UNIVERSITÀ DEGLI STUDI DI TRIESTE

XXVIII CICLO DEL DOTTORATO DI RICERCA IN
SCIENZE DELL'INTERPRETAZIONE E DELLA TRADUZIONE

THE TRIALS OF LEGAL TRANSLATION COMPETENCE:
TRIANGULATING PROCESSES AND PRODUCTS OF TRANSLATORS VS. LAWYERS

Settore scientifico-disciplinare: L-LIN/12

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DANIELE ORLANDO

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*Experience
is the name we give to
our mistakes*

Oscar Wilde

Abstract

Over the past few decades, research has yielded valuable models for the conceptualisation of translation competence, both in the academic and professional worlds (e.g. Kelly 2002; PACTE 2003; EMT Expert Group 2009a; Göpferich 2009). However, despite the growing consensus on translation competence as a multi-faceted competence comprising several core skills, the different perspectives have resulted in terminological (when not downright conceptual) ambiguity. In the specific case of legal translation, whilst many scholars have tried to outline the profile of the competent legal translator (e.g. Šarčević 1994; Hertog 2001; Prieto Ramos 2011; Piecychna 2013), the scope and extent of the legal knowledge required to ensure quality still remain open questions.

With the aim to help filling this gap in both the training and profession of legal translators, this Ph.D. research project tried to investigate legal translation competence with a special focus on the didactic perspective. To this end, an empirical study has been conducted at the University of Trieste which analyses the EN-IT translations of an EU criminal law document produced by translators with different educational backgrounds: a cohort of translation postgraduates with no specialisation in the legal field, on the one hand, and a cohort of linguistically-skilled law graduates with no translation-related qualifications, on the other. More precisely, the study focussed on the problems encountered by participants in their translation processes and the quality issues of their translation products as indicators of declarative and procedural knowledge deficits to be remedied through adequate training.

Consequently, the study adopted a twofold approach. Firstly, the participants' translation process was analysed by triangulating data from different collection methods, i.e. screen and video recording, keystroke logging, and a post-task questionnaire. The variables under investigation include the participants' delivery time, translation phases, pauses, translation problems, consultations of reference sources and sequences-of-action. Secondly, all process-related data have been mapped onto the quality of the participants' target texts, which was evaluated through both the analysis of translation errors and the assessment of the translation acceptability.

The analysis shed light on the different levels of translation competence displayed by the two groups, with direct implications for the identification of their specific training needs. In particular, the results indicate a more superficial approach for lawyers, who mainly focussed on the micro-textual level, problematised little and produced poor quality translations. By contrast, the findings suggest that the translation-specific training of translators enabled them to reach acceptable quality levels, despite their lack of subject-field specialisation. The identification of a possible correlation between the different backgrounds of the participants and the quality of their translations thus appears to suggest that a translation background is in fact a fundamental component of legal translation competence, to be integrated with the necessary legal knowledge. The results led to a first, empirical attempt both at (a) validating the integrative EMT-based model for legal translation competence (Scarpa and Orlando, forthcoming) developed as part of the QUALETRA project, which provided the theoretical foundation to the present study, and (b) grounding the notion that "a competent legal translator is first of all a competent translator" (Cao 2007, 39).

Riassunto

Nel corso degli ultimi decenni la ricerca ha proposto una serie di modelli per la concettualizzazione della competenza traduttiva in ambito sia accademico che professionale (tra gli altri, Kelly 2002; PACTE 2003; EMT Expert Group 2009a; Göpferich 2009). Malgrado il sempre più vasto consenso su modelli multi-componenziali costituiti da una serie di abilità specifiche di base, le diverse prospettive hanno portato a una certa ambiguità terminologica (se non addirittura concettuale). Nel caso specifico della traduzione giuridica, molti studiosi hanno cercato di delineare il profilo del traduttore giuridico competente (ad esempio Šarčević 1994; Hertog 2001; Prieto Ramos 2011; Piecychna 2013) senza però trovare una risposta definitiva in merito alla natura e alla portata delle conoscenze giuridiche necessarie per garantire la qualità del testo d'arrivo.

Nel tentativo di colmare questa lacuna, il presente lavoro si propone di indagare la competenza traduttiva giuridica in una prospettiva prevalentemente didattica. A questo scopo è stato condotto uno studio empirico presso l'Università di Trieste, volto ad analizzare le traduzioni dall'inglese all'italiano di un documento di diritto penale comunitario effettuate da potenziali traduttori giuridici che avevano concluso percorsi formativi diversi: da un lato, un campione di laureati in traduzione senza alcuna specializzazione in campo giuridico e, dall'altro, un gruppo di giuristi con una comprovata conoscenza linguistica dell'inglese linguisticamente qualificati che però non avevano avuto alcun tipo di formazione in traduzione. Più specificatamente, lo studio si è concentrato sui problemi che i partecipanti hanno incontrato tanto nel processo traduttivo quanto nel risultante testo tradotto e che sono stati considerati come indicatori di deficit di conoscenze dichiarative e procedurali da colmare mediante una formazione adeguata.

Lo studio ha pertanto adottato un duplice approccio. In primo luogo è stato analizzato il processo traduttivo dei partecipanti tramite la triangolazione di dati raccolti con metodi di rilevazione diversi, quali la registrazione dell'attività a schermo e delle digitazioni, una ripresa video esterna e un questionario *ex post*. L'analisi delle caratteristiche comportamentali e procedurali dei partecipanti prende in considerazione il tempo di consegna, le fasi traduttive, le pause, i problemi di traduzione, le consultazioni di fonti di riferimento e il processo decisionale. In una seconda fase dello studio i dati relativi al processo sono stati associati alla qualità dei testi prodotti dai partecipanti, che è stata valutata sia attraverso l'analisi degli errori che tramite il criterio dell'accettabilità.

L'analisi ha permesso di individuare i diversi livelli di competenza dei due gruppi e, di riflesso, le loro specifiche esigenze formative. In particolare, i giuristi sembrano aver adottato un approccio piuttosto superficiale incentrato sul livello micro-testuale, che in generale li ha portati a porsi pochi problemi e a produrre traduzioni di scarsa qualità. D'altro canto, grazie alla loro formazione specifica nel campo della traduzione i traduttori hanno raggiunto livelli di qualità accettabili, nonostante la loro mancanza di specializzazione nel settore giuridico. La possibile correlazione tra il diverso percorso di studi dei partecipanti e la qualità delle loro traduzioni sembra quindi suggerire che una formazione nel campo della traduzione sia una componente fondamentale della competenza traduttiva anche nel settore giuridico, anche se pur sempre da integrare con nozioni giuridiche. I risultati presentati in questa tesi sono quindi un primo tentativo empirico di corroborare il modello di competenza traduttiva giuridica sviluppato nell'ambito del progetto QUALETRA a integrazione del modello EMT (Scarpa and Orlando, forthcoming), nonché di mettere alla prova l'assunto secondo il quale un traduttore giuridico competente sarebbe in primo luogo un traduttore competente (Cao 2007, 39).

Acknowledgments

"Great things are done by a series of small things brought together."

Vincent Van Gogh

As great a deal of hard work this dissertation was, I reckon this small little man would have never made it, had he walked on his own. To everyone who stood right beside me along this challenging doctoral journey, I am *forever* indebted.

First and foremost, it is my privilege to express my utmost gratitude to my Ph.D. supervisor and caring mentor, Prof. Federica Scarpa, for relentlessly showing me the way and reminding me to strive for improvement. None of this would have been possible without her devotion.

All the participants to the experiment deserve a special place on this page, as this dissertation would not even exist without them. In alphabetical order, thank you to Alberto Astengo, Andrea Ottolia, Damiano Raineri, Daniela Del Duca, Diana Russo, Diego Schiesaro, Elena Gualco, Eleonora Cogo, Elisa Montanari, Fabio Tranfaglia, Federica Buoso, Floriana Sciumbata, Francesca Fauri, Gian Giacomo Peruzzo, Giorgio Risso, Giulia Adejumo, Giulia Ciotta, Giulia Paroni, Ilaria Frascati, Isabella Querci, Lavinia D'Alessio, Luca Guerrini, Luigi Chiarella, Marco Farina, Marta Elia, Martina Polles, Matteo Torin, Mauro Grondona, Michele Siri, Patrik Tanzi, Sara Lomartire, Simone Carrea, Sonia Aprea, Stefano Torregiani, Stella Frassetto, Valentina Boldini, Valentina Dal Mas, Valeria Cagnetti, and Venera Marino.

A sincere thank you goes to Prof. Dr. Hendrik Kockaert for his cordial kindness and unconditional trust throughout the QUALETRA project, and to all the members of the QUALETRA consortium, thank you for listening to me: I will always cherish those experiences.

I feel deeply grateful to Prof. Dr. Susanne Göpferich for taking me under her wing with invaluable advice. It has been an honour and pleasure to know, work with and learn from her. Thank you to everyone at the *Zentrum für fremdsprachliche und berufsfeldorientierte Kompetenzen* of the Justus-Liebig-Universität Gießen, in particular Ulrike, for being so heart-warmingly welcoming.

I wish to extend my earnest appreciation to all the teachers at the Section of Studies in Modern Languages for Interpreting and Translation of the IUSLIT of Trieste, and in particular Prof. Dolores Ross, Prof. Giuseppe Palumbo, Prof. José *Paco* Medina, Prof. Lorenza Rega, Prof. Marella Magris, Prof. Mitja Gialuz, and Prof. Silvia Campanini, who have been my academic role models over the last three years. Thanks for the genuine support.

A change in tone is now in order, as I feel the need to say some very personal *thank you*s.

A big hug to my travel companions, my Ph.D. colleagues at IUSLIT, for the misadventures, the shenanigans, and too many a drink! Thank you to Paola for the spot-on harmonies while ridding of dairy, Gianluca for being a partner in crime, and Katia for the mutual shoulder – and for letting me be gorgeous Iris's "big" uncle! And of course David for just being the coolest.

A massive thank you to those friends who never stopped listening to me throughout my Ph.D., even when they did not get what I was doing… or me! To Carla, for showing me how *to build a home*. To Carlo, for being home, no matter what. To Carolina, for teaching me a lesson or two in courage. To the whole Cici Cast, Gloria, Martina, and "le Zie", for allowing me to forever be Peter Pan. To Dana, because every time "it feels like you didn't even leave." To Elèna, because no amount of distance will ever change us. To Elisa, Fabio, Lara and Stefano, for always making time for me at the very last minute. To Leonie and my fellow language assistants at Harrogate Grammar School, for the calm before the storm (or the other way around). To Lyud, because *mostriciattoli*. To Titti, for a lifetime together and more. To Tobi, whose smile reminded me there *is* light somewhere.

To Francesco, Zio Pino and Zia Rina, thanks for cheering for me on the sidelines: I hope I made you proud!

Lastly, but most importantly, a huge thank you to my family – Davide, Mum and Dad, to whom I dedicate this dissertation – for showing me how to walk through life, because they certainly don't teach this in school. Thank you for believing in me, even when I can't seem to – I love you *always*.

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List of abbreviations

CPD	Continuous professional development
DGT	Directorate-General for Translation
EAW	European Arrest Warrant
EMT	European Master's in Translation
EU	European Union
IUSLIT	Department of Legal, Language, Interpreting and Translation Studies of the University of Trieste
LGP	Language for general purposes
LITs	Legal interpreters and translators
L(#)	(Group of) postgraduate lawyers; also, postgraduate lawyer no.
LP	Legal practitioner
LSP	Language for special purposes
LT	Legal translator
MAI	Mean acceptability index
MS	Member State
PTD	Perceived text difficulty
RP	Rich point
SA	Self-assessment
SoA	Sequence of action
ST	Source text
T(#)	(Group of) MA-level translation trainees at the very end of their training; also, translation trainee no.
TAP	Think-aloud protocols
TC	Translation competence
TQA	Translation Quality Assessment
TQI	Translation Quality Index
TS	Translation studies
TSP	Translation service provider
TT	Target text

X

Foreword

> "Both language and the law are omnipresent. Similarly, they do not tend to attract attention until something goes wrong. People ordinarily do not question their ability to communicate with other people and they tend not to pay continuous attention to the legal regimes which structure their world. It is worth doing, however, as paying attention to language in a legal context may have important consequences for justice and society and for the rights and responsibilities of citizens."
>
> <div align="right">(Mooney 2014, 5)</div>

The present study aims to contribute to the still meagre research on legal translation competence. The idea for this project stemmed from both my interest in specialised translation and my practice as a translator and reviser. In my professional experience, I was often confronted with legal translations produced by either unspecialised translators or lawyers (supposedly) versed in the L2 (not to mention those who very likely used machine-translation tools). What immediately struck me was the absolute absence of and need for specialised training for both groups of participants. To further explore this issue, I designed an empirical study to investigate the problems encountered by these potential legal translators. Unlike what the term might immediately suggest, my focus on translation problems is not limited to the actual errors in the translated text, but rather includes the procedural and behavioural features whereby translators consult a dictionary, second-guess their renderings, frown in hesitation, leave a blank space in their text, or ultimately make an error. The observation of all such patterns – to be viewed as indicators of cognitive processing – enables to point to the specific skills that the different participants still lack and, therefore, to the ideal profile of the competent legal translator. In so doing, the specific weight of translation-specific skills and legal knowledge can also be assessed. Hence, the design of this project was aimed at empirically testing the notion that "a competent legal translator is first of all a competent translator" (Cao 2007, 39) and to provide a foundation to the model of legal translation competence developed as part of QUALETRA (JUST/2011/JPEN/AG/2975), a two-year project funded by the Directorate-General for Justice of the European Commission I participated in, running parallel to and theoretically feeding my own doctoral research.

The present dissertation is the final outcome of these two intertwined sets of activities I conducted for my Ph.D., as represented by its structure, which consists of six chapters, each including a final summary of the main contents.

In particular, *Chapter 1* presents the subject of this dissertation, that is the issue of competence and quality in legal translation, captured by the professional, judicial and academic perspectives, with special attention being paid to the educational trajectory of the competent legal translator.

Chapter 2 introduces the research questions aimed to fill the identified gap, and describes the design of the empirical study in terms of sample, data-collection methods and variables under investigation.

Chapter 3 gives an overview of the QUALETRA project and, more significantly, of my direct involvement to the outcomes of Workstream 3 on "Training", e.g. a model of legal translation competence, as well as training recommendations and an accreditation system.

The two following chapters directly report the results of the empirical study, accompanied by tables and charts for greater readability. More precisely, *Chapter 4* discusses the process- (and subject-oriented) analysis, with a special focus on the participants' delivery time, translation phases, pauses, translation problems, consultations of reference sources and sequences-of-action. Qualitative analysis is at the heart of *Chapter 5*, where the assessment of the acceptability and an error analysis of the translations produced by the participants are discussed.

All the trends identified in the two previous chapters are triangulated in *Chapter 6*, so as to find a possible correlation between the participants' different backgrounds, procedural patterns and resulting translation quality. This chapter also suggests an answer to the initial research questions and attempts to ground the QUALETRA model of competence. Concluding remarks are given in the final section, which also reflects on the main strengths and limitations of the project.

A series of appendices is also appended to this dissertation, including the research materials used in the experiment.

In the electronic form of this thesis, all cross-references to chapters, sections, appendices, tables, and figures are clickable hypertext links coloured in blue.

Finally, it should be noted that parts of this volume have been or will be published in the near future, as follows:

- Orlando, Daniele. "Calling Translation to the Bar. A Study on the Translation Problems Faced by Postgraduate Trainees Specialising in Legal Translation." *Translation and Translanguaging in Multilingual Contexts* III.1 (forthcoming).
- Orlando, Daniele. "Legal Translation as a Human Right." *New Voices in Translation Studies* (forthcoming).
- Orlando, Daniele. "Legal Translation Problems: The Trials of Specialised Translation Competence." *TEXTUS. Special issue on English Legal Language and Translation* (forthcoming).
- Orlando, Daniele. "Tying Quality and Training: An Ariadne's Thread out of the Legal Translation Labyrinth." *Translata II Conference Proceedings* (forthcoming).
- Orlando, Daniele, and Federica Scarpa. 2014. "Training Legal Translators. A Survey of Current Practices." In *New Tasks For Legal Interpreters and Translators in the Enlarged Europe. Proceedings from the International Conference, Kraków, 3-5 April 2014*, edited by Danuta Kiezkowska. Krakow: Polskie Towarzystwo Tłumaczy Przysięgłych i Specjalistycznych TEPIS.
- Orlando, Daniele, and Mitja Gialuz. "From Academia to Courtroom: Perception of and Expectations from the Legal Translator's Role." *JoSTrans. The Journal of Specialised Translation* (forthcoming).
- Scarpa, Federica, and Daniele Orlando. "What It Takes to Do It Right: An Integrative EMT-Based Model for Legal Translation Competence." *JoSTrans. The Journal of Specialised Translation* (forthcoming).

Legal translation to the stand
Investigating the notion of competence

1

I think about all the people before eyeglasses were invented. It must have been weird because everyone was seeing in different ways according to how bad their eyes were. Now, eyeglasses standardize everyone's vision to 20-20. That's an example of everyone becoming more alike.

Andy Warhol

Just like goods, services and people freely move within the European Union, crime does not stop at national borders (Kuczynska 2006). Criminal proceedings involving a foreign national are on the rise, accounting for at least 10% within the EU (Commission of the European Communities 2009, 27). Increasingly more attention is being paid in Member States to the rights of suspected or accused persons who do not understand the language of the proceedings, with several measures already adopted and paving the way for further actions. In particular, *Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings* is a major milestone in the marathon towards language assistance as a fundamental human right.

The first part of this chapter gives an overview of the contents of Directive 2010/64/EU (1.1.1) and the pitfalls of its inconsistent transposition into national legislations (1.1.2). In particular, though "sufficient" quality is required of legal interpreters and translators (LITs) who need to be "appropriately qualified," no further detail is provided as to what such qualifications should be and what legal translation competence should comprise. Furthermore, as discussed in the second part of this chapter (1.2), over the past few decades the many at least partially overlapping conceptualisations of the skills required of (legal) translators have resulted in terminological (when not conceptual) ambiguity. Such multiplicity of visions risks being detrimental to the need to clearly identify these skills in order to ultimately tailor specific training to develop them.

1.1 The road to language rights

"People travel. Further and further afield. Whether seeking asylum, travelling for business, politics or pleasure, people are crossing national borders in ever growing numbers. This is the reality in Europe today" (De Mas 2001, 1). It was against this background that in the 1990s the treaties of Maastricht (1993) and Amsterdam (1999) set out to create a European area of freedom, security and justice, where citizens could legitimately see their fundamental rights respected, particularly when dealing with a criminal justice system, either within or outside their home country (EULITA 2013, 1).

A decade of measures and projects later, and to attain

mutual recognition and closer cooperation, on 30 November 2009, the Council of the European Union adopted a ground-breaking resolution (OJ C 295, 4.12.2009) on a *Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings*, which was included into the Stockholm programme adopted on 10 December 2009. Measure A of the Roadmap resulted in *Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings* (henceforth, Directive 2010/64/EU or, more simply, the Directive), followed by *Directive 2012/13/EU on the right to information in criminal proceedings* and *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime* – respectively of October 2010, May 2012 and October 2012.

The ideal that nobody should be denied a fair trial for the sole reason that they cannot speak or understand the language of the country in which they are prosecuted has been a long time in the making. Already back in 1950, Article 6 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) secured the right of every person arrested or charged with a criminal offence to be informed promptly in a language which s/he understands and have the free assistance of an interpreter if unable to understand or speak the language used in court. Over sixty years have passed, yet Directive 2010/64/EU still needs to address recurring concerns in the field, including miscarriages of justice due to substandard quality levels of the language assistance provided,[1] as (legal) interpreters and translators throughout the European Union do not enjoy an official recognition or status. In most Member States (MSs), the law provides no definition of LITs – whether they are referred to as 'sworn' translators, 'court' or 'legal' interpreters, 'certified' or 'authorised' translators or interpreters –, nor of their rights and obligations, and there is no consistent system and agreed minimum qualification requirements for admission into the profession (Hertog and Vanden Bosch 2001). As a matter of fact, the many discrepancies in, if not downright lack of, legal frameworks which define the role and qualifications required of professional LITs make matters more complicated in a setting where languages of lesser diffusion are most needed. By way of example, by July 2013 foreign national prisoners from 160 different countries accounted for 13% of the prison population in England and Wales, over one quarter of which was from a minority ethnic group (Berman and Dar 2013, 10). It is in fact for such minor languages that finding a professional LIT is more difficult, yet all the more necessary to enable these prisoners to exercise their right of defence. By contrast, on a daily basis the recruitment of unqualified translators puts the rights of foreigners at risk, even in a Europe of freedom, security and justice. This ultimately leads to a loss of reputation of the whole profession in the eye of the legal practitioners (LPs) who they work with, and to human and financial consequences not to be underestimated (Directorate-General for Translation 2012). If it is true that status cannot be given but only "earned through the diligent application by the individual practitioner of professional codes, values and standards agreed by the profession as a whole" (Corsellis and Felix Fernández 2001), it should also be noted that the standards of pay given in the public services are so low that either they "often kee[p] its practitioners from access to available training" (Valero-Garcés 2015, 3) or that "a long-term academic education programme cannot be justified" (Pym *et al.* 2012, 32). Unsurprisingly, linguists tend to migrate to other, more profitable specialisation fields. On top of that, in the legal context practitioners do not seem to be familiar with the "particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication," as expressly addressed by Article 6 of the Directive, requiring the relevant training.

As momentous as Directive 2010/64/EU is, the lack of definition of the competence and quality requirements of the language assistance granted is the Achilles' heel of this legal instrument, which still nowadays sets a highly ambitious destination without defining any clear route to get there. Considerations on this matter are presented in the following sections.

---

[1] While this thesis zeroes in on legal translation, the landscape described in this chapter obviously pertains to 'legal interpreting', too (cf., e.g., Baigorri-Jalón and Russo 2015).

1.1.1 Directive 2010/64/EU

Article 1 defines the scope of the Directive, which only applies to criminal proceedings and proceedings for the execution of a European Arrest Warrant (EAW). Given the lack of a definition of "criminal proceedings" in the Directive, such term should be interpreted in accordance with Article 6 ECHR (Morgan 2011, 8), which does not cover extradition, hence the specific reference to EAWs in the Directive. Furthermore, the scope of this instrument explicitly excludes minor offences resulting in sanctions imposed by police, unless appealed before a court.

The limitation of the Directive to criminal proceedings can surely be seen as a drawback, since in most countries LITs are expected to accept assignments in both criminal and civil proceedings. So much so that EULITA, the European Legal Interpreters and Translators Association, has suggested in the 2013 "Assises de la Justice" that a common regime be applied to both criminal and civil cases, by involving the Civil Justice section of Directorate-General for Justice in the practical implementation of Directive 2010/64/EU (EULITA 2013, 2).

Articles 2 and 3 secure the right to linguistic assistance to suspected or accused persons who do not speak or understand the language of the procedure, as well as persons with hearing or speech impediments. These articles state that MSs shall provide a mechanism to assess the actual need for such assistance, either "in the native language of the suspected or accused persons or in any other language that they speak or understand" (Recital 22). However, the possibility to choose between these two alternatives might pose a twofold risk. On the one hand, the adoption of a vehicular language in the proceedings might create an asymmetry between the authority and the persons concerned, whereby the latter are not in the position to communicate in their first language, ultimately affecting their rights of defence. This in itself might be seen as a hindrance to inclusion, particularly in the case of "vulnerable" persons, such as victims or witnesses of crime, especially minors, under Directive 2012/29/EU (cf. Rivello 1999, 57; Ballardini 2014, 63). On the other hand, the linguistic assistance for languages of lesser diffusion is quite often provided by non-qualified

persons who only know the language used in the proceedings but have received no LIT training, which might lead to "procedural delays and/or miscarriages of justice" in police investigations (Katschinka 2014a, 110) and court proceedings.

On the up side, suspected or accused persons have the right to oppose any decision if linguistic assistance is not provided (Articles 2[5] and 3[5]). The Directive clearly stresses the urgency of such a right, to be granted as soon as possible – i.e. "without delay" in the case of interpretation and "within a reasonable period of time" for translation – throughout the entirety of the proceedings, i.e. from the time the suspected or accused person is made aware by the competent authorities of an MS, by official notification or otherwise, that they are suspected or accused of having committed a criminal offense up to the conclusion of the proceedings. Though no reference is made to formal procedural requirements under national law, this provision entails one of the major innovations of the Directive, which goes even beyond the standards outlined in Article 6(3)(e) ECHR. The right to interpretation is extended to communications between the persons concerned and their legal counsel directly pertaining to "any questioning or hearing during the proceedings or [to] the lodging of an appeal or other procedural application" (e.g. an application for bail as per Recital 20).

This expansion of the right, both in terms of time and language, might however not be straightforward. For instance, in England and Wales "an interpreter used at a police station or in the course of investigations by other prosecuting agencies [cannot be] engaged to interpret in the courtroom, though an interpreter used by the defence when taking instructions may be used by the court to interpret for the defendant in the courtroom at the discretion of the judge or magistrate" (Hertog and Vanden Bosch 2001); in Italy, the translator appointed pursuant to Article 268 of the Italian Criminal Code for the transcription of communications in the foreign language may not be appointed as an interpreter in the same proceeding on incompatibility grounds (Sau 2011). Consequently, this may prevent equal access to foreign – and particularly, minority – language speakers for whose language finding more than one (professional) LIT might be rather difficult.

The expansion of this right compared to Article 6 ECHR also concerns the written translation of "all" documents deemed essential to enable the persons concerned to have sufficient knowledge of the case against them, i.e. "any decision depriving a person of his liberty, any charge or indictment, and any judgment" (Article 3[2]), as well as additional documents which might be identified in any given case by the "competent authorities" of the MS, possibly upon the suspect's request (Article 3[3]). Similarly, such provisions apply to criminal proceedings for the execution of an EAW (Articles 2[7] and 3[6]).

As noted by Gialuz (2014a, 84), translation and interpretation within the Directive are to be considered as the two different modes of a single, unified right to linguistic assistance (Recital 17), the aim of which is to guarantee the concerned persons' right of defence and to safeguard the fairness of the proceedings. These two modes are not perfectly symmetrical – interpretation being bidirectional as the right of the person concerned to understand and be understood, while translation being unidirectional with the suspect as sole addressee. Furthermore, interpretation is an inalienable and non-fungible right, even to the extent that "remote interpretation" via videoconference, telephone or Internet can be adopted when no interpreter can be there in person at short notice (2[6]) – though still not a consolidated practice in all MSs (for more, ImPLI 2012, 56). By contrast, the right to translation can be waived (Article 3[8]) or even take the form of partial translation (Article 3[4]), oral sight translation or oral summary (Article 3[7]) instead of a written translation, as long as the fairness of the proceedings is not prejudiced. As will be discussed in the following section, this provision has proved rather risky for national transposition, as it can result in an almost complete waiver of the right to translation under Article 3(1). Nevertheless, EULITA argues that the magnitude of this possibility has been "grossly over-estimated", suggesting that "major sections of these documents" can be identified and standardised through a pragmatic cost-effective collaboration between professional associations and judicial authorities (Katschinka 2014a, 110). The QUALETRA project, which will be described in some length in Chapter 3, has compiled a database of the terminology of the essential documents and the EAW, which might also be of use to this end.

Despite its loose definition in the Directive, overall linguistic assistance must meet two specific requirements, namely being free of charge and adequate. As for the former, Article 4 provides that all costs of interpretation and translation shall be borne by MSs irrespective of the outcome of the proceedings and the financial availability of the suspect or accused. As for the latter, the quality of linguistic assistance can be considered the guiding thread and one of the most innovative aspects of the Directive, not only at the professional level but rather in the bigger framework of justice (Falbo 2014, 21). Such quality is however only referred to in terms of accuracy and completeness in the Directive, though it is deemed as a prerequisite for the fairness of the proceedings. Article 5(1) stresses the requirement for MSs to ensure that the linguistic assistance provided is sufficient to meet the provisions under Article 2(8) and Article 3(9). When this is not the case, the suspected or accused persons are entitled to complain about the poor quality of the language services provided, which can no longer be considered as being of any assistance. The only concrete measure provided by the Directive is the establishment in EU countries of a register or registers – to be made available to legal counsels and relevant authorities – of independent translators and interpreters who are "appropriately qualified" (Article 5[2]). However, such qualification is in no way further defined, nor are training requirements for LITs provided, since the EU holds no decision-making powers in the area of education policy. Also, the Directive does not provide for LITs to have complete access to the files of a case, which would improve the accuracy of the translation. In fact, such an access is almost never granted, with linguists being generally perceived by legal professionals as mere foreign language speakers (Orlando and Gialuz, forthcoming). Another missed opportunity of the Directive is that it could have led to the implementation of common ethical standards, whereas it does not contain any mention of a code of ethics and good conduct for translators and interpreters, though several such codes are in place in some EU countries. While LIT training and accreditation is not covered, Article 6 clearly provides that the training of legal practitioners in the EU "pay

special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication."

Finally, the Directive, which was to be interpreted and transposed consistently and in full compliance with the standards stipulated by the ECHR and the *Charter of Fundamental Rights of the European Union* (Articles 8 and 9), requires the recording of the provision of linguistic assistance in accordance with the national law, i.e. interpretation in questioning or hearings, translation of essential documents, and waiver of language assistance.

1.1.2 Pitfalls of the transposition

Despite the assistance provided to MSs during the transposition phase by the EU Commission and relevant stakeholders – including EU projects such as TRAFUT, ImPLI and QUALETRA –, according to EU sources, only seven MSs had communicated their national transposition measures before the deadline of 27 October 2013 (Directorate-General for Translation 2014), with one of such countries even reporting that it did not see any need to adopt any measures (Katschinka 2014a, 107). After infringement proceedings for non-compliance to the deadline were launched in November 2013, by the end of March 2014 a total of 24 MSs had communicated their implementation measures to the Commission, which had to assess them for a report due by 27 October 2014 to the European Parliament and the Council.

To transpose the Directive, Italy – whose legislation provides for the exclusive use of the national language – has amended a series of articles of the national Code of Criminal Procedure through Legislative Decree no. 32/2014 of 4 March 2014, published in the Official Gazette no. 64 of 18 March 2014 and entered into force on 2 April 2014. In keeping with the spirit of the Directive, the Decree overcomes the distinction between oral and written acts of the previous legislation, whereby – in the absence of a specific rule – the translation of written documents was to be decided on a case-by-case basis. Paragraphs 1 and 2 of the amended Article 143 Code of Criminal Procedure almost literally transpose Articles 2(1-2) and 3(1-2) of the Directive, thus ensuring free-of-charge interpretation rights throughout the entirety of the

proceedings as well as the translation of essential documents, irrespective of the outcome of the proceedings, even when the judge, public prosecutor or police officer knows the foreign language of the person concerned. These completely new provisions, however, contain no mention of assistance for persons with hearing or speech impediments, nor do they explicitly concern the EAW and extradition, which nevertheless might be included in the scope of these rights through reference to Law no.69(9)(5) of 22 April 2005 and Article 714(2) Code of Criminal Procedure (cf. Cocomello and Corbo 2014, 4).

By contrast, in France, where the written translation of documents was not guaranteed prior to the Directive, the new legislation (a Law of 5 August 2013 and a Decree of 25 October 2013) enlists only very few documents which are always to be translated, thus leaving too much discretion to court authorities and making an extensive use of the oral translation alternative as the norm – and not the exception –, which is clearly against the spirit of the Directive (Brannan 2014). Likewise, in Romania, Article 12(3) of the new Criminal Procedure Code (as modified by Law no. 255/2013) only provides for the mandatory translation of indictments, with no mention of other essential documents (Ilie and Pârgaru 2014). Not to mention the fact that, in everyday practice, in many MSs it is still up to the suspected or accused person to request linguistic assistance.

Back to Italy, the amended Article 143 Code of Criminal Procedure finally distinguishes the two professional figures of interpreters and translators, overcoming a prior classification which called 'interpreter' any language assistant and 'translation' the activity of transposing the message across languages, both oral and in writing. Ideally, the new distinction should also limit the specific competences and area of expertise for each profession, with positive outcomes in terms of the quality of the service provided.

As could have been expected, quality has proved a weak link in the transposition of the Directive. After all, the very adjective used in the Directive to describe the required quality of language assistance, i.e. "sufficient" (Articles 2[5] and 3[5]), is a double-edged sword, meaning 'good enough to safeguard the right to a fair trial', on the one hand, but *only* good enough,

as in 'not of the very high or excellent quality to be expected of appropriately qualified translators' (cf. fit-for-purpose quality in Prieto Ramos 2014b, 13). In both Italy and France, in case of doubt the new legislation provides for the verification by the judicial authority of the suspected or accused person's national-language competence, though no clear mechanism or standard has been determined. Particularly, a further distinction should be made between a mere, superficial understanding of the foreign language and the ability to express one's thoughts in such a language beyond being capable of answering "yes/no" questions. Also, though such verification falls with the judicial authority, no reference is made to those circumstances where police officers deal with suspects not in the presence of judicial authorities, e.g. during an arrest or search immediately following a crime and before the actual initiation of the proceedings, to record the statements made by the concerned person (Cocomello and Corbo 2014, 6).

The Decree implementing the Directive in Italy has passed on to the relevant professional associations the endeavour of MSs to establish a register of independent translators and interpreters. However, the determining phrase "appropriately qualified" and any further explanation has not been included in the transposed text. For instance, a Scottish Government framework agreement is in place, whereby the possession of a Diploma in Public Service Interpreting (Scottish legal option) is one of the standard conditions to ensure interpretation quality (Scottish Government 2014, 2). There is nothing of this kind in Italy, where the appointment is up to the judge, whose decision might be more affected by the tight timing of pre-trial proceedings than by actual competence, particularly when it comes to languages of lesser diffusion. Curiously enough, despite the inclusion of the translation professions in court registers, no provision has been adopted for judicial authorities to hire only registered LITs, as provided for in general terms by Article 221 Code of Criminal Procedure for other external experts. The sole criteria for not appointing a LIT are inability and incompatibility, as discussed in the previous section, with no reference being made to qualification requirements or to the possibility of adopting remote interpreting under Article 2[6]. Hence, it should

come as no surprise that, at the time of writing, many unfortunate episodes are still reported due to this case-by-case approach. For example, on 3 May 2014 a trial against about 50 Bosnian Roma accused of a series of thefts in Turin was postponed to the following autumn because no interpreter mastering the Khorakhané dialect was found; on the same day, two Vietnamese and a Chinese accused of possession of a kilogram of methamphetamine were released for the same reason (even though the Police had found an interpreter right after the arrest) as they could not acquire sufficient knowledge of the case against them and exercise their right of defence.

Despite being highly emphasised by professional associations, the importance of hiring only qualified LITs was not taken up in national transpositions of the Directive. For example, in Romania the new Code itself allows for translation to be carried out by any person who can communicate with the accused person when no authorised translator is available (Ilie and Pârgaru 2014); in France, anybody could be appointed and "the right to complain about an interpreter in pre-trial proceedings is limited to an observation in the file and the possibility to replace the interpreter, without the previous interviews becoming null and void" (Brannan 2014). Since the Italian transposition Decree did not provide any amendments in this respect, the general rules still apply, with the only criterion by law for replacing a translator being a missed deadline; it is up to the judge, and most likely upon request of the accused person, to replace the incompetent "interpreter/translator". During the 18th annual University Conference entitled "Translating and interpreting for our citizens" (27-28 March 2014) organised by the Directorate-General for Translation, the DG Justice Legislative Officer Gonçalo Braga da Cruz said that complaints had in fact already started to be submitted (Directorate-General for Translation 2014), also recalling the unfortunate episode of an unspecified MS customarily hiring a football player to serve as interpreter in criminal proceedings. All over Europe, the press has covered many examples of substandard language services in legal proceedings. In May 2014, the *Daily Mail* reported some "farcical" episodes in UK courts, which were the result of the "shambolic" privatisation of court foreign language services in January 2012, leading to the recruitment of the next-

best person in an attempt to dump prices. This resulted in 10,000 complaints in the first 18 months of the contract with Applied Language Solutions – which has since been bought by Capita Translation and Interpreting –, during which the agency "had failed to send interpreters to a fifth of trials, sent people speaking the wrong language, or translators who are simply incompetent" (Drury 2014). Standards were apparently so low that "the director of another translation company was able to sign up his cat Masha as a translator – who was then offered jobs" and a court interpreter at a murder trial in Winchester "confessed he was an unqualified stand-in for his wife, who was busy" (Drury 2014). Within the same week, the Danish daily *Politiken* reported that in Denmark, where no state-controlled stringent training for LITs exists, unskilled interpreters of, in particular, Arabic, Turkish, Somali and Farsi in legal matters are often so incompetent that they put the rights of the accused at risk (A. Jakobsen 2014). According to the head of the Danish National Defence Lawyers Association, Henrik Stagehorn, such bad translations result in judges passing wrong verdicts. So much for the protection of human rights.

As recommended in the ImPLI *Final Report* (2012, 21), remuneration of qualified professionals "should also be regarded as a measure of quality assurance for interpreting", which is a "highly specialised service and should be paid accordingly." While the outsourcing of language services to agencies may appear to be an attractive solution, contracts lack transparency about the intermediary fees (Katschinka 2014a, 111–112). According to the British Ministry of Justice in response to Freedom of Information, the bill for language assistance outsourced to Capita TI soared from £7.9 million in 2012 to £15.5 million in 2013 (Drury 2014), because of cases collapsing, suspects being remanded in custody, and unqualified and unprofessional LITs being replaced by language experts from the National Register of Public Service Interpreters on an ad-hoc basis.

As highlighted in the overview above, bad-quality linguistic assistance in criminal proceedings is both an issue of public money and a violation of the human right to fair access to justice. Not translating the Directive into a change of the status quo, with an identification of the competence and quality requirements of legal translators by law, has clearly

been a wasted opportunity (Gialuz 2014b, 454). For translation and interpreting to constitute a fundamental inclusion tool in our globalised society, the recruitment of qualified professionals is crucial, particularly for languages of lesser diffusion. This has direct implications for LIT training, which should also enable the development of competences and the qualification of experts of less established languages, and for the training of judicial stakeholders, so as to raise awareness of the quality requirements and working conditions of LITs in criminal proceedings. Also, though not specifically mentioned in the Directive, in my view attention to the simplification of the language used in legal acts should also be promoted in the training of legal practitioners. However, no provision concerning training has been implemented after the transposition of the Directive. As can be read in the Transposition Note submitted by Scotland, "it will be for those responsible for the training of the judiciary and prosecutors to make the necessary training arrangements. Those responsible are aware of the requirements in the Directive", some of which "are to be transposed by administrative arrangements" (Scottish Government 2014, 2).

Consequently, the focus now shifts to academia, to identify the efforts undertaken by translation scholars in defining the characteristics of a competent (legal) translator.

1.2 The notion of competence in translation

1.2.1 The pursuit of definitions

In many early Platonic dialogues, Socrates is portrayed tackling far-reaching, intangible concepts and challenging his interlocutors with the simple, yet terribly poignant question that revolutionised philosophy: "What is it?" After all, proper knowledge of a concept should correspond to a readily available definition of its nature. Yet, Socrates never seemed to be satisfied with the definitions proposed, countering them with endless examples and giving in to an admission of ignorance and intellectual humility to be reflected in life-long study and dedication.

The last few decades have seen Translation Studies seemingly locked in a similar impasse. Starting from

the mid-1980s and prominently in the 1990s, the need for a definition of 'translation competence' has in fact become increasingly apparent in both translation studies and professional translation. Very much like Socrates's attempts at conceptualising, among others, 'virtue', 'knowledge' and 'justice', though, the definition of 'translation competence' has proved to be highly controversial. Many scholars have observed this construct from different perspectives, which Hurtado Albir (2015, 259) summarises as follows:

- didactic perspective (Kelly 2005; González Davies 2004; Katan 2008);
- relevance-theoretic perspective (Gutt 2000; Gonçalves 2005; Alves and Gonçalves 2007);
- expertise studies perspective (Shreve 2006; Göpferich 2009);
- knowledge management perspective (Risku, Dickinson, and Pircher 2010);
- professional and behavioural perspectives (Gouadec 2007; Rothe-Neves 2005).

This diversity of approach has led to the adoption of discordant terms as *near* synonyms (cf. Gambier and Van Doorslaer 2010, 56; Orozco 2003, 219–220), including 'transfer competence' (C. Nord 1991b), 'translating competence' (Gerding-Salas 2000), 'translation ability' (Lowe 1987, 57; Pym 1993, 26; Stansfield, Scott, and Kenyon 1992; Hatim 1997), 'translation expertise' (Kiraly 2000, 30; Chesterman 1997, 147), 'translation performance' (Wilss 1989, 129; Rothe-Neves 2007), 'translation proficiency' (Cao 1996), 'translation skill' (Lowe 1987, 57), 'translational competence' (Toury 1995, 250–251; Chesterman 1997, 147; Hansen 1997, 205), 'translational knowledge' (Pym 1992b), 'translator competence' (Kiraly 1995, 108), 'translator's competence' (Kussmaul 1995, 33), and 'translatorial competence' (Harris and Sherwood 1978); with a similar meaning, Kiraly (2000) has even referred to this notion as 'professionalism'. Nevertheless, the label 'translation competence' has been adopted by many other scholars, e.g. Krings (1986a, 501, 522), Nord (1991b), Lörscher (1991, 41; 1992, 426), Toury (1995, 250–251), Riedemann Hall (1996, 117), Kiraly (1995, 13–19), Fraser (1996, 87), Hansen (1997, 205), Gerding-Salas (2000). As clearly stressed by Orozco and Hurtado Albir (2002, 376), many of the researchers who have dealt with translation competence (or any other terminological variant of the concept) do not provide a concrete definition of it, despite possibly having one in mind. It follows that different scholars have used the same term(s) to refer to different concepts (for an overview, see Quinci 2015a, 181–182). For example, an interesting distinction is drawn by Englund Dimitrova and Jonasson (1999, 1), who perceive 'translator competence' as "the competence that characterizes or can be assumed to characterize a professional translator" (Englund Dimitrova 2005, 12), distinct from 'translation ability', viewed as the basic ability to re-express the meaning of a source text in a target language. The latter is typical of bilinguals and is thus close to *natural translation* (Harris and Sherwood 1978), ultimately constituting a prerequisite of translatorial [sic] competence, which thus cannot be purely innate (Shreve 1997, 121). Hence, the idea of translation competence (TC) as a mere summation of linguistic competences in two languages has certainly become anachronistic in translation studies (Krings 1986a; Lörscher 1991; Toury 1995; Kussmaul 1995; Gerding-Salas 2000). Further, Neubert (2000, 4) points out the complex and heterogeneous nature of translation, which distinguishes it from all other academic professions. Because of its versatility, the translation profession requires additional specialisations strictly related to the thematic domain of the text to be translated (e.g. legal, medical, technical), which has resulted in ever more specific conceptualisations of TC. It has thus become evident that TC constitutes some kind of expert knowledge (Bell 1991, 43; PACTE 2005, 610), which overcomes the dichotomy between, and includes both, a didactic (Toury 1984, 189; Neubert 1994, 412; Presas 2000, 27) and a professional (Fraser 2000, 53; Gouadec 2007, VI; Palumbo 2009, 22) perspective, also involving specific psychological characteristics.

Based on these considerations and without any claim of reinventing the wheel, the following simplistic yet far-reaching definition of TC can be assembled, by piecing together the many definitions referred to above:

> Translation competence is the combination of interdependent abilities, skills, (declarative and procedural) knowledge and attitudes that a translator must have developed in order to be able to carry out a translation in a given thematic domain at a professional level.

For the sake of clarity, the constituents of TC shall be briefly defined as follows:

- *Skills* are proficiencies developed through training and experience;
- *Abilities* are inherent qualities of being apt to do something;
- *Knowledge* is the theoretical or practical understanding of a subject;
- *Attitudes* are character traits and behavioural patterns.

The definition of TC above appears general[2] yet specific enough to allow for an operationalisation in terms of observable skills to be developed and tested through training and exerted in professional practice. Also, such definition can be easily adjusted to specific subject matters; in particular, since the scope of this thesis concentrates primarily on legal translation, this definition can be kept intact by simply replacing the adjective 'given' with 'legal' (as would be the case with any other type of specialised translation). The definition proposed is consistent with the just as simplistic definition of legal translation proposed by Cao (2007, 10) as "the rendering of legal texts from the SL into the TL", covering "both the translation of law and other communications in legal settings" (2010, 191). More specifically, Šarčević (2000) defines legal translation as a special communication act situated "in the mechanism of the law." However, if this seemingly superficial distinction is accepted here, then it follows that professional translators specialised in specific areas are translators first. This is not necessarily meant in a chronological manner (as in recent years the professional world has seen many professionals migrating to the translation industry), but rather in a hierarchical sense, where the knowledge of a specific subject matter should be considered as a sub-component of TC (see below) and be complemented by further competences, both innate and acquired. This appears to be in line with what Prieto Ramos (2011, 19) suggests in the field of legal translation, for which he advocates "comprehensive tailor-made training […] rather than presuming expert performance only from a double parallel qualification in translation and law."

1.2.2 Modelling translation competence

Epistemologically, scholars have investigated the nature and scope of TC either by conceptualising, modelling and operationalising what makes a good translator, e.g. by comparing expert and novice translators, or extending the concept into "a myriad of sub-competences" (Rothe-Neves 2007, 133), even without a clear and agreed upon definition. Whilst Pym (2003, 483–487) advocates for a definition of TC based on the production and then elimination of alternative renderings which is appealingly minimalist (though still componential) but difficult to be operationalised, as observed by Prieto Ramos (2011, 8, 10) there is a growing consensus in translation studies on TC as being a complex, multi-componential "macrocompetence" (e.g. Kelly 2002, 14) or "supercompetence" (e.g. Wilss 1976, 120), comprising several sub-competences which are particularly useful for curriculum-design purposes. In contrast to models simply enlisting a series of sub-components adding up to an overarching TC (e.g. C. Nord 1991b; Kiraly 1995; Lörscher 2012; Neubert 2000), a more dynamic interrelation of these sub-competences has been proposed by some scholars (most prominently, Kelly 2002; PACTE 2000; Göpferich 2009), whose models strive for an empirical confirmation of their theoretical framework.

As a basis for curriculum-design, in 2002 Kelly proposed a valuable model of TC, in which she partially incorporated aspects of previous proposals and added new factors. In Kelly's model (2002, 32–33), TC can be broken down into the seven areas of competence represented in Figure 1, intimately interdependent and to be developed through adequate training for the success of the macrocompetence that is translation as a professional activity.

A very sophisticated competence model methodologically rooted in decade-long empirical research was developed by the PACTE research group at the University of Barcelona, to also serve as the basis for a competence acquisition model (PACTE

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[2] The adjective 'minimalist' has purportedly not been adopted here, so as to avoid any ambiguity with Pym's (2003) approach.

Figure 1. *Kelly's* (2002, 15) *model of TC*
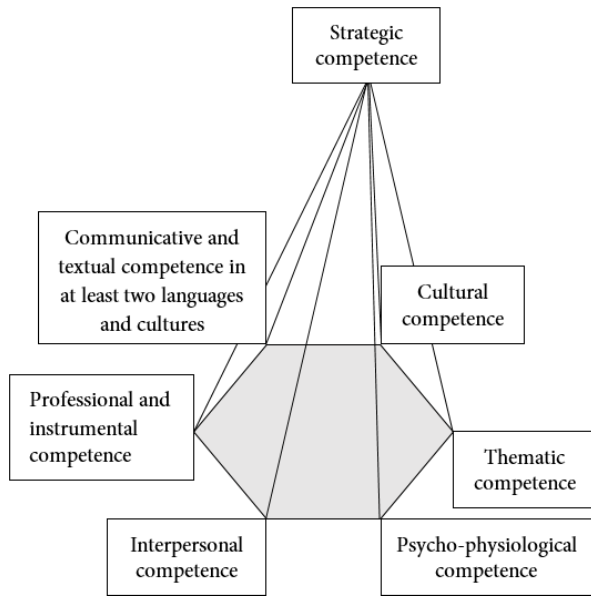
Figure 2. *PACTE's* (2003, 60) *revised model of TC*
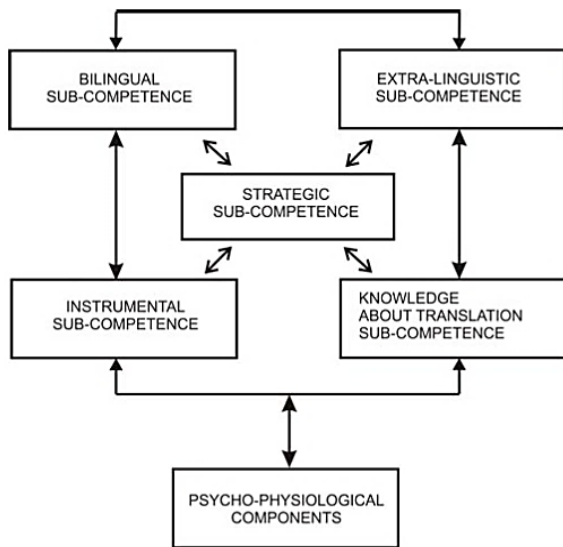
Figure 3. *Göpferich's* (2009, 21) *model of TC*
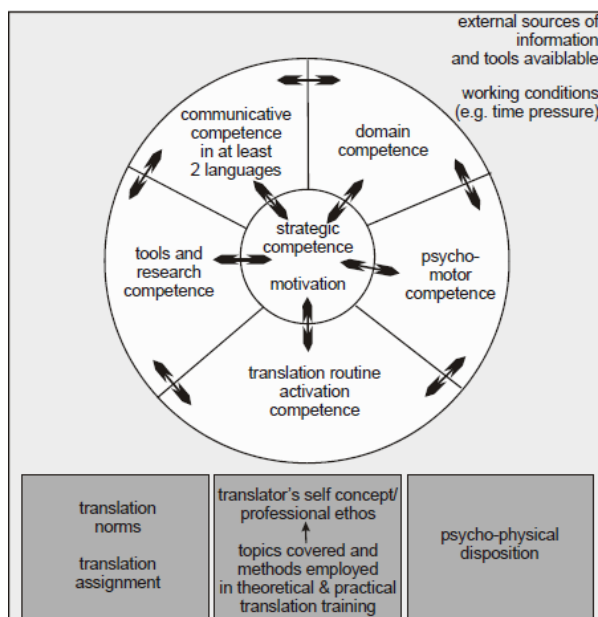
2000, 104). PACTE represents TC as a flowchart of interrelated sub-competences (Figure 2), which had at least been partially identified in prior models, i.e. bilingual, extra-linguistic, instrumental, translation knowledge, and strategic sub-competence, of which the latter occupies the hierarchically dominant centre of the chart (PACTE 2003, 60). Besides these five sub-competences, PACTE also considers psycho-physiological attributes (cf. S. J. Campbell 1991), which do not constitute a self-standing sub-competence as such, but rather, "an integral part of all expert knowledge" (PACTE 2003, 91).

PACTE's has manifestly influenced a later model, developed by Susanne Göpferich (2009), as the framework of reference for the TransComp longitudinal study on TC acquisition (Figure 3). Four out of six sub-competences correspond almost perfectly to PACTE's, namely strategic as the central element, communicative (=bilingual), tools and research (=instrumental), and domain (=extra-linguistic) sub-competence. The last two sub-competences that differ from PACTE's are related to the development of cognitive abilities, i.e. a translation routine activation competence, which is the ability to activate productive micro-strategies, and a psychomotor competence, related to the use of technologies to reduce the cognitive load. The six competences are complemented by three additional sets of factors, i.e. (1) the translation brief and translation norms; (2) the translator's self-concept and ethos; (3) the translator's psycho-physical disposition, very much like in PACTE's model.

Another proposal comes from the European Master's in Translation (EMT) framework, which was developed in connection with the establishment of a registered EU-trademark label in June 2012 to promote quality standards in translator training, led by the Directorate-General for Translation of the European Commission. This quality label is awarded only to the members of the EMT network of MA-level university translation programmes meeting rather strict admission criteria (currently, 64), which are based on the list of "competences for professional translators, experts in multilingual and multimedia communication" drawn by the EMT Expert Group (2009a, 1), informed by both academic research and professional experience. In the EMT list, a

'competence' was defined as "the combination of aptitudes, knowledge, behaviour and know-how necessary to carry out a given task under given conditions" (EMT Expert Group 2009a, 3). The list of six competences, including as many as four dozen skills, "sets out what is to be achieved, acquired and mastered at the end of training or for the requirements of a given activity" (2009a, 3). The six competences, two of which are further broken down into "dimensions", overlap at least partially with other models proposed in translation research and are operationalised by means of lists of "components":

> **translation service provision competence** (e.g. how to market services, negotiate with a client, manage time and budget, handle invoicing), **language competence** (e.g. how to summarise texts), **intercultural competence** (e.g. how to understand presuppositions or allusions), **data-mining competence** (e.g. how to search terminology databases and familiarity with a series of databases), **technological competence** (e.g. how to use a particular translation tool) and **thematic competence** (knowledge about a specialist field of knowledge).
>
> (EMT Expert Group 2009b, 2)

The six competences are not ranked hierarchically, but are rather mutually interdependent and partly overlapping; their correlation leads to a mastery of the *super-competence* that is TC. A graphic representation of the model is shown in Figure 4.

Figure 4. EMT competences for professional translators (EMT Expert Group 2009a, 4)
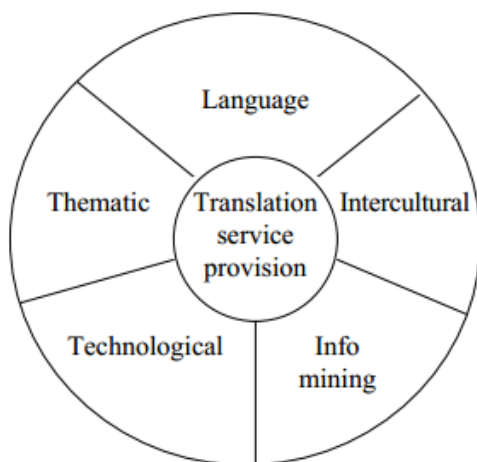
More recently, Kiraly (2013, 212) has proposed a four-dimensional model of the emergence of translator competence, where each sub-competence appears as a vortex interacting with the other components of TC and constantly evolving over time. Similarly, dynamism has been seen by Göpferich (2013) to characterise also the development of TC, with sub-competences seen as interconnected variables not developing at the same pace, and the more complex strategic sub-competences developing only after less complex sub-competences have reached a certain threshold value.

1.2.3 Towards a legal translation competence model

Many scholars tried to outline what it takes to be a competent legal translator. Whilst Sofer (2006, 106–107) stresses the importance of writing skills, specialisations in a legal field and knowledge of good legal reference resources, Obenaus (1995) focuses on the need for good information retrieval skills. On the other hand, Trosborg (1997, 156) clearly emphasises the importance of legal terminology, whilst Šarčević (1997, 271) recommends a guiding theory specific to legal translation. Most underline the need for legal translators to think as or collaborate with lawyers,[3] hence the need for a sound legal background (e.g. Cao 2007: 5; Gouadec 2007: 31; Prieto Ramos 2011: 13; Šarčević 1994: 304; Wilss 1996: 73), with the scope and extent of expertise in law required of legal translators remaining, however, an open question (see 1.2.4).

A thorough list of competences to be developed through specialised training was devised as part of the EU Grotius project *Aequitas*: *Access to Justice across Language and Culture in the EU* (98/GR/13), which aimed to establish "internationally consistent best practice standards and equivalencies in legal interpreting and translation" (Hertog 2001). As most EU projects directly resulting from the judicial instruments set out at European level – such as its follow-up Grotius project *Aequalitas*: *Equal Access to Justice across Language and Culture in the EU* (2001/GRP/015) (Hertog 2003) – *Aequitas* was focused on both legal translators and interpreters, and

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[3] For example, on the role of the domain experts in the terminology workflow to fulfil the needs concerning legal expertise expressed by the terminologists, cf. Chiocchetti, Ralli and Wissik (2015).

was strongly oriented to LIT training. In the competence-based training designs (at BA level, subsequently updated and extended to MA level) outlined in the project's *Final Report*, however, only the course component "knowledge of the criminal and civil legal systems" is really specific to LITs, whilst all the other training objectives aimed at the development of legal translation competence overlap with those of existing models of general TC: written and spoken competence in both languages, transfer skills, code of conduct and guides to good professional practice, continuous professional and personal development, professional practice and practical requirements (Corsellis and Ostarhild 2001, 57–59; Martinsen and Rasmussen 2003, 51).

More recently, a further list of the specific competences to be developed by LITs through proper training was provided by the *Building Mutual Trust* project (JLS /2007/219) (Townsley 2011): specialised language competency; transfer skills; knowledge of legal systems; knowledge and understanding of the professional code of conduct and guidelines to good practice; knowledge of resources and information retrieval (Hertog 2011, 13–16). As can be seen from the list, however, these competences basically correspond to those already identified in *Aequitas* and those listed in the Final Report of the *Reflection Forum on Multilingualism and Interpreter Training* (Reflection Forum 2009). The *Building Mutual Trust* project also provided a list of personal attributes and pre-requisite competences for LIT trainees – i.e. general language competency; interpersonal skills and attitudes; and knowledge of the relevant countries and cultures – each operationalised in specific core components to serve as training objectives. Hence, also in this case there appears to be a significant overlap with general TC models.

By contrast, the attempt to "avoid certain unnecessary duplications" with "holistic multicomponent paradigms of translation macrocompetence" was made by Prieto Ramos (2011, 7) in his integrative approach to developing legal translation. Informed by professional practice and previous paradigms (PACTE 2000; PACTE 2003; PACTE 2005; Kelly 2002; EMT Expert Group 2009a), this model is process-oriented because it aims to bridge the gap between declarative (training) and procedural knowledge (professional practice) (cf. Alves 2005).

All five sub-competences of the model – i.e. strategic or methodological, communicative and textual, thematic and cultural, instrumental, and interpersonal and professional management competence – are "oriented to legal translation under the coordination of the key strategic or methodological competence" (Prieto Ramos 2011, 12–13). Drawing on the PACTE model, therefore, the strategic or methodological competence has a central role and controls the application of the other skills. Given the interdisciplinarity of translation, thematic competence is of course a distinctive feature in this model, and comprises "knowledge of legal systems, hierarchy of legal sources, branches of law and main legal concepts; awareness of asymmetry between legal notions and structures in different legal traditions" (Prieto Ramos 2011, 12). However, legal translation competence is made up of other more specific elements of legal science and linguistics, including:

- Scope of specialization: classification of legal genres (textual competence);
- Comparative legal linguistics: features of legal discourse in the source and the target languages and jurisdictions (communicative and textual competence);
- Documentation: specialized legal sources (instrumental competence);
- Professional practice: market conditions, associations and deontology issues in legal translation (interpersonal and professional management competence) (Prieto Ramos 2011, 13).

Finally, the hermeneutical model proposed by Piecychna (2013) has been inspired by Bukowski's description of a translator's hermeneutical competences (2012, 131–136). In this model, each sub-competence is represented as a concentric circle with equal status and interrelating with the others, as in . Apart from the usual sub-competences – i.e. psychological, thematic, textual, and linguistic – Piecychna stresses the need for a legal translator to "understand a given text and be able to position it within the particular situational context with reference to the source and target legal systems" or, in other words, to "interpret texts" (Piecychna 2013, 154). Piecychna's assumption thus appears to downright contradict Šarčević's (1997, 91) assumption that, "while it is essential for legal

Figure 5. Piecychna's (2013, 153) hermeneutical model of legal translation competence

either "a linguist with a specialization in legal translation or a foreign-language-proficient lawyer", with comparative law playing a crucial role in producing translations of a good quality. This is indeed the current picture in legal translation, where lawyers versed in (the legal terminology of) two languages often assist professional translators or translate legal documents themselves for reasons of time and economy, without any sort of training in translation (Rayar 1992; Faber and Hjort-Pedersen 2009b, 340).

This particular background raises an obvious question with direct implications from both a pedagogical and professional perspective. Who is the competent legal translator: a specialised translator or a linguistically-skilled lawyer? Looking at previous research, one answer has often appeared to exclude the other.[4]

On the one hand, the idea that lawyers are "natural" translators of legal texts[5] (cf. Keating 1995, 206), where the legal matter has precedence over translation-related aspects, and that, though legal translation can be taught to non-experts, the latter have to be subject to revision by lawyers, are two of a series of stereotypes connected to legal translation that have been generally perpetrated by lawyers, largely and passively accepted by translators (Gémar 1988, 306), and now for the most part superseded (Valderrey Reñones 2012, 54). For example, this appears to be the stance of Ioannis Manganaras from the Translation Office of the Greek Ministry of Foreign Affairs who clearly states that "a law graduate with a knowledge of foreign languages is a legal translator – a translation graduate is not" (1996, 5). He grounds this assumption on the back of a series of variables, including the two groups' differences in possessed knowledge and knowledge to be acquired from the moment of graduation in order to become a qualified full-range legal translator, and the difference in the time required by the two types of graduates for the best possible translation of a legal text. These

translators to be familiar with the methods of interpretation used by judges participating in the communication process, they themselves should refrain from interpreting the text in the legal sense."

To the best of my knowledge, the above are the sole attempts at modelling legal translation competence to date. Also, this rather brief overview makes it apparent that, much as in general TC, there is still no consensus on the conceptualisations of and approaches to legal translation competence. However, as predicted by Pym (2003, 491) in reference to general TC models, what emerges also in the case of legal translation competence is a distinct move towards dynamism, where the dichotomy between minimalism and multi-componential approaches seem to favour the latter, which encompasses both declarative and procedural knowledge to ensure flexibility and keep up with the rapid pace of market changes.

1.2.4 The competent legal translator: lawyer or linguist?

In her hermeneutical model, Piecychna assumes (2013, 154) that a competent legal translator can be

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[4] Similar stances are held in other types of specialised translation; e.g. in financial translation, Alcalde Peñalver (2015) advocates for specialised training for translators, while Heras Díez (2002) holds that a competent business translator must complete a double training in both business and translation.

[5] Gémar (1988, 306) strongly rejects this notion, stating that a lawyer who has not pursued any training in translation and is thus unaware of its methods and limitations is no more qualified than a secretary, accountant, architect, doctor or plumber.

considerations ultimately lead him to advocate legal translator training as part of comparative law education (1996, 4). Conversely considering that "the teaching of law in translation schools does not of course create legal translators" but only prepares graduates to begin their studies, he states that only practice can help translation graduates, lamenting that "if legal translation training means the creation of legal translators, then existing legal translation training is a myth either as part of the main courses of a translation school or as a postgraduate course" (1996, 5).

On the other side of the spectrum, among translation scholars a translation background is presented as preferable. Quite banally, in the very phrase 'legal translator' in English – just like in other languages (e.g. 'traduttore giuridico' in Italian, 'juristische Übersetzer' in German, and 'traducteur juridique' in French) –, 'legal' is only a qualifying adjective of the noun 'translator', which thus plays a central role also at both a linguistic and semantic level (Dall'Omo 2012, 62). This is in fact the view maintained by Cao (2007, 39), who states that "a competent legal translator is first of all a competent translator." In 1996, the scholar devised a model of "translation competence and proficiency", which, following Snell-Hornby (1988), applies to all types of translation (general, specialist and literary). The model, which Cao later described as "multi-dimensional, interactive and developmental" (2007, 40–41), comprises the following three sub-components:

1) translational language competence, including organisational (grammatical and textual) and pragmatic (illocutionary and sociolinguistic) competence;
2) translational knowledge structures, i.e. "the knowledge that is essential to achieve interlingual and intercultural communication in translation" (Cao 2007, 44);
3) translational strategic competence, i.e. the psycho-physiological mechanisms unique to translational activities.

In this model, translation proficiency is "the ability to mobilise translation competence to perform legal translation tasks in the legal setting for intercultural and interlingual communication purposes" (Cao 2007, 39). Nevertheless, the model does not really address the specificities of legal translation, because it builds on the premises that "there is an underlying competence found in all competent translators, including the legal translator" (Cao 1996, 52).

Similarly, the model of TC devised by the EMT Expert Group is built so as to "comprise the minimum requirement to which other specific competences may be added" (2009a, 3); in other words, the specific components that characterise legal translation competence are to be added onto the set of six sub-competences that are particular to any and all competent translators.

As has been said above, though, a grey area exists and needs to be addressed in both translator training and professional translation. As argued by Englund Dimitrova (2005, 16), competence is not an absolute value, as its extent may vary based on different training and/or experience, and may not be applicable only to professional translators and graduates in translation. In her own words,

> It cannot be taken for granted that there will be a one-to-one correspondence between having certain training or experience and having a certain competence. We may conceive of the one without the other: training and/or experience will not always result in competence, and competence can be found in individuals without specific training and/or experience. Therefore, when studying aspects of translator competence, a possible solution is to operationalize the concept in terms of a certain amount of experience and/or training.

Like any other specialised translator, the competent legal translator is one combining the linguistic and methodological skills of a translator with the mastery of a specific subject-matter, e.g. (comparative) law, in this case. According to the EU-wide online survey of professional competence requirements among commercial translation service providers conducted as part of the OPTIMALE project[6], domain specialisation is in fact perceived by employers almost unanimously (90% of respondents) as a priority requirement, with legal translation as one of the dominant market segments (Valero-Garcés and Toudic 2015, 191). Going some way against

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[6] Further information on the OPTIMALE project can be found at the following website: <http://www.translator-training.eu/>.

Piecychna's assumption at the beginning of this section, Gallardo San Salvador and Way (1997), Mayoral (1997), and Borja Albi (1999) highlight the importance of thematic knowledge as part of legal translation pedagogy to be seen as a means to "utilitarian" passive understanding rather than active production of new texts or participation in the field. On the other hand, a more active involvement is envisaged in the receiver-oriented approach discussed by Šarčević (2000), whereby the legal translator should "compensate for conceptual incongruity whenever possible", which entails prior understanding and consequent production of legal texts through the eyes of a *lawyer-linguist* (Prieto Ramos 2011, 13). Further, "background knowledge structures in legal language" have also been considered necessary for legal translators to limit the time required for information retrieval (Biel 2009, 181), as well as to avoid mistranslations in processing the information from the SL to the TL legal macro-frame (cf. Wilss 1994, 41; Medhat-Lecocq 2010). To this end, the European Master's in Translation framework requires the allocation of at least 50% of the total ECTS to practical translation classes fostering knowledge of specialised subject-fields and the relative LSP (Biel 2009, 181).

In order to define "what kind of and how much knowledge of the law […] legal translators require in order to carry out their work efficiently", Valderrey Reñones (2012, 56–58)[7] identified three different classes of working knowledge required of a graduate in translation who is not a lawyer to practice legal translation as an expert in the field of law, including:

1) comparative declarative, i.e. comparative "knowledge of how legal systems work rather than […] a strictly factual knowledge of current legislation" (2012, 56), to get acquainted with major terms and concepts;
2) procedural, i.e. the "efficient treatment and management of specialized documentary, textual

and terminological information", which is sufficient to counteract "any deficiencies in [the translator's] declarative knowledge, which is not that of an expert in law" (2012, 57); and
3) attitudinal, i.e. continuous professional development and interdisciplinary collaboration to improve one's thematic competence "autonomously and progressively" (2012, 58).

As a matter of fact, as stated by Prieto Ramos (2011, 13), "even if legal translators do not need to be equipped with a jurist's level of legal expertise, […] the deeper the knowledge of legal subjects, the more confident the translator can feel when dealing with legal content issues during analysis and transfer stages of translation." The scholar continues that, clearly, "those trained in both translation and law potentially make the best legal translators" (e.g. the European Court of Justice exclusively employs lawyer-linguists as translators); alternatively, interaction between translators and lawyers should be fostered (Šarčević 2000). Nevertheless, it would be impractical to assert that only a double parallel qualification can produce competent legal translators (Prieto Ramos 2011, 19). Rather, all of the above highlights the importance of and the challenge for interdisciplinary tailor-made training (cf., e.g., Marín Hita 1996, 10; Šarčević 1997, 113–115; Hjort-Pedersen and Faber 2005, 52).

Two concluding remarks, as formulated by Gémar (1988, 307–308), thus appear to be necessary here:

> Aux [juristes désirant pratiquer la traduction], nous conseillerons de se former à l'art de traduire[15] et, avant tout, de rédiger. Aux [traducteurs qui désirent exercer leur activité dans le domaine du droit], nous ne pouvons que recommander fortement d'apprendre le droit afin de mieux maîtriser leur art en l'édifiant sur des bases juridiques, donc « techniques », solides. Moyennant quoi, nous ne doutons pas que les uns et les autres parviennent à des résultats satisfaisants pour eux, certes, mais aussi (surtout ?) pour l'ensemble de la collectivité.[8]

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[7] Valderrey Reñones's studies (2002; 2012) contributed to the Research Project *TRADOP* (Translation of Public Documents, Description, Strategies and Applications) of the Department of Translation and Interpreting at the University of Salamanca.

[8] "We recommend [lawyers wishing to translate] to pursue training in translation and, above all, writing. We strongly recommend [translators wishing to practice their activity in the field of law] to study the law in order to better master their art, by building solid legal – hence, 'technical' – grounds. In this way, we are confident that both will attain satisfactory results for themselves, certainly, but also (and especially?) for the entire community" (Gémar 1988, 307–308, my translation).

Key points

In EU Member States, the increasing number of criminal proceedings involving a foreign national has brought about more attention to the right of suspects and victims of crime who do not understand the language of the proceedings. Several measures have already been adopted, including a *Roadmap for strengthening the procedural rights of suspected or accused persons in criminal proceedings*, which led to the adoption of several measures.

In particular, *Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings* secures the right to language assistance throughout the entirety of the proceedings, expanding its scope to all documents deemed essential to enable the persons concerned to have sufficient knowledge of the case against them. While the Directive clearly stresses the need for quality of this language assistance, which should thus be provided by appropriately qualified professionals, it fails to establish supranational criteria to ensure such provisions.

As a result, several Member States took advantage of the general character of the Directive to maintain the status quo unaltered, with the recruitment of unqualified translators putting the rights of foreigners at risk on a daily basis. Quality has proved a weak link in the transposition of the Directive; for example, in Italy no provision has been adopted for judicial authorities to hire only registered LITs, despite the inclusion of the translation professions in court registers.

Similarly, even in academia no consensus has been reached on the actual profile of the competent translator, with a considerable number of concurring and/or contrasting definitions and terms; nonetheless, a move towards a multicomponential conceptualisation of translation competence has occurred (most prominently, Kelly 2002; PACTE 2003; EMT Expert Group 2009a; Göpferich 2009).

With particular reference to legal translation, very few models have been devised. For example, Prieto Ramos (2011, 7) devised a process-oriented model of legal translation competence, where the five sub-competences, which parallel those identified in the models for general translation competence, are oriented to legal translation, with thematic competence being of course a distinctive feature.

Still, the scope and extent of expertise in law required of legal translators (e.g. Šarčević 1994; Wilss 1996; Cao 2007; Gouadec 2007; Prieto Ramos 2011) remains an open question. This particular background raises an obvious question with direct implications from both a pedagogical and professional perspective. Who is the competent legal translator: a competent translator with a specialisation in legal translation or a foreign-language-proficient lawyer?

<div align="right">

The research project
Designing an empirical study

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*But the beauty
is in the walking –
we are betrayed
by destinations*

Gwyn Thomas

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Against the background outlined in Chapter 1, this Ph.D. research project seeks to address the issue of quality and adequate training in legal translation from both a professional and pedagogical perspective. To this end, it can be split into two distinct, though complementary, phases. As a theoretical foundation, my participation in the QUALETRA project, reported in Chapter 3, played a crucial role in the identification of professional and training needs of legal translators. Such needs have been empirically explored in the second phase of the research project, consisting in an empirical study on the translation problems and quality issues of prospective legal translators. This chapter presents the aim (2.1), the research questions (2.2), and the research design (2.3) of this research project. In particular, in Section 2.4 the composition of the research sample will be described, followed by the contextual setting of the experiment in Section 2.5. Finally, by providing a thorough overview of the data collection methods and tools, the three perspectives adopted in this study will be addressed, i.e. product-based (2.6.1), process-based (2.6.2), and subject-based (2.6.3).

2.1   Research aim

The doctoral activities conducted as part of my Ph.D. have followed a twofold trajectory, consisting of two distinct phases running in parallel and mutually feeding one another. The final aim of my research was an attempt to bridge quality and competence in legal translation with a very pragmatic approach from both a didactic and professional perspective.

For the first two years of my Ph.D. scholarship, I have been actively involved in QUALETRA (JUST/2011/ JPEN/AG/2975), a two-year project funded by the DG Justice of the European Commission on quality in legal translation, in response to Directive 2010/64/EU. The practical aim of QUALETRA was the identification of best practices for legal translator training, so as to establish common minimum standards to protect the basic rights of suspected and accused persons in international criminal proceedings through a system of translation quality assurance.

To achieve this, the QUALETRA consortium has focused on five different sets of activities, referred to as *workstreams* (WS), of which University of Trieste led WS3 on *Training*. I was directly involved in the following deliverables:[9]

- EU-wide survey on current practices in the training of legal translators and in the language training of legal practitioners;
- Integrative EMT-based model for legal translation competence;
- Recommended training format for translators in criminal proceedings;
- Sample training materials for the training of legal translators and legal practitioners in criminal proceedings, including multilingual terminological termbases, translation memories, document templates and genre analyses;
- ECQA Skills card for the certification of the profession "Legal Translator in Criminal Proceedings";
- Recommended training format for legal practitioners on "Good practice on working with legal translators."

My participation in the project provided the theoretical foundation for the second, complementary part of my doctoral activities. In order to test the specific competences of legal translators identified in the QUALETRA model, as well as the incidence of translation-specific competences vs. thematic knowledge on translation quality, an empirical study was designed to investigate the translation problems and quality issues faced by prospective legal translation trainees with different backgrounds. More specifically, the study carried out a comparison of the performance of a group of translators vs. that of a group of linguistically-skilled lawyers.

The key features of this project are at least three. First, the additional variable of the participants' prior education, which is particularly relevant in today's language industry and in the legal context, where translations to and from the foreign language are mostly produced by professional translators in collaboration with lawyers, but occasionally also by lawyers themselves (Faber and Hjort-Pedersen 2009b,

340).

Second, the gap it seeks to fill in legal translation research, where (very few) recent empirical studies focusing on the translation competences of lawyers vs. translators have mainly zeroed in on the different product-related preferences shown by the two groups of participants (e.g. Fischer 2008; Faber and Hjort-Pedersen 2009b). Rather, the present study adopted both a process- and product-oriented perspective, with the translation product being considered as a direct result of specific procedural patterns.

Third, the project represents one of the very first attempts at empirically validating the models of (legal) translation competence, where thematic competence is a recurring feature whose weight has not yet been precisely determined.

2.2 Research questions

Based on these considerations, a series of research questions has been developed to determine the nature, scope and phases of this project.

The first overarching research question is the following:

Q1. Do the different backgrounds of prospective legal translators result in different translation problems? If so, how and to what extent?

Considering the procedural nature of the definition of 'translation problems' adopted in this study (4.5), the answer to this first question is to be found in the process-oriented analysis of the different performances of the two groups of participants under consideration, which aimed to assess the nature of the interruptions to the natural flow of the translation production for each group. This type of data was collected in the first phase of the empirical study, transcribed and then analysed both quantitatively and qualitatively.

As a direct consequence of the first, the second research question reads as follows:

Q2. Do these problems result in different procedural patterns and/or translation errors?

To answer this question, process- and product-based analyses were bridged to identify different

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[9] All QUALETRA deliverables are available at the following address: <http://www.eulita.eu/qualetra-final-report-package>.

competence levels in both the behaviour of the two groups of participants and resulting quality of their translations. The triangulation of these data sought to identify whether there is a correlation between different education backgrounds, procedural patterns and, ultimately, translation quality.

To connect the two different phases in my career as a Ph.D. student, a final question of greater breadth was posed:

Q3. *Do translation-specific skills and thematic knowledge carry different weights in the overall translation performance?*

From both a qualitative and quantitative perspective, the results of the research study aimed to provide a sound, empirical background to the attempt of validating, on the one hand, the notion that a specialised translator is a translator first (cf. 1.2.4), and, on the other, the integrative QUALETRA model of legal translation competence (cf. 3.3).

2.3   Research design

The design of this study makes it possible to explore the research questions and fulfil the aims described in the previous sections of this chapter. To this end, thirty translations from English into Italian produced by a sample comprising two different cohorts of translators and lawyers respectively were analysed. The 500-word source text (ST) was a criminal law document, i.e. a European Arrest Warrant, presenting a variety of potential translation problems (e.g. comprehension, pragmatic, terminological, and syntactic). To ensure ecological validity, the subjects were allowed to use any resource they wished.

Firstly, the analysis focussed on the translation process to identify the participants' translation problems, i.e. "those particular source text items […] problematic for translation […] as manifested in, and inferred from the participants' recorded translation processes" (Enríquez Raído 2011, 151). From a process-oriented perspective, the analysis triangulated data from different collection methods, i.e. screen and video recording, and keystroke logging (Göpferich 2009, cf.; Enríquez Raído 2011; Martín-Mor 2011; Morado Vázquez 2012; Teixeira 2014) using Blueberry's *BB FlashBack*. The average delivery times per group and the time delays devoted to each

of the three translation phases identified by Jakobsen (2002) – orientation, drafting and revision – were first calculated. Pauses in the translation process were then analysed as potential occurrences of problems, using an amended list of the primary and secondary problem indicators devised by Krings (1986b, transl. in Göpferich 2009). Further, the identified problems were classified into a taxonomy developed specifically for this project, including the main categories of *content-* and *form-*related problems which were drawn from Mossop's (2014) list of revision parameters. These data were then correlated with both the type of reference materials used, i.e. internal and external support (Alves 1997), and the resulting decision-making mechanisms (PACTE 2009, 223). In parallel, a subject-oriented perspective was included by way of a post-task questionnaire to assess the participants' perception of time, text difficulty and final performance.

Secondly, the study adopted a product-oriented perspective, as all process- and subject-related data were mapped onto the quality of the participants' target texts (TTs). This was done by carrying out an error analysis (Mossop 2014; Vollmar 2001) and assessment of the translations' *acceptability* with the methodology developed by PACTE (2009).

The identification of the specific training needs for the two groups resulted from the triangulation of the participants' procedural patterns that led to translation problems and (both declarative and procedural) knowledge deficits, on the one side, and the erroneous renderings in their products, on the other This triangulation also shed light on the different levels of translation competence of the two groups.

It should be noted that parts of the methodology adopted in this project had been piloted in a previous experiment I conducted as part of my MA thesis on technical translation (cf. Orlando 2011; 2014); in particular, the methodology adopted for error analysis and the calculation of the Translation Quality Indices, as well as the post-task questionnaire, were almost entirely left unaltered from that first study.

The different layers of the research are presented in Figure 6 while the ensuing sections will provide further specifications of the methodology adopted.

Figure 6. Research design (modelled after Pavlović 2007, 66; Enríquez Raído 2011, 170)
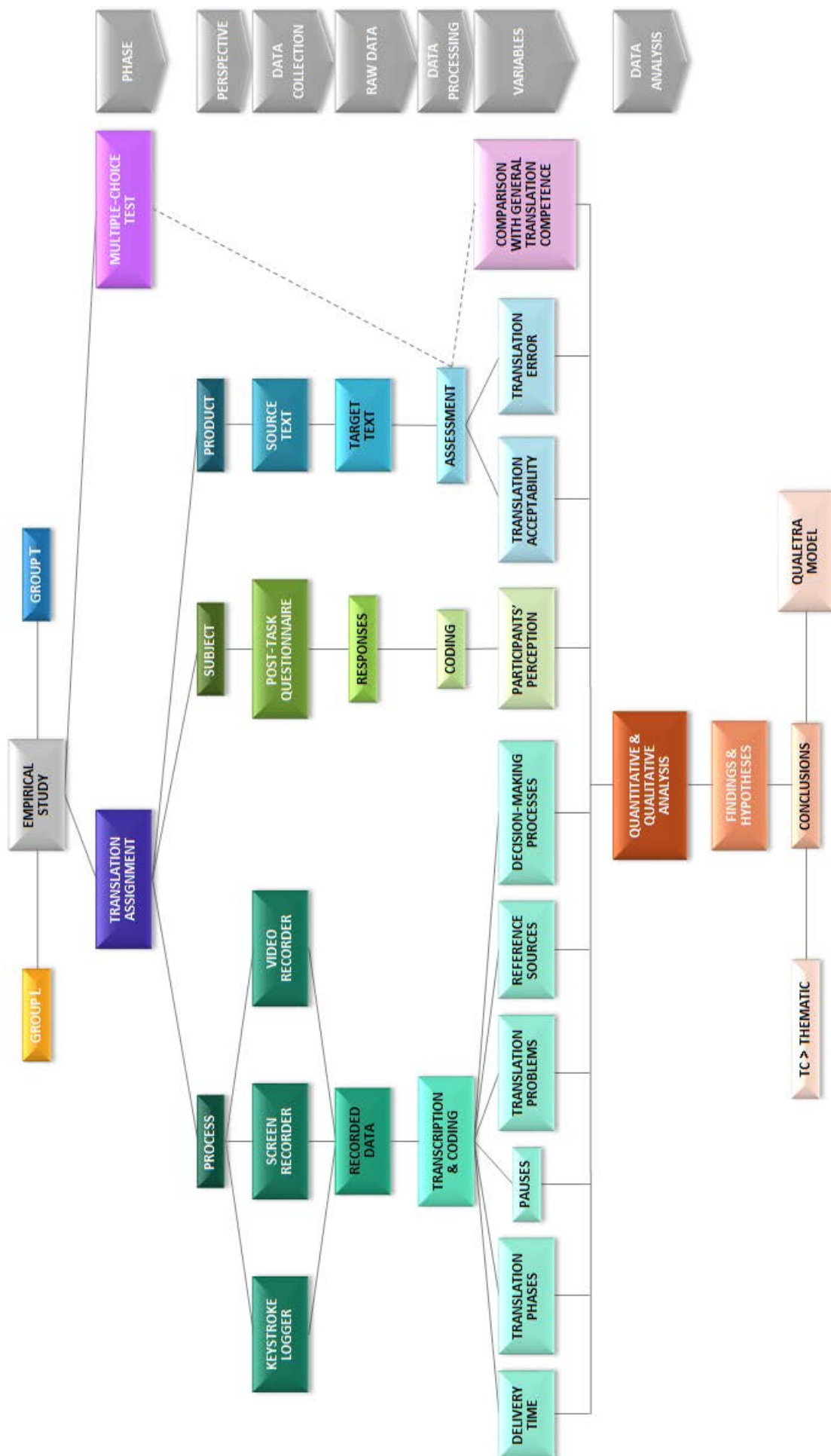
For product-assessment, a further method was the adoption of the so-called Rich Points for the assessment of translation acceptability, which had been successfully implemented by the PACTE research group (2009, 215) and, more recently, by Quinci (2015b), who adopted this method to conduct, at the University of Trieste, an empirical longitudinal study on translation competence.[10] As for the methodology for the investigation of process-data, this was based, on the one hand, on the existing literature – which will be mentioned throughout the thesis in each relevant section – and, on the other, on a small-scale pilot analysis using the recordings of translation processes from the main study which were incomplete or corrupt and could thus not be considered in the final results.

2.4 The sample

The composition of the sample of participants to the study reflects the considerations described in 1.2.4. With the purpose of testing potential, when not probable, translators of legal documents or, even better, potential legal translation trainees with different academic backgrounds, the sample included the following two cohorts:

1) 15 MA-level translation trainees (hereinafter, 'Group T' or 'Ts') at the very end of their training, i.e. attending the last semester of the MA programme in Specialist Translation at the University of Trieste, in which no specialisation in legal translation is provided; and

2) 15 linguistically-skilled postgraduate lawyers ('Group L' or 'Ls') at the University of Genova, with no translation-related qualification.

With reference to Group T, the participants were characterised by a great knowledge of translation procedures and routines, but a limited or lack of knowledge of the legal subject-field. By contrast, at the other end of the spectrum are the members of Group L, whose expertise was strictly related to the legal domain, hence including familiarity with the content and formal conventions of the documents produced in this field, as well as mastery of the English language, especially in terms of passive comprehension, which was in fact the prominent English language-related skill they needed to complete the task.

In general terms, the composition above matches the sample in the product-oriented study conducted by Fischer (2008), and Faber and Hjort-Pedersen (2009b), consisting of four lawyers and four professional translators who were asked to translate parts of an English pre-marital contract into Danish.

However, some further considerations need to be made concerning the relatively small size of the present sample. The first is that the seemingly low number of participants per cohort was – at least partially – the result of the methodology adopted for this study, which was bound to produce large amounts of data to be analysed for the most part manually (cf. Englund Dimitrova 2005, 67), though the main reason was actually the participants' availability (see below). Another important consideration was that both the overall sample and the specific composition of Group L changed many times while constructing the research design for this dissertation. At first, my intention was to test the postgraduate students of the 2013 edition of the post-MA in Legal Translation at the IUSLIT of the University of Trieste, i.e. a group that was to include both translation (and, potentially, language) graduates and, possibly, law graduates. However, in 2013 the MA programme was not launched and when it did resume running in 2014 the group of trainees included translators only. Likewise, the Group of Ls was initially supposed to comprise Italian lawyers having completed the MA in legal translation offered by City University London, which was however cancelled in 2014. Eventually, I decided to contact a number of law post-graduates working at the University of Genova (my hometown), whom I knew personally and who agreed to participate in spite of not being offered any participation fee. As a result, early on while drafting this research design it became quite apparent that having lawyers participate in the study without any compensation other than feedback on their translations was going to have a great impact on both their number and the amount of time they were willing to devote to the experiment, i.e.

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[10] Other sample evaluation methods have been devised in recent years, also with reference to legal translation, e.g. the *Preselected Items Evaluation* (PIE) method developed in Antwerp (Kockaert and Segers 2014).

absolutely no more than 2 hours. By contrast, no such problems were encountered for the recruitment of Ts, both because conducting my research at a translation university meant that it was easier to directly contact and select the participants, but also because they were promised an additional point in their final mark of their English-into-Italian specialist-translation exam. Hence, as many as 24 Ts volunteered to take part to the study, though the final sample had to be reduced to 15 full tests owing to the fact that a number of tests could not be considered in the analyses due to technical difficulties that had stopped the recording of the participants' translation processes. As already mentioned, though, these tests were not wasted, but were used as sample for the pilot study.[11]

It should be noted that the very composition of the two groups, as well as the availability of the components of Groups L and the difficulties in recruiting them, determined the single language combination and direction considered in this study, i.e. English into Italian; still, language combination does not affect in any way the major focus on the translation process of the present study.

Finally, all participants were asked to sign a consent form (Appendix 3), in which they confirmed to having received enough information about the present study and taking part in the experiment on a voluntary basis, were ensured complete access to all research data and agreed to the processing of their personal data for research purposes only.

2.4.1 Profiling participants with questionnaire-data

Further specifications on the composition of each cohort can be deduced from the responses given by participants to the first part of the post-task questionnaire.

First of all, while Group T consisted of a single type of participants, i.e. translation trainees at the end of their MA training, the participants to Group L held different positions at the University of Genova. More

precisely, seven of them were researchers, six were Ph.D. candidates and two were Professors.

Further, proficiency in the L2 was essential to participate in the study. While it was taken for granted in the case of Group T, and because a full-blown language test would have not been feasible in the limited time availability granted by Ls, the latter had to meet certain criteria for admission. In particular, the members of Group L were chosen based on the following minimum requirements:

- formal L2 training;
- official language certifications;
- research stays in English-speaking countries;
- publications in English.

Also, the number of years participants had received formal English training was investigated. Unsurprisingly, the mean values are 11.7 years for Group L, who mostly stopped studying English past their school years, and 14.6 years for Group T, who continued their L2 training during their university education. This is confirmed by the lower standard deviations recorded by Ts, i.e. 3.4 years, as compared to 6.3 for Ls, whose length of study ranges between 8 and 27 (also as a result of the participants' different ages).

As regards the participants' prior translation-related experience, another preliminary question focussed on whether they had carried out translation assignments, either at professional level or because they had needed to for their professional practice. On the one hand, two-thirds of Ls stated that they had already translated texts for professional purposes, and all such texts were of a legal nature;[12] on the other hand, 80% of Ts stated that they had had professional experience in translation (though sparsely, considering they were still enrolled at university), but not in the legal field. More specifically, half of Group T also noted that they had previously translated in Italian legal documents during their university training, though the ST was typically a commercial contract and the SL was not English.

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[11] The composition of the sample for the pilot study obtained from the total of 24 initially recruited was purely random; still, for the sake of precision, from both a process- and, especially, product-oriented perspective their average results were perfectly in line with those presented in this thesis and their inclusion in the analyses would not have altered the general trends which were eventually identified.

[12] Interestingly, the frequency of such occurrences ranged between 'weekly', 'once a year' and 'when needed'.

2.5 The logistics

The logistics of the experiment, that is to say the practical conditions for the implementation of the design, had to address the need for ecological validity and uniformity in the collection of data, and the heterogeneity of the sample in the study.

In consideration of the many variables under consideration and the recording methods chosen, the participants to the study were asked to complete the translation task in my office, using my own laptop on which the software had been installed and tested. System support and compatibility were indeed crucial aspects to ensure consistency and minimise technical difficulties in the recordings, hence the use of a single computer.

On the other hand, to make the experimental situation as close as possible to the participants' usual work environment and to ensure ecological validity, they were allowed to use any resource they wished, both in type and number. This applies to both paper-based and digital (online and offline) resources: in the latter case, participants were advised to arrive a bit earlier than the actual beginning of the test to install any software they would normally use on their computers[13], test the equipment or any CD-ROM they had brought with them. Participants were clearly told that they could access any resource and, potentially, even contact other persons who might have helped them with the translation, as could happen in real-life translation assignments.

As regards temporal aspects, the schedule of the experiments was individually agreed with each participant to avoid any clash with their academic and/or professional activities. Group L took part in the experiment in Genova in September 2014, whereas Group T was tasked in Trieste in April 2015, i.e. at the very end of their last semester as MA students in Specialised Translation. Finally, no time constraint was specifically set for each translation task. However, a time frame of two hours was recommended for two different sets of reasons. As mentioned, the first and, lamentably, the most important, was that Group L would only dedicate this

amount of time to completing the task. The second, however, is both didactic – 2 hours is the usual time duration of translation exams at the University of Trieste – and professional – also the ability to work under time constraints had to be tested.

2.6 Data gathering: methods and tools

In exploring the research questions presented in the previous sections, a speculative or anecdotal approach would have provided no adequate foundation to translate the results of this thesis into pedagogical practice. Hence, an empirical approach was preferred, as has become necessary in and increasingly typical of translation research, thus overcoming the shortcomings of Holmes's initial map of Translation Studies (Künzli 2013, 53). This empirical investigation thus took its first steps from a theoretical background and research hypotheses, and sought to provide foundation and develop conclusions of "an exploratory and hypothesis-generating character" (Englund Dimitrova 2010, 408), albeit steering away from sweeping generalisations. To this end, different data collection methods and tools were resorted to, crossing different research perspectives. In this sense, translation is here considered and analysed as a problem-solving, decision-making activity. In more concrete words, this investigation observed whether procedural difficulties resulted in faulty products and whether good results were attained through different paths, of which some were more efficient. A separation between the translation process and the translation product was thus impossible, considering that "the one is the result of the other, and that the nature of the product cannot be understood without a comprehension of the nature of the process" (Holmes 1988b, 81). On the one hand, models of translation competence (cf. 1.2.2) and standards for quality assurance (cf. 5.1.2) are based on good behavioural patterns, i.e. focus on the translation process; on the other, it is the translation product that is evaluated in

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[13] It should be noted that a series of the most frequent CAT tools (including *SDL Trados* and *WordFast*) was made available on the laptop used for the test in case participants wished to load their own translation memories or glossaries. However, none of them actually needed to, given the lack of prior professional experience in (legal) translation in the case of Ts, and lack of translation-specific technological competence in the case of Ls.

both training and professional environments. Referring back to Gwyn Thomas at the beginning of this chapter, no *destination* could be reached without *walking*, but there is no need to *walk* when no *destination* is set out. The *beauty* sought after in this research project thus lies in creating a bridge between process- and product-oriented research. Hence, the distinction is here merely methodological, and is operationalised as follows.

Firstly, from a product-oriented perspective the source text will be described in 2.6.1. Secondly, the focus moves to the translation process, whereby keystroke logging, screen and video recording, and the *BB FlashBack* software will be discussed (2.6.2). The final Section 2.6.3 of this chapter briefly presents the post-task questionnaire used in this study to integrate process- and product-related data with subject-related information.

In general, all variables under scrutiny in this study were singled out and individually observed from both a quantitative and qualitative perspective. In other words, statistics – including counts, percentages, and means – are first provided to describe the frequency of the phenomena considered; subsequently, though, an attempt was made to describe the event(s) at hand, categorising them and identifying potential correlations to understand the underlying reasons. Finally, the analyses comprised both manual and (semi-)automatic approaches, and mostly relied on the functions of *Microsoft Excel* for the quantitative portion.

2.6.1 The translation product

Product-oriented research, that is the study of (parallel or comparable) corpora of translated texts, is generally aimed at the identification of either linguistic patterns that set translated language apart from non-translated, or, as is the case in this thesis, regular patterns in terms of, e.g., strategies and techniques that possibly set translators apart from one another (Palumbo 2009, 92).

The source text

The source text chosen for the translation assignment is an extract from a European Arrest Warrant (EAW)[14] included in the QUALETRA WS2 corpus (the unedited version is attached as Appendix 1).[15] The EAW is a fairly recent legal instrument (and, consequently, text type), first proposed with Council Framework Decision 2002/584/JHA in June 2002 and officially adopted in January 2004.[16] It represents a tool of mutual recognition of criminal justice systems in the EU, as it provides for the surrender to an EU country of a person who has committed a serious crime in this country but lives in another to face criminal prosecution and/or be placed in custody or detention. Issued by a national judicial authority, the EAW applies in case a suspect is accused of an offence punishable with at least a year in prison, or has already been sentenced to at least four months in prison. Prompted by the international efforts after the US terror attacks of 11 September 2001, the EAW replaced the extradition systems of the MSs, thus simplifying and speeding up lengthy administrative procedures with a minimum of formalities and within a set deadline. In order to avoid any differences between MSs, an identical form in all official EU languages was provided under Article 8 of the Framework Decision as Annex 1. The EU-wide application of this document has obvious translation-related consequences: the Framework Decision on the EAW provides for its translation into the official language(s) of the executing MS. In the words of Bednarek (2009, 87–94), the translation of the EAW is an act of intercultural communication, with the TT serving as a parallel document where the function of the ST – that is, a judicial decision – may not be altered by any means. This was ultimately the *translation brief* given to the participants right before starting their assignment, i.e. to produce a parallel text which in a real-life context would constitute a judicial decision with the same legal effects as the ST. In other words, the task encompassed "both intercultural and legal transfer" after a careful analysis

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[14] More information on the EAW are available at the following website:

<http://ec.europa.eu/justice/criminal/recognition-decision/european-arrest-warrant/index_en.htm>.

[15] The corpus is available at the following website: <http://www.eulita.eu/qualetra-final-report-package>.

[16] The full title of the Act is "Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the framework decision".

of the ST (Klimek 2015, 140).

This legal document, issued by a competent national judicial authority (*text sender*), e.g. a court, to an executing MS (*text receiver*), is a request, as evidenced by the mandative subjunctive (*be arrested*) in the opening statement; conversely, the section *Description of the circumstances in which the offence(s) was (were) committed…* is of a more narrative nature, highlighted by the use of verbs in the past simple, dates and other temporal markers. The document is divided into clearly separate sections, as follows:

a) Information regarding the identity of the requested person;
b) Decision on which the warrant is based;
c) Indications on the length of the sentence;
d) Indication if the person appeared in person at the trial resulting in the decision;
e) Offences;
f) Other circumstances relevant to the case (optional information);
g) This warrant pertains also to the seizure and handing over of property which may be required as evidence;
h) The offence(s) on the basis of which this warrant has been issued is(are) punishable by/has(have) led to a custodial life sentence or lifetime detention order;
i) The judicial authority which issued the warrant;
j) Signature of the issuing judicial authority and/or its representative.

In particular, section (e) includes a list of 32 serious offences which, again, are available in all EU languages, thus proving a useful source for translators. The (English language version of the) EAW displays the typical linguistic features of legal discourse, e.g. the use of imperatives, passive voice, noun phrases and field-specific terminology, and short sentences, which contribute to the official tone and formal register of the document.[17]

The text was perceived as an adequate choice for a series of reasons. In translating an EAW, Bednarek (2009, 94) identifies the main implications – i.e. the main translation problems – in the differences between legal systems and laws, languages, and cultures; a repertoire of all such problems featured indeed in the extract. To this end, the original EAW, which had been anonymised for inclusion in the QUALETRA corpus, was reduced to a 435-word ST (Appendix 2), including three fragments from different sections of the document. More precisely, the narrative part was omitted, so that the primary focus fell on the following:

1. the opening section, i.e. an introduction to the document and specification of the type of EAW;
2. an extract from section *(e) Offences*, titled "Nature and legal classification of the offence(s) and the applicable statutory provision / code", where a great deal of legal adaptation was needed due to the national-specific description of the offences;
3. the majority of section *(f) Other circumstances relevant to the case (optional information)*, where remarks on extraterritoriality, time limitations and other consequences of the offence are covered.

Considering the purpose of this study to test translation competence in the specialised legal field, it was decided to exclude the *Statement*, as it showed a more narrative, non-specialised linguistic nature. By contrast, the three extracts can be considered representative of the most recurring features (and problems) of legal discourse/translation.

Moreover, the choice appears appropriate also when taking into account the total inexperience of both cohorts (though for different reasons; cf. 2.4). First, being the EAW a standardised European legal instrument and document, the majority of the terms and phrases designating EU-level notions were bound to be easily retrieved in the language resources offered by European institutions, such as the multi-lingual legal corpus *Eur-Lex* and terminological database *IATE*. Second, the participants could easily retrieve the official Italian version of the EAW template, so as to maintain the original structure of the document. In this sense, all different translation-specific competences were put to test, considering the translation brief they had been given (produce a parallel text that in real-life was to have the same legal effects as the original).

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[17] A thorough genre analysis of the EAW has been conducted as part of QUALETRA's Workstream 2 and is available at the following website: <http://www.eulita.eu/qualetra-final-report-package>.

Product-related variables

In the present study, this perspective encompassed two main variables, namely:

1. *translation acceptability*, an indicator of translation quality assessed using PACTE's methodology of sample assessment;
2. *error analysis*, used to calculate a Translation Quality Index for the whole translation.

Both variables will be discussed, in Sections 5.3 and 5.4 respectively, using both a quantitative and qualitative approach, both per participant and per group.

2.6.2 The translation process

As reported by Muñoz Martin (2014, 52–53), between 2006 and 2013 there has been an upsurge of efforts and publications devoted to translation process research, with over 100 chapters in at least 11 books and more than 200 papers in indexed translation and interpreting journals. This new abundance, though, obviously encompasses different perspectives and approaches. In their entry on "Cognitive approaches" in the *Handbook of Translation Studies*, Alves and Hurtado Albir (2010, 29–31) present a veritable cornucopia of the various takes on the theoretical definition of the translation process: from Bell's (1991) linguistic and psycholinguistic model, through Gutt's (1991) relevance-theoretical model, Kiraly's (1995) social and psycholinguistic model, Gile's (1995) effort model, to Wilss's (1996) cognitive-psychological approach to the process of translation, which is seen as a decision-making behaviour. Based on the latter (and latest) approach, Hurtado Albir (2001) has defined the translation process as "a complex cognitive process which has an interactive and non-linear nature, encompassing controlled and uncontrolled processes, and requiring problem solving, decision making and the use of translation strategies and tactics" (Alves and Hurtado Albir 2010). At least to a certain extent, this entails dealing with the non-directly observable, the translator's "black box" (Holmes 1988a/2000, 177), and, ultimately, with a task which is far from being easy. In general terms, Tarp (2004, 30–31) proposed a generally accepted model of the translation process, encompassing three phases during which translation problems may arise, as follows:

1. reception of source-language text;
2. transfer of text from source language into target language;
3. production of target-language text.

A wide variety of increasingly sophisticated research methods for different goals have been developed to collect different types of information concerning the translation process, in an attempt to minimise the risk of jeopardising the ecological validity of the study. The increasingly computer-based nature of the latest data collection methods, though, is making the experimental environment increasingly similar to real-life situations (Englund Dimitrova 2010, 408). In the 1980s, the first trend in translation process research was the adoption of introspective protocols, consisting in the transcription of the translator(s)' verbal report of what goes through their mind while performing the task, either individually (*think-aloud protocols*) or in small groups (*dialogue protocols*), concurrently or retrospectively. Also, introspective research may take the form of integrated problem and decision reports (Gile 2004), interview and questionnaires (Göpferich and Jääskeläinen 2009). Think-aloud protocols (TAPs) were used in the first large empirical studies, such as those by Krings (1986b), Lörscher (1991) and Jääskeläinen (1999). Trying to overcome the partial and/or invasive character of TAPs (cf. Enríquez Raído 2011, 100–106), technical advances now enable the recording of the writing process in translation using keystroke logging, i.e. the recording of every keystroke and cursor activity with the specific timestamp (e.g. A. L. Jakobsen 2003; Hansen 2006a; Göpferich, Jakobsen, and Mees 2008); screen recording, i.e. the recording of all on-screen activities (e.g. Göpferich 2009; Enríquez Raído 2011; Martín-Mor 2011); and video recordings, i.e. the external recording of all (off-screen) activities in the translation environment (e.g. Pavlović 2007). Albeit not flawless yet, data-collection methods in translation research are undergoing substantial progress to attain scientific rigour, especially in the direction of combining different sources. As defined by Alves (2003, vii), 'triangulation' – i.e. the alignment of data gathered through different collection methods – assumes that "navigating through uncharted waters requires several location points to establish one's position", seeking to minimise the risk of "methodological

artefacts" (A. L. Jakobsen 1999, 19) in the observation of procedural phenomena. For example, Carl (2009) combined keystroke logs with eye-tracking data, while Alves *et al.* (2009) aligned all such data with retrospective protocols.

Cognitive approaches to translation have led to valuable findings, which Alves and Hurtado Albir (2010, 33–34) summarise in the following list:

1. the existence of basic stages related to understanding and re-expression, plus a non-verbal intermediate stage;
2. the need to use and integrate internal (cognitive) and external resources;
3. the role of memory and information storage;
4. the dynamic and interactive nature of the process which encompasses linguistic as well as non-linguistic elements;
5. the non-linear nature of the process, which allows for regressions and alternations between understanding and re-expression;
6. the existence of automatic and non-automatic, controlled and uncontrolled processes;
7. the role of retrieval, problem solving, decision making and the use of translation specific strategies in the unfolding and management of the process;
8. the existence of specific characteristics (e.g. translation phases, problems, strategies, competences) depending on the type of translation.

The data collection methods that are not relevant for this study will not be discussed in-depth in this context, though a summary of their advantages and disadvantages is provided in Table 1. Conversely, the next section will focus exclusively on the collection methods that were adopted in the study: keystroke logging, screen recording and video recording.

In conclusion, the observation of the translation process in this study is all the more relevant considering its overarching pedagogical purposes. The use of translation process research methods to help trainees develop their translation competence and self-awareness is in fact recommended, among others, by Hansen (2006b), Dam-Jensen and Heine (2009), Pym (2009b), and Massey and Ehrensberger-Dow (2011a).

Keystroke logging, screen recording and video recording

This section presents more in-depth the three research methods for process-related data collection relevant to this study.

The first was keystroke logging, a method long used in cognitive studies of writing which consists in the recording through specific software of all keyboard activity and mouse events with the respective timestamp, which can then be replayed by the researcher, e.g. to prompt elicitation of a retrospective report on the part of the translator. To this end, in 1995 Arnt Lykke Jakobsen and Lasse Schou developed the first DOS version of *Translog*, which recorded exclusively keystrokes; in its later versions, this tool expanded to include recording of mouse activities and a replay function in the Windows environment (*Translog 2000*), an integration with eye-tracking (*Translog 2006*) and the recording of spoken language for, e.g., translation dictation (*Translog-II*). The subject of a significant number of

Table 1. Data collection methods (transl. from Almela 2015)

Method	Advantages	Drawbacks
Introspective (*TAPs*)	Collection of visual and auditory information about the translation process	Artificial situation Difficult verbalisation of certain translation acts
Retrospective (*immediate or exploratory interviews*)	It does not influence the translator's behaviour during the task Ecological validity	Reliance on the translator's memory
Cognitive psychological (*eye-tracker, evoked potentials, positron emission tomography, functional magnetic resonance imagining*)	Control of external variables Reliability of results	Ecological validity Management difficulties Limited accessibility

publications in both translation process research (e.g. Hansen 1999; Alves 2003; Pöchhacker, Jakobsen, and Mees 2007; Göpferich, Jakobsen, and Mees 2008; Göpferich, Jakobsen, and Mees 2009) and translator training (e.g. Alves and Magalhães 2004; Alves 2005; Malkiel 2006; Hansen 2006b; Lee-Jahnke 2007), *Translog* – and more recently other loggers, including *Proxy* and *Inputlog* – has been used for investigating a range of different phenomena, e.g. pauses, segmentation, revision and self-corrections, inferencing, memory constraints, representation of motion, awareness of both translation processes and the communicative situation, and shifts in attention (for a thorough overview of specific publications, Schou, Dragsted, and Carl 2009, 42). Nonetheless, the interpretation of all such data as evidence of cognitive processing is not necessarily straightforward, also considering that logged data do not reproduce the translation process at large, but rather the writing process in the translation task (cf. Lorenzo 1999, 24). For example, with reference to pauses – one of the most relevant variables studied through keylogs – Enríquez Raído (2011, 129) points out that "without additional data, it would be very difficult to know, for example, if a given pause refers to a problematic item that has already been processed or one that is about to be processed." The analysis of pauses poses additional problems, with the minimum duration of the pauses to be analysed by the researcher having to take into account a series of factors, e.g. each participant's writing speed (Wengelin 2006, 111) or the text type used in the experiment (Göpferich 2008, 49). Undoubtedly, though, one of the biggest advantages of keystroke logging consists in its non-obtrusive, objective and exhaustive –i.e. ecologically valid – nature (A. L. Jakobsen 1999, 14). However, not all researchers who resorted to keystroke logging found that their subjects "forgot they were part of an experiment" (A. L. Jakobsen 1999, 15). For example, with reference to Translog, Neunzig (2000, 96) views the logging environment as "rather 'unrealistic'", with the drawback of not embedding activities outside the text editor. The latter problem, though, can be solved by combining a logger with a screen recording software[18] and/or a video camera, though with considerable synchronisation difficulties and efforts (Göpferich 2008, 41). Such recommendation is indeed at the basis of the choice of software for this study (see next section).

The second research method to collect data in this study was screen recording (or screen camera), that is the use of a software to record all screen activities performed by the translator, thus providing a thorough picture of the on-screen working environment at all points during the translation task. With reference to ecological validity, screen recorders such as TechSmith's *Camtasia Studio* and Blueberry's *BB FlashBack* are highly non-obtrusive, as they can be run in the background and reduced to tray, without affecting or slowing down (as long as the computer is powerful enough) the translation process. Just like keyloggers, screen recorders capture all typing and mouse activities; however, screen recorders *per se* do not usually generate "a log file for later quantitative analysis" (K. P. H. Sullivan and Lindgren 2006, 157). By contrast, besides actual text production, what they are particularly useful for is the recording of research activities in terms of type of electronic source consulted, and the relation between type of information needed and type of source consulted (Göpferich 2009; Göpferich and Jääskeläinen 2009). Though a significantly valuable and reliable source of information, screen recordings are very time-consuming in terms of transcription, coding and analysis, which are to be performed manually by the researcher. This might be the reason why this method has been used in rather few studies investigating the translation process. These include Lauffer (2002), Asadi and Séguinot (2005), and Enríquez Raído's (2011) studies on information retrieval, Pym's (2009b) study aimed at pedagogical purposes, as well as larger scale experiments such as those conducted by PACTE (2003), TransComp (Göpferich and Jääskeläinen 2009; Prassl 2011), and Capturing Translation Processes (Massey and Ehrensberger-Dow 2010), combining screen recorders with other tools. Triangulation of different instruments can indeed be needed to compensate for screen recorders' inability to show the (non-)textual foci of attention of the translator (Göpferich 2008, 54), even though "mouse movements and clicks can […] serve as indicators of subjects' interactions with screen objects" (Enríquez Raído 2011, 132).

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[18] For example, the software *Proxy* (<http://www.proxynetworks.com>) works both as a keylogger and screen recorder.

The third research method was video recording, that is the use of a video camera to observe and capture the translator's behaviour in the (off-screen) translation environment. The camera should be preferably small and non-obtrusive (Pavlović 2007, 53), to avoid creating an invasive, unnatural environment where the translator may feel spied on – though one could argue that this is in fact the intrinsic nature of an observational experiment! – and ultimately change their behaviour (Lauffer 2002, 66). Usually employed in combination with other instruments to supplement other types of data, this observational method has been used, among others, by Lauffer (2002) to record facial expressions and body language as indicators of cognitive processes, Dancette (1997) and Enríquez Raído (2011) for dictionary lookups, and Séguinot (1989a; 1996) as precursor to screen recorders.

Against this background, this study adopted a single program to combine the three methodologies described above, in an attempt to take full advantage of their potential and compensate for their drawbacks, as explained in the following section.

The software

As mentioned in 2.3, the tool chosen to capture the participants' translation processes was *BB Flashback 4*, a Windows-based screen recording program, distributed by Blueberry Software.[19] In a single software, *BB Flashback* records (and then plays back) all screen activities, as well as keystrokes and mouse clicks, and webcam video feed. Figure 7 displays a screenshot of the user interface of the software with its main configuration tabs.

Prior to this study, *BB Flashback* had already been used in translation-process research (notably, Pym 2009b; Enríquez Raído 2011; Kourouni 2012), though *Translog* (Carl 2012) and *Inputlog* (Leijten and Van Waes 2013) for keystroke logging and *Camtasia* (Göpferich 2010) for screen recording, or a combination of both, have thus far dominated experimentation. The adoption of *BB Flashback* in this study was based on a series of reasons which are

presented below. As regards screen recording, the software was deemed the best solution for this study, considering its ability to record "high frame rate, high quality movies without affecting PC performance" (Blueberry software website 2015) and without interfering with the participants' translation process, being minimised to tray throughout the whole task. With reference to keystroke logging, it was favoured over other options (for an overview of logging tools, WritingPro Website 2015) because it does not limit the recording to the built-in text editor, but enables to capture all activities also when switching windows (which is particularly relevant in the investigation of reference sources).[20] As a matter of fact, this was fundamental because, while all participants typed

Figure 7. A screenshot of the user interface of the BB FlashBack Recorder
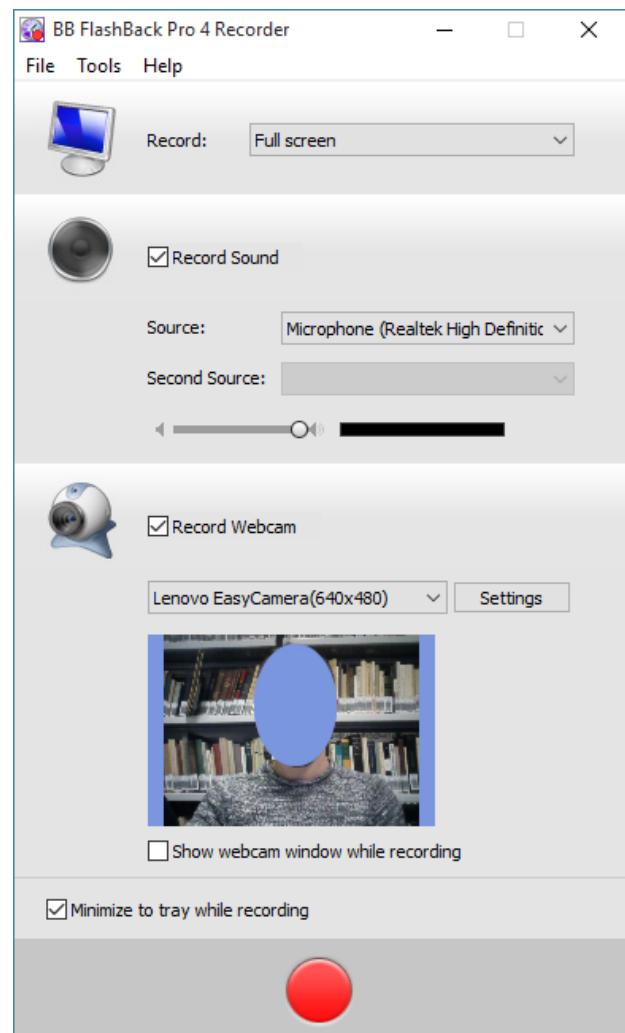
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their translations only in the text editor, i.e. *Microsoft Word*, they frequently switched windows to utilise different digital sources for different purposes, e.g. parallel and comparable texts in .pdf or .doc format, online dictionaries, glossaries, and concordancers using different web browsers and offline dictionaries on CD-ROM. However, the sole drawback of *BB Flashback* is the type of logs produced, where only the timestamp of each keystroke is provided, leaving it to the researcher to calculate the delay running inbetween timestamps, i.e. pauses, manually. While this may dramatically increase the time required for the analysis, the advantages offered by the software outbalance its only drawback for the reasons listed both above and below. As mentioned, the software also covered external video recording, by saving the synchronised webcam stream during the translation process. Though an additional camera was placed in the room to record the task, in the majority of cases (i.e. all thirty but one) the video captured through the webcam proved more convenient. Firstly, because *BB FlashBack*'s built-in player reproduces in a single window the screen recording, webcam video (and, if needed, the synchronised video file from the external camera), and keystroke log in synch (see Figure 8). Secondly, because the width of the image recorded was always sufficient to identify any pause due to

external factors unrelated to the translation task, e.g. phone calls. Further, it proved more accurate than the external video recording, which only provided a side view of the process to capture the use of paper resources (which occurred in one test only). The complete recollection of all facial activities enabled in fact the observation of several problem-indicators as explained in 4.4. Finally, as shown in Figure 7, the software can also record the sound feed from the computer's built-in microphone: though the use of TAPs was not foreseen in this experiment, in many cases the participants (especially members of Group L) verbalised their translation processes without having been solicited to, thus providing additional insights in their cognitive processing.

For the analysis, the recordings were saved in the default FlashBack Recording file format (.fbr) and reproduced with the proprietary player. Each task was saved in a separate file, whose name did not include the participants' identity other than a code of reference, i.e. from L01 to L15 for Group L and from T01 to T24 for Group T, to preserve anonymity. No exporting or conversion was required in this context.

In order to obtain both quantitative and qualitative data, the thirty translation processes had to be transcribed, taking into account all the relevant variables. Transcription and coding were the most

Figure 8. A screenshot of the user interface of the BB FlashBack Player
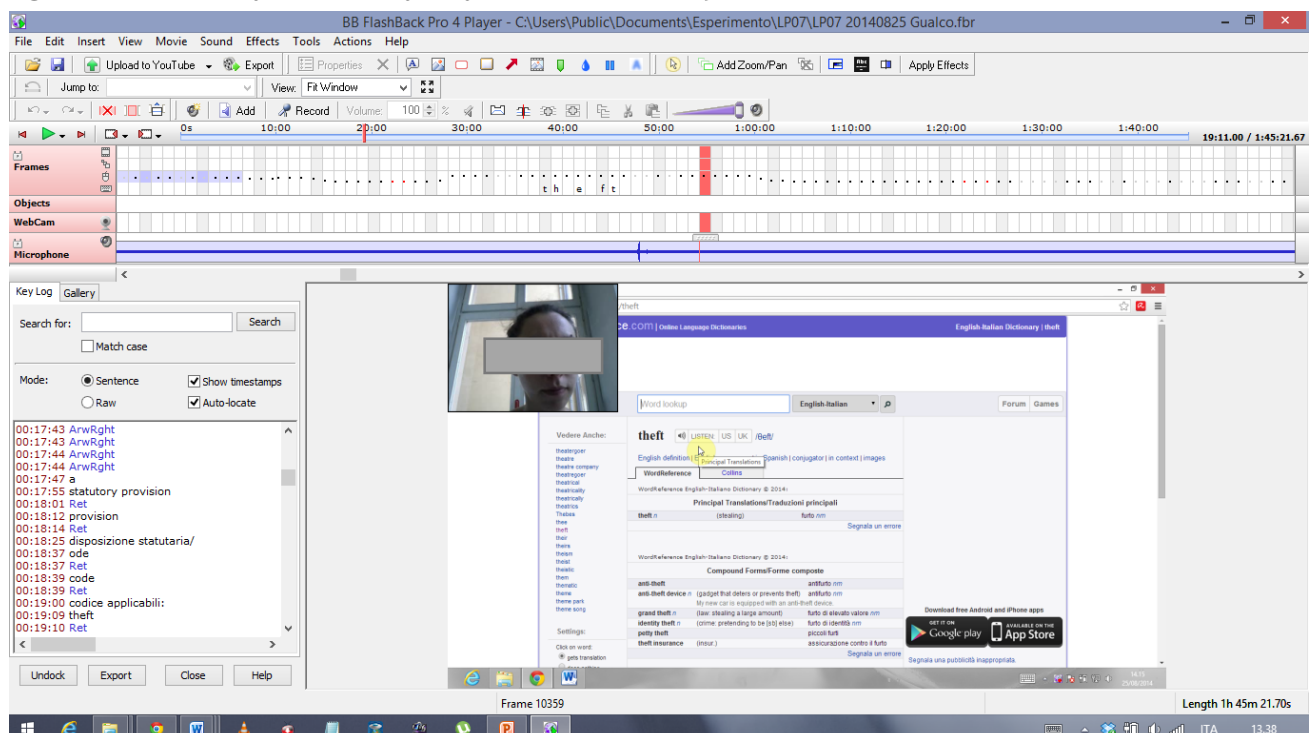
time-consuming and labour-intensive phase of the research, especially in the piloting stage where choosing which phenomena were to be transcribed (and how) was not immediately straightforward. After a series of trial and error, an Excel grid was developed, including:

- the timestamps with the typed sequence, using keystroke logging;
- the duration of each translation phase (in orange), calculated using screen recording and keystroke logging;
- the duration of each pause, based on keystroke logging, and the type of pause with conditional formatting (i.e. colouring the cell red) for problem-related pauses, based on a combination of all recorded data;
- the problematic text item;
- the indicators signalling the occurrence of a problem, based on screen and video recording;
- the type of problem identified;
- the type of reference sources used and the corresponding search query, based on screen recording (and, minimally, video recording);
- the decision-making mechanism, based on screen recording and keystroke logging.

A compiled grid can be seen in Figure 9. Though most variables required a simple numeric annotation of the observed phenomena (e.g. duration in seconds or number of occurrences), the "source" field (and any additional note) included longer text segments to allow a thorough description of the specific sources and behaviour of the participants. Keystroke data were first observed in detail in *raw mode*, which shows all key presses in a sequence, and then in *sentence mode*, where words and full sentences inbetween (longer) pauses are automatically grouped together by the software in a more readable manner. Following the transcription, quantitative analyses of all recorded data were conducted using Excel spreadsheets, where formulas were set to obtain inter- and intra-group statistics.

2.6.3 Subject-related data

The questionnaire

A third perspective was integrated into the research design, that is the subject-oriented approach, aimed at collecting a variety of data that were related to the participants and were not elicited through other collection methods. To this end, a post-task questionnaire (Appendix 5) was drawn up, which consisted of three macro-sections investigating the following different areas:

1. a first series of background questions (Q1-Q3) aimed at collecting demographic data (gender,

Figure 9. Transcription and coding grid in Microsoft Excel

age, position) as well as prior experience relevant to the experiment (number of years and learning context of study of English, number of years and frequency of general and legal translation prior experiences);

2. a second set of questions (Q4-Q5 and Q12) aimed at eliciting the participants' perception of different aspects of the translation assignment (text difficulty and recommended time delay, to be ranked on a *Likert* scale, and self-assessment out of 10);

3. a greater chunk of questions (Q6-Q11) investigating the translation process (pre-reading of the ST, reference sources, translation problems, self-revision).

While the responses from the first section of the questionnaire have already been reported in this chapter (2.4.1) to better outline the profile of the participants, the remainder of the questionnaire is presented throughout Chapters 4, 5 and 6 in direct connection with the variables under scrutiny. More specifically, subject-oriented data have been collected with the purpose of finding a possible confirmation of the hypotheses drawn on process-oriented data.

The questionnaire was administered to the participants after the translation assignment and, considering the time constraints, an attempt was made to keep it as concise as possible (in terms of both number and length of questions), though still fulfilling the information needs it set out to address. Most questions required multiple-choice answers, to further speed up completion. Also, the lowest-possible degree of translation-related metalanguage was used in the questionnaire to improve data reliability, as a result of the heterogeneous background of the sample and, more specifically, the very likely lack of knowledge on the part of Ls of the terminology used in translation research. Nevertheless, I remained present in the room while the participants were filling in their questionnaires, so as to clarify any possible doubt. Questionnaires were then transcribed and coded in an Excel spreadsheet, which allowed for automatized quantitative processing of the data.

Key points

With the aim to address the issue of quality and adequate training in legal translation from both a professional and pedagogical perspective, this PhD research project consisted of two distinct, though complementary, phases.

The theoretical and experiential foundation was laid by my participation in the EU-project QUALETRA, which led to the identification of professional and training needs of legal translators.

The second phase of the research project thus sought to test the identified training needs by way of an empirical study on the translation problems and quality issues of prospective legal translators. More specifically, a 500-word extract from a European Arrest Warrant was translated by 15 MA-level translation trainees with no specialisation in the legal domain (Group T), on the one hand, and 15 linguistically-skilled postgraduate lawyers with no translation-related qualification (Group L), on the other. The comparison of the performance of the two groups was meant to explore the specific relevance of thematic knowledge vs. translation-specific skills in the participants' procedural patterns and the resulting translation quality, thus providing insights into the two groups' specific training needs.

Consequently, the study adopted a twofold approach. Firstly, the analysis has focussed on the translation process, by triangulating data from different collection methods, i.e. screen and video recording, and keystroke logging using Blueberry's *BB FlashBack*, as well as a post-task questionnaire. The variables under investigation include the average delivery times and the time delays devoted to each translation phase, pauses in the translation process as potential occurrences of problems, translation problems, type of reference materials used, and the resulting decision-making mechanisms. In parallel, a subject-oriented perspective was included by way of a post-task questionnaire to assess the participants' perception of time, text difficulty and final performance. Secondly, the focus of the analysis moves to the quality of the translation product, which has been evaluated through both the analysis of the translation errors and the assessment of the translation acceptability.

Ultimately, the results of the analysis represent a first, empirical attempt at validating the integrative EMT-based model for legal translation competence (Scarpa and Orlando, forthcoming) developed as part of QUALETRA.

The EU project QUALETRA
Laying the foundations

3

> *Re-examine all that you have been told,*
> *dismiss that which insults your soul.*
>
> Walt Whitman

In response to the call of Directive 2010/64/EU for Member States to take "concrete measures" in order to ensure that the quality of language assistance in criminal proceedings is sufficient to safeguard the right to fair trial, in 2012 a EU-project called QUALETRA (Quality in Legal Translation) was launched with the financial support of the Criminal Justice Programme of the European Commission Directorate-General for Justice. Following a brief overview of the project and its main activities, my personal involvement in the project and, in particular, Workstream 3 led by University of Trieste will be presented in this chapter. More specifically, the following outputs, which had direct implications on the empirical study reported on in this thesis, will be discussed in the upcoming sections:

- an EU-wide survey on current practices in the training of legal translators and in the language/communication training of legal practitioners (3.2);
- an integrative EMT-based model for legal translation competence (3.3);
- a syllabus for legal translator training (3.4);
- an ECQA Skills Card for the certification of the profession "Legal Translator in Criminal Proceedings" (3.5); and
- a recommended training format for legal practitioners on how to collaborate with legal translators (3.6).

3.1   The project

With the aim of raising the quality of legal translation and training in criminal proceedings, the Criminal Justice Programme of the European Commission Directorate-General for Justice financially supported the project QUALETRA (JUST/2011/JPEN/AG/ 2975),[21] which ran between November 2012 and November 2014. The project is directly linked to Directive 2010/64/EU, following which it specifically addresses the essential documents in criminal proceedings (under Article 3 of the Directive), as well as the European Arrest Warrant (EAW). The issue of quality in translation is in fact a particularly crucial

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[21] All information on the project can be found at the following address: <http://www.eulita.eu/qualetra-0>

one in the Directive, as the suspected or accused person is explicitly given "the possibility to complain that the quality of the translation is not sufficient to safeguard the fairness of the proceedings" (Article 3[5]). More specifically, effective translator training can certainly be envisaged to feature among the "concrete measures" (Article 5[1]) that MSs are required to take to ensure translation quality. At the current state (cf. 1.1), though, language assistance is not always provided by "appropriately qualified" professionals (Article 3[2]) and legal practitioners are not provided with the skills necessary to collaborate with translators (Article 6). Also, the project aimed at filling a gap left behind by (former) EU projects, which prominently zeroed in on interpreting rather than translation proper. Hence, in both a didactic and professional perspective, the research group sought to develop training materials and recommendations, as well as a system of accreditation, to improve the education of both legal translators and practitioners. The attainment of this systemic chain of quality assurance should ultimately contribute to the development of common minimum standards of procedural rights in criminal proceedings, a *conditio sine qua non* to align the MSs' judicial systems to the principles of mutual trust and recognition, thus protecting the fundamental human right to language assistance. The project has also focussed on the monitoring of the typical working conditions of legal translators and practitioners in cross-border cooperation, mostly relying on the participation of EULITA (European Legal Interpreters and Translators Association) and EUATC (European Union of Associations of Translation Companies), as well as the Council of Bars and Law Societies of Europe (CCBE) and the European Criminal Bar Association (ECBA). Led by KU Leuven (Antwerp) as project coordinator, the QUALETRA consortium also included University of Trieste; Institut de management et de communication interculturels (ISIT), Paris; Universidad Pontificia Comillas, Madrid; London Metropolitan University; Universidad Alcalá de Henares, Madrid; Dublin City University; Riga Graduate School of Law; and CIUTI (Conférence internationale permanente d'instituts universitaires de traducteurs et interprètes).

The consortium worked on four different sets of activities, called Workstreams (WS), leading to the production of specific results (deliverables), as follows:

- *Workstream 1 "Essential Documents"*

Coordinated by ISIT, this WS aimed to provide a genre analysis of the essential documents listed in Article 3 of the Directive. The main deliverables of this WS, to which I personally contributed for the Italian part, included: a comparable multilingual corpus of anonymised authentic essential documents based on the three most frequent offences (theft, drug trafficking, and fraud) in Dutch, English, French (Belgium and France), Italian and Spanish; a resulting parallel multilingual term base; sample facsimiles of the recurring structure of the essential documents; a collection of comparable multilingual phraseologies extracted with the *SketchEngine* web tool from the essential documents as well as the national codes of the MSs involved.

- *Workstream 2 "The EU Arrest Warrant as Special Case"*

Parallel to the first, WS2 (coordinated by London Metropolitan University) yielded the same deliverables of WS1, but switched its focus onto the EAW. In addition, the existing parallel templates of the EAW in the languages of the project were converted in a translation memory as useful pre-translated materials for translation assignments by translators, and a training course has been developed for the ECQA format presented below.

- *Workstream 3 "Training"*

The objectives of this WS, led by University of Trieste, consisted in the development of curricula and materials for the training and accreditation of highly-qualified legal translators specialising in criminal proceedings, as well as for legal practitioners having to collaborate with translators.

- *Workstream 4 "Testing, Evaluation & Assessment"*

Under the coordination of KU Leuven, WS4 focussed on the development of testing, evaluation and assessment procedures and materials for legal translators. In particular, experimental research and a survey on different evaluation methods led to the development of a sample translation evaluation method, named PIE (Preselected Items Evaluation), aimed at increasing intra- and inter-rater reliability, which perfectly lines up with the sample evaluation method adopted for the empirical study in this thesis

(cf. Section 5.3).

Clearly, as part of University of Trieste my main involvement was linked to WS3. Focusing on training at large and addressing the issues of legal translator and practitioner training relatively to the provision of language services in criminal proceedings, the activities conducted for this WS matched very well the research design for and pedagogical perspective of my empirical study, which they provided with theoretical and experiential grounding. This chapter gives an overview of my contribution to the project. In general, my role was mostly research-oriented and consisted in the drafting of the deliverables in collaboration with and under the supervision of Prof. Federica Scarpa as WS3 coordinator, to be then reviewed, amended, and approved by all partners of WS3. The long-standing didactic experience of the academic partners and the expert advice of professionals proved to be valuable and decisive assets in the overall success of the project.

3.2 The EU-wide survey

The first deliverable produced as part of WS3 consisted in an EU-wide survey to compile a state-of-the-art report of both the existing training programmes in legal translation, on the one hand, and language- and communication-related training for legal practitioners, on the other, currently being provided by universities, professional associations and other training institutes as part of the trainees' continuing professional development (CPD). The compilation of the questionnaire relied on the study

of the existing literature,[22] so as to assess whether the needs and issues identified in recent years have been addressed in the current training landscape.

Following the administration of the survey, research and collection of programme descriptions of legal training formats for translators and language/communication training formats for legal practitioners gave further insight into training throughout Europe. The comparison of survey results and collected programme descriptions, on the one hand, with the existing literature, on the other, ultimately served as foundation for the development of core curricula and sample training materials, as explained later in this chapter. The findings of the survey are presented in the following sections.

3.2.1 Respondents

The survey, introduced by a presentation letter, was submitted to a rather extensive list of addressees, including: CIUTI, FIT, EULITA, EUATC members; the QUALETRA Launch conference attendees; a 2,000-strong mailing list compiled by KU Leuven; the TRANSLATIO mailing list; the AITI (Italian Association of Translators and Interpreters) mailing list; and other contacts identified by QUALETRA partners.

Initially administered between April and June 2013 and re-opened until April 2014 after further dissemination, the WS 3 questionnaire was accessed on the web-based platform *Lessius Qualtrics* over 400 times and collected a total of 61 full sets of responses.[23] Though the number of respondents may

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[22] With regard to the competences and training needed by legal translators, particular reference was made to, among others, the following: Corsellis and Ostarhild (2001) in Hertog (2001); Martinsen and Rasmussen (2003), Katschinka (2003), Canellopoulou Bottis (2003), and Martonova (2003) in Hertog (2003); Hertog and Van Gucht (2008); EMT Expert Group (2009a; 2009b); Reflection Forum (2009, 11–13); Prieto Ramos (2011); Hertog (2011), and Giambruno (2011) in Townsley *et al.* (2011); Special Interest Group on Translation and Interpreting for Public Services (2011, 17–19,21–22); Pym *et al.* (2012, 20–33). In addition, other miscellaneous sources such as the 2007 CILT *National Occupational Standards in Translation*, the norm EN 15038:2006 "Standard for Translation Service Providers" (now superseded by EN ISO 17100:2015), and the report "Improvements to NAATI testing" (Hale *et al.* 2012), as well as the relevant ECQA Skills Card (i.e. *Terminology Manager – Basic and Advanced*) were considered.

With regard to the language/communication training needed by LPs, references included: Coughlan (2011, 7,42,141,147); European Commission (2010, 5,13,21–22; 2011b, 6; 2011a, 6); Coughlan, Opravil and Heusel (2011); European Judicial Training Network (2011).

[23] Of the total visitors, 231 only read the introduction page but did not fill in the questionnaire, 45 IP addresses accessed the survey between 2 and 4 times, 15 more did not fill in the survey at first but came back to it at a later date, 3 submitted their answers multiple times, and 2 asked to have their answers removed from the results, as by the end of the questionnaire they had realised that they do not represent an institution relevant to the survey.

appear rather low,[24] it might actually testify to the current scarcity in the EU of the types of training the survey focused on.

Of the 61 respondents, 55 were from EU Member States, 1 from Morocco and Serbia and 2 from Russia and Turkey. Figure 10 below is a map of the distribution of the respondents, where the colour of each State indicates its representation rate in the survey. Spain accounted for the highest number of respondents (11), followed by Italy, Belgium, Poland and the United Kingdom, in decreasing order from 7 to 5 respectively. Croatia, France and Portugal had 3 respondents each, while all other countries were represented by between 1 and 2 respondents. However, the distribution of the respondents cannot be assumed to fully mirror that of relevant training opportunities, with several countries not represented in the final results despite being host to training programmes such as the ones the survey aimed to shed light on.

3.2.2 Programme type

Respondents mostly identified themselves as trainers

(51%) and/or programme coordinators (36%), as well as researchers (9%) or professional translators (4%); further, they can be split into three sub-groups with respect to the type of trainees targeted (Figure 11).

- *Group 1* includes trainers of prospective LITs, i.e. not only translators but also interpreters, terminologists, etc., almost exclusively representing higher education institutions for translators at BA (24%) and MA (57%) level;
- *Group 2* is made up of trainers from university programmes for lawyer-linguists;
- *Group 3* comprises trainers of language-, translation- and communication-related programmes targeted at LPs provided by professional associations, police offices or public administrations.

As for the level of proficiency to be achieved by trainees, given their nature almost all programmes represented within Group 1 – which accounted for the majority of those surveyed (84%) – and Group 2 (8%) held accreditation, mostly by EMT, national ministries and, in a smaller proportion, associations at either national or European level; by contrast, this

Figure 10. Distribution of respondents per State

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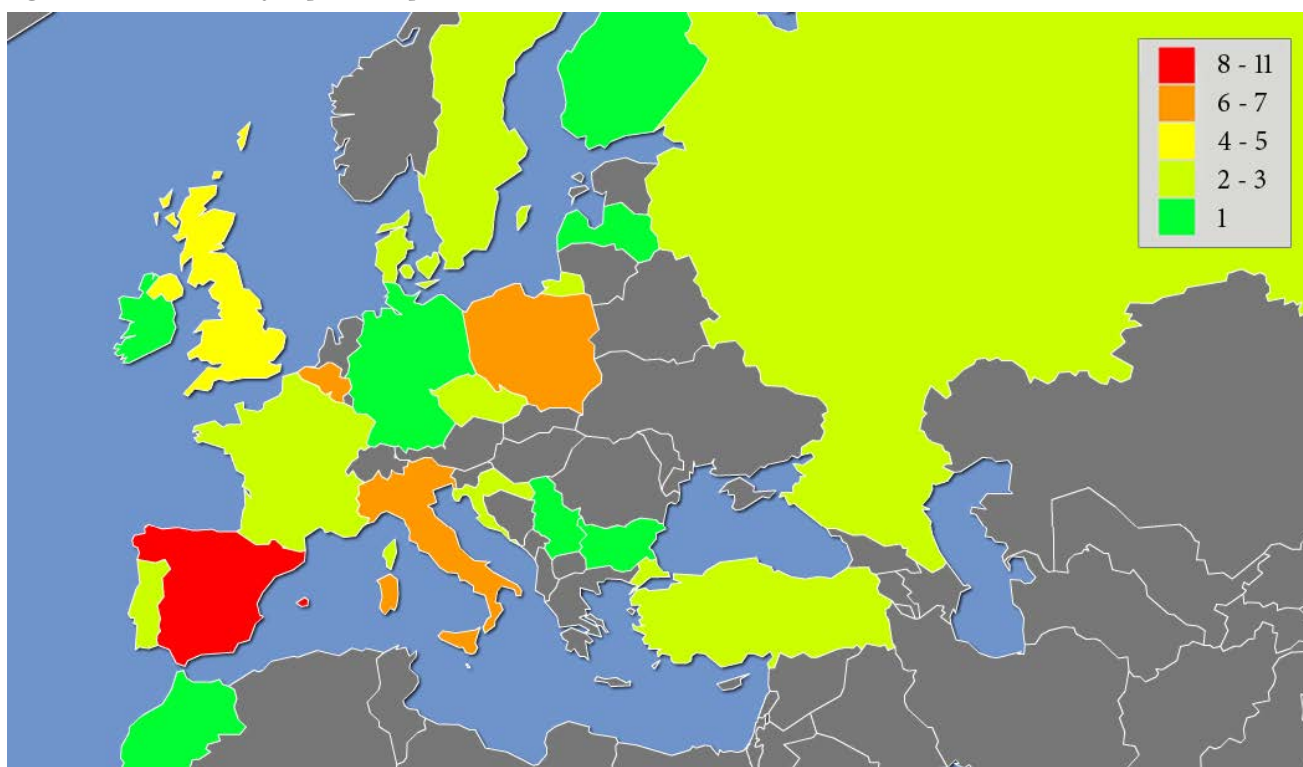
[24] It should be noted that the WS3 survey was submitted jointly with the WS4 questionnaire. Both were accompanied via email by, and started on the *Qualtrics* platform with, the same presentation letter, in which the WS3 survey appeared in second place; this might have led respondents to think that they only had to fill in one questionnaire.

Figure 11. Respondents per type of training programme
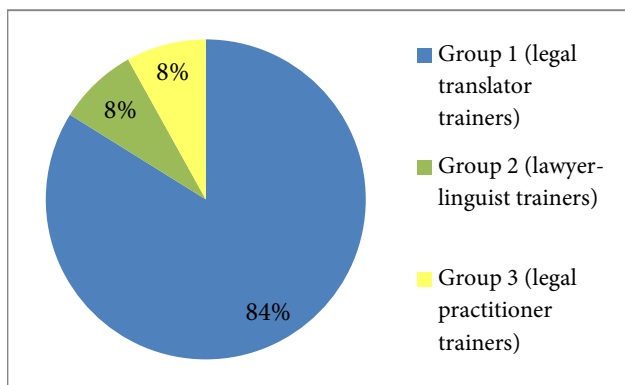
is not the case for the courses aimed at LPs (8%). Again, though not exhaustive, the quantitative representation of the three groups may actually reflect the still rather limited availability of such training opportunities. Still from a quantitative perspective, training opportunities for LITs appear to have a longer tradition, whereby 80% of Group 1 have been running for over 2 years and 37% for over 5, as opposed to programmes aimed at prospective or practicing LPs which have been established in recent years (80% of which in the last 12 months), possibly as a result of the new awareness raised by both the Directive and EU projects; interestingly, Group 2 again displays middle values.

From a practical perspective, similar results can be observed with reference to the nature of these programmes. Over 85% of the courses in Group 1 were annual modules at university level, with an average number of (at least) 20 trainees in attendance, which is in line with the recommendations from the *Aequitas* project (Hertog 2001). By contrast, language-related programmes targeting LPs appear to consist of either individual lessons or 1-month long courses for large groups of trainees (especially when provided in-house at police stations or as lawyers' CPD). In addition, the survey results confirm the recommendations of the Directorate-General for Internal Policies (Coughlan, Opravil, and Heusel 2011, 11), whereby practical training formats in the classroom should remain the most commonly used. This is particularly the case for Group 3, which also features a lower use of the e-learning format: despite it being "viewed by many judges and prosecutors as an effective solution to reconciling training with the demands of professional and family life[, it] is offered by fewer than two-fifths of national judicial training actors" (Coughlan, Opravil, and Heusel 2011, 11) and

in an even lower percentage according to the QUALETRA survey results. Autonomous study and homework account on average for a quarter of the time, whereas traineeships and on-site activities account for about a fifth (especially in Group 1 due to its composition). Programmes for lawyer-linguists were again in the middle, though closer to Group 1, in terms of both duration and training format, given their similar nature and scope.

3.2.3 Languages

A set of questions in the survey also investigated the language(s) of the training. As noted in the Final Report of the Special Interest Group on Translation and Interpreting for Public Services (2011, 18),

> Public service needs in terms of languages and language combinations would suggest that entrance requirements be flexible enough to allow for the admission of candidates with informally acquired skills or competences who might be very suitable trainees but do not comply with formal educational standards (e.g. persons with an immigrant background coming from countries with completely different educational systems or whose qualifications are not recognised) or who might need supplementary work (e.g. to improve their language proficiency).

From the survey results, the following main conclusions can be drawn:

• Based on the Common European Framework of Reference (CEFR) levels, the prior education level required of trainees appear to be in line with the type of institution providing the training: B1-B2 level was the preferred answer for BA programmes in Group 1, whereas levels from B2 up to C2 were chosen by the MA programmes in both Group 1 and 2. Unsurprisingly, the percentages shown by Group 3 are mostly distributed across lower levels (from <A1 to B1-B2), since these were general language courses or CPD programmes for effective cooperation with LITs. However, "entrance requirements [should] be flexible enough to allow for the admission of candidates with informally acquired skills or competences" (Special Interest Group on Translation and Interpreting for Public Services 2011, 18).

• Similarly, a wide range of languages can be found in programmes within Groups 1 and 2, with the main European official languages taking the lead (Figure

12). These data confirm the SIGTIPS report (2011, 18), which notes that though languages of lesser diffusion are those most necessary in translation and interpreting in these contexts, they are not being taught in most European universities. In addition to the 24 official EU languages, there are in fact more than 60 regional and minority languages (European Commission 2012, 2), without counting the hundreds of dialects, migrant languages which are actually spoken throughout the Old Continent. New technologies should allow for the creation of virtual teaching facilities as well as of a virtual working environment where remote translators and interpreters – especially with rare language combinations – may offer their services irrespective of location or geographical distance.

• The majority of the training options represented in these results were language-specific, with only 10.2% of the respondents from Group 1 identifying their programmes as "language-independent", e.g. by providing *in tandem* sessions as seen in the "Dolmetschen und Übersetzen an Gerichten und Behörden" programme at the University of Magdeburg. By contrast, English was the sole foreign language taught within Group 3 and only in very few cases a different L2 was selected by respondents of

Group 2. This finding confirms the results of a survey carried out by the DG for Internal Policies (2011, 29), which highlighted the fact that though English is the most widely known foreign language among judges and prosecutors (81%) – followed by French (40%), German (17%) and Spanish (10%) – "only a relatively small number know it well enough to be able to participate actively in judicial training or use it professionally", namely 17%. Also the percentage of national judicial training actors that provide language training (74%) in the DG survey is rather comparable to the results of the QUALETRA survey (85%).

• The language of the training for Groups 1 and 2 was either the mother tongue or the L2 taught in the programme, as could have been expected considering the type and level of the training offered at higher education institutions within these groups. Interestingly, all respondents from Group 3 selected English as the language in which their programme is taught, which is consistent with the DG survey above, whereby LPs from, among others, Germany, Hungary, Italy and Spain felt that most training opportunities call for advanced knowledge of a foreign language (mostly English), making LPs desist from attending such courses (Coughlan, Opravil, and Heusel 2011, 40).

Figure 12. Languages taught
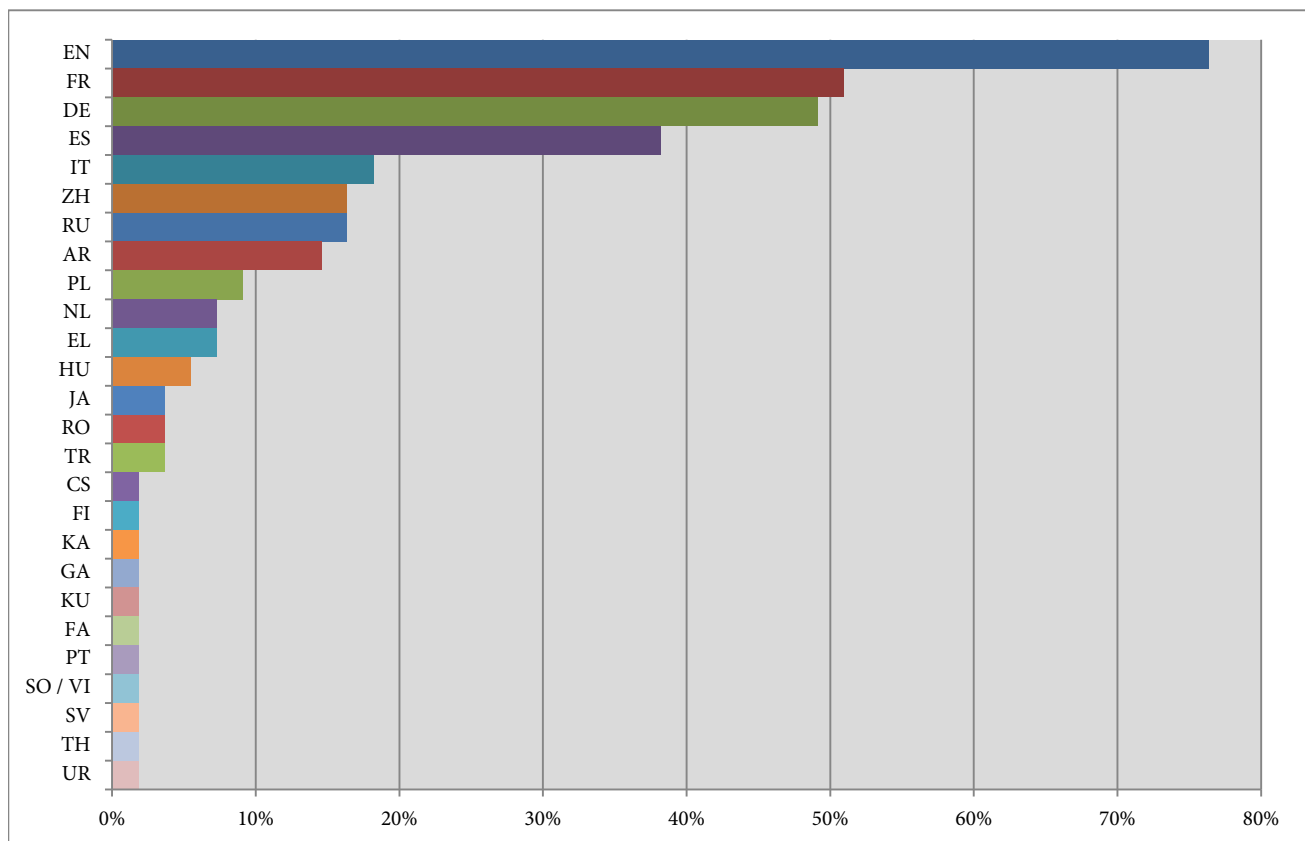
3.2.4 Competences

Finally, the survey aimed to investigate the competences to be developed within the training. The six sub-sets of competences, which respondents had to rate on a scale from 'not required' to 'essential', was compiled on the basis of the existing relevant literature, namely the relevant Directives, as well as the recommendations and reports by former and current EU projects (among others, Hertog 2001; Hertog and Van Gucht 2008; EMT Expert Group 2009a; Reflection Forum 2009; Special Interest Group on Translation and Interpreting for Public Services 2011; Townsley 2011; Coughlan, Opravil, and Heusel 2011). These abilities can be grouped into five main sets, with reference to the European Master's in Translation framework of competences for professional translators (EMT Expert Group 2009a), which in QUALETRA has been adjusted to specifically focus on legal translation.

The initial hypothesis was that training options targeted at LPs would focus more on language skills in both languages, whereas training options for LITs would aim to develop practical knowledge of legal concepts.

Figure 13. Programme objectives by EMT competence
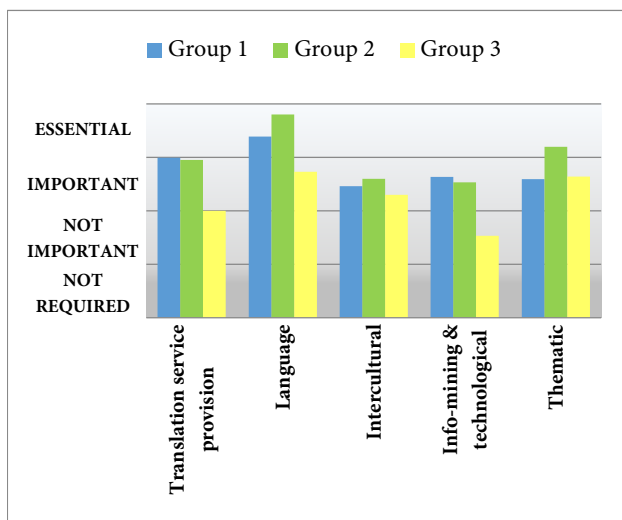
The main results are summarised in Figure 13 above, grouped under the EMT competences (information mining and technological competence are considered together). Group averages for each option are represented in Figure 14.

Translation service provision competence

Starting with the interpersonal dimension of this wide-ranging competence, the quite low rate attributed by Group 3 to professional skills is rather disappointing. The possible options were as follows:

- Knowledge of professional practices (working arrangements, preparation for assignments, financial management, understanding of the international legal profession and the legal translator's professional role, awareness of the national professional association(s), etc.);
- Knowledge of the Professional Code of Conduct and Good Practice;
- Knowledge of published research on legal translation.

Even though trainees targeted by Group 3 are not necessarily expected to become translators, they should be trained with reference to the working conditions of linguists. Translators are being introduced to professional practices and ethics at all levels of their training, as demonstrated by the percentages collected for Group 1. LPs, on the contrary, are quite often unaware of the financial aspects, time arrangements, legal incompatibilities, rights and duties of translators/interpreters, thus making cooperation between the two categories unsuccessful. Language modules, writing workshops, courses on the requirements of collaborating with linguists are probably the most suitable (and possibly the only) opportunity for (prospective) LPs to acquire such knowledge, both during their degree studies or CPD. Consequently, this might suggest that such neglect is a downside of the language training programmes for LPs currently on offer within the EU and is clearly in contrast with the requirements of the Directive in terms of legal practitioners training.

The strategic production dimension of translation service provision competence shows similar trends as its counterpart. While being almost consistently deemed 'essential' by respondents of Groups 1 and 2, these skills were marked as just slightly above 'not important' by Group 3. The reason behind this might be linked to the fact that, at least in this survey, most of the training opportunities offered to law students/graduates focus on effective communication in foreign languages and/or via a linguist, rather than

being aimed at making trainees translators themselves. Given that translation skills can certainly not be developed in short CPD programmes, such a low percentage should actually be seen as good news.

Intergroup differences can be noted between Groups 1 and 2 with reference to translation *into* the foreign language due to their internal composition, i.e. less important for Group 1 which for the most part consisted of BA-level programmes, as compared to the higher-level institutions of Group 2. Nevertheless, the results for these two groups were generally similar, rating the use of translation strategies as well as the ability to approach different registers as 'essential', i.e. slightly higher than revision skills.

Language competence

Unlike the first competence of the EMT model, for language competence the initial hypothesis seems to be at least partially confirmed. Language skills were marked on average between 'important' and 'essential' by all respondents, irrespective of the type of training. While this consensus was rather predictable for Groups 1 and 2, the specific weight attributed by LP trainers to each language skill should be noted. In particular, if respondents of Group 3 deemed foreign-language mastery 'essential', mother-tongue proficiency fell within the 'not important' range. More precisely, the main objective for such trainees is the knowledge of legal terminology, which in fact is often misconceived as the sole requirement for proficient specialised translation (cf. Byrne 2006, 4). The apparent neglect towards mother-tongue composition skills is far from being reassuring, as in fact in language courses for LPs particular attention should be given to writing techniques in legal drafting, so as to make them aware of the need for the simplification of legal language. Finally, the minor differences between Groups 1 and 2, with the former attributing less importance to specialised legal language, might be due to their respective composition, with Group 1 including a high proportion of BA-level – hence, less specialised – programmes.

Intercultural competence

In an attempt to explore the significance of the textual dimension of the intercultural competence, respondents were asked to report on the text types presented in class. As regards document types, Article 3(2) of Directive 2010/64/EU lists the essential documents to be translated both in national criminal proceedings and in cases involving the EAW to protect the rights of suspected or accused persons or the persons subject to proceedings for the execution of a EAW. More precisely, these documents are "any decision depriving a person of his liberty, any charge or indictment, and any judgment." Respondents could choose between two options: either tick a list of different legal text types typical of civil law (including, among others, contracts, forms, insurance policies and wills), or indicate specific legal text types. The most recurring legal documents in criminal proceedings were purportedly not included in the list, so as to make respondents indicate them specifically in case they actually used them as training materials in class. Unsurprisingly, the first two groups marked the first option as 'essential', while the average of the responses for the second option lies in the 'not important' range. However, 9 respondents actually provided specific text types and ranked them as either 'important' or 'essential'. Within Group 1, one respondent from a BA course in Spain reported that, apart from legal texts, "Also financial/economic text types (e.g. contracts, articles of association, financial statements...)" were being translated in class; 4 other respondents from MA-level programmes mentioned non-criminal legal documents, including "articles of association", "contracts, civil procedure, patents", "EU texts" and a rather vague "Most frequently translated texts by sworn translators in Poland." Two respondents from Group 2, again from MA programmes, indicated "Those [text types] most frequent in public service translation" and "notary" [acts] as the text types being translated in their courses, while "laws, bills, international conventions" were the ones indicated for a CPD Programme for Lawyer Linguists in Croatia. Finally, in one case only criminal law texts - more precisely "judicial decisions, therminology [sic] applied in instruments of judicial cooperation in criminal matters" - were specifically mentioned by a respondent from a Polish language training course for judges and prosecutors. Interestingly, the course had been running for less than 12 months at the time of the submission of the completed survey, i.e. June 2013. Though the limited number of respondents does not allow for absolute generalisations, it is rather significant that only one

Figure 14. Competence-related survey results

Translation service provision competence – production dimension

NOT REQUIRED | NOT IMPORTANT | IMPORTANT | ESSENTIAL

- Ability to translate from foreign legal language
- Ability to translate into foreign legal language
- Ability to identify the level of formality of the text and translate different registers
- Ability to use different translation strategies
- Ability to revise/proof-read a legal translation

Translation service provision competence – interpersonal dimension

- Knowledge of professional practices
- Knowledge of the Professional Code of Conduct and Good Practice
- Knowledge of published research on legal translation

Language competence

- Mother tongue competence (written)
- Mother tongue legal language competence
- Foreign language competence (general)
- Foreign language competence (written)
- Foreign legal language competence
- Knowledge of legal terminology in relevant language(s)

Intercultural competence – textual dimension

- Approaches to different legal text types
- Approaches to only specific legal text types

Information mining and technological competences

- Ability to use terminology management systems
- Ability to use translation memories
- Ability to use information retrieval and text data mining resources

Thematic competence

- Knowledge of national legal system of the country of the programme
- Knowledge of other legal systems
- Knowledge of European Civil and Criminal Law
- Knowledge of European Criminal Law and Criminal Procedure
- Knowledge of European Law issues

■ LT ■ LL ■ LP

out of the 62 training opportunities represented in this EU-wide survey - and more precisely one aimed at LPs rather than LITs - addresses the requirements set out in the Directive. Ensuring the quality of the translation of criminal law documents in actual criminal proceedings calls for specific training, which however still appears to be lacking.

Information mining and technological competences

Respondents from Groups 1 and 2 ranked the ability to use translation memories and terminology memory systems at the lower end of the 'important' benchmark. Both skills – considered 'not important' by Group 3 – are in fact very useful in legal translation, though it can be assumed that specific courses will be provided for the development of such competences, especially at university level. Trainees should be at least introduced to specialised legal resources (both electronic and not), so as to ensure translation consistency and accuracy in terms of style, phraseology and terminology, and ultimately translation quality. By contrast, information retrieval skills fared better, still deemed as one of the basic skills required of professional translators.

Thematic competence

The next set of options investigated the skills that the EMT Expert Group (2009a, 7) lists under "Thematic Competence." In this case, the initial hypothesis above has been confirmed. All groups emphasised legal knowledge as an important component of legal translator training. The slightly lower percentage within Group 1 as compared to Group 2 might be explained by the composition of the first: as previously mentioned, a rather high 24% of Group 1 consisted of BA-level courses where thematic knowledge somehow takes the backseat given the need to first develop bilingual and translation skills. By contrast, a significant 86% of the respondents included in Group 2 represented institutions at MA- or CPD-level, where such skills should already be acquired and further specialised. Of particular interest are the results collected within Group 3. All the options concerning legal knowledge unexpectedly ranked between 'important' and 'essential', and were in fact among the best ranking in this section of the survey for Group 3, immediately below language

skills. Hence, this contradicts the initial hypothesis that (future) LPs should already possess such knowledge through their legal training and that it would be of lesser importance in courses aimed at developing foreign language skills or successful communication via a linguist.

Further differences can be noted with reference to the branch of law dealt with by each programme. According to the results of this survey, the main focus appears to be on the national legal system of the country of the programme, which was ranked as 'essential' by all three groups. However, while knowledge of the legal system of the country of the studied foreign language appears to be just as essential for Group 2, for Group 1 it falls to second place by almost 25%. Similar proportions can be noted for Group 3, for whom comparative law is in last place. Further, EU law does not appear to be deemed as being the most important, with the three options in the survey mentioning European legal knowledge (specifically European Criminal Law and Criminal Procedure) ranking the lowest of the lot. Further confirming the finding above that the essential documents are not dealt with in virtually any of the programmes, this suggests that the requirements of the Directive are still far from being met.

3.2.5 Qualification requirements

In the final section of the questionnaire, trainers were asked to rate different education trajectories "to translate legal texts professionally" on a scale from 'not required' to 'essential'.

The significance of this question in this context is twofold. Firstly, it provides insights into legal translator training and, more precisely, the specific weights of thematic competence and translation-related skills at large as perceived from the two sub-groups of respondents, i.e. trainers of (legal) translators and trainers of legal practitioners. This is particularly relevant to the empirical study presented in this thesis.

Secondly, this question easily captures in a nutshell the mutual perception of lawyers and translators: despite its alleged special status (cf. Harvey 2002), legal translation serving as "a bridge for understanding between nations, facilitating the

resolution of vital human issues […] deserves broader recognition from both linguists and jurists alike" (Rotman 1995, 196). As explained in 1.1, according to Hale (2008, 99–101) role perception[25] is still a "controversial issue" due to the profession's lack of consistent regulations: at the time of writing, the "Translator/Interpreter" profession was regulated in 18 EU Member States only (European Commission 2014).[26] Furthermore, "there are significant hierarchies and divisions of professionalisation within the sector, and they work against the fictional uniformity of a professional title" (Pym, Orrego-Carmona, and Torres-Simón 2016, 51). In a recent survey on the status of the translation profession in the European Union (Pym *et al.* 2012), with reference to "translators of official documents" – a general term (Mayoral 2003) which includes both certified and sworn translators depending on the MS's regulation (where existing) –, though education qualifications are either a prerequisite or an advantage to attain the status of sworn translators in most MSs, little more than experience appears to be enough, especially for the more 'exotic' languages. Consequently, "degrees

in translation are not seen as meeting professional standards" (Pym *et al.* 2012, 32) and the absence of cross-country recognition is certainly not helping the title's status.[27]

The responses to this question are visually summarised in Figure 15.

The first two options presented non-combined qualifications in either law or translation. Unsurprisingly, a degree in law appears to be the most important requirement according to Group 3 (i.e. LP trainers), while it ranks the lowest among Group 1 (i.e. LT trainers), just over the 'not important' threshold. Conversely, the latter group rated a degree in translation as 'essential'. This finding is not that surprising, and appears to confirm the stance of many scholars in translation research who see the competent legal translator as a qualified translator who has further developed legal translation competence and proficiency (cf. 1.2.4). What is in fact surprising is that this option was the second-best ranked also by LP trainers, in the very middle of the 'important' range. Though LP trainers seem rather fair in this choice, the fact that the two categories

Figure 15. Professional requirements for legal translators as perceived by trainers

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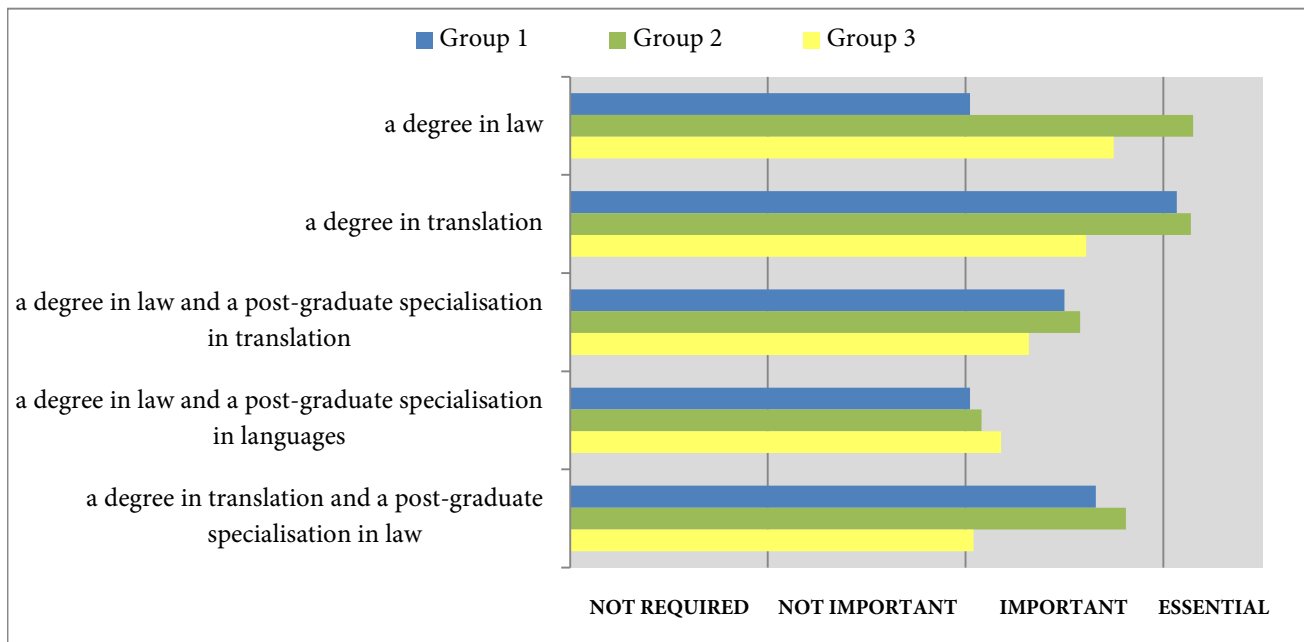
[25] Hale discusses here the role of interpreters in legal settings. Further, on the role of public service interpreters and translators, cf., e.g., Valero-Garcés and Gauthier Blasi (2010).

[26] For a thorough comparison of the accreditation systems for official/certified translators in the UK, Spain, Germany, and Greece (as well as Argentina and the USA), see Vigier, Klein, and Festinger (2013).

[27] For example, only recently the new Italian standard UNI 11591 (2015) has recognised the 'Traduttore giuridico-giudiziario' (legal judicial translator), listing the specialised skills and competences of this professional profile.

(plus respondents from Group 2, who ranked these two one-sided options the highest) have given priority solely to a degree in the respective field with no further specialisation does not provide the most promising scenario.

The last three options included a series of "mixed" paths presenting a combination of the two disciplines, which is the case for lawyer-linguists (Group 2). As discussed in 1.2.4, such combined background is advocated by scholars such as Gémar (1988, 306), who argues that a lawyer with no translator training is not qualified to translate legal texts just like a translator needs to acquire sufficient legal knowledge before becoming a "jurilinguiste" (1988, 314) capable of hermeneutically interpreting the law. Interestingly, none of these options reached 'essential' status among either group. Group 3 ranked the three options in the 'important' range; in decreasing order, the means of their rates were significantly lower than their first-ranked. By contrast, trainers from both Group 1 and 2 recognised highest significance to a combination of translation and law studies, with the option "a degree in translation and a post-graduate specialisation in law" immediately followed by "a degree in law and a specialisation in translation." Being well aware of the differences between language- and translation-oriented programmes, percentages took a significant dip in the case of the fourth and lowest-rated option, "a degree in law and a post-graduate specialisation in languages." Either not as accustomed to such differences or simply out of belief, Group 3 made the opposite distinction, thus preferring a specialisation in languages over one in translation, though by a very small fraction. However, it is significant that again this group rated the only option where law was a secondary component of the education path (though solely from a temporal perspective) as the least preferable education trajectory for a professional legal translator.

These results find further confirmation when compared to another investigation conducted by the University of Trieste on the role of LITs in local criminal proceedings, where no specific qualifications are required by law, which gives way to a blend of assumed quality and mistrust (Falbo and Viezzi 2014; Orlando and Gialuz, forthcoming). Similarly, Way (2006, 586) reports a certain "degree of mistrust" on the part of legal practitioners, whereby sworn

translators are not granted access to the relevant information nor briefed by the authority, thus "hindering communication in this social process rather than helping." Trying to summarise, the responses presented here might provide insight into the perception of legal translators from an academic perspective. Mutual recognition between the two categories does not appear equal, with the world of translation seemingly more open (if not humbler) than that of LPs. This conclusion also appears to be reflected in the options suggested by respondents under "Other(s)", where the general consensus among LT trainers seems to be a combination of translation training and legal training. Some of these options read as follows:

- a degree in translation and law plus 'real life' experience in courts, legal forums etc.;
- legal translator does not necessarily need a degree but the in-depth knowledge of law is essential;
- combining translation training and legal training at master's level would be most desirable.

As for LT trainers, the suggestion "Self tuition and experience" by a police officer trainer might reveal something about how LPs perceive linguists. While in the words of Ruokonen (2013, 336) there appears to be "convincing empirical evidence that translator status is, indeed, rather low", increased visibility and cooperation among translators and the other agents involved (i.e. LPs in our case) might contribute to an improvement.

3.3 The integrative EMT-based model for legal translation competence

3.3.1 Background information

In light of the results of the EU-survey presented above, the second WS3 deliverable consisted in the development – in a didactic perspective – of a model of legal translation competence as an extension to one of the most recent, cited and exhaustive translation competence models, that is the European Master's in Translation (EMT) framework. The decision to adopt the EMT framework as a basis for the QUALETRA grid of competences for legal translators was based on

two major considerations, both relevant for QUALETRA in light of the requirements of Directive 2010/64/EU:

(1) the EMT clearly stresses the significance of professional aspects, and the recognition and legitimisation of the acquisition of such competences by a responsible authority;

(2) the EMT framework is easily adaptable to specific types of translation, as it comprises "the minimum requirement to which other specific competences may be added" (EMT Expert Group 2009a, 3).

In the general procedure adopted in the QUALETRA project, the EMT 'wheel of competences' served as a starting framework for defining the general translation competences assumed to be already acquired by translators wishing to specialise in legal translation. To do this, the sub-competences specific to legal translators were extracted from the relevant literature and integrated into the EMT reference framework with additional core components more strictly related to legal translation. This top-down approach entails the broader view that professional translators specialised in specific areas are translators first, which is also implicit in Cao's (2007, 10)

definition of legal translation as "the rendering of legal texts from the SL into the TL", whereby legal translation can be distinguished from other forms of translation by merely adding the qualifier 'legal'. The specialisation of translators in specific areas is however meant not necessarily as a sequential trajectory but rather in a hierarchical sense, where the knowledge of a specific subject matter should be considered as a sub-component of translation competence and be complemented by further sub-competences, both innate and acquired.

3.3.2 The QUALETRA sub-competences

Table 2 below shows how the specific sub-competences for legal translators identified by the QUALETRA consortium (right column) have been integrated into the competences for professional translators listed in the EMT grid (left column). The QUALETRA competences are dynamically interrelated and, as in Prieto Ramos's model (2011, 11), the production dimension of the translation service provision competence is strategic and controls the application of the others.

Table 2. Integration of the QUALETRA sub-competences for legal translators into the EMT competences for professional translators (EMT Expert Group 2009a, 4)

EMT - Competences for professional translators, experts in multilingual and multimedia communication	QUALETRA - Competences for professional legal translators
TRANSLATION SERVICE PROVISION COMPETENCE	
INTERPERSONAL dimension	
- Being aware of the social role of the translator - Knowing how to follow market requirements and job profiles (knowing how to remain aware of developments in demand) - Knowing how to organise approaches to clients/potential clients (marketing) - Knowing how to negotiate with the client (to define deadlines, tariffs/invoicing, working conditions, access to information, contract, rights, responsibilities, translation specifications, tender specifications, etc.) - Knowing how to clarify the requirements, objectives and purposes of the client, recipients of the translation and other stakeholders	- Being aware of the professional role of the legal translator - Being aware of the relevant national and international professional associations for legal translators - Being aware of the need to be briefed and obtain access to relevant documentation - Being aware of personal safety and documentary security issues resulting from provision of translation services - Being aware of the legal obligations and responsibilities resulting from provision of translation services, with special reference to issues of confidentiality

- Knowing how to plan and manage one's time, stress, work, budget and ongoing training (upgrading various competences) - Knowing how to specify and calculate the services offered and their added value - Knowing how to comply with instructions, deadlines, commitments, interpersonal competences, team organisation - Knowing the standards applicable to the provision of a translation service - Knowing how to comply with professional ethics - Knowing how to work under pressure and with other experts, with a project head (capabilities for making contacts, for cooperation and collaboration), including in a multilingual situation - Knowing how to work in a team, including a virtual team - Knowing how to self-evaluate (questioning one's habits; being open to innovations; being concerned with quality; being ready to adapt to new situations/conditions) and take responsibility	- Being aware of the need to comply with professional ethics
PRODUCTION dimension	
- Knowing how to create and offer a translation appropriate to the client's request, i.e. to the aim/skopos and to the translation situation - Knowing how to define stages and strategies for the translation of a document - Knowing how to define and evaluate translation problems and find appropriate solutions - Knowing how to justify one's translation choices and decisions - Mastering the appropriate metalanguage (to talk about one's work, strategies and decisions) - Knowing how to proofread and revise a translation (mastering techniques and strategies for proofreading and revision) - Knowing how to establish and monitor quality standards	- Mastering translation of legal documents - Delivering a translation appropriate to the specific context and by reference to source and target legal systems - Identifying translation problems due to differences between the relevant legal systems and finding appropriate solutions - Identifying and dealing appropriately with errors of factual content in the source text - Mastering sight translation
LANGUAGE COMPETENCE	
- Knowing how to understand grammatical, lexical and idiomatic structures as well as the graphic and typographic conventions of language A and one's other working languages (B, C) - Knowing how to use these same structures and conventions in A and B	- Mastering legal language, including specific writing conventions at the levels of e.g. grammar, syntax, phraseology, terminology, punctuation, abbreviations - Recognising stylistic inconsistencies between legal documents and within the same document

- Developing sensitivity to changes in language and developments in languages (useful for exercising creativity)	
INTERCULTURAL COMPETENCE **(the dual perspective – sociolinguistic and textual – is in the comparison of and contrast between discursive practices in A, B and C)**	
SOCIOLINGUISTIC dimension	
- Knowing how to recognise function and meaning in language variations (social, geographical, historical, stylistic) - Knowing how to identify the rules for interaction relating to a specific community, including non-verbal elements (useful knowledge for negotiation) - Knowing how to produce a register appropriate to a given situation, for a particular document (written) or speech (oral)	- Knowing how to recognise function and meaning in varieties of legal language usage (e.g. levels of jurisdiction; international, EU and national law and proceedings) - Mastering the rules for interaction between the specific parties involved, such as legal professionals and clients
TEXTUAL dimension	
- Knowing how to understand and analyse the macrostructure of a document and its overall coherence (including where it consists of visual and sound elements) - Knowing how to grasp the presuppositions, the implicit allusions, stereotypes and intertextual nature of a document - Knowing how to describe and evaluate one's problems with comprehension and define strategies for resolving those problems - Knowing how to extract and summarise the essential information in a document (ability to summarise) - Knowing how to recognise and identify elements, values and references proper to the cultures represented - Knowing how to bring together and compare cultural elements and methods of composition - Knowing how to compose a document in accordance with the conventions of the genre and rhetorical standards - Knowing how to draft, rephrase, restructure, condense, and post-edit rapidly and well (in languages A and B)	- Mastering the genre conventions and rhetorical standards of different types of legal document (e.g. doctrine, normative texts, forms, certificates, contracts, wills, insurance policies, patents, trust documents, affidavits, directives, power of attorney) - Relating a given legal text to its specific legal context (e.g. stage of proceedings in source and target legal systems, level of jurisdiction) - Analysing the overall structure of legal documents (e.g. EAW template, judgments) and recognising potential inconsistencies - Identifying the essential information in and purpose of legal documents - Identifying and transferring intentional and unintentional ambiguities in legal documents - Preserving the intertextual nature of a legal document (e.g. references to acts, laws, directives)
INFORMATION MINING COMPETENCE	
- Knowing how to identify one's information and documentation requirements - Developing strategies for documentary and terminological research (including approaching experts)	- Identifying specific legal sources (e.g. dictionaries, term bases, glossaries, corpora, experts) and evaluating their reliability - Being able to differentiate between legal sources with reference to national, international and EU systems and jurisdictions

- Knowing how to extract and process relevant information for a given task (documentary, terminological, phraseological information) - Developing criteria for evaluation vis-à-vis documents accessible on the internet or any other medium, i.e. knowing how to evaluate the reliability of documentary sources (critical mind) - Knowing how to use tools and search engines effectively (e.g. terminology software, electronic corpora, electronic dictionaries) - Mastering the archiving of one's own documents	- Extracting relevant information (documentary, terminological, phraseological) from parallel and comparable documents - Extracting terminology from relevant documents - Consulting legal experts so as to better understand and foresee how legal documents may be interpreted by the parties involved or the competent court or both
THEMATIC COMPETENCE	
- Knowing how to search for appropriate information to gain a better grasp of the thematic aspects of a document (cf. Information mining competence) - Learning to develop one's knowledge in specialist fields and applications (mastering systems of concepts, methods of reasoning, presentation, controlled language, terminology, etc.) (learning to learn) - Developing a spirit of curiosity, analysis and summary	- Being familiar with the main domains and sub-domains of law - Knowing different procedures in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings) - Having a general awareness of current legal issues and their development in the relevant countries - Knowing the EU directives relating to legal translation - Mastering legal concepts and terms in the translation at hand - Being aware of asymmetries between legal concepts in different legal systems and being able to address them
TECHNOLOGICAL COMPETENCE (mastery of tools)	
- Knowing how to use effectively and rapidly and to integrate a range of software to assist in correction, translation, terminology, layout, documentary research (for example text processing, spell and grammar check, the internet, translation memory, terminology database, voice recognition software) - Knowing how to create and manage a database and files - Knowing how to adapt to and familiarise oneself with new tools, particularly for the translation of multimedia and audiovisual material - Knowing how to prepare and produce a translation in different formats and for different technical media - Knowing the possibilities and limits of MT	- Knowing how to effectively and rapidly integrate all available tools in a legal translation (e.g. European Arrest Warrant, judgments)

The specific components of each competence making up the professional profile of the legal translator have been mainly drawn from the models of legal translation competence mentioned in 1.2, but are also based on the guidelines and advice from the experts and the legal practitioners in the QUALETRA consortium. Also, when compiling the components of the model, the results of the EU-wide survey

presented in 3.2 were considered, with special reference to training objectives, thematic knowledge and the translation service provision competence.[28] Further, an attempt was made to compare and harmonise the different sources from a terminological (and at times conceptual) perspective. By way of example, the competence that in the EMT model (and, consequently, in the QUALETRA model) is called "intercultural competence" corresponds to what is called "cultural competence" in the prEN 15038:2006 CEN standard, "Knowledge of the relevant countries and cultures" in the Building Mutual Trust Project (Hertog 2011, 13), and "cultural knowledge" by Hale *et al.* (2012, 52). Obviously, differences were more substantial at the sub-level of the specific components of each competence.

Such an integrative approach to defining competence in legal translation has direct implications for training legal translators, and has been the foundation for the next two deliverables presented in the following sections.

3.4 The syllabus for legal translator training

On the back of the first two, the third WS3 deliverable led to the development of a series of recommendations for the training of qualified legal translators specializing in the translation of the most recurring texts in the specific domain of criminal proceedings.

Translation studies lack the curriculum research tradition of other disciplines with longer academic standings (Hurtado Albir 2007); as a result, "no consensus on a basic methodology of translation training" exists (Gambier 2012, 163). For this reason, the QUALETRA model of competence was utilised as the "main yardstick for developing guidelines in curriculum design" (Hurtado Albir 2007, 165), and was operationalised from a pedagogical perspective into thematic modules with specific learning objectives, very much like in Hurtado Albir's

curriculum design (2007). As a continuation of objective-based learning, which was first developed in the 1960s, the scholar's model addresses the challenges faced by higher education today, namely adapting teaching to (1) a model that is comparable and recognisable at an international level; (2) a model that adheres more to the demands of society; and (3) new, integrated pedagogical models, e.g., 'competence-based training' (Hurtado Albir 2007, 164). Though a simplified version, the syllabus proposed here follows a similar modular approach, which reflects the ECQA "Skills Card" developed by the QUALETRA consortium in collaboration with the European Certification and Qualification Association (see 3.5).

The development of the proposed syllabus also follows the preliminary review of the training opportunities for legal translators and interpreters in Europe, as well as the results of the WS3 survey (3.2), which shed light on strengths and weaknesses of current practices in legal translator training, also in light of the Directive. Finally, additional evidence against which the proposed model will be tested can be extracted from the empirical study presented in the second part of this thesis, in an attempt to counteract "the lack of a theoretical model based on empirical evidence about the knowledge and skills involved in professional translation activities" (Kiraly 1995, 3).

The proposed syllabus, to be adopted as either a stand-alone course or part of a larger programme, should be offered in either academic or Continuous Professional Development (CPD) establishments, as either language-specific or language-independent. Despite the special focus on criminal law provided by the scope of the project, such recommendations are kept general, so as to allow for customisation at localised level. The outline and summary of topics are schematised in Table 3 in a list of core modules with the relevant competences involved from the integrative model above and the respective learning objectives.

This proposal combines theory- and practice-

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[28] For a more thorough discussion of the sub-competences, including a comparison with the results of two additional surveys – i.e. the EU-wide survey conducted in 2011 within the OPTIMALE project[28] (OPTIMALE 2013) aiming to identify the competences sought after by LSP employers, and a UK-wide survey conducted in 2011 by Chodkiewicz (2012) aiming to determine the level of importance professional translators and translation trainees attach to each of the EMT competences – see Orlando and Scarpa (forthcoming).

Table 3. Proposed syllabus for legal translator training

QUALETRA Syllabus for Legal Translator Training	
Competence(s) involved	*Learning objectives*
MODULE 1: Introduction to national criminal law and procedure	
Thematic competence	- Familiarity with main domains of law - Knowledge of different procedures in legal systems involved - Awareness of current legal issues, e.g. EU Directives relating to legal translation - Mastery of legal concepts and asymmetries between different legal systems
MODULE 2: Legal translation practice (seminars and workshops with a special focus on source text analysis and target text production, e.g. essential documents and EAWs)	
Language competence ↕↕↕ Intercultural competence (Textual dimension) ↕↕↕ Translation service provision competence (Production dimension)	- Mastery of legal language writing conventions (e.g. syntax, phraseology, terminology) - Ability to recognise function and meaning in varieties of legal language usage - Ability to relate a given legal text to its specific legal context - Familiarity with the overall structure of legal documents - Ability to identify the essential information in and purpose of legal documents - Delivery of a translation appropriate to the specific context - Ability to solve translation problems due to differences between relevant systems
MODULE 3: Specialised legal sources (documentary, terminological, phraseological)	
Information mining competence ↕↕↕ Technological competence	- Ability to identify specific legal sources - Ability to evaluate the reliability of and differentiate between legal sources (e.g. national, international, EU level) - Ability to extract relevant information and terminology - Mastery of tools
MODULE 4: Professional practice and code of conduct	
Translation service provision competence (Interpersonal dimension) ↕↕↕ Intercultural competence (Sociolinguistic dimension)	- Awareness of the role of legal translator - Awareness of relevant professional associations - Awareness of issues related to professional practice (e.g. need to be briefed, personal safety and documentary safety, legal obligations and responsibilities) - Awareness of the need to comply with professional ethics

oriented modules to integrate professional realism into legal translator training – i.e. both "translation" and "translator competence", as advocated by Biel (2011, 164).

Within the proposed training format, a special focus lies on the development of the *thematic competence*.

Introductory modules to national, comparative and European criminal law and procedure should help trainees attain the specific legal knowledge required to produce an accurate legal translation. The focus on EU law aims to balance the deficiencies identified through the results of the survey, where it appears to be significantly outweighed by national and

comparative law. To this end, a sample PowerPoint Presentation, titled "Training Module on Directive 2010/64/EU of the European Parliament and of the Council on the Right to Interpretation and Translation in Criminal Proceedings", was created for this module, to be used as is or customised for specific training needs. [29]

The second core module incorporates legal translation practice, consisting of both theoretical lectures and more practical seminars and workshops where theory is applied. Consequently, this module (or set of modules) addresses different interdependent competences, i.e. language, intercultural and translation service provision competence. Presupposing a mastery of the working languages (C1-C2 level of the Common European Framework of Reference for languages) and the more general EMT competences for translation, *language competence* in this context clearly concerns not so much the development of foreign language skills, but rather the mastery of the specific genre conventions of legal documents, thus addressing the textual dimension of the *intercultural competence*. A series of PowerPoint Presentations was developed, presenting the "Genre analysis of essential documents" in English, French, and Italian to help trainees achieve these objectives.

Theory turns into practice in the second part of the module through the translation of the relevant documents in order to develop the necessary transfer skills, i.e. the production dimension of the *translation service provision competence*. In particular, given the specific scope of the project, the recommendations for this module include the translation of the essential documents and the EAW as listed in Directive 2010/64/EU. As a matter of fact, as evidenced by the WS3 survey, the most recurring text types in criminal proceedings appear not to be the object of study in class.

In the third module, special attention is paid to the development of the (interdependent) *information mining* and *technological competences*, leading to the identification and proper use of reliable sources for different legal contexts. These abilities should enable

trainees to create a terminological database where each term entry can be adjusted to address the conceptual and linguistic differences between legal systems – abilities which were in fact ranked at the lower end of the 'important' benchmark in the WS3 survey. The use of other tools should be mastered, including CAT tools, terminology management tools and electronic corpora, such as the QUALETRA multilingual translation memories, term bases and parallel and comparable corpora. Finally, technologies for remote language assistance should also be included in a professionalising training format for LTs. Some of the deliverables of WS 1 and 2 are relevant for the teaching of this module; in particular, the WS1 essential document templates and anonymised corpora, as well as WS1/2 multilingual term base and translation memories, can be used for the development of these competences.

Finally, Module 4 addresses the second dimension of the translation service provision competence outlined by the EMT Expert Group, i.e. the interpersonal dimension, which is strictly related to the sociolinguistic dimension of the *intercultural competence*. The development of these competences, which have been deemed as 'important' by the trainers who took the WS3 survey, is aimed to improve awareness of the rights and duties of the professional legal translator. In this case, a proposed training material is the "QUALETRA Vademecum for users of legal translations", developed by EULITA (Katschinka 2014b). Besides providing a definition of 'Legal translator', it comprises ten golden rules for, e.g., judges, prosecutors, lawyers, police officers, and court staff to successfully and respectfully collaborate with translators, in terms of selection and qualifications, ethics and legal responsibilities, briefing, quality assessment, remuneration and delivery time.

3.5 The ECQA Skills Card

In the final stage of the project, WS3 members collaborated with the European Certification and Qualification Association (ECQA) to develop an EU-wide certification, i.e. a so-called "Skills Card" for the

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[29] Like all other QUALETRA deliverables, the sample materials mentioned in this section are available online for public use by professional legal translators and trainers at the following address:
<http://www.eulita.eu/qualetra-final-report-package>.

accreditation of the profession "Legal Translator of Criminal Proceedings". The ECQA Skills Card is a standard model where each profession to be certified (called 'Domain') has a modular structure in the form of thematic 'Units' (corresponding to the six competences of the QUALETRA model), which are further split into 'Elements' (the dimensions), each comprising a series of learning objectives termed 'Performance Criteria' (the components). The latter constitute the minimum level of knowledge and performance required for a participant to pass the certification test.

The QUALETRA Skills Card (Scarpa, Kockaert, and Orlando 2014) comprises a total of 4 units, i.e. Legal Knowledge, Professional Aspects, Instrumental Knowledge, Translation – the former two being theory-based and the latter two practice-oriented. Each consists of 2-3 elements operationalised in 3 to 8 performance criteria (PC) each. These criteria make reference to the components of the QUALETRA model of (*general*) legal translation competence, fine-tuned to fit the very specific profile of the translator in criminal proceedings, in line with the syllabus proposed above. By way of example, the first element (E) "Criminal law and procedure" of the first unit (U) "Legal knowledge" of the Skills Card for the profession "Legal Translator in Criminal Proceedings" (LTICP) has the following structure:

LTICP.U1: Legal knowledge
LTICP.U1.E1: Criminal law and procedure
LTICP.U1.E1.PC1 The candidate masters the main domains and sub-domains of criminal law, especially the most frequent offences in essential documents and European Arrest Warrants, e.g. drugs, fraud and theft.
LTICP.U1.E1.PC2 The candidate has a sound understanding of criminal procedure in the legal systems involved (e.g. levels of jurisdiction, legal structures, institutions, settings, parties).
LTICP.U1.E1.PC3 The candidate has a general awareness of current legal issues and their development in the relevant countries.
LTICP.U1.E1.PC4 The candidate is familiar with the EU directives on legal translation.

One of the main issues in drafting the Skills Card was the inclusion of the 'Instrumental Knowledge' unit, considering that (1) eligibility criteria for this certification include an EMT degree, which entails possession of the EMT competences on the part of the candidate; (2) not all institutions serving as certification centres may have the same tools (e.g. CATs, terminology management). Eventually, it was decided to test this competence regardless of a specific software, but rather on a methodological basis. For this reason, the card is accompanied by a "Certification procedure", where the three stages of examination (multiple-choice questions for Unit 1, open question for Unit 2 and 3, and translations for Unit 4) are detailed, also with reference to prerequisites and language combinations.

The training materials mentioned in 3.4 are obviously fit for training prior to this certification, for which the consortium has also provided a series of sample tests of each type for the different units. For example, a multiple choice question for **LTICP.U1.E1.PC1** above looks as follows:

> **From the following list, choose one example of an offence against the person:**
> a) theft
> b) smuggling
> **c) assault**
> d) possession

The QUALETRA Skills Card was approved by the ECQA Board back in September 2014 and will hopefully prove instrumental to the training and accreditation of highly-qualified legal translators specialising in criminal proceedings, as envisaged by the Directive.

3.6 The syllabus for legal practitioner training

Initially, the final deliverable that was supposed to be developed as part of WS3 consisted in a language module for legal practitioners. However, on the basis of the survey results, as well as following the advice of both language and legal experts on the QUALETRA team, the training format which was deemed more necessary was one aiming at successful cooperation between legal practitioners and translators. The resulting deliverable is a series of training recommendations titled "Good Practice on Working with Legal Translators" and, like the syllabus for legal translator training, is designed in generic, customisable format for law students and practitioners, to be offered by universities, translator

associations and local bar associations, potentially also as an eLearning programme. To combine academic and practical skills, the programme (with a recommended duration of 7 hours) consists of three core modules dealing with: (1) EU directives related to translation; (2) practical aspects of working together with legal translators; and (3) issues of quality in the translation of essential documents and EAWs.[30]

The sample training materials mentioned in 3.4 can be adopted and adjusted for this training format, too. To be taught in collaboration by practising lawyers and professional translators, the final aim of this format is to promote peer interaction and create synergies between lawyers and translators, raising awareness on how communication works across cultures, as well as on the role of translators (e.g. selection, briefing).

3.7 Conclusion

The innovative nature of this two-year project relied on the creation of a systemic chain of quality in legal translation in criminal proceedings, able to respond to Directive 2010/64/EU at both a didactic and professional level. By investigating current practices and developing new and reliable ones, QUALETRA sought to attain EU-wide consistency in terms of quality and competence in legal translation, so as to attain mutual trust and recognition across Member States through reliable communication. Its overarching impact is achieving more cost-effective, transparent and, most importantly, fair criminal proceedings guaranteeing the rights to language assistance and a successful cooperation between all parties involved.

On a much smaller scale, the deliverables discussed here are particularly relevant for the design and methodology of the empirical study presented in the following chapters, providing the theoretical premises against which to contrast the results of the study. The empirical grounding of the QUALETRA

framework in terms of quality and competence[31] is presented in the concluding sections (see 6.6) of this thesis.

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[30] The focus on essential documents and EAWs stems from the link between the project and the Directive; however, it can be expanded to include other areas of law where legal practitioners work with translators.

[31] It should be noted that another attempt to test the model was also conducted as part of QUALETRA for WS3-4, by way of a small-scale process-oriented study comparing the performance of three different groups of translators performing the same translation task, i.e. linguists, lawyer-linguists and translation professionals (Peraldi and Martikainen 2014).

Key points

In 2012, the Criminal Justice Programme of the European Commission Directorate-General for Justice funded a two-year project called QUALETRA (Quality in Legal Translation). The project was aimed to attain a systemic chain of quality assurance to ultimately contribute to the development of common minimum standards of procedural rights in criminal proceedings throughout the EU.

In both a didactic and professional perspective, the research group – which included representatives from both translation universities and professional associations – sought to develop training materials and recommendations, as well as a system of accreditation to improve the education of both legal translators and practitioners.

The development of the deliverables for QUALETRA led the theoretical and experiential foundation for the empirical study reported on in this thesis. In particular, Workstream 3, called "Training" and led by University of Trieste, produced the following deliverables:

- an EU-wide survey which shed light on current practices in the training of legal translators and in the language/communication training of legal practitioners, suggesting that the requirements of Directive 2010/64/EU have not been fully met in terms of training so as to ensure good quality of translation services;

- a model for legal translation competence, which integrated the specific sub-competences for legal translators identified by the QUALETRA consortium into the competences for professional translators listed in the EMT model (EMT Expert Group 2009a, 4), based on the notion that the specialisation of translators in specific areas – and in particular thematic competence – should be considered as a sub-component of translation competence and be complemented by further sub-competences;

- a competence-based syllabus for legal translator training, based on the model of competence, combining theory- and practice-oriented modules to integrate professional realism into legal translator training;

- an ECQA Skills Card for the certification of the profession "Legal Translator in Criminal Proceedings", accompanied by a series of training materials, certification procedures and sample tests;

- a recommended training format for legal practitioners on how to collaborate with legal translators.

These deliverables are particularly relevant for the design and methodology of the experiment presented in this dissertation, where an empirical attempt has been conducted to ground the QUALETRA framework in terms of quality and competence.

The translation process
Analysing behavioural patterns

4

Whenever you do a thing,
act as if all the world were watching

Thomas Jefferson

The first stage of the analysis has a process-oriented nature. The main purpose is to identify the procedural patterns that led to the higher-quality translation products assessed in Chapter 5. By the same token, the deficits in the translation processes identified for the two groups of participants to the empirical study may be considered as training needs to be specifically addressed in adequate specialising training.

The following pages describe the various levels of this analysis, which triangulates the data collected through keystroke logging, screen recording, video recording, and a post-task questionnaire. After a theoretical and methodological introduction, each section discusses the results pertaining to the different variables, i.e. delivery time (4.1), translation phases (4.2), pauses (4.3 and 4.4), translation problems (4.5), consultation sources (4.6), and decision-making mechanisms (4.7).

4.1 Delivery time

As pointed out by Englund Dimitrova (2005, 21), in most domains there seemingly exists a correlation between expertise and delivery times, whereby experts perform faster due to automation and efficient processing, as well as a more extensive body of knowledge (Ericsson and Smith 1991, 20–21); in general, this has also been observed empirically in the case of translation (A. L. Jakobsen 2002; cf., among others, Englund Dimitrova 2005; Göpferich 2010; Quinci 2015b). However, conflicting evidence was found by Jääskeläinen (1999), Krings (2001), and Sirén and Hakkarainen (2002), who reported that less-experienced translators required less time than more experienced ones to conclude their task. This finding appears to be more in line with the delivery times (DT) recorded in this study, which are summarised as group means (and relative standard deviations) in Table 4.

Table 4. Average delivery time (DT) and standard deviation (SD) in minutes

	avg. DT	SD
L (*lawyers*)	61.51	22.47
T (*translators*)	108.19	13.04

Group L delivered their translations much faster than Ts, concluding the task in about half of the time suggested for the experiment. By contrast, Ts almost took the full recommended time, i.e. 2 hours, as confirmed by their lower standard deviation of 13.04

minutes and small intra-group differences, ranging between a minimum DT of 86.55 minutes and a maximum of 124.38 minutes. By contrast, Ls took between 33.42 and 105.05 minutes; however, only 3 participants from this group actually had DTs over 70 minutes (still lower than the shortest DT of a T), which thus reduces Group L's SD to 12.30 minutes.

These findings may be explained based on the following considerations:

1. Group T had no familiarity with the subject-field of the translation, hence might have needed longer to fully comprehend the ST;
2. keystroke logs and screen recordings suggest that Group L mostly adopted a word-for-word approach, thus possibly requiring less time than Group T who appeared to process information more at a textual level.

These considerations already support the hypothesis of different "developmental stages" in the acquisition of TC, as termed by Jääskeläinen (1996, 67): on the one hand, Ls mirror the naïve behaviour of novice translation trainees, whereas Ts, like translation students at a more advanced level, appeared to be more aware of potential problems, which resulted in "very arduous and time-consuming processing." In this light, the DTs for the two groups parallel those of novices and intermediates in Quinci's (2015b) study.

This hypothesis may be further substantiated when observing subject-oriented information gathered through the post-task questionnaire, where a question specifically investigated the adequacy of the time recommended for the translation task as perceived by the participants, who could rank it on a scale from 'excessive' through 'sufficient' to 'not sufficient'.

Figure 16. Perception of time
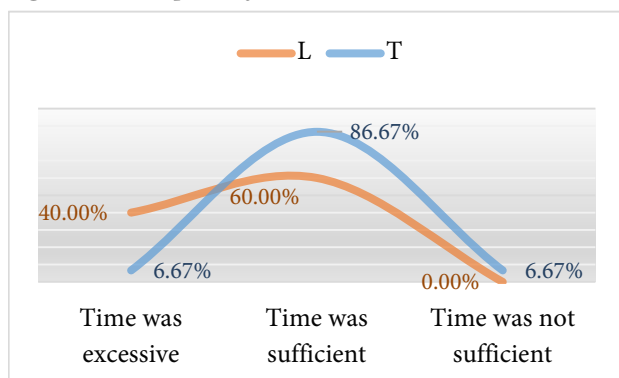
The answers are visually represented in Figure 16, showing that the majority of the participants considered the two hours to be sufficient for the translation task. Interestingly, one participant from Group T found the time excessive (and coincidentally had the shortest DT in the group), while another (with the highest DT) perceived it as not enough; by contrast, a rather high 40% of Group L, i.e. 6 participants, chose the first option, suggesting that they perceived a lower time pressure and faced a lower number of problems. These findings will be further verified in Section 4.5.3, and ultimately triangulated with product-related results so as to establish whether a correlation exists between delivery time, on the one hand, and translation quality, on the other (see 6.2.1).

4.2 Phases of the task

Temporal data are not only interesting from a quantitative perspective: a qualitative observation of what happens during the task may in fact shed light on the different behaviours which characterise the two groups. In most cases, the rhythm of the translation production is uneven, due to the variety of activities conducted in the different stages of the task. Previous empirical studies with a process-oriented nature have led to the identification of three phases of the translation task, as summarised in Table 5.

Table 5. Translation phases (adapted from Englund Dimitrova 2005)

Phase 1	*Vorlauf* (Krings 1986b), *pre-writing stage* (Jääskeläinen 1999), *initial orientation phase* (A. L. Jakobsen 2002), *Planungsphase* (Norberg 2003)
Phase 2	*Hauptlauf* (Krings 1986b), *writing stage* (Jääskeläinen 1999), *drafting phase* (A. L. Jakobsen 2002), *Rohübersetzungsphase* (Norberg 2003)
Phase 3	*Nachlauf* (Krings 1986b), *post-writing stage* (Jääskeläinen 1999), *end revision phase* (A. L. Jakobsen 2002), *Revisionsphase* (Norberg 2003)

In this thesis, the different phases of the participants' tasks will be discussed by adopting Jakobsen's (2002) terminology, which he proposed after analysing

keystroke logs. However, his methodology will be partially amended, owing to the additional data gathered through screen (and, to an extent, video) recording.

In Jakobsen's definition, the *initial orientation phase* is "the time delay between the appearance of the source text on the screen and the typing of the first text production key" (2002, 192); hence, the only types of keystroke in this phase should comprise text scrolling and window resizing. This time delay is dominated by comprehension, and indicates to what extent the participant reads the ST before the production of the translation. My observation of this time delay in the experiment, though, suggests that in this important phase preliminary to text processing, problems may already be encountered and strategies for problem-solving already implemented even without typing anything in the TT or at all. The pauses observed in this phase appear to be different from those of the second phase, because they are in fact aimed at comprehension and contextualisation. Consequently, other mouse and keyboard activities prior to the TT production have still been considered to be part of phase 1.

The middle phase 2, *drafting*, runs from the first text production keystroke to the first typing of the full stop at the end of the TT. In this phase the cognitive rhythm is the most uneven (when not erratic), as all sorts of activities take place, e.g. reading, processing, (re)formulating, typing, revising. All keystrokes, cursor movements and screen activities are to be expected, in both the text editor and the web browser, or using other digital reference sources, as well as external activities recorded through video recording.

In the final phase 3, *revision*, the rhythm is definitely slower than in phase 2 (but, at least in my study, more hectic than phase 1), with longer pauses where the text is reviewed, but also quick ones for correction of typos or unproblematic TT changes. This phase ends when the translator finally decides that the TT is ready: in my data, this became evident, for example, when the participants saved the document, closed the text editor, left the room, moved on to the other tasks in the experiment, as evidenced by other data than

keystroke logs.

The relative allocation of time devoted to each phase of the translation task is represented as group means in Figure 17.

Figure 17. Translation phases in minutes
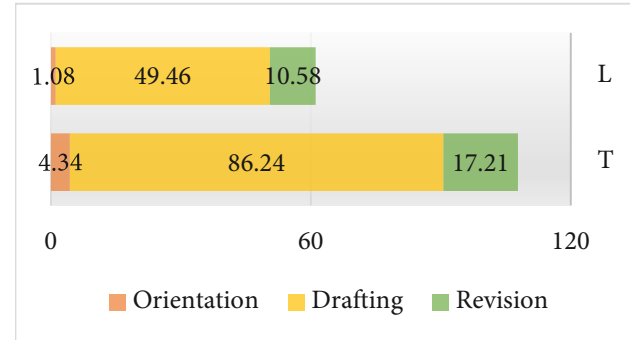
Interestingly, the proportions observed for the two groups are almost identical:[32] Ls and Ts devoted respectively 2% and 4% of their DTs to the orientation phase, an identical 80% to phase 2, and the remainder 19% and 16% respectively to the final revision. Obviously, though, each delay for Group L is shorter than those of Group T by, in order, three quarters, half, and two thirds. These proportions are mostly in line with the trends observed by Jakobsen (2002), though his less-expert participants gave 19% of their (relatively higher) DT to phase 3, slightly outweighed by 24% for expert translators.

A closer look at what happened during each phase is necessary; in particular, phase 1 and 3 will be addressed in the two following sub-sections. In general, the results confirm Jääskeläinen's (1999) and Jakobsen's (2002), who reported longer delays in phases 1 and 3 for more experienced translators; similarly, in writing research experienced writers have been shown to invest more effort in planning and revising than did inexperienced ones (Scardamalia and Bereiter 1991, 172).

4.2.1 Orientation phase

As reported in the previous section, Ls only spent 2% of their time on activities preliminary to the drafting. In particular, in 8 cases out of 15 the time delay for this phase was below 20 seconds (0 seconds in 4 cases), and slightly exceeded 90 seconds only in 4

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[32] By contrast, Englund Dimitrova's (2005, 23) results indicated that there is no pattern suggesting a correlation between time spent on each phase and level of expertise.

cases, of which 1 exceptionally spent 5 minutes reading the ST. This means that the majority of Ls did not actually devote enough time proportionately to the length of the text. As a matter of fact, as emerges from logged keystroke data, and video and screen recordings, in this phase most Ls simply prepared the environment on- and off-screen, without even looking at the ST, if not to assess its length. In other words, Ls were found not to perform any type of planning described by Hayes and Nash (1996), i.e. by abstraction, by analogy, or by modelling, which is crucial to successful text representation.[33]

This is also confirmed by the responses to the post-task questionnaire, where participants were asked to describe how they read the ST before the actual translation production.

Figure 18. First reading of the ST
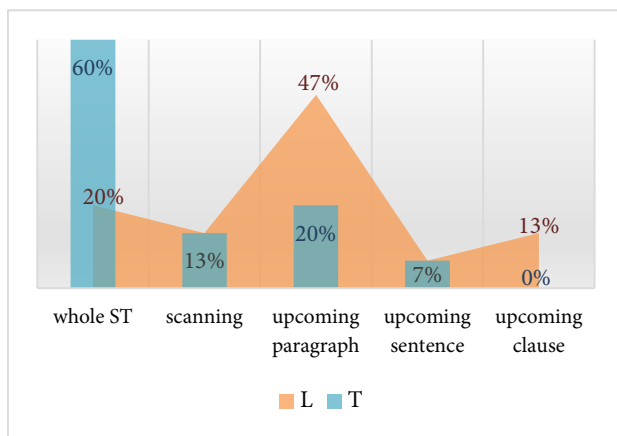
Figure 18 shows that only 20% of Ts read the whole ST, with an additional 13% only scanning through it. The other percentages clearly show that no overall pre-comprehension activity was undertaken by Ls, who in 2 cases out of 3 only read the initial portion of the ST, as also confirmed from the video recordings. By contrast, a total 73% of Ts read the whole ST or scanned it prior to translating; only few of them stopped after the first paragraph, sentence or clause, and only a quarter immediately embarked in the drafting phase. This fraction corresponds to the only three Ts whose phase-1 duration was equal to or

shorter than about 1 minute (more precisely, between 33 and 63 seconds); the other participants spent between 2 and 8.55 minutes pre-reading the ST, searching and reading parallel and comparable documents, opening any online source they needed, as well as underlining or looking up unknown words.

4.2.2 End revision

Both recorded data and questionnaire enable to determine whether or not any end self-revision was conducted by the participants. For the sake of completeness, considerations are made here also taking account of the on-line revisions[34] performed during the previous phase 2.

From a quantitative perspective, if all Ts engaged in a final revision phase (which averaged 17.21 minutes, as shown in Figure 17), three Ls did not (though only two admitted it in the questionnaire). More specifically, besides the three who devoted 0 seconds to this phase, six Ls spent between 1 and 7 minutes, two spent 13 minutes, three 25 minutes and one a striking 43 minutes. Comparatively, seven Ts spent between 3 and 7 minutes revising the tentative translation (coincidentally the ones with the longest drafting phases), five between 17 and 23 minutes, two between 26 and 33 minutes, and two 47 and 49 minutes. Several qualitative factors should however be noted here. The seven Ts with the shortest end revision phases are those who actually spent the longest on-line revising their TTs during extensive interruptions throughout the drafting phase, in order to finalise most of their tentative solutions already in their first drafts. Additionally, given the length of their drafting phase, they felt time pressure and, in the attempt to complete the task within the recommended time of 2 hours, had the shortest end revision phases. By contrast, the remainder eight Ts engaged in a more "substantial [final] revision, seeking to improve solutions beyond mere acceptability" (A. L. Jakobsen 2003, 88). This thorough approach has instead represented the exception for Ls, whose shorter drafting phases did

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[33] This result is line with what observed by Barbosa and Neiva, who compared the translation processes of FL learners with those of professional translators: "FL learners […] neglected to read the text beforehand. But, unlike the professionals, they neither made predictions nor examined para-textual material" (2003, 150).

[34] Following Jakobsen (2002, 193), online revision consists in the "revision undertaken while the first full drafting of the target text has not yet been completed." This includes "the correction of typos, rephrasing of words, phrases and sentences, or with change of word order, etc." (Carl, Dragsted, and Jakobsen 2011).

not encompass a great deal of on-line revision. Only rarely did Ls leave gaps, underline or highlight units in their TTs to be taken up at the end of the first draft.[35] Instead, they tended to "translate a text as a continuous operation, working from top to bottom and considering the task done when they reach[ed] the full stop" (cf. FL learners in Barbosa and Neiva 2003, 150). As a matter of fact, quantitatively speaking, even the longer revision phases for Ls focused on rather few segments; this might be explained by the fact that the "quest for improved quality […] has a more substantial impact on less experienced translators' DT" (Quinci 2015b, 135). The lack of revision, though, combined with shorter (or even rushed?) drafting phases eventually reflected on the final quality of the TT (see 6.2.2).

Figure 19. Extent of reading in self-revision
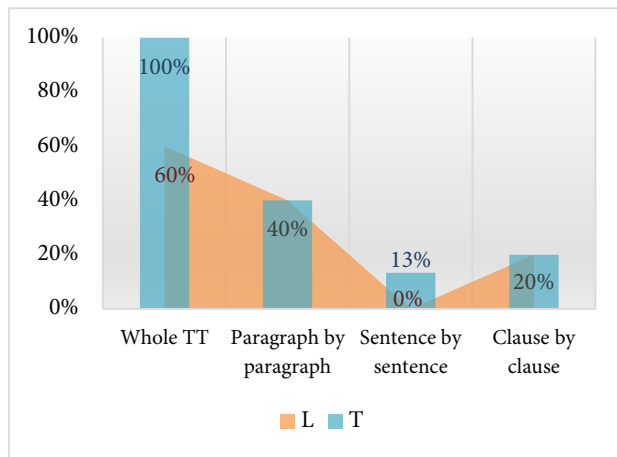
All data collection methods used in this study also shed light on the extent of the participants' reading during the participants' self-revision, summarised in Figure 19 above. Qualitatively speaking, these statistics seemingly confirm the considerations made and the proportions presented thus far. Full-text reading is the most common type of reading for Ts, who reviewed their TTs both entirely and at micro-textual level. By contrast, the proportion is almost halved for Ls, who in fact focused more on single, localised problem-solving activities. The high total percentage for Ts, i.e. 173%, clearly outweighs that of Ls, 120%, thus suggesting that participants from Group T in particular conducted multiple self-revisions following different segmentations of the TT. These findings are also reflected in the data

concerning the type of self-revision performed by participants, i.e. whether they only read their TTs only or compared it with the ST. Quantitative data in this respect can be found in Figure 20 below. At a first glance, two thirds of Ls who performed self-revision compared their translations with the ST, whereas both intra- and interlinguistic self-revisions were chosen by Ts in almost equal shares. These statistics, though, must be considered in correlation with qualitative observations of the participants' translation processes. The proportions calculated for Ls actually entail that, with the exception of few participants already discussed above, most of them double-checked their tentative translations on-the-go, by typing each paragraph above or below the relative one in the ST, which they removed either immediately after the first typing in phase 2 or during their brief phase 3; only few of them re-read (or better, skimmed through) their TTs only. By contrast, the balance between the two options for Ts emerges from a combination of both unilingual and bilingual self-revision, whereby multiple re-readings enabled for a further bilingual double-check in case of doubts. These results are in line with Quinci's (2015b, 152), provided a parallelism is established between Ls and less expert translators, on the one hand, and Ts and more expert translators, on the other.

Figure 20. Type of reading in self-revision
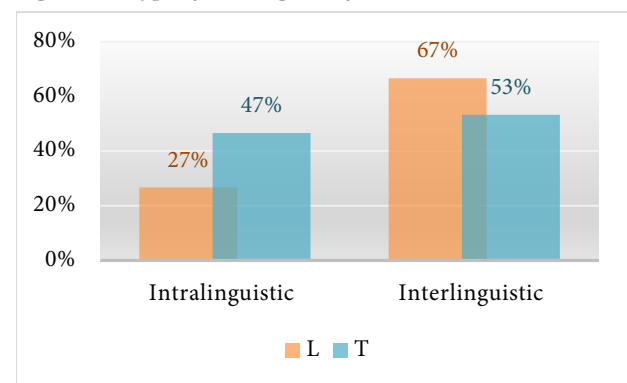
Translation competence-related assumptions could thus be drawn from these data, suggesting that the unassuming recognition of the need for checking is particular to experienced translators, as compared to somehow "arrogant" less-experienced ones (cf. Tirkkonen-Condit 1992, 439). As shown in previous

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[35] With reference to on-line revision, similar behaviours as in this study were noted by Ehrensberger-Dow and Massey (2013, 115)

research (e.g. Brunette, Gagnon, and Hine 2005), comparative revision ultimately leads to better quality than unilingual self-revision; this can be presumed to be especially true for legal translation, where content-errors are undoubtedly more critical than stylistic ones. The overcoming of an inattentive approach (shown by Group L) in favour of a thorough checking may thus be assumed to become automatic in more experienced translators, such as Group T, to be reflected in their translation quality, which will be discussed in Chapter 5.

4.3 Pauses

Pauses have first been investigated in both spoken and written (L1 and L2) language production and translation, either using think-aloud protocols (e.g. Krings 1986b) or keystroke logging (e.g. A. L. Jakobsen 1998). This interest is due to the shared interpretation of pauses as "potential indicators of mental activity related to the text segments neighbo[u]ring that pause" (Martín 2014, 59). In simple terms, a pause is "an observable interruption in the natural flow of translation" (Angelone 2010, 18)[36]. Technically speaking, Rothe-Neves defines pauses as "the time span during which work is not registered, or 'silence'" (2003, 104). In fact, these interruptions are not (necessarily) "moments of complete inactivity" (Janisch 2009, 24, my translation); rather, the translator might be busy reading the ST, formulating the TT, solving a problem or, not to be excluded, thinking about or doing something unrelated to the translation activity. Hence, pauses are not necessarily signposts for problems, but may also be interruptions leading to unproblematic decision-making (cf. Jääskeläinen 1993, 106; Sirén and Hakkarainen 2002, 77). Like in spoken language research, a minimum pause length is thus to be established, factoring in all these possibilities. Furthermore, some scholars warn that the participant's typing speed should also be considered to set individual minimum pause lengths (e.g. Wengelin 2006, 111); quoting an effective

metaphor drawn by Dragsted (2005, 53), "comparing all subjects on the basis of the same pause unit would amount to comparing the motion of a turtle and a leopard as if they both belonged to the same species of animals." As a result, no standard pause cut-off value has been established in research: depending on the specific objective of the analysis, scholars have either suggested to consider all pauses regardless of their duration (e.g. Immonen and Mäkisalo 2010, 48) or to set fixed cut-off values of, e.g., 0.181 second (Wengelin 2006), 1 second (A. L. Jakobsen 1998; Krings 2001), 1.5 second (cf. Dragsted 2005, 54), 3 seconds (Krings 1986b), 5 seconds (Buchweitz and Alves 2006; Alves and Vale 2009; Englund Dimitrova 2006), or up to 10 seconds (A. L. Jakobsen 1998), especially at the beginning or end of a text, between sentences or at particularly difficult points in the text. Clearly, all things considered, defining the minimum length of pauses is not an easy task, most importantly because it also affects the analysis in both quantitative and qualitative terms. For instance, Alves and Vale (2009, 128) note that "considering very short interruptions as pauses would lead to the identification of automatic processes, corrections of typos or other instances of on-line text production in which no conscious problem-solving and/or decision-making takes place." However, this assumption contradicted the actual data collected in the experiment reported in this thesis for the following reasons:

1) not only the typing speed, but also that of other computer-related text production activities varied considerably within the sample and even for each participant in different moments of their translation activity;[37]

2) unlike Ts, most participants from Group L typed their translation while reading the ST, almost producing a written sight translation, and rapidly switched through different windows, e.g. when consulting a dictionary, during very short interruptions recorded between keystrokes;

3) unlike in the analysis of think-aloud protocols or *Translog* logs, the recordings produced by

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[36] Angelone further explains that such interruptions are generally due to a *problem nexus* in the translation, i.e. "the confluence of a given textual property and level […] intersecting with some sort of deficit in the translator's cognitive resources" (2010, 18).

[37] Mostly in the case of Ls, this finding is in line with Alves (2006, 6), who observed the cognitive rhythm of novice translators being "erratic".

Blueberry's *BB Flashback* cover keystrokes and screen activities in all windows, which are thus not limited to the word editor; consequently, the cut-off length was to be short enough to detect, for example, any switch to an external source.

Against these considerations, the cut-off length chosen for this analysis was 1 second, which, despite being low and thus also encompassing motor activities (which are nonetheless interesting in a writing-theory perspective), overcomes the unbalance identified by Dragsted, above. Further, this value enables to also consider hesitations as defined by Séguinot, i.e. "unusually slow typing" (1989b, 31), which might in fact be signals of occurrence of difficulty.

Table 6 reports some general quantitative trends observed in the experiment.[38]

Table 6. Pause-related quantitative data

avg pause no.		avg duration		ratio	
L	T	L	T	L	T
182.80	141.40	2637.60	5380.42	67%	83%
ratio in orientation phase				37%	85%
ratio in drafting phase				65%	82%
ratio in revision phase				85%	83%

In particular, what emerges is that on average Group L made a higher number of pauses (throughout their shorter delivery time, as reported above), though of a considerably shorter duration, as testified by the average total duration of pauses in the central column of Table 6. Further, by calculating the ratio of time spent in pauses, i.e. dividing the total delivery time by the total pause time, it becomes apparent that Ts spent more time processing as compared to Ls (83% vs 67%); however, while this ratio is consistent in all phases for Ts, Ls spent more time in retrospective pauses in the revision phase rather than in the orientation phase. In 6.2.1, these data will be triangulated to investigate a potential correlation between the participants' cognitive rhythms and the quality of their translations (cf. Alves 2006, 6).

4.4 Pauses as problem indicators

When analysing pauses, the pending question is what happens throughout their duration. According to Séguinot (1989b, 31), pauses typically occur at the end of the sentence/paragraph, between independent clauses, before/after subordinate clauses, before phrases, before subject and predicate, at end of line/word level, before/in words. The slower and more uneven the production of the translation, the more problematic the ST segment is presumed to be (cf. Dragsted 2005, 50). However, as pointed out by Lörscher (1986, 279), "of course not every pause or hesitation necessarily indicates a translational problem", as ST reception, mental organisation, and TT formulation – or, in other words, 'cognitive effort' (cf. O'Brien 2006; Lacruz, Shreve, and Angelone 2012) – may just as well interrupt the process without being caused by a translation problem. To better investigate this issue, a classification of the pauses encountered in the translation process was developed for this analysis, adopting a twofold approach: at first, a speculative list was compiled based on initial expectations and other (more or less) systematic classifications (e.g. Immonen 2006; Alves and Vale 2009, 257; Mees 2009, 28; Immonen and Mäkisalo 2010, 49); subsequently, the list was amended and expanded based on the types of pauses in the corpus collected for this study, both observing the keystroke logs and the screen recordings (as well as the video recordings, especially in the event of pauses unrelated to the translation process, e.g. phone calls, whose duration was subtracted from the overall delivery time). The final classification of the pauses identified is visually summarised in Figure 21.

As can be observed, two main categories have been identified, i.e. *cognitive* and *motor* pauses. The latter refers to typing- and desktop-related processes, e.g. formatting, deleting or moving text, but also switching through windows or waiting for the text editor to save the document; such activities do not actually describe the participant neither as a writer nor as a translator, hence will not be accounted for in

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[38] Further statistics have been collected on the number, duration and type of pauses observed; however, such data are not relevant in this context, but will be analysed at a later stage with the aim of bridging these results with writing theory in future research (see 6.9).

Figure 21. Classification of pauses
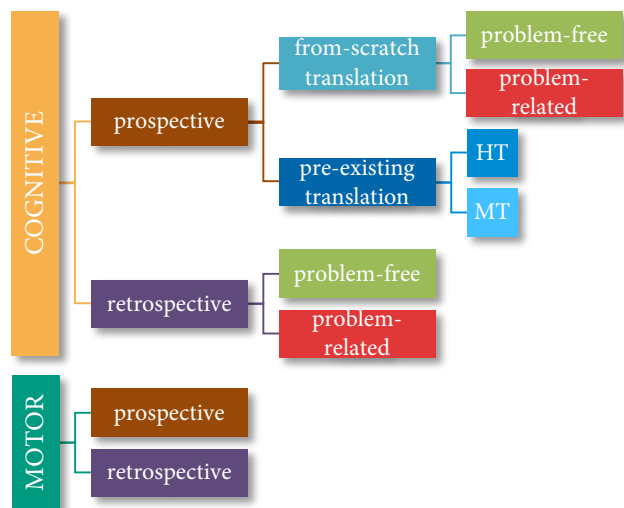
this context. It is the former category, i.e. that of cognitive processes, that is of interest here, as it encompasses all activities pertaining to planning, formulating and editing the translated segment, as well as problem-solving processes. Both first-level categories can be further sub-divided into *prospective* and *retrospective*, the former referring to interruptions pertaining to an upcoming text segment, while the latter returning to an already translated segment, which the translator has either just finished typing or typed at an earlier stage. In general, prospective pauses (and, similarly, retrospective) have not been subdivided into more specific lower levels describing the type of processing, as three scenarios mostly emerged, parallel to those identified by Dragsted and Hansen (2008), i.e. ST reading/comprehension, TT production, or both simultaneously. Similarly, distinguishing between reading and evaluating[39] tentative solutions in retrospective pauses was not possible (nor particularly necessary in this context) due to the lack of proper TAPs.[40] By contrast, a further distinction of prospective cognitive pauses became necessary, i.e.

between *from-scratch translation* and *pre-existing translation*. Prospective cognitive pauses when reading a pre-existing translation includes two cases, i.e. when the translator reads a published, human translation (HT)[41] or uses a machine-translation system (MT) as a strategic routine due to time constraints or pure laziness, rather than because of difficulty.

Both from-scratch translation and retrospective pauses can be *problem-free* or *problem-related*. In the first case, for example, the translator reads either an upcoming or previous text segment, thinks of an equivalent or (re-)formulates a translation without showing any sign of difficulty other than mental processing. In the second case, a series of phenomena must be observed, in order to suggest the occurrence of a problem. For this purpose, an adapted version of the classification of problem indicators was used, which was originally developed by Krings (1986b, 121) to identify translation problems in TAPs in a consistent and intersubjective manner. The list has also been adjusted and adopted in the studies conducted by, among others, Englund Dimitrova (2005, 156) and the TransComp group (Göpferich 2010, 8). The amended list goes as follows:

Primary indicators:

A1. Explicit or implicit problem identification by the translator;[42]
A2. Consultation of a source of reference;
A3. Gaps in the translation.

Secondary indicators:

B1. Alternative tentative translation equivalents;
B2. Changes in the TT, also when taking up a problem they have worked on previously;
B3. Underlined units in either the ST or TT;
B4. Negative evaluations of the TT units;[43] [44]
B6. Unfilled pauses of a duration of at least 3 seconds;

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[39] In the model of cognitive processes during writing developed by Flower *et al.* (1986, 22), the distinct categories of *evaluating* and *revising* are two sub-tiers of *reviewing*, just like *planning* comprises *organizing*, *goal setting* and *generating*.

[40] Cf., for example, the very long and detailed lists of all such categories in Kiraly (1990) and Lörscher (1991).

[41] Because of the impossibility to establish their origin, these instances are here considered as human-translated, if anything to differentiate them from the other category of machine-translated renderings.

[42] E.g. oral utterances such as "Cosa significa?" [what does it mean?] or "Non lo so…" [I don't know] or written signposts such as "???" in the TT.

[43] E.g. oral utterances such as "Ho sbagliato"/"Non può essere" [I made a mistake/This must be wrong] or "Non mi convince"/"Non mi piace" [I am not sure/I don't like it].

[44] Indicator B5 'Metaproblematisation', i.e. …, was not relevant for this analysis and ultimately removed.

B7. Non-lexical phenomena;[45]
B8. Lexical phenomena.[46]

In the original model, Krings differentiated between primary and secondary indicators. While the former are clear evidence of problems and thus one occurrence is enough, the latter are weaker indicators and only suggest an instance of translation problem, hence at least two have to simultaneously occur for a segment to be deemed as problematic. However, as in the methodology used in the TransComp project (Göpferich 2010, 8), if participants return to a passage they had previously worked on, the occurrence of single secondary indicators at different stages of the translation process still qualifies that passage as a translation problem. All the indicators listed above may have an oral or written form: as a matter of fact, despite the lack of TAPs in this study, the data collection methods used also allowed for the recording of all subject-related data, including body language and (para)linguistic phenomena, which justify the presence of certain indicators in the final list. In particular, unlike Ts who mostly kept their composure and were silent throughout their translation processes, Ls seemingly felt comfortable enough to verbalise as if they were not being observed, thus confirming the ecological validity of the research environment.

All indicators have been duly transcribed during the analyses; an interesting phenomenon has emerged, which again apparently contradicts the initial parallelism drawn between this study's Ls and Ts with Jakobsen's (2002) translation students and professionals, respectively. Very few instances of indicators A3 and B3 occurred among Ls, thus suggesting that the solutions they found during the drafting phase were durable and were only revised or changed during the end revision in case they had been problematic in phase 2. By contrast, Ts definitely had a greater deal of both on-line and end revision of tentative solutions in phases 2 and 3, respectively, as confirmed by the greater variety of indicators

recorded in their translation processes. However, considering all other observations made thus far, such behaviours definitely indicate Ts' lack of confidence and greater sensitivity for text difficulty, while Ls appear as overly self-confident.

No further quantitative (let alone qualitative) data on the distribution of indicators may be insightful in this specific context, e.g. in terms of the participants' level of competence. By contrast, interesting insights can be gained with reference to the type of problem encountered, which will be addressed in the following section.

4.5 Translation problems

4.5.1 Theoretical background

A number of authors agree that translation is a problem-solving activity (cf., among others, Levý 1981). Nevertheless, given its centrality, it should come as no surprise that the notion of 'translation problem' has not yielded a unanimous definition, nor an empirically validated classification of problems (Hurtado Albir 2001). The very term 'problem', especially in its colloquial sense (cf. Presas Corbella 1996, 9; Valli 2013, 8), overlaps the related notions of 'difficulty' and 'uncertainty'. Proposed by Nord (1991b, 151), one of the most prominent definitions distinguished in fact 'problems', meant as shared, objective incidents, from 'difficulties', seen as subjective occurrences related to the translator's level of competence or the specific working conditions in the translation task. Twenty years later, Nord herself (2011, 255) rectified this definition, whose non-exclusive operationalisation (a single textual item may constitute both a problem and a difficulty) was questioned by many, e.g. as lacking "psychological reality" (Lachat Leal 2003).[47] On the other hand, 'uncertainty' has been seen as the result of a problem, whereby the activity of the translator is interrupted by an occurrence of indecision (cf. Angelone 2010).

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[45] E.g. sighs, puffs, groans, whistles, laughs, grimaces, eyerolls and eyebrow raises.

[46] Indicator B8 in this list replaces the original "lack of a primary equivalent association", as this could not be deduced using the data collection methods chosen for this experiment. By contrast, besides *uhm*s and *boh*s, the transcription of lexical phenomena also includes (re-)reading aloud the ST and/or the TT.

[47] Further views are offered by, among others, Jensen (2009) and Hvelplund (2011), who measured difficulty in terms of readabiity, word frequency and non-literal expressions, and Campbell (1999) and Dragsted (2012), who considered the cognitive effort required to solve difficult ST items.

In discussing the terminological status of (or problem with!) translation problems, Toury (2002) identified the three main attributes attached to this crucial notion in Translation Studies.

The first perspective, that of PROBLEM$_1$, focuses on the ST. Without considering the context of the translation act, this 'utopian', completely theoretical view addresses the translatability of a ST item in a prospective manner, as there is no realised SOLUTION$_1$ to look at. This type of problem, which encompasses Nord's (1991b, 151) definition of 'problem' as being intrinsic to the ST, includes structural differences between language pairs (e.g cognates, false friends, or one-to-many or one-to-zero equivalences, in C. Nord 1997a, 66). Also PACTE's (2005; 2009; 2011a) selection of Rich Points focussing on specific ST items (see 5.3) would ideally fall within the definition of PROBLEM$_1$, except that in their research this selection results from piloting the translation task so as to assess the translator's decision-making processing.

The second sense, that of PROBLEM$_2$, adopts a retrospective approach, by starting from a factual solution in the TT and reconstructing the problem that led to its choice, i.e. the translator's cognitive process. Consequently, this type of problem only exists when a TT (or, better, a SOLUTION$_2$) exists and can be mapped onto the ST. For instance, both Campbell (1999) and Dragsted (2012) looked at TT variation as a reliable predictor of difficulty, which then finds a confirmation in process data. More specifically, though, this retrospective discussion of translation problems has mostly corresponded to error analysis of the TT (e.g. Krings 1986a). In his first definition, which he later described as "juvenile" (2005, 72), Pym argued that "a linguistic element becomes a translation problem when the translator has to decide between more than one way of rendering it" (1992b, 282), either leading to a correct rendering, a binary error or a non-binary one (see 5.4.2).[48] While translation problems (as the translator's *defaillance*) and errors (as an unsolved problem) are undoubtedly linked – e.g. Lörscher's (1991, 80) definition of a problem, occurring when the translator realises that "s/he is unable to transfer or to transfer adequately a source-language text segment into the target-language" – in this thesis the translation process and product must be analysed separately for different purposes (see 2.3).

The third sense, that of PROBLEM$_3$, shifts the attention entirely on the translator. A dynamic notion, this type of problem is reconstructed by observing the translation process (Livbjerg and Mees 2003; e.g. Désilets *et al.* 2009), and in particular the traces left behind by the translator of his cognitive mechanisms other than the TT, which have been recorded through process-oriented data collection methods, e.g. TAPs, keylogs, video/screen recordings. In this perspective, a PROBLEM$_3$ is in a causal relationship with non-automatic processes (cf. Kiraly 1995; Bell 1998; PACTE 2011a); hence, more than one SOLUTION$_3$, not spontaneous and immediate, might exist. Evidently, in this subject-oriented view, problems constitute not *a priori* categories intrinsic to the ST or language pair, but rather self-constructed entities which "only exist to the extent that the translator experiences a problem" (Dragsted 2004, 58) and whose difficulty is perceived differently by different subjects (cf. Krings 1987; Séguinot 2000; Livbjerg and Mees 2003; Enríquez Raído 2013).[49]

In the approach to problems adopted in this study, a translation problem is perceived in the sense of PROBLEM$_3$. To summarise, by resorting to a revised version of the definition proposed by Enríquez Raído (2011, 151),[50] in this thesis 'translation problems' are considered to "constitute those particular source text items […] problematic for translation […] as manifested in, and inferred from the participants' recorded translation processes and their resulting products."

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[48] Still from a TT-perspective, Pym later replaced this binarism with the notion of risk, stating that "translation problems can then in themselves be described as high-risk, low-risk or, again, anything in between" (2005, 72).

[49] Though most definitions address the "difficulties encountered by the subjects when carrying out a translation task" (PACTE 2011a, 323), some scholars have also observed problems in Machine Translation, e.g. as "mismatches" (Prahl and Petzolt 1997, 125).

[50] Enríquez Raído's full definition had to be reduced here, given the specificity of her study, and reads as follows: "'problems' constitute those particular source text items that the research participants explicitly identified as problematic for translation in the online search reports, and as manifested in, and inferred from the participants' recorded translation processes and their resulting products" (2011, 151).

Further, as has been discussed in Section 4.5, this study considers translation problems as training needs: the identification of procedural uncertainty, initiated by conscious or unconscious decision-making mechanisms and evidenced by a pause, sheds light on the sub-competences to be developed and/or strengthened in the trainees – in this case, with particular reference to legal translation. In this sense, translation problems are clearly seen as 'information needs' or 'deficits' (cf. Prahl and Petzolt 1997, 125, 138; Valli 2013, 74–78, respectively), meant both in terms of declarative (i.e. thematic) knowledge of the subject-field particular to the ST and procedural knowledge on how to go about solving said problem.

4.5.2 Classification of problems

Problems may occur in all phases of the translation process; however, different types of problem may affect the rhythm and output of the translation in different ways (A. L. Jakobsen 2005, 181). Many categorisations of translation problems have been devised through the years, finally overcoming the reigning and exclusive linguistic perspective in the 1980s (cf., just to mention one, Vinay and Darbelnet 1995). For instance, Nord (1991b, 158–160) distinguished between pragmatic, cultural, linguistic and text-specific problems, while Hurtado Albir (2001) listed text-linguistic, extralinguistic, pragmatic and instrumental problems. According to the PACTE group, the ST rich points may contain (one of) the following prototypical translation problems: linguistic problems, textual problems, extralinguistic problems, problems of intentionality, problems relating to the brief and/or TT reader (2011a, 327). Another widely adopted classification particular to translation process research (e.g. Krings 1986a; Göpferich 2010) considers reception (or comprehension) problems, production problems and combined problems.

In the special context of legal translation, Longinotti (2009, 1) points out that "the main reason for the difficulties of legal translation lies in the untranslatability not of legal terms, but of legal concepts, in particular those pertaining only to some legal systems", i.e. semantic problems. In line with the view of translation problems as deficits in declarative and procedural knowledge, Orozco and Sánchez-Gijón (2011, 1) enlist different lacks of knowledge

pertaining to both ST and TT, applicable to all legal texts and depending on the level of expertise, experience, and specialisation of the translator, as follows:

1) terminology, register, collocations, or units of specialised meaning;
2) textual characteristics of legal documents, e.g. branch of law, text genre, text function;
3) agents involved, e.g. courts, officials, lawyers, other parties, statute law;
4) possible legal consequences arising from the TT, e.g. resulting course of action, actions by third parties, informing parties of non-final rulings.

Further, Orozco and Sánchez-Gijón (2011, 2) classify the problems legal translators face during the translation process, i.e. the search for equivalents: first, at the micro-textual lexical level, a translator has to come up with either a legal equivalent, a contextual equivalent, a lexical translation (calque), or a periphrastic translation; second, at the micro-textual sentence level, collocations and phraseology might result problematic in finding a functional equivalent; third, at the textual level, problems might result from the transferring or adaptation of the ST macrostructure and genre features.

For the purpose of this thesis, a specific taxonomy was developed, paralleling Mossop's (2014) revision parameters as closely as possible, so as to enable for an easier correlation of problems in the translation process and errors in the translation product (see 6.2.3).

The resulting classification of translation problems is visually presented in Figure 22.

Figure 22. Classification of translation problems
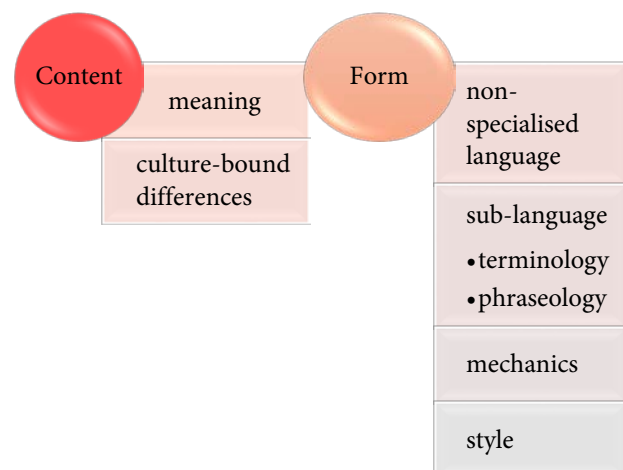
At the highest level, the categories of *content* and *form* constitute the basic distinction of translation problems, just like in Mossop's list the categories of *transfer* and *content*, and of *language* and *presentation*, respectively, represent this dualism.

The main category of *content* comprises two sub-types of problems:

1) *meaning*, i.e. when the translator encountered difficulty in ST comprehension. Since TAPs were not adopted in this study, based on logged keystroke data and screen recordings, this type of problems was identified when the problem indicators pertained to whole clauses or longer units other than single terminological or phraseological items, which were highlighted, selected, or searched by the translator. An exception had to be made, however, when the use of machine translation systems, i.e. *Google Translate*, was strategic rather than problem-initiated, that is to say when the translation process of the participant (more specifically, three Ls) consisted in post-editing the machine-translated TT; in that case, however, further problems could be identified during retrospective phases, i.e. *form* problems (below). Though this type of problems might also affect the TT *form*, it predominantly corresponded to errors of *accuracy*, *completeness* and *logic* in the TT.

2) *culture-bound differences*, i.e. when the translator was uncertain about which strategy to adopt for the rendering of, e.g., the titles of specific UK laws in Italian, or for adapting legal discrepancies at the conceptual level through terminology (see the case of 'affray', 5.3.2). In very general terms, this sub-category parallels Mossop's *facts* (i.e. factual, conceptual or mathematical errors).

The second main category of *form* encompasses a higher number of language-related problems, as follows:

3) *non-specialised language*, i.e. difficulties at the micro-textual level with general, non-legal language.

4) *sub-language*, i.e. problems with the LSP (here, legal language) lexical, syntactic and rhetoric features. In order to gain more specific quantitative and qualitative information on this type of problems, the two further sub-categories of (4a) *terminology* and (4b) *phraseology* were also analysed separately.

5) *mechanics*, i.e. uncertainty with reference to grammar, spelling, punctuation and usage, as defined by Mossop (2014, 147).

6) *style*, i.e. problems with sentence structure and connections, formality and collocations, which featured quite rarely in this study; this category ultimately encompasses Mossop's *smoothness*, *tailoring* and *idiom*.

Obviously, the operationalisation of this classification had to be as objective as possible, aided by the detection of indicators clearly relating to specific text segments and traceable back to causes made unambiguous by the triangulation of all the data collected. Conversely, the very few grey areas where the potential cause of the problem was not immediately deductible were excluded from qualitative statistics; when, instead, different types of problem co-occurred but were clearly addressed as separate problems in different phases of the translation process, both types were counted in quantitative and qualitative measurements.[51]

4.5.3 Results

Problems were identified both quantitatively and qualitatively by triangulating the process-oriented data recorded through keystroke logging, video and screen recording. This enabled for the identification of indicators and suggested the text segment causing a problem; the concurrent problem-solving activities ultimately suggested the type of problem encountered. These data were then compared with subject-oriented data obtained through the post-task questionnaire, so as to find a potential confirmation.

From a quantitative perspective, a first significant finding is the total number of errors encountered by each group. More specifically, Group L totalled 24.87 problematic instances, as compared to over twice as many for Group T, i.e. 55.47. These statistics can be

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[51] Cf. Jääskeläinen (1987, 36): "a problem's nature changes so considerably when a comprehension problem turns out to be a production problem as well, that there are really two separate problems connected with the same item in the source text, rather than one combined problem."

translated into 5.72 problems per 100 words of the ST for Ls and 12.75 for Ts. By comparing these figures with those calculated in the TransComp project (Göpferich 2013, 68), with reference to problematisation Ls appear to be aligned with professional translators (in test A3), scoring 5.7 in both studies, and Ts with 4-th semester BA students, scoring 12.75 and 14 respectively. Hence, at first sight, Ls appear to be at an advantage over Ls, thus suggesting different levels of competence. In addition, following Schilperoord (1996) and Butterworth (1980), Dragsted (2005, 61) considered, among others, pausing/writing ratios as indicators of difficulty in the translation process and found a direct correlation between the two in both translation students and professionals.[52] As a matter of fact, the pausing ratios of 67% for Ls and 83% for Ts correspond to a higher number of problems for the latter.

When we observe these statistics from a qualitative perspective, further intergroup differences may be identified. Figure 23 shows the average number of problems per type encountered by the two groups.

Figure 23. Number of problems per type
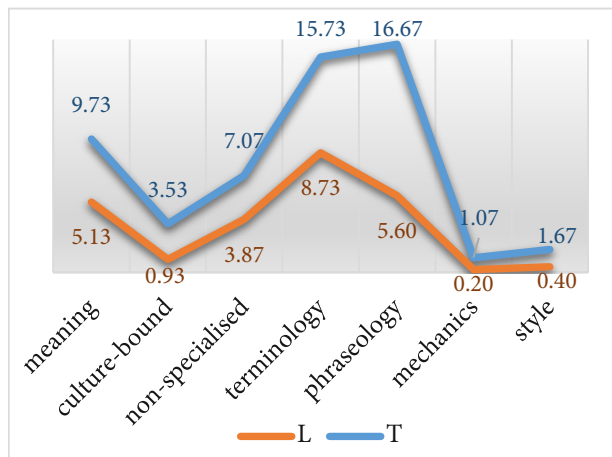
Considering the total number above, the breakdown of the problems per type shows that Ts encountered almost twice as many problems in all categories as compared to Ls. This is true for both content- and form-related problems. Unexpectedly, from a procedural perspective both sub-language categories of terminology and phraseology proved especially difficult for Group T (though both categories appeared to be the most problematic for Ls as well), considering their lack of familiarity with the legal content and rhetoric conventions of the document. Particularly, phraseology shows the greatest differences between the two groups, with Ts facing three times as many problems as Ls. These figures suggest that thematic knowledge might have in fact proved to be an added value for Ls, whose translation process was found to be smoother. This also appears to be confirmed by the average number of culture-bound related problems, with Ls facing less than one such problem per translation. Also, unlike the FL learners in Barbosa and Neiva's (2003, 144) study, our comparable linguistically-skilled Ls did not appear to suffer from the typical problems of understanding the ST, as they formulated and refined their TTs possibly thanks to their subject-field knowledge. What, however, should sound the alarm bells are the other scores, in particular those obtained by Ts for non-specialised language, mechanics and style. The very fact that translation students at the very end of their translator training face so many translation-specific problems,[53] even when taking account of the specialised nature of the ST, as compared to Ls who perform the task relying solely on their linguistic and thematic skills, seems to suggest a low level of confidence on the part of the former and over-confidence on the part of the latter. This hypothesis is in fact in line with all the observations carried out thus far in this chapter with reference to time, pre-reading and end revision, showing an inattentive approach to translation by Ls, rather than a higher level of competence. Conversely, behaving like novices Ls tended to "problematise relatively little. As a result, they translate[d] quickly and effortlessly (and perhaps wrongly, depending on the difficulty of the task), i.e. novices are blissfully unaware of their ignorance" (Jääskeläinen 1996, 67). The potential

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[52] Dragsted (2005, 51–52) specifically selected (and altered) two texts with different levels of difficulty: an unproblematic business letter and a more difficult legal contract. Difficulty was here determined *a priori* in the research design and then confirmed by the participants.

[53] Désilets *et al.* (2009) similarly found that their subjects (professional translators) experienced both Language for Special Purposes problems and Language for General Purposes problems in similar proportions, the latter accounting for a significant 41% of all searches.

correlation between problem awareness and ultimate quality will be investigated in Section 6.2. However, these trends find further substantiation in the subject-oriented data collected in this context.

4.5.4 Subject-oriented data

In order to better investigate the competence-related trends hypothesised thus far, the responses of the participants with reference to perceived text difficulty, types of problems, and self-assessment are presented here.

First of all, both groups of participants were asked about the type of difficulty they had faced during the translation task (answers were not exclusive, so each participant could select more than one).

Figure 24. Perception of problems per type
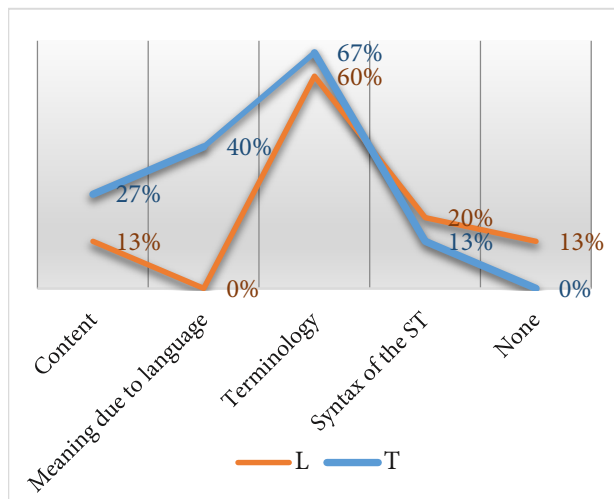
As can be seen in Figure 24 above, though, it was not possible to adopt the same terminology used to identify problems as in Figure 22, since Ls might not have been as familiar with the metalanguage specific to translation and linguistics; hence, the need for simpler categories. Nevertheless, the results are rather interesting.

The curve observed for Ts in Figure 24 is rather similar to that of Figure 23; this means that Group T shows a rather high level of problem-recognition skills, on the one side, and potential weaknesses in their translation processes and products, on the other. By contrast, the curve for Ls in the two figures is rather steeper with reference to terminology, which was predictably the sole difficulty they would have consciously detected. More interestingly, though a couple of participants also recognised content and

syntax as sources of problems in their tasks, two Ls selected 'none' as their responses, thus suggesting that they did not face – or, actually, recognise – any occurrence of problems. Even more significantly, non-specialised language issues were lamented by a rather high 40% of Ts, suggesting a low level of confidence for this group despite their supposed language proficiency. A similar trend can be found in Quinci's (2015b, 164) results, where "the progressive shift from the micro- to the macro-structure of the ST can be related to a higher TC level, with novices [≈Ls] identifying mainly lexical difficulties and intermediates [≈Ts] mainly focusing on syntactic problems."

Conversely, the opposite trend characterises the perception of the difficulty of the translation assignment (PTD), summarised in Figure 25.

Figure 25. Perception of text difficulty
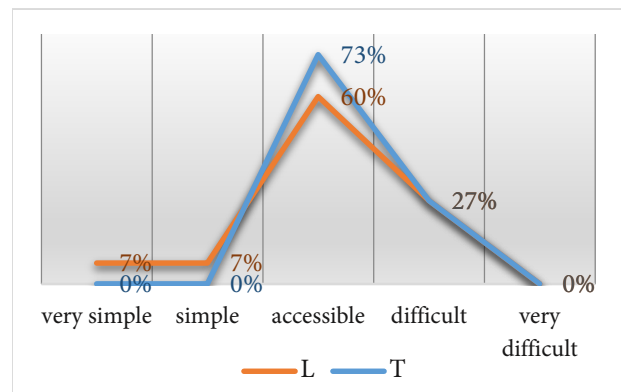
If Quinci (2015b, 165) found PTD to be inversely proportional to the supposed level of competence, most Ts found the task either 'accessible' (73%) or 'difficult' (23%); by contrast, two Ls evaluated the task as either 'easy' or 'very easy', confirming the consideration above that they might in fact lack sufficient problem- and difficulty-recognition skills (cf. Kaiser-Cooke 1994, 137). These results are in line with those collected in the TransComp project: delivery time is directly proportional to PTD for both less and more experienced translators (Göpferich 2010, 14); the same can be said here, where Ls scored shorter translation times than Ts, as a reflection of the two groups' PTD. In fact, on an increasing scale from 1 to 10, both groups' mean score for PTD was 6.*, i.e. as a whole they deemed the task as accessible.

Further, the pausing ratio of 67% for Ls and 83% for Ts corresponds to average PTD for both groups, i.e.

6.1% and 6.5%, percentages which are still in increasing order though only minimally when compared to the greater difference between the pausing ratios of the two groups. Consequently, the level of difficulty of the task seems to have affected more significantly the more experienced translators of this sample; in other words, Ls had a smoother process either because of greater competence or because they did not recognise the actual difficulties in the task.

Similarly, though, the self-assessment mean is 6.5 for Ls and 6.6 for Ts. Scores for both groups and participants are reported in Table 7.

Table 7. Perceived text difficulty and self-assessment

group averages			
PTD	SA	PTD	SA
L		T	
6.1	6.5	6.5	6.6
individual scores			
2	6	6	5
4	7.5	6	5
6	3	6	6
6	5.5	6	6
6	6	6	7
6	6	6	7
6	7.5	6	7
6	7.5	6	7
6	8	6	8
6	8	6	8
6	8	6	8
8	6	8	5
8	6	8	5.5
8	6	8	7
8	6.5	8	7

The trends outlined thus far find further confirmation in the self-assessment scores reported in columns 2 and 4: if on the one hand only 2 Ls deemed their translation as being of a bad quality and, conversely, 6 as being of a high quality, on the other, Ts tended to mirror their problem-recognition in their self-assessment, with 4 bad ones and only 3 good ones. Once again, Quinci (2015b, 159) similarly observed that novices consistently rated their translation with high scores, just like professional translators, whereas intermediate trainees gave themselves the lowest scores of the sample.

Consequently, two main competence-related

conclusions can be drawn from the results outlined thus far:

(1) Ls seem to lack declarative knowledge; in other words, they appear to be unable to evaluate both the level of difficulty of the translation task, in terms of time and transfer, as well as to overestimate their translation-specific skills.

(2) Ts seem to score better at recognising problems and evaluating the ST and TT, but also appear to be more lacking in self-confidence, which, when comparing these results with those from the studies mentioned in this chapter, might not necessarily be connected to the specialised nature of the text at hand.

Ultimately, as noted by Ehrensberger-Dow and Perrin (2009, 284), metalinguistic awareness goes hand in hand with the development of translation competence, which seemingly confirms the two competence-related profiles outlined thus far.

4.6 Information mining

One might expect that the two different levels of competence identified in the previous sections would also be echoed in the information mining skills of the two sets of participants. The use of reference sources is in fact particularly interesting, as it sheds light on the potential weaknesses of the trainees, their translation processes, and most importantly their level of competence. As a matter of fact, information mining has been shown to constitute part of the "translator's stock-in-trade" (Sin-wai 2004, 1) and to feature in all translation competence models reported in Chapter 1, as well as in the professional process-oriented models for translation quality described in 5.1.2. In this section, the results of a series of empirical studies that have focused on the use of external sources will be compared with those obtained in this study, which reports on the number and type of sources used by the participants to the experiment, as well as on their strategies to problem-solving. The main questions to be answered here are: "how can [reference sources] assist translators in finding solutions to problems arising from the translation process?" (Tarp 2004, 23); "what actually happens when people use their dictionary[?] […] What kind of words do they look up? How do they interpret what

they find?" (Atkins 1998, 1); finally, "what type of reference works do they consult for the different kinds of problems (monolingual dictionaries, bilingual dictionaries, encyclopaedias, parallel texts, etc.)?" (Göpferich 2009, 32).

A first quantitative result sets the tone for the whole investigation: on average, Group L consulted external sources 17 times, while Group T made 3.6 times as many searches, i.e. 62.13. Such a big difference may find an explanation in the inverse proportionality between the level of domain knowledge and the information needs (cf. Enríquez Raído 2013, 179): the higher the thematic competence, the lower the number and the less specialised the nature of these searches. In other words, Ls' familiarity with the topic possibly made their translation processes smoother.

A closer, qualitative look at the distribution of the occurrence of these searches, however, seems to confirm the results obtained by Livbjerg and Mees (2003, 131), though separately for the two groups. On the one side, Group T shows "insufficient confidence in their own linguistic abilities", as they tend to overuse dictionaries also for non-domain-specific linguistic problems (cf. also Mackintosh 1998, 137), "by looking up units for which they have already found one or more adequate solutions without consulting them"; on the other, the types of searches for Group L suggest that this group tends to "focus too narrowly on lexical units at the expense of other

important factors such as situational and textual context." Unlike Livbjerg and Mees's results, this second finding does not characterise my sample of translation trainees, possibly because they are at the very end of their training and have thus developed textual-awareness skills; conversely, their lack of confidence was also detected by Quinci (2015b, 181). Moreover, these data perfectly mirror the interaction different levels of translation competence and web search behaviours observed by Enríquez Raído (2013, 174): her most experienced participants, who "spent more time on average searching and reading the content retrieved for [their] thematic searches", had a more "interactionist" approach to online searches, i.e. high engagement with and consumption of selected web content, while her less experienced students generally spent less time doing so, displaying "a typically shallow online search style that [...] mainly resulted from a desire for fast and easy access to information."

A further qualitative breakdown of the types of sources consulted by the participants during their translation task is represented in Figure 26. Already at a first glance, two very different approaches have been adopted by the two groups:

(1) In general terms, the choice of reference sources was rather restricted for Ls, who never developed any translation-specific information mining skills during their studies, and as a result ended up resorting to the

Figure 26. Perception of text difficulty
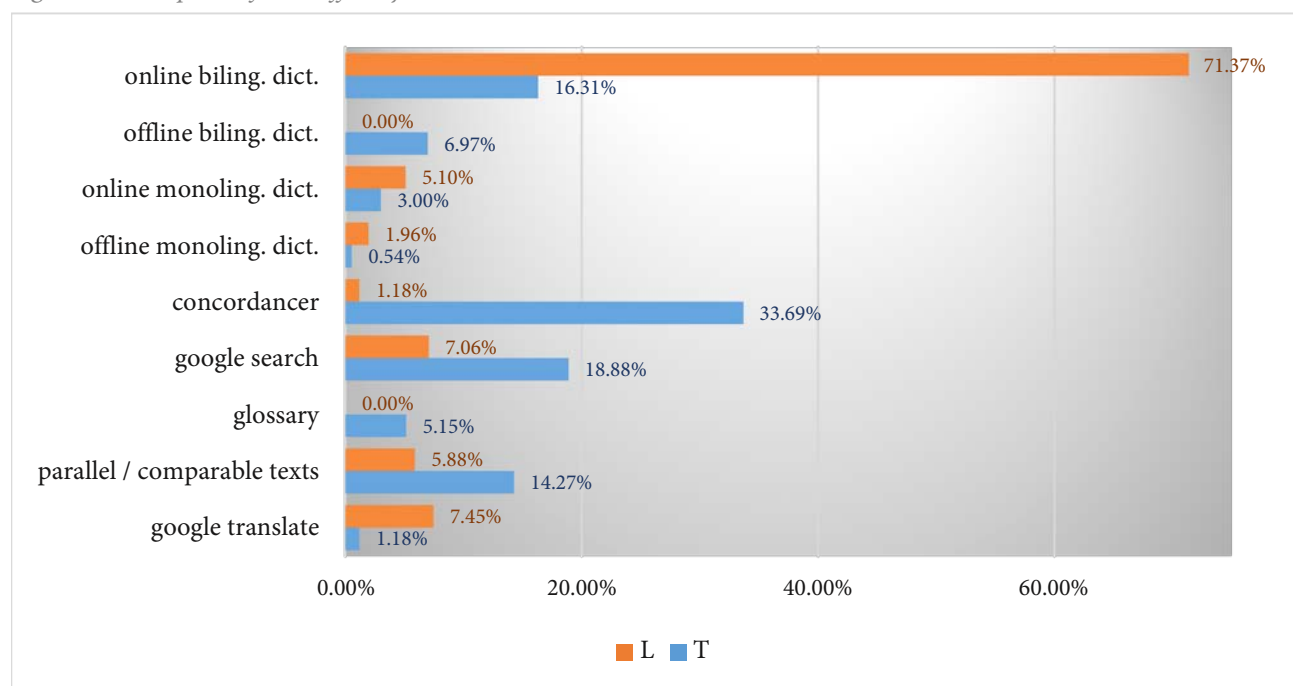
same types of sources to address different problems. Just like in Enríquez Raído's (2013, 173) experiment, this lack of differentiation "seemed to result, in turn, in a rather highly iterative or repetitive type of online search behavior." Ls primarily used online bilingual dictionaries – more precisely, *WordReference* – for the majority of their searches, including those prompted by comprehension problems (cf. Enríquez Raído 2013, 25), for which they adopted a micro-textual, literal approach focusing on individual lexical items as a cognitive strategy (cf. Barbosa and Neiva 2003, 148). By observing screen recordings, it becomes apparent that Ls resorted to other sources only when they could not find a direct equivalence in the bilingual dictionary: in decreasing order, they performed *Google* searches and somewhat casually consulted parallel and comparable texts (mostly, *Wikipedia* entries), and sparsely used online (and in one case, paper) non-specialised monolingual dictionaries to look up terminology.[54] Unlike Ts, they never used dictionaries "the other way around, e.g. Language 2 to Language 1 (L2-L1) dictionaries when translating from L1 into L2" (Tarp 2004, 23) to double check their solutions. Peter Newmark advocated for the use of bilingual dictionaries, deeming them "the translator's single, first, and most important aid" (1998, 29); however, it could be argued that Group L's undifferentiated use of the same termino-lexicographic tools and resources, rather than corpus-based ones (cf. Désilets *et al.* 2009), for different types of problems, both linguistic and extra-linguistic, lead to "unreflected search techniques" (Massey and Ehrensberger-Dow 2011b, 8). Further, the fact that they did not search for specialised online dictionaries (again, unlike Ts) but only resorted to a general, limited one indicates their lack of information retrieval literacy.[55]

As pointed out by Massey and Ehrensberger-Dow (2011b, 5), *Microsoft Word* and its tools can be added to the list of resources used by the participants during their translation tasks. In particular, it should be noted that the inattentive approach implemented by most Ls also resulted in typos due to the fact that most times they typed their translations next to the ST segments; as a result, the orthographical and grammatical corrector integrated into *Microsoft Word* did not immediately switch to the TL, producing typos even when they were not there, which most times were not noticed by Ls during their retrospective pauses. Hence, in this case typos may in fact help profile the participants, serving as markers of Ls' rushed approach rather than as hints of "some problem or delay when reallocating mental resources to meet current demands in the task" (Martín 2009, 188).

Finally, as mentioned in 4.5.2, three Ls (and, only in individual parts of the text, just as many other Ls) used *Google Translate* strategically, i.e. to translate whole sentences without even pre-reading them, hence not as a consequence of problem-occurrence. These instances are not accounted for in Figure 26; conversely, the chart includes those isolated instances when Ts *Google*-translated single lexical units (form problems) or longer phrases and clauses (comprehension problems). However, it should be noted that the data on the strategic use of *Google Translate* by Ts confirm the findings of Daems *et al.* (2016), who compared the use of external resources in from-scratch translation and post-editing among students: though similar types of resources were consulted in both cases, searches were longer and more successful in translation rather than in the faster post-editing sessions.

(2) Reference sources resulted to have been used with much more judgement and discernment by Ts, whose proportions in Figure 26 seem to parallel those identified for more experienced translators and/or trainees[56], despite their presumed low level of confidence discussed above. As a matter of fact, Ts, who can be considered proficient non-native L2 speakers and skilled translators, sought a great amount of reassurance in reference sources, even as

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[54] This result is in line with the results obtained by Sánchez Ramos (2005), who observed that for translation students at beginner-level the most used type of dictionary is the bilingual (91.8%), followed by the L2-monolingual (8.2%); the L1-monolingual dictionary was not used by any of her student.

[55] This result differs from Nord's (2002, 183), who detected 31.3% consultations of specialised dictionaries (i.e. almost half of all dictionary consultations) among professional translators.

[56] Among others, cf. Nord (2002), Sánchez Ramos (2005), Pavlović (2007, 136–139), Massey and Ehrensberger-Dow (2011b).

regards non-specialised language (cf. Atkins and Varantola 1997, 115). On a positive note, from a competence-related perspective, most Ts performed several searches during the preliminary orientation phase for comprehension purposes, as favoured by many educators and unlike the participants in Mackintosh's empirical study of dictionary use in L2-L1 translation (1998, 136–137).

In the cohort of Ts in the present study, the number of *WordReference* look-ups is drastically reduced and replaced by more authoritative, on- and offline dictionaries. Further, 14 Ts consulted an online monolingual legal dictionary at least once; this occurred in particular when addressing the term 'affray', a translation problem owing to the differences between the relevant legal systems, which thus required further encyclopaedic knowledge to find a proper equivalent.

Nevertheless, the majority of look-ups was not in dictionaries, but rather in concordancers (in particular *Linguee*), i.e. comparable corpora where terms and expressions occur in their original context with reference to the original website; this is the same type of look-up as when googling, which was often adopted by this cohort. With reference to concordancers, the results are partially in line with those reported by Valli in her Ph.D. thesis (2013, 154, 226): nominal strings – but also prepositional phrases – of between 1 and 5 words (2 and 11 in her study) were by far the most frequent type of search; Ts mostly maintained default settings, without applying an actual filter (though EU domains were preferred, see below); finally, almost a third of the searches turned out to be unsuccessful. Still, these retrieval techniques enabled the participants to assess the origin and frequency of use of the lexical units at hand: given the nature of the ST, all Ts who consulted a concordancer, or googled to either retrieve specific information or to find parallel and comparable texts (66.84% of their total searches), assessed the source of the equivalent they found, by only referencing the official websites of the European institutions. This is also the case for glossary consultations, considering that 5% of Ts' total look-ups were on the EU terminological database *IATE*. In a third of the cases, though, when actually using *WordReference* – as well as the *Proz.com* platform –, Ts accessed the discussion forums, where experienced translators exchange information on difficult terms and expressions. In

particular, this proved useful when solving the both comprehension-related and terminological problem caused by the expression 'on conviction on indictment', for which however most of them immediately retrieved an equivalent in the concordancer. In closing, as emphasised by Biel (2008, 35),

> the new tools enable translators to talk as experts do; hence, they facilitate cross-cultural communication between experts. Translators may retrieve more conventional, established equivalents of legal terms that are easily recognised by a professional community and activate links to relevant legal knowledge structures. This results in a more standardised translation with at least partially reconstructed intertextual links.

Nevertheless, these hypotheses must be triangulated with the actual solutions adopted in the TT. On the one side, this can be assessed by investigating the participants' sequences-of-action when retrieving information in the next Section 4.7; on the other, these process- and product-oriented data will be triangulated in Chapter 6.

4.7 Decision-making processes

In analysing the participants' translation processes, a series of recurring procedural patterns for decision-making emerges.

As part of the TransComp project, Prassl (2011) adopted the psychology of decision making to further investigate the types of decisions made and the cognitive skills involved in the participants' trains of thought. Following Jungermann *et al.* (2005), Prassl adopted a four-type categorisation of decision-making processes, on a scale from *routinized* decisions (i.e. unconscious retrieval of a single option), through *stereotype* decisions (i.e. unconscious retrieval of multiple options), to *reflected* (conscious or unconscious use and evaluation of internal or external search) and *constructed* decisions (i.e. conscious guessing following failed reflected decisions). Briefly, his professional translators made routinized decisions more often than students, while reflected decisions were by far the most frequent type; by contrast, stereotype and constructed decisions did not occur frequently, the latter type always failing.

A partially different classification of decision-making processes was adopted for this study. The four categories, termed "sequences of actions" (PACTE 2005) or "chains of cognitive implication" (Alves and Liparini Campos 2009, 193), are visually summarised in Figure 27, where the vertical axis represents the level of cognitive implication required.[57]

Figure 27. Classification of decision-making processes (PACTE 2009, 223)

COGNITIVE IMPLICATION

+ Internal support … External support -

Predominantly Internal Support

Predominantly External Support

Internal Support

External Support
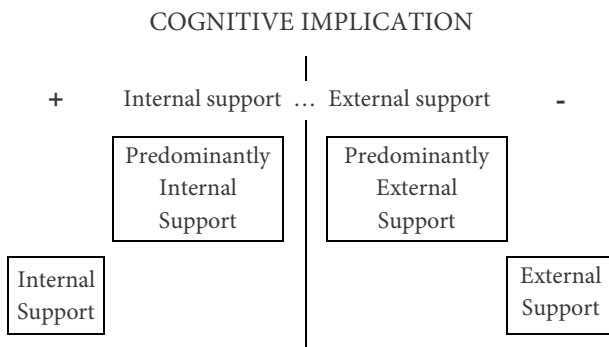
At the two extremes of the spectrum are the two types of support identified by Alves (1997, 25–26), with two further categories in-between devised (and amended multiple times following their pilot studies) by the PACTE research group (2009, 223), as follows:

(1) *Internal Support* (IS), which occurs when a definitive solution is reached without any external search; the mental operations leading to decision-making are based on the translator's prior knowledge, either by resorting to stored memory or by inference.
(2) *Predominantly Internal Support* (PIS), which occurs when a complex search is performed but only leads to a provisional solution, the definitive one resulting from IS; for example, when consulting a bilingual dictionary, the variant provided is not the one adopted in the TT, or when consultation (of any kind) is performed to confirm a provisional solution resulting from IS.
(3) *Predominantly External Support* (PES), which occurs when a complex search is performed and constitutes the basis for the definitive solution; for

example, when a provisional solution found in an external source is confirmed through additional, contextualised searches.
(4) *External Support* (ES), which occurs when a definitive solution is reached exclusively by consulting an external (bilingual) resource.

Clearly, the horizontal axis might be considered to represent the different type of knowledge to be resorted to by the translator, i.e. *declarative* knowledge on the left side, corresponding to IS, and *procedural* knowledge moving towards the right side, when the translator, unable to solve a problem arisen during the translation process through prior knowledge, uses ES mechanisms to reach the final decision (cf. Alves 1997, 25–26).

The procedural decision-making patterns observed in this study are summarised in Figure 28.

Figure 28. Sequences of actions per group
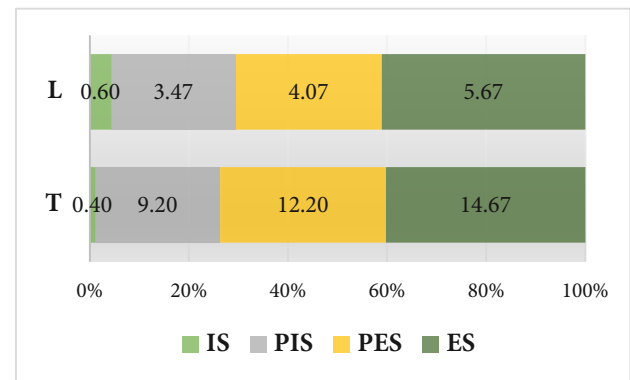
Based on the merely quantitative representation of the sequences displayed by the participants, procedural patterns do not seem to reveal any correlation with different levels of competence. As a matter of fact, though the number of each type of search is almost 3 times lower for Ls, the difference in the proportions calculated for the two groups appears to be statistically irrelevant as a result of the overall lower number of searches. In decreasing order, the participants mostly relied on ES, followed by PES and

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[57] Blending PACTE's (2005) previous list of sequences of actions and Jakobsen's (2002) classification of translation phases, Machado (2007) and Batista (2007) proposed further sub-categories of IS and ES, based on whether support was used for orientation (O) or revision (R). The eight resulting categories (SISO / SESO / DISO / DESO / SISR / SESR / DISR / DESR) were also adopted by Alves and Liparini Campos (2009), who corroborated Machado and Batista's results, whereby simple IS was the most predominant type of support for orientation (SISO) and for revision (SISR) in both drafting and revision phases. However, this classification was deemed unnecessary in this study, considering the qualitative observations of the translation processes of the participants made in the previous sections and, in particular, the undifferentiated use of sources by Ls in their almost non-existent orientation and end revision phases.

PIS, whereas sole reliance on IS[58] did not seem to characterise either group. In fact, the qualitative observation of the translation processes of the two groups reveals two very distinct approaches. Ls' shift towards the left side of the spectrum (Figure 28) appears to be inversely proportional to the immediacy of, and their level of satisfaction with, the solution found in the ES. In other words, they tended to fully adopt the unaltered solution they found in the shortest amount of time, and performed further searches or relied on their prior knowledge (which hypothetically put them at an advantage) only when a direct equivalent was not provided in the bilingual source. As a consequence, they did not appear too concerned with the precision of the results of their searches.

By contrast, a correlation between Ts' amount of cognitive implication, the type of problem encountered and the type of reference source clearly emerges from this analysis. As mentioned, Ts displayed more critical judgement in the variety of sources they consulted for different problems, which reflects on the extent to which they chose or rejected the solutions found. In other words, lexical problems (both non-specialised and terminology) for which an equivalent was found in context – through a concordancer, in the *IATE* glossary or by googling – led to straight-out ES mechanism. Instead, the impact of IS increased when a comprehension problem (and, to a certain extent, a phraseological one) occurred. In well over half of the cases, Ts did not blindly trust the solution they had found and searched further, to help choose among alternatives or confirm the initial choice (cf. Désilets *et al.* 2009, where 35% of participants adopted this approach).

4.8   Conclusions of process-oriented analyses

In closing, the conscious and unconscious mechanisms of decision-making, as well as those pertaining to the other variables analysed in this chapter, shed light on the respective levels of competence of the two groups. Briefly, Ls relied on

their greater subject-field knowledge and (however developed) linguistic skills to quickly conclude the task, adopting an undifferentiated, literal and micro-textual approach which affected all aspects of the translation process. By contrast, Ts relied on their translation-specific skills which resulted in a thorough approach, displaying however a high level of self-consciousness which might in fact be due, but not limited (cf. Quinci 2015b), to their lack of specialised legal knowledge.

Against these preliminary findings, to be triangulated with the translation products in the next chapter, it appears reasonable to approach translation as a problem-solving activity, which may be investigated from a pedagogical perspective to identify the specific training needs of each target group. Very much like suggested by Rothe-Neves (2003, 117), developing translation competence seemingly "does not imply acquiring a completely new ability, but rather organizing a better, more efficient, and resource-saving way of approaching the translation task", as displayed by Ts.

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[58] Note that these statistics only refer to problematic issues evidenced by the indicators in Section 4.4, including consultations as a primary indicator of a problem; one could consequently argue that, when no consultation occurred, the rest of the translation was built on IS alone.

Key points

The study first adopted a process-oriented perspective, analysing the participants' procedural patterns, by triangulating data from different collection methods, i.e. screen and video recording, and keystroke logging, as well as a post-task questionnaire. The aim was to identify the deficits in the participants' translation process as training needs to be specifically addressed in adequate training.

With reference to delivery time, with their word-for-word approach Group L completed their translations in about half of the time taken by Group T, who rather appeared to process information more at a textual level. This is reflected in the two groups' perception of time, i.e. excessive for many Ls and sufficient for the majority of Ts.

The proportions of time devoted by the two groups to each translation phase are almost identical, though twice as long for Group T. In particular, while the top-to-bottom approach displayed by Group L entailed close-to-non-existent pre-readings of the source text and final readings of the first draft, Group T conducted a thorough pre-reading of the whole ST and long, comparative and unilingual self-revision(s).

When investigating the participants' cognitive rhythms, Group T's pause ratio suggests that they spent more time processing as compared to Ls, whose higher number of pauses is of a considerably shorter duration.

Contrasted against a series of indicators, pauses enabled to identify the participants' translation problems (Enríquez Raído 2011, 151). Compared to Group L, Ts encountered over twice as many problematic source-text items of each type, both in the sub-categories of content-related problems (*meaning* and *culture-bound differences*) and those of form-related problems (*non-specialised language*, *sub-language*, *mechanics*, and *style*). More precisely, from a procedural perspective both sub-language categories of terminology and phraseology proved especially difficult for Group T, suggest that thematic knowledge might have in fact been an added value for Ls. The two different levels of problematisation are also reflected in the groups' problem recognition (higher for Ts and limited to terminology for Ls) and perception of text difficulty (a higher number of Ls finding the text easier than did Ts). In other words, while Ls seem to lack declarative knowledge, Ts appear to be more lacking in self-confidence.

As regards the use of reference sources, Group T displayed higher information mining skills, resorting to a great variety of reference sources for different types of problems and to reasoned sequences of actions for problem-solving, as compared to Ls, who mostly searched pre-made solutions in bilingual dictionaries.

The results of the process-oriented analysis suggest two different levels of competence for the two groups, which, compared to other empirical studies on (the acquisition of) translation competence, seem to align Group L with non-experienced translators and Group T with more expert ones, though still requiring specialised training.

The translation product 5
Assessing the translation quality

The analysis now moves on to the assessment of the quality of the translations produced by the participants to the experiment. This chapter gives a brief overview of the notion of (5.1) and main approaches to translation quality and its assessment in both academia (5.1.1) and the industry (5.1.2), also with a special focus on legal translation (5.2), to provide a conceptual underpinning of the methodology adopted in this study. The results of the product-oriented analysis of the participants' translations will then be presented (5.3 and 5.4) which, in Chapter 6, will be triangulated with those of the translation process.

5.1 The notions of translation quality and translation quality assessment

In layman's terms, "the notion of quality concerns […] how good or bad a translation is" (Palumbo 2009, 98). Nonetheless, as it has already been observed with respect to competence (see 1.2), "a definition of quality is a highly elusive beast[, because] quality is a quest, meaning that it is, as Aristotle said, not an act but a habit of life" (Fox 2009, 23). This quest has resulted in a blatant lack of clarity, despite the strong interest it has generated and still generates among both academics, who need to evaluate students' work, and translation providers, who need to ensure a quality product (Secară 2005, 39). As quality is not

measurable *a priori*, both sides have attempted to attain scientific objectivity, validity and reliability in Translation Quality Assessment (TQA). So, how do we know when a translation is good? No single answer can be given. In contrast, Gyde Hansen (2008, 260) has collected (some of) the "informal definitions", which view quality as:

- a question of *individual perception*[59],
- a *cultural issue*,
- *meeting the clients' needs*,
- *fulfilment of the skopos*,
- "*fitness for use*",
- the *degree of equivalence between ST and TT*,
- the *result of a good process*,
- "*not merely an absence of errors*".

As a matter of fact, "evaluating the quality of translation presupposes a theory of translation. Thus

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[59] Emphasis here and in the rest of the list in the original.

different views of translation lead to different concepts of translational quality, and hence different ways of assessing quality" (House 1997, 1). If this is the case, then "fitness for use" can be considered the over-arching principle of quality in translation.

In its early stages, what was to become TQA merely stuck to commenting the faithfulness of literary translations, though shorn of a sound, objective methodology (Secară 2005, 39). Traditionally, a target text has been assessed in relation with its source text, so as to reveal "exactly where and with which consequences and (possibly) for which reasons (part of) translated texts are what they are" (House 2001, 156), i.e. the degree of equivalence between the two texts. Still, the notion of 'equivalence' itself has long proved to be just as controversial (Bassnett-McGuire 1991; Pym 1992a; cf. Baker 1992). Without a doubt, the pioneering and most influential approach to equivalence was Eugene Nida's (1964) dichotomy of 'formal' and 'dynamic' equivalence (similar to Newmark's 1982 distinction between 'semantic' and 'communicative' translation), the latter offering a *reader-response approach*[60] to TQA. Likewise, Toury (1995) used the criteria of *adequacy* and *acceptability* to refer to the TT's adherence to the norms of the SL and TL, respectively. As pointed out by García (2014, 432), later scholars moved from sentence-level to textual equivalence: e.g. in her *functional-pragmatic approach* to TQA, House supplemented the concepts of domain, register and text type, while Williams (2001) based his model of evaluation on *argumentation* and rhetorical structure. Nowadays, the notion of quality is further put to test by a series of emerging factors in the translation industry, including, despite budgetary constraints and with the help of new technology (O'Brien 2012, 56), a huge increase in demand into a wider range of languages and a corresponding increase in focus on the end-user and awareness of translation, which is needed ever more quickly (Drugan 2013, 8). Jiménez-Crespo (2015, 43) also addresses the changes in the notion of translation quality brought about by the Internet era, the main ones being the on line availability of multiple translations of a ST (offering users the possibility of not necessarily retrieving the best-

quality one), the impact of Internet immediacy, crowdsourcing, fansubs, and the availability of increasingly better corpus-based machine translation tools. What all this has meant for quality is that, as a matter of fact, there might very well be users for whom a Google-translated newspaper article is good enough (cf. Quah 2006). Especially from a professional perspective, the onus of defining quality is in fact shifting on the participants of the translation activity, with particular reference to both the needs of the *end user* and the translation process implemented by the *translation service provider* (TSP). The latter term includes both translation companies, which can be certified based on their compliance to industry quality standards, and individual translators, who can be certified by professional associations, governmental or academic institutions based on their ability to produce good-quality translations (Stejskal 2009, 292). Still, both in academia and in professional translation there is very little agreement on what criteria should consistently and objectively be adopted to assess the quality of a translation. In addition, there is an evident "academy-industry divide", which Joanna Drugan thoroughly describes in her recent volume on TQA in the professional world (2013), quoting as many as ten areas of disagreement between "practitioners and theorists" that have been identified by Williams (2004, xiv–xvii), which include text types, error quantification and weighting, holistic and sample evaluation, and purpose. This divide is explicitly taken into account in the four main yardsticks that have been identified by Scarpa (2008, 207) as the general quality parameters characterising, respectively, academic (accuracy and readability) and professional (adequacy and acceptability) TQA, as summarised in Figure 29. Scarpa defines the four benchmarks as follows:

1) *accuracy* is "the correct, precise, faithful or true reproduction in the target text of all the content and meaning of the source text" (2008, 208);[61]
2) *readability*, which includes the parameters of *fluency* and *naturalness* (and *usability* as defined by Byrne 2006 in the case of technical translation), corresponds to "a transparent style (...)

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[60] However, as Colina (2011, 44) notes, "It is not difficult to see the problems involved in trying to measure reader-response[, which] is not equally important for all texts, in particular for texts that are not reader-oriented (e.g., legal texts)."

[61] All quotations from Scarpa (2008) are my translations.

characterised by the functional requirements of economy, clarity and appropriateness" (2008, 210);

3) *adequacy* is assessed in terms of efficiency "between the outcome and the resources used" for all the participants involved, i.e. a proportionate, minimax effort on the part of the translator in producing the translation, of the end user in using it, while for the client adequacy will be measured in monetary terms (2008, 212–213);

4) *acceptability* is defined as the "adherence of the translation to the norms and conventions" of the TL and, ultimately, to the target reader's expectations (2008, 213).[62]

Figure 29. Parameters for translation quality (adapted and translated from Scarpa 2008, 207)

Theoretical-didactic approach *(focus on text)*	Professional approach *(focus on end user)*	
Accuracy <-->	Adequacy	TT as by-product
Readability <-->	Acceptability	TT as independent

The gap between theorists and professionals is also apparent when observing the volume of research on quality conducted by academics, with the bulk of TQA models having been developed in fact for literary (non-instrumental) translation (cf. Stejskal 2009, 291; Williams 2004, xiv), as compared to the rather sparse material produced by translation professionals. Models or metrics to assess quality from the two opposing contexts seem to mostly adopt two different perspectives, i.e. a product-oriented approach with a didactic purpose in academia, and a process-oriented approach in the translation industry. These two approaches should in fact be more integrated. As Lauscher (2000, 150) puts it, "scholarly models of TQA could become more applicable in practice if the translation process were better integrated into the evaluation procedure and if the relative nature of the evaluation procedure itself and, hence, of any prescriptive judgement were investigated more closely" (cf. also Al-Qinai 2000, 497). Considering that "[a]part from proven past

performance, translation training is, with certification, the most reliable indicator for buyers that a given translator will be competent for a given task" (García 2014, 431), it would help graduates if TQA in the academia (where quality is deemed as indispensable and omnipresent though, paradoxically, has been almost a silent presence in training programmes; cf. García 2014:431) could mirror TQA as implemented in the industry. By adjusting thresholds and tolerances, devising sub-grades and weighting parameters within the specific contexts of any level, domain or grade, academic TQA might in fact parallel professional practices and procedures without being too hard on the students (Gouadec 2010, 275).

The two contexts, including quality models, metrics and standards, will be briefly discussed in the following sections.

5.1.1 Academic approaches to TQA

Back in the 1960s, Anthony G. Oettinger noted that translation-quality judgements are more difficult than translation itself (1963:449, in Tsai 2014:53). Over five decades later, Dong and Lan still claim that assessing a translation is "operationally complex and remains one the most problematic areas of translation studies as a field of study" (2010, 48, in Drugan 2013:45), despite the fact that TQA is essential in translator training to develop trainees' translation competence, language proficiency (and, possibly, subject-field knowledge) and knowledge about translation (Newmark 1988, 185). Though in translator-training institutions TQA is carried out on a daily basis, the lack of a systematic approach leads to impressionistic, sometimes authoritarian marking (Tsai 2014, 53; cf. Hönig 1997, 6). However, most institutions are increasingly developing stricter criteria, to present students with a sound evaluation system and give them feedback in a non-aggressive way (Klaudy's 1996 so-called *human rights-based approach* to TQA). Research in the field of TQA has predominantly been theoretical, descriptive and dogmatic, with sparse attempts at empiricism (called for by House 1998) in the development of criteria for

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[62] However, as pointed out by Quinci (2015b, 103), in recent years the term 'acceptability' has increasingly been used as a synonym for quality itself (Castillo 2010, 17; Bergen 2009; PACTE 2009; Pym 2009a; Williams 2004).

assessing translations (also in Machine Translation); also, as mentioned in the previous section, research has primarily had a product- (when not simply experience-)based approach, unable to combine the target text with the translation process that led to it. Nevertheless, a surprisingly limited number of models has seen light in the last few decades, though displaying the archetypal overlap of Translation Studies, whereby similar parameters are termed differently in different models; several of these models are summarised in Table 8. Needless to say, even among translation theorists there is no clear, agreed-upon method, as TQA remains undoubtedly (and necessarily?) reliant on subjectivity; still, an attempt at simplification is seemingly not in sight. For example, as William (2004, 7) notes, academic Daniel Gouadec once devised the SEPT model for the Canadian government's Translation Bureau, which comprised a staggering 675 parameters for conducting TQA – inevitably, it went unused. As Drugan (2013, 36) points out, even within academia there is no consensus on which and how many categories of models have been devised[63]; in addition, different models assess different things (whether the translation process, product or competence), thus affecting their intrinsic nature. Further, scholars tend to agree that the addition of further components to original definitions may result in "excruciating

Table 8. Overview of TQA parameters in academic models (when not originally in English, my translation)

Nida (1969)	*Al—Qinai (2000, 499–516)*
Faithfulness to the original Ease of comprehension Reader's involvement (resulting from formal adequacy of the TT)	Textual typology (province) and tenor Formal correspondence Coherence of thematic structure Cohesion
Reiss (1971)	
Intralinguistic criteria (semantic, lexical, grammatical and stylistic features) Extralinguistic criteria (situation, subject field, time, place, receiver, sender and 'affective implications')	Text—pragmatic (dynamic) equivalence (degree of proximity of TT to the intended effect of ST and the illocutionary function of ST and TT) Lexical properties (register) Grammatical/syntactic equivalence
Darbelnet (1977, 7–16)	*Lee-Jahnke (2001, 266–267)*
Semantic level Idiomatic level Stylistic level Cultural level Extra-textual level Expressive level Target-audience level	Accuracy (distortion, interference, logic relations, information accuracy, terminology and lexis, language) Creativity Skopos
*House (*revised model, 1997)*	*Colina (2008, 103–106)*
Individual textual function Register (field, tenor, mode) Genre Language/text	Target language Functional and textual adequacy Non-specialized content (meaning) Specialized content and terminology
Brunette (2000, 174–180)	*Angelelli (2009, 40–41)*
Logic (coherence and cohesion) Purpose (intention and effect) Context Language norm	Source text meaning Style and cohesion Situational appropriateness Grammar and mechanics Translation skill

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[63] Briefly, as for the number of TQA types, Chesterman (1997, 117–146) identifies five (retrospective, prospective, lateral, introspective, and pedagogical assessment), House (1998, 197–200) three (anecdotal and subjective, response-oriented, and text based) and Williams (2004, 3–19) two (quantitative and non-quantitative). Schäffner (1998, 1–3) groups TQA models into two main categories: a linguistic one and a broader category of more recent approaches (textlinguistic, pragmatic, discourse, functionalist). Finally, both Colina (2011) and Lauscher (2000) distinguish between equivalence-based and non-equivalence-based (or functional) approaches. For a thorough overview, see Drugan (2013, 45–50).

typologies" (Chesterman and Wagner 2002, 89) and potentially increase the inconsistencies between the different models (cf. Pym 2003; Dong and Lan 2010; Drugan 2013). Hence, in this section a very humble attempt has been made to try to stray away from further chaos, by simply reporting some of these models in Table 8. At the end of the day, though maximum possible objectivity is to be posited, by its very nature language escapes any standardised absolute (Magris 2006, 192) or, as Stejskal (2009, 291) puts it, "the concept of quality is plagued with the same problem as the concept of translation—it is a mixed bag with an enormous spread between the creative and the normative."

5.1.2 Professional approaches to TQA

Also outside the academic ivory tower, translation quality is constantly assessed in real life; however, it has not been until the 1990s that the translation industry has started focusing on quality issues (Drugan 2013, 69). The general definition of quality from a professional perspective is provided in the ISO 9000 series of international standards on quality management and assurance, which are not specific to any one industry and have been developed to help companies effectively maintain an efficient quality system; in these standards, quality is defined as the "degree to which a set of inherent characteristics fulfils requirement", where a "requirement" is further defined as a "need or expectation that is stated, generally implied or obligatory."[64] This definition thus entails the idea that quality is a relative notion, corresponding to "fitness for purpose" as agreed upon between the parties and allowing, in the case of translation services, for different levels of quality (e.g. printable, standard or working versions in the Austrian standard, *ÖNORM D 1200*). This view has laid the foundations for the many international standards that have spread across most industries, including the translation industry where, unlike translation theory and pedagogy, errors do have pragmatic consequences, e.g. in terms of legal and monetary liability for all involved, damaged reputation for the client, and misinformation of

language minorities (cf. Ansaldi 1999; Byrne 2007). Most of the relevant standards for translation companies, individual translators, or in-house translation departments are summarised in Table 9. Already at a first glance, it is apparent that almost all of them are based on the assumption (or wishful thinking?) that ensuring a good translation process in all of its phases – not only on the part of the TSP but also in collaboration with the client (Gouadec 2010, 270) – will undoubtedly ensure quality of the translation product. This is a perilous assumption, considering that accidents happen even in the most secure circumstances and that fulfilling all of the quality requirements would be so costly for TSP and contractors that quality assurance would give in to economic factors (Gouadec 2010, 272). As can be seen in Table 9, the standards usually specify the basic requirements in terms of technological equipment and qualifications of the human resources (*EN 15038:2006*, for example, outlines the competences required of translators, similar to most TC models; see 1.2.2); the many aspects of the client-TSP relationship (e.g. from selecting TSPs to agreeing upon the contract); and, most importantly, the workflow of the service, i.e. pre-production, production and post-production. In other words, by shifting the focus on the phases of the translation process, quality can be considered to be ensured only if the correct procedures are followed. In particular, special attention is paid to the final phase of the process (A. L. Jakobsen 2002). By way of example, *EN 15038:2006* identifies the steps of quality control after the initial planning:

1) *translation*, including the translator's self-revision (*checking*);
2) mandatory bilingual *revision* by an external reviser;
3) optional unilingual *review* by a subject-field specialist;
4) optional *proofreading* by the TSP;
5) final *verification* by the TSP.

In addition, the new international standard *ISO 17100* requires client feedback on and any appropriate correction to the TT despite not providing any actual criterion for assessment of the

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[64] The ISO 9000 standards superseded ISO 8402:1994, where a longer definition of quality was provided: "The totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs."

Table 9. Overview of major standards for translation service provision

individual	company	client-TSP relationship	human resources	technological resources	workflow	product specifications	TP criteria
UNI 10574 - Definizione dei servizi e delle attività delle imprese di traduzione ed interpretariato. 1996, Italy							
	✓	✓	✓	✓	✓		
ATA Taalmerk. 1997, Netherlands							
	✓		✓	✓	✓		
DIN 2345 - Übersetzungsaufträge. 1998, Germany							
✓	✓	✓	✓		✓	✓	
ÖNORM D 1200 - Dienstleistungen - Übersetzen und Dolmetschen - Übersetzungsleistungen - Anforderungen an die Dienstleistung und an die Bereitstellung der Dienstleistung. 2000, Austria							
✓	✓	✓	✓	✓	✓	✓	
GB/T 19682 - 翻译服务译文质量要求 ('Target text quality requirements for translation services'). 2005, China							
	✓						✓
EN 15038 - European Quality Standard for Translation Service Providers. 2006, EU (replaced EUATC)							
✓	✓	✓	✓	✓	✓	✓	
ASTM F2575-6 - Standard Guide for Quality Assurance in Translation. 2006, USA							
✓	✓	✓	✓	✓	✓	✓	
CAN/CGSB-131.10 - Translation Services. 2008, Canada							
✓	✓	✓	✓	✓	✓	✓	
ISO/TS 11669* (technical specification) - Translation projects — General guidance. 2012							
		✓			✓	✓	✓
ISO/DIS 17100 - Translation services — Requirements for translation services. 2015, international							
✓	✓	✓	✓	✓	✓	✓	

translation product. Though mentioning in very general terms the need for the translator to pay attention to terminology, grammar, lexis, style, locale, formatting, as well as target group and purpose of the translation (EN 15034:10-11), most of these standards never actually explain how to achieve and/or assess compliance to such parameters. The only exceptions are the *Chinese GB/T 19682* standard and the recent *Technical Specification ISO/TS 11669* (not a standard yet), which in fact go into some detail concerning the quality parameters of the target text. The first provides detailed instructions for specific linguistic and textual issues as well as a fairly complicated formula to calculate gross error rate, while the second contains a list of translation quality parameters without however adding any quantitative consideration, "levying vague, blurry, and subjective criteria for quality assessment from the archetypal academic scenario" (Muzii 2014, 424).

The insistence of these attempts – though "misfocused" (Muzii 2014, 424) – to identify "*a priori* quality assurance requirements is a welcome evolution of the translation professions and has undoubtedly contributed greatly to the improvement

of the overall competencies of translators and of the overall quality of translations" (Gouadec 2010, 272).

5.2 Quality issues in the field of legal translation

The heading of this section is taken from the title of an article by Vanden Bulcke and Héroguel (2011), where the authors propose a taxonomy of the criteria against which the evaluation of a legal translation must be conducted. Confirming the notion that quality means "fitness for purpose" in the specific communicative situation of the translation activity, the framework of reference for assessing quality has a chronological character and is summarised in Table 10: the ST should be positioned within its text category (Column 1), in order for the translation to ultimately reproduce the features of the genre to which it belongs (Column 4). Essentially, a legal translation shall rely on comparative-law analysis (Vanden Bulcke and Héroguel 2011, 231; Groot 1987, 17). More specifically, terminology, phraseology, syntax and style in the SL[65] must be considered during

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[65] Other indicators include the use of the first person or the *pluralis majestatis*, tenses, paraphrases or formulas of a higher register, salutations, and relative clauses versus compound adjectives or prepositional constructions (Vanden Bulcke and

the so-called *semasiological* and *interpretative* phases, where the comparison of concepts takes place. To ensure the highest-possible quality, in these phases the comparison should be of (Vanden Bulcke and Héroguel 2011, 234):

a) the definitions of legal concepts in source and target texts;
b) the legal regimes of these concepts; and
c) the effects of criminal policy by public prosecution services.

Linked to the function of the translation (according to Nord's *Skopos Theory*, 1991) defined in the translation brief (Column 2), these textual elements affect the types of strategies to be adopted in the *onomasiological* phase (Column 3), during which concepts are transferred in the TL. As the two authors point out (2011, 225), in this phase "either the translator follows the ST (= foreignization) or he adapts it to the conventions of the TT (= domestication)." As a matter of fact, the foreignising approach is more frequent than the domesticating one, considering that the majority of legal translations are either authentic or informative – rather than localising – in their need to "reflect the legal range of the ST in the country of origin" and in a language that is "comprehensible for the end users," who are most often field experts (Vanden Bulcke and Héroguel 2011, 242). In their conclusions, they reprimand quality standards and certification requirements as mostly dependent on the supposed good faith exercised in the translation *process*, and advocate for concrete criteria to assess the *product*, going beyond the exclusive realm of terminology.

This would appear to be in contrast with Müllerová-Shiflett's (2012) take on terminology. Though recognising the need for legal translators to identify the discrepancies between the legal systems involved, like in the first two phases of Vanden Bulcke and Héroguel's framework above, the scholar elects Nida's (1964; 1993) "functional equivalence" as the ideal method in (drafting and assessing) legal translation, as Šarčević (1989, 278) and Weston (1991, 23) before her. Hence, despite sharing their same premises, Müllerová-Shiflett only addresses terminology as the main challenge in legal translation and, ultimately, as the yardstick in attaining – and assessing – quality in Vanden Bulcke and Héroguel's "onomasiological" phase.

As for legal translation competence (see 1.2.3), a significant contribution to defining quality in legal translation has been provided by Prieto Ramos, who somehow manages to join the two approaches described thus far in this section; the scholar stresses the need to determine the strategic adequacy of a legal translation based on the functional – rather than binary, pre-established – equivalence of terminology as *a* distinctive feature of legal discourse and hence *a* core component of quality evaluation. However, as suggested by Vanden Bulcke and Héroguel (2011, 243), Prieto Ramos' "surgical" approach – closely drawn on the problems of professional legal translation and the variety of its scenarios, and adopted and tested for training purposes – does not limit itself to the transfer of terminology, but systematically integrates legal, contextual, macrotextual and microtextual parameters of decision-making in product evaluation. This holistic

Table 10. Frame taxonomy for legal translation assessment (Vanden Bulcke and Héroguel 2011, 241)

1. Categories of legal texts, subdivided by genres	2. Assignment = Function	3. Translating strategies/procedures	4. Genre characteristics
- Prescriptive texts - Judicial texts - Jurisprudence - Applications of the law - Reference works - Legal doctrine	Authentic translation Informative translation Localised translation	Foreignisation - borrowing - calque - expansion - substitution - paraphrase - equivalent Domestication	Macrostructure - structure of the text - phraseology Microstructure - terminology - syntax / style

Héroguel 2011, 225).

framework, which at least partially parallels Vanden Bulcke and Héroguel's, comprises three perspectives (Prieto Ramos 2014b, 18–23):

1) translation process,
2) legal translation competence, and
3) translation product.

The translation process outlined in Figure 30 has a looping nature (C. Nord 1991b).

Figure 30. Outline of translation process to ensure quality, adapted from Prieto Ramos (2014b)
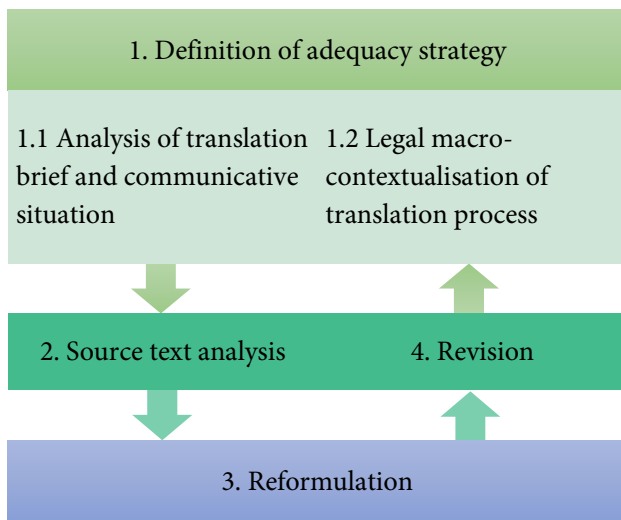
It starts with an *overall definition of the translation adequacy strategy* (1), consisting of a dual process:

- the analysis of the translation brief and the communicative situation (1.1), i.e. the type and conditions of the translation, and the relation between ST and TT communicative situations (*skopos*);
- the legal macro-contextualisation of the translation process (1.2), with reference to the legal systems involved, branches of law addressed and legal text type and genre conventions.

During the ensuing *ST analysis phase* (2), particular attention must be paid to culture-bound legal concepts, relevance of text segments in relation to main legal function, established formulas and conventions, and comprehension and ambiguity problems. All these problems are then taken up during *reformulation* (3), focusing on terminological and phraseological issues, as well as on semantic accuracy, style, cohesion, syntax, etc. The reformulation phase entails a two-step decision-making process:

1) definition of a substrategy for microtextual adequacy, based on the function and relevance of the text segments, any legal constraints, and the receivers' needs and expectations;
2) analysis of acceptability of the formulations identified through comparative legal and linguistic analysis, leading to the application of the most adequate (sub)strategy.

During the critical (both self- and external) *revision* phase (4), the adequacy of the TT is verified against the TT communicative situation according to the elements of the strategy of phase 1, thus closing the circular process.

The second perspective of Prieto Ramos's approach involves the relevant competences required to ensure quality; reference here is made to the integrative process-oriented model proposed by Prieto Ramos himself (2011), discussed in 1.2.3.

Also, as regards the translation product, "the degree of adequacy is to be measured with regard to the components of the overall translation strategy and subordinated microtextual priorities" (Prieto Ramos 2014b, 21), as emerges from the surface of the TT or by contrasting it with the ST in light of the translation brief. This verification covers both macro- and microtextual levels, including both specialised (e.g. legal accuracy, consistency, terminology as key quality markers) and non-specialised components (e.g. cohesion, register, punctuation, spelling).

A very interesting point raised by Prieto Ramos is that the quality of the TT and, ultimately, its assessment cannot rely on holistic impressions based on fluency and readability, because "legal systemic conditions of accuracy do not often leave much margin for stylistic enhancement […] [of] the (often deliberate) 'obscurity' and 'clarity' of the original" (2014b, 22).

Finally, based on the variables of legal semantic accuracy and consistency, legal language adequacy and general linguistic correctness in light of the overall translation strategy, five quality levels are identified for evaluating legal translations. A general description of these levels is given in Table 11.

Prieto Ramos's conclusion is that, being legal translation an expert activity, "a comprehensive quality benchmark linking product, process and competence, along the list of the Common European

Table 11. Quality levels in legal translation (Prieto Ramos 2014b, 25)

Excellent (A/5)	Maximum accuracy and consistency, adequate decisions according to the legal conditions and communicative situation, no linguistic error
Acceptable (B/4)	Only some minor inaccuracy, inconsistency, inadequate decision or linguistic error not affecting main functions or microtextual priorities
Borderline (C/3)	Inadequate decisions hinder main functions or microtextual priorities; significant linguistic error or several minor ones (e.g. punctuation problems)
Poor (D/2)	Major problems of accuracy, consistency, adequacy or linguistic correctness even if the text is readable
Unacceptable (E/1)	Inaccurate content, systematically inadequate decision-making and serious linguistic errors

Framework of Reference for Languages (CEFR)" (2014b, 28) would in fact be desirable.

Also at the European institutions, translation quality assurance is in fact just as imperative: "[i]n 2010, DGT produced ± 1.9 million pages, a large part of which legislation" (Directorate-General for Translation 2012, 1:2), more precisely about 60% (Vuorinen 2011), which means that translation services have to be of the highest standard to avoid legal uncertainty. The EU's Directorate-General for Translation (DGT) aims to attain "fit-for-purpose" or, more precisely, "never below standard" quality (2012, 1:14). This professional approach is also reflected in its attempt to ensure high quality throughout the various stages of the translation process (Vuorinen 2011):

- *before* the translation (e.g. drafting, legal revisers, editing of originals);
- *during* the translation (working methods, tools, information sharing); and
- *after* the translation (e.g. revision, evaluation, feedback, ex-post measures).

As regards the translation product, the following criteria apply to quality assurance (Vuorinen 2011):

a) meaning (e.g. correspondence and accuracy, completeness, correctness of ST content);
b) language (e.g. grammar, style and register, idiomaticity, terminology, readability, cohesion, coherence, consistency, observation of TL textual conventions and product specifications);
c) presentation norms and conventions (e.g. layout and typography, text models, observance of style guides and reference texts).

The DGT promotes the use of translation memories, corpora and terminological databases (e.g. *Eur-Lex*, *CELEX*, *IATE*, *EURAMIS*) to ensure consistency (and, ultimately, quality), through training and document workflow.

At EU level, however, the concept of translation quality encompasses an additional perspective. In the multilingual context of the European Union with 24 official and working languages, multilingual documents – especially in the case of law-making – are "equally authentic language versions and not 'mere' translations" (Strandvik 2012, 29). A legal act must consequently be translated "free from any semantic or cultural connotations or traditions a given linguistic sign might have in that language" (Directorate-General for Translation 2010, 2), in order to be interpreted and applied uniformly across all Member States and have the same legal effect under any circumstance. Hence, according to the principle of transparency, the concept of 'translation quality' completely overlaps with that of 'drafting quality' of EU legal documents. Accordingly, it is a multi-layered concept, which encompasses and intersects the following (Strandvik 2012, 35–47):

- *Legislative quality*, i.e. legal equivalence, ensuring the production of the same legal effect in all languages; compliance with the applicable legislative drafting conventions, being the EU a legal order of its own.
- *Terminological quality*, i.e. use of the existing national terminology when possible and creation of new EU terminology when needed.
- *Linguistic quality*, i.e. compliance with TL drafting conventions as far as possible, despite the imposed translation format.

Against the background outlined in Sections 5.1 and 5.2 of this chapter, a dual approach to the evaluation of the TTs produced in this study has been adopted.[66] Firstly, the assessment of the 'acceptability' indicator will be conducted using the methodology developed by PACTE (2009); secondly, translation errors will be classified and weighted by combining the taxonomies proposed by Mossop (2014) and Vollmar (2001), so as to obtain an overall, average Quality Index (cf. Schiaffino and Zearo 2006). It should be noted that the successful execution of the empirical studies conducted by PACTE (PACTE 2011b; cf., among others, 2009) and Quinci (2015b), as well as a pilot study I conducted as part of my MA thesis (Orlando 2011; Orlando 2014), seem to ensure that this TQA procedure passes the test of both *validity* and *reliability* as defined by Williams (2009, 5), where the former is defined as "the extent to which an evaluation measures what it is designed to measure" and the latter is "the extent to which an evaluation produces the same results when administered repeatedly to the same population under the same conditions."

The following Section 5.3 presents the notions, methods and results of the former evaluation, while the latter is dealt with in Section 5.4.

5.3 TQA through the indicator 'Acceptability'

5.3.1 Methodological background

In Translation Studies, the term 'acceptability' was first adopted by Toury to describe a translation which complies with the rules of the target culture, in contrast with an 'adequate' translation, i.e. one adhering to the rules of the ST. As noted earlier (Section 5.1 and Footnote 62), however, the definition of acceptability is not univocal and several scholars

are using this parameter to refer to translation quality in more general terms (e.g. Castillo 2015; Quinci 2015b; Williams 2009). In particular, the research group PACTE took up this notion as a transversal indicator for overall translation product quality. This indicator is evaluated on the basis of a limited number of pre-selected elements in the ST, referred to as "rich points" (RPs), which should (PACTE 2005, 614):

1) provide variety in the types of translation problems studied;
2) not lead to immediate and acceptable solutions;
3) be homogeneous in all the languages (so comparisons can be made).[67]

The selection of the RPs, whose validity and reliability was piloted by the research group in 2004 (PACTE 2009, 215), took account of the following types of problem:

- Linguistic problems: lexical (non-specialised) and morphosyntactic
- Textual problems: coherence, cohesion, text type and genre, style, intertextuality
- Extralinguistic problems: cultural, encyclopaedic and subject-domain knowledge
- Problems of intentionality: difficulty in understanding the source text (speech acts, presuppositions, implicatures)
- Problems relating to the translation brief and/or the target-text reader (affecting reformulation) which, from a functionalist point of view, would affect all the Rich Points

(PACTE 2009, 213)

The solutions in the TTs to each selected element are then assessed based on the three main criteria identified by PACTE (2009, 217), i.e. "(a) the meaning of the source text; (b) the function of the translation (within the context of the translation brief, the readers' expectations, genre conventions in the target culture); and (c) makes use of appropriate language."[68] Each of these acceptability criteria was

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[66] As mentioned elsewhere in this thesis, the methodology used for the product-based analysis of this study closely follows that used by Quinci (2015b) in her experimental study on the acquisition of translation competence, so as to allow for a viable comparison between the results of the two studies and, ultimately, the identification of differences in the translation problems and competences of general vs. specialised translators-to-be.

[67] This last criterion is not relevant in this study, given its single translation direction, i.e. English into Italian.

[68] The adoption of these three criteria is in line with the error-analysis assessment model devised by Sager (1989, 121–128) who posits not only to take account of the type of errors (in his classification, (1) inversion of meaning, (2) omission, (3) addition, (4) deviation, and (5) modification), but also weight them based on the semantic, pragmatic and linguistic effects

then ranked on a scale from 'acceptable' (A) through 'semi-acceptable' (SA) to 'unacceptable' (U), and given a score of 1, 0.5 and 0 points, respectively, as follows:

- ACCEPTABLE SOLUTION: Congruence between the ST and the TT. The solution activates <u>all</u> the relevant connotations of the ST in the translation context.
- SEMI-ACCEPTABLE SOLUTION: Some congruence between the ST and the TT and total congruence within the TT. The solution activates <u>some</u> of the relevant connotations of the ST in the translation context and the TT is congruent in the translation context.
- UNACCEPTABLE SOLUTION: No congruence between the ST and the TT or within the TT. Either, the solution does not activate <u>any</u> of the relevant connotations of the ST, or, it activates connotations that are incongruent in the translation context.

(PACTE 2005, 614, emphasis in the original)

Twenty-six permutations are thus obtained by shuffling the three possible assessments for each criterion, leading to an overall acceptability score for each RP (Table 12). It should be noted that the criterion of 'meaning' and, in second place, that of 'function' have a greater weight in determining the acceptability of a RP. In fact, the unacceptability under the criterion of 'meaning' leads to immediate unacceptability of the whole RP; conversely, 'meaning' can be considered acceptable despite semi-acceptable or unacceptable 'function' and, more importantly, 'language'. "In other words, using Mossop's terminology [(2014)], acceptable solutions cannot involve transfer and content errors affecting meaning, but might involve language errors" (Quinci 2015b, 111).

As pointed out by PACTE (2009, 213), adopting this methodology enables to assess different types of ST problems at the same time, analyse the same RP under different perspectives, facilitate data triangulation from multiple sources, compare direct/inverse translation in multiple language pairs, and guarantee greater "scientific economy" (cf. Giegler 1994) in the

Table 12. Permutations, acceptability and score per RP (PACTE 2009)

Meaning	Function	Language	Assessment	Score
A	A	A		
A	A	SA		
A	SA	A	A	1
A	SA	SA		
SA	A	A		
A	A	U		
A	SA	U		
A	U	A		
A	U	SA	SA	0.5
SA	SA	A		
SA	SA	SA		
SA	A	SA		
A	U	U		
SA	SA	U		
SA	A	U		
SA	U	A		
SA	U	SA		
SA	U	U		
U	A	A		
U	SA	A	U	0
U	SA	SA		
U	SA	U		
U	A	SA		
U	A	U		
U	U	A		
U	U	SA		

analysis of results in large-scale experiments.

The possible drawbacks of this methodology, which relies on a sample assessment that focusses only on specific elements of the TT, can be considered to have been overcome in this study based on two main considerations. Firstly, PACTE's (2009, 215) pilot tests and Castillo's (2010) study testify to the validity and reliability of sample evaluation, which appears to be consistent and provides comparable results with respect to holistic assessment. Secondly, other sample evaluation methods have been devised in recent years, also with reference to legal translation. Particularly, the *Preselected Items Evaluation* (PIE) method has been developed in Antwerp (Kockaert and Segers 2014; Kockaert and Segers 2012) as an adapted, practical, pragmatic version of the CDI method (Eyckmans, Anckaert, and Segers 2009).[69]

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they exert on the translation.

[69] Eyckmans *et al.*'s (2009, 75) model of norm-referenced translation assessment is based on the calibration of dichotomous items (CDI), which transfers "the well-known 'item'-concept of traditional language testing theory and practice to the domain of translation studies and translation assessment", thus representing "a rupture with traditional methods of

In particular, the PIE assessment procedure comprises five stages:

1) preselection of items in the ST (before the test);
2) determination of correct and incorrect solutions;
3) calculation of the participants' scores;
4) calculation of the difficulty degree (p-value) and discriminatory power (d-index) of each item;
5) calculation of the final scores of the participants, based on the preselected items with a good p-value and a good d-index.

Tested on a legal text, the method displayed no statistically significant difference as compared to holistic evaluation with ATA scores, thus suggesting that sample evaluation may prove a justifiable evaluation method in terms of objectivity, transparency and economy also for this study.

5.3.2 Implementation

Considering the proven feasibility of the methodology described in the previous section, piloted in different contexts by PACTE (2009, 215), Castillo (2010), Quinci (2015b), and Kockaert and Segers (2014), a sample evaluation of pre-selected items was adopted in this study. The selection of the RPs was conducted by a composite group of stakeholders, including the three evaluators, and two participants from each cohort. Following a set of instructions on how to identify and rank RPs (Appendix 6), the seven selectors were asked to identify at least twelve RPs in the ST and rank them on a scale from what they perceived as the most to the least problematic. Finally, all these rankings were compared to identify the nine RPs which had been (a) chosen by most selectors, and (b) consistently ranked as the most problematic. The English ST with the selected RPs marked is presented in the Box on the next page. The selection took account of the type of difficulty posed by each textual item, as also indicated by the three evaluators during the selection phase. The types of problems are signalled with different colours on the ST in the Box. In particular:

- four RPs, marked in green, were deemed to be problematic in terms of ST comprehension (i.e. RP2 'sentencing following conviction', RP4 'on conviction on indictment', RP8 'extradition offence', and RP9 'bars upon the extradition');
- three RPs, marked in magenta, were deemed to pose problems with reference to legal phraseology (i.e. RP3 'contrary to', RP5 'be liable to', and RP7 'person of reasonable firmness');
- two RPs, marked in yellow, were deemed to be problematic with reference to terminology (i.e. RP1 'conducting a criminal prosecution', and RP6 'affray').

Clearly, the distinction is not free of overlapping, given that some RPs may fall within multiple categories; however, this classification has been considered balanced and suitable, as it would not have affected the quantitative and qualitative analyses of the renditions.

From a qualitative perspective, additional considerations on the RPs selected can be made. For RP1, RP2 and RP4 a pre-existing translation was available in the official Italian language version of the EAW template. The three RPs for phraseology, though not as directly retraceable as the previous, represent recurring patterns in legal English, with functional equivalents in the Italian comparable documents. In particular, RP3 corresponds in Italian to 'previsto e punito' (or to its short form 'p. e p.'), which on a linguistic surface deceptively appears to be the opposite of the English 'contrary to', but could have been translated correctly by any translator familiar with the genre conventions of Italian legal documents. By way of contrast, the translation of RP7 was more problematic, as it does not constitute a recurring phrase in English legislation, where the usual phrase is 'reasonable person', which in Italian would be 'persona di normale ragionevolezza'. The Italian phrase is typical of civil law and procedure and could have been more easily opted for by relying on (prior) thematic and stylistic knowledge, rather than by searching in a reference source. Finally, if the translation of RP1 required the accurate transfer of terminology so as to maintain the correct collocation (and, consequently, meaning) of the phrase, for that of RP6 an explicitation strategy was necessary as the offence of 'affray' is not known in Italian law and definitely does not correspond to the linguistic equivalent suggested by most sources of reference, 'rissa'.

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translation assessment, where the evaluator judges translation quality according to a series of pre-established criteria."

As regards the profile of the evaluators, an attempt was made to include an as heterogeneous group as possible, extensively covering all the competences required in the assessment of legal translation. The group included:[70]

1) a full professor of the University of Trieste, with thirty years of experience in teaching English into Italian specialised translation at both BA and MA level, also involved in the organisation and training of a post-master degree programme in Legal Translation;

2) a Ph.D. graduate in Translation and Interpreting studies at the IUSLIT of the University of Trieste, with a research project focusing on legal terminology, and specialised in legal translation in her professional career as both a translator and university trainer;

3) a criminal law adjunct professor of the University of Trieste, specialised in criminal procedure.

The three evaluators were asked to assess all the RPs of the participants to the study based on the three categories of 'meaning', 'function' and 'language' devised by PACTE (see 5.3.1 and Appendix 7). The assessment, first individual and then joint between

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+   Source text with the selected *rich points*

EUROPEAN ARREST WARRANT
(Part 3 Warrant issued under section 142 of the Extradition Act 2003)

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution [1], sentencing following conviction [2], or executing a custodial sentence or detention order.

Nature and legal classification of the offence(s) and the applicable statutory provision / code:
Theft contrary to [3] section 1(1) and 7 of the theft Act 1968

Theft is defined as follows

Section 1(1) A person is guilty of theft if he dishonestly appropriates any property belonging to another with the intention of permanently depriving the other of it.

Section 7 A person guilty of theft shall on conviction on indictment [4] be liable to [5] imprisonment for a term not exceeding 7 years.

Affray [6] , contrary to section 3 (1) and (7) Public Order Act 1986

Section 3 (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness [7] present at the scene to fear for his personal safety.

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years.

United Kingdom law provides that a person surrendered to the United Kingdom by a Member State of the European Union shall not be surrendered to another Member State pursuant to a European arrest warrant, in respect of an offence committed or alleged to have been committed before his surrender by a Member State to the United Kingdom, save only where the Central Authority of the surrendering Member State gives its consent.

The relevant United Kingdom law is set out in Section 18 of the Extradition Act 2003 which states as follows:

A person's extradition to a category 1 territory is barred by reason of his earlier extradition to the United Kingdom from another category if (and only if):

a) the person was extradited to the United Kingdom from another category 1 territory (the extraditing territory);

b) under arrangements between the United Kingdom and the extraditing territory; that territory's consent is required to the person's extradition from the United Kingdom to category 1 territory in respect of the extradition offence [8] under consideration;

c) that consent has not been given on behalf of the extraditing territory.

Section 96 of the Extradition Act 2003 sets out the bars upon the extradition [9] of a person, who has been surrendered pursuant to a European arrest warrant to a third state, i.e. a category 2 territory under the Extradition Act 2003.

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[70] A similar pool of revisers was selected in a recent study conducted by Pontrandolfo (forthcoming), comparing the performance of legal translators, professional translators, and lawyer-linguists (from the EU Court of Justice) revising the same legal translation, as well as a group of lawyers, who, however, only checked unilingually the content of the TT. Likewise, an interdisciplinary translation team composed by both jurists and linguists took on the translation into English of the Italian Code of Criminal Procedure at the IUSLIT of the University of Trieste (Gialuz, Luparìa, and Scarpa 2014).

the three evaluators, was typed in a pre-formatted *Microsoft Excel* spreadsheet, where the necessary permutations had been executed so as to obtain a final assessment of each RP per each participant and, on average, per group. The general hypothesis was that acceptability might be mostly affected by content and transfer errors– that is the legal concepts involved – for Group T, and mainly linguistic for Group L. The results of the assessment of the RPs are presented in the following section.

5.3.3 Results

As an indicator of the quality of the solutions found by the participants, the mean of the participants' acceptability index, i.e. "the mean of all the solutions analysed" (PACTE 2008, 117), has been calculated. Figure 31 presents the summary statistics for the average acceptability level attained by each group in the experiment. Already at first glance, the mean acceptability indices seem to suggest that Ts have produced higher quality translations than Ls, outperforming them by a tenth. When converting the means into percentages, Ts have in fact obtained an average 58.52% of acceptable solutions, as compared to Ls' 49.63%.

This result is further substantiated when observing the ranking of each participant with reference to their individual mean acceptability index, as summarised in Table 13.

Table 13. Ranking based on the participants' mean acceptability index

1	**T16** (0.78)	**16**	**T18** (0.56)
	L04 (0.67)		**L01** (0.50)
	L05 (0.67)		**L03** (0.50)
2-6	**T03** (0.67)		**L07** (0.50)
	T17 (0.67)	**17-23**	**L12** (0.50)
	T20 (0.67)		**T05** (0.50)
	L08 (0.61)		**T15** (0.50)
	L10 (0.61)		**T21** (0.50)
	L11 (0.61)	**24-25**	**T10** (0.44)
	L13 (0.61)		**T14** (0.44)
7-15	**T04** (0.61)	**26**	**L02** (0.39)
	T09 (0.61)		**L09** (0.33)
	T11 (0.61)	**27-29**	**L14** (0.33)
	T12 (0.61)		**L15** (0.33)
	T23 (0.61)	**30**	**L06** (0.28)

Figure 31. Mean acceptability per group
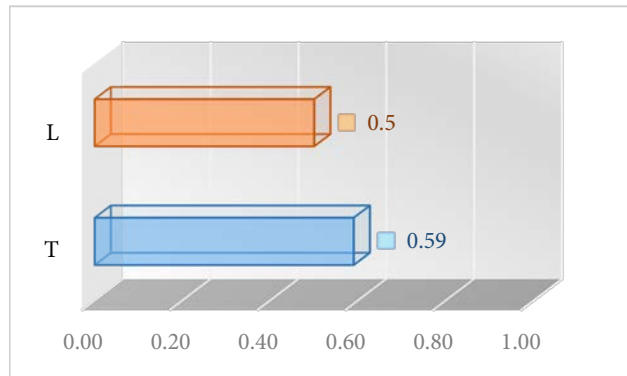
As clearly emerges from the different colours representing the two groups (light blue for Group T and light orange for Group L), the majority of Column 1 is occupied by Ts (9 out of 15), who consistently obtained the highest mean acceptability indices in the sample; the sole exceptions are represented by L04 and L05, who ranked second with an index of 0.67, thus raising the overall mean of Group L. The same distribution in inverse proportion can be observed in the last column, where Ls occupy not only the majority of, but also the lowest places in, the ranking, with scores falling within the unacceptable range.

These considerations are visually summarised in Figure 32, where participants are placed within the five performance levels identified by Quinci (2015b, 109), calculated as the sum of the weighting of each RP.[71] Group L does not homogeneously spread across the scale, with a third of its components occupying the low Level 2, slightly more than half of the group

Figure 32. Distribution across the performance levels

	Level I (0-1.9)	Level II (2-3.9)	Level III (4-5.9)	Level IV (6-7.9)	Level V (8-9)
Ls		33.33%	53.33%	13.33%	
Ts			73.33%	26.67%	

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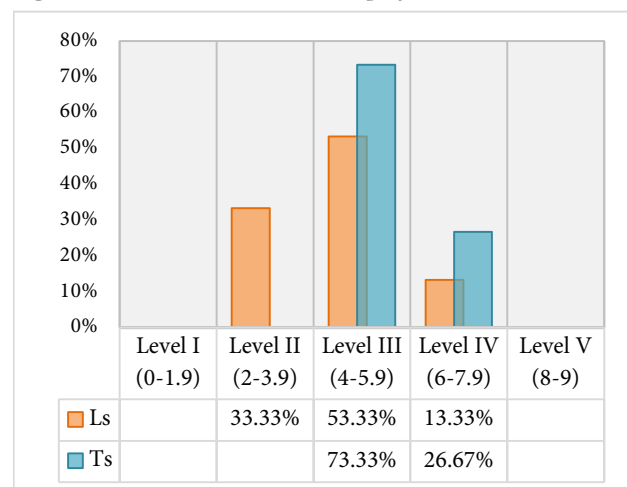
[71] Quinci (2015b, 109) devises five performance levels (PLs) based on the participants' acceptability index, as follows: PL1 from 0 to 1.9; PL2 from 2 to 3.9; PL3 from 4 to 5.9; PL4 from 6 to 7.9; PL5 from 8 to 9.

clustering in the central level and only two falling within the higher Level 4. In contrast, Ts tended to be more consistent, occupying in 75% of cases the middle of the spectrum and moving up to Level 4 for the remaining quarter, i.e. in twice as many instances as for Group L. These findings are also represented in the thicker lines separating positions 6-7 and 25-26 in Table 13. Quantitatively speaking, the lower dispersion of Ts on consistently higher performance levels is confirmed by a low standard deviation of their indices, i.e. 9% as opposed to the other group's 13%.

Particularly significant is the analysis of RPs from a qualitative perspective; inter-group differences can in fact be observed with reference to the proportion of acceptable, semi-acceptable and unacceptable renderings in the TTs considered in this study, as summarised in Figure 33.

Figure 33. Proportion of RPs per level of acceptability
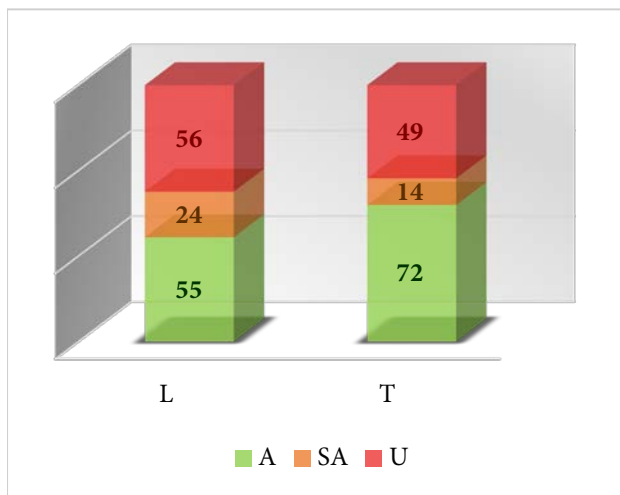
Of the 135 total renderings per group, 56 were unacceptable for Ls, levelling out their 55 acceptable solutions, whereas a lower total of 49 unacceptable RPs was obtained by Ts, clearly outweighed by 72 acceptable RPs. Semi-acceptable solutions are similarly low in number for both groups, i.e. 14 for Group T and 24 for Group L. The preponderance of acceptable and unacceptable solutions in Groups T and L respectively are even more significant when considering that, for an RP to be acceptable, the category of 'meaning' has to be at least semi-acceptable (see Section 5.3.1). Hence, the specialised nature of the ST does not appear to have favoured Ls, despite their greater thematic knowledge, as will be confirmed below. In other words, the preponderance

of acceptable solutions in Group T might suggest that "training and experience [in translation] have a strong influence on transfer- and content-related errors" (Quinci 2015b, 111).

The results concerning the acceptability of the nine RPs per type of difficulty are summarised in Figure 34; the top half of the figure shows the mean acceptability indices per category obtained by both groups, while the bottom part presents the breakdown of the distribution of the solutions proposed.

Also from a qualitative perspective, better results are shown to have been attained by Group T in two cases out of three. More specifically:

- The three RPs selected for posing a potential problem of phraseology appeared to be more difficult for Group T, with a mean acceptability almost 30% lower than that of Group L. In particular, the proportion of unacceptable solutions for this group is higher than that of acceptable RPs by almost 5%. When the three variables determining each RP's acceptability are broken down, on average Ls scored better in terms of 'function' (avg: 64.44% of acceptable solutions) as compared to Ts (avg: 37.77%), who show a higher number of semi-acceptable and unacceptable solutions (avg: 26.66% and 35.55%, respectively). These findings might appear rather predictable, considering the familiarity with this text genre on the part of Group L, and show a greater mastery by the components of that group

Figure 34. Mean acceptability (MA) of RPs per category

	phraseology (3)		terminology (2)		ST comprehension (4)	
	L	T	L	T	L	T
A	64.44%	35.56%	10%	50%	38.33%	68.33%
SA	20%	24.44%	40%	3.33%	5%	3.33%
U	15.56%	40%	50%	46.67%	56.67%	28.33%
MA	74.44%	47.78%	30%	51.67%	40.83%	70%
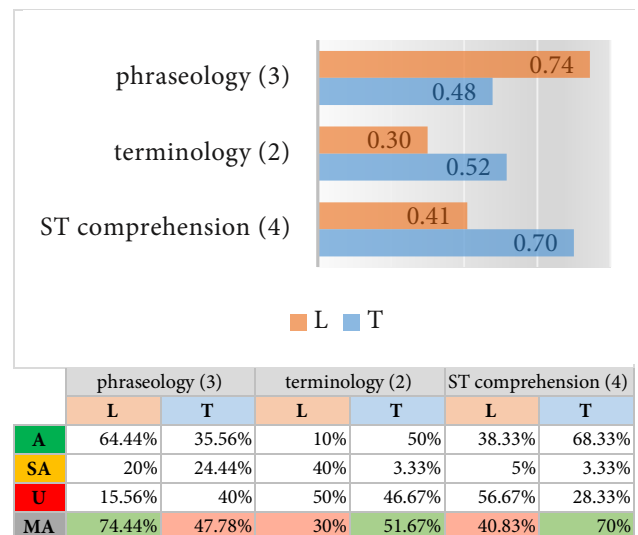
of the recurring phraseology of legal documents.

- With reference to terminology, the mean acceptability is decidedly affected by one RP in particular, 'affray', which, as discussed in 5.3.2, called for the adoption of an explicitation strategy. However, this strategy was only chosen by one participant from each group, resulting in a single SA solution per group outweighed by 14 unacceptable ones. This is rather surprising, considering that a literal translation of this term would have blatantly corresponded to a very different offence in the TL and, ultimately, in the Italian legal system, from the one under discussion, as becomes apparent in the ensuing lines of the ST; the hypothesis contradicted here was that Ls would detect such discrepancy and then glossed or annotated their renderings, instead of sticking to a literal, inaccurate transfer. For the second RP presenting terminological difficulties an official translation was available (see 5.3.2). In this case, Ls were particularly penalised in terms of both the categories of 'function' (i.e. for not adopting the official translation) and 'language' (i.e. for proposing a wrong collocation). These considerations are mirrored in the overall indices reported in Figure 34, where Ts appear to outperform Ls by over 20% as concerns the category of 'terminology'.

- Similarly, the four RPs relating to aspects of ST comprehension proved more difficult for Ls, even though dealing with legal content is the bread and butter of their day-to-day profession. This might suggest that the foreign language represents a greater obstacle as compared to the specialised nature of the ST. In numbers, this equals to a mean acceptability of 0.70 out of 1 for Ts and 0.41 for Ls. More specifically, the criterion of 'meaning' severely affected the overall assessment of these RPs: Ls scored 51% unacceptable solutions with reference to this category and a significant 40% in terms of 'function', as compared to Ts with 30% and 15%, respectively.

The findings outlined thus far, both qualitative and quantitative, seem to confirm the possible alignment of the five performance levels identified by Quinci

(2015b, 109) and the five levels of quality proposed by Prieto Ramos (2014a) for legal translation. The overall mean acceptability for Ls of 49.63% (Level 3) corresponds qualitatively to the third level of Prieto Ramos's scale, i.e. *borderline* quality, where the main functions and textual aspects are hindered by a high number of mistakes. In contrast, the 58.52% scored by Ts places them on the verge of the *acceptable* level, despite still presenting a number of inaccuracies.

5.4 TQA through error analysis

5.4.1 Methodological background

"La verità è che per un errore di traduzione si può morire. O compromettere qualcosa di importante."[72] So reads the introduction to a brilliant book, recently written by sociologist, criminologist and translator, Romolo Giovanni Capuano (2013), which, as suggested by its title (*111 errori di traduzione che hanno cambiato il mondo*), tells a hundred and eleven (true) stories of how translation errors, either intentional or undesired, have made Nero become near-sighted, Luther invent a religion, Truman decide to bomb Japan – in other words, literally *changed* the world.[73] This might be the reason why so much attention is paid to errors in Translation Studies, where a transparent and objective classification of errors and a measuring system for their quantity and severity represents a "holy Grail" for both academics and professional translators (Scarpa 2008, 229). Rather expectedly, as Joyce (1997, 146) puts it, "there are almost as many theoretical differentiations of errors as there are theorists." Further, without going into too much detail, even this translation phenomenon has not been univocally designated as 'error', with many authors terming it 'fault', 'inadequacy' or 'mistake' (Toledo Báez 2013, 376; for an overview, Quinci 2015b). More importantly, the separation between 'translation errors' and 'problems' must be maintained: though the former can surely be regarded as "problems which the translator was not able to solve" (Palumbo 2008, 47), overlapping the two concepts might lead to

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[72] "The truth is that a single translation error can make you die. Or jeopardise something very important," my translation.

[73] On the grave consequences of past errors in legal translation, also cf. Šarčević (1997, 1).

paramount confusion, by mixing the process-related nature of the latter, as used in this thesis, with the product-based observation of the former (cf. 2.6).

Depending on the perspective, numerous definitions have regarded the translation error as a deviation from a norm (cf. Chesterman 1997; Mossop 1989), as failure to adhere to the translation brief (C. Nord 1997b; Hurtado Albir 2001), or as a violation of contrastive grammar (cf. Schäffner 1998). In the linguistic models of translation, quality has often been equated with accuracy (Magris 2005, 11); even beyond academia, a correct translation is one with no errors (Schiaffino and Zearo 2006). By its very nature, error analysis has in fact a rather negative take on TQA (especially in the industry), as it only counts (and measures) the faults of a target text, without highlighting its merits. However, though "there can be no doubt that mistakes undermine the quality of a translation, […] it is also true that two translations with the same number of mistakes may vary in terms of overall quality" (Waddington 2001, 24). Consequently, many scholars have shifted from a merely quantitative to a more pragmatic approach, by focusing on the effect exerted by the error (cf. Larose 1998; Martínez Melis and Hurtado Albir 2001; Sager 1989). In this direction is the simple, yet over-encompassing definition proposed by Magris (2005, 15): "qualsiasi fattore che incida negativamente sull'efficacia comunicativa della traduzione, ovvero sia sulla trasposizione delle intenzioni comunicative dell'autore, sia sull'effetto esercitato dal testo sul suo lettore."[74] Just as pragmatic, a definition from the professional sphere regards errors as "any feature of a text which requires *correction* or *improvement*" on the part of a reviser (Mossop 2014, 224), which "seems to imply the consideration of both the translation brief and the relation with the ST" (Quinci 2015b, 115).

Once defined, errors are counted, assessed and classified, mostly in terms of type and severity. One of the first scholars to discuss errors in these terms, Gile (1994, 46) made an umbrella-distinction between 'language errors' and 'translation errors'. A series of taxonomies has followed, some of which are summarised in Table 14, which stresses the difference

Table 14. Translation error classifications

Sager (1989)		Schmitt (1997, 308)*	ATA-American Translators Association (2009)	
inversion of meaning		technical error (may not occur)	addition	misunderstanding
omission	linguistic effect	terminological error (may occur once every 20 pages)	ambiguity	omission
addition	+ semantic effect		capitalisation	punctuation
deviation	pragmatic effect	language error (may occur once every 10 pages)	cohesion	register
modification			diacritical marks	spelling
Pym (1992b)*		*for technical communication (cf. Schmitt 2006)*	faithfulness	style
binary ("It's wrong!")		**Stolze (1997, 594–595)**	faux ami	syntax
non-binary ("It's correct, but...")		Gr - Grammar and syntax (stylistics, 3pt)	grammar	terminology
cf. Gouadec 1989:38–39		Ut - Incomprehensible passage (thematics, 3pt)	illegibility	unfinished
Hurtado Albir (1995)		Si - Semantic deviation (thematics + lexis, 2pt)	indecision	usage
inappropriate renderings which affect:		Tx - Text type conventions (stylistics, 2pt)	literalness	word form
- the understanding of the ST		As - Idiomaticity (thematics + pragmatics, 1pt)	mistranslation	
- expression in the TL		Ot - Typos (1pt)	**Koby et al. (2014, 418)**	
- the transmission of either the main function or secondary functions of the ST		**Delisle, Lee-Jahnke & Cormier (1999, 189–190)**	meaning transfer	
		translation error	terminology	
Kussmaul (1995)		language error	domain-specific writing quality	
cultural adequacy		methodological error	domain-independent language accuracy	
situational adequacy		**CBS (Hansen 2009)**	**MQM (Mariana, Cox, and Melby 2015)**	
speech acts		pragmatic errors (e.g. misinterpretation of the translation brief and/or communication situation)	accuracy (terminology mistranslation, omission, addition, untranslated)	
meaning of words				
language errors		text-linguistic errors (violation of the semantic, logical or stylistic coherence)	verity (completeness, legal requirements, locale-specific content)	
Nord (1996, 96–99)				
pragmatic errors		semantic (lexical) errors	fluency (content, mechanical, unintelligible)	
cultural errors		idiomatic errors	design	
formal errors		stylistic errors	internationalisation	
House (1997, 151–157)		morphological errors		
covertly erroneous error (functional mismatch)		syntactical errors		
overtly erroneous error (mismatch of denotative meaning or breach of TL system)		facts wrong		

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[74] "Any factor which adversely affects the communicative effectiveness of the translation, i.e. both the transposition of the communicative intentions of the author and the effect of the text on the reader", my translation.

in approach of most categorisations proposed.

In order to determine how significant the effect of the error is, after establishing its nature, its severity is to be measured. Certainly, there is no univocal, quantitative approach, considering the subjective nature of such activity. Quality metrics, which have been briefly mentioned in 5.1.2, have attempted to provide objective frameworks to classify and measure translation errors. Unlike in training environments, in the translation industry it is of greater importance to avoid any potential negative consequence of translation errors on the real world, where e.g. "mistranslating drug dosages [or] switching round the connections in a wiring diagram" (Gouadec 2007, 10) might in fact cause considerable damage. In all cases, the gravity of errors is usually ranked – in both academia and the industry, possibly with (very) different thresholds – on a rather simple hierarchy, such as Williams's (2001, 328) 'major' and 'minor' levels, sometimes taking into account their position and typographical visibility in the text (e.g. House 2001, 151). In his classification of errors, Waddington (2001) assigns penalties on a score from 2 to 12, based on the number of words negatively affected by the translation error (e.g. -2 points for 1–5 affected words, -5 for 41–60 words, -8 for 100+ words, -12 for the whole text). By contrast, Hurtado (1995) assigns -2 points to serious errors and -1 to minor errors, but also awards +1 point for good solutions and +2 for exceptionally good solutions. In the case of Nord's error classification, outlined in Table 14, the hierarchical scale varies based on the context: in professional translations, pragmatic errors are more important than cultural errors in second place and linguistic in third, while in didactic settings the gravity of all types of errors depends on the translation assignment and the competences being tested (C. Nord 1996, 99–100).

5.4.2 Implementation

In this context, translation errors will be regarded as an instrument to identify areas of TC which need to be strengthened during the learning process as in the pedagogical, communicative perspective of translation as a process (Colina 1997; Kiraly 1995, 11, 35, 111, in Scarpa 2008, 230). As observed by Scarpa (2008, 231), while in the professional context the emphasis is on the effect of the errors, in training

settings more attention has been traditionally paid to error *etiology* (Martínez Melis and Hurtado Albir 2001, 282), i.e. the identification of the causes of the errors made by trainees (e.g. Séguinot 1989c), enabling the trainer to make decisions about the types and content of activities to conduct in class.

As has been noted in this thesis, the methodology adopted in the assessment of the quality of the translations produced for the empirical study presented here mostly mirrors that of the product-oriented research conducted by Quinci (2015b), so as to enable easier comparability of results. However, the decision was made in this context to discard the notion of *binarism* devised by Pym (1992b), distinguishing between 'binary' errors, i.e. those renderings which are clearly wrong (e.g. grammar, vocabulary, spelling) and whose correction mostly comes within the remit of the language teacher, and 'non-binary' errors, i.e. solutions to which at least a better one could have been found and which are for the translation teacher to discuss (e.g. pragmatics, style) (1992 282). However, Pym himself later disregarded this "juvenile distinction" (2005). Especially in legal translation, the use of terminology and phraseology must be univocal and unambiguous, hence not (always) allowing for multiple correct solutions. Besides, considering non-binary errors in this study as somehow less severe might have entailed a thinning out of the possible inter-group differences, making the variable of prior education – the distinctive feature of the research design of this study – insignificant. Nevertheless, while Pym's classification was not adopted in this study, an attempt has obviously been made to limit the revision to clearly wrong solutions for the sake of objectivity, like in Quinci's study.

In contrast, to provide a comparative analysis, both quantitative and qualitative, of the errors found in the translations produced by the two groups of participants, the adoption of Mossop's (2014, 134–149) list of revision parameters was kept in this study for a series of reasons, as follows:

- Despite being composite, Mossop's classification is clear and concise, with dynamic distinctions that allow for a great margin of flexibility.
- It combines the pedagogical needs of training (especially at the higher MA level, like in this

study) and the practical needs of the translation market, by reaffirming the *form/content* dualism.

- It can be adopted and adapted to specific text types; in addition to being taken as a reference in Quinci's study, I have also used this classification in a previous product-oriented empirical study for my MA thesis on technical translation (Orlando 2011; Orlando 2014).

- It appears to be independent of the language-pair under consideration.

- It fits the overall research design of this study (i.e. the combination of process- and product-related analyses), as it somehow resembles Chesterman's distinction (Chesterman and Wagner 2002, 89–90) between 'language errors' (form) and 'translation errors' (content) in a didactic perspective: the former have to do with the grammar and style of a translation as independent text, while the latter might be due to a methodological fault in the translation process

(e.g. by making reference to subpar sources, thereby infringing a translation norm).

In his book, first published in 2001 and now in its third edition, Mossop aims to provide guidance and learning materials for professional translators or students wishing to improve their (self-)revision skills and translation students learning how to edit original writing by others (2014, 1). The scholar lists 12 different parameters, grouped into the four main categories of 'transfer', 'content', 'language', and 'presentation', the former two belonging to the macro-sphere of *content* and the latter to that of *form*. In addition to the twelve parameters, summarised in Table 15, he notes that, obviously, "revisers may also have to check for consistency" (Mossop 2014, 135).

Unlike my pilot study (Orlando 2011; Orlando 2014) on the translation of an instruction manual, where typographic presentation was part of the translation brief, for this study presentation parameters have been considered as not relevant; hence, only the nine

Table 15. Revision parameters devised by Mossop (2014, 134–149)

	Group	Parameter	Description
Content	A. Transfer	Accuracy	Does the translation reflect the message of the source text?
		Completeness	Have any elements of the message been left out?
	B. Content	Logic	Does the sequence of ideas make sense? Is there any nonsense or contradiction?
		Facts	Are there any factual, conceptual or mathematical errors?
Form	C. Language	Smoothness	Does the wording flow? Are the connections between sentences clear? Are the relationships among the parts of each sentence clear? Are there any awkward, hard-to-read sentences?
		Tailoring	Is the language suited to the users of the translation and the use they will make of it?
		Sub-language	Is the style suited to the genre? Has correct terminology been used? Does the phraseology match that used in original target-language texts on the same subject?
		Idiom	Are all the word combinations idiomatic? Does the translation observe the rhetorical preferences of the target language?
		Mechanics	Have the rules of grammar, spelling, punctuation, house style and correct usage been observed?
	D. Presentation	Layout	Are there any problems in the way the text is arranged on the page: spacing, indentation, margins, etc?
		Typography	Are there any problems related to bolding, underlining, font type, font size, etc?
		Organisation	Are there any problems in the way the document as a whole is organized: page numbering, headers, footnotes, table of contents, etc?

parameters of the first three categories will be touched on in the analysis.

As pertains to the gravity of the errors identified, following Scarpa (2008, 240), Mossop's classification was combined with Vollmar's (2001) severity scale, first implemented in 1999 by a translation agency in Germany for outsourced translations. The scale comprises three categories, which have been combined with Mossop's parameters in the macro-categories of *form* and *content* errors for the purposes of this analysis, as follows:

- *minor* errors, i.e. form errors, which do not affect meaning.
- *major errors*, i.e. form and content errors which result in an ambiguity in the TT; minor errors in a visible or significant part of the text; repeated minor errors; lack of implementation of a correction.
- *critical errors*, i.e. form and content errors which result in lack of understanding of the TT; major errors in a visible or significant part of the text; repeated major errors.

This scale stems from professional practice, but is clearly appropriate to the mixed-approach used in this study with a quality-oriented, professionalising didactic purpose. Unlike Hurtado (1995), no plus point was awarded for positive solutions as this did not fall within the scope of the calculation of error-based quality indices. In fact, the last step of this error analysis consisted in the calculation of quality indices per participant and, consequently, on average per group, by adopting an amended version of the 'Translation Quality Index' (TQI) calculation method (Schiaffino and Zearo 2006), similarly adopted in the previous pilot study (Orlando 2011; Orlando 2014).

TQI, first implemented for commercial use in 2004, is "a quantitative-based method of translation quality assessment [which] measures the number and type of errors found in a text and calculates a score that is indicative of the quality of a given translation" (Schiaffino and Zearo 2006, 54). Based on a definition of quality "as the absence of errors," the TQI methodology appears to be "objective, reproducible and repeatable" in measuring error scores which "summariz[e] in a single value the quality of the translation sample" (Schiaffino and Zearo 2006, 54). TQI also provides for an error classification (similar

to Mossop's), which was however not adopted by its developers because, as they point out, it "does not address other translation problems, such as adequacy or fitness of purpose" (Schiaffino and Zearo 2006, 58), whereas these problems can be assessed using Mossop's categories. Nevertheless, the adoption of this measurement was deemed feasible because it is effective when a high degree of creativity is not expected of translators, and because it was applied to the whole text, unlike the usual TQI procedure which admittedly risks not being representative of the quality of the translation by focusing on samples only (Schiaffino and Zearo 2006, 58). Finally, as thresholds can be defined by evaluators, this measurement can also be adopted in didactic settings, adjusted by the trainees' different years of study. In this case, each critical error was assigned -15 points, major -10 and minor -5; though these scores might appear rather high, they allow for a greater differentiation between error types and participants. TQI in percent points was calculated using the following formula:

$$TQI = 100 - \left(\frac{\text{total error points}}{\text{number of words}} \right) * 100$$

The error analysis was conducted by two researchers at IUSLIT, one doing his research on legal translation and the other on specialised translation, both with proven experience in applying Mossop's revision list for research and didactic purposes. The decision of having two revisers stems from the need to ensure consistency and (the highest possible degree of) objectivity in the evaluation of the thirty TTs. Naturally, factors such as time and (lack of) motivation had to be non-existent. These issues have been identified by Künzli (2007) in a study on the revision of, among others, a legal text by professional translators: briefly, his findings show that professional translators doing a revision of the translation of a judicial decision tend to produce a high number of unjustified changes but also of under-revisions (2007, 120–121). In order to prevent similar results, the revision task sought to avoid the following: "(1) instances of justified changes, i.e., changes that actually result in a quality enhancement of the text, (2) instances of hyper-revision, i.e., unnecessary changes, (3) instances of over-revision, i.e., the introduction of errors into the translation, and (4) instances of under-revision, i.e., failure to correct errors in the draft translation" (2007, 117–

118).

The results of the error analysis are presented in the following section.

5.4.3 Results

The results presented in this section are both of a quantitative and qualitative nature. First, Figure 36 presents the total number of errors calculated on average per group.

Figure 36. Average number of errors per group
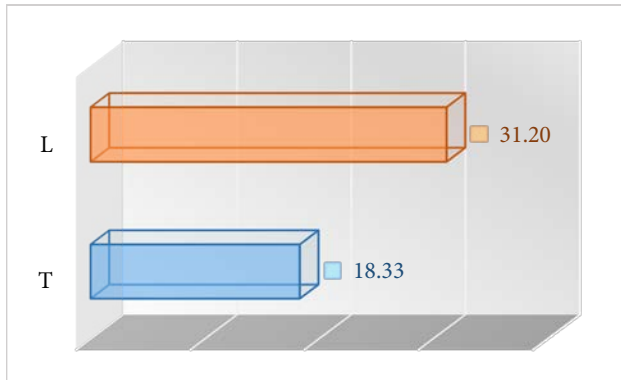
As clearly shown, on average Group L made over a third more errors than Group T, with a mean of 31.2 for Group L and 18.33 for Group T. Hence, this can be considered as an indicator that, overall, Ts produced better-quality translations.

This result appears to be confirmed when observing Table 16, where the average TQI per group is presented in the first line, followed by the ranking of each participant based on their individual TQI, calculated as explained in .

Table 16. Ranking based on the participants' TQI

Ls	38.80%	Ts	62.62%
1	T15 (74.16%)	13-16	T20 (55.06%)
2	T05 (73.03%)	17	L08 (49.44%)
3	T03 (71.91%)	18-19	L12 (47.19%)
4	T21 (70.79%)		T10 (47.19%)
5	T18 (67.42%)	20-21	L09 (46.07%)
6-8	T12 (66.29%)		L11 (46.07%)
	T04 (62.92%)	22	L05 (43.82%)
	T14 (62.92%)	23	L10 (42.70%)
9	T23 (61.80%)	24	L13 (42.70%)
10	T09 (60.67%)	25	L06 (33.71%)
11-12	L03 (57.30%)	26-27	L01 (31.46%)
	L04 (57.30%)		L07 (31.46%)
13-16	T11 (55.06%)	28	L15 (29.21%)
	T16 (55.06%)	29	L02 (24.72%)
	T17 (55.06%)	30	L14 (-1.12%)

The preponderance of light blue (representing Group T) in the first column confirms that Ts consistently hit the higher end of the spectrum having produced better translations in 13 out of 15 cases. Except for L03 and L04, all Ls ranked in the positions from 17 down, with L14 obtaining a negative TQI, i.e. L14 made a high number of errors, many of which of a critical nature. The distribution of the participants over the five quality levels proposed by Prieto Ramos – and parallel to Quinci's (2015b, 109), though converted in percentages – is evidenced by the colours and thicker lines of the positions in Table 16, as well as in Figure 35, where these results have been summarised.

Figure 35. Distribution across the performance levels
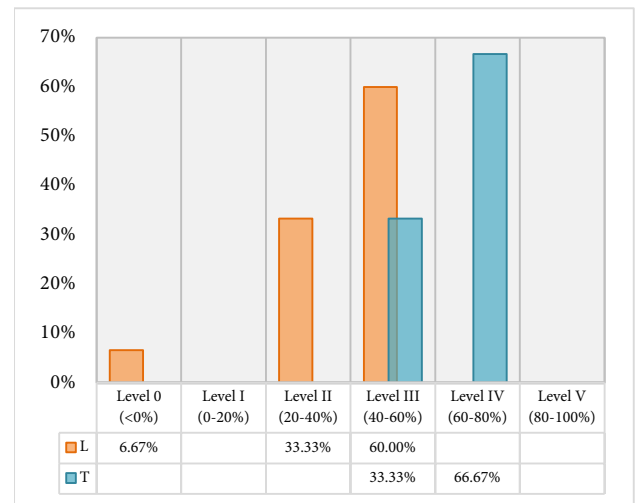
As has just been said, Group T's distribution over the quality levels is rather homogenous, with just a third clustering in Level 3 and the majority in the highest level reaching, overall, the *acceptable* Level 4. The proportions for Group L are almost the same, but mirrored towards the lower end of the scale, i.e. 60% at the *borderline* level, a third at the level of *poor* quality, and one participant scoring even less than the *unacceptable* threshold. Finally, a quantitative confirmation is also provided by the standard deviations of these data, i.e. the amount of variation of the set of values. With reference to the total number of errors, Group L showed a standard deviation of 6.33, compared to that of Group T, 4.10, which was closer to 0, hence showing less dispersion; this confirms the two exceptions of L03 and L04 in eleventh and twelfth position, and also entails that, in general, group L tended to make either many errors of a mixed nature, or a slightly lower number of errors

but of a *critical* nature. In terms of TQI, Ls expectedly had a higher dispersion (14.75%), considering both the decent results of L03 and L04 and the negative result of L14, while the deviation of 8.02% calculated for Ts confirms their consistently good results.

Further inter-group differences were investigated from a qualitative perspective. First, the proportion of minor, major and critical errors were observed, which is summarised in Figure 38 with a chromatic scale corresponding to the severity of the errors.

Figure 38. Proportion of errors per severity
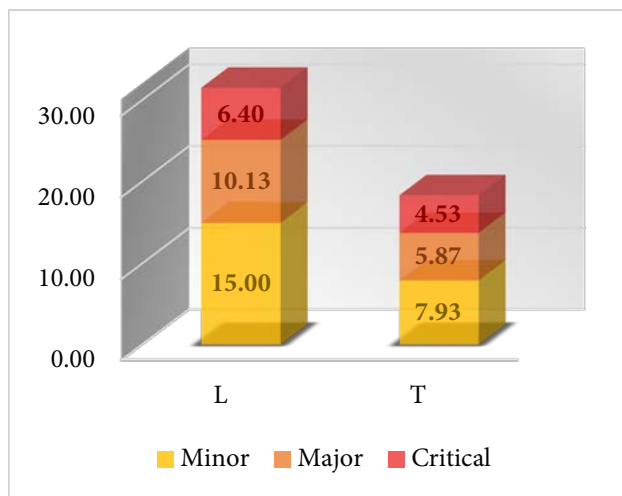
As evidenced in the chart, the proportion of minor and major errors for Group T is almost halved as compared to that of Group L, which made an average of 15 minor and 10.13 major errors. This means that, despite the lower severity of such errors, the target text is generally riddled with errors which downgrade the global reading experience but do not dramatically undermine its overall comprehension. In contrast, critical mistakes, i.e. the ones mostly affecting meaning, show closer fractions in both groups: this means that, though T still made less critical errors (4.53 vs 6.40), these were possibly "rich points" in the ST, i.e. segments of the ST which were objectively problematic in terms of rendering in the TL. Consequently, since it is these errors that mostly affect the TQIs, it could be concluded that Ts made rather ugly mistakes, but only few of them; in contrast, Ls made the same mistakes, plus a whole additional range of erroneous renditions which make the test *borderline* quality, at best. Hence, Group T's translation-specific skills appear, at least from these findings, to have paid dividends from all perspectives, while the thematic knowledge of Ls did not prove

sufficient to ensure good quality.

Further qualitative evidence of these results can be found by observing the breakdown of the errors per type, summarised in Figure 37. The top half of the figure shows the mean number of errors made by both groups per category, while the lower part presents the average severity of each error type per group. Considering the previous results, the fact that Ts produced less errors of each type as compared to Ls should come as no surprise. The same applies with regard to the average severity of errors for almost every error type, as shown in Figure 37: the closer the average to 5, 10 or 15, the closer the average severity of the errors to the categories of minor, major and critical, respectively.

Figure 37. Average number and severity of errors per type

	L	T		L	T		L	T
A	11.08	12.16	S	5.56	3.00	Te	8.79	10.89
C	10.51	5.50	Ta	4.50	3.83	I	6.17	3.00
L	12.80	9.03	P	5.54	8.62	M	6.30	7.18
F	11.81	5.17						
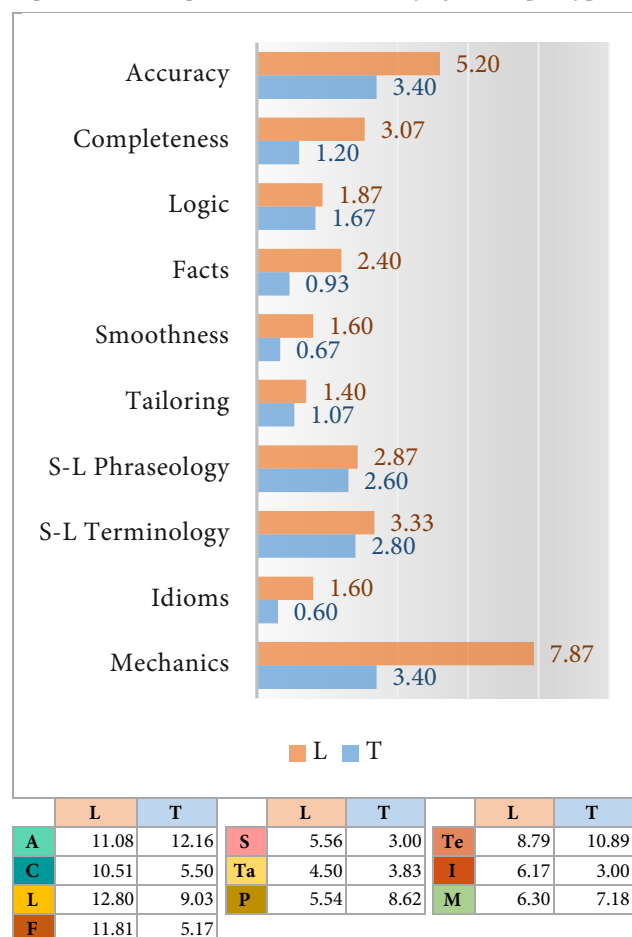
However, some (slight) differences can be observed from a qualitative perspective. More specifically:

- The first four categories, that is those which can be considered to represent the macro-category of *content*, prove that Ts managed to overcome the semantic difficulties of the ST better than Ls,

despite their lack of familiarity with the subject field. Interestingly, though, the severity of *accuracy* errors is slightly higher for Ts, confirming that their overall TQI may in fact have been mostly affected by these mistakes which, though rather few in number, do compromise the meaning of the TT. As for errors of *completeness* and *fact*, Ts only made one per translation, which were also of a minor nature; conversely, the 1.67 errors of *logic* for Ts had a slightly stronger impact on their TTs, content-wise. Nevertheless, these figures are (in 3 cases out of 4 – and even in the other single case, by a very slight difference) lower in comparison to those of Ls, who made almost twice as many errors in all content-related categories and on a higher severity level, i.e. always between major and critical. It should be noted here that this result generally contradicts the initial hypothesis, whereby pragmatic difficulties should have been mostly sustained by Ts rather than Ls, due to their specialisation background.

- As regards form-related errors, three main findings can be discussed. Firstly, *smoothness*, *tailoring* and *idioms*, which can be considered translation-specific abilities, were expectedly mastered better by Ts than Ls, thus confirming the initial hypothesis. Secondly, a conspicuous number of errors of *mechanics* was counted in the translations produced by Ls (almost 8 as compared to a nonetheless disappointing 3.40 on average for Ts); the nature of this type of error, e.g. grammar, spelling, capitalisation, are indicative of Ls' approach to translation, which, despite their appalling results, they seemingly consider as a content-oriented activity. Further, punctuation played a decisive role in Ls' output, especially when it risked compromising the TT comprehension. In general, the severity for the first two sets of errors discussed so far falls within the minor range (with obvious, individual intra-group exceptions). Thirdly and more significantly, *sub-language* proved just as problematic for both groups. Though of a limited amount, almost 3 errors of terminology and/or phraseology were found in the translations of both Ls and Ts, with an average severity in the *major* range, slightly worse for Ls. This entails that Ls were not favoured by their familiarity with the content and the genre

conventions of these texts, while Ts failed in this respect despite their familiarity with the importance of looking for adequate reference sources.

The error analysis presented in this section, both qualitative and quantitative, appears to be rather disappointing; still, it should be kept in mind that a certain level of proficiency was not to be expected (unlike in actual, daily practice!) of non-specialised translators-to-be; hence, when looking at the bigger picture, there is decidedly room for improvement, and rightly so.

5.5 Conclusions of product-oriented analyses

The product-oriented analysis of the translations produced by the two groups of participants sought to identify some competence-related trends, as evidenced by the acceptable renderings and pitfalls in the TTs. The assessment of the translation quality comprised two different methods, i.e. (1) evaluation of the translation acceptability through "rich points" (see 5.3), and (2) error analysis (see 5.4); for both methods, a quantitative and qualitative perspective was adopted. Some preliminary conclusions can thus be drawn from the analysis of these two variables. Firstly, a comparison between the two assessment methods can be made. Table 17 summarises the scores of both mean acceptability ('MAI', normalised in percentage points) and translation quality index ('TQI') per group and per participant, as well as the applicable quality level of each participant; differences between these scores are also provided.

First, to statistically summarise these results, an F-test (or *Fisher* test) was conducted, so as to compare the spread of the two sets of data (i.e. MAI and TQI) and determine whether their statistical precisions are similar or dissimilar. The f-value is calculated as follows:

$$F_{cal} = \frac{s_1^2}{s_2^2}$$

where *s* is the standard deviation of each set. The two standard deviations, i.e. 0.13 for MAI and 0.17 for TQI do not differ much, hence the performances of the two methods may be expected to be similar. To

test this hypothesis, the value of the F_{cal} calculated with the formula above is compared with the applicable critical value, F_{tab} , to check whether $F_{cal} \leq F_{tab}$. The F_{cal} obtained is 1.61, while the applicable F_{tab} is 2.79. Hence, since $F_{cal} \leq F_{tab}$, it can be concluded with 95% confidence that there is no significant difference in precision between the two data sets and, consequently, the results of the assessment methods under consideration.[75] Nevertheless, some intra-group differences can be noted in Table 17, where it clearly emerges that the results of the F-test are due to the fact that the differences between the final scores of each participant range from 0.33% to 29.12% in a consistent distribution. In general terms, when observing the absolute differences between MAI and TQI for both groups, in the case of Ts the evaluation of RPs (MAI=59%) appears to be rather consistent with the error analysis (TQI=62.62%) with a very low 3.62% difference, whereas it seems to favour Ls, who scored 50% in the sample evaluation and a lower 38.80% in the error analysis of the whole TT by 11.20%. The same considerations can be made with reference to the resulting quality levels based on either type of assessment, whereby in 16 cases, i.e. slightly over half of the sample, a difference of one level (and in a case, two levels) can be observed. Hence, the sole RP evaluation would have provided a partially deviated picture of the actual quality of their texts. This might be due to several factors, including:

- Ls produced many more mistakes as compared to Ts, but not necessarily all of these additional errors were of a critical or major nature, hence these textual items had probably not been identified as rich points;
- the selection of rich points might have been unbalanced, though this does not appear to be the case, considering that Ts outperformed Ls in 2 out of 3 cases.

Ultimately, sample evaluation in legal translation might not be considered to be the best method when the sole assessment of the product is concerned. In other words, it can be successfully adopted as one

Table 17. Comparison of TQA methods

	MAI	TQI	diff.	MAI level	TQI level	diff.
Ls	50%	38.80%	11.20%	3	2	1
Ts	59%	62.62%	3.62%	3	4	1
L01	50%	31.46%	18.54%	3	2	1
L02	39%	24.72%	14.28%	2	2	0
L03	44%	57.30%	13.30%	3	3	0
L04	61%	57.30%	3.70%	4	3	1
L05	67%	43.82%	23.18%	4	3	1
L06	28%	33.71%	5.71%	2	2	0
L07	39%	31.46%	7.54%	2	2	0
L08	50%	49.44%	0.56%	3	3	0
L09	33%	46.07%	13.07%	2	3	1
L10	50%	42.70%	7.30%	3	3	0
L11	50%	46.07%	3.93%	3	3	0
L12	44%	47.19%	3.19%	3	3	0
L13	50%	42.70%	7.30%	3	3	0
L14	28%	-1.12%	29.12%	2	0	2
L15	22%	29.21%	7.21%	2	2	0
T03	67%	71.91%	4.91%	4	4	0
T04	61%	62.92%	1.92%	4	4	0
T05	50%	73.03%	23.03%	3	4	1
T09	61%	60.67%	0.33%	4	4	0
T10	44%	47.19%	3.19%	3	3	0
T11	61%	55.06%	5.94%	4	3	1
T12	61%	66.29%	5.29%	4	4	0
T14	44%	62.92%	18.92%	3	4	1
T15	50%	74.16%	24.16%	3	4	1
T16	78%	55.06%	22.94%	4	3	1
T17	67%	55.06%	11.94%	4	3	1
T18	56%	67.42%	11.42%	3	4	1
T20	67%	55.06%	11.94%	4	3	1
T21	50%	70.79%	20.79%	3	4	1
T23	61%	61.80%	0.80%	4	4	0
avg	51.10%	50.71%	0.39%	3.2	3.02	0

indicator of translation quality, which is important in that it considers and rewards the positive renderings in the TTs, but fails to consider other problematic items with reference to content and, most importantly, form, due to the limited number of points under assessment, despite their high significance in a genre where text conventions are particularly relevant.

As has emerged throughout this chapter, Group T has decidedly outperformed Group L from a product-oriented perspective. However, these findings would not prove very useful if not traced back to the process

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[75] As there was no particular reason to expect that the methods would perform in a significantly different manner, the two-sided significant level α = 0.05 was used, i.e. 95% level of confidence. Even adopting a bigger α, i.e. 0.10 and 0.20, the critical value F_{tab} would equal 2.35 and 1.94, respectively, which are in all cases greater than F_{cal}. The critical values have been retrieved from: <http://faculty.washington.edu/heagerty/Books/Biostatistics/TABLES/F-Tables/>

that led to the renderings in the TTs, as they would otherwise be as significant as short-sighted assumptions on the level of competence of the participants. Consequently, both types of analysis have been aligned in the following Chapter 6, so as to identify the procedural patterns that led to (relatively) better quality.

Key points

The quality of the translations produced by the participants to the experiment, as a result of their overall translation strategies and processes, was evaluated through a sample assessment of the translations' *acceptability* with the methodology developed by PACTE (2009) and an error analysis (Mossop 2014; Vollmar 2001).

As regards the translations' *acceptability*, Ts appeared to have produced higher quality translations than Ls; further, Group T and L display a preponderance of acceptable and unacceptable solutions respectively. Qualitatively speaking, the three rich points selected for posing a potential problem of phraseology appeared to be more difficult for Group T, whereas Ts outperformed Ls as concerns both the two terminological rich points and the four rich points relating to aspects of source-text comprehension.

The error analysis showed that on average Group L made over a third more errors than Group T, the majority of whom reached the *acceptable* level. By contrast, the majority of Group L fell at the *borderline* level, with the remainder of them only producing *poor* and *unacceptable* quality. As regards the severity of the errors, Ts made rather ugly mistakes, but only few of them (mostly in correspondence with the problematic *rich points*), while Ls made the same mistakes, plus a whole additional range of erroneous renditions which make the test borderline quality, at best. This finding is substantiated from a qualitative perspective, as Ts made a higher number of mistakes of a more severe nature only in the categories of accuracy, phraseology and terminology, while Group L's number and severity of errors was almost doubled in all other categories.

The results of this analysis entails that Ls were not favoured by their familiarity with the content and the genre conventions of these texts, while Ts' translation-specific skills allowed them to fare better.

The verdict
Merging perspectives

6

Life can only be understood backwards;
but it must be lived forwards

Søren Kierkegaard

In this final chapter, the perspectives adopted in the previous analyses are reconciled to provide a sound foundation to the hypotheses drawn thus far. The general trends identified for each group are briefly reported in the preliminary Section 6.1. The process- and subject-related variables are then mapped back onto the results of product assessment; given the two distinct procedures implemented for TQA in the present study, the triangulation of variables is split into two main sections (6.2 and 6.3). First, the six sub-sections of 6.2 combine translation quality assessed through error analysis with the following:
- delivery time and pausing ratio (6.2.1);
- translation phases (6.2.2);
- translation problems (6.2.3);
- types of difficulties perceived (6.2.4);
- perceived text difficulty and self-assessment (6.2.5);
- translation problems, searches, and severity of errors (6.2.6).

Second, in the two-subsections of Section 6.3 the variable 'Acceptability' will be observed in combination with the following:
- problems and time (6.3.1);
- RP-specific problems, time, and decision-making mechanisms (6.3.2).

The different levels of competence identified through the triangulated data will be further investigated on the back of the results of a multiple-choice test on non-specialised translation administered to the participants at the end of the experiment (6.4).

Finally, the second part of the chapter provides answers to the research questions (6.5), thus providing empirical substantiation to the QUALETRA model of legal translation competence presented in Chapter 3 (6.6) and identifying direct implications for legal translator training (6.7). Final remarks (6.8) and future avenues of research (6.9) conclude the thesis.

6.1 Preliminary remarks

The general trends observed for the two groups are visually summarised in Figure 39. The analyses adopted both a quantitative approach (for the most part, represented in yellow) and a qualitative, competence-related one (ranging from red to green, i.e. from worse to better performances).

From a procedural perspective (Chapter 4), Group L concluded their translation tasks with a top-to-bottom approach in shorter delivery times, which entailed close-to-non-existent orientation and revision phases. By contrast, the almost twice as long delay needed by Group T included thorough pre-reading of the whole ST and long, comparative and unilingual self-revision(s). Similarly, the micro-textual approach of Ls is reflected in their low level of

problematisation: Ls faced half as many problems as Ts, despite similar perception of text difficulty; also qualitatively, their recognition of problems was rather inaccurate and limited to few textual phenomena, as compared to Ts. This resulted in very different numbers of searches for the two groups, i.e. 17 for Ls who mostly searched pre-made solutions in bilingual dictionaries, and 62.13 for Ts, who displayed higher information mining skills, resorting to a great variety of reference sources for different types of problems and to reasoned sequences of actions for problem-solving. Still, the self-assessment for both groups sits at a healthy 6.5 for Ls and 6.6 for Ts, respectively.

As regards product-related variables (Chapter 5), both types of assessment put Group T at a higher level, with better mean acceptability indices (0.59 as

Figure 39. Summary of process-, subject- and product-related analyses

L	T
PROCESS- AND SUBJECT-RELATED VARIABLES	
61.51 — DELIVERY TIME — 108.19	
upcoming paragraph — PRE-READING — whole ST	
short, comparative — END-REVISION — long, comparative + unilingual	
24.87 — PROBLEM OCCURRENCES — 55.47	
6.10 — PERCEIVED TEXT DIFFICULTY — 6.50	
few, inaccurate — TYPES OF PROBLEMS PERCEIVED — diverse, relatively accurate	
17.00 — SEARCHES — 62.13	
almost non-existent — VARIETY OF SOURCES — diverse and differentiated	
unreflected — SEQUENCES OF ACTIONS — critical	
6.50 — SELF-ASSESSMENT — 6.60	
PRODUCT-RELATED VARIABLES	
0.50 — MEAN ACCEPTABILITY — 0.59	
31.20 — TRANSLATION ERRORS — 18.33	
12.54 — CONTENT ERRORS — 7.20	
18.67 — FORM ERRORS — 11.14	
38.80% — TRANSLATION QUALITY INDEX — 62.62%	
L	T

compared to Ls' 0.50) and totals of translation errors (18.33 to 31.20) – even though the differences observed between the two evaluation methods raised concern about sample assessment in legal translation. At a closer look, Ls appeared to have produced almost twice as many errors as Ts in both content- and form-related categories. Ultimately, this resulted in a Translation Quality Index of 38.80% for Ls, putting them in the *poor*-quality range, and of 62.62% for Ts, who fell within the *acceptable* threshold.

In very general terms, process-, subject-, and product-based data seem to indicate an underachieving performance for Group L under all aspects. While it may be argued that the lawyers who participated in the study did not take the experiment very seriously due to disinterest, lack of motivation or energy, as lamented, e.g., by Laukkanen (1996, 269) and Tirkkonen-Condit (1997, 81), the lack of significant intra-group differences and idiosyncrasies in either the translation processes or products of this Group seem to counter such reservations. Further confirmation is to be found in the triangulation of the data collected for this study, which is presented in the next two sections.

6.2 Triangulation of error-assessed quality

Considering translation errors as "windows into the translation process" rather than as mere indicators of translation quality, Séguinot suggests that "evaluating the seriousness of an error is a less interesting exercise than interpreting the source of an error" (1990, 68).

In order to shed light on the possible correlation between procedural patterns and textual renderings, this section presents the triangulation of some product- and subject-related variables with the quality of the TTs assessed through error analysis (5.4).

6.2.1 Delivery time, pausing ratio and translation quality

As observed in 4.1, the delivery time for Group L was almost half that taken by Ts to conclude the task, i.e. 61.51 and 108.19 minutes, respectively, out of the recommended 2 hours. Though explained on the back of recorded data suggesting a literal, faster approach for Ls and a thorough, textual approach for Ts, this result seems to contradict evidence found by, just to mention one, Lesznyák (2008, 179), who identified "a clear tendency that shorter translation times predict better performance." Though in other empirical studies this observation has proved true in the case of professionals, trainees actually disprove it, seemingly more pressured by time. In particular, just like in Quinci's study (2015b, 178), my less experienced participants – i.e. Group L – performed faster out of mindlessness. By contrast, Group T (as well as Quinci's intermediates) required more time than expected, considering their supposed level of translation-specific competences, possibly to compensate for the lack of thematic and textual competences.

The same observations apply when tracing the pausing ratios calculated on average for each group of participants back onto the TTs. As has been observed in 4.3, Ls tend to pause more frequently but for shorter delays than Ts; further, while Ts interrupt their process for an average 83% of their total DT in all the translation phases, Ls tend to pause less during the middle, drafting phase (65%) than in the end revision phase (85%), which however was comparatively short and rich in empty pauses where no editing occurred.

Clearly, the cognitive effort required to *decipher* the difficult subject-field has slowed down the automatic routines expected of translators at the very end of their training, while it has not proved sufficient for Ls to successfully produce a good-quality TT. In other words, these results corroborate the hypothesis that a greater deal of processing (as displayed by Ts) results in better performances, which however can and should be made faster to become more time-efficient through adequate training. Ultimately, these data seem to contradict the findings reported by Alves (2006, 6; cf. also Hansen 2002; O'Brien 2006) "that there was no correlation between the subjects' cognitive rhythms and the type of target text rendered by them."

6.2.2 Translation phases and translation quality

The competence-related hypothesis drawn in Section 4.2 with reference to the incidence of the phases of the translation process on the TT find a confirmation in

this context, with the resulting translation quality pointing to the more successful procedural patterns recorded in the experiment.

As regards the initial *orientation* phase, for the most part Ls were shown not to perform any sort of pre-reading of the ST, thus affecting the preliminary comprehension of the content and leading to a micro-textual approach and, ultimately, a lower-quality translation. By contrast, the better performance of Ts might be ideally traced back to the fact that not only did they devote 4.34 minutes on average to this phase, but also that their pre-reading was generally not limited to the upcoming text segment they were going to translate – like Ls –, but rather covered the whole text. Quantitatively speaking, the highest TQIs were obtained indeed by nine Ts and one L who pre-read the whole text, followed in decreasing order by those who only read the upcoming paragraph or sentence and, finally, only scanned through the ST.

This also appears to be the case for the *end revision* phase. The fact that Ls took on average 10.58 minutes to revise the TT while Ts devoted an average of 17.21 minutes to this phase with evident impact on the respective Translation Quality Indices (TQIs) suggests that self-revision is in fact a translation skill denoting competence, as well as a fundamental step in assuring translation quality (cf. 5.1.2). At a closer look, the 18 highest TQIs correspond to a combined approach of online revision and full reading of the whole TT (mostly by Ts), followed by a re-reading of the sole paragraph that had just been translated. Further, the fact that the highest 13 TQIs correspond to eleven Ts and two Ls who performed an at least comparative (when not also unilingual) self-revision confirms the results of previous research (e.g. Brunette, Gagnon, and Hine 2005; Marashi and Okhowat 2013; Quinci 2015b).

6.2.3 Translation problems and translation errors

The very different time delays shown by the participants to complete the task are visibly mirrored in the opposite trends observed when triangulating translation problems and resulting errors.

Table 18 reports the number of problems faced by each participant and the respective number of errors; also, in columns 3 and 6, a *fail ratio* is calculated by dividing the latter by the former. The colour green represents successful ratios, while red indicates unsuccessful performances. As clearly emerges, with 14 out of 15 participants in the first column and all of them with green ratios, Ts clearly displayed good (enough) problem-solving skills. By contrast, the same can only be said for 4 Ls, who coincidentally are the ones who problematised the most within their cohort.

Table 18. Number of problems, errors and fail ratio per participant

	probl.	errors	fail ratio		probl.	errors	fail ratio
T05	76	14	18.42%	L07	58	34	58.62%
T12	67	15	22.39%	L03	31	21	67.74%
T15	55	15	27.27%	T11	34	25	73.53%
T09	70	20	28.57%	L15	46	36	78.26%
T04	63	18	28.57%	L12	25	29	116.00%
T20	81	24	29.63%	L09	23	27	117.39%
T21	44	14	31.82%	L08	26	31	119.23%
T14	53	18	33.96%	L04	11	21	190.91%
T18	38	13	34.21%	L10	16	33	206.25%
T17	54	19	35.19%	L11	14	29	207.14%
T23	60	22	36.67%	L05	13	27	207.69%
T03	36	14	38.89%	L13	15	32	213.33%
T16	47	20	42.55%	L01	13	33	253.85%
T10	54	24	44.44%	L02	15	40	266.67%
L06	55	30	54.55%	L14	12	45	375.00%

To summarise, there appears to be an indirect proportion between the number of problems reflected on by Ts and the number of errors they ended up making; by contrast, the less problematisation exercised by Ls resulted in a higher number of errors. Hence, if the average fail ratio is of 33% for Ts (i.e. Ts adopted successful problem-solving strategies in 66% of cases), the ratio for Ls is a striking 125%.[76] The same pattern emerges from the observation of the qualitative breakdown per problem and error type, in Table 19.

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[76] As well as by the figures in Table 19, the representability of these data is confirmed by the standard deviations (SD) calculated for each parameter under question: as for the number of problems, the SD is 15.87 for Ls and 14.28 for Ts; 6.33 and 4.10 for errors; and 0.92 and 0.13 for the fail ratios, respectively.

Table 19. Translation problems and errors per type

avg	L	T	avg	L	T
problems	24.87	55.47	errors	31.20	18.33
problem type	L	T	*error type*	L	T
meaning (CONTENT)	5.13	9.73	accuracy	5.20	3.40
			completeness	3.07	1.20
culture-bound	0.93	3.53	logic	1.87	1.67
			facts	2.40	0.93
non-spec.lng (FORM)	3.87	7.07	tailoring	1.40	1.07
phraseology	5.60	16.67	phraseology	2.87	2.60
terminology	8.73	15.73	terminology	3.33	2.80
mechanics	0.20	1.07	mechanics	7.87	3.40
smoothness	0.40	1.67	smoothness	1.60	0.67
			idioms	1.60	0.60

Of particular interest are the categories of *phraseology* and *terminology*, i.e. the two components of *sub-language* in this study. In fact, these appear to be the most problematic for both Ls and Ts, though with opposite results: for phraseology, Ls obtained a *fail* rate of 51% and Ts of 16%, while for terminology the former obtained 38% and the latter 18%. In other words, in both cases, despite problematising less, Ls failed more; conversely, on average Ts showed a greater deal of problem awareness but ended up with (slightly) better results in the categories where Ls were initially assumed to perform better.

This result is rather significant. In the TransComp project, a similar indirect proportionality was noted for both novices and professionals, though with opposite delivery times as those observed in the present study (cf. Göpferich 2010, 14). A negative success rate (or a positive fail rate, as above), as calculated for Ls, clearly puts them at the other end of the spectrum, i.e. a subpar level of competence. These considerations seem to confirm their lack of translation service provision competences (or

strategic sub-competence, psycho-physiological components and knowledge of translation in PACTE 2011a, 319). As noted by Lesznyák (2008, 141), problem awareness is closely linked to metacognitive aspects of problem solving, inducing "more conscious and appropriate problem-solving strategies and encourag[ing] the use of self-regulatory processes."

6.2.4 Types of difficulties and translation errors

This section continues the qualitative observation of translation errors (TE), by mapping them onto the types of perceived difficulties (PD) identified by the participants themselves in the post-task questionnaire (cf. 4.5.4). The results are summarised in a homogeneous manner in Table 20.[77]

Table 20. Perceived difficulties and errors per type

	L		T	
	PD	TE	PD	TE
content-related	8.84%	40%	18.37%	39%
form-related	13.61%	49%	36.05%	45%
terminology	40.82%	11%	45.58%	15%
none	8.84%	-	0.00%	-

Subject-oriented data suggested low problem-recognition skills on the part of the over-confident, yet unprecise Ls, which is confirmed when looking at the actual errors they produced. Content- and form-related errors constituted the vast majority of their errors, despite only accounting for less than a quarter of their perceived text difficulties. By contrast, though Ts definitely displayed greater problem awareness, almost half of them identified terminology as the main source of difficulty in the ST, whereas it only accounted for 15% of their actual errors.

The trend identified for Ts might be hypothetically

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[77] In order to make the results comparable, the different taxonomies used for the two analyses had to be harmonised as follows:
- with reference to the types of difficulties perceived (cf. 4.5.4), the *content-related* category includes the responses marked as "content" in the questionnaire, while the *form-related* category those marked as "meaning due to language" and "syntax of the ST";
- as for types of error (cf. 5.4.2), the former category includes errors of "Group A – Transfer" (accuracy, completeness) and "Group B – Content" (logic, facts), while the latter pertains to "Group C – Language" (smoothness, tailoring, sub-language, idiom, mechanics), except for terminological errors which have been subtracted from the "sub-language" sub-category, as they constituted a main category in the questionnaire.

explained by the fact that they could have considered all *sub-language* items particular to the specific domain under the umbrella term 'terminology'. It should be noted, in fact, that different labels were used in the post-task questionnaire due to the assumed lack of metalanguage on the part of Ls (cf. 4.5.4), which might have at least partially affected the above analysis and ultimately prevented the perfect alignment between PD and TE as concerns the individual categories. Similar problems of information recall were reported by Enríquez Raído (2013, 184) with reference to the written reports collected in her study, in terms of thoroughness and completeness; ultimately, in her study "a pattern was identified of students not reporting general lexical problems for which they were mainly looking for confirmation (or 'reassurance') of already-existing tentative solutions", which similarly emerged in the present analysis.

A final competence-related confirmation of the hypotheses drawn in this section is gained when considering that the proportions for the two groups in columns 3 and 5 of Table 20 actually refer to different total numbers of errors, i.e. almost twice as many for Ls, thus indicating an even weaker problem awareness for this group.

6.2.5 Perceived text difficulty, self-assessment and Translation Quality Index

A comparative analysis of the results of the participants' perception and actual performance is reported in Table 21. Visibly, most TQIs scored by Ls were not in line with their SA (self-assessment). In two cases only, in fact, the latter match the actual (*poor*) level of their TT. The remainder of the group obtained similarly poor results in TQI, which is not reflected in their perceived quality, though parallel to the perceived text difficulty (PTD) in four cases. As for Ts, the proportion is almost reversed: only five of them made wrong predictions, four of which too optimistic. A comparison between the quality level attained by the participants and their self-assessment suggests that there might be no direct correlation between the two variables. Such lack of a relation between the participants' level of quality and satisfaction was also noted by PACTE (2011b, 337).

Similarly, no correlation can be observed between PTD and TQI (or acceptability in the case of PACTE 2011b, 332).

Table 21. Perceived text difficulty, self-assessment and translation quality index per participant

group averages					
PTD	SA	TQI	PTD	SA	TQI
L			T		
6.1	6.5	3.88	6.5	6.6	6.26
individual scores					
2	6	-0.11	6	5	5.5
4	7.5	4.71	6	5	6.18
6	3	3.37	6	6	6.74
6	5.5	4.27	6	6	7.07
6	6	3.14	6	7	4.71
6	6	4.38	6	7	6.06
6	7.5	2.47	6	7	7.3
6	7.5	4.94	6	7	7.41
6	8	2.92	6	8	5.5
6	8	4.60	6	8	6.29
6	8	5.73	6	8	6.62
8	6	3.14	8	5	5.5
8	6	4.60	8	5.5	5.5
8	6	5.73	8	7	6.29
8	6.5	4.27	8	7	7.19

The triangulation of the three variables thus substantiate further the competence-related hypothesis drawn in Section 4.5.4. Connected with metacognitive aspects of problem solving (Lesznyák 2007), PTD and self-assessment (SA) suggest that Ls lack translation service provision competences (cf. 6.2.3) which makes them too confident and less capable of recognising the difficulty of the given task. By contrast, Ts display greater such skills, which nevertheless results in greater self-consciousness but more objective assessment skills. Such higher degree of both "strategic and translational awareness" was also noted by Fernández and Zabalbeascoa (2012), who found that higher quality was attained by translators who also displayed better self-evaluations of their TT (in terms of problem identification and justifications of their solutions) in their experiment on post-translation metacognitive questionnaires.

6.2.6 Translation problems, searches, and severity of errors

As pointed out by Enríquez Raído (2013, 25), some scholars have suggested that there is a negative correlation between the number of searches and the

translation process, on the one hand, and that the quality of the TT is not necessarily impacted in a positive manner as a result, on the other (cf. Luukkainen 1996). The results of this study seemingly point in the opposite direction (cf., for example, Livbjerg and Mees 1999; Gerloff 1988; Jääskeläinen 1990; Enríquez Raído 2013). The quantitative trends identified in the process- and product-oriented analyses are presented in Table 22 below.

Table 22. Translation problems, searches, and severity of errors

	L	T
problems	24.87	55.47
searches	17.00	62.13
critical errors	6.47	4.53
major errors	10.13	5.87
minor errors	15.00	7.93

There appears to be a clear contrast between the two groups: on the one side, Ls make less searches than they face problems (17 over 24.87), while Ts seem to perform multiple searches for the same problem occurrence (62.13 over 55.47). This is all the more significant when considering that not all problem occurrences are signalled by searches. Consequently, though Ts' translation process is undoubtedly affected timewise, as pointed out by Luukkainen (1996), this group seemingly adopted a more critical search style. The variety of sources and their differentiation for different types of problems in fact led Ts to make fewer errors and of a less serious nature.[78]

As can be seen in Table 22, Ts' errors at each level of severity were almost halved in number as compared to Ls's averages; hence, the supposed correlation between number of searches and translation quality appears to be intact. Without a doubt, Ts' translations are not flaw free, yet display a significantly higher level of quality which can be further improved through adequate training and, in their case, practice. As a matter of fact, in an effective (though time-

consuming) manner, Group T managed to adapt their information retrieval skills and reference sources to the specific task, despite their lack of knowledge of the subject-field and prior experience in legal translation. Recorded data show that their searching patterns were rather close to the list of tools recommended by Orozco and Sánchez-Gijón (2011, 27–30) to facilitate legal translators, consisting of lexicographic reference works (totalling 26.82% of all Ts' reference sources), terminological databases (5.15%), models of legal documents and specialised monographs (14.27%), and knowledge bases (plus 18.88% of googling and 33.69% of concordancers in this study).

6.3 Triangulation of acceptability-assessed quality

Triangulating process-oriented data with a selection of textual items in the TTs, i.e. the Rich Points (RPs), has a series of methodological advantages, which contribute to the need for efficiency of the research or, as Quinci (2015b, 105) puts it, "a reasonable ratio between the cognitive resources needed, the time spent on the task and the reliability of the outcome of the assessment itself." More specifically, by addressing different types of problems as representative of the overall text difficulty, they allow for an in-depth analysis of the same RP using the results obtained from several indicators, thus facilitating the triangulation of data obtained from multiple sources and guaranteeing greater economy in the experiment (PACTE 2009, 213).

In the following sections, the mean acceptability indices (MAI) obtained by the participants in each group will be traced back onto process-related data, such as the time spent on these problematic items and the consultations of reference sources.

6.3.1 Problems, time and acceptability

Figure 40 provides some quantitative data on the pre-

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[78] Similarly, in a small-scale study on a specific type of specialised translation, i.e. economic/financial translation, Fernández Rodríguez (2015) noted that a more critical and differentiated use of reference sources – particularly of parallel corpora over bilingual dictionaries – enables trainees to perform better, and to ultimately develop both thematic and information mining competences at the same time.

selected problematic items used as indicators for text difficulty. As can be observed, the nine RPs posed problems for 59.26% of Group L and for a higher 69.63% of Group T; in other words, an average of 5.33 Ls and 6.27 Ts had problems with the RPs. Furthermore, the standard deviations for the two groups suggest that Ls (1.45) tended to consistently encounter a rather low number of problems, as compared to Ts for whom a greater inter-group deviation was to be observed (2.22). Nevertheless, from a product-oriented perspective, such process-related problems did not correspond to unacceptable solutions in the same proportion. Conversely, the average mean acceptability of the two groups appears to be in direct proportion with the number of problems encountered, i.e. 0.5 for Ls and 0.59 for Ts. Interestingly, though, both groups spent an average 16% of their overall delivery time on working on the RPs. However, when observing this result more closely, it actually entails an interesting difference: considering the respective delivery times of 62.25 minutes for Group L and 108.31 for Group T, in proportion the former has spent a significant amount of time on the RPs.

Figure 40. Average number of participants who encountered problems with RPs

	L	T
avg. no. partic. for whom RP=problems	59.26%	69.63%
avg. no. RP=problems per group	5.33	6.27
avg. % time spent on RP per group	16%	16%
avg. mean acceptability per group	0.5	0.59
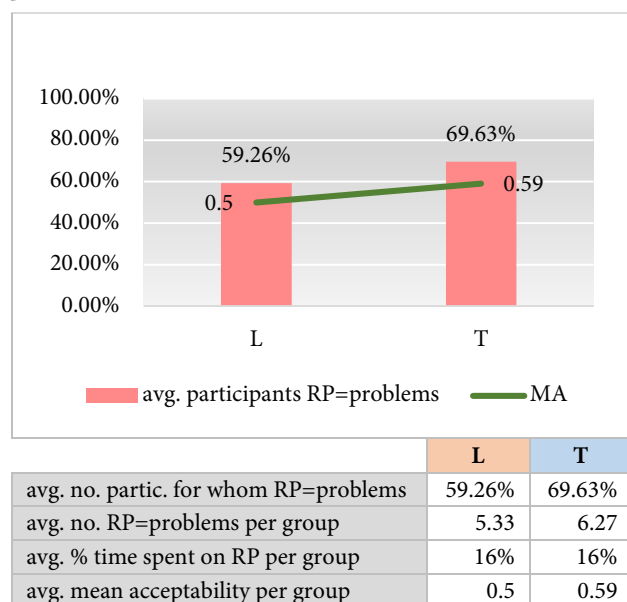
Overall, this result can be compared to the trends observed in other studies (specifically, Jääskeläinen 1996; Quinci 2015b). If we consider our Group L as a group of novice translators, which in fact they are, at least at an academic level (cf. 2.4 for their translation-related prior experience), just like novices Ls tended to problematise less than they should have (Jääskeläinen 1996, 67), considering their lack of translation-specific skills. The trends observed in 4.5.3 with reference to Ts also confirm the results of the above mentioned studies, and will be further discussed in the following section.

6.3.2 RP-specific problems, time, decision-making and acceptability

A series of qualitative observations can be made when observing different variables related to the different categories of RPs selected, which are visually summarised in Table 23.

Table 23. Triangulation of RP-specific data

	phraseology (3)		terminology (2)		ST compre-hension (4)	
	L	T	L	T	L	T
RP = probl	48.89%	60.00%	66.67%	50.00%	68.33%	75.00%
time	15.19%	36.34%	18.05%	15.37%	66.76%	48.29%
SoA	2.50	3.18	3.85	3.73	2.57	3.11
MAI	0.74	0.48	0.30	0.52	0.41	0.70

As emerges from these data, the three phraseological items were the least problematic RPs for Ls (48.89%), whereas these items were in second place for Ts, 60% of whom dealt with them as problems. This consideration is reflected in the average time spent on these RPs, 15.19% (i.e. their lowest percentage) of the overall problem-related time for Ls and 36.34% (i.e. their second-high percentage) for Ts. In contrast, ST comprehension proved to be the most problematic category for both groups (68.33% Ls and 75% Ts), who spent the majority of their problem-related time focussing on these two RPs. However, as regards these two categories covering 7 out of nine RPs, a consistent trend with reference to decision-making mechanisms for consultations can be observed.[79] The 2.50 and 2.57 scores for Ls indicate that *internal support dominant combined with external support* was the most frequent sequence of action for Ls, contrasted by the *external support dominant combined with internal support* particular to Ts with scores of 3.18 and 3.11,

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[79] In Table 23, the sequences of actions are obtained by way of averages. Values close to 1 indicate *internal support* (IS), to 2 *predominantly internal support* (PIS), to 3 *predominantly external support* (PES), and to 4 *external support* (ES).

respectively. Nevertheless, the acceptability of the renderings for the two categories shows inverted scores in the two groups. More precisely, an acceptable mean acceptability (MA) index can be observed for Ls with reference to phraseology and for Ts to ST comprehension, perfectly mirrored by an overall semi-acceptable level for both groups in the inverted categories. This finding entails further considerations:

- the familiarity with the textual features and rhetorical conventions of the legal discourse undoubtedly appears to have favoured Ls, who encountered fewer problems with, and spent less time on, phraseology, generally scoring better acceptability indices for these RPs;
- on the one hand, for Ls, it was possibly the foreign language per se that led them to greater difficulty in understanding the ST, rather than the subject-field specificities of the topic dealt with in the text, which they are familiar with; on the other hand, for Ts, translation-specific routines and familiarity with the procedures particular to language transfer proved helpful, especially when paralleled by the use of reliable and pertinent reference sources.

Regarding this last point, it should be remembered here that despite the different sequences of actions identified thus far, a qualitative difference can be observed with reference to the type of sources used by each group, which were online dictionaries, but mostly concordancers, google searches and comparable texts for Ts, vs. a non-specialised online dictionary and machine translation for Ls (cf. 4.6). All these considerations are reflected in the triangulation of data concerning the four RPs relating to ST comprehension. Though problematic for two thirds of Ls (in second place among the three categories), these problems proved to be the least encountered by Ts (50%). Consequently, even the time Ts spent on these items was the lowest average compared to the other categories, i.e. 15.37%, paralleled by a similarly low 18.05% for Ls, again in second place. Further, the score for both groups with reference to the sequence of actions generally followed, i.e. the use and dominance of external sources over one's prior knowledge and intuition, is interestingly equal, almost reaching *simple external support* in all cases. Nevertheless, it was the qualitative use of such

support that proved most successful, especially in the case of legal translation where a simple search for equivalents in a non-specialised bilingual dictionary might not be sufficient: this was the case for Ls, who in fact scored an unacceptable MA index of 0.30. For Ts, though still in the semi-acceptable range, the score is almost double, i.e. 0.52. As a matter of fact, the research for terminological equivalence is a very translation-specific competence, which put Ts in a better position, given that they are more used to selecting more sophisticated and relevant reference sources for their searches.

These findings seem to confirm the conclusions arrived at by Lukkainen (1996): having established that searches do affect the delivery time but not necessarily the final quality of the translation, she suggested that "trainees might be able to develop a more effective translation process by relying more on creativity and the context rather than on reference material."

6.4 Results of the multiple-choice general translation test

As a final testbed for assessing the incidence of thematic competence on the one hand and translation-specific skills on the other, a multiple-choice translation test was adopted at the end of the experiment. The participants were asked to "translate" a 5-sentence ST from English into Italian, by selecting the one accurate TL translation of the ST stem out of four renderings per sentence, the remaining three presenting at least one translation error (Appendix 4). In this case, the participant had to *recognise* the correct answer rather than *produce* the translation; still, given the non-specialised nature of the ST selected, this phase of the experiment was solely aimed at finding a potential window into the different levels of competence of the two groups.

Clearly, though, these results are to be taken with a pinch of salt. First of all, multiple-choice translation tests have been criticised for limiting the trainees' performance creativity (cf. Farahzad 1992). Further, the performance of trainees in translation-production tests and multiple-choice tests has been shown to be different, thus suggesting "a relationship between translation test forms and the translation trainees'

performances on them" (Golavar 2012). Still, this type of test has the advantage of an objective, mechanical assessment (Rahimi 2005).

Interestingly, as emerges from Figure 41, the proportions calculated for the two groups almost perfectly line up with those obtained in the main study. On average, Group L scored a low 41.33% outweighed by an average of 69.33% for Ts. The latter percentage, however, is rather low, considering that the test used for the experiment was a shortened version of an admission test used at the former SSLMIT of the University of Trieste at the beginning of the 2000s, hence a task that should have presumably not posed any particular difficulty to Group T. This result, though, corroborates those discussed by Ahmadi (2011), who reports that "in contradiction of the general assumption that students would perform better on MC translation tests, they performed significantly better on the open-ended translation test", just like Group T in this study. In our case in particular, an explanation might be found in the fact that this exercise was filled in at the end of the actual translation test, which in the case of Ts had an average duration of 108.19 minutes, that is almost twice as long as the delivery time of Ls; hence, fatigue might have in fact affected the performance of Ts. Further, intra-group scores are of relevance here. It should be noted that only one L obtained a good score of 80% and the other fourteen members of Group L scored between 0% and 60%, which resulted in a representative average. By contrast, if the scores below 60% obtained by three Ts (coincidentally, those with the lowest TQIs in the legal translation test, too) are excluded, this group's average score reaches the top range of over 80%.

Figure 41. Scores of the general translation multiple-choice test and legal translation TQI compared
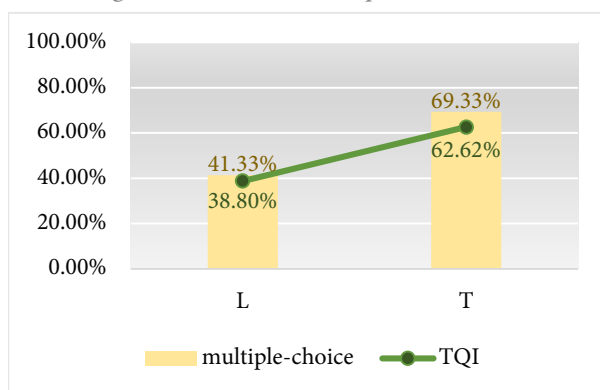
Still, despite the partially disappointing result obtained by Ts, this test seems to further substantiate the findings of this study. Relying on language skills only did not prove sufficient for Group L, while translation-specific experience gave Group T an edge, thus highlighting the specific weight of each component of translation competence. In other words, even when the ST is not of a specialised nature, good quality translations are obtained (or recognised) with a wide range of skills, to be acquired and developed through training and practice.

6.5   Answering the research questions

The main purpose of this study was an attempt to answer the three main research questions presented in Section 2.2. Upon completion of the analyses conducted in this study, tentative answers are finally provided in the following sections.

6.5.1 Answering Q1

The first, overarching research question to this study was the following:

Q1. *Do the different backgrounds of prospective legal translators result in different translation problems? If so, how and to what extent?*

The answer is clearly to be found in the process-oriented data presented in Chapter 4. Without much ado, the answer is "Yes". Further elaboration is however needed with reference to the second part of the question. The initial hypothesis was that Ls would have faced a higher number of problems, mostly of a linguistic nature and that, conversely, Ts would have faced less problems, mostly pragmatic ones, by relying on their translation-specific skills. However, this hypothesis has been at least partially countered by the data obtained. As a matter of fact, not only have Ls faced half as many problems as Ts (24.87 to 55.47), but these problems appear to be spread across the whole model of problem classification. As a result, the number of problems per type faced by each group is almost double in all cases for Ts. Qualitatively speaking, the most significant difference is in the sub-categories *culture-bound* and *phraseology*, i.e. a *content*-related category and a *form*-related one, though both closely linked to thematic competence,

which was in fact assumed to be Group L's trump card. Still, right after *terminology* and *phraseology*, *meaning* proved highly problematic for this group, with their L2 hindering their ST-comprehension despite their familiarity with the topic.

In sum, the different backgrounds of the potential legal translators tasked in this study affected their problematisation degree in both a quantitative and qualitative manner.

6.5.2 Answering Q2

The second research question was the direct consequence of the first:

Q2. Do these problems result in different procedural patterns and/or translation errors?

The different problems discussed in the previous section were evidenced by, and resulted in, very different performances for the two groups. Briefly, while the higher number of problems faced by Group T led to more critical decision-making mechanisms and ultimately fewer errors, the lower level of problematisation displayed by Ls corresponded to a mindless, top-to-bottom approach and a significant number of errors. More specifically, the average problem/error fail ratio was of 33% for Ts, significantly outbalanced by a ratio of 125% for Ls. From a qualitative perspective, the errors produced by Ls tended to be of a more severe nature than those made by Group T. A correlation between translation process and product thus seems to emerge. Despite their lack of specialisation in the legal field, Group T pulled through rather decently owing to their translation-specific skills, which were consistently shown by the group as a whole. By contrast, Ls clearly developed no macro-strategy prior to translating the ST, given that their approach was more literal, and reliant on both their thematic knowledge and English skills. Ultimately, though it is often argued that different processes may lead to equally good-quality translations (e.g. Tirkkonen-Condit 2005, 405–406), at least in the case of this experiment the same and more effective procedural patterns – specifically, a differentiated use of reference sources for different types of problems – resulted in higher quality outputs.

6.5.3 Answering Q3

The final question, of greater breadth, was the following:

Q3. Do translation-specific skills and thematic knowledge carry different weights in the overall translation performance?

The findings of this thesis, observed from both a qualitative and quantitative perspective, seem to suggest that these two different sets of skills alone may indeed carry different weights in the production of the final translated text.

An initial confirmation to this hypothesis has been obtained by comparing the trends observed in this project with those from other studies on (non-specialised) translation (e.g. Tirkkonen-Condit 1992; Krings 2001; A. L. Jakobsen 2002; Barbosa and Neiva 2003; Göpferich 2013; Enríquez Raído 2013). In particular, the "blissfully unaware" (Jääskeläinen 1996, 67) law graduates who participated in the present study appeared to behave like novice translators. Even relying on their greater subject-field knowledge (which is not limited to concepts, but should also extend to text conventions, given Ls' familiarity with legal documents), Group L made a significant number of errors, both procedural and declarative; in other words, their slipups were not limited to formal issues, but also affected the content of the ST itself. This is all the more worrisome, considering that several of them do translate legal documents on an at least occasional basis (cf. 2.4). On the other hand, the trends observed for Group T, who managed to obtain an overall decent performance despite their lack of prior experience with this type of specialised translation, also confirm the results of the above-mentioned studies. In particular, when compared to the conclusions drawn by Quinci with reference to her group of intermediates, i.e. first- and second-year translation trainees at MA level, Group T constituted "a middle stage between inexperienced and professional translators" (2015b, 164).

Looking at the bigger picture, on the one hand what clearly emerges is the need for specialised, differentiated training for both groups of participants in legal translation/discourse as represented in this study. On the other hand, though, the results seem to suggest that a translation background is in fact a fundamental component of legal translation competence, to be integrated with the necessary legal knowledge. Speed, which was in fact one of Ts' main

weaknesses, is closely connected to specialisation, "since a higher level of specialization in a specific area will entail shorter research periods for the translator" (Alcalde Peñalver 2015, 102). The specialisation of translators in specific subject matters is to be viewed "not necessarily as a sequential trajectory but rather in a hierarchical sense" and "should be considered as a sub-component of translation competence and be complemented by further sub-competences, both innate and acquired" (Scarpa and Orlando, forthcoming).

6.6 Competence in legal translation: validation of the QUALETRA model

The points raised in the previous sections point towards the identification of different competence stages for the two groups of participants, whose pitfalls can be traced back onto competence deficits to be developed through adequate training. In addition, the rather decent performance by Group T confirms the fundamental role played by translation-specific competences in the overall performance, even in legal translation. Hence, in this section the competences listed in the QUALETRA model of legal translation competence discussed in 3.3 will be addressed individually to assess their relevance in ensuring translations of a good quality through adequate processes and, ultimately, provide an empirical validation of the model.

6.6.1 Translation service provision competence

The *interpersonal* dimension of this competence (concerning the professional practice of legal translation) in the QUALETRA model was clearly not tested in this context, as it did not directly pertain to the research questions set out for this project. Still, its relevance can be considered to be intact, based on the actual experience of the authors of the model.

Nevertheless, it is its counterpart in the EMT model which proved useful in this test, particularly:

- Knowing how to *plan and manage one's time, stress,*[80] work, budget and ongoing training (upgrading various competences).
- Knowing how to *self-evaluate* (questioning one's habits; being open to innovations; being *concerned with quality*; being *ready to adapt* to new situations/conditions) and take responsibility.

These components have in fact enabled Group T to perform better from a procedural perspective, as observed in Chapter 4.

As for the *production* dimension, the components listed by the QUALETRA research group have proved crucial in ensuring quality:

- Delivering a translation *appropriate to the specific context* and *by reference to source and target legal systems.*
- *Identifying translation problems due to differences between legal systems* and finding appropriate solutions.

Both points proved particularly challenging, for instance, in the translation of 'affray', a term designating two at least partially different crimes in the legal systems involved. Still, as seen in 6.2.3, Group T appeared to perform slightly better in this respect and, more significantly, with reference to problem recognition, thus confirming the basic requirements listed in the EMT model:

- Knowing how to *define and evaluate translation problems* and *find appropriate solutions.*

Further, the superior level displayed by Ts also emerged in the following components, from a process- and subject-oriented perspective, respectively:

- Knowing how to *define stages and strategies* for the translation of a document.
- Mastering the *appropriate metalanguage* (to talk about one's work, strategies and decisions).

6.6.2 Language competence

In general, it has been observed in the thesis that, despite the L2 skills of both groups, language proved problematic and/or resulted in a significant number of form-related errors. As a matter of fact, for both groups language (both LSP and LGP) accounted for

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[80] In this section, in all components quoted from the EMT and QUALETRA models the emphasis has been added to highlight the most relevant aspects having emerged in this analysis.

about half of the total number of errors, mirroring the categories listed in the following component of the QUALETRA model, though it only refers to legal language:

- Mastering *legal language*, including specific writing conventions at the levels of e.g. *grammar, syntax, phraseology, terminology, punctuation, abbreviations*.

Ultimately, despite their presumed, extended familiarity with legal language, Group L did not manage to attain sufficient-quality levels.

6.6.3 Intercultural competence

As regards the *sociolinguistic* dimension of this competence, the following EMT component (which overlaps at least partially with others in both language and thematic competences) was tested:

- Knowing how to *produce a register appropriate* to a given situation, *for a particular document* (written) or speech (oral).

Again, Ts performed better than Ls when observing the error categories of *tailoring* and *idiom*, which might indeed affect the overall register. Though recorded only in modest quantities, such errors can be further reduced in number through adequate training.

Moving on to the *textual* dimension, the abilities required of competent translators were tested through the very text choice for the test, a European Arrest Warrant, whose macro-structure and context of use could be easily retrieved online in its official language versions which were to be maintained without alterations. As a result, the skills put to test – and better mastered by Group T – were the following:

- Mastering the *genre conventions* and *rhetorical standards* of different types of legal document (e.g. doctrine, normative texts, *forms*, certificates, contracts, wills, insurance policies, patents, trust documents, affidavits, directives, power of attorney).
- Analysing the *overall structure of legal documents* (e.g. *EAW template*, judgments) and recognising potential inconsistencies.

In addition, other components proved important for transferring the context of the ST into the translation and maintaining intact at the same time the purpose and references of the document (e.g. type of EAW and

resulting extradition procedure, nature and legal classification of the offences, relevant UK laws):

- Relating a given legal text to its *specific legal context* (e.g. stage of proceedings in source and target legal systems, level of jurisdiction).
- Identifying the *essential information* in and *purpose of legal documents*.
- Preserving the *intertextual nature of a legal document* (e.g. *references to acts, laws*, directives).

An adequate training should help prospective legal translators develop such awareness, which in the present study was mostly displayed (or not) in connection with the following competence, i.e. information mining.

6.6.4 Information mining competence and technological competence (mastery of tools)

Arguably, some of the most significant results of the present study can be summarised in the different levels of proficiency displayed by the two groups of participants with reference to this translation-specific component from the EMT model:

- Knowing how to *identify one's information and documentation requirements*.

As a matter of fact, problem-recognition and resulting searches have proved crucial to the (relative) success in the test. All the QUALETRA components of this competence have been put to test in the experiment, and have been confirmed to be necessary to attain good quality. In particular, Group T proved more familiar with these procedures because of their background, which made them readier to adapt to a new subject-field. Consequently, as observed in Sections 4.6 and 4.7, the cohort of Ts discriminated more critically between (legal) sources to adapt to the specific type of document and jurisdiction and retrieve the necessary information. The following components have thus been confirmed and highlight the need for further, adequate specialisation:

- Identifying *specific legal sources* (e.g. *dictionaries, term bases, glossaries, corpora, experts*) and evaluating their *reliability*.
- Being able to *differentiate between legal sources* with reference to national, international and *EU systems* and jurisdictions.

- Extracting *relevant information* (documentary, terminological, phraseological) *from parallel and comparable documents.*
- Extracting *terminology* from relevant documents.
- Consulting *legal experts* so as to better understand and foresee how legal documents may be interpreted by the parties involved or the competent court or both.

With particular reference to the last point, this was assumed to be implied in the performance of Ls, who however did not display a thorough, systematic and consistent approach (neither as a group nor individually) to adapt the TT for the target reader. By contrast, one participant from Group T did contact a legal expert to better address the differences between the legal systems involved. While this behaviour was not expected in the limited time recommended for the task and given that the translation was to be produced solely for research purposes (and not as part of any formal assessment), it is all the more surprising (and promising) that this was in fact the case.

As for the *technological* competence, the study did not really allow to test the use of pre-made translation memories or glossaries, as the participants had not been informed about the specific text types they were going to translate prior to the test itself, other than given only a vague description of its legal nature. Hence, mastery of tools could not really be observed (especially considering that they all used a computer that was not their own, cf. 2.5), other than in the greater efficiency displayed by Ts in combining different technological resources in the task (e.g. the functionalities of Microsoft Word and the different filtering possibilities offered by online resources):

- Knowing how to *effectively and rapidly integrate all available tools* in a legal translation (e.g. European Arrest Warrant, judgments).

6.6.5 Thematic competence

The fact that Group L had a specialised education background in law was assumed to give them an edge, especially in terms of the following components listed in the QUALETRA model:

- Being familiar with the main *domains and sub-domains of law*.
- Knowing *different procedures in the legal systems involved* (e.g. levels of jurisdiction, legal structures,

institutions, settings).
- Having a general awareness of *current legal issues* and their development in the relevant countries.
- Mastering *legal concepts and terms* in the translation at hand.
- Being aware of *asymmetries between legal concepts in different legal systems* and being able to address them.

By contrast, it was the more general EMT requirements that made a difference in the test, possibly because of the lack of (extensive) prior translation-related experience for Ls and of legal translation experience for Ts (cf. 2.4):

- Knowing how to search for appropriate information to gain a better grasp of the thematic aspects of a document (cf. Information mining competence).
- Learning to develop one's knowledge in specialist fields and applications (mastering systems of concepts, methods of reasoning, presentation, controlled language, terminology, etc.) (learning to learn).
- Developing a spirit of curiosity, analysis and summary.

It could be argued that the very last point was the main pitfall displayed by Group L. In other words, thematic knowledge did not correspond to thematic competence, as evidenced by the subpar performance of Ls from both a process- (and subject-) and product-oriented perspective. By contrast, Ts showed a high level of adaptability, attaining decent results on their first try – which nevertheless suggests the significance of specialised training (cf. 6.5.3).

6.7 Competence-based training recommendations

Based on the conclusions drawn in the previous sections, some competence-based training recommendations are presented in this section.

On the one hand, if the main priority for lawyers (as exemplified by Group L in this study) is the comprehension of a legal document in the foreign language, a focus on the L2 and terminology can in fact be considered sufficient for those learning objectives, as also emerged from the results of the QUALETRA survey (cf. 3.2). Extensive training is instead required if the ultimate goal is to prepare

them as actual legal translators or lawyer-linguists. In this case, translation-specific techniques (as well as the study of the LSP beyond the lexical level)[81] are to be developed and practiced in a thorough manner, considering that the performance of Ls appeared to be subpar with reference to all the competences of the EMT model. Ultimately, a parallel education in both law and languages/translation can be advisable (cf. 1.2.4).

On the other hand, specialised training in legal translation as part of the translator's CPD appears to prove an adequate way to attain good quality. The two main spheres to be addressed in such training would be thematic competence (to be meant here as an umbrella term including not only subject-field knowledge, but also language and intercultural competence for the specific field of legal translation/discourse)[82] on the one hand, and information mining and technological skills on the other. As for the latter, training should help translation graduates optimise their efficiency and effectiveness "through heightened problem awareness, through increased familiarity with resource features and capabilities, and through adequate evaluation, selection and manipulation of resources" (Massey and Ehrensberger-Dow 2011b, 9), which would then positively reflect on their confidence and, in general, on the translation service provision competence as a whole. In other words, as pointed out by Enríquez Raído (2013, 178), "(student) translators would ideally need to develop online information skills that go beyond mere shallow searching and that are closer to an expert, interactionistic, and deep searching style", i.e. to differentiate and manipulate sources to acquire both thematic content and linguistic information in a more reliable and time-efficient manner.

With reference to thematic skills, as was pointed out in 1.2.3, subject-field knowledge – law in this context, though the same could presumably be said for other types of specialised translation – is regarded by most

as an important component of translation competence. As demonstrated in this study, adaptability to any given subject matter appears to be of primary importance, to the point that Kastberg (2009) advocates for specialised translators to be trained as 'personal knowledge managers' rather than 'subject matter experts'. Nevertheless, the present author would recommend a more reliable safety net, in line with the recommendations by Hjort-Pedersen and Faber (2005)[83] to incorporate structured legal knowledge components in translator training as a scaffolding to be further developed during specialisation. More precisely, trainees must be introduced to

> a basic cross-section of legal topics and in the process focus on types of legal situations with legal actors performing legal actions at certain times, in certain manners etc[.] and on how these actors and actions are described by legal communicators. The trainees need to have some sort of general overview to work from, otherwise they may not succeed in their efforts when trying to understand and ultimately translate legal texts.
>
> (Hjort-Pedersen and Faber 2005, 52)

In other words, the scope and extent of the legal knowledge can depend on and vary in accordance with the specific type of training to be offered. Legal translators must be(come) able to understand any legal text by efficiently compensating for any knowledge deficits, reproduce in the TL the genre conventions of a document and accurately transfer its content, by developing routines and creating a trustworthy net of reference sources on which they can rely for any given legal translation task.

6.8 Concluding remarks on the research project

As the end of this thesis approaches, some final remarks should be made to assess the overall adequacy of the project design, implementation of the methodology and resulting output. The next two

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[81] As pointed out by Rogers (2015, 3), though a common misconception, "terminological knowledge is a necessary but insufficient condition for specialised translators to do their job."

[82] On the importance of genre analysis in (a) the legal training for translators, cf., e.g., Rasmussen and Engberg (1999, 131), and Ressurecció, Ezpeleta Piorno and García Izquierdo (2008); and (b) professional legal translation, cf. Borja Albi (2013).

[83] The two authors' 2005 paper to which reference is made here is aptly titled "Legal Translation Training and Recognition of Information Needs. Or: *Should the teaching of subject matter content be a thing of the past?*" (emphasis added).

sections discuss the main strong points (6.8.1) and limitations (6.8.2) of this body of work as a whole.

6.8.1 Main strengths

This section presents what can be considered to be the main strengths of the present study.

Composition of the sample

The distinctive feature of this empirical study was the additional variable of the participants' prior education. As has been observed in 1.2.4, with legal translations being increasingly produced by both professional translators and linguistically-skilled lawyers (cf. Faber and Hjort-Pedersen 2009b, 340), comparing the performance of the two groups helps to identify the training needs and competence requirements in the field. Further, the findings of this study may be deemed a first empirical attempt at testing the notion that "a competent legal translator is first of all a competent translator" (Cao 2007, 39), suggesting that translation-specific training is in fact a fundamental component of (specialised) translation competence.

Dual perspective

By mapping the participants' pitfalls in the TTs back onto their respective procedural patterns, the analysis sought to bridge the gap between process- and product-oriented research (cf. 2.6). Owing to the identification of a causal relationship between competence and quality, the deficits identified in terms of both declarative and procedural knowledge can ultimately be regarded as specific training needs for each group of participants.

Empirical approach and design

The empirical nature of the investigation allowed for the validation of the QUALETRA competence model (cf. Scarpa and Orlando, forthcoming), which had been developed with a theoretical, speculative and experiential approach. Further, this project attempts at filling a gap in legal translation research, by also adopting a process-oriented methodology; to date, only product-related preferences shown by the two groups of participants have been investigated.

Size of the study

The study relied on a rather large group of participants – i.e. 30 – for a single researcher investigating both process- and product-oriented data. The number of variables under consideration, in both quantitative and qualitative terms, was also an added value to this project.

Comparison with previous studies

For each variable discussed, the results were compared with the findings of the latest studies on (non-specialised) translation, in order to find a confirmation for the hypothesis drawn and identify distinctive phenomena in legal translation. In addition, the design closely followed the methodology adopted in another Ph.D. project at the University of Trieste on general translation competence (Quinci 2015b), so as to compare the results using common, inter-subjective variables.

Correlation with writing research

The investigation largely drew on the theory of writing. The materials collected during the experiment thus pave the way for future avenues of research to further bridge the gap between the two branches, by sketching the cognitive, writing profiles of the two groups of participants and investigating different levels of competence.

Practical applications

The competence- and quality-related deficits identified in the thesis can be used for curriculum design and in translator training. Insights into the more successful behavioural patterns, e.g. in terms of pre-reading, consultations of reference sources, and self-revision, and their direct reflection on the final quality of the translated text can be of help for both trainers and trainees in the development of legal translation competence.

6.8.2 Main limitations

As any and all empirical investigations, especially of a large-scale nature, some limitations can be identified with reference to the research design and applicability of the results.

Selection of participants

Due to time constraints and limited availability of lawyers, the selection of participants was based on qualifications and experience (cf. 2.4); no actual admission test for participation in the experiment could thus be performed. Ideally, a preliminary translation and/or language test could have helped minimise intra-group differences, which nevertheless did not appear to majorly impact the results presented in this thesis.

Language pair and direction

One of the main limitations to this study can be identified in the sole language pair adopted for the translation test. As explained in 2.3, such choice was the result of a conscious decision, with English being my main working language and consequently the most convenient for the analysis. Further, English as SL was deemed to be the most likely scenario already experienced by the participants to the study and sufficiently representative of everyday practice. As a result, the language direction also had to be reduced to a single one, i.e. EN>IT, given the skills of and availability granted by the participants.

Text genre

The ST selected being a European document might be a source of scepticism, considering that both the macro-structure and the most frequent terminology can be easily retrieved from the databases of the EU institutions. Further, in the translation task the participants were tested on a single text type rather than on a multitude of documents. Nevertheless, an attempt was made to level out such partialities by selecting segments of the ST where not only EU law, but also national legal systems were involved, so as to actually test the different competences of the participants.

Lack of TAPs

The classification of some of the phenomena observed might have suffered a certain level of subjectivity and/or simplification due to the lack of Think-Aloud Protocols or other types of systematic verbalisation, which would have enabled to actually have the participants describe their cognitive activities rather than have the researcher deduce them from other recorded data. Still, as explained in 2.6.2, it was observed that such data collection method would have slowed down the participants' performance to an extent that was not acceptable, given the limited time availability granted by Group L, and would have been too complicated for this group, given their lack of metalanguage.

Limited observation of the translation product

In this thesis, the analysis of the translation product was limited to the assessment of its quality through error analysis and evaluation of acceptability. Textual patterns and translation strategies were thus not the object of study and could thus be considered a drawback of this project.

Reliability of final results

Both groups participated in the experiment on a voluntary basis and, in the case of Ls, were not granted any sort of reward other than feedback on the quality of their translations; this might have potentially resulted in a lack of motivation and commitment. Since the impact of such phenomenon cannot be objectively measured, it is not possible to draw absolute generalisations based on the final results of the study.

6.9 Future avenues of research

As a first personal attempt at exploring the labyrinth that is legal translation in both practice and training, this study accomplished all the objectives it set out at the very beginning of the project; still, many unventured paths and new interests sprung up while further delving into my research. Hence, though having finally reached Section 6.9, this body of work is really just the beginning of a new pathway of inquiry.

Given the very didactic approach of this study, among the highest, upcoming priorities for me is to adapt the datasets collected for this study into translator training materials. This is particularly interesting when it comes to the recorded translation processes: they might help trainees reflect on and become aware of the most successful decision-making mechanisms by observing the procedural patterns of other (more or less) experienced translators (peer-to-peer learning), on the one hand, and provide trainers with diagnostic tools to assess translation behaviour beyond pure product assessment, on the other (cf. Massey and Ehrensberger-Dow 2011a, 36).

Since it did not fall within the scope of this thesis, intra-group differences have only partially been discussed in this context; nevertheless, the data collected lend themselves to the identification of different behavioural and developmental levels on a more individual basis. In particular, it would be interesting to further adopt the models of text processing and production from the theory of writing to paint both individual and group profiles of the participants as (target) texts producers. For instance,

the phenomenon of *editing* (both online and retrospective in either the *drafting* or *revision* phase) as an indicator of cognitive effort (cf., e.g., Palumbo 2008, 81–105; Ehrensberger-Dow and Perrin 2013, 85) was not the scope of this thesis; however, while the number of revisions was in fact calculated for each participant, a more qualitative analysis of the different types of edit might prove insightful – also when triangulated with the final quality of the translation – from a competence-related perspective.

Moreover, the observation of the translations produced by the participants was limited to the evaluation of their quality, so as to counter or confirm the hypothesis stemmed from the procedural analysis. Nevertheless, the existing corpus might provide fertile ground for further text analysis, with particular reference to the translation strategies adopted by each group of participants. For instance, a comparison might be drawn with the results of studies conducted by Faber and Hjort-Pedersen (2009b; 2009a; 2010) in terms of the preferences towards explicitation and implicitation strategies shown by lawyers and translators like in the present study, so as to assess whether their results are language-specific or -independent.

This very point leads to an additional avenue of future research, i.e. the reproduction of the investigation by application of the methodology implemented here to test additional variables, different language pairs and directions (in particular, German <> English) and using documents from other legal domains, possibly in both a diachronic and synchronic perspective. In particular, it is my intention to newly implement this design in a longitudinal study, to be possibly conducted at the University of Trieste among the students of an upcoming edition of the 2nd level Master in Legal Translation, in order to observe the development of legal translation competence through adequate training, by using STs of an increasing difficulty. In addition, it would be interesting to verge into other fields of specialised translation, e.g. medical translation or technical communication, the latter being the object of study of my MA thesis. Finally, it might be useful comparing the performance of foreign-language learners with no translation-specific qualifications (e.g. S. Campbell 2002; Barbosa and Neiva 2003), who nowadays are increasingly confronted with translation assignments in their daily practice.

Replicability is without a doubt a tall order to fill. As pointed out by Enríquez Raído (2011, 488), "the amount of data generated even with a small cohort is rather overwhelming and suggests, at least to me, that such research is better carried out by a team of researchers as opposed to solo researchers", further quoting the good example of Prof. Göpferich and her colleagues in the TransComp project who made their datasets accessible for cross-institutional research. Nevertheless, the issue of replicability is crucial in testing the reliability of a study with different settings.

Finally, the first steps towards new inquiries have already taken shape: in the very last few months of this Ph.D. project, a comparative analysis has been initiated between the results obtained by Quinci (2015b) for her Ph.D. empirical project on general translation competence and those presented in this thesis, so as to explore the incidence of the specialised nature of a ST on both the translation process and product of trainees.

Key points

The triangulation of process-, subject- and product-based results enabled to identify the procedural patterns which led to better quality in the translation test. In particular:

- a greater deal of processing results in better target texts, as evidenced by Group T's longer delivery times and higher pausing ratios displayed by Group T, who nonetheless should become more time-efficient as a result of adequate training;

- a thorough pre-reading in the orientation phase, which allows for pre-comprehension of the source text and planning of macro- and micro-textual translation strategies, as well as a combined (at least comparative, when not also unilingual) re-reading of the paragraph that had just been translated in the drafting phase and of the whole text in the revision phase – as displayed by Group T – are fundamental steps in assuring translation quality;

- there appears to be an indirect proportion between the number of problems reflected on by Ts and the number of errors they ended up making; by contrast, the lower problematisation exercised by Ls resulted in a higher number of errors. Also with reference to the type of difficulties perceived and errors made, subject-oriented data suggested low problem-recognition skills on the part of the over-confident, yet unprecise, Ls;

- the triangulation of perceived text difficulty, self-assessment and translation quality indices suggests that Ls are too confident and less capable of recognising the difficulty of the given task, while Ts display greater self-consciousness but more objective assessment skills;

- Ls make less searches than they face problems, while Ts seem to perform multiple searches for the same problem; while this undoubtedly prolonged Ts' delivery times, it also resulted in better renderings thanks to a more careful and differentiated use of reference sources.

Like in the main study, Group T decidedly outperformed Group L also in the multiple-choice translation test (on a non-specialised source text) conducted at the end of the experiment as a final testbed for assessing the incidence of thematic competence on the one hand and translation-specific skills on the other.

The identification of different competence stages for the two groups of participants seems to confirm the fundamental role played by translation-specific competences in the overall performance, while still highlighting the need for specialised training to address the participants' pitfalls in the translation process and product as competence deficits. It was in fact the strategic competence that proved to be crucial in the experiment, collecting most of the differences between the two groups; similarly, the information mining competence appeared to favour Ts, who resorted to more relevant reference sources.

The trends observed through the triangulation of all data collected allows for the empirical validation of the QUALETRA model for legal translation competence as an expansion to the EMT model, on the one hand, and the grounding of the notion that "a competent legal translator is first of all a competent translator" (Cao 2007, 39).

While having accomplished the objectives set out at the beginning, this explorative investigation brought to light a series of unventured paths, which might be worth further inquiry. For example, the investigation could expand to other language pairs and directions, include further data-collection methods, focus on different text genres or types of (non-)specialised translation, so as to find out whether the same trends can be observed.

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Appendices

Appendix 1
Unedited source text[84]

EUROPEAN ARREST WARRANT

(Part 3 Warrant issued under section 142 of the Extradition Act 2003)

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution, sentencing following conviction, or executing a custodial sentence or detention order.

_____

(a)   Information regarding the identity of the requested person:

Surname:	▮▮▮
Forename(s):	▮▮▮
Maiden name, where applicable:	Not applicable
Aliases, where applicable:	Not applicable
Sex:	Male
Nationality:	▮▮▮
Date of birth:	▮▮▮
Place of birth:	Madeira, Portugal
Residence and/or known address:	▮▮▮

Language(s) which the requested
person understands (if known):   Portuguese and English

Distinctive marks/description
of the requested person: Shoe size - ▮▮, Eyes ▮▮, Right
Handed, ▮▮ scar on left arm.

See photographs attached for further details

A photograph of requested person is attached. For DNA and fingerprint information please contact:

Name: ▮▮▮

Address: Work Place Violence Unit, Metropolitan Police Safer Transport
Command, ▮▮▮
London ▮▮▮

Telephone	▮▮▮
Mobile	▮▮▮
Fax	▮▮▮
E-mail -	▮▮▮

_____

[84] The present text belongs to the QUALETRA WS2 Corpus consisting of authentic anonymised European Arrest Warrants and can be accessed at the following address: <http://www.eulita.eu/qualetra-final-report-package>

(b)   Decision(s) on which the warrant is based:

1.   Arrest warrant(s) or judicial decision(s)
      having the same effect:

- Arrest warrant issued on the 12 October 2010 in the Crown Court at Kingston-Upon-Thames for failing to surrender to bail contrary to section 6 bail Act 1976
- First instance arrest warrants issued on the 13 April 2011 by Camberwell Magistrates Court for
  1. Affray contrary to section 3 Public Order Act 1986
  2. Possessing an offensive weapon contrary to section 1 Prevention of Crime Act 1953

Type (accused or convicted)   Accused

2.   Enforceable judgement(s):   Not applicable

      Reference   Not applicable

(c)   Indications on the length of the sentence:

1.   Maximum length of the custodial sentence or detention order that may be imposed for the offence(s):

1. Theft   Seven years' imprisonment
2. Affray: Three years' imprisonment
3. Possession of an Offensive Weapon: Four years' imprisonment
4. Failing to surrender to bail   Twelve months' imprisonment

2.   Length of the custodial sentence
      or detention order imposed: Not applicable

      Remaining sentence to be served: Not applicable

(d)   Decision rendered in absentia and:

-    the person concerned has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia

      or

-    the person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees can be given in advance)

Specify the legal guarantees

Not applicable

(e)   Offences:
This warrant relates to in total: four offences

(1) **Theft, contrary to section 1 (1) of the Theft Act 1968**

(2) **Affray, contrary to section 3 of the Public Order Act 1986**

(3) **Possession of an Offensive Weapon, contrary to section 1 Prevention of Crime Act 1953,**

(4) **Failing to surrender to bail, contrary to section 6(1), (5) and 7(1) Bail Act 1976**

The following statement is made pursuant to Section 142(4) of the Extradition Act 2003:

The person in respect of whom this warrant is issued is accused in the United Kingdom of the commission of the extradition offences detailed in the warrant. The warrant is issued with a view to his arrest and extradition to the United Kingdom for the purpose of being prosecuted for these offences.

It is hereby certified pursuant to Section 142(6) of the Extradition Act 2003 that:

(a) none of the conduct set out below constituting the extradition offences specified falls within the European Framework List.

(b) the offences are not extra-territorial offences;

(c) the maximum punishment for each offence is set out in section C above.

Statement

I am satisfied that a Crown Prosecutor in the Crown Prosecution Service, whose function is to decide whether or not to prosecute an individual for the alleged commission of criminal offences, has decided to charge the person named herein and to try him for the offences specified above and for which this warrant is issued.

Description of the circumstances in which the offences were committed, including the time, place and degree of participation in the offences by the requested person:

On ██ March ████ ██ ██████ entered the Sainsbury's store in ███████████████, ████████ and took a bottle of vodka from the shelf and placed it in a Sainsbury's carrier bag he had in his possession. He attempted to leave the store without making any attempt to pay for the item. This was observed on shop security cameras. ██ ████████ was confronted by security staff. He pushed and punched the security officer and ran across the road. He was detained on ████████████████ and escorted back to Sainsbury's where he was arrested for Common Assault and Theft by the police.

In interview he denied the allegations stating that he had entered the store and placed items in his basket wishing to purchase them. He then received a call from his girlfriend who told him that she had already bought the drinks and that he did not need to buy them. He stated that he had replaced the items on the shelf and left the empty basket in the store. He further stated that he was confronted by the security

guard at the door as he tried to exit and that the security guard grabbed him so he pushed the security guard in self defence.

He was charged with Common Assault and Theft on the 12 April 2010 and attended the South Western Magistrates Court on the 27 April 2010 where he pleaded not guilty. He elected trial at the Crown Court. The case was adjourned to Kingston Crown Court. He appeared at Kingston Crown Court on the ▆ July ▆▆▆. The case was adjourned for trial to start on or after the ▆▆ December ▆▆▆. He was given the usual warning that should he fail to attend court without good reason a warrant for his arrest will be issued and the case may proceed to trial in his absence.

The solicitors acting for Mr ▆▆▆▆ had lost all contact with him. The case was listed on the 12th October 2010. Mr ▆▆▆▆ did not attend and a warrant for his arrest was issued by the Court.

On 21 March 2010 a bus was collecting passengers at a bus stop on ▆▆▆▆▆▆▆ ▆▆▆▆, ▆▆▆▆▆▆ ▆▆▆. Mr ▆▆▆▆ had previously been arguing with persons who had boarded the bus.

Mr ▆▆▆▆ walked towards the bus carrying a long metal pole. He smashed through the rear doors of the bus using the pole, boarded the bus and shouted towards persons on that bus putting them in fear for their safety. He then left the bus and walked away from the scene. The offence is recorded on the bus camera.

The persons who were in dispute with Mr ▆▆▆▆ refused to make any statements. Statements were given to the Police by several passengers who were on the bus and also put in fear for their safety. The damage to the bus was estimated to be £658.66

A television appeal was aired on the UK Crime watch programme on ▆▆ March ▆▆▆▆, showing the camera footage from the bus. Police received information on ▆▆ April 2011 that Mr ▆▆▆▆ had returned to Madeira in order to escape prosecution.

Europol have confirmed that Mr ▆▆▆▆ was issued with Identification documents in Madeira on the ▆▆ November 2010 reference number ▆▆▆▆▆▆.

At the time of these offences Mr ▆▆▆▆ was on police bail for the offences committed on the ▆▆ March 2010.

Nature and legal classification of the offence(s) and the applicable statutory provision / code:

Theft contrary to section 1(1) and 7 of the theft Act 1968

Theft is defined as follows

Section 1 (1) A person is guilty of theft if he dishonestly appropriates any property belonging to another with the intention of permanently depriving the other of it.

Section 7, A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding 7 years

Affray, contrary to section 3 (1) and (7) Public Order Act 1986

Section 3 (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years..

Possession of an Offensive Weapon, contrary to section 1 (1) and (b) Prevention of Crime Act 1953,

Section 1 (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable
(a)
(b) on conviction on indictment, to imprisonment for a term not exceeding four years..

of the Prevention of Crime Act 1953 prohibits the possession in any public place of an offensive weapon without lawful authority or excuse.

(4) The term 'offensive weapon' is defined as: "*any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use*".

Offence of absconding by a person released on bail Section 6(1) Bail Act 1976

The relevant provisions of the Bail Act 1976 provide that:

6(1) – If a person who has been released on bail in criminal proceedings fails without reasonable cause to surrender to custody he shall be guilty of an offence.   .....

6(5) – an offence under subsection (1) ... above shall be punishable ... as if it were a criminal contempt of court

6(7)- .....a person who is committed for sentence or is dealt with as for such a contempt shall be liable to imprisonment for a term not exceeding 12 months...

7 (1) If a person who has been released on bail in criminal proceedings and is under a duty to surrender into the custody of a court fails to surrender to custody at the time appointed for him to do so the court may issue a warrant for his arrest.

For failing to appear to bail the maximum sentence is 12 months imprisonment.

By the terms of a Practice Direction issued in 2004, dealing with procedure:

a. Where bail was granted by the court it is more appropriate that the court itself should initiate the proceedings by its own motion. The Court will be invited to take proceedings by the prosecutor, if the prosecutor considers proceedings are appropriate
b. Where the Court is invited to take proceedings by the prosecutor, the prosecutor will conduct the proceedings and, if the matter is contested, call the evidence. Where the court initiates proceedings without such an invitation the same role can be played by the prosecutor at the request of the court, where this is practicable.

There is no time limit on the institution of proceedings by the Crown for the offences for which this warrant relates.

I.   If applicable, cross one or more of the following offences punishable in the issuing Member State by custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State.

- [ ] participation in a criminal organisation;
- [ ] terrorism;
- [ ] trafficking in human beings;
- [ ] sexual exploitation of children and child pornography;
- [ ] illicit trafficking in narcotic drugs and psychotropic substances;
- [ ] illicit trafficking in weapons, munitions and explosives;
- [ ] corruption;
- [ ] fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;
- [ ] laundering of the proceeds of crime;
- [ ] counterfeiting of currency, including the euro;
- [ ] computer-related crime;
- [ ] environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- [ ] facilitation of unauthorised entry and residence;
- [ ] murder, grievous bodily injury;
- [ ] illicit trade in human organs and tissue;
- [ ] kidnapping, illegal restraint and hostage taking;
- [ ] racism and xenophobia;
- [ ] organised or armed robbery;
- [ ] illicit trafficking in cultural goods, including antiques and works of art;
- [ ] swindling;
- [ ] racketeering and extortion;
- [ ] counterfeiting and piracy of products;
- [ ] forgery of administrative documents and trafficking therein;
- [ ] forgery of means of payment;
- [ ] illicit trafficking in hormonal substances and other growth promoters;
- [ ] illicit trafficking in nuclear or radioactive materials;
- [ ] trafficking in stolen vehicles;
- [ ] rape;
- [ ] arson;
- [ ] crimes within the jurisdiction of the International Criminal Court;
- [ ] unlawful seizure of aircraft' ships'
- [ ] sabotage

II. Full title(s) and descriptions of offence(s) not covered by section I above:

Affray, contrary to section 3 Public Order Act 1986

Possession of an Offensive Weapon, contrary to section 1 Prevention of Crime Act 1953,

Theft contrary to section 1(1) and 7 Theft Act 1968

Failing to surrender to bail contrary to section 6(1) and 7 (5) Bail Act 1976

(f)   Other circumstances relevant to the case (optional information):
(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

United Kingdom law provides that a person surrendered to the United Kingdom by a Member State of the European Union shall not be surrendered to another Member State pursuant to a European arrest warrant, in respect of an offence committed or alleged to have been committed before his surrender by a Member State to the

United Kingdom, save only where the Central Authority of the surrendering Member State gives its consent.

The relevant United Kingdom law is set out in Section 18 of the Extradition Act 2003 which states as follows:

'A person's extradition to a category 1 territory is barred by reason of his earlier extradition to the United Kingdom from another category 1 territory if (and only if) –

(a) the person was extradited to the United Kingdom from another category 1 territory (the extraditing territory);

(b) under arrangements between the United Kingdom and the extraditing territory, that territory's consent is required to the person's extradition from the United Kingdom to the category 1 territory in respect of the extradition offence under consideration;

(c) that consent has not been given on behalf of the extraditing territory.'

Section 96 of the Extradition Act 2003 sets out the bars upon the extradition of a person, who has been surrendered pursuant to a European arrest warrant, to a third state, i.e. a category 2 territory under the Extradition Act 2003. Section 96 states as follows:-

'The Secretary of State must not order a person's extradition to a category 2 territory if –

(a) the person was extradited to the United Kingdom from another territory (The extraditing territory);

(b) under arrangements between the United Kingdom and the extraditing territory, that territory's consent is required to the person's extradition from the United Kingdom to the category 2 territory in respect of the extradition offence under consideration;

(c) that consent has not been given on behalf of the extraditing territory.'

(g) This warrant pertains also the seizure and handling over of property that may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known):   Not applicable

---

(h) The following offence(s) on the basis of which this warrant has been issued are punishable by a custodial life sentence or lifetime detention order:

Not applicable

(i)   The judicial authority that issued the warrant:

Name of the issuing Judge: ▄▄▄▄▄▄▄ .

Title: District Judge

Name of the court: ~~████████████████████~~

Address: ~~████████████~~, London ~~█████~~, United Kingdom

Tel No.: (country code) (area/city code) (44) (0) ~~████████~~

Fax No. (country code) (area/city code) (44) (0) ~~████████~~

E-mail: Not applicable.

Contact details of the person to contact to make necessary practical arrangements for the surrender:

Name: ~~████████████~~

Address: Work Place Violence Unit, Metropolitan Police Safer Transport Command, ~~████████████████████████~~, London ~~██████~~

Telephone	00 44 ~~████████~~
Mobile	00 44 ~~████████~~
Fax	00 44 ~~████████~~
E-mail -	~~████████████~~

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants:

Name of the central authority: **Serious Organised Crime Agency**

Contact person: **Fugitives Manager**
Fugitives Unit,
Serious Organised Crime Agency,
PO Box 8000, London SE11 5EN.

Tel. No.: (country code) (area/city code):   **(44) (0) 207 238 8555**

Fax No.: (country code) (area/city code):   **(44) (0) 207 238 8112**

E-mail: **london@soca.x.gsi.gov.uk**

Signature of the issuing Judge:

.... ~~████████~~

Name: ~~████████~~

Title: District Judge

Date: ~~████████~~   *13.40 hours*

Official stamp (if available).

Appendix 2
Edited source text

EUROPEAN ARREST WARRANT
(Part 3 Warrant issued under section 142 of the Extradition Act 2003)

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution, sentencing following conviction, or executing a custodial sentence or detention order.

_____

Nature and legal classification of the offence(s) and the applicable statutory provision / code:

Theft contrary to section 1(1) and 7 of the theft Act 1968

Theft is defined as follows

Section 1(1) A person is guilty of theft if he dishonestly appropriates any property belonging to another with the intention of permanently depriving the other of it.

Section 7 A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding 7 years.

Affray, contrary to section 3 (1) and (7) Public Order Act 1986

Section 3 (1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years.

_____

United Kingdom law provides that a person surrendered to the United Kingdom by a Member State of the European Union shall not be surrendered to another Member State pursuant to a European arrest warrant, in respect of an offence committed or alleged to have been committed before his surrender by a Member State to the United Kingdom, save only where the Central Authority of the surrendering Member State gives its consent.

The relevant United Kingdom law is set out in Section 18 of the Extradition Act 2003 which states as follows:

A person's extradition to a category 1 territory is barred by reason of his earlier extradition to the United Kingdom from another category if (and only if):

   (a) the person was extradited to the United Kingdom from another category 1 territory (the extraditing territory);

   (b) under arrangements between the United Kingdom and the extraditing territory; that territory's consent is required to the person's extradition from the United Kingdom to category 1 territory in respect of the extradition offence under consideration;

   (c) that consent has not been given on behalf of the extraditing territory.

Section 96 of the Extradition Act 2003 sets out the bars upon the extradition of a person, who has been surrendered pursuant to a European arrest warrant to a third state, i.e. a category 2 territory under the Extradition Act 2003.

Appendix 3
Consent form

PRESENTAZIONE DEL PROGETTO DI RICERCA

Daniele ORLANDO
Ph.D. in Translation Studies
Dipartimento di Scienze Giuridiche, del Linguaggio, dell'Interpretazione e della Traduzione (IUSLIT)
Via F. Filzi 14 – 34132 Trieste, Italy
http://www.dslit.units.it/DOA
daniele.orlando@phd.units.it

Titolo	*Quality of Legal Translation:* *An Investigation into Translation Problems Faced by Trainees*
Obiettivi	• Osservare se i problemi traduttivi incontrati nella traduzione di testi giuridici dipendono dal diverso percorso formativo (giuridico o linguistico) del traduttore. • Individuare eventuali tendenze comuni nell'operato di traduttori con un simile percorso formativo, dal punto di vista qualitativo e quantitativo. • Valutare l'impatto dei problemi traduttivi sulla resa finale. • Sulla base dei problemi eventualmente identificati, tracciare un profilo del traduttore giuridico a fini didattici.
Durata del progetto	Gennaio 2013 – Dicembre 2015
Campione	a) Studenti della Laurea Magistrale in Traduzione specialistica (SSLMIT, Università degli Studi di Trieste) b) Giuristi (Facoltà di Giurisprudenza, Università degli Studi di Genova)
Prova di traduzione	• 1 traduzione dall'inglese all'italiano • Un breve testo giuridico, per un massimo di 500 parole. • Durata massima suggerita: 2h • Risorse utilizzabili: tutte. NB: Ai soli fini dell'analisi, l'attività a schermo durante lo svolgimento della prova verrà registrato attraverso un apposito software di *screen recording* e *keystroke logging*; le registrazioni saranno comunque rese anonime per ogni eventuale utilizzo.
Questionari	Alla fine della traduzione, verrà somministrato un brevissimo questionario sulla prova appena svolta, con domande prevalentemente a risposta chiusa.
Analisi dei dati	Analisi qualitativa e quantitativa del processo traduttivo.
Pubblicazioni previste	Tesi di dottorato in lingua inglese. Sono previste ulteriori pubblicazioni e partecipazioni a convegni per presentare i risultati della ricerca.

DICHIARAZIONE DI CONSENSO

Io sottoscritto…………………………………………………….. dichiaro di avere ricevuto dal dott. Daniele Orlando

(nome e cognome per esteso del partecipante)

esaurienti spiegazioni in merito alla Mia partecipazione allo Studio sopra descritto.

Sono consapevole che la Mia partecipazione alla Ricerca sia volontaria. Sono stato informato del Mio diritto di avere libero accesso alla documentazione relativa alla Ricerca.

Sono inoltre consapevole che secondo il rispetto della normativa vigente i Miei dati personali saranno utilizzati esclusivamente per scopi di ricerca accademica.

Data

Firma del Partecipante

Firma del Ricercatore

Appendix 4
Multiple-choice general translation test

TEST: traduzione in italiano dall'inglese

Scientists have long known that hominids arose in Africa, and for the first few million years they stayed there. But at some point our ancestors began to move out of their motherland, marking the start of global colonization. Determining why and when they left, however, has proved difficult because of the scarcity of early human fossils. Now two ancient skulls from the Republic of Georgia provide the strongest evidence yet of the first humans to journey out of Africa. According to a report in the May 12 Science, they appear to have accomplished this far earlier - and with a much more modest technology - than many investigators had expected.

Per ciascuna frase del brano vengono proposte quattro traduzioni, tre delle quali contengono uno o più errori. Si indichi, barrando la lettera relativa, la traduzione migliore.

1. Scientists have long known that hominids arose in Africa, and for the first few million years they stayed there.
A. Gli scienziati hanno a lungo saputo che gli ominidi sono apparsi in Africa e che ci sono rimasti per alcuni milioni di anni.
B. Gli scienziati hanno ritenuto per lungo tempo che gli ominidi avessero avuto origine in Africa e che vi fossero rimasti per pochi milioni di anni.
C. Per molto tempo gli scienziati hanno saputo che gli ominidi comparirono in Africa e durante i primi milioni di anni rimasero lì.
D. Gli scienziati sanno da tempo che gli ominidi comparvero in Africa, dove rimasero per alcuni milioni di anni.

2. But at some point our ancestors began to move out or their motherland, marking the start of global colonization.
A. Ma ad un certo momento i nostri antenati cominciarono a spostarsi dalla loro madrepatria, segnando l'inizio della colonizzazione globale.
B. A un certo punto, però, i nostri antenati cominciarono ad abbandonare la terra d'origine dando l'avvio alla colonizzazione del pianeta.
C. A un certo momento, però, i nostri antenati hanno iniziato a spostarsi dal loro paese d'origine, dando avvio alla colonizzazione globale.
D. Ma ad un certo punto, i nostri antenati hanno cominciato a spostarsi dalla madrepatria, dando così adito alla colonizzazione mondiale.

3. Determining why and when they left, however, has proved difficult because of the scarcity of early human fossils.
A. Tuttavia stabilire il motivo e il periodo di questa migrazione si è rivelato difficile per il numero esiguo di reperti fossili dei primi esseri umani.
B. Tuttavia stabilire perché e quando partirono si è rivelato difficile a causa della scarsità dei primi fossili umani.
C. Ad ogni modo, si è rivelato difficile determinare perché e quando questi migrarono a causa della scarsità di fossili umani primitivi.
D. A causa della scarsità di resti umani primitivi pervenutici è purtroppo difficile stabilire il motivo e il periodo esatto della loro partenza.

4. Now two ancient skulls from the Republic of Georgia provide the strongest evidence yet of the first humans to journey out of Africa.

A. adesso due antichi teschi provenienti dalla Repubblica della Georgia forniscono le maggiori prove dei primi esseri umani che si allontanarono dall'Africa.

B. Tuttavia, ora due antichi crani ritrovati nella Repubblica di Georgia forniscono una prova molto evidente dei primi esseri umani ad aver lasciato l'Africa.

C. Ora due crani antichissimi riportati alla luce nella Repubblica della Georgia costituiscono la prova finora più convincente della migrazione dei primi esseri umani dall'Africa.

D. Ora due antichissimi teschi provenienti dalla Repubblica della Georgia recano la prova finora più evidente dei primi uomini che uscirono dall'Africa.

5. According to a report in the May 12 Science, they appear to have accomplished this far earlier and with a much more modest technology - than many investigators had expected.

A. Stando ad un articolo apparso sul Science del 12 maggio, sembra che essi lo abbiano fatto molto prima - e con una tecnologia molto più modesta - di quanto molti studiosi non si fossero aspettati.

B. Un articolo comparso sul Science del 12 maggio dimostra che gli ominidi intrapresero il loro viaggio molto presto e con a disposizione tecnologie di gran lunga più modeste, smentendo quindi le stime di molti ricercatori.

C. In un articolo apparso su Science del 12 maggio si legge che gli ominidi compirono quest'impresa in tempi ben più antichi (e utilizzando una tecnologia molto più rudimentale) di quanto avessero previsto molti ricercatori.

D. Secondo una relazione apparsa in Science del 12 maggio, pare che vi siano riusciti molto presto e con una tecnologia più modesta di quella che molti ricercatori si erano immaginati.

Appendix 5
Post-task questionnaire

NOME: _____

ETÀ: _____

POSIZIONE: _____

1. Come hai sviluppato la tua conoscenza dell'inglese? <u>(possibile segnare più risposte)</u>
□ scuola media
□ scuola superiore
□ università
□ soggiorni all'estero
□ lezioni private
□ corsi di lingua per certificazioni linguistiche
□ corrispondenza
□ pubblicazioni
□ Altro (specificare: …………………….)
Per quanti anni l'hai studiato / da quanti anni lo studi? _____

2. Hai mai tradotto testi simili?
□ Sì
□ No

3. Hai mai svolto altre attività di traduzione?
□ Sì
□ No
Se sì, con quale regolarità? (specificare: ……………………)

4. Come hai trovato il testo da tradurre?
□ Molto semplice
□ Semplice
□ Accessibile
□ Difficile
□ Molto difficile

5. Come hai trovato il tempo a tua disposizione (2 ore)?
□ Eccessivo
□ Proporzionato al compito traduttivo
□ Insufficiente

6. Prima di iniziare a tradurre, hai letto:
□ Tutto il testo per intero
□ Tutto il testo ma in parti per avere un'idea generale
□ Il paragrafo che di volta in volta ti apprestavi a tradurre
□ Il periodo che di volta in volta ti apprestavi a tradurre

□ La frase che di volta in volta ti apprestavi a tradurre
□ Altro (specificare: ……………………)

7. Di quali strumenti ti sei servito/a per le ricerche? <u>(possibile segnare più risposte)</u>
□ Dizionari bilingui on line
□ Dizionari bilingui su CD-ROM
□ Dizionari bilingui cartacei
□ Dizionari monolingui on line
□ Dizionari monolingui su CD-ROM
□ Dizionari monolingui cartacei
□ Ricerche su Google (occorrenze, testi paralleli...)
□ Glossari
□ Altro (specificare: ……………………)

8. Quali strumenti usi solitamente per risolvere problemi di comprensione quando leggi testi in lingua inglese?

9. Le difficoltà che hai trovato nel testo erano principalmente dovute <u>(possibile segnare più risposte)</u>:
□ Alla comprensione del significato/informazioni contenute nel testo
□ Alla comprensione del testo per il linguaggio utilizzato
□ Alla terminologia
□ Alla struttura sintattica
□ Altro (specificare: ……………………)
□ Non ho avuto particolari difficoltà

Evidenzia nel testo le maggiori difficoltà

10. Hai effettuato una revisione del testo prima di consegnarlo?
□ Sì
□ No
Se sì, come? <u>(possibile segnare più risposte)</u>
□ Finita la traduzione, l'ho riletta per intero
□ Rivedevo ogni paragrafo dopo averlo terminato
□ Rivedevo ogni periodo dopo averlo terminato
□ Rivedevo ogni frase dopo averlo terminata
□ Altro (specificare: ……………………)

11. Nel rivedere il testo:
□ ho riletto solo la mia traduzione, senza confrontarla con il testo di partenza
□ ho sempre confrontato la mia traduzione con il testo di partenza
□ Altro (specificare: ……………………)

12. Dai un voto alla tua traduzione (1 min – 10 max):

Se hai altre osservazioni, puoi utilizzare lo spazio qui sotto. Grazie mille della collaborazione!

Appendix 6
Instructions for the identification of Rich Points

1. Leggere integralmente (titolo compreso) il testo di partenza ed evidenziare i punti del testo che secondo voi, per la vostra esperienza diretta nel tradurlo, possono rappresentare dei problemi di traduzione.

Si tratta di quei **punti che non consentono una traduzione immediata verso l'italiano,** di seguito definiti "punti problematici": può trattarsi di singole parole o termini, sintagmi o parti di periodo più estese, ma comunque non superiori al periodo stesso (da un punto fermo al successivo).

2. Individuare i punti problematici ed evidenziarli in giallo sul testo (esempio).

3. Copiarli nella tabella sotto il testo di partenza **in ordine di difficoltà decrescente, ovvero da quello che ritenete il problema più difficile a quello più semplice**.

4. Completare poi la tabella (pag. 3 di questo documento) inserendo per ogni punto problematico il relativo tipo di difficoltà, scegliendo tra:

- **Difficoltà terminologica**, nel caso di un termine tecnico.

- **Difficoltà di riformulazione lessicale**: pur essendo facilmente comprensibile in inglese, la parola/il sintagma non ha un equivalente diretto adeguato in Italiano o non è facilmente traducibile.

- **Difficoltà di riformulazione sintattica**: pur essendo facilmente comprensibile in inglese, il periodo presenta una struttura sintattica che non può essere facilmente trasposta in Italiano.

- **Difficoltà nella comprensione del testo**: una parola/un sintagma/una parte di testo non è di facile o immediata comprensione.

- **Espressione idiomatica**, non facilmente traducibile in italiano.

- **Altro**: aggiungi tu una spiegazione quanto più chiara possibile del tipo di difficoltà.

NB: I punti problematici individuati devono essere **ALMENO** dodici (12), ma non c'è comunque un limite al numero massimo di punti identificabili.

5. Salvare il file con la vostra analisi in .doc o .docx rinominandolo come:

RP_EAW_VOSTRO COGNOME (ad es. RP_EAW_ORLANDO) e inviarlo a daniele.orlando@phd.units.it

GRAZIE!

Difficoltà DECRESCENTE (dal più al meno difficile)	PUNTO PROBLEMATICO (parte del testo)	Tipo di difficoltà (tra quelle indicate)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Appendix 7
Instructions for the assessment of Rich Points

Per ogni soluzione traduttiva vanno valutate tre diverse variabili (PACTE 2009:127):

1. **meaning** of the source text;
2. **function** of the translation (within […] the readers' expectations, genre conventions in the target culture); and
3. use of appropriate **language**.

Ogni variabile va valutata adottando la scala *accettabile* (A), *parzialmente accettabile* (SA), *non accettabile* (U), come nella seguente griglia:

	MEANING	FUNCTION	LANGUAGE
(A) **Acceptable Solution**	Soluzione che attiva *tutte* le connotazioni importanti del TP	Soluzione *adeguata* alla funzione del testo (tiene conto del translation brief, del lettore e delle convenzioni del genere testuale nella cultura di arrivo)	Soluzione *corretta*
(SA) **Semi-acceptable Solution**	Soluzione che attiva *alcune* delle connotazioni importanti del TP e *mantiene la coerenza* del TA nel suo contesto	Soluzione *parzialmente* adeguata alla funzione del testo (ad es.: inutile nota a piè di pagina, spiegazione inutilmente lunga, etc.)	Soluzione *non del tutto* corretta (ad es.: ortografia, registro inadeguato, errori grammaticali che non inficiano il messaggio, ridondanza, etc.)
(U) **Unacceptable Solution**	Soluzione che *non* attiva nessuna delle connotazioni importanti del TP e/o attiva delle connotazioni *non* coerenti con il contesto	Soluzione *non* adeguata alla/ coerente con la funzione del testo	Soluzione *non* corretta

(Adattamento da PACTE 2007:107)