

**PREPARING FOR THE  
ENGLISH 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 English Exam by accessing the English 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.ius.gov.on.ca/english/glossary/>  
(English)

<http://www.attorneygeneral.ius.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 with shadowing exercises by practicing with slower passages at the beginning and then, as you improve, by practicing with progressively faster ones.

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 English language oral test that has been prepared for court interpreters. The purpose of this test is to evaluate interpreters according to various skills and the degree to which those skills are currently developed.

Being bilingual in daily conversation does not qualify one to be an interpreter. A court interpreter needs a high level of fluency in both languages, an excellent memory and a variety of skills to carry out the tasks required in court. Two such skills are the ability to take quick notes and the capacity to switch from one language to another without hesitation. These abilities and skills are indispensable when performing any one of the interpreting modes that are used in court on an everyday basis:

- Sight translation
- Consecutive interpreting
- Simultaneous interpreting

## Section 4 ❖ THE ENGLISH COURT INTERPRETING TEST

This test is designed to assess your aptitude to perform the three interpreting modes mentioned above by testing your ability in the following four tasks:

1. Repetition in English of a document such as a victim impact statement,
2. Repetition in English of a consecutive dialogue which includes expert witness testimony in English,
3. Shadowing in English of an English monologue such as an address to the jury, and
4. Consecutive interpretation in English of a sight translation.

*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 / CONSECUTIVE**  
**Part 1 ❖ SIGHT TRANSLATION**

**Part 1 ❖ 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 Other Language**

The English text chosen for the sight translation exercise is about 250 words long and will be broken up into 5 or more segments. It is based on either a victim impact statement or a pre-sentence report.

During the Sight Translation task, which is the first part of the Sight/Consecutive exercise, you will read and translate the document in small segments of about 50-60 words each.

You will be allowed to familiarize yourself with the text. You will then be asked to begin sight translating the text.

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

Purpose of the Sight Translation

Your oral translation will be recorded and saved for the final part of the English test. You will not be graded on your translation of the initial English text into your other language.

In the second part of the exercise, which you will do during the last portion of the test, you will perform a consecutive interpretation of your own sight translation. You will be graded on your ability to consecutively interpret your sight translation back into English.

*Note*

*It is very important, therefore, that you speak clearly and loudly in this part, so that you can hear and understand your own voice when you are recording the second half.*

The second half of the sight translation / consecutive interpretation exercise is explained in more detail in **Section 9** of this manual.

Practicing sight translation

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

The three texts are typical texts that may be sight translated from English into the test language in court. 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

	<p>content of the text,</p> <ul style="list-style-type: none"> <li>• identify the main points,</li> <li>• pinpoint potential problems,</li> <li>• write down any equivalents that come to mind for key words, and</li> </ul> <ul style="list-style-type: none"> <li>• 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 <ul style="list-style-type: none"> <li>• sentences (if they are short and simple),</li> <li>• phrases (if the sentence contains a number of specific details), or</li> <li>• clauses (if the sentence contains more than one clause).</li> </ul> </li> </ul>
<p style="text-align: center;">Stage 2: Initial sight translation</p>	<ul style="list-style-type: none"> <li>• Start the voice recorder at the end of three minutes.</li> <li>• Start translating segment 1 and read ahead to identify segment 2.</li> <li>• Repeat this step with the following segments, until you come to the last segment, which you translate.</li> <li>• Stop the voice recorder and check the time to ensure that you have taken no more than 4 minutes to sight translate 250 words.</li> </ul>
<p style="text-align: center;">Stage 3: Comparison of initial sight translation with source text</p>	<ul style="list-style-type: none"> <li>• With the source text in hand, listen to your recorded sight translation segment by segment.</li> <li>• Pause the recording after each segment and underline in the source text the words, expressions or entire segments that appear to be incorrect.</li> </ul>

*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.

*Note:*

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

Stage 5:  
Checking scoring units

- If you are working on a sight translation text with scoring units indicated on a separate sheet, examine the scoring units at this stage. Listen again to your recorded sight translation, paying particular attention to the scoring units indicated. Note the units you got correct. Determine how to correctly translate those you missed.
- If you are working on a sight translation text which does not have scoring units indicated on a separate page, 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 correctly translate those you missed.

Stage 6:  
Final sight translation

- Redo the sight translation (following Stages 1 through 5).
- Try to perform a more accurate and smoother sight translation than you did before.

Stage 7:  
Comparison of final sight  
translation with source text

- Repeat Stages 3 through 5.
- Note improvements in comparison with the initial sight translation.

## Section 6 ❖ ORAL RECALL

### Oral Recall

The oral recall exercise simulates consecutive interpreting, which is one of the three interpreting modes used in court on an everyday basis.

In the consecutive interpreting mode, the interpreter listens to the message in the source language and interprets it into the target language so that both speakers, who do not speak a common language, can engage in effective communication. Each speaker pauses while the interpreter interprets.

The oral recall exercise requires you to listen to a short recording in English from a victim impact statement or a pre-sentence report. The recording will be broken up into several short segments. After each segment, you will be given time to repeat or retell in English as much as possible of the passage you have just heard. The passages are 5 to 6 sentences long and are not difficult to understand.

As well as allowing you to demonstrate your interpreting aptitude, the oral recall exercise also tests memory, which is an essential skill for court interpreters. Your response must be accurate.

The oral recall exercise is an effective way of testing your ability to listen, retain and repeat information accurately without taking notes.

*Note-taking is **not allowed** in this exercise so it is important to remember and repeat or restate as much of the original passage as you can.*

<p>What will be tested?</p>	<p>The oral recall section of the test will evaluate your ability to remember and repeat short utterances.</p> <p>Memory is an important skill that all interpreters must develop, and active listening is essential to developing a good memory.</p> <p>To help you concentrate on your listening and memory skills, you will not be allowed to take notes during this activity.</p>
<p>Practicing oral recall</p>	<p>This manual contains three practice texts for oral recall, and a list of scoring units for one of the texts.</p> <p>Before you start your practice session for the oral recall exercise, you will need to open and start the audio files that accompany this manual.</p> <p>You will also need a recording device to record your performance.</p> <p>For additional practice in oral recall, you should look for short English newspaper articles (about 250 words), preferably relating to a court case.</p> <p>To practice oral recall, follow the eight stages (each including several steps) identified below.</p>
<p>Stage 1: Preparation for oral recall</p>	<ul style="list-style-type: none"> <li>• Start playing the audio file of the source text. You should listen to the recording using headphones.</li> </ul>
<p>Stage 2: Initial oral recall</p>	<ul style="list-style-type: none"> <li>• Start the voice recorder. You will record your English repetition using this device.</li> <li>• Listen attentively to the first segment.</li> <li>• When there is a pause in the dialogue, repeat what you have heard, in English, to the best of your ability.</li> </ul>

- 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 oral recall  
repetition with audio  
source text

- Replay the first segment of the audio file. You may listen to the segment as often as necessary to grasp all its meaning. To track your progress, you may take notes at this stage. Stop the audio file before moving on to the following step.
- Start the voice recorder from the beginning of your recording. Listen carefully to your repetition of segment 1 and compare it with the source text. Note all the things you have missed. Also note any poor expression in English. Pay particular attention to:
  1. Content
  2. Grammar
  3. Pronunciation and Fluency
- Repeat these steps for each segment, until you complete the last segment.

Stage 4:  
Comparison of  
initial oral recall with  
written text

*Note:*

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

- Start the voice recorder at the beginning of your repetition.
- Read the first segment in the written text and compare it with your repetition. Underline the words, expressions and segments that you have missed.
- Repeat this step for each segment, until you complete the last segment.

Stage 5:  
Analysis and

- Examine the notes you have taken during Stage 3 and Stage 4 and analyse any words, expressions and

<p>resolution of problems</p>	<p>segments that you missed or think are wrong. Try to determine why they caused you problems.</p> <p>Was it because:</p> <ul style="list-style-type: none"> <li>- you did not understand the word or expression?</li> <li>- you did not remember something that was said earlier?</li> </ul> <ul style="list-style-type: none"> <li>• Think of ways you can resolve these problems. Do any basic research required.</li> </ul>
<p>Stage 6: Checking scoring units</p>	<ul style="list-style-type: none"> <li>• If you are working on an oral recall exercise with scoring units provided, review the scoring units at this stage. Listen again to your recorded oral recall, paying particular attention to the scoring units indicated. Note the units you got correct. Determine how to correct those you missed.</li> <li>• If you are working on an oral recall exercise where scoring units are not provided, examine the written text and underline words and phrases that could be considered scoring units. Then listen again to your recorded oral recall, paying particular attention to those words and phrases. Note the units you got correct. Determine how to correct those you missed.</li> </ul>
<p>Stage 7: Final oral recall</p>	<ul style="list-style-type: none"> <li>• Redo the oral recall, following Stages 1 and 2.</li> <li>• Try to perform a more accurate and smoother rendition.</li> </ul>
<p>Stage 8: Comparison of final oral recall with written text</p>	<ul style="list-style-type: none"> <li>• Repeat all the steps of Stage 4.</li> <li>• Note improvements in comparison with the initial oral recall.</li> </ul>

## Section 7 ❖ CONSECUTIVE DIALOGUE

### **Consecutive Interpreting**

Consecutive interpreting is also known as dialogue interpreting. In this mode, the interpreter listens to the message in the source language and communicates 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 in the consecutive mode 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 court proceedings when the judge poses a question directly to the accused, as in a sentencing hearing.

Consecutive Dialogue

Due to the monolingual nature of the English test, you will be asked to repeat the English dialogue that you hear in English, rather than translating it into your other language. This exercise tests your aptitude to perform consecutive interpreting.

What will be tested?

In the consecutive dialogue task, you will hear an examination of an expert witness in court. The examination is broken up into segments. After each segment, there will be a pause during which you will be

	<p>given time to reproduce the whole message in English, as you hear it.</p> <p>You may take notes if you need to, but you should limit them to dates, numbers, names and unfamiliar terms. Taking too many notes could interfere with your ability to listen, understand and recall what has been said. This part of the test contains about 1,000 words.</p>
<p>Practicing consecutive dialogue</p>	<p>This manual contains three practice texts for the consecutive dialogue task, along with a list of scoring units for one of the texts.</p> <p>Before you start your practice session for the consecutive dialogue exercise, you will need to open and start the audio files that accompany this manual.</p> <p>You will also need a recording device to record your performance.</p> <p>To practice the consecutive dialogue exercise, follow the 7 stages listed below.</p>
<p>Stage 1: Preparation for consecutive dialogue</p>	<ul style="list-style-type: none"> <li>• Have a notepad and a pen ready.</li> <li>• Start the pre-recorded audio file of the source text dialogue. You should listen to the recording using a headset.</li> </ul>
<p>Stage 2: Initial consecutive dialogue</p>	<ul style="list-style-type: none"> <li>• Start the voice recorder. You will record your English repetition using this device.</li> <li>• 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.</li> <li>• When there is a pause in the dialogue, repeat what you have heard in English to the best of your ability. Try to repeat exactly what you have heard. You may use your notes if necessary.</li> <li>• Repeat these steps for each segment, until you</li> </ul>

complete the last segment.

- Stop the audio and the voice recorder.

Stage 3:  
Comparison of initial  
consecutive dialogue  
with repetition of pre-  
recorded dialogue

- Start the audio file at the beginning of the consecutive dialogue. Listen attentively 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 attentively to your repetition 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 English. Pay particular attention to:
  1. Content,
  2. Grammar,
  3. Pronunciation and fluency.
- Repeat these steps for each segment, until you complete the last segment.

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

*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 repetition.
- Read the first segment in the written text and compare your repetition against it. Underline 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 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 an actual situation, you may not have an opportunity to consult a dictionary consultation during consecutive interpreting; so you should not rely on a dictionary for too much help during practice of consecutive dialogue. Try to understand words and expressions using the context (i.e. the surrounding text).*

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

Stage 7:  
Final consecutive  
dialogue

- Redo the consecutive dialogue, following Stages 1 through 5
- Try to deliver a more accurate and smoother rendition of the dialogue

## Section 8 ❖ SHADOWING

### **Simultaneous Interpreting**

Simultaneous interpreting is used in the courtroom to help an accused or other parties understand what other participants in the trial (witnesses, lawyers, judge) are saying. This interpretation is usually whispered to the accused and thus is often called “whispered interpreting.” It is also called *chuchotage*; an expression derived from the French word for ‘whisper.’

The main advantage of simultaneous interpreting is its speed. To become 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 a court proceeding, you will be interpreting everything that is said so the party for whom you are interpreting can follow and understand.

What will be tested?

In the fourth part of the test, you will be shadowing a speaker. When shadowing, your task is to repeat in English everything you hear, shortly after you have heard it. Wait until you have heard enough to understand the speaker before you begin to shadow.

You will begin repeating everything you hear in English shortly after the recording starts to play. There will be no pauses.

The shadowing exercise will take about 10 minutes.

<p>Practicing shadowing</p>	<p>You have been provided with three pre-recorded English monologues, plus written texts of the monologues, to help you practice shadowing. There is also a list of scoring units for the first monologue.</p> <p>For additional shadowing practice, you can use English monologues, preferably from court-related documents, and record them, without any pauses, prior to practice.</p> <p>You will also need two recording devices during the practice sessions: one to listen to the audio files of the pre-recorded exercises and the other to record your performance.</p> <p>To practice shadowing, follow the stages identified below.</p>
<p>Stage 1: Preparation for shadowing</p>	<ul style="list-style-type: none"> <li>• Have a notepad and a pen ready.</li> <li>• Start the device you will use to record your voice.</li> <li>• Start playing the recorded source text. You should listen to the recording using a headset.</li> </ul>
<p>Stage 2: Initial shadowing</p>	<ul style="list-style-type: none"> <li>• Listen attentively to the start of the passage.</li> <li>• Once you have heard the first segment (a phrase, a clause, or a short sentence), start shadowing. You will continue listening to the speaker's next segment while you shadow 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.</li> <li>• Repeat this step for each segment, until you complete the last segment.</li> <li>• Stop the audio file and the voice recorder.</li> </ul>

Stage 3:  
Comparison of initial  
shadowing with  
recorded source text  
monologue

- Replay the source text monologue from the beginning. Listen carefully to the first sentence. You may listen to the sentence as often as necessary to grasp its meaning and take notes. Stop the player before moving on to the following step.
- Start the recorder at the beginning of your shadowing. Listen carefully to your shadowing of sentence 1 and compare it with sentence 1 of the source text monologue. Note all the elements of meaning that you have missed.
- Repeat these steps for each sentence, until you complete the last sentence.

Stage 4:  
Comparison of initial  
shadowing with  
written text of  
monologue

*Note:*

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

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

Stage 5:  
Analysis and resolution  
of problems

- Examine the notes you took 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 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 an actual situation, 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 the shadowing practice. Try to understand words and expressions using the context (i.e. the surrounding text).*

Stage 6:  
Checking scoring units

- If you are working on a shadowing exercise with scoring units provided, examine them at this stage. Listen again to your recorded shadowing, paying particular attention to the scoring units. Note the units you got correct. Determine how to correct those you missed.
- If you are working on a shadowing exercise without scoring units, examine the written monologue and underline words and phrases that could be considered scoring units. Then listen again to your recorded shadowing, paying particular attention to those words and phrases. Note the units you got correct. Determine how to correct those you missed.

Stage 7:  
Final shadowing

- Redo the shadowing, following Stages 1 through 5, and try to deliver a more accurate and smoother rendition of the monologue.

**Section 9 ❖ SIGHT / CONSECUTIVE**  
**Part 2 ❖ CONSECUTIVE INTERPRETING**

**Part 2 ❖ 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 deliver 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.

What will be tested?

This is the second part of the Sight/Consecutive exercise. Your oral rendition of the sight translation exercise recorded at the beginning of the test will be used for the consecutive interpreting portion.

You will hear short segments of your sight translation from Section 1 and will be asked to translate your other language into English.

If you are not finished translating when a new segment starts, you should pay attention to the new segment.

The consecutive interpreting exercise will take about 7 minutes.

Practicing consecutive interpreting

For information on how to practice for the test, and for additional practice exercises, please refer to Section 7, Consecutive Dialogue.

## Section 10 ❖ GRADING THE TEST

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

Global evaluation:

Global evaluation will assess the following aspects:

- understanding and communication of meaning,
- correctness of expression in English (grammar and structure),
- mastery of general vocabulary and basic legal terminology,
- ability to recognize and reproduce register (i.e. formal speech, neutral and informal speech),
- fluency of delivery,
- ability to speak clearly and understandably, and
- use of appropriate stress and intonation when speaking.

Evaluation of details

In addition to assessing your performance as a whole, the test will measure how you dealt with specific, pre-selected words, phrases or sentences in the texts or discourse. These keywords and phrases 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.

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

## Scoring

In order to become accredited, you will be required to obtain 70% in each of the four tasks: Sight/Consecutive, Oral Recall, Consecutive Dialogue, and Shadowing.

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

## Section 11 ❖ TIPS FOR TAKING THE TEST

### Sight Translation

- Use your 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.

### Oral Recall

- To do well in this exercise, you need to be able to listen attentively and remember what you hear in order to reproduce the message.

*Note:*

*Use the oral recall exercises and similar materials to help you develop your attention span and memory as suggested in Section 6*

### Consecutive Dialogue

- 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 repeat. However, do not let note-taking interfere with careful listening.
- Your repetition should reflect the tone and style of the speaker. If the speaker uses colloquial language, you should do the same. If the speaker is hesitant, you should also sound hesitant.

## Shadowing

- While you are expected to shadow 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 shadowing. 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 shadowing at the same time as the speaker is speaking. You may be better off relying on your memory.
- In shadowing, as in the consecutive dialogue, your shadowing should reflect the tone and style of the speaker.

## 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.

## Section 12 ❖ PRACTICE EXERCISES

<b>CONTENTS</b>	<ul style="list-style-type: none"><li>A Introduction and Instructions</li><li>B Sight / Consecutive Part 1 – Sight Translation see Sections 5 and 7</li><li>C Oral Recall – Section 6</li><li>D Consecutive Dialogue – Section 7</li><li>E Shadowing – Section 8</li></ul>
<b>INTRODUCTION AND INSTRUCTIONS</b>	<p>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.</p> <p>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.</p> <p>You should use a different colour marker each time you do the exercises - It will be easier to track your progress this way.</p>



Examples of scoring units in Sight Translation English to Test Language	Type with explanation
rehabilitate offenders	General vocabulary
at present	Words or phrases adding precision or emphasis
offenders serving intermittent sentences remain free in the community	Phrases or clauses that may be structurally complex
a typical day in jail	Words or phrases adding precision or emphasis
can now perform not-for-profit community work	Phrases or clauses that may be structurally complex
the maintenance and repair	General vocabulary
has signed an agreement	Grammar (verb form)
to develop and supervise local community work projects for selected offenders	Words or phrases likely to be omitted due to their position
jurisdictions	Specialized terminology/phraseology
Paul Hamilton	Names and numbers
have deemed it appropriate	Register (formal or informal language)
Action Against Impaired Driving	Names and numbers
who are substance abusers to get the treatment they need	Words or phrases likely to be omitted due to their position
will re-offend	Grammar (verb form)
one sure way	Idiomatic language

**B ❖ SIGHT TRANSLATION ❖ EXERCISE 2****MY PROGRESS**

A Windsor, Ont., man who pleaded guilty to 15 counts of aggravated sexual assault last month for engaging in unprotected sex without informing his partners of his HIV status was taken into custody on Friday.

James Murphy, 31, had been free on bail for six months, but the Crown asked that his bail be revoked, describing him as a flight risk and a continued danger to the community.

In his latest court appearance, the businessman was jailed and ordered to undergo a 60-day psychiatric assessment to determine whether he should be declared a dangerous offender.

Murphy was given a few minutes to say goodbye to members of his family. He hugged them, one by one, while some of them cried. He was then handcuffed and escorted out of the courtroom.

He will return to court next month when a date for sentencing is expected to be set. Aggravated sexual assault charges carry with them the possibility of a life sentence.

Murphy was initially placed under house arrest so he could get his financial affairs in order and keep medical appointments.

Defence lawyer, Andrew Belmont, said he expected his client would be taken into custody. He said he didn't think Murphy would have an easy time in jail. "It doesn't help if you're in custody on sexual offences, and you're not a criminal and you're small," Bell said. "It can't be a very pleasant situation."

Detective Bill Simpson, one of the officers who worked on the case, told TBC News he's glad Murphy is in custody.

255 words

**B ❖ SIGHT TRANSLATION ❖ EXERCISE 3****MY PROGRESS**

Kevin Major was first convicted of sexually assaulting boys in the Kitchener area when he was 22 years of age and after numerous further sexual assaults was sentenced to eight years in a federal penitentiary. He was released after serving his entire sentence.

Major was subsequently placed on a Section 810 recognizance order, which he breached, and was incarcerated in a local provincial institution. The conditions that he breached were in relation to non-association with young boys.

Major, who is also known as 'Johnny', is to be released next month after serving his latest sentence.

Major is described as a white male, 42 years of age, 5'8" tall and weighing approximately 190 lbs, with short dark brown hair and hazel eyes.

Mr. Major is described as a homosexual pedophile and has a history of grooming young males by giving them gifts. He has been known to resort to violence in some instances and has also, at times, befriended single mothers in order to gain access to their children.

Major is on probation for three years with a number of conditions, such as reporting to his probation supervisor in person once a week, non-association with persons under the age of 14 years, and being in areas where persons under 14 years would reasonably be expected to be found, such as parks, playgrounds, swimming areas, schools, daycare centers and community centres.

There is a further condition of obtaining permission from his probation officer before any change of address; however, this is no guarantee that he may not decide to commute to a different community, and resume his nefarious activities there.

268 words



Examples of scoring units in Oral Recall	Type with explanation
stairwells	General vocabulary
got on the telephone to her	Idiomatic language
demanded to know <b>who the man was</b>	Phrases or clauses that may be structurally complex
Mr. Calden	Numbers and names
Mr. Calden is <b>obsessed</b> with Kathy	General vocabulary
jump up onto the suspended balcony	Words or phrases likely to be omitted due to their position
is <b>seeking</b> detention	Register (formal language)
on bail with conditions	Specialized terminology/phraseology
on <b>many, many</b> occasions	Words or phrases adding precision or emphasis
he works alone	Words or phrases likely to be omitted due to their position
they <b>can't watch</b> him	Grammar (verb form)
24 hours a day	Numbers and names
he is not to leave the house, <b>period</b>	Idiomatic language
except in the presence of a <b>surety</b>	Specialized terminology/phraseology
he <b>will relinquish</b> his cell phone	Grammar (verb form)
his sister <b>resides</b> there as well	Register (formal language)

**C ❖ ORAL RECALL ❖ EXERCISE 5****MY PROGRESS****Victim Impact Statement**

I am a friend of Kevin Miller, and have been for the last fifteen years. We were altar boys together and when Kevin's son Danny was born, I was asked to be his godfather. Danny had just turned five when he died, along with his mother, at the hands of a psychopath.

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 at home for me to arrive with the daily news, before he reads the paper and before the CBC news at 6 p.m.

In my friendship with Kevin, his face had always shown a hint of mischief and bright eyes that were always full of life. That face and those eyes have changed. His eyes are hollow and empty and sometimes tears flow freely, uncontrollably. The man I knew no longer exists.

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.

260 words

**C ❖ ORAL RECALL ❖ EXERCISE 6**

**MY PROGRESS**

**Victim Impact Statement**

My husband, Peter Thomas, was killed by a young man driving a stolen car. He had phoned me at noon to tell me he was going to the bank during his lunch hour and five minutes later he was crossing the street when he was struck down. He was killed instantly. I was devastated when I heard the news. We had been married only four years and had known each other since grade school. We had just bought our first home but we really had no other savings and Peter didn't have life insurance. I know that somehow I will be able to get along financially, but I don't know how I'm going to cope without Peter.

My brothers Bill and Dan Miller, together with my sister have been helping me with my son while I look for a job, not an easy thing to do with the current situation. But despite all their help and support, I have not been able to control my emotions, which range from anger, to rage, to helplessness, loss and mostly pain. A deep depression has taken over me. I don't know what is going to become of me.

I am afraid that the killer will never be brought to justice. Although there were three men running away from the car, not one of them has admitted being the driver. Their fingerprints are inside the car, including the steering wheel. I am sure a good defence lawyer will get them off with possession of stolen property and a suspended sentence since they have no criminal record.

268 words



D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 7	MY PROGRESS
A. Yes, I did.	
Q. All right. Would you take Exhibit 7 first, Mr. Brown?	
A. Yes.	
Q. Would you examine that item? Did you receive it from Constable Sanders?	
A. Yes. It bears my case number, date of receipt, which was October 20 and initials.	
Q. All right. Exhibit 8, can you tell us if you also received that on the 20th of October?	
A. Yes, I did.	
Q. And what about Exhibit 9?	
A. Exhibit 9 also bears my case number, date of receipt and initials.	
Q. All right. And I understand you received those items personally from Constable Sanders the 20th of October?	
A. Yes, I did.	
Q. All right. And you examined those items. Can you tell us what were the results of the examination?	
A. Your Honour, may I look at my work notes?	
The Court: Mr. Darrow, any problem?	
Mr. Darrow: I have no problem.	
The Court: Thank you.	
A. Court Exhibit 7 was one lead fragment. Exhibit 8 was one portion of copper bullet jacket, and Exhibit 9 was one copper fragment.	
Q. Dealing individually with Exhibit 7, which you've identified as a lead fragment, what can you tell us about that particular fragment?	
A. It was the lead core. It appears to be the lead core of a bullet weighing 86.3 grains. There were no identification markings on the fragment. It's just a lead fragment.	
Q. All right. Tell me what your examination of Exhibit 9, which you've identified as a copper fragment, revealed.	
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.	
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?	
A. I examined it microscopically and made several measurements of it.	

D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 7	MY PROGRESS
Q. All right, And exhibit 7 and 9, you also examined them microscopically?	
A. That is correct	
Q. All right. With respect to Exhibit 8, the copper jacket, what, if anything did your microscopic examination of the copper jacket reveal?	
A. I determined it was a 38 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.	
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.	
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?	
A. When a rifle is produced, there's a series of groove cuts in the barrel. They spiral down the barrel, and between these grooves is a raised portion and that's known as the land.	
Basically when a bullet is fired through the barrel, the bullet is embedded in the land and this causes the bullet to spin and it's forced down the barrel and aids in its flight when the bullet leaves the barrel.	
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.	
The database characterises firearms by calibre, lands and grooves, numbers and width of the lands and grooves, direction of twist, and from that, I produced a list of probable types of firearms.	
Q. All right. When you say, "calibre", what does that mean?	
A. The diameter of the bore of the firearm.	
Q. Can you tell us in your opinion that the firearm that fired the copper jacket was a .30 calibre weapon?	
A. It is a .30 calibre weapon or firearm.	
Q. And were you able to match the copper jacket to a firearm?	
A. No. I could not.	
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.	

**D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 7**

**MY  
PROGRESS**

A. No, I was not.

Q. All right. Now, I understand that you also examined various items of clothing.

A. That's correct.

Q. To try to determine, a possible range from which a firearm was fired?

A. That's correct.

Q. Which may have left particles or residue on the clothing, is that correct?

A. Yes.

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?

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.

1183 Words

Examples of scoring units in Consecutive Dialogue	Type with explanation
which is the identification of a particular tool <b>to a mark made</b> on a soft surface	Words or phrases likely to be omitted due to their position
can you <b>estimate</b> the number of actual cases	General vocabulary
you've <b>been involved</b> in	Grammar
<b>tool mark identification</b>	Specialized terminology/phraseology
I don't know the number <b>offhand</b>	Idiomatic language
<b>you had occasion</b> to examine	Register (formal or informal language)
<b>certain</b> pieces of ammunition	Words or phrases adding precision or emphasis
<b>ammunition</b>	General vocabulary
it <b>bears</b> my case number	Register (formal or informal language)
<b>Constable Sanders</b>	Numbers and names
<b>which you've identified as a lead fragment</b>	Phrases or clauses that may be structurally complex
can you tell us about that <b>particular</b> fragment	Words or phrases adding precision or emphasis
the total weight of <b>2.49</b> grains	Names and numbers
<b>let's turn then</b> to your examination	Idiomatic language
<b>could have fired</b> that bullet	Grammar
this causes the bullet to spin as it's <b>forced down the barrel</b>	Words or phrases likely to be omitted due to their position
<b>lands and grooves measurements</b>	Specialized terminology/phraseology
<b>which you conclude was likely the probable source of that copper jacket.</b>	Phrases or clauses that may be structurally complex

<b>D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 8</b>	<b>MY PROGRESS</b>
<p>Q. Corporal Baker, I want to take you back to the 19th day of March. I understand that on that date, you had dealings with a certain person who became known to you as Mario Montes; is that correct?</p>	
<p>A. That's correct, Your Honour.</p>	
<p>Q. Do you see that person present in court today?</p>	
<p>A. Yes, Your Honour, he's seated with the black jacket with the number 80 on the left sleeve.</p>	
<p>Q. Indicating the accused.</p>	
<p>The Court: All right – noting the identification.</p>	
<p>Q: Corporal Baker, can you please tell the court the circumstances of how you came to have contact with Mr. Montes?</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>Q. Was there another officer involved in the arrest of Mr. Montes?</p>	
<p>A. Constable McCall was also with me.</p>	
<p>Q. Now, do you recall -- you say there was another gentleman, older Hispanic male with Mr. Montes. Can you tell the court approximately how old that person appeared to be?</p>	
<p>A. In my opinion, that other Hispanic male was probably in his mid fifties.</p>	
<p>Q. Now, did you make a note of the description of Mr. Montes at the time?</p>	

D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 8	MY PROGRESS
A. Yes, I did.	
Q. 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.	
Q. Are you able to tell the court what the description is that you did record?	
A. To the best of my recollection, Mr. Montes was wearing a baseball cap. He had a -- what I would refer to 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. Before Constable Birk had gone out she... one of the other members of the team had photocopied the money that Constable Birk was going use to attempt to purchase narcotics.  Constable MacDougall 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 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 of	

D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 8	MY PROGRESS
making?	
A. No.	
Mr. Morris: 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 SC 509 4275	
Mr. Morris: 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. And what caused the release of this other person?	
A. It was my recollection, Your Honour, that Constable Birk had driven	

<b>D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 8</b>	<b>MY PROGRESS</b>
<p>by both Mr. Montes and the older Hispanic male and that Constable Birk indicated that the elderly Hispanic male was not involved.</p> <p>Q. Now, to the best of your recollection, what happened after the older male was released?</p> <p>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.</p> <p>Q. Where in the unit block of West Hastings did this occur?</p> <p>A. Number 27, which is under the old Army &amp; Navy building.</p> <p>Q. And that's on the north side of the street; is that correct?</p> <p>A. That is correct, it's on the north side of the street.</p> <p>Q. And you were on the south side initially?</p> <p>A. I was just observing what was going on from the south side of the street.</p> <p>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?</p> <p>A. I can only say that they appeared to be talking to each other. That's all I can say.</p> <p>Q. Okay. And do you recall approximately the time that this transaction occurred, or that the buy signal was given by Constable Birk?</p> <p>A. Approximately 2119, or 9:19 p.m.</p> <p>Q. And how did you... how were you able to identify the accused as Montes?</p> <p>A. The accused, Your Honour, had an immigration document on his person with his name and birth date on it.</p> <p>Q. What were the lighting conditions like in front of the Army and Navy store that night</p> <p>A. There was... there was some artificial light but it was it was evening... it was evening and the lighting conditions were not good.</p> <p>Q. Thank you Officer. Ms Reid may have some questions of you.</p> <p>1148 words</p>	

<b>D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 9</b>	<b>MY PROGRESS</b>
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	



<b>D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 9</b>	<b>MY PROGRESS</b>
described caused his death?	
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 that 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	

<b>D ❖ CONSECUTIVE DIALOGUE ❖ EXERCISE 9</b>	<b>MY PROGRESS</b>
<p>supplied to the brain to function. Given the fact that the 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 ❖ SHADOWING ❖ EXERCISE 10**

**MY PROGRESS**

The good news is: I'm the last lawyer you're going to hear from. The bad news is that I will be fairly long. I will be perhaps as long as the other three lawyers put together. There's a reason for that.

As you heard, it's the responsibility of the Crown to prove all elements of the case beyond a reasonable doubt. It's not a situation, as it is for counsel, simply to poke holes in the Crown's case. They can pick their spots, go there, and be brief.

And there's an advantage to being brief. I don't have that advantage. I want to cover the whole case, and I want to do it thoroughly. So it'll take a fair amount of time, longer than the three of them combined, I expect. But we will get through it. And what I propose to do is, you know, at a break in my submissions I will ask to take just a brief break, and we'll take it from there. I don't expect to be talking in any one stretch for more than an hour.

Let me start by saying this. You will note that I have a stack of notes here, and I will try as much as possible not to relate to those. But there's a lot that I need to say, that I want to say, and if I try to wing it, I'm just gonna get all muddled up. So I have these notes here as a sort of a safety net. I know where I'm going, and if I get lost I can always refer back to it.

Let me at this stage - you've heard it from the other counsel – all of them thanking you for the service you have provided. And make no mistake, you really have provided a great service on behalf of the administration of justice in this city. Being members of a jury certainly has taken you outside of the daily routine of your lives. It certainly has been, I'm sure, an inconvenience. I hope, as well that it has had a number of positive aspects for you.

That being said, I really can't emphasize enough how important is the task you have undertaken. Often, you go to a party or whatever, and people are often fascinated by the work that I do, sort of getting involved in the criminal justice system. But you always get the sense that when they ask you about it, they're asking you about some alien land that they really don't know anything about.

That's why the jury trials are so important. It's twelve members of the community, chosen to some large degree at random, who come

E ❖ SHADOWING ❖ EXERCISE 10	MY PROGRESS
<p>together, and are asked to decide the guilt or innocence of another member of the community charged with criminal misconduct.</p>	
<p>And that really is something unique. It's unique to our system of justice. And it is, it's been around -- the jury system has been around for a long time. And that's no mistake. The reason it's been around for such a long time is because what the jury system manages to do is to tap into a vast reservoir of common sense that exists in the community.</p>	
<p>You all come from diverse backgrounds. Between you, you have upwards of four to five hundred years of life experience. The beauty of the jury system is that it makes use of that vast experience that varied experience.</p>	
<p>So when the time comes to deliberate, I would urge you to have a fair and open exchange of ideas. That exchange of ideas is really the genius of the jury system. And to not go that route, to not hear each other out, to not share opinions would really be a shame.</p>	
<p>Now, before dealing with the case for the Crown, I would like to briefly deal with some general legal principles only because I think, in order to understand some of the Crown's submission; it is helpful to have some general principles at the front end.</p>	
<p>You have heard the indictment read out. You've heard the three accused arraigned. The first principle I want to deal with is one that counsel have already touched on - the presumption of innocence.</p>	
<p>You've heard already from defence counsel. Those three men over there, Mr. Smith, Mr. Sutherland, and Mr. Unger on the end - they come to court cloaked in the presumption of innocence.</p>	
<p>You will hear a great deal more about the presumption of innocence, I expect. And you will hear so much about it because it is one of the essential underpinnings of our criminal justice system.</p>	
<p>A related principle is the burden of proof. A person is presumed innocent until such time as the Crown, which bears the burden of proof, discharges that burden, and satisfies you of guilt beyond a reasonable doubt.</p>	
<p>The burden of proof is an important underpinning of our criminal justice system. It is also a burden that the prosecution in this case accepts willingly and without any sort of reservation.</p>	
<p>Along with those two principles - presumption of innocence and</p>	

<b>E ❖ SHADOWING ❖ EXERCISE 10</b>	<b>MY PROGRESS</b>
burden of proof - there is a concept of reasonable doubt.	
Again, you're going to hear a lot about reasonable doubt. The accused person is not to be convicted until you are satisfied of his guilt beyond a reasonable doubt. And that's a high standard - I won't pretend anything otherwise. And that's exactly as it should be.	
That being said, any doubt - it must be a real doubt; it can't be an imaginary doubt or a frivolous doubt, not a doubt based on sympathy or prejudice, or a doubt conjured up to avoid passing judgment on another member of the community. You have all taken an oath to render judgment based on the evidence, without prejudice or favour.	
Now, let me just say this, that the law requires - it's important to keep in mind -- what the law does not require, that the Crown need not prove each and every fact beyond a reasonable doubt. The Crown is never obliged to prove each and every fact in the body of evidence supporting your final conclusion. Reasonable doubt applies only to the ultimate question of guilt.	
As well, you have heard the word "reasonable." I should point out, the Crown has to prove guilt beyond a reasonable doubt. The law does not require the Crown to prove guilt beyond any doubt. That's unrealistic. That would be an unreasonable burden. The Crown has only to prove guilt beyond a reasonable doubt.	
At the end of your deliberations, if you are left with a reasonable doubt as to the guilt or innocence of those three gentlemen over there, by all means find them not guilty. However, at the end of your deliberations, if you have no doubt, you are sure of their guilt, then you are duty-bound to return a verdict of guilty. The oath you've all sworn as jurors demands no less of you.	
1165 words	

Examples of scoring units in Shadowing	Type with explanation
simply to <b>poke holes</b> in the Crown's case	Idiomatic language
go there, and be <b>brief</b>	General vocabulary
at a break in my <b>submissions</b>	Specialized terminology/phraseology
talking in any one stretch	Phrases or clauses that may be structurally complex
You <b>will note</b> that	Grammar (verb form)
just <b>gonna get all muddled up</b>	Register (formal, neutral or informal language)
you've heard it from the other <b>counsel</b>	Specialized terminology/phraseology
make no mistake	Register (formal or informal language)
has taken	Grammar (verb form)
twelve	Numbers and names
chosen at <b>random</b>	General vocabulary
to do is <b>tap into</b> a vast reservoir of common sense	Idiomatic language
a fair and open exchange of ideas	Words or phrases likely to be omitted due to their position
briefly	Words or phrases adding precision or emphasis
<b>you are to disregard</b> what I'm telling you	Words or phrases likely to be omitted due to their position
Mr. Unger	Names and numbers
is an <b>important</b> underpinning	Words or phrases adding precision or emphasis
that the prosecution in this case	Phrases or clauses that may be structurally complex

**E ❖ SHADOWING ❖ EXERCISE 11**

**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

**E ❖ SHADOWING ❖ EXERCISE 11**

**MY PROGRESS**

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.

When I finish these remarks I will call upon Mr. Burger, the lawyer representing the Crown, to make his opening statement to you. Mr. Burger will tell you what he expects the evidence will be and what he expects the various Crown witnesses will say. The purpose of this opening statement is to make it easier for you to follow the evidence as the witnesses testify. It is important, indeed critical, that you understand that the opening statement of Crown counsel is not evidence because it is not given under oath by a witness from the witness box. Opening statements are given for a very specific reason. The evidence in a trial such as this is not a narrative that unfolds chronologically and sequentially like a book or a TV play or a movie. Witnesses are called who testify as to what they know about a particular series of events. In many respects, it is like a jigsaw puzzle with witnesses testifying as to particular areas that they know about so that you can understand the whole picture. The opening given to you is so you can have an overview of that evidence so that when each piece comes forward you can fit it into the overall picture more easily. It is very important that you understand that what is said to you by counsel in opening statements is not evidence. The evidence will come primarily from witnesses who testify from the witness box and also from documents or exhibits placed before you.

Once Mr. Burger finishes his opening statement he will call the first Crown witness and will begin direct examination of that witness. Direct examination is a series of questions that give the witness an opportunity to tell you what he or she knows about the case. On direct examination counsel is not supposed to ask a question that suggests the answer which is known as leading questions. It is considered objectionable because it amounts to counsel giving the evidence while the witness merely agrees or disagrees.

After Mr. Burger asks all of his questions of a witness Mr. Darrow will have the opportunity to conduct cross-examination of the witness.

Like direct examination cross-examination is a series of questions. The purpose of cross-examination is to test the evidence given by the witness and to bring out facts that may assist the accused. Counsel may ask questions to test the truthfulness or ability of the witness to see things or to remember them or he may choose to ask no questions. Leading questions are allowed on cross-examination.

<b>E ❖ SHADOWING ❖ EXERCISE 11</b>	<b>MY PROGRESS</b>
<p>After the completion of any cross-examination by Mr. Darrow the witness may be re-examined by Mr. Burger on any new matters brought up during cross-examination that may require further explanation. This procedure will continue for each witness until you've heard all of the Crown witnesses.</p> <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>	



**E ❖ SHADOWING ❖ EXERCISE 12**

**MY  
PROGRESS**

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 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



E ❖ SHADOWING ❖ EXERCISE 12	MY PROGRESS
<p>assistance is in issue. While 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>	