

## GOING GLOBAL

### *Foreign Depositions: Providing Your Clients with Deposition Interpreters and Realtime Court Reporters Abroad*

BY JODI HARMON

**L**itigation involving foreign witnesses can be challenging. Your client will no doubt require the services of both deposition interpreters, also known as legal interpreters, and realtime court reporters who are up to the task.

Throughout the world, it is not difficult to find general interpreters (an "interpreter" being someone who translates verbally) who are useful for meetings and conferences and for acting as tour guides, as well as finding translators (a "translator" being someone who works with the written word and translates documents). But make no mistake: a general interpreter or translator can not necessarily work as a deposition interpreter without having additional skills.

Hiring a qualified deposition interpreter outside the United States poses unique challenges that are not present domestically, particularly because most countries do not have a discovery or deposition process. Therefore, very few interpreters have such experience. Furthermore, opposing counsel often hires a "check interpreter" whose job is to correct the main interpreter. Interpreters who are not familiar with check interpreters can be easily intimidated by this process.

Retaining an interpreter with little or no deposition experience at a lower price can ultimately cost more because of constant disruptions and corrections from the check interpreter. The deposition could be prolonged for hours and allow less time for actual witness testimony. The use of even the most skilled of interpreters will approximately double the time it takes to conduct a noninterpreted deposition.

I offer the following questions to ask the interpreter to help your clients get the most out of their foreign deposition in the shortest amount of time.

- Are they familiar with the protocol for taking American depositions?
- How much experience do they have with specifically interpreting depositions that involve the subject matter of the case?
- Have they interpreted in the specific city or country before to the extent that they are familiar with the nuances in local dialect or accents, protocol, geography, and terminology?
- What are their qualifications? (Many Asian interpreters label themselves People's Republic of China certified, Taiwan certified, etc., even though there is no such thing.)



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- Do they understand that their role is as an officer of the court and that they need to maintain neutrality and accuracy without addition, embellishment, or omission?
- Do they understand that they should interpret in first person? (If the witness says, "My name is John Smith," the interpreter should say, "My name is John Smith," not "He says his name is John Smith.")
- Have they worked with check interpreters before? Do they understand that their interpretation may be challenged and that they need to conduct themselves in a professional manner without arguing and wasting the time of the attorney examining the witness?
- Are they familiar with local customs, restaurants, hotels, and support services so they can assist the attorneys with such matters, if necessary?

#### **ADDING REALTIME CAN SMOOTH THE PROCESS**

Realtime court reporters are a tremendous aid during interpreted depositions. The ability of the attorneys and interpreters to view realtime containing foreign proper names and terminology, particularly during technical testimony, can enhance comprehension and save time by reducing the need for notetaking.

Although the United States has the largest supply of realtime

reporters, there are English-language realtimers in several other countries. Please consider asking the following questions to ensure that a realtime reporter, whether domestic or abroad, is up to the challenge of covering a foreign deposition:

- Are they NCRA Certified Realtime Reporters from the United States?
- Do they follow the U.S. Federal Rules of Civil Procedure guidelines for transcript formats?
- Will they use American spellings (such as *analyze*, *defense*, *check*, *memorize*) or British spellings (*analyse*, *defence*, *cheque*, *memorise*)?
- Can they realtime technical testimony that includes foreign names and geographical terms with 99.5 percent accuracy or better?
- Are you speaking with the reporter who will cover the deposition, or will it be a subcontracted reporter who covers the deposition? (Ask to speak to the actual reporter!)
- Are they sure that their equipment will arrive intact and on time in light of increased airport security, customs, and weight restrictions?
- Do they have a backup plan if any of their equipment malfunctions?
- Are they bringing multiple realtime laptops to the deposition for attorneys who may have connection problems with their own laptops?
- Will they provide a realtime laptop to the interpreter?

Deposition interpreters and realtime court reporters work together like a well-oiled machine to facilitate the most effective deposition possible. When a question needs to be repeated, the interpreter can do so from the screen without the attorney having to repeat the question. Interpreters and court reporters who frequently work together often develop their own style. For example, an interpreter may hold up notes with foreign spellings as the words are spoken so that the reporter can write all words accurately from the get-go.

#### KEEPING YOUR TEAM HAPPY AND EFFICIENT

To provide superior interpreting and realtime, at least one week before the deposition, make sure that your client supplies the team with as much reference

material as possible, including a copy of the complaint, prior transcripts from the case, a word index from prior depositions, patent numbers if it's an intellectual property case, and exhibits.

Counsel should stipulate before the deposition begins whether objections are to be interpreted for the witness; the importance of speaking one at a time should be emphasized during an interpreted deposition. Finally, remind your clients that court reporters write up to 260 words per minute, and the interpreter is speaking at least twice as much as the reporter is writing. Interpreters and reporters are the hardest-working people in the room. Taking a short break every 1 to 1.5 hours is essential to keep them sharp!

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#### 2007 SPEED CONTEST

### 220 wpm Literary

**Y**ou've got to wonder if it was like this when another working-class British author released his play about good and evil going to war in a Danish castle. Were there lines around the corner from the Globe theater? Did early 17th century printers send secret communications and coordinate midnight printings of scripts in order/ to make sure no diehard fan got a preview of *Hamlet* or *MacBeth* and spilled the beans before the first performance? Did anybody have the concession on Romeo and Juliet action figures, and if so, how much did he pay for it?

Perhaps we will never know. There were no paparazzi in merry old England, but one thing is for sure. No other Briton but Will Shakespeare has made as big an impact on the world literary scene as Judith Rowling, and for most of the same reasons.

Shakespeare endures as he does because he had a knack for exploring timeless questions of good and evil in common language the/ ordinary London shopkeeper of the time could easily relate to. Scratch the surface of his plays and you found the average Englishman

in all his heroes and villains, and that average bloke was just trying the best he could to survive and succeed in a strange and mostly hostile world. Every one of Shakespeare's plays/<sup>1</sup> spoke in language the average guy on the street could understand to the pressing social issues of the time: making money vs. having ethics; love and trust; family duties and burdens; loyalty and betrayal; patriotism and justice; freedom and slavery. Since those themes are timeless, they resonate down through the centuries to all of us./

Every now and then, though, someone else comes along and frames those timeless issues in the context of another age, and they take on a breathtaking immediacy once again. Usually such an author, like the great bard himself, seems to come from nowhere special with a message that everyone believes is both entertaining and important.// Judith Rowling has done that with her *Harry Potter* books. Once again, unmistakable western characters wrestle in the age-old contest of good vs. evil and the world tags along for the wild ride.

The comparison between Shakespeare and Rowling may astonish literary purists, but it should not, and will undoubtedly go on for decades./ perhaps centuries. Both were working class British authors who read the cultural context of their times extremely well and used popular entertainment as launching platforms for literary art. Both cared first and foremost for producing something that could generate income. Both used language which others described as clunky and ordinary. Both are experts at creating/<sup>2</sup> characters that seem real to the audiences of their times, even though the themes of the literary world in which they exist are far outside the everyday lives of those audiences.

There are other similarities. There is a coldness about Shakespeare and Rowling which is immediately obvious and perhaps makes the characters even more appealing./ The average British dock worker who saw *Hamlet* could no more enter the alien world of the Danish monarchy than the ordinary London clerk could find the magical train tracks that take Harry Potter and his friends to their school for young wizards.

One critic described the framing of the stories as something like having// to