

Pre-print copy of the published article:

Bestué, C.; Orozco-Jutorán, M. (2016). "Online training in legal translation in English and Spanish", in *Babel* 62 (3). p 470-494. DOI 10.1075/babel.62.3.06bes

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ONLINE TRAINING IN LEGAL TRANSLATION. DESIGNING CURRICULA FOR BILINGUAL STUDENTS.

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Abstract:

In 2010 the first fully online Masters Degree on Translation and Interpreting in the USA was launched, and it included Legal Translation as a subject. The authors of this paper were in charge of designing the contents of this subject, creating the didactic materials to be used and actually teaching the subject. In this paper the authors explain how the curriculum was designed, the criteria developed to create the didactic materials and how it actually worked in a very specific context as is the University of Texas at Brownsville, set next to the border between Mexico and the USA, where most of the students are bilingual and have a background of Mexican and American cultures which create an unique environment of legal cultures mediation.

Key words:

Education, online education, legal translation training, bilingual education, diverse linguistic background, curriculum design.

Introduction

The first fully on-line Master of Arts (MA) degree exclusively devoted to Spanish Translation and Interpreting in the United States of America (USA) was launched at the University of Texas at Brownsville in 2010. The authors of this paper were commissioned to design the contents of the subject 'Translation of Legal Texts', which was a prescribed elective course of the MA. The payment to the authors included the assignment of the copyright of the didactic materials created on purpose for this course, so that these didactic materials belong only to this course and programme and can be used in the future for as long as the programme considers fit. This program is one of the United States Department of Education *Graduate Programs at Institutions of Higher Education Serving Hispanic Americans* schemes, funded by the Fund for Improvement of Postsecondary Education (FIPSE) and as such is part of the GUSTO Program¹.

The unique setting of a fully online course offered by an institution on the border between the USA and Mexico, enrolling largely bilingual students and with a particular environment of legal cultures mediation provides a number of challenges in course design. In this paper, we detail these challenges, discuss how the course was designed, and provide working examples from the course to highlight the challenges of this unique combination of factors.

1. Course design

This section describes how the Translation of Legal Texts course was developed, based on our experience of over 15 years' teaching legal translation at a Spanish university. We discuss all aspects of course design, from developing topic inclusion criteria, through

¹ More information available at: <http://www.utb.edu/vpaa/cla/ml/tio/gusto/Pages/default.aspx>

how to teach the course, to the desired results to be achieved, as highlighted by Hurtado Albir (2007:163-4):

Formal training of translators and interpreters is at a relatively early stage; it emerged with the consolidation of the translator and interpreter profession after the Second World War, but it lacks the curriculum research tradition of other disciplines with a longer academic standing. Bearing this in mind, by necessity we have to respond to three key questions pertinent to all teaching contexts: *what to teach* (objectives and content), *how to teach* (methods and materials) and *with what result* (assessment).

We developed the course design using a competence-based training approach, based on translation didactics theory (Hurtado Albir 1999, 2007; Kiraly 2000; González-Davies 2003; Kelly 2005) and our own experience of teaching translation at undergraduate and graduate levels. The structure of the course, its contents, and didactic materials are rooted in the cultural and linguistic context in which it is embedded as well as the curricular context of the MA of which it forms a part.

1.1. Linguistic and cultural context

To decide what to teach in any given course, being aware of the linguistic and cultural background of the students is key, as the competences and contents have to match the needs and characteristics of the students.

The MA in Spanish Translation and Interpreting is offered to graduate students, that is, students who have received a baccalaureate Degree in an American university, who have also passed an entry test which requires the satisfactory performance on an essay and the translation of a document from English to Spanish and one from Spanish to English. Therefore, although a specific undergraduate Degree in Spanish or Translation is not required for admission to the programme, the performance of the candidate in the admission essay and translation test provides evidence of an adequate background or preparation in Spanish, and of additional preparation prior to admission.

There are basically two types of student profile in the MA programme. As the course requires excellent proficiency in Spanish and is taught fully online, bilingual English/Spanish students from throughout the United States and other countries are attracted to the MA. Many of these students either have a Mexican or other Latin American background, or are in Mexico or other Spanish-speaking countries (mainly Venezuela, Uruguay, Puerto Rico, Costa Rica and the Dominican Republic). There are also a number of students whose native language is English and who studied Spanish as a foreign language at secondary and/or university level. Some of these students already have a US state or federal Court Interpreter certification, and enrol in the MA programme to deepen their knowledge and skills in legal translation and/or interpreting.

However, the MA is offered by the University of Texas at Brownsville, and thus local students are also attracted to the programme. Most of the students who enrol in the MA and live in the area have a Degree from the University of Texas. As Brownsville is on the

border between Mexico and the USA, many of the students living in the area are Spanish–English bilingual with a background of Mexican and American cultures, and are attracted to the MA because of their linguistic abilities. This particular context creates a characteristic bilingualism, in which one of the languages—English—is learnt in an academic context and used both in academic and social contexts, whilst the other language—Spanish—is mostly used at home or with friends, i.e. in social contexts. Thus, the knowledge and skills of these students in Spanish does not typically reach the academic level achieved in English.

The unique situation, provided by the fully online course offered by an institution at the Mexican/US border, of students with varied levels of expertise and language proficiency created a challenge in designing a course syllabus that was useful and adequate for all the different students. In addition, the course objectives and content needed to provide this unique audience with competences that would be used in very different working environments, including court interpreter, freelance translator and several possible occupations in foreign trade. The result of the combination of all these unique elements are two different outputs. On the one hand, a course design that could be used or copied in other contexts, such as other online programmes in several countries or settings. On the other hand, a set of didactic materials that are completely unique and that could not be ‘exported’ to other settings. The main reason is that the texts to be translated and the theory background provided to the students take mainly into account the reality of the Mexican legal system and the Mexican Spanish variety, and thus all these should be changed in case the course was directed to Spanish speaking students from other countries. The same happens with the texts and background legal theory in English, they are designed thinking in the reality of the American legal system, and thus should be modified if directed to other audiences, such as British or European students, for instance.

The linguistic and cultural context of the course designers is also an important factor that needed to be considered. In this case, the course was designed by university lecturers in Spain, who are used to a ‘traditional’ European university teaching style using mostly British English and Spanish from Spain, or ‘Castilian’. Successfully including didactic materials and texts that included American English and Mexican Spanish in the online course and bridging the gap with regard to diatopic variations of Spanish was helped by one of the course authors being Argentinean-born and the other having lived in Mexico for several years.

1.2. Curricular context

Another element that must be taken into account when designing a course is the curricular context in which it is embedded. The online **MA in Spanish Translation and Interpreting** programme is designed with the intention that students firstly become acquainted with translation and interpreting and then have the opportunity to deepen their knowledge and skills in a variety of areas and subspecialties. The students take a number of required, prescribed elective, and free elective courses; **the MA** requires a total of 36 credits, with each course providing 3 credits. Thus, to obtain the MA Degree, the students need to take 12 courses. Six courses (18 credits) are required, four courses (12 credits) are prescribed elective courses, and then the students can complete their credits from free elective courses of their choice:

Required Courses

Translation Workshop: English-Spanish

Translation Workshop: Spanish-English

Translation Theory

Translation/Research Project

Consecutive Interpreting

And one of the following:

Simultaneous Interpreting

Court Interpreting

Interpreting Practicum

Medical Interpreting & Terminology

Prescribed Elective Courses

Translation Technologies

Business and Finance Translation

Translation of Legal Texts

Translation Topics

Audiovisual Translation

Each online course provides three taught hours per week, over 15 weeks. Thus, during the MA, the students have an equivalent to 540 contact hours besides the necessary time for the homework.

The Translation of Legal Texts course was designed within this framework. A key challenge was that while the foundation of translation theory and the general practice of translation in the language pair had already been introduced, most students ‘arrived’ in the legal translation field for the first time, meaning that general legal aspects had to be included in the course.

1.3. Course competences

Within translation didactics theory, it is widely accepted that the main purpose of curriculum design and programme planning within the framework of university translation training is the development of a translation competence by trainees. This competence is defined by the PACTE (Process of Acquisition of Translation Competence and Evaluation) Group as “the underlying system of knowledge and skills needed to be able to translate” (Orozco and Hurtado Albir, 2002:376) and by Kelly 2002:14) as “the macro-competence comprising the overall skills, abilities, knowledge and even the attitudes of professional translators, which take part in translation as an expert activity”.

Regarding legal translation competence, the Committee for Legal Translation and Court Interpreting of the International Federation of Translation (IFT) points out eight basic legal translation skills (Katschinka 2003, as quoted in Gómez 2011:254-55):

1. Good language skills (mother tongue and working languages, as Legal Translators and Interpreters work in both directions).

2. A broad educational background (because of the different subjects which they have to deal with).
3. Knowledge of the culture and the legal system of the countries of the working languages.
4. Professional skills (code of ethics, code of good practice).
5. Interpreting and translation skills (the two modes of language communication should not be separated, as they are both required in practical settings).

In addition, Borja (2000:138, as quoted in Gómez 2011:263) considers that:

The fundamental pillars on which legal translation practice should be based are three: a) a domain of the legal language; b) a thorough knowledge of legal text typology, especially with regard to the constraints of text types and the conventions of the target texts; c) a domain of the specialist subject matter and of the information and documentation acquisition techniques.

Many other experts in the field have noted the type of knowledge and skills a legal translator should develop and agree that domain of the specialist subject matter and of the information and documentation acquisition techniques are necessary (Cao 2007; Corpas 2003; Gémar 2005; Mayoral 2005; Monzó 2003; Santamaria 2005).

However, the second pillar mentioned by Borja is not usually included in legal courses. Since we believe that it is very relevant, we included knowledge of legal text typology and the use of parallel texts as an important aspect of course content.

Based on the curricular and cultural contexts described above, translation didactic theory, and our experience as legal translation trainers at university level, we defined the following general student learning objectives:

1. Students will develop critical reading skills, both in English and Spanish, by learning to differentiate stylistic, formal, denotative and connotative aspects within a legal text.
2. Students will translate specialized texts from English into Spanish and Spanish into English in the areas of legal and commercial translation at a professional or quasi-professional level.

Two course-specific learning objectives were also stated:

1. Students will be able to approach a legal translation using a documentation plan and the necessary documentation resources to handle the translation of the text.
2. Students will be able to research in other legal fields, different from the ones covered in this subject, in order to be able to deal with any legal translation given.

The first general student learning objective was designed with two aims. Firstly, to equalize the level of the different students' language competence, according to their different backgrounds, in order to empower them to work with legal texts. The language skills to be covered were reading comprehension and writing of legal texts, both in English and Spanish. Secondly, to start learning about the necessary legal background and foundations to allow the students to understand the contents and the scope of the legal texts they would translate. The authors decided to accomplish this by including theory readings that made the students work with their reading comprehension

of legal contents skills and at the same time gave them legal information and concepts that they needed to become familiar with.

The aim of the second general student learning outcome was the actual purpose of the course. In order to accomplish this, it was necessary to provide the students firstly with a sound methodology that enabled them to take all the necessary steps to undergo the whole process of legal translation given any legal text, as stated in the two course-specific learning objectives, as well as providing them with the legal foundations that set the basic theoretical framework for legal translation between English and Spanish.

1.4. Course structure, methodology and contents

All the courses in the MA programme were required to have the same online methodology and six-unit structure, as set by Dr Jose Davila-Montes, Coordinator of Associate Degree, Bachelor of Arts and Master of Arts Programmes in Translation and Interpreting at the University of Texas at Brownsville. This helps both students and teachers by providing consistency to the course methodology and structure within the MA programme.

Regarding the methodology, the course was to be taught using only the Blackboard Virtual Learning Environment (VLE), one of the most widely-used online platforms in American universities. This platform allows almost any type of online interaction between the teacher and students, so the teacher can post text, pictures, multimedia material and voice or video recording, and can send these to individual students or to all of them. Students can also use all these media to communicate with the teacher and between themselves. Although e-mail can be used, teachers and students mainly communicate in debate forums, in which the teacher is expected to contribute and answer all the messages posted by the students at least twice weekly. Although 'live chats' are possible, we decided not to conduct them as a result of time-zone differences between the teachers (in Spain) and students (-7 hours in Brownsville, possibly more when online from other locations). There is also a main 'notice board', where announcements can be posted. The teacher is expected to post at least one announcement here per week, reminding the students what is expected from them that week.

With regard to the course structure, the six units are taught within the 15-weeks in the following framework:

1. One week to introduce the course.
2. Twelve weeks to work through the six units, devoting two weeks to every unit.
3. Two weeks to submit a final assignment, review and amend unit work and prepare for a final exam.

Within this course framework, each unit requires one week of 'theory reading' and debate and one week of 'practice' and debate. Therefore, each unit needed to include theoretical and practical tasks. For each unit, we wrote an original theory dossier of approximately 6,000 words, which provides the theory input, and a specific translation that included a translation brief and a text of approximately 800 words, in English or Spanish, to be translated into the other language, to form the practical task. At the end of each two-week unit period, the students submitted their task assignments, which were reviewed, marked, and returned by the teachers in the following week. Something that should be mentioned in this regard is that the fact of combining theory readings and practical translation assignments in every unit is certainly a good idea from the pedagogical

point of view, but it requires a lot of effort by the student. In fact, this is the only weakness of the course mentioned by some students in their assessment of the course. Overall, the assessment of the course by the students was very positive, but some of them mentioned that it had meant a lot of effort on their side, although they also recognised this effort had lead them to learnt a great deal.

At the end of the six units, in the last two weeks of the course, the students could submit revised versions of all their translation assignments, based on the teachers' review comments, together with a two-page summary of the problems encountered during the translations and the solutions applied. This optional assignment was called 'extra credit', as the students could obtain an extra point in the final mark with this assignment. The students then sat a final exam, consisting of a translation assignment. The students could choose between two texts of approximately 300 words, one in Spanish and one in English, to be translated into the other language. Both options included a translation brief and students had 24 hours to turn in their exam.

Given that the aim of this course was to provide an in-depth analysis of and intensive practice in most representative translation techniques and specialized legal terminology, the practical tasks chosen for the six units included several different text typologies, e.g. websites, oral interviews, agreements, judgments and texts relating to international organizations. In this way, the students could develop criteria for legal writing both in English and Spanish as well as an advanced command of terminology research techniques.

A major challenge in the course design was choosing the contents for the six units, as the scope of legal translation between English and Spanish is very wide. We chose the following units to meet the required competences for comparative law and methodology, and the likelihood of the students finding professional translation tasks related to the topics, based on their frequency in the translation market:

1. Legal systems.
2. Legal translation methodology.
3. Criminal law.
4. Contract law.
5. Business law.
6. International law.

The following list of specific objectives gives a detailed description of the competences and contents included in these six units:

UNIT 1

1. Students are introduced to the legal systems involved when translating between English and Spanish.
2. Students are introduced to the main problems encountered when translating texts of a legal nature—in its broadest sense—from English into Spanish and *vice versa*.

UNIT 2

1. Students are introduced to legal translation methodology.

2. Students learn how to approach a specialized translation, which steps to undergo at which point of the translation process and how to research about specialized legal texts.
3. Students are introduced to the different translation techniques that can be used when translating specialized legal terminology.

UNIT 3

1. Students become familiar with the basic Criminal Law concepts regarding translation between English and Spanish.
2. Students learn to deal with the main problems encountered when translating legal texts related to Criminal Law.

UNIT 4

1. Students become familiar with the basic Contract Law concepts regarding translation between English and Spanish.
2. Students learn to deal with the main problems encountered when translating legal texts related to Contract Law.

UNIT 5

1. Students become familiar with the basic Business Law concepts regarding translation between English and Spanish.
2. Students learn to deal with the main problems encountered when translating legal texts related to Business Law.

UNIT 6

1. Students are introduced to the main international organizations and conventions regarding the regulation of international trade.
2. Students become familiar with the basic international law concepts regarding translation between English and Spanish.
3. Students learn to deal with the main problems encountered when translating legal texts related to international law.

The specific theoretical and practical tasks for each unit are discussed below.

1.4.1. Unit 1

The theory reading for the first unit —Legal systems— provides a basic introduction to the legal systems involved in legal translation from English into Spanish. This provides essential background, as there is a significant difference between the legal families (common law and civil law) in the two systems. In the theory dossier we created for this unit, we focus on the similarities and differences between the systems and cover the different branches and divisions in both legal families.

The practical task for Unit 1 consists of two translation tasks from English into Spanish: one doctrine text about statute law and common law and one interview of an expert in comparative law. These texts were chosen because they both relate to the theory reading but approach it from two different angles and registers, one highly scholarly and the other with an oral style. For this, the students need to use the knowledge acquired in the theoretical part of the unit and this helps them integrate its contents practically.

1.4.2. Unit 2

Once the different legal families have been introduced in Unit 1, Unit 2 focuses on giving a sound methodology to the students so that they know how to approach a specialized translation, which steps to undergo at each point of the translation process and how to research about specialized legal texts. In order to achieve this, the theory dossier for the second unit—Legal translation methodology—has the following topics:

1. The specialised translation process, which includes criteria to analyze legal texts, strategies to understand them and knowledge about legal text typology.
2. Research needs of the legal translator, which includes finding reliable terminological and factual information as well as parallel texts and how to use them.
3. The documentation plan, which explains and gives practical examples about how to organise all the research required for a particular text.
4. Translation techniques and methods, which includes explanations and examples of the different methods to approach the translation of a text and the different techniques to be used with legal translation units: total, contextual, functional and coined equivalents as well as loan words and calques.

The practical task designed for Unit 2 consists of the translation from Spanish into English of a website where the Ibero-American Classroom Project and the courses it offers to judges are presented. The lack of total equivalences between the different agents that appear in the text helps the students to put into practice the knowledge acquired in the theoretical part of the unit. They need to do some research to fully understand the meaning of the text and then choose a particular method of translation for the text and several different translation techniques for each of the terms that pose a problem.

1.4.3. Unit 3

The third unit—Criminal law—was designed so that students gain some background knowledge in criminal law in both languages. This includes the concepts of substantive and adjective criminal law, a classification of crimes and a description of the judicial criminal system, including the agents that take part in a process. The emphasis in Unit 3 is placed on the differences in terminology between Mexican Spanish and Spanish from Spain and between American English and British English, since there are cultural differences amongst them.

For instance, in Spain, the aggravated crime of homicide is called *asesinato* (section 139 of the Spanish Penal Code) whilst in other Spanish-speaking countries this term is not used in legislation, although it is well known and used in general language. In Argentina, the Penal Code refers to this type of crime as *homicidio agravado* (section 80 of the Argentinean Penal Code) and in Mexico the Federal Penal code refers to the same concept as *homicidio calificado* (section 302, related to sections 315 and 320 of the Mexican Federal Penal Code).

The practical assignment for this unit is the translation from English into Spanish of a *Memorandum Opinion and Order* from the District Court of the Virgin Islands, for which the students must use what they have learnt in the theory part to make the appropriate translation decisions involved.

1.4.4. Unit 4

Unit 4 deals with contract law, which is the most translated genre in legal translation. The theory dossier covers the basic concepts of contracts, stressing the differences between the common law

and civil law systems. This includes a thorough description of the most common provisions that appear in contracts and contract types, and special emphasis is put on the collocations and syntactic constructions that need to be reformulated in a natural way in the target language but which may easily be mis-translated. Examples of mistaken and accurate translations are given in Table 1.

Source text	Mistaken translation	Proposed translation
Including but not limited to	Incluyendo pero sin limitarse a	<ul style="list-style-type: none"> • Incluidos, entre otros, • En particular, y a título meramente enunciativo
Subject to the important restrictions set forth in Section 2.5. below	Con sujeción a las principales restricciones establecidas en la siguiente Sección 2.5.	<ul style="list-style-type: none"> • Sin perjuicio de lo previsto en la cláusula 2.5 del presente contrato • Sin perjuicio de las restricciones principales establecidas en la cláusula 2.5., recogida más abajo

Table 1. Examples of mistaken and accurate translations (Bestué and Orozco, 2011)

The practical task for Unit 4 consists of the translation from Mexican Spanish into English of a Lease Agreement, as an example of a ‘standard-form’ contract. The fact that this contract is written using typical syntax constructions allows the students to use the text as a parallel text in further translation tasks.

1.4.5. Unit 5

Business law is covered in Unit 5. The theoretical reading includes a thorough description of American and British company law, and the comparison of the different legal institutions involved. Table 2 shows the formulation of the concept of *Objeto social*, that is, the purpose for which the company is created, in Mexico and the USA. In this respect, Mexican legislation is very close to American legislation, and far from Spanish. In the example the similarities between Mexico and the USA become obvious, and this allows the Mexican bylaws to be used as a good parallel text in order to translate into Spanish. However, in Spain, the concept of *objeto social* is very different in the company’s bylaws, since the Spanish legislation states that the purpose of a company must be very specific, to the point that generic purposes as those appearing in Table 2 are forbidden by law.

<p>Typical formulation of the Purpose in American Articles of Incorporation: “The purpose of the company is to engage in any lawful act or activity for which corporations or companies may be organized under the General Corporate Law of the State of (Incorporation).” “To engage in any enterprise, anywhere in the world, calculated or designed to be profitable to this company and in conformity with the laws of the States and Countries in which business is transacted.”</p> <p>Typical formulation of the Purpose in Mexican Bylaws: “En general realizar todo tipo de actos, celebrar todo tipo de contratos y convenios, así como operaciones de cualquier naturaleza en los términos de la legislación aplicable”.</p>
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In general, to conduct any kind of activities, to make all kinds of contracts and agreements and operations of any nature in terms of applicable legislation] *Authors' translation*

Table 2. Examples of formulation of purpose in Mexican and American bylaws/articles of incorporation.

The practical assignment for Business law consists of the translation from Spanish into English of a company's modification of its Bylaws. These Bylaws were signed before a Spanish Notary Public, which is in itself a sign of the differences between the company's documents in the two systems.

1.4.6. Unit 6

Unit 6 theory covers international law and comprises basic concepts such as the main international conventions, international institutions (e.g., the United Nations, the Council of Europe) and basic international trade regulation and terms. The different methods employed for dispute resolution are also included.

The practical designed for the Unit 6 consists of the translation from English into Spanish of a Judgment of the European Court of Human Rights, in which the United Kingdom is condemned for violation of Article 6 § 2 of the European Human Rights Convention. In order to translate this text, the students must use all the knowledge and skills acquired in the previous units, as research of documentation and terminology and use of parallel texts is essential.

In addition to the theory dossiers and practical translation tasks for the six units, we also designed a final course assignment. This requires creating a terminological database of all the legal terms that appeared in the translation assignments from the six units. The students need to create a terminological record for each term, including, for each entry, the definition in both the source and target cultures/languages, the translation equivalent proposed and the sources of information used, as shown in Table 3.

Term in English	Statutory Law
Term definition	The body of law derived from statutes rather than from constitutions or judicial decisions. Also termed <i>statute law</i> , <i>legislative law</i> ; <i>ordinary law</i> . Cf.(*) COMMON LAW (1); CONSTITUTIONAL LAW.
Source of the definition	GARNER, Bryan A, editor, <i>Black's Law Dictionary</i> , 7 th ed., West, 1999.
Translation	Derecho legislado
Source of the translation	ALCARAZ VARÓ, Enrique, Miguel Ángel Campos Pardillos, Cynthia Miguélez, <i>El inglés jurídico norteamericano</i> , 2 ^a ed., Editorial Ariel, 2007
Spanish definition	Ordenamiento jurídico, ley emanada del poder legislativo; toda disposición jurídica que ha sido aprobada por los órganos legislativos de un país o estado, a sea a nivel federal o estatal, pero que excluye las normas de interpretación derivadas de las resoluciones judiciales.
Source of the definition	BECERRA, Javier, <i>Diccionario de terminología jurídica norteamericana: inglés-español</i> , Escuela Libre de Derecho, 2008.

Table 3. Example of a terminological record.

2. Course teaching

2.1. Debate forums as a methodological tool

A principle of the course was to foster a highly interactive system of communication using the debate forums in order to stimulate the acquisition of translation competence, by building an online community of learners and tutors. Massey (2005) and Frankola (2004), among others, note that e-learning is not just a medium “to disseminate information, distribute documentation and transfer assignments between teachers and students, which amounts to no more than an efficient, de-centralized form of classroom management” (Massey 2005:632). Optimizing tutor–learner and learner–learner collaboration, facilitating access to tutors and a strong relationship between the two teachers and the students in the course proved to be a powerful motivational factor for the students, since the drop-out rate of the course over the three-year period since its inception has been insignificant.

One of the main difficulties in training legal translators is introducing students to a very specialized field without giving them the impression of being confronted with an unattainable task. Therefore, one of the main challenges faced by trainers of legal translation is motivating the students to acquire basic knowledge in the legal field. This was tackled in the forum of the first week, devoted to the introducing the course.

The sample messages² in Tables 4 and 5 show that most of the students did not have any previous background in the legal field and, as can be seen, some students even manifested their apprehension towards this topic.

Hi:

Since I already know some of my colleagues in this class, this presentation is addressed to the two teachers (we have double suffering and punishment in this course:).

My name is Juan, I was born in Venezuela but I was raised in Mexico and since my mother is Venezuelan I have some knowledge of Spanish from those regions.

I have a Degree in computing engineering and right now I am enrolled in the Masters Degree in Translation and Interpreting. My goal is to be able to translate software and multimedia texts. I started in translation 2 years ago (I had zero idea about the field of translation and with Professor Davila’s help I started to dive in this discipline). It was also Professor’s Davila idea that I took this course (*I personally consider legal translation a pretty boring and difficult subject*) and I hope to finish with a better knowledge of legal terminology.

I attach my picture (please forget how ridiculous it is, it is the only one that I have found).

² This and any other examples of students’ interventions in forums or boards are all reproduced under express consent by the authors. The names and other private information have all been changed for the sake of confidentiality.

Juan

Table 4. Sample 1 of introductory presentation from the debate forum

Hello everybody,
My name is Ana. I can already tell I am the “granny” of the group. I am from Spain but I have been living in the United States for the last 30 years. I live in a mid-size town in Texas (about 90,000 population) but I hope that one day I will escape from this place. I work as an interpreter and translator and if things don’t go any better around I will end up working in a different job. In the meanwhile I want to continue studying, in order to learn and to improve my professional skills. *I am interested in legal translation because I am very exposed to it, but after reading the syllabus and seeing the enormous task ahead I am tempted to drop the course.* I already know several students from previous subjects. It is a pleasure to “see” you again, Lara, Juan, Andrew and Mary. Welcome everybody again.

Table 5. Sample 2 of presentation from the introductory debate forum

These messages allowed the teachers to motivate students to read the theory materials with a critical view and gain a clear understanding of the course contents. The idea was to make the students understand that the theory readings were a necessary step to enable them to do the practical activities. In this respect, the debate forum became an essential tool in this teaching experience, creating a productive environment of exchange as well as of assessment of knowledge acquisition.

In a traditional classroom setting, the lectures provide face-to-face contact between the teacher and the students, and this allows the teacher to make sure what they are saying is being understood and to add comments or explanations if this is needed. The face-to-face situation also allows debate to arise in a natural way, creating the “opportunity to construct meaningful knowledge structures that will serve future learning challenges” (Garrison 2011:6). However, as the course is run in an online environment, debate had to be artificially introduced, and the instrument we chose for this was the debate forum.

The Introduction forum was started by the teachers, who introduced themselves without highlighting their professional experience but rather by emphasizing their personal experiences in living abroad and in being used to living between different cultures. This helped community ties to be created in a natural way, and the different roles were adopted very quickly by participants: some assumed leadership roles right from the start, whilst others took a ‘follower’ role. Hearing of peer expertise in other fields was highly appreciated by students, who, for example, after the discussion did not hesitate to ask for help from a computer engineer when encountering a computing problem, or for advice from native speakers of the other language when problems with the target text language were encountered.

The students already showed a high degree of intimacy and mutual confidence in their first messages. The fact that the exchanges were written did not prevent spontaneous and social

comments. In comparison to a typical classroom interaction, the role of the teacher in keeping students engaged became less critical, and peer interactions occurred naturally throughout the course. As has been pointed out by Amador (2004:162) teachers acted as consultants and advisors creating therefore more personal contact. The fact that students trusted each other, together with the fact that they overtly said they did not have any previous knowledge in the legal field, helped to settle the virtual classroom into a 'comfort knowledge zone', in the sense that the students were not afraid or shy to ask questions about issues that they would probably not have dared to ask in a traditional classroom full of strangers, and this probably helped them to overcome some of their fears regarding the legal field. Indeed forum interactions were critical to "to create environments and experiences that bring students to discover and construct knowledge for themselves, to make students member of communities of learners that make discoveries and solve problems" (Barr 1995:4).

With regards to the forums for debate about the theory readings, these proved excellent tools to assess acquisition of theoretical knowledge based on cooperation between students, consultation with teachers, research and debate. Table 6 shows an example of a dialogue between two students in the theory debate forum of Unit 1, devoted to the two legal systems involved in legal translation between English and Spanish.

Subject: *Pater familias and distinction with common law*

Student 1: I liked very much the section describing the term *pater familias* and the clarification that in Civil Law one of the parents is who actually has that role officially and the difference with Common Law where many other people can actually represent the minor.

In my work as an interpreter I hear all the time *next friend*, *guardian ad litem*, and so on, but I never knew the exact definition of each term. So thanks a lot, teachers, for a very detailed explanation.

Student 2: I agree, I also had the same thought, in particular I did not know that there were different legal families. It was highly informative to learn which languages and cultures share the same legal system or at least a very similar one.

I cannot imagine having to deal with these terms as an interpreter... I would end up completely crazy and out of my mind, although I must also say there is a positive side to this, and it is that once you have learnt these things, the rest is easier because there are more similarities.

Table 6. Sample of interaction between students at a theory debate forum.

The debates in the forums devoted to the practical activities were basically centred on solving comprehension problems, sharing documentation sources, parallel texts, strategies and asking questions about the translation assignment or the brief, as Table 7 shows.

Thanks, Andrew, your intervention was like turning on the light in my head. We are dealing with a conversation, something we do not usually read but only hear, so in this case the punctuation marks are odd ;0). I think I'm going to translate it using an indirect style, without any interrogation sign in Spanish. I'll write as it would be naturally said in Spanish: *y ahora me dirigiré o le preguntaré al Profesor John Bell.*

By the way, I have a question, when in English they say *Professor*, as a title, is this the same as the "catedrático"? (I am referring to the sentence in which Clive Anderson introduces the interviewed participants)

Table 7. Sample of interaction between students at a practice debate forum.

Regarding organization, the debate forums were organized in different threads, so that relevant information was collected together and in order to avoid repetition. The instructions given to students in order for their interventions to be assessed were that they should participate at least three times in each debate, posting original messages, that is, not repeating what had already been said by other students or what appeared in the theory readings. Therefore, while they could express any doubts or queries they had, this did not count as participation for assessment purposes.

In addition, each student needed to reply to at least three different messages coming from other students per topic. Since the Blackboard environment was created in English, and students were supposed to be trained in bilingual translation skills, we asked that the messages in the debates be written in Spanish, using proper syntax and orthography. Students were asked to quote author information and to provide references and other supporting materials for their comments and solutions.

This system meant that many threads were created, especially in the theory debate forums, and that the teachers' participation was often less relevant than students postings.

2.2. Assessment

As may be inferred from the above description of the use of debate forums, the course was designed for continuous formative assessment, in which traditional and formative assessment were interwoven. According to Martínez-Melis and Hurtado (2001:242) "the object of translation assessment is not only the result of translation, but also the translator's competencies and the process followed. Assessment in translation therefore goes beyond the evaluation of particular translations and must take into account other instruments". In that respect, working in an online environment proved to be a reproduction of the natural working environment of professional translators, with the added component of the collaborative situation, and this was used to design the assessment of the course. Table 8 shows the weight each activity had for continuous evaluation purposes as well as the criteria applied in order to mark each activity.

Debate and participation in theory and practice forums (two per topic)	30%	At least three queries / comments must be posted and three replies to somebody else's comments (six in total for each forum).
Translation assignments (One per topic)	40%	All 6 assignments must be done and submitted.
Final exam	20%	Date to be assigned and announced. Needs to be returned within 24 hours of posting. Consists of a 200 / 300-word translation.
Terminological database	10%	Must contain terminological records of all legal terms found in the translation assignments of the 6 units.
Extra Credit	(10%)	Final revised versions and comments on all six translations.

Total:	100% (+10%)	
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Table 8. Assessment grid of the course

Therefore, the continuous evaluation took into consideration not only of translation assignments but also of the documentation process—assessed through participation in debate forums and the production of terminological records—and students’ self-assessment, through the revised translations and comments counting towards the extra credit.

Regarding the way in which translation assignments were assessed, for each text submitted the students received quantitative information, that is, a specific mark from 0 to 100, and qualitative information or formative evaluation. This qualitative information was intended to show the students not only the mistakes made but also the kinds of mistakes, so that they could repeat the translation and improve it. Table 9 shows a list of some of the acronyms used³ to explain the type of mistakes, and the improvements provided by the students were also noted and marked.

<p>OS Opposite sense: saying the opposite of what the source text means. For instance, translating <i>developing country</i> by <i>país desarrollado</i> (developed country).</p> <p>FS False sense: saying something different from what the source text means. For instance, translating <i>developing country</i> by <i>país armónico</i> (harmonic country).</p> <p>NSM Not same meaning: saying something a little different from what the source text means, it is more subtle than the FS. For instance, translating <i>developing country</i> by <i>país que desea desarrollarse</i> (country that wants to become developed).</p> <p>LS Lack of sense: writing a term or sentence that does not make any sense for the reader.</p> <p>Gr Grammar mistake</p> <p>Trans Transference mistake: using false friends or typical usage of the source language in the target language, making the target text appear less than natural.</p> <p>ST Specialized terms: using the wrong specialized term or collocation.</p> <p>Vocab Vocabulary: using general language words or collocations wrongly.</p> <p>I Improvement: giving a good solution to a problem that implies being creative, doing research or following the methodology learnt.</p>
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Table 9. Authors’ translation of some of the acronyms used to mark the different types of mistakes in the translation assignments

This way of marking the translation assignments proved to be very useful, as the students became easily familiar with the different types of mistakes, allowing them to review their own translations with more information than just a mark. In order to clarify this type of formative assessment, some examples are given.

The first example deals with understanding and correctly reflecting the sense of the source text in the translation. The example shows how sometimes, even though students discussed a problematic item in the ‘practice’ forums, they then gave a mistaken

³ This typology of mistakes has been adapted from an original idea of Hurtado Albir (1999).

translation. Table 10 shows the contributions in a practical debate forum of two students and a teacher who discuss the meaning and the possible translation of a specific sentence, and specially a verbal form in Spanish. Then, Table 11 shows how they translated the problematic sentence and how they were assessed by the teacher. The example is taken from the translation assignment of Unit 2, which consists of translating the contents of a website that presents the Ibero-American Classroom Project, offering courses to judges of all Spanish-speaking countries, from Spanish into English.

Source text students are referring to	English translation given by the authors
Uno de sus rasgos más identificadores <i>debía ser</i> el llevarse a cabo las acciones formativas del proyecto en España.	[One of its defining features <i>shall be</i> that the project's training activities will be held in Spain].

Debate Forum

Comment by student A: Thanks for the explanation about “debía ser”, I was wondering why they wrote this sentence in that way, it’s hard to understand. When I read the verb “deber” that usually means there is an obligation, but in this case this does not make any sense, so I think they are really suggesting there is a strong possibility that this becomes one of the main features of the Project, so this is my translation: “*One of its most defining features must be the fact that the project's training activities will take place in Spain*”.

But I’m not happy with “must be”, I think it should be “is” instead. As a native English speaker this is the translation I propose, Ana, but I’m not really sure I’m understanding well the Spanish source text.

Comment by student B: I think “debía ser” implies an obligation, that is, a requirement that must be fulfilled. The project is designed on the basis that the courses take place in Spain. The translation I propose is the following, although I would be very grateful if an English native could give me his/her opinion about it: “*One of its defining features stems from the fact that the training activities need to be performed in Spain*”. Andrew, are you around?

Comment by teacher: When trying to understand the source text, keep in mind that “debía ser” is an obligation verb because of its meaning, but it is used in the conditional tense, and that gives a subtle change to the meaning.

Table 10. Discussion of a fragment of a translation assignment in the practice forum.

Translation proposed by student 1: One of its most defining features must be the fact that the project’s training activities will be held in Spain.

Teacher’s comment:

NSM [must be the fact that] You should refer to the practice forum, where this issue was commented on, to get the right meaning.

Translation proposed by student 2: One of its most identifying features lies in the fact that the project’s training activities must take place in Spain

Teacher’s comment:

Trans [identifying]

NSM [must take place] You should refer to the practice forum, where this issue was commented on, to get the right meaning.
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Table 11. Examples of two fragments submitted by students and the comments of the teachers giving formative assessment.

The second example deals with terminology problems. These were frequently discussed and solved in debate forums, for example problems like the difference between the Spanish terms *juez* and *magistrado* and the possible translations as ‘judge’ and ‘senior judge’. The discussions not only tackled the best equivalent for a specific term but also translation strategies. However, some specialized terms were not detected in the debate forum, and that lead many students to render a wrong translation, due to lack of documentation. Table 12 shows an example of a fragment of the translation assignment from Unit 6, which consists of the translation from English into Spanish of a Judgment of the European Court of Human Rights. In the example, the student did not recognise *final* as a specialized term, and so translated it using a general language word, *definitiva*, instead of using the correct equivalent in Spanish, which is *firme*.

Source text	English translation given by the authors
This judgment will become <i>final</i> in the circumstances set out in Article 44 § 2 of the Convention.	Esta sentencia será <i>firme</i> cuando se cumplan las condiciones definidas en el artículo 44.2 del Convenio

Translation proposed by student 1:

Esta sentencia será definitiva de conformidad con lo dispuesto en el artículo 44,2 del Convenio.

Teacher’s comment:

ST [final] This is a specialized term and you should research to find the right equivalent
 NSM [in the circumstances set out in]
 Gr [44,2]

Table 12. Example of specialized term not detected by students.

Conclusion

Selecting the competences, contents and methodology for designing a fully online legal translation course directed to different types of students proved to be a stimulating challenge. Once the content units had been selected, we proceeded to create theory materials for each unit as well as practical activities consisting of real or near-real translation tasks. The texts chosen used different language varieties of English and Spanish, and covered as many different legal genres as possible, in order to cover the broadest possible range of cases. Finally, the authors chose an assessment system that combined continuous and formative assessment, which proved to be very suitable for the online environment.

The Blackboard VLE is very useful in terms of communication with students and also provides the opportunity to devote more time to individual questions raised by students than a traditional learning environment would have allowed. For instance, if the written material posted to the forums in any given week were to be read aloud, it would take more than three hours, itself the

week's total contact hours. Therefore, even though the teacher might 'speak' less than in a traditional learning environment, the volume of exchanges and the interaction between teacher and students are clearly higher. A direct consequence of this rich interaction is that there is the possibility to discuss as many different options for translating a single term as the students want. It also allows a deeper understanding of the subtleties of meaning of legal elements to be gained and gives the student time for reflection between the explanation of the teacher answering a question and posing a possible second question.

We had some concerns regarding possible problems caused by the geographical and cultural differences between the authors and the students. However, the supervision and constant advice from the coordinator of the project, Dr Dávila-Montes, helped the authors to 'bridge the gap' and design a course and teaching materials which proved to be very appropriate for the students.

After two years of teaching the course online, we can say that it has been a most interesting and rewarding experience. The successful academic results of the students and their comments on evaluation surveys at the end of the course prove that it was a good experience for them as well. Except for the mention of some students of having needed to devote a great deal of effort to the course, all was positive feedback. In contrast, some students also commented that they felt they had learnt a good deal about legal translation and felt empowered to undertake some legal translation tasks.

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