Issues in On-Line Legal Translation Teaching
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Why an online course in legal translation?

For the past two decades, translation has been one of the most popular degrees in Spanish universities. In spite of the wide range of studies and the ever increasing array of universities offering graduate programmes, Translation and Interpreting still ranks among those with the greatest number of applicants, and to date it still appeals to the students with the highest qualifications, either via general university entrance examinations (in which Translation and Interpreting attracts the students with the highest grades) or through specific admission tests. In all cases, all this leads to a number of students who, either because the programme did not exist as such until the early nineties, or because they were unable to study the degree of their choice, request some kind of translation training at post-graduate level, usually after completing degrees in Languages or English Studies (the usual student profile), but also in Law or Economics.

This was the reason which, more than a decade ago, led the Department of English at our University to start a post-graduate course in translation and interpreting, initially aimed at non-specialists who wished to re-orient their careers (quite a usual occurrence worldwide, as described, amongst others, by

Lung, 2005). The course was taught for over a decade, and has only been modified due to a general restructuring process of Spanish university degrees, which includes both graduate and postgraduate options. However, what we did observe over the last editions was a declining interest for translation in general, perhaps due to the increasing number of institutions where the degree is offered. Conversely, this decline was offset by a growing number of requests from all over Spain and abroad which enquired about the possibility of specific training in Legal Translation which did not require the students' physical presence in Alicante; this was due to the fact that our Institute for Applied Modern Languages is one of the most widely known sources of English-Spanish legal translation theory and materials in Spain. Until three years ago, nevertheless, it was felt that the time was not ripe yet for online teaching, for despite the generalization of Internet use, it is only for the past three-four years that Spanish Internet providers have ensured the availability of reliable connections at an affordable price. Also, present postgraduates have a degree of computer / Internet literacy which was not so widespread only four or five years ago, although some students, as will be pointed out below, still resist working with the Web (as noted, amongst others, by Uschi, 2007).

At first, the course was addressed at postgraduates in English Studies, although applications were also accepted from other postgraduates providing some evidence of sufficient domain of English (i.e. at Cambridge Proficiency level). Indeed, the first edition only attracted applicants from English Studies and Law, but to our surprise, in the second and third edition we have had an unexpected number of applications (20 per cent) from postgraduates in Translation and Interpreting. We personally contacted each and every one of them, informing them that they might already be familiar with part of the contents of the course, and even with the fragments proposed for translation, for the textbook used is indeed the

most popular in Spain for English-Spanish legal translation (five editions to date).[1] However, in all instances the applicants confirmed their interest, for in their opinion the lessons they had received in legal translation had been insufficient (something that merits further discussion elsewhere), or they were interested in obtaining further training and extra practice.

The course structure

The technical specifications of the course were adapted for students to be able to use all features with no need for a high level of computer literacy. For reasons of brevity, which preclude a detailed discussion of all the characteristics of the course, emphasis shall be made on the following components: (a) the teaching units, (b) the self-correcting exercises, (c) the online tutorials, (d) the forums, (e) the compulsory written papers, and (f) the final examination.

(a) The teaching units

As is often the case with English for Legal Purposes and Legal Translation courses (Candlin et al., 2002, Northcott & Brown, 2006), a content-based syllabus was chosen, divided into 15 units: two on translation strategies ("An introduction to translation" and "An introduction to legal translation"), four on introductory topics in legal language and procedure ("The language of English law", "The English court system", "Criminal Procedure" and "Civil Procedure") and eight on specific legal topics ("Sale-Purchase contracts", "Lease contracts", "Labour contracts", "Company Law", "Family and

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[1] A month before the beginning of the course, the students are sent a copy of the textbook (Alcaraz, 2003), plus a bilingual English-Spanish legal dictionary (Alcaraz & Hughes, 2003).

Probate Law", "Alternative Dispute Resolution", "Insurance Law", "EU Law" and "Lawyers, solicitors and representation before the courts").

Out of these units, the first two have a specific structure, for they are intended for students who have received no training in translation as such. The purpose is to provide a number of simple translating techniques beyond the literal version, based on the strategies proposed by Vinay and Darbelnet in the late fifties, and adapted to English-Spanish translations by Vázquez-Ayora (1977). The interface for Lesson 1 is shown below.

UNIDAD 1. INTRODUCCIÓN A LA TRADUCTOLOGÍA Y A LAS TÉCNICAS DE TRADUCCIÓN OBLICUA

Guía de estudio y ejercicios

Introducción

Esta unidad introduce la línea básica de trabajo del presente curso, indicando las principales técnicas de traducción que se aplicarán a los ejercicios correspondientes.

1. **La traducción y la traductología**

   Para comenzar, estudia este primer apartado teórico sobre los conceptos básicos de la traducción:

   1.1. ¿Qué significa traducir?
   1.2. ¿Es posible la traducción?
   1.3. La equivalencia como objetivo de toda traducción.
   1.4. El anisomorfismo: asimetrías lingüísticas y culturales.
   1.5. La traductología y la teorización en traducción.

2. **Técnicas de traducción oblicua y de estilística aplicadas a la traducción**

   A continuación se profundiza en la explicación de las técnicas fundamentales para traducir, basadas en la lingüística contrastiva y en la estilística.

   2.1. Técnicas de traducción oblicua
   2.2. Estilística y traducción

3. **Comentario de la traducción de un texto jurídico**

   Por último, se te ofrece un comentario lingüístico-estilístico de tres breves pasajes extraídos de un texto oficial redactado en inglés que trata del racismo y la xenofobia.

   Texto comentado

Figure 1

The documents are in .html format, and can be either viewed online or downloaded into the students' computers; by means of hyperlinks, the student can browse around the unit. The theoretical contents are supplemented by simple, self-

correcting exercises (usually gap-filling), such as those in Figure 2 (the answers are shown in lighter type):

Figure 2

Units 3-15 have a theoretical and a practical section. In all the units, the students are asked to carefully read both the on-screen introduction and the corresponding lesson in the textbook. Then, a number of self-correcting exercises are proposed (see following section), in which the main ideas are clarified and reinforced. Following a usual trend in materials integrating language and law (Candlin et al. 2002: 299-320), each unit is self-contained.

However, what the students have found most useful, and rightly so (for such is the purpose of the course) is the second part of the unit, containing the translation exercise. Except for two units, the text is the same as that contained in the textbook, with two types of translation aids: the footnotes in the book (which offer a number of options for the translation into

Spanish of potentially difficult words or phrases), and those available online.

The text is shown on-screen, divided into six fragments. By clicking on each of them, the relevant paragraph is shown with a number of hyperlinks, which in turn lead on to specific comments on the translation, dealing with potential false friends or emphasizing the correct usage in the target language. What is more interesting with a view to actually learning to translate any text (versus learning to translate only one given text, and being unable to extrapolate), sometimes there is a discussion of potential alternatives in other texts or for other users:
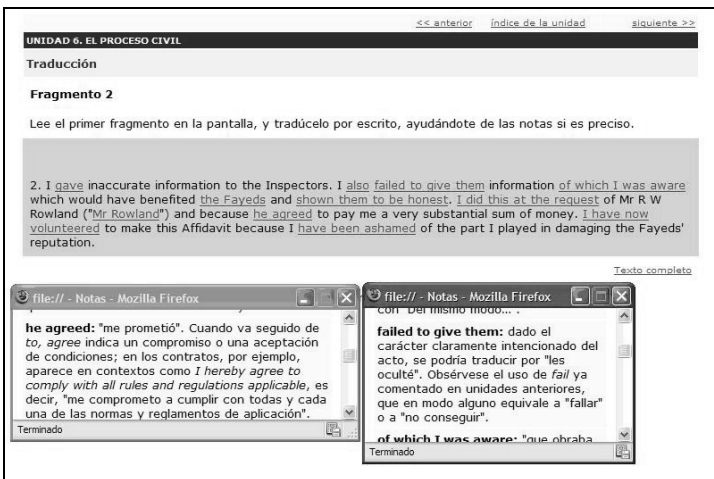

Figure 3

Every two fragments, there is a small section in which students are asked to render sentences from their language into English; the purpose here is not, strictly speaking, to translate, but rather to consolidate the specific vocabulary and phrases corresponding to the topic in each lesson, usually as a reminder of the footnotes. For example, in the exercise shown below the purpose is, on the one hand, to reinforce the topic-related

terminology (tenant, tenancy, without notice), and on the other, to emphasize general notions on legal translation (in this case, the equivalent of fail as an "empty" negative form, or the conditional meaning of where). The exercises allow for two "levels" of difficulty, whereby students are offered an "intermediate" version in which they can fill in the gaps:

En aquellos casos en que el arrendatario y el titular no se ponen de acuerdo en las condiciones, el inquilinato puede resolverse sin previo aviso.
Ayuda para la traducción.
Where a ___ and an ___ fail to ___ terms, the ___ may be ___ without ___.
Solución.
Where a tenant and an owner fail to agree terms, the tenancy may be terminated without notice.

Finally, the main points in each unit are summarized by means of a checklist (Figure 4), followed by a multiple-choice test, with both topic- and translation-based questions:

Figure 4

(b) The self-correcting exercises

Each unit in the course contains a whole set of exercises, aimed at testing the way students have actually systematized the contents and techniques, with a special emphasis on confidence-building. Such exercises are based on a software tool included in the Virtual Campus at the University of Alicante, the so-called "Examiner". The system allows, amongst others, for gap-filling or multiple choice tasks, but also allows tutors to check if their respective students have done the exercises and the results obtained (Figure 5):

8

Figure 5

In those units dealing with texts with a very stable macrostructure (as defined, amongst others, by Alcaraz, Campos and Miguélez, 2003: 118), a genre-based approach is combined with the content-based one, and students are encouraged to use parallel texts as a source of equivalent terms or phrases. For instance, in Unit 8, dealing with lease agreements, the students are asked to compare similar clauses of lease agreements in English and Spanish:

3. Damage Deposit Upon the due execution of this Agreement, Lessee shall deposit with Lessor the sum of eight hundred dollars ($800) receipt of which is hereby acknowledged by Lessor, as security for any damage caused to the Premises during the term hereof. Such deposit shall be returned to Lessee,	**SÉPTIMA**: en este acto, los ARRENDATARIOS hacen entrega a la ARRENDADORA de TRESCIENTOS NOVENTA EUROS CON SESENTA Y SEIS CÉNTIMOS (390,66 €.), en concepto de fianza por posibles deterioros que pudiesen ocasionarse en la vivienda durante el periodo de alquiler, o por incumplimiento, por parte de los ARRENDATARIOS, del plazo del presente Contrato. Dicha cantidad será devuelta a los ARRENDATARIOS, menos los

9

without interest, and less any set off for damages to the Premises upon the termination of this Agreement.	gastos que pudiesen ocasionarse por reparaciones, después de revisar la vivienda a la conclusión de este contrato y simultáneamente a la entrega de llaves a la propietaria.

A careful examination of the equivalent formulae in these clauses allows students to find translations which are perfectly suitable for the same genre in the target language:

1. en este acto *(upon the due execution of this Agreement)*
2. a la conclusión de este contrato *(upon the termination of this Agreement)*
3. posibles deterioros que pudieran ocasionarse en *(any damage caused to)*
4. durante la vigencia del presente Contrato *(during the term hereof)*
5. Dicha cantidad será devuelta a *(Such amount shall be returned to)*
6. and less any set off for *(menos los gastos que pudieran ocasionarse)*

(c) The online tutorials

The Virtual Campus also contains an online tutorials tool, which makes it possible to address either the webmaster (in case of technical problems) or each personal tutor (for any questions regarding the contents of the course). Although it might be possible to use e-mails for these questions, the advantage of this system is twofold: on the one hand, it has almost unlimited storage capability for messages and attached documents (which it automatically classifies into folders). On the other hand, it offers the possibility to transform any reply

10

into a FAQ or to choose from a list of ready-made answers; these can be short remarks, such as "the answer can be found in the textbook", "both versions are correct", or even long explanations (e.g. on the use of capitals in English and in Spanish, etc.) including, where appropriate, references to websites. Whenever possible, tutors try not to provide direct answers, but rather to guide the students so that they can find the answer by themselves.

Figure 6

The Virtual Campus tool is also used in order to send and return the compulsory written papers, which will be discussed in greater length below.

(d) The forums

Undoubtedly, the greatest challenge in all online language and translation courses is the lack of peer presence. Deprived of contact with other students, the learner may fall easy prey to discouragement or disorientation, for it is not possible to know

if problems are unique or usual ones, and in the worst cases some students may feel that everybody is doing well out there except them. In order to avoid this isolation, and provide the much-needed "group feeling" and "human touch" (see, for example, the University of Illinois 1999 Report) the students are, at the beginning of the course, encouraged to introduce themselves, in such a way that both all participants share a virtual space in which they express their hopes and expectations concerning the learning process.

In addition to these introductions, which profit from an adult learner environment in which a "learning contract" is explicitly entered, any of the tutors can start a thread on any topic at any stage. For example, one of the students once sent her tutor a message asking for advice on dictionaries. Instead of providing a simple answer, or even creating a FAQ for everybody to receive the same information, it was decided that perhaps a small debate on the usefulness of dictionaries and how practical they seemed to the students, could be more productive in terms of helping them to become aware on how much can be expected from a dictionary. Such debate, as seen below, was extremely popular, because at this stage learners already have some experience on the use of dictionaries, and if any misconceptions emerge, they are rapidly debated:
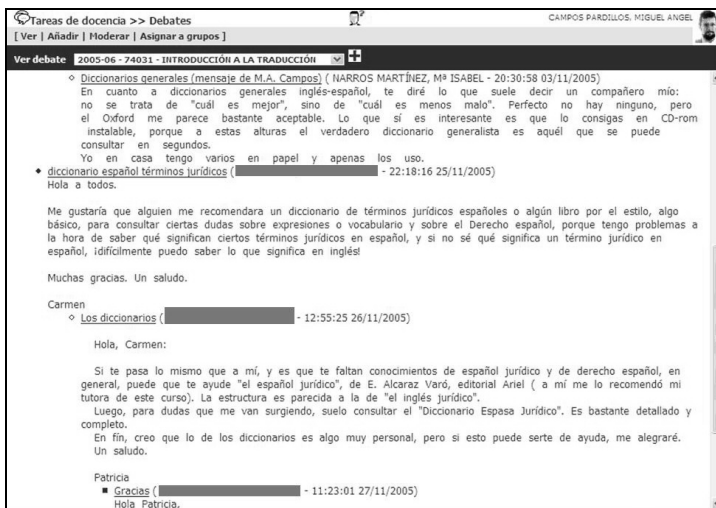
Figure 7

In addition to these uses, an additional purpose of the forum was the so-called "for gourmets only" section. In order to cater for all levels in legal translation (some of the students in the course are already practicing translators), it was decided to add a little "extra", under the shape of a text for advanced translation. Initially the idea was to hand it out to the students as an optional task which they could send to their respective tutors; however, it was felt that the whole activity could become more collaborative and attract various levels of participation if the forum was used. Out of the several options available (e.g. A translates one paragraph, then B and C agree or disagree, the tutor moderates the debate and comments on the pros and cons of each version, etc.), a format was chosen in which the tutor simply proposes a potential translated version, without saying whether it is acceptable or not (though intentionally introducing controversial options and usual mistakes), and the students give their opinions, suggest alternatives, etc.:

13
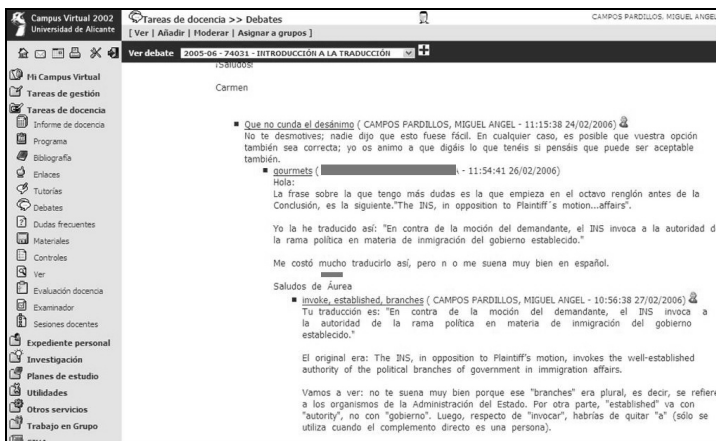
Figure 8

As can be seen, the students feel free to express their emotions on the translation and the course; for example, one of them admitted that she felt discouraged because, as she put it herself, she would not have been able to produce a version like the one proposed, "not in a month of Sundays"; in addition to the tutor offering some words of encouragement, other colleagues of hers said that they had also found it difficult, at times even impossible. The student was persuaded by the combination of all voices, and continued to strive for better and better translations. Of course, the debate also becomes an amplified, public version of the student-teacher tutorial, in such a way that comments are "overheard" by other students who might not be bold enough to ask.

(e) The compulsory written papers

However, as one can imagine, translation cannot be simply taught and assessed by means of self-correcting exercises and debates; the only way to accurately monitor the students' progress is by means of compulsory, periodic translation papers, accounting for 40% of the final mark. In order to better

prepare the learners for the final examination discussed in (f) below, the usual format for written papers in specialist translation was chosen, i.e. fifty per cent of the marks for "known" subject matter (vocabulary and content questions, and translation of fragments from the units) and another fifty per cent for an unknown translation. The first part, for which neither dictionaries nor textbooks are allowed, attempts to encourage students to do the exercises in the units, for they know that by working hard on such materials they can reasonably expect to prepare for the written examination.

We are aware that some teachers are against allocating such a high percentage of the mark (50% of each paper) to materials that may simply have been committed to memory; however, it is our belief that memory does play a role in legal translation, in the sense that it is impossible to rely on dictionaries and research for all the vocabulary and structures needed at a certain stage, for two reasons. Firstly, availability: in certain situations the dictionary is simply not an option (e.g. in court appearances, at least in Spain). Secondly, regarding time organization, excessive dictionary use results in low quantitative performance, which in turn precludes meeting deadlines and, what is more serious in the case of translators (who usually work freelance), accepting a number of jobs sufficient to obtain a reasonable income (and pay social security contributions) every month.

Papers are corrected by the tutors and returned to the students via the Virtual Campus, with comments on mistakes and suggestions for improvement. In general, students have found this extremely useful, and mentioned this as one of the most salient features of the course, especially since it leads sometimes to interesting and illustrating debate; in some cases, the tutors have gained extensive knowledge about Spanish legal vocabulary from Spanish judges taking the course.

Students who fail any of these papers are allowed to try again during the first two weeks of June; should they not do

this, they are still legally allowed to take the final examination, but in this case the grade obtained therein is the only mark.[2]

(f) The final examination

As required by University regulations, and also following the usual strategy against cheating, there is a compulsory written examination which students have to take in designated venues (the host university, but also other cooperating institutions in other Spanish cities and abroad). The structure of the examination is similar to the ones taken during the year, and the results in general have been positive so far; in fact, the marks have been found to deviate very little from those obtained in the papers. This agrees with the remarks by McNett (2002), who points out that making the final examination an on-campus test may increase the chances for cheating in intermediate exams, but students are aware that this will be of little help if passing the final exam is a compulsory requirement.

Looking ahead: problems and potential solutions

Once the course has been running for almost three years, the following problems have been detected: (a) technical problems; (b) content-derived problems; (c) others.[3]

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[2] To date only two students have taken the final examination without submitting the compulsory papers, and failed. In principle, given the dynamics of Spanish university education, the student might have felt that the mark was a sort of "punishment" for not complying with some requirements of the course, but none of them perceived it as such.

[3] The problems discussed in this section come from three basic sources: my experience as the coordinator of the course, the remarks by the tutors, and the comments made by the students in a written survey which all students in postgraduate courses must fill in at the University of Alicante, as part of our quality control programme. Thanks are due to all of them, especially to the students, for their time, and also for their words of praise.

(a) Technical problems

Online learning may present a number of difficulties related to the platform used, or simply due to technical problems which are greatly disappointing for students (see, for example, Towndrow [2004]). In this respect, some of the students encountered problems because of lack of computer literacy, especially in the case of those over the age of 40. In other some cases the problem did not come even from the system itself, but from the students' computers, which were sometimes faulty due to poor maintenance.

We believe that the situation will greatly improve as, over the years, candidates become more and more students familiar with the use of computers (the Eurostat figures issued in June 2006 are quite optimistic for the ages between 16 and 24 years old); for urgent cases, in future editions we shall consider the possibility of providing telephone assistance, whereby the webmaster may sit before a screen and take the student through all the necessary steps. Also, some contingency plan might also come in handy for total failure of the virtual campus (sometimes unavailable due to maintenance reasons), in the shape of Internet group pages.

(b) Content-derived problems

Some of the students found the units too short, especially the ones on the language of civil and criminal law, respectively. This is certainly true, if we consider that both the contents and the vocabulary in these units are comparatively much greater than those in other units. We are currently studying the possibility of subdividing these units into two (i.e. Civil Law I, Civil Law II), although that might prolong the course, or re-allocating part of the contents to other, related units.

Other students have commented on the need for general lessons on Law in general (especially those coming from language degrees). Again, the duration of the course appears to be an obstacle, for introducing units on legal topics would make the course too long, and might not appeal to students already possessing such background (i.e. lawyers, but also translators who have studied some kind of introductory subject at university). The solution seems to lie in using the Internet as a source of general knowledge, and for future editions we plan to introduce optional exercises and quizzes (in the Webquest format[4]) based on information that may be obtained online.

(c) Others

We have also detected that in some cases there was cheating among the students; this occurred in the compulsory exercises sent every six weeks, in which learners were supposed to do the first part of the examination without using the textbook. In order to verify this, small variations were introduced in the fragments for translation included in the papers: in some cases the students' translation corresponded to the textbook version. In further editions, it is our intention to explore some of the strategies suggested by Varvel (2005), starting from an emphasis on the practical nature of the course and the importance of the contents versus the academic certificate.[5]

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[4] On the extremely successful Webquest tool, see http://webquest.org/.

[5] This is one of the examples of what is known in Spain as "own" courses (*títulos propios*), i.e. those diplomas which are not recognized by central government, but simply issued by individual universities and accepted (or not) by firms and institutions on the basis of their reputation (vs. an official degree in Modern Languages, which in principle could allow the holder to work as a teacher regardless of one's knowledge, but simply because one holds the relevant degree). In this kind of programme one might expect that students might pay more attention to what they may learn and less to the certificate itself, but cheating has been found to be present as well.

In addition to this, at the end of the fourth edition it is our desire to carry out a quantitative and qualitative survey, to gauge both perceptions on the course (which are also collected yearly in anonymous surveys at the end of the year) and the implications on the professional careers of the students who have taken the course. One specific area we are interested in is whether the course has led students to move into a career in translation, or whether legal English and translation have been added to their skills as an added feature for professional practice (i.e. for lawyers) or as part of their areas of language teaching.

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