

Some suggestions on the professionalization of Legal Translator and Interpreter

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(1) Introduction

A professional is a person “engaged in one of the learned professions”, as the dictionary Merriam-Webster puts it. In this broad sense, many persons can be called professionals. However, in this article the author is going to talk about those persons with publicly recognized professional status. They have undergone specific training related to their professions. They may be lawyers, medical doctors, accountants or the like. The author endeavours to explore ways to elevate the status of legal translators to a level comparable to, though may not exactly be the same as, that of those aforesaid professionals.

(2) The Formation of a Professional Body

The formation of a professional body is the first step towards uplifting the status of a profession. It can pool the talents and efforts of members for the better development and advancement of the interests as well as status of the profession. One obvious and important advantage is that it has more bargaining power than individuals. It is usually in a better position to exert greater influence in the society than an individual can do.

It is an open secret that professional bodies manage to regulate or control the growth of numbers of members in different situations to suit the strategic needs of the profession. Say, for example, in hard times, it tends to restrict the increase of members by conducting more demanding professional examinations for candidates who are seeking to join the profession. In this way, the remuneration standard of professionals can be maintained through the mechanism of supply and demand in a free economy, thus safeguarding the interests of the profession. A decent income is commensurate with the image of a professional, though it is not an inevitable criterion.

In Hong Kong, we have the Hong Kong Institute of Legal Translation as the legal translation professional body. It was founded by a group of professionals and academics in laws and translation in August 2009 with a view to striving for legal

bilingualism and promoting legal translation professionalism. It is in a good position that it can represent the interests of legal translators who become its members.

To maintain the confidence and trust of the public in legal translation practitioners, the professional body should also have the function of fostering ethical conduct of its members. To this end, the Institute should set up an ethics committee to formulate code of professional conduct for its members and to deal with complaints about its members in the future. This is the practice of most established professional bodies.

(3) Training and Qualifying Examination

Training is of great importance for professional development.

In Hong Kong, there are various legal translation training programmes of different levels run by a number of educational institutions. One notable programme among these is the MA in Legal Translation conducted by the Open University of Hong Kong. This is a very comprehensive programme accredited by the Law Society of Hong Kong and taught by experienced academics and professionals. The Hong Kong Institute of Legal Translators may consider taking this programme as an entry requirement.

As practical skills are more important than academic qualifications in the translation industry, therefore, alternatively, experienced legal translators with practical skills but without relevant academic qualification may take a qualifying examination for admission. The syllabus of this examination should be formulated in consultation with legal professionals. In a nutshell, the skills of members must be maintained to a high standard.

Conducting one's own qualifying examination is necessary for a mature professional body in the long run, since it can firstly qualify competent candidates and secondly regulate the numbers of professionals, as mentioned earlier.

In the U.S.A. , for example, the America Translators Association is conducting examinations to certify legal translators. Before one becomes a certified legal translator, one must:

- (1) Have a bachelor degree or 5 years of experience
- (2) Prove that the candidate has at least 2 years experience
- (3) Sign up for a three hour, open book ATA examination

In this regard, the Hong Kong Institute of Legal Translation may make reference to some counterparts in overseas countries.

(4) Legal Status of the Profession

In Hong Kong, certain kinds of professionals are required by law to register with concerned organizations or professional bodies governed by relevant ordinances. For examples, the registration of medical doctors, lawyers and accountants are governed by Medical Registration Ordinance Cap. 161, Legal Practitioner Ordinance Cap. 159 and Professional Accountants Ordinance Cap. 50 respectively. The medical doctors are required to register with the Medical Council of Hong Kong, solicitors to be admitted to the Law Society of Hong Kong and accountant to become member of the Hong Kong Institute of Certified Public Accountants before they are permitted to practice.

This kind of registration system required by law undoubtedly ensure that the performance of all registered members are up to standard and that their behaviour comply with the ethical requirements set down by the relevant professional bodies, otherwise their membership will be cancelled. Consequently, job opportunities will increase and professional status will likely be established in the public gradually.

Likewise, the legal translation professional body should also seek to undergo this sort of statutory process. Translation of certain kinds of legal documents must be done by 'certified legal translators', just as what are doing in some other foreign countries. All these certified legal translators should be members of the relevant professional body. It should be noted that for the time being, in accordance with the provisions of the Official Languages (Translation) Rules-Sect 2 (1), the Chief Justice may appoint any person to certify legal documents in Hong Kong.

Legal translation calls for precision and, moreover, the translators in this field are dealing with documents which involve administering justice to the public. Therefore, it is in the public's interests to maintain the integrity and professionalism of these translators. Providing legal translators with legal status is one important way to attain this aim.

Enactment of law for this purpose is not an easy job on the path to higher professional status for legal translators. This step calls for patience and public relation skills. That being so, before the enactment of law, political manoeuvre and public relation work must be started first. Legislative Councillors should be approached.

Lobbying is likely a long term and important work. Lobbyists may draw a parallel between the legal profession and legal translation during their meeting with Councillors. Liaison with the mass media should also begin with the assistance of public relation firms. Since everybody acknowledges the importance of legal works, which deals with administration of justice, there is no reason that someone will ignore the importance of legal translation.

(5) Public Relation Activities and Propaganda

Public relation activities and propaganda are important for the promotion of the image of a profession.

Initially all such activities may be carried out by members of the professional body itself but later on, the service of public relation firms may be considered when financial resource abounds. These public relation firms can make arrangement for more exposure of their clients on mass media and organize social activities for propaganda purpose. Activities like translation competitions and seminars etc. which have been organized by the Hong Kong Institute of Legal Translation are also conducive to the promotion of professional image. These activities can be organized regularly.

(6) Fund Raising and Donation

Financial support is a necessity for many of the activities mention earlier. The more financial support, the better will the organization develop.

Membership fees are usually the main source of income for professional bodies. But for a newly established professional body, proceeds from this source are quite limited. Hence, fund raising and donation will become more important in this circumstance. Today, fund raising seems to become a culture in Hong Kong when the government changes the financial support policy for universities. Considerable time and energy are consumed by the principals of universities for fund raising. To attain the target, these leaders must demonstrate their skills as public relation experts when they approach prospective donors. Under this circumstance, it is not unnatural to expect leaders of other non-profit-making organizations to spend some time on opening up financial resources for the organizations.

(7) Conclusion

The proposition mentioned earlier is somewhat exclusive in nature indeed. However, one should accept that this is an indispensable condition to attain the aim; this is the case with all other professional bodies.

Among these, law enactment is an important step towards that aim, though it is difficult and takes lots of public relation skills or people skills. In this regard, the professional body should take it as a long term strategic target to achieve. Impression of the general public normally cannot be changed in a single day; however, it can be changed through the long term endeavour on the part of legal translators.

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