

A Study on the English Court Interpreter Education based on Corpus Stylistic Methodology

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Abstract

The legal cases and the court interpreting are different in forms because the former is in the form of text and the latter is in the form of discourse. However, their plots for legal affairs, legal terminology and stylistic features are similar, and the application of legal cases to court interpreter education can be effective. Corpus stylistic methodology consists of the qualitative and the quantitative analyses. The qualitative analysis investigates the stylistic features of corpus while the quantitative analysis provides the data which can be used directly in the court interpreter education by analyzing the corpus with such apparatuses as frequency, concordance, collocation and n-gram. The importance of this study lies in the fact that legal cases made up of legal terminology, texts with legal styles and general texts are analyzed based on the corpus stylistic methodology, and an effective methodology of applying the analyzed data to the court interpreter education is proposed for the better court interpreter education.

Keywords: *Corpus, Styles, Corpus Stylistics, Legal case, Legal interpreter, Legal interpreting*

1. Introduction

Today, Korean society has changed from a society of a single race nation to a multi-cultural one where people of various races from a lot of countries including foreign workers, migrated females and their second generation live together. In this context, a number of various legal affairs are occurring in the society. Therefore, the introduction of official court interpreting education and its certification system is urgently needed in Korea, and the court interpreting system of U.S. and other multiracial countries need to be benchmarked and the methods of the court interpreter education should be reviewed for smooth legal communication. This study investigates the methodology of the court English interpreter education centered around legal cases of U.S. based on corpus stylistic methodology. The corpus stylistics is a way of analyzing styles of a text as a corpus, and it has two key methods, qualitative and quantitative methods. As for the qualitative method, the stylistic features in a text are analyzed through stylistic markers while as for the quantitative method, the features and attributes in a text are analyzed by measuring linguistic data from such functions as frequency, concordance, collocation, and n-gram, etc. According to the methodology above, an effective way of utilizing corpus data is suggested for the court interpreter education.

Article history:

Received (September 17, 2016), Review Result (November 21, 2016), Accepted (December 17, 2016)

2. Corpus stylistic analysis for legal cases

2.1. The structure of legal cases as a text

The components which comprise the legal case are 1) names of parties, (2) dates of decision (3) names of judge, (4) catchwords, (5) reported/unreported citation, (6) judgment, (7) summary of case (8) summary of decision, (9) law reporter, etc. Some of the components are optional. Catchwords are key legal concepts and subject terms from the case, and they are usually in italics or bold at the beginning of a case [1]. The summaries of case and decision are about the facts and issues held in the legal case. The judgment is a decision made by courts, terminating the lawsuit, since it is regarded as the court's official pronouncement of the law on the action that was pending before it [2].

Texts and discourses commonly deal with the units of language. The object of texts is letters, and that of discourses is sounds. Text parts in legal cases are usually catchwords, judgment, summary of case and summary of decision. They are in the form of a general text with legal terminology and stylistic features interwoven in it as a legal text. The statements by plaintiffs and defendants, testimonies, and the dialogue between judges and prosecutors and the jury and the court's decisions in the actual situation of court interpretation consist of discourses and legal terminology. Legal cases and court interpreting are similar in the progress of legal affairs, the use of legal terminology and stylistic features though they are different in their forms as a text and a discourse, respectively. Therefore, the method of applying the corpus of legal cases of U.S. to the English court interpreting education will be effective.

2.2. Qualitative analysis

Style is a set of linguistic variation which contains the idiosyncratic features of a writer or speaker's language use. Stylistics academically deals with styles. As in this article, the style is studied by means of corpus. That's why it can be called 'corpus stylistics'. The characteristics of the language of the law are as follows: (1) Frequent use of common words with uncommon meanings, (2) Frequent use of Old English and Middle English words once in common use, but now rare, (3) Frequent use of Latin words and phrases, (4) Use of Old French and Anglo-Norman words which have not been taken into the general vocabulary, (5) Use of terms of art, namely a technical word with a specific meaning, (6) Use of argot, (7) Frequent use of formal words, (8) Deliberate use of words and expressions with flexible meanings, (9) Attempts at extreme precision of expression [3]. These features of the language of the law are shown as stylistic markers intertwined in texts.

Style markers, for example, suggested by McMenamin are (1) format or lay out of the document itself such as margins, spacing, etc., (2) punctuation of all types, (3) spelling, including all the various kinds of patterned variants and mistakes, (4) word formation, including inflection variation, (5) syntactic factors such as sentence structure, coordination, subordination and punctuation, (6) lexical variation such as choices of words and phrases, (7) semantic variation such as semantic features of words, phrases and sentences, (8) functional variation of language use (match between structure and function), (9) interference features from other languages present in English writing [4].

Thus, the approach centered around the stylistic markers can be a qualitative analysis. The stylistic markers such as structure of a text, word formation, sentence structure, the selection of words and phrases and lexical variation etc. in legal cases can also be reflected in the

discourse of court interpreting because both the legal case and the discourse of court interpreting share the features of legal English.

2.3. Quantitative analysis

In this article, corpus analysis programs such as Antconc and Wordsmith are used for the quantitative or stylo-metric analysis of corpus. The functions provided by the programs include frequency, type/token ratio, concordance, key words, collocation, n-gram, etc. which enable quantitative analysis of texts. The functions of type/token ratio and key words are not considered in this study because they inevitably need the corpora in pair where one is a general corpus and the other is a reference corpus for the comparison. But the purpose of this study is to retrieve information from one corpus of legal cases of U.S. Therefore, the functions of frequency, concordance, collocation, n-gram, etc. are applied one by one.

First of all, frequency, as a major function of the establishment and usage of a corpus is a sorted list of words, showing the number of all the occurrences in a given corpus. The words in a frequency list extracted from legal cases can be classified into two categories, functional words and content words. Focusing on the grammatical relations with other words in a given text, functional words are not the objects of attentions. Only content words will be used for the English court interpreting education.

Second of all, concordance is a function of searching for such language use as certain words, grammatical structure, and collocation. The concordance is designed to achieve two purposes; one is a list which shows all the occurrence of a given words, or query words in a linguistic context, and the other is information on collocation. By observing the concordance, a word, part of a word, a group of words, a phrase, or expression, etc. in the context can be analyzed, and such features as recurring lexical patterns, idiosyncratic usages of a word, or expressions, and word meanings can be discovered [5].

Third of all, a collocation is a sequence of words or terms which occur together more frequently than paradigmatic combinations by accident. Certain words or terms have higher probability of co-occurrence than others, and words and terms with higher probability of co-occurrence show naturally acceptable combinations in terms of pragmatics. There are six types of combinations of collocations in English such as (1) adjectives + nouns, (2) nouns + verbs, (3) noun + noun, (4) verbs + expressions with preposition, (5) verbs + adverbs, and (6) adverbs + adjectives [6]. Legal texts also have the same types of collocations, and the collocation extracted from the corpus of legal cases will lead to correct usage of collocation in court interpreting.

Finally, an n-gram is a contiguous sequence of n items from a given sequence of text or speech. The items can be phonemes, syllables, letters, words or base pairs according to the application [7]. In this article, the target item will be words. A text consists of a number of words, and if the words are grouped together with neighboring words by two, three or more in a text or a discourse. N stands for the number of words, and gram means words in a sequence, which is equal with a chunk, a lexical bundle, or clusters in meaning. Ranging from two words over three and to four, five or more, the function of n-gram in corpus analysis programs displays all the regular and repetitive appearance of word sequences possible in the order of frequency. This linguistic data help to study the patterns of words, phrases and even terminology in ESP.

3. The utilization of legal texts for court interpreter education

3.1. The outline of court interpreter system in the United States

The role of interpreter is, surely, to provide a language service, enabling the communication from source language to target language, vice versa. Then, the role of the court interpreter in a legal setting is to make possible communication between the parties involved in legal situations in spite of language barriers. To overcome language problems and facilitate the communication, a qualitative language service of the interpreter is required. As it is known that the government of the United States is the federal government of fifty states that constitute the United States, the official court interpreter system is managed by each state, and the exam is executed and the license is issued on the state's level. The certified court interpreter exam consists of written and oral parts. Candidates who pass the written test qualify to take the oral test where proficiency in (1) sight translation, (2) simultaneous interpreting, (3) consecutive interpreting is tested. The sight translation section consists of two 250-word texts on law-related subjects, one in English and the other in the second language. The simultaneous interpreting has two subsections: one is an attorney's argument recorded at about 20 words per minute, and the other is a cross-examination at about 16 words per minute. The simultaneous interpreting is tested only from English to the other language, not vice-versa, reflecting actual practice in the courtrooms of the United States. The consecutive interpreting section consists of a 15-minute live simulation of an attorney's examination of a witness where questions are in English and answers are in the other language [8]. The three kinds of oral test in the exam of certified court interpreter reflect law-related subjects, legal statements and arguments. The capability related to the quality for the certified court interpreter is (1) general English skills, (2) translation and interpretation skills and competencies, (3) knowledge on law and legal language. Therefore, it is desirable to prepare for the exam by establishing and utilizing the corpus made up of legal cases of U.S.

3.2. The U.S. legal cases for court interpreting education

Each nation has its own source of law, and the U.S. has the primary and the second source of law. The primary source means the law itself which has legal authority, including case law, statute while the secondary source of law is cited in the court as documents with persuasive authority, though it is not legally binding [9]. All the sources of law mentioned above are in the forms of texts, more precisely, legal texts.

As legal texts, there are five categories, (1) authoritative statements of rights and duties, such as treaties and conventions, constitutions, codes, statutes, and regulations, and circulars, administrative guidelines, and delegated rules, (2) documents used in or produced by formal dispute resolution process, such as judicial opinions, pleadings, witness statements, and affidavits, (3) binding expressions of intent or agreement, such as contracts, wills, and corporate articles of association, (4) persuasive texts such as legal textbooks and other academic legal writing, law reform submissions, letters of advice, and policy reports, and (5) administrative forms such as tax filing, business registrations, incensing permits, and citizenship applications [10].

Among the five categories of legal texts above, the texts of legal cases and the discourse of court interpreting can be classified into the second category. Thus, linguistic data extracted from the corpus of legal cases, including words, terminology and expressions used in legal courts will contribute to the court interpreter education. Especially in legal tradition of U.S., the parties involved in lawsuits will try to cite favorable ruling in the same or similar kinds of

cases because precedent cases provide the solutions and directions of judicial interpretation for the present lawsuit. The parties concerned refer to a number of legal cases to justify their arguments. That's why a study on the corpus made up of legal cases is needed.

3.3. Setting up the corpus of legal cases

The legal cases of U.S. in this article are from the curricula of a law school in California which include contracts, torts, criminal law, criminal procedure, agency & partnership, Constitution, civil procedure, administrative law, community property and wills [11]. The corpora from the cases above are analyzed by Antconc and Wordsmith, and such functions as frequency, concordance, collocation, and n-gram provide stylo-metric information which are utilized as learning materials for the court interpreting education.

3.4. The list of legal terminology as a database and its utilization

ESP (English for specific purposes) is a sublanguage used in specific areas such as science, medicine, business, IT, law, etc. According to Paltridge & Starfield, "ESP refers to the teaching and learning of English as a second or foreign language where the goal of the learners is to use English in a particular domain." [12] Legal texts, including legal cases belong to legal English that has a particular domain of law. The greatest differences between general language and specialized language are found in the vocabulary. As for the vocabulary, more precisely terminology, there are three groups of lexemes in special language texts, (1) general language lexical items, (2) specific lexical items that can be attributed to a borderline area between general language and special language, (3) lexical items specific to special texts, which are used in specific contexts and listed in specialized dictionaries or glossaries [13]. Even though it is a legal text, there must be not only lexical items specific to special texts, or terminology but also lexical items of general language in order to compose a text. The terminology list is a kind of database dealing with specific lexical items which comprise ESP. Then, the list of legal terminology extracted from legal cases can contribute to the performance of court interpreting and its education.

4. Conclusion

According to the corpus stylistic approach, texts can be analyzed through qualitative and quantitative methods, and the results are utilized for various purposes. The same is true with legal cases. They can be analyzed through the same methods, and the results are utilized for the court interpreter education in English. In this study, the analysis is on the legal cases of U.S. American legal tradition is based on case law, and the legal cases and the court interpreting are similar in the progress of legal affairs. That's why it is effective to apply the legal cases to the court interpreter education. The introduction of court interpreting system into Korea is an urgent issue, and the official court interpreting education should be executed, and the certified court interpreter system should be introduced in order to activate the system in Korea. This study would lay the foundations of utilizing corpus of legal cases for the court interpreting education.

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