



### Conference Tracks

Legal Translation Workshop

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Translation and Terminology

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Legal Resources

LR

Professional Development

PD

## ABSTRACTS BOOK

Ana Soares

### Common Law vs. Civil Law: Comparing the English and Portuguese Legal Systems

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One of the biggest struggles for those translating from English into Portuguese emerges from the differences between systems of common law and civil law. It is generally understood that legal translating requires a grasp of the legal systems involved. As language is of the essence when it comes to law, the legal translator has to bear in mind not only the rules of a foreign language, but also the rules of a foreign legal system. Thus those speaking different languages but within the same or similar type of legal system can find it easier to translate than those speaking the same language, but belonging to a different legal system. In a very practical approach we will be looking at the main differences between the two legal systems and in particular the comparison between English and Portuguese law regarding sources of law, interpretation of law and the justice system whenever possible finding common ground between the two systems in order to assist in the legal translator.

Session will be delivered in Portuguese.

Antoinette Dop

### Why Roman law still matters to legal translators

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Short history of the differences between common law and civil law.

Civil law: 1. Increasing importance of the cities in the Middle Ages/ early Renaissance. Adoption of Roman law. Study of Roman law at universities.

2. Enlightenment and the codification. Code Napoleon.

Common law: 1. 1066 Battle of Hastings, the arrival of William the Conqueror in England. Introduction of the common law, which eradicated all law systems existing in England at the time. 2. Centralised administration of justice. 3. Special position of property law. 4. Result: no codification, judge-made law and a limited influence of Roman law.

How can this be relevant for today's legal translators?

The purpose of the translation of a legal document. English as *the lingua franca* of the world; legal translations into English are meant for the country the client does business in.

International legal English: does it exist?

A legal translator must have legal knowledge. Knowledge of two law systems: the law system which governs the source legal document and the law system of the target language. Is that possible or needed and how does it work in practice?

Sources available for the legal translator. How does he go about making the right choices?

5. International legal English: does it exist?
  6. Special position of English property law versus (Dutch) property law: reliance on Roman law for translations. Examples: right of superficies, right of servitude, right of emphytheusis, rights in rem, rights in personam.
  7. Literal translation or a free translation? Translators are taught always to mistrust literal translations; but should that also be the case in legal translating?
  8. Lessons for translators in all language combinations.
- Session will be delivered in English.

**Carmen Bestué Salinas / Olga Torres-Hostench**

#### **How to make the most of e-resources for legal translators**

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Traditionally legal translation was a specialist field considered outside the scope of the use of new technologies. The improvements to these types of tools in recent years, as well as the perfecting of automatic translation programs, with the incorporation of a large volume of legal corpora and easier access to online documentation, have changed the paradigm of this field of translation. Translators and lawyers working in this field search on the Internet for glossaries, reference texts, parallel documents and forums, an overall high time-consuming task. Legal translators have a myriad of legal resources available. It is true that quality of legal translations has improved dramatically since the introduction of the Internet as an information source in the legal translator's routine. However, it has not made easier translator's work. On the contrary, a perfectionist translator now spends plenty of time searching for an answer and understanding the legal context in full. In our presentation we will first review which current e-resources for legal translators are more useful and how to apply them to a specific translation problem. Secondly, in the presentation we will show how to combine some of the existing resources such as translation memories, parallel texts and alignment functions to improve productivity in a real translation project.

Session will be delivered in English.

**David Hardisty**

#### **Using the DGT-TM in SDL Trados Studio and Wordfast Classic to access the Acquis Communautaire directly**

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The Acquis Communautaire is the entire body of European legislation, including treaties, regulations and directives, adopted by the European Union (EU). Any new country joining the EU thus has to accept and translate all of this legislation. By 2007 this extremely large body of text had been translated into 22 languages. One of the two forms in which this material is publicly available for download is the Directorate-General for Translation Translation Memory (DGT-TM). Whilst this material has been available for some time, not all legal translators have made use of it.

This session will show how to locate this material, download it, make a bilingual translation memory and select it for use within SDL Trados 2009 and Wordfast Classic. The session will be given as a "show and tell" in an auditorium with Wi-Fi access so participants can either take home instructions on how to do this or actually make the TM during the session, subject to suitable connections.

**Suggested Audience:** Conference Participants who use a CAT tool such as SDL Trados or Wordfast to carry out legal translations but who have not had time or would like help to learn to access and incorporate use of this resource within their daily working environment.

Session will be delivered in English.

**Eline Van De Wiele**

### **Patent Translation for Beginners: an introduction to the legal framework, terminology opportunities associated with patent rights**

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Every year around 700,000 new patent applications are filed. As patents are territorial rights and many applications are filed in multiple countries, there is a wealth of work available for the patent translator. Although patent translation also requires scientific expertise, familiarity with the legal framework of patent rights is paramount to success in this area. This session will provide an introduction to this framework by explaining the structure of the patent application as a text as well as the filing, prosecution and litigation processes involved in obtaining patent rights. Particular attention will be paid to identifying opportunities for the translator at each stage in the process. Finally, we will also discuss some of the challenges faced by patent translators. This session is not language-pair specific.

Session will be delivered in English.

**Filipe Carrera**

### **How to Get More Business in a Connected World**

PD

Never in the history of mankind we were so connected as individuals, creating a very small world where any free-lancer can abolish the concept of local market. But for that we have to master some useful skills in Digital Marketing and Networking. The social networks are an opportunity to reach markets that were impossible only a few years ago.

This presentation will help participants to use simple Digital Marketing techniques to get more clients and to reach new markets. Also the effective usage for business of sites like Facebook, Twitter, YouTube or LinkedIn will be a subject.

Session will be delivered in English.

**Ingemar Strandvik**

### **Conference welcome session: What are the specific challenges that legal translators face when translating legislation?**

#### **Legal translation, multilingual lawmaking and the quest for quality**

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This presentation will address translation of EU legislation from the angle of quality and translation norms. It will provide an historical perspective to EU translation and situate the legal translation of EU legislation in the broader context of EU translation as 'normal' LSP translation. Questions that will be discussed are: What is quality? How does the debate on quality in legislation relate to quality in translation? What specific quality requirements apply to legal translation in multilingual lawmaking? What are the consequences for the translators? Who decides the norms? How is the work organized to ensure the quality?

The aim of the presentation is to contribute to a better understanding of the complexity of the processes involved in the multilingual lawmaking of the EU.

Focus will be on terminology and drafting conventions. The role of plain language will also be addressed.

Session will be delivered in English.

### **A study on multilingual lawmaking in the EU**

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The European Union's multilingualism policy has three aims:

- to encourage language learning and promote linguistic diversity in society;
- to promote a healthy multilingual economy; and
- to develop European Union legislation in the official languages, thereby giving citizens and other target groups access to European Union law, procedures and information in their own language.

This study will focus on the third aspect of this policy, specifically the process of multilingual drafting of EU legislation, the role of the various institutional players in this process and the methods geared towards ensuring the drafting, legal and linguistic quality of the legal acts produced by the European institutions.

Session will be delivered in English.

Jacques Pelage

### Approche comparative des contrats - a partir du droit français

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Dans une approche comparative des contrats, pourquoi partir du droit français? Le droit civil français, matière centrale du droit privé, a exercé une influence certaine dans le monde à partir de la publication du Code civil, en 1804. En effet, ce monument du droit a fait pénétrer dans le droit positif le fruit des réflexions sur le droit romain, engagées dès le XIII<sup>e</sup> siècle, d'abord dans les universités italiennes (Bologne, Florence, Pise), puis dans les autres grandes universités d'Europe (Coimbra, Heidelberg, Salamanque, Paris, par exemple). Seuls les pays anglo-saxons ont globalement échappé à ce mouvement, pour suivre le modèle conçu par les Cours de justice d'Angleterre.

Cette référence au droit français nous a semblé pertinente, sans ignorer cependant l'influence exercée au XX<sup>e</sup> siècle par d'autres codes, notamment le BGB allemand qui a influencé les rédacteurs portugais du *Código Civil* de 1966.

Dans l'optique de la traduction, qui implique, en premier lieu, une bonne compréhension de l'explicite et de l'implicite de l'original, et ensuite, une reformulation envisageant les effets juridiques du texte dans la langue d'arrivée, il nous a semblé utile d'insister sur les relations entre le fond et la forme dans la théorie et la pratique des contrats.

Dans le cadre d'échanges avec l'ensemble des participants, nous nous efforcerons de dégager des éléments caractéristiques des actes authentiques et des actes sous seing privé, notamment en portugais, en espagnol et en français. Nous aborderons aussi le rôle des modèles de rédaction proposés par les organismes professionnels, et des « clausiers » utilisés par les praticiens, notamment pour la rédaction des contrats internationaux. Ceci nous donnera l'occasion de nous interroger sur le phénomène dit de « l'américanisation du droit ».

Divers documents, tels que le rappel de textes législatifs et des éléments de définition des principaux concepts, seront distribués, si possible dès les inscriptions.

Session will be delivered in French.

Jean-Marie Wande Valle

### Need a legal translation ? Don't trust your lawyer !

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Based on a few examples, the author will first try to introduce a typology of the most common documents he dealt with during 25 years as a translator for parliament, courts, police, law firms, international institutions and individuals. He will then identify the features of legal documents and their validity in Roman law and Common law systems. This will allow for a few considerations regarding the comprehension of what is so special about legal translation.

The second part of the presentation will discuss the belief that jurists, whatever their linguistic background, are said to be capable ex-officio of translating legal documents. Experience demonstrates that this belief doesn't stand. Is legal translation then a matter of law or of language, or even a matter of cultures ? Should one be a trained legal specialist to do such translations ?

Session will be delivered in English.

### João Alberto Catalão Selling and Negotiating

PD

Adopting a very active style from the start of his intervention, surprising the participants with

very simple and practical examples that are suited to the reality of their activity and the market, João Alberto Catalão uses humour, direct questioning and interaction, together with an extremely appealing set of multimedia supports to supplement, captivate and mobilise the participants to interact and adopt new attitudes and business behaviours. Selling and Negotiating are activities that increasingly require new skills, new attitudes and new patterns of behaviour.

The new market paradigms are at the same time new challenges and new opportunities. João Alberto Catalão will give you tips and the opportunity to practice that will demonstrate the arts and sciences that make up the “world” of multicultural negotiations. You can learn more about the professional career of our Specialist by visiting his personal web site: [www.vitaminacatalao.com](http://www.vitaminacatalao.com)

Session will be delivered in English.

### João Esteves-Ferreira Translating judgments and other court documents into Portuguese

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Session will be delivered in French and Portuguese.

### Juliette Scott DIY corpora to assist legal translators in producing texts in line with target audience expectations

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Whilst legal translators have a wide range of tools at their disposal, they are rarely trained as lawyers, and they may be unsure of correspondence with certain target sublanguage conventions.

The methodology to be presented seeks to address this shortcoming by leveraging the benefits of DIY target language corpora. Participants should be able to implement the methodology in their work following the presentation. It is not language-pair specific.

Session will be delivered in English.

### Karolien van Eck "Mutual legal assistance in civil and criminal matters at European Union level"; general information conventions and terminology

TT

The progressive elimination of border control within the EU has considerably facilitated the free movement of European citizens. In (civil) legal matters, this includes “free movement” of all kinds of information to improve and simplify the system for cross-border service of judicial and extrajudicial documents, cooperation in the taking of evidence, recognition and enforcement of decisions in civil and commercial cases, among others. On the other hand, “free movement” has also made it easier for criminals to operate transnationally. A whole set of regulations, agreements, measures and model forms was agreed upon and developed to facilitate the exchange of information between the different States. Participants will receive general information on them and on the European judicial network, and we will have a look at several practical examples of

requests sent by Portuguese partners in the network and a European arrest warrant. Session will be delivered in Portuguese.

### Klaus-Dieter Borchardt

#### Community Law

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The EU's legal order is the true foundation of the Union, giving it a common system of law under which to operate. The presentation will give an overview of the cornerstones of the legal order. Starting with a short introduction focusing on the fundamental values of the EU, its legal nature and its tasks and powers the main emphasis will be on the legal order itself. Here we will understand that the EU is not only a creation of law but also a Union based on law which implies to have a system of checks and balances, the respect of fundamental rights, the legality of its actions and a system of judicial review. We will learn about the different legal sources of EU law, the means of action and the legislative procedures. We will further understand that the EU law can only survive if compliance with and safeguarding of that legal order is guaranteed by the two fundamental principles: the direct applicability of Union law and the primacy of Union law over national law. Finally, a special focus will be on the question on how the European citizen is affected by EU's legal order today.

Session will be delivered in English.

### Manuel Sant'Iago Ribeiro

#### Sworn translation and sworn interpretation in Portugal

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Sworn interpretation and sworn translation are, in Portugal, but words whose reality only avoids shame when, by some happy fluke, those who actually provide them happen to be competent, ethical professionals... because there's no certification, no accreditation, no validation of skills behind them: "sworn" merely refers to an ad-hoc, pro-forma statement before an officer of the court or notary public by pretty much anyone willing to declare they will do the best language mediation they can. I intend to take participants on a brief tour of the present situation and past attempts at changing it, in the hope of fostering enough debate to elicit the necessary structured resolve to help ensure that, when the 2010 EU directive on T&I in criminal justice comes to be transposed into PT law - for which 1 of only 3 allotted years will already have elapsed when we meet... and which entails "concrete measures (...) laws, regulations and administrative provisions necessary to (...) ensure that the interpretation and translation provided meets the quality required" - the professionals will be asked to weigh in and will actually be listened to.

Session will be delivered in English.

### Paula Gouveia Andrade

#### Problems in the Translation of the Law of Obligations

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Inasmuch as legal translation is concerned, when faced with a term or concept that bears more than one signification, one should begin by searching the original text with a view to contextualizing the said term or concept; research is a must and it is the results thereof that will dictate the choice of a term.

**Key words:** original text, translation, legal, research.

Session will be delivered in English.

### Pedro Andrade e Guerra

#### The methodology of the legal translator

We shall take a text of Union Law, a Regulation, and we shall see in practical terms, what

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kind of questions a Portuguese translator is faced with and how he/she should work in order to understand and make sense of the text. To translate is not to transliterate. Therefore, the second task for the translator is to understand the legal situation. But before understanding the legal situation, the translator has to understand the subject-matter. This is the first task. The translator engages in a refining exercise, revealing the text by removing veil after veil.

Session will be delivered in English.

**Pedro Coral Costa**

### Contracts Translation (EN/PT)

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An overview of the process of translating contracts from English into European Portuguese, including strategies and methodologies, reference materials, basic terminology and most frequent mistakes.

Session will be delivered in Portuguese.

**Rute Costa / Raquel Silva / Zara Soares de Almeida**

### Terminologie au sein du parlement portugais : collaboration entre terminologues et experts pour la validation des contenus terminologiques

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Le projet *Base de Données Terminologique et Textuelle* (BDTT-AR) se subdivise en deux phases différentes, la première, d'une durée de 2 ans, s'est déroulée de 2005 à 2007 et la deuxième, d'une durée de 3 ans, se trouve actuellement en phase de développement, et ce depuis le début du second semestre 2009 et jusqu'en septembre 2012. À chacune de ces deux périodes distinctes du projet correspondent une conjoncture et des objectifs bien spécifiques, autant pour l'institution qui accueille le projet, l'Assemblée de la République<sup>1</sup>, que pour le Centre de Linguistique de l'Universidade Nova de Lisboa (CLUNL)<sup>2</sup>, institution qui le propose.

Ce projet est un exemple de coopération entre le secteur de l'administration publique et celui de la recherche universitaire avec, d'une part, le CLUNL ayant des objectifs axés sur la recherche, tant sur le plan théorique que méthodologique, et ancrés dans la formation en Terminologie pour l'administration publique, mais également dans le développement d'une application *in vivo*, c'est-à-dire adaptée à la réalité et aux besoins de l'institution et devant prévoir, à la longue, aussi bien la question de la gestion de la base de données en contenus terminologiques et textuels que leur processus de validation. Et, de l'autre, l'institution qui accueille le projet, l'Assemblée de la République, pour qui la décision de créer sa propre base de données terminologique et textuelle constituait déjà en soi un défi important, mais encore moindre que celui de mettre en place une méthodologie de travail intégrant un processus de garantie de la qualité des contenus linguistiques, terminologiques et textuels de la BDTT-AR et, le tout, comme support au processus de traduction.

C'est cette méthodologie de travail que nous irons aborder lors de notre intervention.

Session will be delivered in French.

**Sieglinde E. Pommer**

### Translating Law: What Role for Comparative Legal Analysis?

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The Cultural Turn in Translation Studies has promoted the understanding of translatic mediation between cultures raising difficult questions about how to handle divergent cultural specific assumptions and associations. This presentation investigates the applicability of a cultural approach to the special case of legal translation and explores the important role

<sup>1</sup> <http://www.parlamento.pt>

<sup>2</sup> <http://www.clunl.edu.pt/PT/home.asp>



comparative legal analysis in the framework of global legal discourse. Questioning how information is possibly altered by its transmission from one legal system and legal language to another and demonstrating how cultural embeddedness conditions legal translation, we identify the major challenges of international legal discourse due to the complex institutional structure of legal knowledge expressing legal culture-specific mentalité. Suggesting strategies for translation as an increasingly important form of intercultural expert communication, we highlight the significance of comparative legal insights for bridging legal cultural gaps.

**Véronique Sauron**

### **Searching the Web for legal Information - Hows and Nots**

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Researching legal information may be frightening and often intimidating for translators who may have some basic understanding of legal concepts, but are not specialists in the legal field. Finding the correct information that will allow a translator to move forward with a project is a crucial step, but can be quite time-consuming, depending on the text or their legal knowledge. Fortunately, long gone are the days when translators of legal texts had no other choice but to scour the musty bookshelves of law libraries, or had to rely on the help of a kindly legal specialist to find the information necessary to perform their tasks. Although the amount of information available admittedly depends on language combinations, today a plethora of documents and legal dictionaries are available on the Internet. But, as we know, quantity does not mean quality, which makes it difficult for translators with limited legal knowledge to determine if a source is reliable or not. The purpose of this communication is to reflect on the approach and strategies that should be adopted by legal translators to research the Web, identify the types of resources that might be helpful and assess the legal information given to them.

Session will be delivered in English.