-9

Pub. Date: 1992

English-Vietnamese Glossary

Format: Looseleaf

ISBN: N/A

Publisher: ACEBO

Pub. Date: N/A

BOOK DISTRIBUTERS

For all languages

Imported Books

2025 West Clarendon

P.O. Box 4414

Dallas, TX 75208

(214) 941-6497

i.b.d., Ltd.

International Book Distributors

24 Hudson St

Kinderhook, NY 12106

(800) 343-3531

Schoenhof's Foreign Books
76A Mount Auburn Street
Cambridge, MA 02138
(617) 547-8855

United Nations Bookstore
G.A. 32 New York, NY 10017
(212) 963-7680

French, German, Italian, Portuguese and Spanish

Europa Books
Evanston, IL 60201
(708) 886-6262

Spanish books

Ediciones Universal
P.O. Box 450353
Miami, FL 33245-0353
(305) 642-3234

OTHER RESOURCES

American Translators Association (ATA)
225 Reinekers Lane, Suite 590
Alexandria, VA 22314
(703) 683-6100
ata@atanet.org
<http://www.atanet.org/>

A national not-for-profit association established in 1959, ATA has over 6,500 members throughout the US and abroad. Among its professional activities, it holds an annual conference every fall, publishes a monthly magazine, The ATA Chronicle, and offers accreditation in several language pairs.

The American Association of Language Specialists (TAALS)
<http://www.taals.net/>

Berlitz
Interpreter Training and Quality Assurance
Bowne Global Solutions

1730 Rhode Island Ave NW, Suite 308
Washington, DC 20036
800-423-6756 x. 180
dawn.birnie@bowneglobal.net
www.bowneglobal.com

A variety of seminars are offered for interpreters of all languages, both on site and via distance learning.

Distance Opportunities for Interpreters Training (DO IT) Center
1059 Alton Way, Box 7
Denver, CO 80230
<http://au.frcc.ccoes.edu/~doit/>

The DO IT Center has traditionally offered the following courses:

Diagnostic Assessment and Skills Training Series

This is a yearlong series comprised of three courses. Self-instructional packets will lead students through structured skill development activities targeting individual needs. WebCT will serve as the online classroom for discussion and collaborations during the completion of self-instructional materials.

Prior Learning Assessment

This 15-week online course introduces you to the process of creating a professional portfolio and provides you with the opportunity to systematically collect materials that effectively demonstrate the knowledge and skills you have developed.

Interpreting in the American Legal System

This online course is comprised of four courses distributed over four semesters. A one-week onsite supervised practicum in Denver, CO is associated with the final course.

****You must meet your state's requirements to interpret in legal settings to apply for these courses.***

National Association of Judiciary Interpreters and Translators (NAJIT)
603 Stewart St., Suite 610
Seattle, Washington 98101
Tel: 206-267-2300
headquarters@najit.org
<http://www.najit.org/>

New York University School of Continuing and Professional Studies

The American Language Institute
NYU School of Continuing and Professional Studies
48 Cooper Square, Room 200
New York, NY 10003
(212) 998-7200
scpsinfo@nyu.edu
<http://www.scps.nyu.edu/ali>

Northwest Translators and Interpreters Society (NOTIS)
P.O. Box 25301
Seattle, WA 98165-2201 USA
(206) 382-5642
info@notisnet.org
<http://www.notisnet.org>

Registry of Interpreters for the Deaf (RID)
333 Commerce Street
Alexandria, VA 22314
(703) 838-0030 V
(703) 838-0459 TTY
<http://www.rid.org/>

The Registry of Interpreters for the Deaf, Inc., is a national membership organization of professionals who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons.

Rutgers, Faculty of Arts and Sciences Continuing Education (FASCE)
FASCE Corporate Program, Tillett 107
Rutgers, The State University of New Jersey
53 Avenue E
Piscataway, NJ 08854-8040
(732) 932-5937

FASCE offers courses in accent improvement for persons who have a strong command and fluency in English, but who wish to increase their intelligibility in English. Courses are scheduled BY ARRANGEMENT and registrations are accepted at any time.

American English Accent Improvement, FAS-470

American English Accent Improvement Tutorial, FAS-471

American English Accent Improvement Tutorial, FAS-472

FASCE offers other courses for professional development in spoken English as a second language:

**Speaking English Professionally
Vocabulary and Grammar for Effective Speech
Presentation Skills for Nonnative Speakers of English
Speech and Accent Assessment**

Northern California Translators Association (NCTA)

<http://www.ncta.org/>

California Court Interpreters Association (CCIA)

<http://www.ccia.org/>

Southern California Area Translators and Interpreters Association (SCATIA)

<http://www.scatia.org/>

Colorado Translators Association (CTA)

<http://www.cta-web.org/>

New Mexico Translators and Interpreters Association (NMTIA)

www.nmtia.net

Austin Area Translators and Interpreters Association (AATIA)

<http://www.aatia.org/>

El Paso Interpreters and Translators Association (EPITA)

1003 Alethea Pl.

EL Paso, TX 79902,

email: grdelgado@aol.com

Houston Interpreters and Translators Association (HITA)

P.O. Box 61285

Houston, TX, 77208-1285

(713) 935-2123

Metroplex Interpreters and Translators Association (MITA)

<http://www.dfw-mita.com/>

Upper Midwest Translators and Interpreters Association (UMTIA)

Minnesota Translation Laboratory

218 Nolte Center

315 Pillsbury Drive SE

Minneapolis, MN 55455, (612) 625-3096

email: Laurence.h.bogoslav-1@tc.umn.edu

Nebraska Association of Translators and Interpreters (NATI)

<http://www.natihq.org/>

Saint Louis Translators and Interpreters Network (SLTIN)

P.O. Box 3722

Ballwin, MO 63022-3722

(314) 394-5334

Chicago Area Translators and Interpreters Association (CHICATA)

<http://www.chicata.org/>

Michigan Translators/Interpreters Network (MiTiN)

<http://www.mitinweb.org/>

The Kentucky Translators and Interpreters Association (KTIA)

P.O. Box 7468

Louisville, KY 40257-0468, (502) 548-3988

email: vapues@insightbb.com

Tennessee Association of Professional Interpreters and Translators (TAPIT)

<http://www.tapit.org/>

Carolina Association of Translators and Interpreters (CATI)

<http://www.catiweb.org/>

Atlanta Association of Interpreters and Translators (AAIT)

<http://www.aait.org/>

Delaware Valley Translators Association (DVTA)

<http://www.dvta.org/>

New England Translators Association (NETA)

<http://www.netaweb.org/>

New York Circle of Translators (NYCT)

<http://www.nyctranslators.org/>

RECOMMENDED REFERENCES FOR SPANISH INTERPRETERS

Spanish-English Dictionaries

Oxford Spanish-English Dictionary

Harper-Collins Spanish-English Dictionary

American Heritage Larousse Spanish-English Dictionary

Simon & Schuster's International Dictionary

Larousse Spanish-English Dictionary

General Language References

Diccionario de ideas afines, by Fernando Corripio, pub. Editorial Herder

Diccionario de dudas y dificultades de la lengua española, by Manuel Seco, pub. Espasa Calpe

Diccionario de uso del español, by María Moliner, pub. Editorial Gredos

Using Spanish Synonyms, by R.E. Bachelor, pub. Cambridge University Press

Diccionario razonado de sinónimos y contrarios, by José M. Zainquí, pub. Editorial de Vecchi

NTC Dictionary of Spanish False Cognates, pub. National Textbook Company

Legal Dictionaries

Butterworth's English-Spanish Dictionary, by Cabanellas & Hoague, pub. Butterworth

Butterworth

West's Spanish-English/English-Spanish Law Dictionary, by Solis & Gasteazoro, pub. West

Diccionario de derecho, by Pina y Pina Vara, pub. Porrúa

Bilingual Dictionary of Criminal Justice Terms, by Benmaman, Connolly & pub. Gould

Loos,

Diccionario de términos jurídicos, by Hughes and Alcaraz Varó, pub. Ariel

Mail-order Bookstores

Imported Books

P.O. Box 4414

Dallas, TX 75208

(214) 941-6497

InTrans Book Service

P.O. Box 467

Kinderhook, NY 12106

(518) 758-1755

FAX (518) 758-6702

www.intransbooks.com

lankhof@intransbooks.com

Western Continental Book, Inc.	Librería de Porrúa Hnos. y Cía, S.A.
625 E. 70th Ave., #5	Apartado M-7990
Denver, CO 80229	Delegación Cuauhtémoc
(303) 289-1761	06020, México, D.F.
	Tels. 702-45-74 y 702-49-34
	Fax 702-65-29 y 702-45-74 ext. 140
	porrua.com.mx

RECOMMENDED REFERENCES ON REGIONAL AND COLLOQUIAL SPANISH

Regional Spanish

Argentina

Academia Argentina de Letras. *Diccionario del habla de los argentinos*. Espasa, 2003. ISBN 950-852-152-X

Dis, Emilio. *Código Lunfardo*. Editorial Caburé, 1975.

Escobar, Raúl Tomás. *Diccionario del hampa y del delito: lunfardo latinoamericano, drogadicción, "punk", insurrección, mitología, voces vulgares y populares*. Editorial Universidad, 1986.

Feldman Rosa, Jorge O. *New Dictionary of Dirty Words/Nuevo diccionario de malas palabras*. Info, 1996. ISBN 987-95820-0-4

Gobello, José. *Nuevo diccionario lunfardo*. Ediciones Corregidor, 1994. ISBN 950-05-0565-8

Chile

Subercaseaux, Miguel. *Diccionario de chilenismos*. Editorial Juvenil, 1986.

Costa Rica

Pacheco, Miguel Q. *Nuevo diccionario de costarriqueñismos*. Publisher unknown. ISBN 9977660557

Cuba

Sánchez-Boudy, José. *Diccionario de Cubanismos más usuales (Como habla el cubano)*. Ediciones Universal, 1978. ISBN 0-89729-199-9

El Salvador

Geoffroy Rivas, Pedro. *El español que hablamos en El Salvador*. Ministerio de Educación, Dirección de Publicaciones, San Salvador, El Salvador, 1982.

Latin America

Lipski, John M. *Latin American Spanish*. Longman, 1994. ISBN 0-58208-760-0

Mexico

Cabrera, Luis. *Diccionario de Aztequismos*. Editorial Oasis, 1975.

Galvan, Roberto A. and Teschner, Richard V. *El diccionario del español chicano*. National Textbook Company, 1985 ISBN 0-8325-9634-5

Gómez de Silva, Guido. *Diccionario Breve de Mexicanismos*. Academia Mexicana, Fondo de Cultura Económica, 2001. ISBN 968-16-6408-6

Hamel, Bernard H. *Hamel's Bilingual Dictionary of Mexican Spanish*. Bilingual Book Press, 1994. ISBN 1-886835-01-4

Mejía Prieto, Jorge. *Así habla el mexicano: Diccionario básico de mexicanismos*. Panorama Editorial, S.A., 1984. ISBN 968-38-0122-6

Robinson, Linton H. *Mexican Slang: A i*#@%&+! Guide*. Bueno Books, 1992. ISBN 0-9627080-7-0

Peru

Bendezu Neyra, Guillermo E. *Argot Limeño o Jerga Criolla del Perú*. Editorial Lima, S.A., no date.

De Arona, Juan. *Diccionario de peruanismos*. Biblioteca Peruana, 1975.

Puerto Rico

Altieri de Barreto, Carmen G. *El Léxico de la Delincuencia en Puerto Rico*. Editorial Universitaria, Universidad de Puerto Rico, 1973.

Gallo, Cristino. *Language of the Puerto Rico Street: A Slang Dictionary with English Cross-Reference*. Book Service of Puerto Rico, 1980.

Llorens, Washington. *El habla popular de Puerto Rico*. Editorial Edil, 1974.

Spain

León, Víctor. *Diccionario de argot español*. Alianza Editorial, 1988. ISBN 84-206-1766-0

Slang and Colloquial Usage

Berger, Frances de Talavera. *¡Mierda! The Real Spanish You Were Never Taught in School*. Plume, 1990. ISBN 0-452-26424-3

Burke, David. *Street Spanish: How to Speak and Understand Spanish Slang*. John Wiley & Sons, Inc., 1991. ISBN 0-471-52846-3

Burke, David. *Street Spanish Slang Dictionary & Thesaurus*. John Wiley & Sons, Inc., 1999. ISBN 0-471-16834-3

Cruz, Bill and Teck, Bill. *The Official Spanglish Dictionary*. Fireside – Simon & Schuster, 1998. ISBN 0-684-85412-0

Mahler, Michael. *Dictionary of Spanish Slang and Colloquial Expressions*. Barrons, 2000. ISBN 0-7641-0619-8

Pierson, Raymond H. *Guide to Spanish Idioms*. Passport Books, 1992. ISBN 0-8442-7325-2

Polkinhorn, Harry; Velasco, Alfredo; and Lambert, Malcolm. *El libro de caló*. Floricante Press, 1988.

Rosensweig, Jay B. *Caló: Gutter Spanish*. E.P. Dutton & Co., Inc. 1973. ISBN 0-525-47346-7

Torrents dels Prats, Alfonso. *Diccionario de modismos ingleses y norteamericanos*. Editorial Juventud, S.A., 1985. ISBN 84-261-0838-5

Regional Spanish Websites

Diccionarios de variantes del español

Mexico

<http://www.academia.org.mx/dbm/DICAZ/a.html>

Venezuela

<http://www.lenguaje.com/>

SELF-HELP TRAINING RESOURCES

ACEBO

P.O. Box 7485

Spreckels, CA 93962

(831) 455-1507

<http://www.acebo.com>

AGNESE HAURY INSTITUTE FOR COURT INTERPRETATION

University of Arizona

Modern Languages Bldg. #67, Room 445

Tucson, AZ 95721

(520) 621-3685

ALICIA ERNAND PRODUCTIONS

P.O. Box 802382

Santa Clarita, CA 91380-2382

(661) 296-4682

<http://www.aliciaernand.com/>

THE NCRA STORE

The National Court Reporters Association

8224 Old Courthouse Road

Vienna, VA 22182-3808

800-272-6272

<http://www.ncraonline.org>

STANDARD REFERENCE MATERIALS

Berk-Seligson, Susan. **THE BILINGUAL COURTROOM: COURT INTERPRETERS IN THE JUDICIAL PROCESS**, (with a new chapter), 2002. University of Chicago Press, 1427 East 60th Street, Chicago, IL 60637. www.press.uchicago.edu

Colin, Joan and Ruth Morris. **INTERPRETERS AND THE LEGAL PROCESS**. Winchester: Waterside Press, 1996. Available from the publisher at www.watersidepress.co.uk

Crooker, Constance Emerson. **THE ART OF LEGAL INTERPRETATION**. Continuing Education Press, Portland State University, P.O. Box 1394, Portland, OR 97207-1394.

de Jongh, Elena M. **AN INTRODUCTION TO COURT INTERPRETING: THEORY & PRACTICE**, 1992. University Press of America, Inc., 4720 Boston Way, Lanham, MD 20706. www.univpress.com

Edwards, Alicia Betsy. **THE PRACTICE OF COURT INTERPRETING**, 1995. John Benjamins North America, P.O. Box 27519, Philadelphia PA 19118. www.benjamins.com

Gonzalez, Rosann Duenas, Victoria E. Vasquez, and Holly Mikkelson. **FUNDAMENTALS OF COURT INTERPRETATION: THEORY, POLICY AND PRACTICE**. Carolina Academic Press, 700 Kent Street, Durham, NC 27701. www.cap-press.com

Mikkelson, Holly. **INTRODUCTION TO COURT INTERPRETING**, 2000.
<http://www.intransbooks.com>

Palma, Janis. **INTRODUCTION TO JUDICIARY INTERPRETING**. National Association of Judiciary Interpreters and Translators, 2150 N. 107th St., Suite 205 Seattle, WA 98133. <http://www.najit.org/>

Salimbene, Franklin. **COURT INTERPRETERS: STANDARDS OF PRACTICE AND STANDARDS FOR TRAINING**. *Cornell Journal of Law and Public Policy*. 6 (3), Spring 1997, 645-672.

USEFUL WEBSITES

DE LA MORA INTERPRETER TRAINING

www.interpreter-training.com

NATIONAL CENTER FOR STATE COURTS

www.ncsc.org

(practice exams)

NATIONAL ASSOCIATION OF JUDICIAL INTERPRETERS AND TRANSLATORS

www.najit.org

AMERICAN TRANSLATORS ASSOCIATION

www.atanet.org

BOOKS DICTIONARIES AND RESOURCES

www.intransbooks.com

GOOD RESOURCE FOR TRANSLATION

<http://www.wordreference.com/>

