

**PREPARING FOR THE
BILINGUAL COURT INTERPRETING TEST**

Equipment needed:

To make the best use of the practice exercises you will need the following:

- A computer with Internet access equipped with Adobe Acrobat Reader or a similar program. This will allow you to prepare for the Bilingual Exam by accessing the Bilingual Test Preparation manual and the digital audio files. If you want to print the manual, you will also need a printer.
- An audio recorder such as a cassette tape recorder, a minidisk recorder or a Dictaphone type of dictation machine, either tape or digital, which you will use to record your practice exercises.
- One headset with microphone (or earphones and separate microphone) which will allow you to listen to the audio files and record your voice at the same time.

If you have continuous access to a computer, you can listen to the audio files through the computer.

If you do not have access to a computer when you want to practice, you will need an audio CD player. You may obtain a CD and a printed copy of the manual from the Ministry of the Attorney General.

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Section 1 ❖ INTRODUCTION

The Ministry of the Attorney General (MAG) is pleased to provide this manual to help individuals prepare for the court interpreting test. Whether you are a currently accredited MAG court interpreter or considering becoming an accredited MAG court interpreter, this manual will be very helpful.

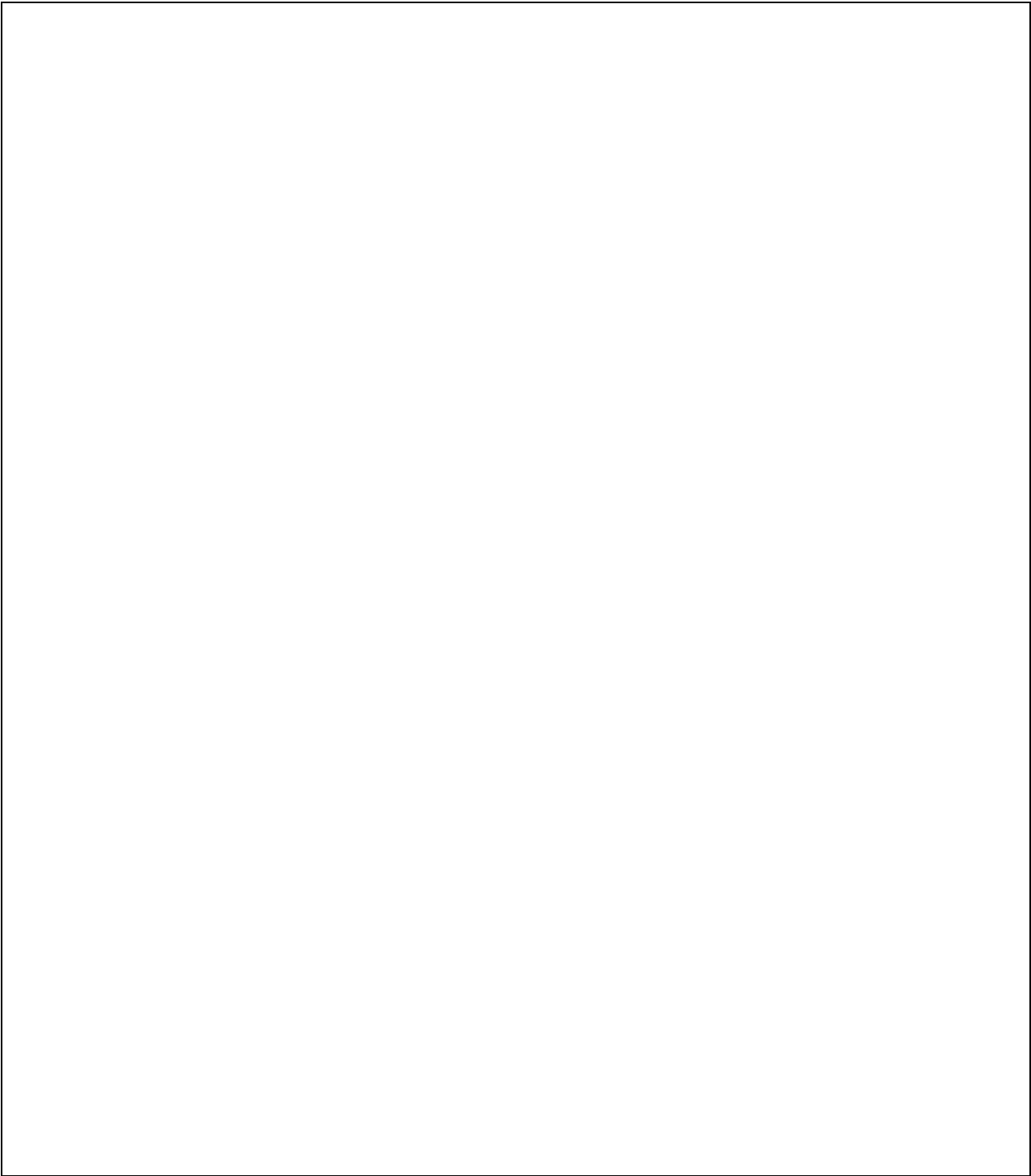
The role of a court interpreter is fundamental in ensuring that justice is administered fairly and comprehensively. Section 14 of the *Canadian Charter of Rights and Freedoms* states: “A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.” This is a right provided for all persons and in all languages. Accessibility to an interpreter ensures that a *Charter* right is not violated and that all parties can participate in the legal process.

Court interpreters are expected to bring a high level of skill and professionalism to their work. The responsibility of a court interpreter in the justice system is a tremendous one. The court interpretation test evaluates various skills required to interpret in court and the degree to which they are developed. This manual has been prepared by Vancouver Community College to provide an overview of what is included in the test and some practice exercises to familiarize you with the test format.

Along with the exercises provided in this manual, you are also encouraged to review basic legal terminology. A glossary of legal terms is available in both English and French on the MAG website at:

<http://www.attorneygeneral.jus.gov.on.ca/english/glossary/>
(English)

<http://www.attorneygeneral.jus.gov.on.ca/french/glossary/>
(French)



Multilingual legal terminology is also available on the Vancouver Community College Multilingual Legal Glossary website at:

<http://www.legalglossary.ca/dictionary/>.

Other ways of preparing for the test include:

- Daily use and practice of your language;
- Reading in your language;
- Listening to radio and television broadcasts in your language;
- Short-term memory development and training exercises; and
- Shadowing (listening to a passage and repeating it simultaneously).

You can gain confidence in your simultaneous interpreting by practicing shadowing at the beginning and then, as you improve, by practicing simultaneous interpreting with those exercises you have already shadowed.

Whether you already interpret in the courts, or are interested in becoming a court interpreter, these exercises can help you develop and maintain court interpretation skills.

Thank you for your interest and commitment to providing high quality court interpreting services in Ontario's courts.

Lynn Norris
Director, Corporate Planning Branch
Ministry of the Attorney General

Section 2 ❖ GLOSSARY

Consecutive interpreting	• Repeating in a second language the message spoken in the first language, after the original speaker has paused or stopped talking to allow for the interpretation.
Register	• Each of several forms or levels of language, such as colloquial, neutral, formal, etc.
Scoring units	• Key words, phrases or sentences in an interpreting test used to evaluate grammar, structure, general and specialised terminology, idiomatic language, register, specific items such as names and dates, words or phrases adding precision or emphasis, or words or phrases likely to be omitted due to their position in the message.
Shadowing	• An exercise used by those learning or practicing simultaneous interpreting which consists of repeating the message spoken in the same language as the speaker. This exercise helps to develop the ability to listen and speak at the same time.
Sight translation	• Reading a written text to yourself in one language and speaking it aloud in another language as you go.
Simultaneous interpreting	• Repeating in a target language the message spoken in the source language, with both speaker and interpreter speaking at the same time; when the speaker is expressing himself in the source language, the interpreter interprets what the speaker had said just a few seconds before, while

	listening to what the speaker is saying at that moment.
Source language	· Language in which a text to be translated is written, or in which a speech to be interpreted is spoken. The language of the original text or speech.
Target language	· The language into which a text, written or spoken in another language, is to be translated.

Section 3 ❖ OVERVIEW

This document provides an overview of the oral bilingual test that has been prepared for court interpreters. The purpose of this test is to evaluate interpreters according to skills and the degree to which those skills are currently developed.

Being bilingual in daily conversation is not enough to make an interpreter. A court interpreter needs a high level of fluency in both languages and a variety of skills to carry out the tasks required in court. Three such skills would be a good memory, the ability to take quick notes and to switch from one language to another without hesitation. These three skills are indispensable to perform any one of the interpreting modes that are used in court on an everyday basis:

- Sight translation
- Consecutive interpreting
- Simultaneous interpreting

Section 4 ❖ THE BILINGUAL COURT INTERPRETING TEST

This test is designed to assess your ability to perform the three tasks mentioned above through the following five exercises:

1. Sight translation from English into the test language,
2. Sight translation from the test language into English,
3. Consecutive interpreting of witness testimony in the test language,
4. Simultaneous interpreting of an English monologue into the test language, and
5. Simultaneous interpreting of an English dialogue into the test language.

Note:

The tests and exercises are based on documents and transcripts from actual court proceedings. The names and other identifiable details have been changed to protect the personal information of individuals involved in the proceedings. For that reason, any resemblance to any individuals alive or deceased is entirely coincidental.

Please also note that the language used in the test and exercises includes basic legal, forensic, medical, and firearms-related terminology that most court interpreters routinely handle.

Section 5 ❖ SIGHT TRANSLATION

Sight translation transforms a written message into a spoken message. It involves reading a text silently in the source language, and then speaking it in the target language.

When an interpreter is asked to sight translate in court, it will likely involve a witness statement or other document written in a language not spoken in court proceedings. The court interpreter is asked to read it in English “for the record,” and the translation will be recorded.

When the document is an English document, it is usually a court document to be read to the accused. It could be a sentencing order, bail conditions, conditions of probation, etc. It is vital that the court interpreter provide a complete and accurate sight translation of the document so the accused can understand the conditions imposed by the judge.

When do you sight translate in court?

You may be required to sight translate documents such as informations, indictments, peace bonds, bail and probation conditions, conditional and suspended sentences, etc. either in court or after court.

What will be tested?

**Sight Translation
English to Test Language**

The English text chosen for the sight translation exercise is about 250 words long. It is taken from a text that is typically used in or by the court, such as an indictment, a pre-sentence report, a court form, etc.

You will be allowed 3 minutes to familiarize yourself with the text. When the three minutes are up, you will be asked to begin sight translating the text, for which you will be allowed 4 minutes. Your sight translation will be recorded for grading.

The total time necessary to complete this first exercise is 7 minutes.

**Sight Translation
Test Language to English**

The text chosen for the sight translation exercise is about 250 words long. It involves the type of texts that are sometimes “read” in English for the record and include victim’s impact statements, a note from a doctor sent from the person’s former country, etc.

You will be allowed 3 minutes to familiarize yourself with the text. When the three minutes are up, you will be asked to begin sight translating the text, for which you will be allowed 4 minutes. Your sight translation will be recorded for grading.

The total time necessary to complete this first exercise is 7 minutes.

Practicing sight translation

This manual contains six practice texts for sight translation, along with a list of scoring units for two of the texts.

The first three texts are typical texts that may be sight translated from English into the test language in court. The last three are typical texts that may be sight translated from the test language into English, although they are provided to you in English.

For additional practice in sight translation from English into the test language, you should look for short English newspaper articles (about 250 words), preferably having to do with a court case.

For specific practice in sight translation from the test language into English, you will need short articles or stories in your language. They can be on legal issues or short stories of general interest.

To make the most of your practice sessions, you will need a recording device (a cassette recorder or a hand held digital recorder) to record your sight translations.

To practice sight translating, follow the seven stages (each including several steps) identified below.

Stage 1:
Preparation for sight translation

- Take a maximum of three minutes to read the text. You will not have the time to translate the whole text at this point. What you should do at this stage is:
 - get a general idea of the type and content of the text,
 - identify the main points,
 - pinpoint potential problems,
 - write down any equivalents that come to mind for key words, and
 - try to segment the text into chunks that are large enough for analysis and comprehension, but short enough for

oral translation. The segments can be

- sentences - if they are short and simple,
- clauses - if the sentence contains more than one clause, or
- phrases - if the sentence contains a number of specific details.

Stage 2:
Initial sight translation

- Start the voice recorder at the end of three minutes.
- Start translating segment 1 and read ahead to identify segment 2.
- Repeat this step with the following segments, until you come to the last segment, which you translate.
- Stop the voice recorder and check the time to ensure that you have taken no more than 4 minutes to sight translate 250 words.

Stage 3:
Comparison of initial sight translation with source text

- With the source text in hand, listen to your recorded sight translation segment by segment.
- Pause the recording after each segment and underline in the source text the words, expressions or entire segments that appear to be wrong.

Note:

You may repeat these steps as often as you like.

Stage 4:
Analysis and resolution
of problems

- Analyse the words, expressions and segments that you have marked as wrong after Stage 3. Try to determine why they caused you problems. Was it because:
 - you did not understand the word or expression?
 - you did not know the equivalent in the target language?
 - you lost track of the beginning of a long sentence?
- Think of ways you can resolve these problems. Do any basic research required.

Stage 5:
Checking scoring units

- If you are working on a sight translation text with scoring provided, review the scoring units at this stage. Listen again to your recorded sight translation, paying particular attention to the scoring units. Note the units you got correct. Determine how to correct those you got wrong.
- If you are working on a sight translation text where scoring units are not provided, examine the text and underline words and phrases that could be considered scoring units. Then listen again to your recorded sight translation, paying particular attention to those words and phrases. Note the units you got correct. Determine how to correct those you got wrong.

Stage 6:
Final sight translation

- Redo the sight translation - following the steps of Stage 2 - and try to perform a more accurate and smoother sight translation than you did before.

Stage 7: • Repeat all the steps of Stage 3.

Comparison of final sight translation with source text

- Note improvements in comparison with the initial sight translation.

Section 6 ❖ CONSECUTIVE INTERPRETING

Consecutive interpreting is also known as dialogue interpreting. In this mode, the interpreter listens to the message in the source language and interprets it in the target language so that both speakers, who do not speak a common language, can effectively communicate. Each speaker pauses while the interpreter interprets.

Consecutive interpreting is normally done in court to interpret witness testimony when the witness does not speak the language of the court. Consecutive interpreting gives the interpreter more time to analyse and convert the message before delivery. However, court proceedings interpreted in the consecutive mode take up to three times longer than proceedings in English or French alone.

When do you interpret consecutively in court?

You will interpret in the consecutive mode when interpreting for a witness at the witness stand. You may also have to interpret in this mode in every court proceeding when the judge poses a question directly to an accused, as in a sentencing hearing.

What will be tested?

The consecutive interpreting portion of the test consists of the testimony of a non-English speaker who is questioned in English by counsel. It contains about 1,000 words.

You will hear both the English and the test language and you will be required to interpret the English into the test language and the test language into English. Each spoken segment is followed by a silent gap, long enough for you to complete the interpretation. If you are not finished translating when a new segment starts, you should pay attention to the new segment. Long questions and/or answers will be broken up into shorter segments from 10 to 50 words long. Your interpretation

	<p>into both languages will be recorded for grading.</p> <p>The consecutive interpreting exercise will take about 20 minutes.</p>
<p>Practicing consecutive interpreting</p>	<p>This manual contains three pre-recorded practice dialogues for consecutive interpreting with pauses between segments to allow you time for interpretation, along with their written dialogues and a list of scoring units for the first dialogue.</p> <p>The dialogues are entirely in English - although, in court, the witness would be speaking in the test language.</p> <p>Your initial consecutive interpreting practice, therefore, will be from English into the test language. However, to practice interpreting from the test language into English, record your initial consecutive interpretation into the test language and then interpret that back into English.</p> <p>For additional consecutive interpreting practice, you will need to find dialogues, preferably court related, and record them, with pauses between segments for interpretation, prior to practice.</p> <p>You will need two recording devices during the practice sessions: one to listen to the pre-recorded exercises and the other to record your performance.</p> <p>If you do not have access to two recording devices, another person can read the passages aloud and your recording device can record your performance.</p> <p>To practice consecutive interpreting, follow the eight stages (each including several steps) identified below.</p>
<p>Stage 1: Preparation for consecutive interpreting</p>	<ul style="list-style-type: none"> • Have a notepad and a pen ready. • Start the audio file of the source text dialogue. You should listen to the audio file using earphones. If you do not have two recording devices, another person may read the source text aloud. • Start the voice recorder. You will record your

interpretation using this device. You do not need to use a headset because you will be recording in blank spaces.

Stage 2:
Initial consecutive
interpreting

- Listen attentively to the first segment. Take any notes you think are necessary for recall - names, dates, numbers - but do not let note-taking distract you from careful listening.
- When there is a pause in the dialogue, interpret segment 1 into the target language. You may use your notes, if necessary.
- Repeat these steps for each segment, until you complete the last segment.
- Stop the audio file and the voice recorder.

Stage 3:
Comparison of initial
consecutive
interpreting with
recorded source text
dialogue

- Replay the source text dialogue from the beginning. Listen carefully again to the first segment. You may listen to the segment as often as necessary to grasp its meaning and take notes. Stop the audio file before moving on to the following step.
- Start your own voice recording at the beginning. Listen carefully to your interpretation of segment 1 and compare it with the first segment of the source text dialogue. Note all the elements of meaning that you have missed. Also note any poor expression in the target language.
- Repeat these steps for each segment, until you reach the last segment.

Stage 4:
Comparison of initial
consecutive
interpreting with
written text of

Note:

This stage helps if there are parts of the recorded source text dialogue that you have not heard well.

dialogue

- Start the voice recorder at the beginning of your interpretation.
- Read the first segment in the written text and compare your interpretation against it. Underline in the written text the words, expressions and segments that appear to be wrong.
- Repeat this step for each segment, until you complete the last segment.

Stage 5:
Analysis and
resolution of problems

- Examine the notes you have taken during Stages 3 and 4 and analyse any words, expressions and segments that you missed or think are wrong. Try to determine why they caused you problems.

Was it because:

- you did not understand the word or expression?
- you did not know the equivalent?
- you did not remember something that was said earlier?
- Think of ways you can correct these mistakes. Do any basic research required.

Note:

While some dictionary consultation may be necessary, avoid looking up too many words in dictionaries at this point. In actual situations, you may not have an opportunity to consult a dictionary during consecutive interpreting; so you should not rely on a dictionary for too much help during practice of consecutive interpreting. Try to understand source language words and expressions using the context (i.e. the surrounding text). Try to express the concepts using a phrase in the target language if a specific word does not come to mind.

<p>Stage 6: Checking scoring units</p>	<ul style="list-style-type: none"> • If you are working on a consecutive dialogue with scoring units provided, review them at this stage. Listen again to your recorded consecutive interpretation, paying particular attention to the scoring units indicated. Note the units you got correct. Determine how to correct those you got wrong. • If you are working on a consecutive dialogue which does not have scoring units provided, examine the written dialogue and underline words and phrases that could be considered scoring units. Then listen again to your recorded consecutive interpretation, paying particular attention to those words and phrases. Note the units you got correct. Determine how to correct those you got wrong.
<p>Stage 7: Final consecutive interpreting</p>	<ul style="list-style-type: none"> • Redo the consecutive interpreting following all of the steps of stage 2, and try to deliver a more accurate and smoother interpretation of the dialogue.
<p>Stage 8: Comparison of final consecutive interpreting with written text of dialogue</p>	<ul style="list-style-type: none"> • Repeat all the steps of Stage 4. • Note improvements in comparison with the initial consecutive interpreting. <p><i>At the end of the exercise, you should use a dictionary or term bank to find equivalents for key words that you did not know, and you should memorize them for future use.</i></p>

Section 7 ❖ SIMULTANEOUS INTERPRETING

Simultaneous interpretation requires communicating the message in the target language almost at the same time as the speaker is delivering the message in the source language. The speaker does not pause for the interpreter.

Simultaneous interpreting is used in the courtroom primarily to help an accused or other parties understand what other participants in the trial (witnesses, lawyers, judge) are saying. Simultaneous interpreting in the courtroom is always from English or French into the language of an accused.

This interpretation is usually whispered to the accused and thus is often called “whispered interpreting.” It is also called *chuchotage*, the French word for whispering.

The main advantage of simultaneous interpreting is its speed, as proceedings may go ahead in English or French with virtually no interruptions. To be proficient in this mode, interpreters need training and practice.

When do you interpret simultaneously in court?

The majority of court interpreting is done in the simultaneous mode. Whenever you are interpreting in court proceedings, you will be interpreting everything that is said in court so the party for whom you are interpreting can follow and understand.

What will be tested?

Both simultaneous interpreting exercises involve interpreting from English into your test language. The first consists of a dialogue (involving 2 or more speakers); the second consists of a monologue (1 speaker speaking at length).

Speakers may be a judge, counsel or witness, including expert witnesses.

You will begin interpreting as soon as the recording starts to play. There will be no pauses for interpretation.

Each of the simultaneous interpreting exercises will take about 10 minutes.

Practicing simultaneous interpreting

You have been provided with six pre-recorded practice exercises for simultaneous interpreting - three English dialogues and three English monologues - along with written texts of the dialogues/monologues and a list of scoring units for the first dialogue and first monologue. You will interpret all of them into the test language.

For additional simultaneous interpreting practice, you can use English dialogues and monologues, preferably from court related documents and record them (without any pauses) prior to practice.

You will need two recording devices during the practice sessions: one to listen to the pre-recorded exercises and the other to record your performance.

If you do not have access to two recording devices, another person can read the passages aloud and your recording device can record your performance.

To practice simultaneous interpreting, follow the eight stages (each including several steps) identified below.

Stage 1: Preparation for simultaneous interpreting

- Have a notepad and a pen ready.
- Start playing the recorded source text. You should listen to the recording using a headset.
- Start the other recorder. You will record your interpretation using this device.

Stage 2:
Initial simultaneous
interpreting

- Listen attentively to the start of the passage.
- Once you have heard an interpretable segment - a phrase, a clause, or a short sentence - start interpreting simultaneously. You will continue listening to the speaker's next segment while you interpret the previous segment. While you are allowed to take notes, it is difficult to listen, speak and take notes at the same time; so limit your note-taking to important names, dates and numbers.
- Repeat this step for each segment, until you complete the last segment.
- Stop the audio file and the voice recorder.

Stage 3:
Comparison of initial
simultaneous interpreting
with recorded source text
dialogue/monologue

- Replay the first segment of the source text dialogue/monologue. You may listen to the sentence as often as necessary to grasp its meaning and take notes at this stage. Stop the audio file before moving on to the following step.
- Start the voice recorder from the beginning. Listen carefully to your interpretation of sentence 1 and compare it with the source text dialogue/monologue. Note all the things that you have missed. Also note any poor expression in the target language.
- Repeat these steps for each sentence, until you complete the last sentence.

Stage 4:
Comparison of initial
simultaneous interpreting
with written text of
dialogue/monologue

Note:

This stage helps if there are parts of the recorded source text that you have not heard well.

- Start the voice recorder at the beginning of your interpretation.
- Read the first sentence in the written text and compare your interpretation of that sentence against it. Underline in the written text the words, expressions and segments that appear wrong.
- Repeat this step for each sentence, until you complete the last sentence.

Stage 5:
Analysis and resolution
of problems

- Examine the notes you have taken during Stages 3 and 4 and analyse any words, expressions and segments that you missed or think are wrong. Try to determine why they caused you problems.

Was it because:

- you did not understand the word or expression?
- you did not know the equivalent in the target language?
- you did not remember something that was said earlier?
- Think of ways you can correct these mistakes. Do any basic research required.

Note:

While some dictionary consultation may be necessary, avoid looking up too many words in dictionaries at this point. In actual situations, you may not have an opportunity to consult a dictionary during simultaneous interpreting; so you should not rely on a dictionary for too much help during practice of simultaneous interpreting. Try to understand source language words and expressions using the context (i.e. the surrounding text). Try to express the concepts using a phrase in the target language if a specific word does not come to mind.

Stage 6:
Checking scoring units

- If you are working on a simultaneous dialogue/monologue with scoring units provided, review the scoring units at this stage. Listen again to your recorded simultaneous interpretation, paying particular attention to the scoring units indicated. Note the units you got correct. Determine how to correct those you got wrong.
- If you are working on a simultaneous dialogue/monologue which does not have scoring units provided, review the written dialogue/monologue and underline words and phrases that could be considered scoring units. Then listen again to your recorded simultaneous interpretation, paying particular attention to those words and phrases. Note the units you got correct. Determine how to correct those you got wrong.

Stage 7:
Final simultaneous interpreting

- Redo the simultaneous interpreting (following all of the steps of Stage 2), and try to perform a more accurate and smoother interpretation of the dialogue/monologue.

Stage 8:
Comparison of final simultaneous interpreting with written text of dialogue

- Repeat all the steps of Stage 4.
- Note improvements in comparison with the initial simultaneous interpreting.

Note:

At the end of this exercise, you should use a dictionary or term bank to find equivalents for key words that you did not know and you should memorize them for future use.

Section 8 ❖ GRADING THE TEST

Test performance will be graded in two ways: globally and focusing on specific details.

Global evaluation:

Global evaluation will assess your performance as a whole on the following two aspects:

- interpreting skills, and
- language skills.

Interpreting skills cover preservation of meaning, maintenance of the style and register of the original, and fluency in delivery.

Language skills cover grammar/structure, general vocabulary, terminology, pronunciation and intonation.

Evaluation of details:

In addition to assessing your performance as a whole (globally), the test will measure how you dealt with specific, pre-selected words, phrases or sentences in the texts or discourse. These keywords and phrases, called “scoring units” have been chosen to evaluate the following:

- grammar,
- structure,
- general vocabulary,
- specialized terminology,
- idiomatic language,
- register (level of language: formal,

informal and neutral),

- numbers and names,
- words or phrases adding precision or emphasis, and
- words or phrases likely to be omitted due to their position.

Global evaluation and evaluation of details will each account for 50% of every exercise.

Scoring:

The three tasks that you will be tested on – sight translation, consecutive interpreting, and simultaneous interpreting – will be weighted as follows in the calculation of the final score:

- Sight translation – 20%
- Consecutive interpreting – 40%
- Simultaneous interpreting – 40%

This weighting is based on the importance of each of these tasks in the court setting.

In order to be accredited, you will be required to obtain 70% in the overall weighted score as well as 70% in each of the tasks.

The 70% score is based on best practices internationally and is the score required historically by MAG.

Section 9 ❖ TIPS FOR TAKING THE TEST

Sight Translation:

- Use the 3 minutes of preparation time wisely. Do not try to translate the entire text. Use this time to get a general idea of the type and content of the text, identify the main points, pinpoint potential problems, and write down any equivalents that come to mind.
- Try to maintain an even pace as you sight translate.
- Avoid long pauses between sentences. You can do this by reading ahead while you are sight translating the previous sentence.

Consecutive Interpreting:

- You should take note of names, dates and numbers as you listen, as you may not be able to remember them when it is your turn to interpret. However, do not let note-taking interfere with careful listening.
- Your interpretation should reflect the tone and style of the speaker. If the speaker uses familiar language, you should do the same. If the speaker is hesitant, you should also sound hesitant.

Simultaneous Interpreting:

- While you are expected to interpret at virtually the same time as the speaker is speaking, you have to wait to hear a few words from the speaker before you can start interpreting. You will therefore constantly be a few words behind the speaker. However, try not to get too far behind.
- You may take note of names, dates and numbers during this exercise. However,

remember that you will have very little time to do so, as you will be interpreting at the same time as the speaker is speaking. You may be better off relying on your memory.

- In simultaneous interpreting, as in consecutive interpreting, your interpretation should reflect the tone and style of the speaker.

Section 10 ❖ PRACTICE EXERCISES

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Simultaneous Monologue

INTRODUCTION AND INSTRUCTIONS

Introduction:

The following exercises, except for the sight translations, are the scripts of the audio files provided. The length and difficulty of each of the exercises is similar to those used in the actual test. You will find the terminology useful but you should not limit yourself to the legal terminology you may find in the exercises. It is not exhaustive and will probably be somewhat different from the legal terminology used in the test. You may try to find other court related documents to study either on line or in newspapers and magazines.

Instructions:

After you record the exercise, following the stages explained in the manual, you can compare your interpretation with the appropriate script. The “My progress” column at the right is for you to track any problems you find as you listen to your recorded version.

You should use a different colour marker each time you do the exercises - It will be easier to track your progress this way.

<p align="center">B ❖ SIGHT TRANSLATION – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 1</p>	<p align="center">MY PROGRESS</p>
<p>Section 763 and subsections 764(1) to (4) of the <i>Criminal Code</i> state as follows:</p>	
<p>763. Where a person is bound by recognizance to appear before a court, justice or provincial court judge for any purpose and the session or sittings of that court or the proceedings are adjourned or an order is made changing the place of trial, that person and his sureties continue to be bound by the recognizance in like manner as if it had been entered into with relation to the resumed proceedings or the trial at the time and place at which the proceedings are ordered to be resumed or the trial is ordered to be held.</p>	
<p>764. (1) Where an accused is bound by recognizance to appear for trial, his arraignment or conviction does not discharge the recognizance, but it continues to bind him and his sureties, if any, for his appearance until he is discharged or sentenced, as the case may be.</p>	
<p>(2) Notwithstanding subsection (1), the court, justice or provincial court judge may commit an accused to prison or may require him to furnish new or additional sureties for his appearance until he is discharged or sentenced, as the case may be.</p>	
<p>(3) The sureties of an accused who is bound by recognizance to appear for trial are discharged if he is committed to prison pursuant to subsection (2).</p>	
<p>(4) The provisions of section 763 and subsections (1), (2) and (3) of this section shall be endorsed on any recognizance entered into pursuant to this Act. R.S., c.C-34, s.698.”</p>	
<p>256 words</p>	

Examples of scoring units in Sight Translation English to Test Language	Type with explanation
Criminal Code	Numbers and names
Where a person is bound by recognizance	Specialized terminology/phraseology: Legal phraseology
Justice	Specialized terminology/phraseology
an order is made	Grammar passive form of verb
his sureties	Specialized terminology / phraseology: Legal terminology
his sureties continue to be bound by recognizance in like manner as if it had been entered into with relation to the resumed proceedings	Register formal level of language
or the trial is ordered to be held	Words or phrases likely to be omitted due to their position: last clause of a very long sentence
Where an accused is bound by recognizance to appear for trial, his arraignment or conviction does not discharge the recognizance, but it continues to bind him	Structure - long sentence with several clauses)
Appearance	General vocabulary
until he is discharged	General vocabulary
until he is discharged or sentenced, as the case may be	Words or phrases likely to be omitted due to their position: end of long sentence
Notwithstanding subsection (1)	Register formal level of language
provincial court judge	Words or phrases adding precision or emphasis
may commit an accused to prison	Grammar modal auxiliary + verb
the court, justice or provincial court judge may commit an accused to prison or may require him to furnish new or additional sureties for his appearance until he is discharged or sentenced	Structure - complex sentence)
new or additional sureties	Words or phrases adding precision or emphasis
section 763 and subsections (1), (2) and (3) of this section	Numbers and names
pursuant to this Act	Register formal level of language

<p style="text-align: center;">B ❖ SIGHT TRANSLATION – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 2</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>(1) A sex offender who is subject to an order under the Sex Offender Registration Act shall report to a registration centre referred to in section 7.1 within 15 days after</p> <ul style="list-style-type: none"> (a) the order is made, if they are convicted of the offence in connection with which the order is made but are not given a custodial sentence; (b) they receive an absolute or conditional discharge under Part XX.1 of the <i>Criminal Code</i> , if they are found not criminally responsible on account of mental disorder for the offence in connection with which the order is made; (c) they are released from custody pending the determination of an appeal relating to the offence in connection with which the order is made; or (d) they are released from custody after serving the custodial portion of a sentence for the offence in connection with which the order is made. <p>(2) A person who is subject to an obligation under section 490.019 of the <i>Criminal Code</i> or section 227.06 of the <i>National Defence Act</i> shall report to a registration centre referred to in section 7.1 of this Act.</p> <ul style="list-style-type: none"> (a) if they are not in custody on the day on which they become subject to the obligation, within 15 days after that day; or (b) in any other case, within 15 days after. <p>(3) If a sex offender is required to report to a registration centre designated under this Act, they shall report in person.</p> <p>(4) A sex offender shall not leave Canada before they report under this section of the Act.</p> <p>258 words</p>	Empty grid for progress tracking

<p style="text-align: center;">B ❖ SIGHT TRANSLATION – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 3</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>(1) When a sex offender reports to a registration centre, they shall provide the following information to a person who collects information at the registration centre:</p> <ul style="list-style-type: none"> (a) their given name and surname, and every alias that they use; (b) their date of birth and gender; (c) the address of their main residence and every secondary residence or, if there is no such address, the location of that place; (d) the address of every place at which they are employed or retained, or are engaged on a volunteer basis or, if there is no such address, the location of that place; <ul style="list-style-type: none"> (i) if applicable, their status as an officer or a non-commissioned member of the Canadian Forces within the meaning of subsection 2(1) of the <i>National Defence Act</i> and the address and telephone number of their unit within the meaning of that subsection; (e) the address of every educational institution at which they are enrolled or, if there is no such address, the location of that place; (f) a telephone number at which they may be reached, if any, for every place referred to in paragraphs (c) and (d), and the number of every mobile telephone or pager in their possession; and (g) their height and weight and a description of every physical distinguishing mark that they have. <p>(2) When a sex offender reports to a registration centre, the person who collects the information from them may ask them when and where they were convicted of, or found not criminally responsible on account of mental disorder for, an offence in connection with which an order was made.</p> <p>267 words</p>	Empty grid for progress tracking

B ❖ SIGHT TRANSLATION – TEST LANGUAGE TO ENGLISH ❖ EXERCISE 4	MY PROGRESS
<p>My name is Kevin Miller. I am the youngest brother of the late Linda Miller. She had been like a mother to me since our mother died when I was only four – she was sixteen at the time and took over my care. I still remember the day before my twentieth birthday when I saw her entering my sister's house ... She was energetic, a ball of fire with a heart of gold. I was fortunate to have been with her that day. Unfortunately, this would be the last time I would ever see her. That was three years ago today.</p> <p>The following month I moved to California from Canada and soon afterwards I found a job in Silicon Valley. One day, when I was doing some research on line, I was shocked to see that the DNA of a woman named Linda Miller had been uncovered in an abandoned farm back home.</p> <p>From California, I contacted my sister Cynthia who had not told me anything about Linda’s disappearance. My relatives did not want to contact me until they had more definite information about her whereabouts, after all, she would occasionally go away for a few weeks to “find herself.” My family was in an apparent state of distress as a result of the discovery of Linda’s DNA and some of her clothing in the abandoned farm.</p> <p>The shock, the anger, and the lack of answers: how could this happen? My family rallied together during this difficult time. Linda’s body was never found. I don’t know if this nightmare is ever going to end.</p> <p>264 words</p>	Empty rows for progress tracking

Examples of scoring units in Sight Translation Test Language to English	Type with explanation
She had been like a mother to me since our mother died when I was only four	Structure - complex sentence
she was sixteen	Numbers and names second of two numbers
my care	General vocabulary
I still remember the day before my twentieth birthday when I saw her entering my sister's house	Structure - complex sentence
a ball of fire	Idiomatic language - metaphor
a heart of gold	Idiomatic language - fixed phrase
That was three years ago today	Words or phrases likely to be omitted due to their position - end of sentence
Silicon Valley	Numbers and names
DNA	Specialized terminology/phraseology - Forensic medical terminology
in an abandoned farm back home	Words or phrases adding precision or emphasis
her whereabouts	General vocabulary
after all	Words or phrases likely to be omitted due to their position - linking phrase at beginning of clause
she would occasionally go away	Grammar - modal auxiliary + verb
to "find herself"	Idiomatic language - fixed phrase
in an apparent state of distress	Words or phrases adding precision or emphasis
in an - apparent state of distress	General vocabulary
(how) could - this happen	Grammar - modal auxiliary + verb
rallied together	General vocabulary

B ❖ SIGHT TRANSLATION – TEST LANGUAGE TO ENGLISH ❖ EXERCISE 6	MY PROGRESS
<p>I am a friend of Kevin Miller, and have been for the last fifteen years. We were altar boys together and when Danny was born, I was asked to be his godfather. Danny had just turned five when he died with his mother at the hands of a psychopath.</p> <p>Everyone asks me why Kevin has not been in court for the trial of his wife and son's killer. The answer is this: the defence lawyer subpoenaed Kevin as a witness and witnesses are not allowed in court before they testify. So, Kevin waits for me at home for me to arrive with the daily news, before he reads the paper and before the CBC news at 6 p.m.</p> <p>In my friendship with Kevin, his face has always shown a hint of mischief and bright eyes that were always full of life. That face and those eyes have changed. The eyes are hollow, empty and sometimes tears flow freely, uncontrollable. The man I knew no longer exists.</p> <p>I arrive at his home after each day in court and to the best of my ability I tell him of the day's events, the brutal details of the crime. I tell him the truth, the hardest being the brutality of the wound to his son's throat and the many wounds of Helen, his wife of ten years. Then we watch the news and the following day he reads the newspaper when I go to court. I have no words to describe the tragedy Kevin Miller has suffered.</p> <p>256 words</p>	Empty grid for progress tracking

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 7

MY PROGRESS

Q. Ms. Thomas, you were involved in an incident that occurred on the 28th of December, is that correct?

A. Yes.

Q. You were attending a New Year's party with your friends at Kathy Campbell's house in Maple Grove?

A. Yes.

Q. And you arrived at the party at approximately 10:00 p.m.?

A. Yes.

Q. Can you describe for His Honour approximately how many people were at the party when you arrived?

A. About forty including Tracy, Tyler and Peter.

Q. And who are Tracy, Tyler and Peter?

A. Tyler was my boyfriend, Tracy is my best friend and Peter is her boyfriend.

Q. And can you describe what happened at the party during the time you were there?

A. Some people were dancing but most were just sitting drinking and talking.

Q. And could you tell us if anything happened shortly after midnight?

A. Yes, I was talking to Kathy and Tracy when a bunch of guys crashed the party. I knew that some of them were troublemakers from other parties they had crashed so I decided to go home.

Q. And did you leave?

A. Yeah.

Q. How did you go home?

A. Well, I live only a few blocks away and it had stopped raining so I decided to walk. I told some of my friends that I was going to walk home. Some of them were leaving and a couple of them offered me a ride.

Q. Did you accept a ride from either of them?

A. No, because they had been drinking and I thought it would be safer to walk home.

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 7

MY PROGRESS

- Q. Why didn't you go home with Tyler and your other friends?
- A. They didn't want to leave, and me and Tyler were having an argument 'cause I didn't want to move in with him.
- Q. I see. What happened then?
- A. Well, I started walking but I had gone only one block when it started raining again.
- Q. Yes, go on, please.
- A. Well, it started to rain again, and I was getting pretty wet, but I didn't want to go back to the party, so I continued walking on home. I was walking when this car went past me. Then I saw it make a U-turn and come back towards me. The guy asked me if I needed a ride and I said that I was only two blocks from my house. He said that I was soaked and was going to get sick and the he would be really happy to take me home.
- Q. Did you accept the ride?
- A. Well, yes, he was very polite and I was getting pretty wet. I was cold too.
- Q. What happened next?
- A. Well, he started driving and I told him that my house was the other way. He said that he had to drop something off to a friend and that he would be done in ten minutes. So we went over to this house and he got off the car and took a box out of the trunk and went to the front door. He was gone for a few minutes, maybe five or ten and I was wondering what to do when he came back out. He was carrying a brown bag and came back to the car.
- Q. And then where did you go?
- A. He got back in the car and put the brown bag on the floor of the car in front of me. He took out two beers and offered me one.
- Q. Did you take it?
- A. Yeah, I was pretty thirsty.
- Q. Then what happened?
- A. He apologized for taking so long and I told him it was okay but I really had to get back home.
- Q. Did he take you home?
- A. He started driving and he was going fast. We were about halfway to my house when he seemed to have some trouble steering the car. The car started skidding and we ended up hitting a pile of dirt.

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 7

MY PROGRESS

Q. Then what happened?

A. I went forward and I didn't realise I had hit the windshield until I saw the crack on it and my blood all over the dashboard. I had a cut right here on my head and I was bleeding.

Q. For the record, the witness is pointing to her forehead above the brow, the left brow. You were not wearing your seat belt?

A. I guess I must have taken it off when I was waiting in front of that house and then when he gave me the beer I forgot to buckle up again

Q. All right, Tina, can you tell His Honour what happened next?

A. Yeah, the guy freaked out. He told me to get out of there because the cops were coming... that someone must have heard us and he had some dope in the car. He grabbed the bag, got out of the car and pulled me into the bushes. Then he used his cell phone to call his brother to come and get us. He told me his brother would be there in twenty minutes. Uhm...

Q. Yes?

A. I told him that my head hurt and my neck hurt too. I told him that all I wanted was to go home, but he took a bottle from the bag and hit me with it and the assault happened.

Q. All right, Tina, I want you to tell us everything that happened. But first, I would like to ask you a few questions. Did you have anything to drink at the party?

A. Yes, I had a couple of ciders.

Q. Plus the beer you had before the accident?

A. Yes... and, I don't know if I should say this. He also offered me drugs.

Q. Did you take any?

A. Yeah, I snorted some coke.

Q. Okay, what happened next? You can take your time, Tina.

A. Okay. After he hit me on the side of the head, he offered me the coke. We were both kinda sitting in the bushes and then, all of a sudden, he pushed me down on the ground. He hit me again when I tried to get up and then he tried to rape me.

1046 words

Examples of scoring units in Consecutive Interpreting	Type with explanation
at - approximately - 10:00 p.m.	Words or phrases likely to be omitted due to their position - before a number
can you describe	Grammar - modal auxiliary + verb
including - Tracy , - Tyler and Peter	Numbers and names
a bunch of guys - crashed the party	Idiomatic language - not literal sense of “crash”
offered - me - a ride	General vocabulary
they had been drinking	Grammar - complex verb phrase
I didn't want - to move in with him	Idiomatic language - “move in with” is not the same as “move in”
He was carrying a - brown - bag	Words or phrases adding precision or emphasis
I was - pretty - thirsty	Words or phrases adding precision or emphasis
We were about halfway there when he seemed to have some trouble steering the car	Structure - complex sentence
dashboard	General vocabulary
For the record	Specialized terminology/phraseology - Legal terminology
His Honour	Specialized terminology/phraseology - Legal terminology
Yeah, the guy freaked out	Register - informal level of language
He told me to get out of there because the cops were coming ... that someone must have heard us and he had some dope in the car	Structure - long sentence with several clauses
He grabbed the bag, - got out of the car - and pulled me into the bushes	Words or phrases likely to be omitted due to their position - short clause in the middle of two others
in twenty minutes	Numbers and names

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 8	MY PROGRESS
Q. Did you suffer injuries in the accident, Mr. Burns?	
A. Yes, I did.	
Q. Would you just tell us what injuries or what parts of your body were injured starting at the top if you will, please?	
A. My head. My head, my neck, my chest.	
Q. You point with your hand to what part of your chest?	
A. In here. The wishbone, I guess.	
Q. Yes?	
A. And my back.	
Q. Whereabouts in your back?	
A. Just below my shoulder blades and in the bottom part of my back and my hip.	
Q. Which hip?	
A. My left hip, and I had a few small cuts.	
Q. Where?	
A. I had one on my - top of my face and on my chin and on my right hand, but they were, you know, nothing too big and...	
Q. What happened to your head?	
A. Yes, it was cut.	
Q. Where and how big a cut?	
A. On my forehead.	
Q. How big?	
A. And on my chin. They were just small cuts.	
Q. Two small cuts?	
A. Yes, didn't require any stitches.	
Q. And the next place you pointed to was what?	
A. Was my neck.	
Q. What was wrong with your neck... what happened to your neck I should say.	
A. Well, it felt like it was shoved down between my shoulder blades. My left side was very sore on my neck.	
Q. Next?	

A. And my chest.	
Q. What was wrong with your chest?	
A. Well, it felt like somebody just overlapped it, just shoved it right across, you know, this way. I didn't know what to do, I had an awful pain in the back.	
Q. The back? What part of your back?	
A. It just felt like it was just squashed, like, with my shoulder blades, just below my shoulder blades, and my left hip. I don't know, I guess it was where the car crashed the dashboard... was sitting on top of it.	
Q. It hurt?	
A. Very much, yes.	
Q. What was the condition of your left hip?	
A. Well, it was bruised. I had a bruise on there about twelve inches square. It just about covered my whole side like that.	
Q. What kind of bruise?	
A. A big one. It was... It was from... well, from where the dashboard was resting on my hip from, for the length of time I was in the car and I guess from the impact and, well, it just felt like my hip was sort of pushed into my backbone... it's what it felt like.	
Q. Is there any other injury in that region?	
A. My groin was injured since that, yes.	
Q. Your groin?	
A. Yes, my left groin. It felt like there was a bunch of tinfoil ripping up in there. Tinfoil... it was just felt like there was somebody shredding a bunch of tinfoil in my groin. It has a real burning, searing pain to it.	
Q. When did that pain begin?	
A. This happened after the accident, about a month after the accident, I guess. It was when I was in a curling bonspiel.	
Q. What treatment did you get in the hospital?	
A. I got a bunch of painkillers.	
Q. Anything else?	
A. X-rays, and, the orderly, he come got me, made me take a bath one day, said it would be really good for me. I got halfway into the bathtub and I couldn't get up and I couldn't get down and I finally just... they finally got me out of the bath-tub and I went right back to bed again. I couldn't move. I could just barely	

walk.	
Q. Why?	
A. Because it hurt so much. I just ached and hurt so much all over I just could barely even move.	
Q. How long did you stay in the hospital?	
A. Three days.	
Q. Where did you go then?	
A. Smithers.	
Q. Where did you go when you got to Smithers?	
A. To Dr. Weir.	
Q. And what was done with you then?	
A. Well, he was going to put me in the hospital but the place was just packed, there were people out in the hallways and everything, so then he would come visit me at home all the time in the morning and at night.	
Q. Where did you go then?	
A. I went to where I was living at.	
Q. And what did you do there?	
A. Stayed in bed, read in bed.	
Q. For how long?	
A. Two and a half, three weeks, I guess.	
Q. And did Dr. Weir see you there?	
A. Yes.	
Q. How often?	
A. He used to come out in the morning and at night-time to visit me. He would give me a shot. The first week he would give me something just to put me to sleep at night and he would have a look at me during the day, and then he would... he... would... prescribe me some pills afterwards for pain.	
Q. After you - after that two and a half, three week period, what did you do then?	
A. Well, I started to walk a bit around the trailer as much as I could. I, I walked with a cane they gave me, and I walked with that thing for about, I guess, about a month... as I got a little stronger I would... somebody would come and give me a ride and I would go downtown maybe for an hour, then somebody else would give me a lift home - three miles two-three miles out of town.	
Q. And how long did you continue doing that?	

<p>A. About a month I guess. After the accident, yes... about a month I guess I was walking with the cane.</p>	
<p>Q. Did you attempt to resume any activities then?</p>	
<p>A. Well, I tried to increase my activities. Like a little bit more walking and stuff... like... get back to sort of normal, and then we went in this bonspiel and I was skipping and I went to sweep and I bent over and I took about two or three strokes with the broom and...</p>	
<p>Q. With a curling broom?</p>	
<p>A. Yes, and that's when the pain, well... whenever something went haywire in there and it just felt like I was going to pass out.</p>	
<p>Q. Had you had any injury to your groin before this accident?</p>	
<p>A. Well, I don't really know but my hip was so bruised that I think it was bruised at the same time, I was X-rayed again in Smithers and... there was no broken bones, but I don't know if they picked it up on the X-rays or not. I don't think so. I... I don't know.</p>	
<p>Q. Why did you go curling?</p>	
<p>A. Exercise, something to do. I was getting so bored and everything else, I just had to do something. I was going half crazy laying in that bloody trailer.</p>	
<p>1162 words</p>	

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 9

MY PROGRESS

Q. Mrs. Walker, you are 78 years old, soon to be 79?

A. Yes.

Q. And I'm drawing your attention to last March. At that time you lived at 8491 Knight Street.

A. Yes.

Q. And I understand this is your own home?

A. Yes, I have lived there since the early 1970's.

Q. And I understand that you were at home with Maria Lopez who came over to help with the house and to cook dinner for you?

A. Yes.

Q. And there were two other persons present in the house, and they left to go shopping?

A. Yes, my husband went shopping with our grandson who is staying with us.

Q. They left to go shopping, leaving just you and Maria Lopez in the house?

A. Yes.

Q. Now, you became involved in an incident that brings you to court today?

A. Yes.

Q. And when did that start, what happened?

A. It was about eight o'clock, I was watching TV, CNN, it was news time. Then a few minutes later, I was interrupted by a telephone call, so I got up to answer the phone. Then I went to the kitchen to get the drink of water. At that time the four men came in from the back door which was open to let in some fresh air.

Q. Okay. And that door opens off which room?

A. The kitchen.

Q. Okay. The four men that came in - had you ever seen any of these men before?

A. No.

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 9

MY PROGRESS

- Q. Okay. And were you able to see the face of any of these men?
- A. No. They had something covering their face. Like ski masks – balaclavas.
- Q. What happened then when they came in?
- A. They came right into the kitchen, I didn't know who they were or what they were doing in my home. But then, one of them said that they wanted money and jewellery. And at once they told me to turn around and not look at them and then to lie down on the floor, so I did, because I knew that I didn't have any choice.
- Q. Now, where was Maria Lopez at this point?
- A. She was standing near the sink, finishing up the dishes.
- Q. And was this person who was talking, was he talking to you or to both of you?
- A. To both of us.
- Q. Okay. And after he told you to lay down, what did you do?
- A. We laid down on the floor face down as we were told to do.
- Q. Okay. And what else did they tell you to do?
- A. That's all. Then they asked if there was anybody upstairs and I said no, there was nobody upstairs.
- Q. Then what happened?
- A. Then one man remained in the kitchen watching us. The others went upstairs.
- Q. The person who was watching you, how long was he watching over you at this point?
- A. Until the others came back down.
- Q. Okay. While he was watching you, did he do or say anything to you, this person?
- A. He took a gold bracelet from Maria.
- Q. And how did that come about?
- A. He saw it and told her to take it off. At first, Maria was reluctant but I persuaded her to take off the bracelet and hand it over to the guy.
- Q. Okay. And what happened then when the others came downstairs?
- A. They discovered the closet, down the corridor from the kitchen.

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 9

MY PROGRESS

So they led us to the closet.

Q. Who led you to the closet?

A. The man who had been watching us. He led Maria by the hand and I was told to hold on to Maria. They told us to close our eyes because they didn't want us to look at them.

Q. And when they led you to the closet. What kind of a closet was this? What was it used for?

A. It is a very small room. We use it as a storeroom.

Q. Okay. What happened then when you were led to this closet?

A. He turned on the light and told us to go in.

Q. Okay. And what position were you in the closet?

A. We had to go down on the floor because the closet is under the stairs and the ceiling is at an angle and very low. One of the men noticed a rope hanging from a peg in the closet, so he took it and tied us together back to back. It was so very uncomfortable, especially with my bad hip.

Q. Okay. And how long were you in the closet?

A. I can't tell you exactly. It was longer than half an hour, maybe between half an hour and one hour. It felt much longer, though.

Q. And how were you feeling during this time?

A. Maria was terrified and so was I. Maria was also worried because her son would be coming soon to take her home. So I knocked on the door and shouted that Maria was only working for us and that her son would be coming soon to pick her up, and I asked them not to hurt her son.

Q. And were you talking to the same person that had been watching you earlier?

A. I guess so.

Q. And did he have any response?

A. He said okay. He asked me how old was the boy. I said about 17 to 18, and he said okay, but Maria was still shaking.

Q. Were you frightened?

A. Of course I was. I didn't know what would happen if her son were to come in before the men left, and I had no idea what would happen to us. You know, all the home invasions that are taking place nowadays.

C ❖ CONSECUTIVE INTERPRETING – ENGLISH TO TEST LANGUAGE ❖ EXERCISE 9

MY PROGRESS

Q. Okay. What happened after that, Mrs. Walker?

A. Some man came down the stairs and asked me where was the safe. I told him that we had no safe in the house. Then he asked me for my purse. I told him my purse was in my bedroom. He went up again and couldn't find it so he came down again, and asked me where I had left my purse. I told him if he let me out, I would take him up to my bedroom and give him the purse. He didn't say anything but I heard him go upstairs again. I suppose he found the purse because all my money was gone.

Then they came down to the kitchen. I could hear the cabinet doors open and shut. I also heard movement in the front of the house but I am not sure where.

Q. Okay. And did you ever hear any other sounds?

A. They turned off the TV.

Q. Okay. And were you aware of what time these people left?

A. I am not certain, but it must have been around nine o'clock.

1158 words

**D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 10**

MY PROGRESS

Q. Corporal Baker, I want to take you back to the 19th day of March 1997 here in the City of Vancouver.

I understand that on that date, you had dealings with a certain person who became known to you as Mario Montes; is that correct?

A. That's correct, Your Honour.

Q. Do you see that person present in court today?

A. Yes, Your Honour, he's seated with the black jacket with the number 80 on the left sleeve.

Q. Indicating the accused.

The Court: All right, noting the identification.

Q: Corporal Baker, can you please tell the Court the circumstances of how you came to have contact with Mr. Montes?

A: Yes, Your Honour, on the 19th of March, at approximately 2115 hours, 9:15 p.m., I was part of a -- a street crew drug squad undercover operation where Constable Birk was going to be acting in an undercover capacity to attempt to purchase narcotics from persons in the downtown lower eastside of Vancouver.

While I was waiting across the street on Hastings in what's referred to as the unit block, the address between zero and 99 of East Hastings, I observed Mr. Montes and another older Hispanic male standing together.

I then observed Constable Birk approach these males. She appeared to have some conversation with them and a couple of minutes later, Constable Birk moved away from these two males and Constable Birk then gave a pre-arranged signal that she had purchased narcotics.

At that time, I ran across the street. I had been on the south side of Hastings Street, and I arrested Mr. Montes for trafficking in a narcotic.

Q. Was there another officer involved in the arrest of Mr. Montes?

A. Constable McCall was also with me.

Q. Now, do you recall -- you say there was another gentleman, older Hispanic male with Mr. Montes. Can you tell the court

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 10

MY PROGRESS

approximately how old that person appeared to be?

A. In my opinion, that other Hispanic male was probably in his mid fifties.

Q. Now, did you make a note of the description of Mr. Montes at the time?

A. Yes, I did.

Q. And did you record that in your notes?

A. Yes, I did. To the best of my recollection, Mr. Montes was wearing a baseball cap. He had a -- what I would refer to as a grey kangaroo type jacket, that being a sweatshirt with a hood and a normally a -- a pouch in the front, and white runners.

Q. And what about the height and weight, did you make a notation of that?

A. I made a notation of it, Your Honour. My description was approximately five foot, nine inches, 160 pounds and probably in the early to mid-thirties.

Q. All right. Now, Constable Baker, did you conduct any search of Mr. Montes once you arrested him?

A. Yes, I did, Your Honour. From his right front jacket pocket, I obtained a quantity of money. One of the other members of the team had photocopied the money that Constable Birk was going to use to attempt to purchase narcotics.

Constable McDougall had a photocopy of those bills, which included the serial number. I compared the serial numbers of the bills that I had taken from Mr. Montes pocket. One of the twenty-dollar bills that I seized from the right pocket of Mr. Montes, matched the serial number to one of the serial numbers of the bills that had been pre-recorded and photocopied.

Q. Did you make a notation of that serial number at the time?

A. Yes, I did.

Q. And do you have that with you today?

A. I have it with me, although I can't remember the serial number.

Q. All right. Was the notation made at the time or shortly after you seized and compared this money to the photocopy?

A. Very shortly after.

Q. And had there been any alterations to your notes since the time

**D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 10**

MY PROGRESS

of making?

A. No.

Q. I ask Your Honour for leave for the officer to refer to his notes.

The Court: Any objection, Ms. Reid?

Ms. Reid: No objection.

The Court: All right. Go ahead, please.

A. Your Honour, the twenty dollar bill that matched the photocopy was serial number E for echo SC5094275

Q. And do you recall how much money did you seize from the accused?

A. I don't know the exact -- it was approximately six or seven bills.

Q. And it was just the one bill, the serial number that you've given, that matched the buy money that had been given to Constable Birk prior to launching an operation; is that correct?

A. That is correct.

Q. Now, do you recall at the time you arrested the accused, you and Constable McDougall arrested the accused, do you recall what happened with the other person that was present, the older Hispanic male?

A. He had been initially arrested by Sergeant Williams and approximately one or two minutes later, he was released.

Q. All right. And what caused the release of this other person?

A. It was my recollection, Your Honour, that Constable Birk had driven by both Mr. Montes and the older Hispanic male and that Constable Birk indicated that the elderly Hispanic male was not involved.

Q. Now, to the best of your recollection, what happened after the older male was released?

A. I don't know where he went, but Mr. Montes was -- was chartered -- given his Charter rights by Constable McDougall and he was placed into a Vancouver City Police escort wagon and -- and to the best of my knowledge, taken to the Vancouver City Police jail.

Q. Where in the unit block of West Hastings did this occur?

A. Number 27, which is under the old Army & Navy building.

Q. And that's on the north side of the street; is that correct?

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 10

MY PROGRESS

A. That is correct, it's on the north side of the street.

Q. And you were on the south side initially?

A. I was just observing what was going on from the south side of the street.

Q. Now, did you note any transaction of any kind between Constable Birk and Mr. Montes prior to getting the signal that a buy had taken place?

A. I can only say that they appeared to be talking to each other. That's all I can say.

Q. Okay. And do you recall approximately the time that this transaction occurred, or that the buy signal was given by Constable Birk?

A. Approximately 2119, or 9:19 p.m.

1097 words

Examples of scoring units in a Simultaneous Dialogue	Type with explanation
I want to take you back to the 19 th day of March	Idiomatic language
had dealings with	General vocabulary
Mario Montes	Numbers and names
black jacket	Words or phrases adding precision or emphasis
21:15 hours	Numbers and names
undercover operation	Specialized terminology/phraseology
I was waiting	Grammar
I ran across the street	Grammar
To the best of my recollection	Register
probably in the early to mid-thirties	Words or phrases likely to be omitted due to their position
right front jacket pocket	Words or phrases adding precision or emphasis
which include the serial number	Words or phrases likely to be omitted due to their position
I ask your Honour for leave for the officer to refer to his notes	Register
And it was just the one bill,(the serial number that you've given,) that matched the buy money that had been given to Constable Birk (prior to launching an operation); is that correct?	Syntax
Go ahead	Idiomatic language
do you recall what happened with the other person that was present ... ?	Syntax
given his Charter rights	Specialized terminology/phraseology
transaction	General vocabulary

<p style="text-align: center;">D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE ❖ EXERCISE 11</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>Q. And tell us generally what you've done since February of 1993, what your duties consist of.</p>	
<p>A. Basically my duties are the examination and comparison of firearms or cartridge case components back to an individual firearm. That comprises probably 80 per cent of our work. I also do tool mark identification, which is the identification of a particular tool to a mark made on a soft surface, such as, a window frame or a safe or what have you.</p>	
<p>Q. Can you estimate the number of actual cases you've been involved in since you started working in this field in February of 1993?</p>	
<p>A. I do approximately 140 cases a year. So I would guess, over a thousand.</p>	
<p>Q. All right. Have you previously testified as an expert in the fields of firearms, ammunition and tool mark identification in courts?</p>	
<p>A. Yes, I have.</p>	
<p>Q. And what courts and how many times have you testified as an expert in the field?</p>	
<p>A. Approximately 200 times. I don't know the number offhand.</p>	
<p>Q. Those are my questions with respect to Mr. Brown's expertise.</p>	
<p>The Court: Mr. Darrow, any cross-examination on the qualifications?</p>	
<p>Mr. Darrow: Just a few questions.</p>	
<p>Q. As I understand what you've now said is that you also have studied wound identification?</p>	
<p>A. Yes.</p>	
<p>Q. And trajectory and rifle range type of studies that are associated with weaponry?</p>	
<p>A. Yes.</p>	
<p>Q. Thank you, those are my questions.</p>	
<p>The Court: The Crown seeks to tender Mr. Brown as an expert in the area of firearms and tool mark examination. I find that he is such, and as an expert, he can express expert evidence in</p>	

<p style="text-align: center;">D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE ❖ EXERCISE 11</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>that area.</p>	
<p>Q. Mr. Brown, in this particular case, you had occasion to examine certain pieces of ammunition that were sent to you by Constable Sanders of the Prince William R.C.M.P. detachment?</p>	
<p>A. Yes, I did.</p>	
<p>Q. All right. Would you take Exhibit 7 first, Mr. Brown?</p>	
<p>A. Yes.</p>	
<p>Q. Would you examine that item? Did you receive it from Constable Sanders?</p>	
<p>A. Yes. It bears my case number, date of receipt, which was October 20 and initials.</p>	
<p>Q. All right. Exhibit 8, can you tell us if you also received that on the 20th of October?</p>	
<p>A. Yes, I did.</p>	
<p>Q. And what about Exhibit 9?</p>	
<p>A. Exhibit 9 also bears my case number, date of receipt and initials.</p>	
<p>Q. All right. And I understand you received those items personally from Constable Sanders the 20th of October?</p>	
<p>A. Yes, I did.</p>	
<p>Q. All right. And you examined those items. Can you tell us what were the results of the examination?</p>	
<p>A. Your Honour, may I look at my work notes?</p>	
<p>The Court: Mr. Darrow, any problem?</p>	
<p>Mr. Darrow: I have no problem.</p>	
<p>The Court: Thank you.</p>	
<p>A. Court Exhibit 7 was one lead fragment. Exhibit 8 was one portion of copper bullet jacket, and Exhibit 9 was one copper fragment.</p>	
<p>Q. Dealing individually with Exhibit 7, which you've identified as a lead fragment, what can you tell us about that particular fragment?</p>	
<p>A. It was the lead core. It appears to be the lead core of a bullet</p>	

<p style="text-align: center;">D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE ❖ EXERCISE 11</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>weighing 86.3 grains. There were no identification markings on the fragment. It's just a lead fragment.</p>	
<p>Q. All right. Tell me what your examination of Exhibit 9, which you've identified as a copper fragment, revealed.</p>	
<p>A. It's one copper fragment, consistent with a copper bullet jacket, and the total weight of 2.49 grains, relatively small, no identifiable marks on it either.</p>	
<p>Q. All right. Let's turn then to your examination of Exhibit 8, the copper jacket. Can you tell us how did you examine the copper jacket? What did you do to examine that item?</p>	
<p>A. I examined it microscopically and made several measurements of it.</p>	
<p>Q. All right. With respect to Exhibit 8, the copper jacket, what, if anything did your microscopic examination of the copper jacket reveal?</p>	
<p>A. I determined it was a 3.8 calibre bullet or portion of a copper bullet or a bullet jacket. It bears rifling characteristics of six lands and grooves with a right hand twist.</p>	
<p>I then measured the lands and groove impressions on the bullet and basically fed the data into our database of rifling characteristics and I produced a list of probable types and makes of firearms that could have fired that bullet.</p>	
<p>Q. I should have asked you, because you're using terms that I'm not familiar with and members of the jury may not be familiar with, you indicated the characteristics you noted on the copper jacket. Would you explain what each of those characteristics mean?</p>	
<p>A. When a rifle is produced, there's a series of grooved cuts in the barrel. They spiral down the barrel, and between these grooves is a raised portion and that is known as the land.</p>	
<p>Basically when a bullet is fired through a barrel, the bullet is embedded in the land and this causes the bullet to spin as it's forced down the barrel and aids in flight when the bullet leaves the barrel.</p>	
<p>It's designed to spin the bullet to stabilize it in flight, and from these lands and grooves measurements and the calibre, we have a database of approximately 17,000 different firearms.</p>	
<p>The database characterises firearms by calibre, lands and grooves, numbers and width of the lands and grooves,</p>	

<p style="text-align: center;">D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE ❖ EXERCISE 11</p>	<p style="text-align: center;">MY PROGRESS</p>
<p>direction of twist, and from that, I produced a list of probable types of firearms.</p>	
<p>Q. All right. When you say, “calibre”, what does that mean?</p>	
<p>A. The diameter of the bore of the firearm.</p>	
<p>Q. Can you tell us in your opinion that the firearm that fired the copper jacket was a .30 calibre weapon?</p>	
<p>A. It is a .30 calibre weapon or firearm.</p>	
<p>Q. And were you able to match the copper jacket to a firearm?</p>	
<p>A. No. I could not.</p>	
<p>Q. That simply means that you were not given a firearm by the R.C.M.P. as a result of testing which you conclude was likely the probable source of that copper jacket.</p>	
<p>A. No, I was not.</p>	
<p>Q. All right. Now, I understand that you also examined various items of clothing.</p>	
<p>A. That’s correct.</p>	
<p>Q. To try to determine, a possible range from which a firearm was fired?</p>	
<p>A. That’s correct.</p>	
<p>Q. Which may have left particles or residue on the clothing, is that correct?</p>	
<p>A. Yes.</p>	
<p>Q. All right. Just before you view the clothing, would you tell us what tests were done to try to make this range determination and how you go about doing that test?</p>	
<p>A. When a firearm is discharged at a target at a close range, not only the bullet strikes the target. There is partially burnt propellant that is also ejected from the muzzle, and at close range, this is deposited on the target in a pattern. The pattern varies with the distance. At very close range, it’s a very dense pattern. It’s very concentrated. The further you get away from the object, the propellant or partially burned propellant disperses so you get a larger pattern but it’s less dense.</p>	
<p>1182 Words</p>	

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 12

MY PROGRESS

Q. Thank you. Now, with respect to the matter before the court, Dr. Robinson, I understand that on October the 19th, you performed an autopsy on the body of an individual identified as Robert Taylor?

A. That's correct.

Q. Can you tell us what observations you made during the autopsy on Mr. Taylor's body?

A. Mr. Taylor had sustained a number of gunshot wounds. He had sustained one wound which passed through his left hand, entering the back of the left hand, exiting the palmar surface of the left hand, and then entering the left side of his chest, passing across towards the right side.

Q. Could you perhaps get up and demonstrate the -- the areas of the left hand and of the chest where you noticed the injuries which caused you to give the evidence you did... concerning this particular gunshot wound?

A. I would like to refer to my notes. I have pencil sketches made at the time of the examination, and a typed report dictated during the course of the examination.

The Court: Yes. You may refer to them, Doctor.

A. The gunshot wound that I've referred to entered the back of the hand, exited here on the palmar surface of the hand, entered the chest on the left side up at the top.

Q. All right.

A. The bullet then passed in a left to right direction and towards the back and came to rest in the back of the body underneath the shoulder blade.

Q. All right. So you would have observed four injuries: one to the back of the hand, one to the palm of the hand, one to the upper chest and one behind the back under the right arm?

A. There was no exit from this wound and the bullet was recovered.

Q. All right. And what exactly did you actually recover?

A. I recovered a deformed white metal projectile from behind the right shoulder-blade. I also recovered a separate copper jacket that I found inside the right chest.

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 12

MY PROGRESS

Q. It's my understanding you turned over anything that you discovered, particularly foreign material in Mr. Taylor's body, to Constable Sanders of the R.C.M.P.

A. That's correct.

Q. All right.

A. The second gunshot wound was a wound which passed through the left forearm, entering this portion of the left forearm, exiting the left forearm, entering this side of the chest, passing across the chest, again left of the body to the right.

This one exited the right side of the chest towards the back, so there was no projectile recovered from this wound.

Q. Can you tell us about the two gunshots you've described so far, as they pass through the torso, not the various parts of the hand, you've indicated passed through the body from left to right.

Can you tell us the level of the trajectory in terms of whether it was level, whether it was downward, upward or what can you tell us in that respect?

A. The level of the wound I've just described, that's the one that exits through the torso, is essentially left to right on the horizontal, and the one that I described before that, the portion that goes through the torso, again left to right essentially on the horizontal. It's not going up or down in any measurable way.

Q. All right. And can you tell us any other finding that you made?

A. There was a third gunshot wound that passed through the chest. The entrance was in the back of the chest wall. The exit wound was in the front, and the bullet had passed straight through, back to front, a little bit downwards, not enough to measure, and a little bit towards the left.

Q. All right. As a result of your observations and things you've told us about, were you able in this case to determine a cause of death?

A. The cause of death was multiple gunshot wounds.

Q. What can you tell us, based on the various wounds and the trajectory of the body? Would you tell us in your opinion, the mechanism by which Mr. Taylor died, in the sense of what internal injuries he suffered and how the various shots you described caused his death?

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE
❖ EXERCISE 12

MY PROGRESS

A. The wounds that passed through the chest broke ribs, damaged lungs, and more importantly, shredded a two inch portion of the aorta. The aorta is the main artery in the body. It runs from the heart and delivers blood to the rest of the body.

Either of those two wounds in their own right, and certainly both together, would have produced very rapid death. The third gunshot wound, the one that passed through the chest, actually passed through and disrupted the heart, so that wound in itself had the potential of causing fairly immediate death.

However, the characteristics of the wound, on appearance, were somewhat different from the other two. The typical changes, the vital reaction that we see in the skin, particularly surrounding an entrance wound when a person is alive and with an intact circulation, were not present with this wound, so this wound had the characteristics of having been sustained either around the time of death, that is during the dying process, or after death.

Q. All right. I take it from your evidence is that whatever the order of the first two shots you describe, the ones that pass through the torso, in your opinion, the shot that went through the back and through the heart was third in order in time.

A. Correct. That is my opinion.

Q. All right. Now, in terms of sequencing, you've told us why you thought the shot to the back was third in order of time. Was it possible, from examining Mr. Taylor's body, to determine the order of the first two shots?

A. No. Either of the first two shots could have come first. The only thing that I can say about the first two shots, because they both shredded this large artery, the aorta, they had to have been sustained fairly quickly in terms of their time relationship to each other.

The minute that aorta was shredded by the first shot, Mr. Taylor was dying. He had effectively around nine to eleven seconds in which he could have still functioned or stayed upright.

That's the time it takes to utilise the oxygen that's already in the brain. Because the aorta is shredded, no circulation is now going to reach his brain, so no additional oxygen is going to be supplied to the brain to function. Given the fact that the

D ❖ SIMULTANEOUS INTERPRETING - DIALOGUE ❖ EXERCISE 12	MY PROGRESS
<p>trajectories are so close to each other, almost parallel as they go through the body, the shots had to be sustained in very rapid succession.</p> <p>The evidence suggests that with the passing through the same organs and shredding the same portion of the aorta, Mr. Taylor was still in the same position when he sustained the second shot as he was when he sustained the first shot.</p> <p>1171 words</p>	

**E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE
❖ EXERCISE 13**

MY PROGRESS

Members of the jury, before you hear the evidence in this case I'm going to spend a few minutes explaining some basic principles that will be important for you in deciding this case. I also wish to explain a little further what I expect will happen during the course of this trial.

I shall begin with some general comments on the judge and jury system. This system is one of the oldest and most important of our legal traditions. It is a team system where you are the judges of the facts and I am the judge of the law. Each of you has been selected for this trial as a judge of this court with responsibility over the facts of this case. Just as when I was appointed to and undertook my duties I was sworn into office, you have taken an oath before you embarked on your task as a juror in this case. You are for this trial judges of this court with the exclusive responsibility for assessing and reaching conclusions concerning the evidence. By the same token, when I tell you what the law is, my view of the law must prevail. I am the exclusive judge of the law with exclusive responsibility for that for this trial. It would be wrong for you to decide this case on the basis of what you think the law is or what you think it should be.

There are two other basic principles which are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence. The requirement for proof beyond a reasonable doubt means just what it says. No person accused of a criminal offence in Canada can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person be presumed or considered to be innocent. Bryan David Paterson has no obligation to prove that he is not guilty or to explain the evidence offered by the Crown. The law presumes him to be innocent until you, as the triers of fact, decide otherwise. What does this mean to you as jurors? First, it means that the law requires you to decide whether the accused is guilty or not guilty based on a careful consideration of all of the evidence you will hear in this courtroom.

Second, the requirement for proof beyond a reasonable doubt and the presumption of innocence mean that you must pay close attention to the evidence because you can only return a verdict of guilty if you are satisfied that each element of the offence charged is proved beyond a reasonable doubt. If you are left with a reasonable doubt after you consider all of the evidence you must give the benefit of that doubt to Bryan David Paterson and return a verdict of not guilty.

E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE ❖ EXERCISE 13	MY PROGRESS
<p>Once the Crown finishes presenting its evidence, Mr. Darrow may present evidence on behalf of his client. If defence chooses to present witnesses we will follow the same procedure as we did for Crown witnesses; only this time Mr. Darrow would conduct direct examination and Mr. Burger will conduct cross-examination. Where an accused person decides to present evidence the Crown may have the right to call evidence in reply. If that happens it will be similar to the first part of the Crown case.</p> <p>1049 words</p>	

Examples of scoring units in a Simultaneous Monologue	Type with explanation
judges of the facts	Specialized legal terminology/phraseology
Each of you has been selected	Grammar - passive form of verb
taken an oath	General vocabulary
before you embarked on your task as a juror in this case	Register - formal level of language
By the same token	Register - formal level of language
must prevail	Grammar - modal auxiliary + verb
(proof) beyond a reasonable doubt	Specialized legal terminology/phraseology
it means that the law requires you to decide whether the accused is guilty or not guilty based on a careful consideration of all of the evidence you will hear in this courtroom.	Structure - long sentence with several clauses
until you, as the triers of facts, decide otherwise	Idiomatic language - collocation
Bryan David Paterson	Numbers and names
you must pay close attention	Words or phrases adding precision or emphasis
this is not a narrative that unfolds chronologically	Idiomatic language - not literal meaning of "unfold"
that unfolds chronologically and sequentially	Words or phrases likely to be omitted due to their position - second of two adverbs and in the middle of the sentence
jigsaw puzzle	General vocabulary
It is very important that you understand that what is said to you by counsel in opening statements is not evidence.	Structure - long sentence; impersonal structure
Mr. Darrow	Numbers and names
any new matters	Words or phrases adding precision or emphasis
any new matters ... that may require further explanation	Words or phrases likely to be omitted due to their position - end of sentence

**E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE
❖ EXERCISE 14**

MY PROGRESS

While you are listening to the evidence I urge you to pay close attention to what each witness says and how he or she behaves while giving evidence. As you know, if you consider it, people do not communicate simply by means of the words they choose. Often tone of voice, facial expression, pauses, manner, form a part of the communication of what you understand from that witness.

You must eventually decide which witnesses to believe and what evidence you accept. In exercising your role as the judges of the facts you need not accept or reject all of a witness's testimony. A witness's testimony is not a package that you accept or reject as a whole. The following guide-lines may help you to decide which evidence to believe and which to reject: Consider the witness's attitude and demeanour in the witness box, while remembering that some people may be nervous about testifying in court. Consider the ability and opportunity of the witness to observe the things referred to in his or her testimony. Assess the ability of the witness to express himself or herself, to understand the questions, and to answer those questions. Ask yourself if the witness has any interest in the outcome of this case.

From time to time during the trial as you discovered yesterday it may be necessary for you to retire to the jury room or to be excused so that counsel may argue points of law or points of evidence. I told you earlier about the division of functions. You are the judges of the facts, I am the judge of the law. At times I must make rulings so this trial can proceed properly before you. Please do not speculate on any reason why you are excused. All admissible and proper evidence will be put before you in this courtroom. If any documents or objects become part of the evidence in this trial you will have them with you in the jury room when you retire to consider your verdict.

During the course of the trial counsel may refer to a Preliminary Hearing. Before this trial began a Preliminary Hearing was held before a judge and a number of witnesses were examined under oath before that judge. Nothing is decided at that type of inquiry regarding the guilt or innocence of the accused. Where any reference is made to the transcript of evidence at the Preliminary Hearing you should know that the transcript is the written record of the testimony of the witnesses who testified under oath before the judge.

I would like to say something to you about note-taking. Some of you may

**E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE
❖ EXERCISE 14**

MY PROGRESS

with anyone except your fellow jurors. You must avoid discussing the trial among yourselves until you have heard all of the evidence and you retire to the jury room to reach your verdict. You must never tell anyone what takes place in the jury room. In reaching your verdict you must consider only the evidence that was presented here in the courtroom. You must ignore rumours and accusations or coverage in the media. Finally, do not go out and collect evidence on your own. Counsel will present all the relevant and admissible evidence for you to consider here in this courtroom.

Before calling on Crown counsel I want to tell you something about the offence with which the Crown has charged Bryan David Paterson. I do this so you will better understand the evidence as it is presented.

Yesterday you heard the charges in the indictment read to Mr. Paterson and his plea of not guilty which he made to that charge. The indictment is one of the documents you will have in the jury room when you retire to consider your verdict. The Crown has charged Bryan David Paterson with the offence of second-degree murder causing the death of Robert Taylor on October 10th. Before you can return a guilty verdict you must be satisfied that the Crown has proven each of the following elements beyond a reasonable doubt. The Crown must prove:

- One: The identity of the accused as the offender.
- Two: The time and place of the offence as it is set out in the indictment.
- Three: That Bryan David Paterson caused the death of Robert Taylor.
- Four: That Bryan David Paterson caused the death by means of an unlawful act.
- Fifth: That Bryan David Paterson either meant to cause the death or meant to cause bodily harm that he knew was likely to cause death and was reckless about whether or not it caused death.

1256 words

**E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE
❖ EXERCISE 15**

MY PROGRESS

The accused, a native of Vietnam, was charged with sexual assault. In her statement to the police a few hours after the assault was alleged to have occurred, the complainant described her two assailants as "Asian", one being "fat" and "clean-shaven." The complainant later picked the accused's photo from a photo line-up. At trial, the accused appeared as slender with a moustache. The complainant identified him in court as the man she had previously described as clean-shaven and fat, but conceded on cross-examination that as he appeared in court he was not fat.

The defence called the accused's court-appointed interpreter to testify about the accused's weight at the time the attack was alleged to have taken place. Instead of translating his testimony in full as he gave it, as instructed by the trial judge and by defence counsel, the interpreter answered in English and only summarized his evidence in Vietnamese at the end of his direct examination and again after his cross-examination.

An exchange between the trial judge and the interpreter which followed his cross-examination appears not to have been interpreted at all. The accused was convicted. He appealed his conviction on the grounds that the identification evidence was flawed and that deficiencies in the translation of the evidence deprived him of the right to be actually present at his trial, contrary to section 6.50 of the *Criminal Code*. The Court of Appeal upheld the conviction.

The main issue in this appeal is whether the failure to provide the accused with full and contemporaneous translation of all the evidence at trial constituted a breach of his right to an interpreter, as guaranteed by Section 14 of the *Canadian Charter of Rights and Freedoms*.

The right of an accused who does not understand or speak the language of the proceedings to obtain the assistance of an interpreter ensures that a person charged with a criminal offence hears the case against him or her and is given a full opportunity to answer it. This right is also intimately related to our basic notions of justice, including the appearance of fairness, and to our society's claim to be multicultural, expressed in part through Section 27 of the *Charter*. The magnitude of these interests favours a liberal interpretation and a principled application of the right to interpreter assistance under Section 14 of the *Charter*. The principle underlying all of the interests protected by the right to interpreter assistance

**E ❖ SIMULTANEOUS INTERPRETING - MONOLOGUE
❖ EXERCISE 15**

MY PROGRESS

under Section 14 is that of linguistic understanding.

In determining whether there has in fact been a breach of the Charter, it must be clear that the accused did not understand or speak the language being used in court and was thus actually in need of interpreter assistance. Where an interpreter was appointed and it is the quality of the interpretation provided that is being challenged, it is necessary to determine whether there has been a departure or deviation from what is considered adequate interpretation.

While the interpretation provided need not be perfect, it must be continuous, precise, impartial, competent and contemporaneous. The question should always be whether there is a possibility that the accused may not have understood a part of the proceedings by virtue of his or her difficulty with the language being used in court. Not every deviation from the protected standard of interpretation will constitute a violation of the *Charter*. The claimant must establish that the lapse in interpretation was in respect of the proceedings themselves, thereby involving the vital interests of the accused, and was not merely in respect of some collateral or extrinsic matter.

In determining whether the alleged deviation in interpretation was part of an occurrence which actually served in some way to “advance the case,” one must consider whether there was an unfolding or development in the proceeding with respect to a point of procedure, evidence and/or law. Since Section 14 guarantees the right to interpreter assistance without qualification, it would be wrong to introduce into the assessment of whether the right had been breached any consideration of whether or not the accused actually suffered prejudice when being denied his or her Section 14 rights. The *Charter* in effect proclaims that being denied proper interpretation while the case is being advanced is in itself prejudicial and is a violation of Section 14.

There will be situations where the right to interpreter assistance cannot be waived for reasons of public policy. Where waiver is possible, the Crown must not only show that the waiver was clear and unequivocal and made with a knowledge and understanding of the right, but also that it was made personally by the accused or with defence counsel's assurance that the right and the effect on that right of waiving it were explained to the accused in language in which the accused is fully conversant.

Here the accused was in need of interpreter assistance throughout his trial, since he did not understand or speak English, and there is

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<p>denial of a <i>Charter</i> right constitutes an error of law, it is by its very constitutional nature a serious error of law, and certainly not one which, for <i>Criminal Code</i> purposes, can be characterized as minor or harmless, or as a "procedural irregularity".</p> <p>Recourse should be had to Section 24(1) of the <i>Charter</i>, which allows a court to tailor the remedy to the particular circumstances of the violation. Since the violation of Section 14 of the <i>Charter</i> in this case occurred in the trial proper, the appropriate and just remedy under Section 24(1) is to quash the accused's conviction and order a new trial.</p> <p>1239 words</p>	