

NEW ENGLAND
neta news
TRANSLATORS ASSOCIATION

Volume XXII, No. 85

Winter 2021

A quarterly publication of the New England Translators Association

May 1: Save the Date for Our Annual Conference!

Details on registration for this year's conference, opening March 1, will be coming to your email inbox in the near future.

Our 25th annual NETA conference will offer a wide variety of sessions for interpreters and translators at all levels of experience. In addition, there will be many opportunities for networking with colleagues and organizations looking to hire language professionals. Presenters this year, just to name a few, will include:

Dr. Holly Silvestri, Senior Coordinator for Translation, Training and Curriculum, National Center for Interpretation, University of Arizona

Luciana Canestraro, CMI, Supervisor of Interpreter Services. Boston Children's Hospital

Sabina Knight, Professor of Chinese and Comparative Literature, Smith College

Since 2016, our conference has been held in cooperation with UMass Boston's Department of Latin American and Iberian Studies and the College of Advancing and Professional Studies Translation Program. We again look forward to excellent academic presentations.

See page 9 of this newsletter for a call for proposals for the conference. The submission deadline is March 1.

If you haven't had a chance to watch the recordings of the 2020 academic mini-conference, you can do so at "Videos" on the Members Only page of netaweb.org.

Nominations Are Open for 2021 NETA Board Elections

Four seats on NETA's Board of Directors are up for election this spring. Please consider running for office yourself or encourage another member you admire to run. The more you put into NETA, the more you'll get out of it!

Nominate yourself or others by submitting a short bio (one paragraph or less) and candidate statement (roughly one paragraph) to [Diana Rhudick](#). Nominations are due by March 15, and online voting will begin on March 25. Candidates must be paid-up NETA members by April 1. Winners will be announced at the May 1 conference.

Board members' responsibilities include attendance at four scheduled board meetings a year plus occasional meetings, as needed. All meetings at present are virtual. At our meetings we oversee the planning of activities that NETA sponsors as well as attending to regular NETA functions, from membership to website to finances. Board members serve two-year terms, beginning June 1 following the May election. For more about a director's duties, review [Article Five](#) of the NETA bylaws.

Please consider this opportunity. We welcome your involvement!

NETA Board of Directors

25th ANNUAL
NEW ENGLAND
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TRANSLATORS ASSOCIATION
New England Translators Association
CONFERENCE
SAVE THE DATE
MAY 1, 2021
VIRTUAL EVENT
UMASS BOSTON

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drhudick1@gmail.com

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diego.mansilla@umb.edu

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membership@netaweb.org

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board@netaweb.org

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Laura Rojo MacLeod

Erika Schulz

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Marian Comenetz
programs@netaweb.org

2021 CONFERENCE COMMITTEE

conferenceinformation@netaweb.org

NETA News

Volume XXII, No. 85

Winter 2021

NETA News is a quarterly publication of the New England Translators Association. The opinions expressed herein are those of the authors and not necessarily those of NETA. We reserve the right to refuse submissions.

Editor

Laura Rojo MacLeod

Proofreader

Marian Comenetz

Layout

Sarah Heller

Submissions

Submissions, comments and letters to the editor are welcome. Articles are subject to editing for grammar, punctuation, and space limitations. Upon request, a proof will be sent to you for review.

Schedule of deadlines:

Fall issue: Sept 30, Winter issue: Jan. 15, Spring issue: March 15, Summer issue: June 15. Please send all correspondence, including requests for permission to reprint articles, to newsletter@netaweb.org.

Delivery

Notification of NETA News is e-mailed to all members. It is available at netaweb.org.

Change of Address

If you move or change e-mail addresses, please update your profile on the website or send to the Membership Coordinator.
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NETA alternative forum: alt-neta@groups.io

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To subscribe to a forum, you must be a current member.

Look for the NETA Group on LinkedIn at:

<http://tinyurl.com/ovehyp>

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Membership information

NETA accepts individual members only. A one-year membership is \$50 (\$25 until 6/30/21). NETA offers a \$30 (\$15 until 6/30/21) membership for students of translation and/or interpreting and individuals aged 65 or older. If you need a membership application or have other membership questions, contact: membership@netaweb.org. Subscription to this newsletter is included with your membership.

A Conversation with Professor Ilan Stavans

On Self-translation: Meditations on Language

When I first met Prof. Ilan Stavans at one of his lectures, I was enchanted not only by his wide and vast cultural knowledge but also by his ability to reframe topics across significant dimensions, making us think differently about them. We continued some conversation afterwards, in Spanish, and my delight was even greater. What follows is a brief conversation about one of his latest titles, On Self-translation. Enjoy the journey! - Laura Rojo MacLeod

Living a variety of lives in different languages and cultures (English, Yiddish, Spanish, Hebrew, and Spanglish), allows for “concurrent insider and outsider’s perspectives, being simultaneously at home and in exile.” We are not one but many. This idea pervades the book *On Self-Translation*, where, as Prof. Stavans puts it, “I exist in an echo chamber of self-translated voices, all of them my own.” Self-translation implies multiple subdivisions of the self; he feels his life as “a translation without an original.” Confrontation with the splitting of the self creates constant moments of renewal. This shows in his writing as well. Translators feel close to this divisive picture much of the time when we face any piece of text: we are in but also out. All this generates stories, voices, and translations that are collected in the book. It encompasses seven parts. The first part is totally different from the rest; it is an essay on what it means to translate oneself. The other parts (Meditations, Beyond Words, Fútbol, Language and Politics, Conversations, Onto Spanglish), addressing an array of topics, are clearly written and fascinating. There is humor too in Stavans’s fabric of thoughtful insights on language and our lives threaded in it.

Laura: *Ilan, I love many of your statements, opinions, and the way you play with words! For example, I like when you say that “this coming and going of languages is close to my heart.” And I like when you announce that “diversity feels jingoistic.” I agree! And your mantra: “Not hoping to be perfect is a failure. Achieving perfection is impossible.” Could you elaborate?*

Ilan: I’m interested in the connection between language and perfection. Perfection is often presented as an attribute of the divine and an aspiration of humans. Language, on the surface, is untidy, unstable. Yet when we write, we

hope to find “the right word,” the only one capable of saying what we want in the way we want it. It’s a fascinating contradiction. In my mind, some works of literature—very few, fortunately—approximate perfection.

L: *Your views on the creative task of the translator?*

I: If translators are traitors, I love treason. Robert Frost was wrong in thinking that poetry is what gets lost in translation; it is the other way around: poetry is born from translation; and if it has any desire to endure, it is only through translation. I spend my life reading. I read alone, in front of an audience, together with students. Actually, I think of myself not as a writer but as a reader. Of course, to read is to translate. Among my favorite books are dictionaries. They are like Borges’ aleph: the entire universe is contained in them; and time, too: past, present, and future.

L: *When in one of your conversations (with Steven Kellman), featured in the book, you discuss “the translingual sensibility” and provide jazz music as an example (for instance, jazz player Herbie Hancock), you say “it beggars the imagination and leaves us at a loss for words.” Should this sensibility be a sine qua non condition for translators and interpreters? How do they get there?*

I: The translingual sensibility emerges from our daily transactions across languages. The back-and-forth is at times dizzying yet it is also astonishingly rewarding. To be attuned to semantics is to realize that without language the world is unintelligible and has no order.

L: *I know you enjoy your teaching very much. It shows. “Teaching is more than lessons, you create an atmosphere to learn...” I couldn’t agree more as a teacher of language myself. Besides, I find you connect both arts and tasks, the educator’s and the translator’s, in the reading realm, that ample arena where new ways to look at words, ideas, etc. can bloom again.*

I: I never intended to be a teacher. But now I think I was predestined for it. Or else, I was lucky to stumble upon such a fate. It is the best way to spend one’s days: in front of young people. I’m the only one who ages in the classroom. My students are fixed in time: always 18 to 22.

L: *When you mention that the life of the mind needs to be fertile, “always open to be surprised, even humbled,” it prompts me to think whether the appreciation of nature, the urgent need for its protection is a way for the mind to grow more fertile? As you know, I’m a permanently-concerned language worker who fears for the environment. This has been my passion and pain since the 1980s, and if, as you say with Wittgenstein, that “the limits of my language are the limits of my world and vice versa,” we need to strongly widen the ‘green’ language limits in all levels of decision-making in order to help the planet. How do you look at the role of translators vis-à-vis nature?*

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Joining FIT: Now What?

Submitted by Rokhaya Smith, FIT Liaison on behalf of NETA

In January 2020, the NETA Board voted unanimously to join the International Federation of Translators, otherwise known as FIT or *Fédération Internationale des Traducteurs*, following a member's question as to why NETA was not a member association. The actual registration did not occur until this summer because there were eligibility issues that FIT needed to address. NETA's membership became effective in the fall of 2020.

FIT is a federation of national associations, not of individuals. The organization accepts as members associations of translators, interpreters and terminologists. Over 100 professional associations are members, representing more than 80,000 translators in 55 countries. The Federation's goals include and are not limited to:

- promoting professionalism in translation, interpreting and terminology and their recognition,
- improving working conditions in these professions and defending translators, interpreters and terminologists' rights,
- fostering the creation of associations of translators, interpreters and terminologists where they do not already exist and helping member associations to establish relations,
- informing members of the latest industry and technology trends, working conditions, training and professional development.

FIT has two quarterly publications, the journal *Babel* and the bulletin *Translatio*. *Babel* is a scholarly publication of articles from around the world. *Translatio* is the organization's newsletter informing members of the activities of committees and sister organizations.

The Federation organizes seminars, meetings and discussions on issues relevant to translators, interpreters and terminologists. It has various committees, governing bodies and three regional centers: FIT Europe, FIT Latin America and FIT North America that convene meetings to promote exchanges between sister organizations on topics of interest to professionals.

Some membership benefits include access to FIT's quarterly publications, access to sister organizations' newsletters or periodicals, participation in a discussion group to disseminate members' activities and events, and a discount for attending professional events such as conferences and professional development webinars. The NETA Board can advertise NETA events, such as monthly programs and the conference, in the discussion group. Members of sister organizations around the world will have access to this information and hopefully choose to attend our events.

The NETA Board will also share with our members any relevant information they receive from FIT and sister organizations.

Board members have decided that at the end of the year, there will be an assessment as to how valuable membership has been. The membership fee is set at 3.10 Swiss Francs per capita. The maximum annual contribution is limited to 4,500 Swiss Francs. At the time this is being written, the exchange rate is US\$1.13 for 1 Swiss Franc. The Board will reach out to NETA members for their input on whether the membership should be renewed.

A Conversation with Prof. Ilan Stavans

Continued from page 3

I: Translators not only “dress up” works of literature, they also are language machines. Every translator lives in a precise time and place and renders their work as a product of those coordinates. Our natural system is at peril. It is not only polluted; the language we use to describe it is also trite. We need a new approach to language in order to see nature through a new prism. I'm not talking about inventing new words; what I'm referring to is the need to refresh the ones we've inherited from the past.

L: One last comment. In On Self-translation, you discuss the need for tolerance for ambiguity.

I: The media bombardment makes us allergic to nuance. We see everything, including human character, as an either/or. But that isn't the case. Each of us is a sum of parts, a weaving of light and darkness. Walt Whitman's line in *Leaves of Grass*, “Do I contradict myself? Very well, then I contradict myself, I am large, I contain multitudes,” is really a philosophy of life.

L: You're a rich example of 'interpretación simultánea' and alive biodiversity! ¡Muchas gracias! Thanks so much, Prof. Stavans.

Ilan Stavans is the Lewis Sebring Professor of Humanities, Latin American, and Latino Culture at Amherst College.
istavans@amherst.edu; [@IlanStavans](https://www.instagram.com/ilanstavans)

Restless Books: restlessbooks.com

NEPR Podcast: “In Contrast with Ilan Stavans”

Co-Founder and Academic Director:
Great Books Summer Camp

TED-Animations:

Why You Should Read Don Quixote?
The Magical Fictions of Jorge Luis Borges
The Poetry of Pablo Neruda

Laura Rojo MacLeod is a NETA board member and the editor of *NETA News*. She works in the fields of education, translation and the environment.

LauraRojoMacLeod.com
amherstbilingualstudio.com

“The educator, translator & interpreter echoes the dimensionality of nature.”

My Memorable Experience as a Translator / Interpreter

This is a continuation of a feature started by the editor in the Fall 2020 issue of NETA News. After a call for members to send in their favorite personal Translator/Interpreter story, we received several responses for the Fall issue. Below is an additional response received since then. We hope you will be inspired to honor us with your favorite T & I memory for a future issue of NETA News. Thank you to **Vanessa Rendeiro** for sharing her story with us.

Vanessa Rendeiro, Interpreter

Community interpreting certification, Portuguese/English

My T&I story began in my church back in late 2011, when a minister asked me to convey some bible verses in Portuguese for the congregation. I was somewhat apprehensive about doing so because I had not had any prior interpreting experience. I felt bad for not being able to help. Then sometime later, when I was invited to convey the sermon in Portuguese for the Brazilian congregants, I stepped in and obeyed God's call. The church procured an assistive device that was very convenient for interpretation. At the time I had no idea about the three modes (consecutive, simultaneous and sight), but simultaneous interpretation was happening in the church via that device. I found it difficult to look up the passages because the minister spoke so fast that sometimes I couldn't find them quickly enough. It didn't occur to me to request a pre-session with the minister. Still, despite everything, these were great experiences! They were challenging, but I loved the work. It was truly worthwhile. During that period, I did not think about getting a certification in interpretation. That did not happen until March 2020.

Two days after the outbreak of the pandemic, I received a message from a representative of [A Safe Place](#), Carla Zenis, asking me if I could do some urgent non-medical translations for Nantucket Cottage Hospital. She knew my educational background, not as a professional interpreter, because that I was not, but as an English and Portuguese teacher on Nantucket and as a volunteer in the Nantucket community. She introduced me to Brooke Mohr, who referred me to Nantucket Cottage Hospital, which offered me a position as a translation services vendor after I had successfully translated many immediate release non-medical documents for them. Since then, I have been translating documents

for many organizations on the island. Soon after Nantucket Cottage Hospital set me up as their vendor, I received the same offer from the Town of Nantucket, again referred by Brooke Mohr. The pandemic has been a very busy time for me. That makes me remember my dad, Mr. Rendeiro's wise thought: "There are moments in life when positive things result from adversity."

In June 2020, I signed up for professional training in interpretation. Two months later, I earned certification as a community interpreter. In December, I enrolled in a Portuguese & English translation program, a medical interpreting program and a medical translation program. After all, we have to be lifelong learners! I was featured in Nantucket's weekly newspaper, *The Inquirer and Mirror*, and in the *Brazilian Times*. Recently I registered my new business, The Translator's House. That's where all the documents are translated, full steam ahead.

My husband, Ubiratan De Moura, is a generous man and a wonderful father who is there for me, helps me with the kids, and supports my busy T&I life. This journey is challenging, yet incredibly gratifying. Still, without my husband's love, patience, and ongoing support, all of the urgent translations done on the island for the Brazilian community would not have materialized.

02 Brazilian Times
The Best Journal For You!
General News
Friday, November 13th, 2020
WWW.BRAZILIANTIMES.COM

OPORTUNIDADE

Membro do Conselho de Serviços Humanos da Câmara Municipal de Nantucket, brasileira se destaca pelo serviço voluntário

Do Redação do Brazilian Times

Aparense de Belém, Vanessa Rendeiro, reside nos Estados Unidos há 11 anos e desde o começo foi uma pessoa envolvida em causas sociais e serviços voluntários. Letras com Licenciatura em Português/Inglês pela Universidade da Amazônia, ela é casada com Ubiratan De Moura com quem tem dois filhos, Sarah, de seis anos, e Isaac, de dois.

Em seu currículo também consta pós-graduação em Ensino de Inglês em Segunda Língua, pela Universidade Federal do Pará (UFPA), com experiência, de muitos anos, como professora de inglês em escola particular e estadual.

Logo que chegou a este país, ela trabalhou na área de limpeza de casas durante o verão e morou em Boston por três anos e meio para aprimorar o seu inglês em duas escolas especializadas.

Após este período, Vanessa se mudou para a ilha de Nantucket, onde se descobriu no campo da jardinagem e continuou firme no ensino do inglês, ministrando aulas presenciais para a comunidade migrante.

Poucos anos depois, ela foi convidada pelo Presidente do Conselho das Igrejas Católicas de

Cape Cod a participar de uma palestra na biblioteca Athenium, da ilha, cujo tema era Imigração x Fé. Neste evento, ela conheceu a Reverenda Linda Simmons, da Unitarian Church, que depois a convidou para fundar, junto com ela e outros integrantes, o Immigration Resource Center.

Esta organização tem com o objetivo atender a comunidade migrante fornecendo informações gerais, aconselhamento legal e assistência financeira. De acordo com Vanessa, todo este apoio social não se limita apenas à comunidade brasileira. "Atendemos também a hispânica, jamaicana, nepalesa, entre outras", disse.

Ela também foi uma das ativistas que se juntou a Natalia Tracy, diretora do Centro do Trabalhador Brasileiro (CTB) na



campanha pela carteira de motorista para imigrantes indocumentados em Massachusetts. "Trabalhei muito também com a divulgação do Censo 2020, buscando orientar a nossa comunidade sobre a importância de responder ao formulário", acrescentou.

Atualmente, Vanessa ocupa

uma das cadeiras do Council for Human Services, da Câmara Municipal de Nantucket. Esta é a primeira vez que uma pessoa nascida no Brasil ocupa uma cadeira em um dos Conselhos Municipais da ilha. "Fico muito feliz em fazer parte desta história e em poder compartilhar isso, porque sinto muito orgulho da comunidade

brasileira que contribui de forma positiva e significativa na vida do próximo", disse.

Vanessa tem sido uma voz importante da comunidade brasileira e levado questionamentos para as autoridades locais além de mostrar a importância da Immigration Resource Center para o crescimento da região.

A parense desempenha um importante trabalho de tradução e intérprete, servindo como ponte de acesso para aqueles, cuja proficiência do inglês é limitada. Estes trabalhos incluem: interpretação de pregores durante os cultos na igreja que frequenta, traduções de louvores, traduções das ordens de emergência do município, documentos variados do Nantucket Cottage Hospital e outras organizações governamentais e não-governamentais, pôsteres, informações de bolsas de estudo, fichas de inscrição variadas, intérprete entre pais e escola pública, e em vários outros contextos sociais.

Para conhecer mais sobre o Immigration Resource Center acesse o link no endereço <https://bit.ly/2GYfZOM>.

Interpreting in Court for Pre-Trial Proceedings

Presentation by José Kleinberg at NETA's monthly meeting, November 21, 2020

Reviewed by Marian Comenetz, who would like to acknowledge the truly major, substantive legal input from our speaker, José Kleinberg, who in addition to being a federal court interpreter, is an attorney two times over, having passed the bar both in Colombia and in Massachusetts.

"The initial attorney-client conference in a court proceeding often includes instructions for criminal procedure; forms, affidavits and charging documents; references to sentencing codes and manuals; and counsel's plans and strategies. Legal jargon abounds, and many defendants are left overwhelmed. This is all the more true for LEP defendants. What can and should the court interpreter do to facilitate the exchange of messaging between the attorney and the client?"

This paragraph from the abstract for federal court interpreter Attorney José Kleinberg's November monthly meeting presentation sets the stage perfectly for what he set forth to do. He began by saying that whereas the material in his talk refers to federal criminal proceedings,

it is certainly pertinent to all manner of court cases. He also posited that while pre-trial proceedings are less "glamorous" than what are portrayed in the media as dramatic courtroom scenes, they are, in fact, extremely important and involve lots of maneuvering. The underlying issue is whether the defendant will plead guilty or go to trial. The pre-trial period is not one moment in time; rather, it unfolds in stages and includes the involvement of many players, from the defendant's lawyer to the lawyer for the prosecution, probation officers, law enforcement, and more.

The arrest begins with the issuance of a warrant by a Magistrate Judge, based generally on a sworn affidavit from a law enforcement agent, notifying suspects that they are to appear in court. The process for the issuance of the warrant can be so informal that suspects may say they never saw the actual document (ex. it might have been prepared over a weekend). Still, if a sworn statement is deemed "good enough," the Magistrate Judge or judicial authority will issue it. Sworn statements include the name of the alleged perpetrator, date and time of the offense, and a description of the alleged offense in support of the arrest.

Next, behind a screen in a cell block, probation officers along with interpreters meet with defendants. A Notice to Defendant (a pro forma document) is handed to the arrestee for a signature to certify his/her unfettered willingness to provide information and to answer questions from the probation officer with/without the presence of a lawyer. Defendants must be informed that whatever they say has to be accurate. Probation officers ask for basic information such as name, DOB, income/expenses, and whether defendants have dependents. The intention is to determine if defendants can afford to pay for counsel. If not, the court's clerk goes through a list of lawyers off the Criminal Justice Act (CJA) Panel. These are qualified and court-appointed attorneys, eligible to represent individuals in criminal cases. They are appointed on a rotating basis. The court can also choose to appoint a lawyer from the Federal Public Defenders Office.



It is very important to emphasize to all defendants that proceedings at this point are "Pre-Trial." Thus, determinations of guilt or innocence are not material just now. At this stage a clear understanding of the charge, the protection of defendants' rights, and a cursory discussion of potential outcomes are the salient topics. The defendant is presumed innocent. The defense counsel generally says to clients/defendants, "We are not close to a trial yet. These are the preparatory steps a defendant must go through before heading to that defining point of choosing to go to trial or pleading guilty." This clarifies that the hearing(s) they will be attending shortly after their arrest are preliminary in nature and not for the purpose of determining guilt or innocence. This distinction is relevant for interpreters to understand because many times the defendant insists that the matter at hand should be disposed of at a pre-trial hearing, saying, "I know I am guilty. Why wait and waste more time coming back to court when I am ready to plead guilty now?" The reasoning behind their attorney's reluctance or refusal to support their client's request is that at this stage, discovery may not have been completed or furnished to them. Also, the only exception for a magistrate judge to conduct a plea hearing is if he is authorized to do so by a district judge and the defendant agrees to waive his right to plead guilty before a district judge.

The type of charging document, which court interpreters and translators often sight translate, be it a Complaint, an Information or an Indictment, needs to be distinguished. This is key because depending on the type of charging document, the defendant,

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Atahualpa Yupanqui

Submitted by Laura R. MacLeod

One of the most difficult, but also substantial tasks the translator has to deal with, is the translation of local color in folkloric traditional verses, such as *coplas*, *payadas*, *haikus*, *ballads*, *cantos*, etc. Unless the translator is a native of the region, very familiar with the local vernacular and cultural modes, he will need real “hands on” experience in the locale before attempting the task. He must then seize the text, including the texture and deep meaning of the original. Try not to be *traduttore traditore!*

The legendary Argentinian poet and thinker Atahualpa Yupanqui (1908-1992) is internationally known for his expressive universal values rooted in idiosyncrasies of his homeland. His son, Roberto Chavero says his father’s humanistic work remains a guiding light for the world a quarter-century after his death. Upon my request, he kindly sent me these famous originals. We see strong localisms, like *pampas*, *naiques*, *cobres*, *curtidos*, *manos calientes*, *mordida*, as well as the colloquial diminutive *hermanito*, all of which invite a basic English translation in which the meaning remains acceptable. However, it cannot convey the warmth and colloquial profound sense of the original in Spanish.

It is my genuine pleasure as an Argentinian to share

these two poems with you as a small token of gratitude and admiration for “Don Ata.”

The Brothers poem is a familiar one in text books in Germany, France and the Americas. Many translations available. This translation and that of the second poem are from my book, *Educare, educere for all seasons*.

Little Brother of the World is a poem that Yupanqui originally wrote and published in the 40s with the title “The Stranger.” In a tribute that took place in Zurich in April 1992, a month before he died, he changed the title to “Little Brother of the World” while also changing part of the text.

His son comments about a special heartwarming anecdote on this poem. It happened at a primary school in Capilla del Monte (Córdoba). They read it to the schoolchildren and one of them, at the end of the reading, raised a hand and asked: “And why did they not do it?”

May we all live up to Don Ata’s wise dream, as other world troubadours, leaders and common good people who still have a dream, a beautiful human dream of solidarity and love.

As Roberto says: “Wake up the Yupanqui each one has dwelling inside!”

Little Brother of the World

by Atahualpa Yupanqui

Foreigner, they call me, because I do not have
a miserable ranch for my winters.
I could have it, I could, it is true
but, I spent my coppers with outsiders.

Little brother of the world, lend me a book
I will give you my song, that is my destiny.
Give me your bread brother, drink my wine,
And let us keep walking along the road.

My land is full of outsiders
Peasants without field, Indians without a hill,
What tremendous silence upon us.

Let’s make a loud cry with silence
And let’s make another world for children.
Let’s make another world for children.

Little brother of the world, lend me a book
I will give you my *copla*, which is my destiny.
Give me your bread brother, drink my wine
And let us keep walking along the road.

You have understood, brother,
have you understood me?
Let’s make another world for children!
Let’s make another world for children!

Hermanito del mundo

por Atahualpa Yupanqui

Forastero me llaman porque no tengo
ni un miserable rancho pa’ mis inviernos.
Pude tenerlo, es cierto. Pude tenerlo.
Pero gasté mis cobres con forasteros.

Hermanito del mundo, préstame un libro.
Yo te daré mi copla, que es mi destino.
Dame tu pan, hermano, bebe mi vino,
y sigamos andando por el camino.

El mundo está llenito de forasteros.
Campesinos sin campo, cerros sin indios.
Qué silencio terrible, sobre nosotros.

Forjemos con silencios el alto grito.
Y haremos otro mundo para los niños.
Haremos otro mundo para los niños.

Hermanito del mundo, préstame un libro.
Yo te daré mi copla, que es mi destino.
Dame tu pan, hermano, bebe mi vino,
y sigamos andando por el camino.

Tú has comprendido, hermano,
¿Me has comprendido?
Haremos otro mundo para los niños.
Haremos otro mundo para los niños.

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Atahualpa Yupanqui

Continued from page 7

The Brothers

by Atahualpa Yupanqui

I have so many brothers
I can not count them
In the valley, the mountain
The pampas and the sea

Each with their labors
With their dreams each
With hope ahead
With memories, behind

I have so many brothers
I can not count them

People with hot hands
Because of friendship
With a cry to cry
With a prayer to pray
With an open horizon
Always beyond
And strength to look for it
With resolution and will

When it seems closer
It moves farther away

I have so many brothers
I can not count them

And so we keep walking
Weathered by loneliness
We lose ourselves in the world
We meet again

And so we recognize ourselves
By the distant look
By the song we bite
Seed of immensity

And so we keep walking
Weathered with loneliness
And our dead with us
So that nobody is left behind

I have so many brothers
I can not count them
And a very beautiful girlfriend
Her name is freedom!

Los hermanos

por Atahualpa Yupanqui

Yo tengo tantos hermanos
Que no los puedo contar
En el valle, la montaña
En la pampa y en el mar

Cada cual con sus trabajos
Con sus sueños, cada cual
Con la esperanza adelante
Con los recuerdos detrás

Yo tengo tantos hermanos
Que no los puedo contar

Gente de mano caliente
Por eso de la amistad
Con uno lloro, pa llorarlo
Con un rezo pa rezar
Con un horizonte abierto
Que siempre está más allá
Y esa fuerza pa buscarlo
Con tesón y voluntad

Cuando parece más cerca
Es cuando se aleja más

Yo tengo tantos hermanos
Que no los puedo contar

Y así seguimos andando
Curtidos de soledad
Nos perdemos por el mundo
Nos volvemos a encontrar

Y así nos reconocemos
Por el lejano mirar
Por la copla que mordemos
Semilla de inmensidad

Y así, seguimos andando
Curtidos de soledad
Y en nosotros nuestros muertos
Pa que nadie quede atrás

Yo tengo tantos hermanos
Que no los puedo contar
Y una hermana muy hermosa
Que se llama ¡libertad!

Call for Proposals to Present at the 2021 NETA Conference

The **New England Translators Association** (NETA) will hold its annual conference virtually on Saturday, May 1, 2021 in collaboration with UMass Boston's Department of Latin American and Iberian Studies and the College of Advancing and Professional Studies Translation Program. It will take place online from 8:30 am to 6 pm. The 2021 Conference Committee invites you to submit a proposal to present either to the Academic Division or to the NETA Conference Committee. We are very interested in what you could add to our annual regional conference, attended by more than 200 language professionals. See details on how to submit proposals below.

The New England Translators Association 2021 Conference Committee invites you to consider presenting at our virtual conference on Saturday, May 1. We offer a balanced selection of sessions for both interpreters and translators, in both practical and academic fields. The day-long conference will include presentations which focus on specific areas of expertise and concern or offer hands-on experience with practical tools and techniques used by linguists. Sessions are normally 60 minutes long, but we can also schedule longer presentations. Some sessions are presented by panels with 3-5 participants who share expertise in their subject area.

We invite you to send us your proposal by March 1, 2021 for the conference committee's consideration. We are requesting a bio and abstract about your proposal. These will be included in our program and posted on NETA's web site. We ask that you submit these using this form: [2021 NETA Conference Proposal Form](#).

The conference will take place virtually due to the ongoing public health crisis. Exhibitors from many area and national educational and language services organizations will also be invited to participate in the conference. Presenters are offered a modest honorarium between \$200 and \$500 depending on the type of presentation. We are also considering the possibility of adding a second day (Sunday, May 2) to the conference to accommodate longer workshops. If you're interested in that option, please submit a proposal for your workshop.

This will be our 25th annual conference, and the fifth to be organized in cooperation with UMass Boston. You will have the opportunity to interact with the most active and committed translation and interpretation professionals in New England, allowing you to expand your business contacts and professional relationships. Whether you present in the morning or afternoon sessions, we will invite you to attend any sessions of interest and participate for the entire day so you can make and enjoy collegiate relationships with all attendees.

We look forward to discussing how you can add to our 25th Annual Conference and how we can assist you in sharing your expertise with our committed language professionals in this area.

Sincerely Yours,

NETA 2021 Conference Committee

netaconference@netaweb.org

The NETA Academic Division, in collaboration with the University of Massachusetts Boston, welcomes panels proposed and organized by professors, instructors or students. We will also consider professor panel discussions and roundtables.

This is an invaluable opportunity for students interested in translation and interpreting studies to present their work, talk with working translators and interpreters, and explore the profession. It is also a chance for translation and interpreting trainers to share their expertise and together advance the field of translation studies.

Possible topics:

- New approaches in translation and translation studies
- Translation and/or interpreting: from classroom to profession
- Translation and collaboration
- Interpreting and collaboration
- Translation and interpreting studies and the future of the profession
- Translation and social media
- Online translation and interpreting: practice, teaching, learning

Other approaches are welcome.

The deadline to submit your proposal is March 1, 2021. Submit your proposal [here](#).

If you have any questions, email us: courses@umbtranslation.org

Holiday Pecha Kucha, NETA Style

NETA's Holiday Gathering, December 12, 2020

Reviewed by Marian Comenetz

To round out a tough year as best we could—virtually, of course, NETA held its annual holiday gathering with a modified Pecha Kucha event. We had tried that format for the first time for our summer picnic, at which time it worked so well that the decision was made to reprise it. In its strict form, Pecha Kucha—the Japanese word for chit-chat—is a form of storytelling where a person shows 20 images and talks about each one for 20 seconds. The slides progress automatically so timing is strict. There is no provision for discussion. NETA's modified version allows for presentations lasting up to 10 minutes, with or without images, followed by 5-10 minutes of questions, reactions, and further elaboration. Because we have used this format for social events, the topics are not focused on translation or interpretation. Rather, they allow NETAns who choose to present to share special interests, hobbies or passions.

On December 12, attendees enjoyed four presentations on fully distinct topics.

• Inveterate and Undisciplined Philately – Rudy Heller

Rudy's father introduced him to stamp collecting, which is formally called philately, when he was a mere four years of age. Because his father was an agent who sold raw materials for use in various industries, international mail from numerous countries was common in Rudy's household. He and his brother learned how to remove stamps

from their background and then once they were dry, organize them in a slot book. Rudy's father gave him his first stamp album, which Rudy showed us. At some point the emphasis changed from organizing stamps by country to thematic ordering (birds, fish, flowers, etc.).

Rudy displayed a few examples of particular stamps of special interest: one from the Republic of China (Taiwan) as distinct from



All images are screenshots from the recording of the Pecha Kucha.

the People's Republic of China; one from Nicaragua, and one from Mauritius, among others.

Some tidbits of note:

- Stamps have four aspects: an image, perforation (although the first stamp, produced in England in 1840 and called a "penny black," did not have perforations), denomination (amount of postage), and country.
- For stamp collecting one needs tweezers (oil from fingers damages stamps) and a magnifying glass (to see details).
- The poorer the country the prettier its stamps.
- About 10 years ago, the U.S. switched to self-adhesive stamps. The glue is not water-soluble, perhaps to make things easier for people, but also to diminish the likelihood of counterfeiting.

• Some people collect stamps for fun; others collect stamps as an investment. In fact, stamps can be extremely valuable. A famous case in point is that of the "Inverted Jenny," a U.S. postage stamp originally issued in 1918. In it the image of the Curtiss JN-4 airplane was mistakenly printed upside-down. That stamp's face value is 24 cents. Its estimated value: close to \$1.6 million!



Rudy does not collect as an investment. He only does it for fun, as his father taught him. Now Rudy only formally collects stamps from Colombia, but he can't help himself and compulsively hoards stamps from anywhere and everywhere!

• Friends and Colleagues at the 1911 Solvay Conference – Bruce Popp

A PhD astrophysicist, Bruce has throughout his life maintained and cultivated an interest in science. In the past three or four years he has published two books, the first consisting of translations of works by Henri Poincaré, and the second containing translations of five other articles of Poincaré followed by Bruce's own extensive elaboration about those articles. He is currently at work on a third book. These days he is focusing on the history of physics.

For our purposes, Bruce turned to a well-known photograph of the participants at the 1911 Solvay Conference. He explained that despite its name, it was actually not a conference at all. Rather, it was a meeting of scientists at the Hotel Metropole in Brussels, the purpose of which was to work out a solution to a particular problem involving radiation. The two most famous people in the photo, almost immediately recognizable, are Marie Curie and Albert Einstein.

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Holiday Pecha Kucha, NETA Style

Continued from page 10

The organizers of the conference were Ernest Solvay, a Belgian chemical engineer who developed a commercially viable process for producing sodium carbonate used in making glass, and Walther Nernst, a German chemist. Solvay funded things. A prodigious number of scientists gathered—notable characters, among them Jean Baptiste Perrin, Paul Langevin and Curie, who were from the same

Other Notable Characters



social circle in Paris; German physicists Max Planck (today the Max Planck Society operates 86 eponymous research institutes) and Arnold Sommerfeld; and Poincaré.

Bruce displayed a number of slides of the original photo, each with arrows pointing to different individuals, as he explained who they were and why they are important. Seven Nobel prize winners are identifiable in that one photo!

In his third book, Bruce plans to explore, among other things, which individuals in this photo were friends, and who influenced whom in what ways.

Two tidbits:

- A small town near Syracuse, NY is named after Solvay because a factory there was the first in the US to use Solvay's process to make a compound used in glass making.
- Bruce's father once sat next to Linus Pauling. Bruce was easily able to trace four degrees of separation between him and Poincaré!

• The Long-Term Care Ombudsman Program – Marian Comenetz

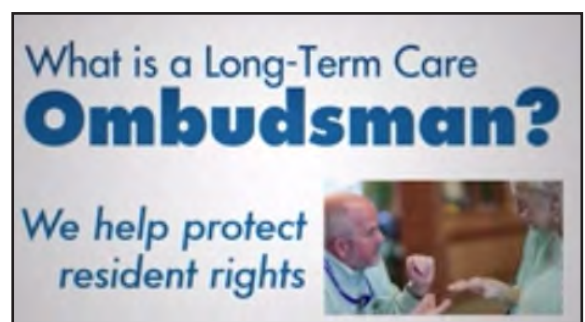
Marian's mother developed macular degeneration and was declared legally blind at age 75. In her mid-80s, dementia took over and worsened over time. Her mother's best friend experienced great difficulty when in her 90s. Both died at age 97. Upon retiring, Marian earned certificates in Spanish<->English translation and interpreting in two successive years but was also eager to find a meaningful volunteer activity. Having attended to her mother's needs for 22 years and lent support to her mother's best friend throughout her 90s, Marian learned of the existence of the Long-Term Ombudsman Program, which sponsors volunteers visiting nursing and rest homes on a weekly basis to serve as resident advocates. That program seemed to be a good fit. It was established by the federal government in 1973, is mandated by state and federal laws, and is funded by the Older Americans Act through the Executive Office of Elder Affairs.

An ombudsman is an official appointed to investigate complaints against maladministration, especially that of public authorities.

Normally, a team of surveyors from the Department of Public Health visits every nursing home in the state annually for about four days and looks into every aspect of that facility's operation. Ombudsmen, on the other hand, visit weekly all year. They go from room to room, check in on residents, and are ready to pursue any issues relating to resident care and quality of life. They only act with the permission of residents. Ombudsmen listen, take stock, and point out issues needing improvement to all pertinent staff members. Staff understands that this is a formal role, and that they need to respond to issues raised by ombudsmen on behalf of residents.

Ombudsmen prepare case reports and attend monthly meetings with the program director and fellow ombudsmen in each region of the state.

For nine-and-a-half years, Marian visited the same nursing home. She enjoys the great diversity among residents and staff members and attempts to support residents to the fullest extent possible. Of course, as of mid-March, visits came to a complete stop. A number of residents at her facility died of Covid. Challenges for the facility have been huge. And it's fully unclear when or if the former style of



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Holiday Pecha Kucha, NETA Style

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visit may resume. Contact is now made via phone, one call at a time. It's not the same. But ombudsmen still attempt to be attentive to resident needs, as possible.

Go to the [program website](#) for more information. Marian would be more than happy to speak with anyone who might be interested in becoming an ombudsman.

• Butter! – Bruce Popp

Bruce's second topic for this occasion couldn't have been more different from the first. In addition to being a consummate scientist, Bruce produces special pastries in his kitchen. His second presentation took the form of a cooking demonstration, with

particular emphasis on the ways in which butter behaves. Bruce showed attendees a few still pictures that were included in a silent video and provided narration, holding up glasses containing dairy fat, water and milk solids separated by melting butter.



Dairy products come from cows. Their output consists of liquid and fat. Unless

homogenized, the water and fat separate, with the fat rising to the top. As we know, different dairy products contain different percentages of fat: skim, 1%, 2%, or whole milk, half and half, etc. For butter in particular, the USDA states that there has to be a minimum of 80% fat.

When a stick of butter is gently heated in a pan, the solid piece melts. This heating forces the fat and water to separate. In his demonstration Bruce decanted the soft, oily fat in butter into a glass. This dairy fat, separated from water without heating the milk solids, is clarified butter. If the butter is heated to the point the water boils, foam is produced by the escaping steam. When making croissants or puff pastry, the goal is to get many thin layers of dough separated by thin layers of butter. During baking the water in the butter turns to steam that pushes the flakes of pastry apart. When you heat butter up quickly, the water steams and comes off readily, and the milk solids that remain with the dairy fat turn brown. Bruce showed us a glass containing dairy fat and milk solids that had been heated up and were dark brown in color. The result is called

ghee. Ghee has a distinctive nutty aroma and flavor. As illustrated in Bruce's video, combining flour, eggs, sugar, and ghee yields some picture-perfect madeleines! We only wish we could have enjoyed them in person!

Tidbit: Ghee originated in ancient India. It is commonly used in Indian cuisine, traditional medicine, and religious rituals.

Each presentation was illuminating in its own way. The variety is part of the fun. If NETA sponsors another event of this type, we hope more NETANs will step forward to share their interests.

NB: Recordings of many of NETA's monthly meetings, including this holiday event, are available. Log onto www.netaweb.org and select the "videos" link on the Members Only page.

The CHRISTIAN SCIENCE
MONITOR®

Storied narrative's translation prompts a fresh look at the slave trade

The Christian Science Monitor [published an article](#) on December 1, 2020 about the translation of a journal written in the late 1700's, by Venture Smith, an American slave from Ghana. "A Narrative of the Life and Adventures of Venture," a 30-page memoir, is considered one of the greatest slave narratives in American history. The journal was written in English and just recently has been translated into the Ghanaian language *Fante*. NETA Member Sybil Gilchrist, a freelance French>English translator, brought the article to our attention. She thought that it would be of interest to fellow NETANs.

Sybil explained that *Fante* is not as popular as more mainstream languages in Ghana but that language was chosen for the translation because it would have been the last language Venture would have heard as he was being taken out by canoe to the slave ship. *Fante* is spoken today by roughly 2.7 million people in Ghana's coastal regions.

The translation of Venture Smith's 1798 narrative was commissioned by the "Documenting Venture Smith Project," based in Torrington, Connecticut. The translation was done in collaboration with scholars from England and Ghana.

If you have encountered a news article that would be of interest to your fellow language professionals, please do as Sybil did: send it to newsletter@netaweb.org.

NETA Board Meeting Minutes, January 16, 2021

Meeting on Zoom

Submitted by Diana Rhudick, President

Board Members Present: Lesley Andrews, Maiyim Baron, Laura Rojo MacLeod, Diego Mansilla, Diana Rhudick, Antje Ruppert, Erika Schulz, Rokhaya Smith.

Others present: Marian Comenetz, Convington Bien-Aimé, Inès Fusco, Alejandra Karamanian

AGENDA

Treasurer's First Quarter Report

The board briefly reviewed the various components of the first quarter 2021 report, noting that our membership income is slightly down as expected, due to our discount membership fee for the year. Laura Rojo MacLeod confirmed she has deposited her outstanding check. Crystal will send 1099 tax forms to three members. Marian clarified that we will owe FIT approximately \$700 when we renew our membership this month. At the end of the year, we will assess whether it is worth rejoining FIT.

Conference Financials

Lesley has signed the contract with our event planner and asked Crystal to submit the down payment of \$4625.00. She said that counterintuitively, an online conference seems to require more effort than our regular in-person version.

Inès Fusco was in attendance to learn what was expected of her as conference volunteer coordinator, so Lesley summarized last year's conference for her, and confirmed that we would need volunteers to write up sessions for our newsletter. Inès recommended having volunteers monitor questions during talks and relay them to the speaker. Inès asked who would promote the conference, and Lesley said that was part of Kristin's duties. Rokhaya suggested promoting the conference with FIT, and offering a discount to FIT members. Lesley said we could offer them the reduced member price.

Lesley showed us the Save the Date image to go in Facebook and other media, and to NETA members, exhibitors, contacts. Diego agreed that we should add the UMass logo to this image, as the college is likely to sponsor

us in some form. Diego will ask about that point. Lesley plans to find more sponsors and post their logos on our site, have virtual exhibitor booths where conference attendees can drop in. Inès suggested programming exhibitor times at break times and selling break periods to exhibitors. Lesley has a call for papers and Diego has one for students. He asked if this conference had a theme; it does not. Additional suggestions were made about the Save the Date image, which Lesley will bring to Kristin so the image can be used as soon as possible to start promoting our conference. Diana will post it to our home page, with a mention of the early bird deadline.

NETA Roles

Inès agreed to take on the role of job opps promoter; Diana will send her the information for that. (This has been done.)

Erika may be able to continue managing our Facebook page.

Election 2021-22

Due to COVID-19, there was no election in 2020. Diego, Antje, and Maiyim would have been candidates but agreed to stay on till 2021. There was some confusion among board members about whether that meant they will run for office this year, or the other four members should run. It was decided that these three are eligible to run in 2021; all of whom agreed to run again if we do not have other candidates. Erika would like to leave her role as board member as she has other priorities now. This means we have four open board slots.

Nominations are due by mid-March.

Erika proposed that we advertise for new board members in the newsletter coming out at the end of January, as well as adding the new conference banner.

Diana will send members a call for nominees in mid-February.

Inès asked what the board's plan was to grow membership, saying that she did not have the impression that growth was a board priority. Erika offered the idea of giving a 50% membership discount to those bringing us a member; several members stressed the difficulty of finding volunteers and board members for such an association. Lesley said we should write a description of the board position to encourage candidates. Antje spoke lyrically of how she liked being part of our NETA family. Laura suggested having a member subgroup of young people.

Diana agreed to receive bios and statements from board candidates, compile them into a ballot, and send the information to Lesley to create a Google voting form. There was a question as to whether we could vote exclusively online. (Diana checked our bylaws, which say "Board members shall be elected by mail-in or electronic ballot.")

Marian asked if we could have a second virtual "meet the candidates" session during the conference. (Elena introduced this feature at our 2019 conference.) The board agreed, and said we should have a list

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NETA Board Meeting Minutes, January 16, 2021

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of questions for the candidates. Voting will be possible online during the conference, with the winners being announced that day.

Membership Report

Antje reported that most people are joining online now. She receives confirmation after each member pays their dues. Antje detailed some of the extensive information she receives from Wild Apricot, such as whether a member received a renewal notice, whether they opened the notice. Marian reminded us that WA has a new polling feature.

The full board was quite impressed with Antje's new membership guide and reiterated that it will help us to know what is involved in the membership process. Antje stated that managing memberships is very easy now that it is automated. She asked if member checks could be sent directly to Crystal, rather than having to send them to Crystal herself. Antje will ask Crystal if she can receive checks, in which case she will have to return the membership form accompanying the check to Antje. There was some discussion of scanning checks for mobile deposit, but Lesley explained that checks must be deposited by someone with access to the bank account, i.e., Crystal.

Website

WA payments are now handled by Affinipay. This company is offering a credit card reader for member payments with a two-for-one deal of \$65. We would use this card reader at in-person conferences to speed up on-site registration. The reader connects via Blue Tooth. The \$65 is paid once, but each transaction costs a minor amount. It would make for easier record-keeping. The board approved the purchase; Lesley will buy it.

Monthly Programming

Lesley will record the January monthly meeting to be posted to Vimeo. She currently makes attendance certificates manually. It is possible to integrate an online certificate creator called Zapier with Zoom and Accelevents, our conference platform. Lesley has had mixed results with this application and will try again, retaining manual certificates as an option. Zoom records who attends each session, and for how long, but it does not issue certificates. Cost of Zapier is \$960 per year.

Marian asked the board whether we should try to hold another Pecha Kucha social event. We would need enough member presenters. The board can consider this again in June once we see whether our summer picnic can be held in person.

Concerning monthly meeting publicity, Rokhaya asked if we should announce our meetings to FIT members. The board agreed; Rokhaya will post our notices to FIT. The board then reviewed the dates for upcoming board meetings: March 13 and June 19.

Diego has cancelled our contract with UMass Boston as our conference venue. No charges apply.

Lesley told us the Accelevents platform to be used for our annual

conference will be integrated with our website so that we won't need to duplicate information.

Maiyim suggested posting links to our monthly meetings on our website, but it was decided not to as this could increase Zoom bombing. The link is placed in meeting notices that Marian sends out.

Conference Fees

The board reviewed fees to charge for the 2021 conference. We expected our cost to go down because we don't need to pay for a venue or catering, but we are paying more for our event organizer, and for our virtual conference platform.

Lesley asked about student fees; it was decided to sponsor UMass students only. Students from other institutions who present on a topic will pay an admission fee. Lesley said she needs to figure out the registration categories and create a code for UMass students so their fee can be waived.

The board decided on the following fees for 2021:

Early bird member: \$60

Early bird nonmember: \$80

Regular member: \$70

Regular nonmember: \$90

Student and senior: \$25

Rates for exhibitors and sponsors are TBD. We must consider what opportunities will be offered to them. Lesley and Kristin will make a proposal on this and present it to the board. Each breakout room will have space for an image from a sponsor. Inès has agreed to organize the Getting Started panels, including asking some potential sponsors for this segment.

Additional Conference Items

Lesley said speakers from our 2020 conference, such as Helen Eby and Corinne McKay, will present again in 2021.

It was agreed to present the service award at the conference, at the opening session. Diana will have opening remarks but no "letter from the president"; Diego or another UMass member will also speak. We will also have a

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NETA Board Minutes, January 16, 2021

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closing session, at which new board members will be announced.

The goal is to have the same number of sessions as usual, simultaneously. Opening and closing sessions will be shorter. During lunch, board candidates will be in a breakout room to talk with members.

All sessions will be recorded and put on Vimeo

Newsletter

Laura said they have eight or nine articles for the upcoming issue. She will be sure to announce the conference on the first page, and mention our new membership in FIT.

Remaining Agenda Items

We had time to discuss these remaining items:

Diana said she would find out why the link to our "Sweet Caroline" video was not valid. (This issue has been resolved.)

The board agreed to let Diana notify members of the Climate Cardinals initiative, which had contacted us, to partner with translator groups to get out the word about climate change, and to tell them the board supports climate initiatives.

Diego asked if we could disconnect the ATA exam date from the conference date, to have the exam the week after our conference. Lesley said the exam could be held whenever it is convenient for Diego. No ATA exams have been scheduled for this year so far, but the ATA is accepting applications and considering whether/how they could offer ATA exams virtually.

Erika asked if any ATA practice workshops had been scheduled, and whether we could have more of them, possibly online. Diego said the ATA is discussing online workshops.

In closing, Laura requested images related to translation for our newsletter.

The next board meeting will be held March 13, with March 27 as a backup date.

Instructions on How to Increase Your NETA Online Privacy

by Diana Rhudick

If your name and contact information are included in NETA's online directory, be aware that these may be harvested by anyone using the web. The instructions below explain how to hide specific fields in your profile, which will of course also become hidden to potential clients.

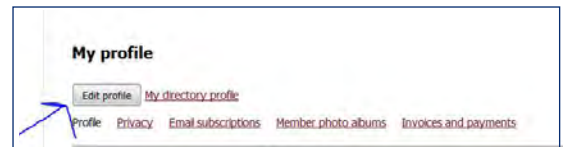


Click on your name to show the menu.

Click on "View profile."



Click on the gray box to left, "Edit profile."



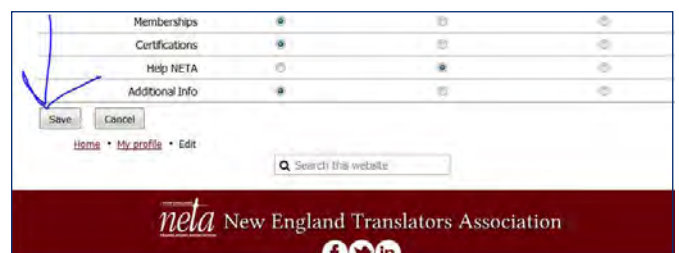
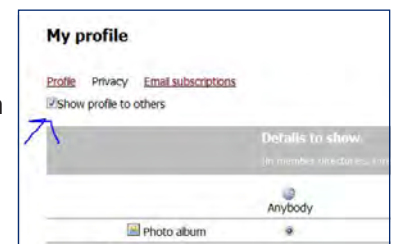
Click on "Privacy," in the middle.

This page lists each field of your profile, and gives you the option to make each field visible to anybody, members only, or nobody, (No access).

You can also click or unclick "Show profile to others" near the top.

The e-mail field is about 9 down on the list. You can select "No access" for it.

To save changes and exit, click "Save" at the bottom.



Interpreting in Court for Pre-Trial Proceedings

Continued from page 6

with counsel's help, can determine whether there is some leg room for negotiating a more favorable outcome for the defendant. For example, in the absence of an indictment, the parties can agree, during this pre-trial stage, whether the defendant will sign a plea agreement to a reduced charge, cooperate with the government to receive a lesser prison sentence, have his case disposed of more expeditiously before being deported or perhaps avoid deportation altogether

Generally speaking, the four most common criminal pre-trial hearings a court interpreter and/or translator are called on for are as follows.

1. The Initial Appearance is where the defendant appears before the judge and is advised about the impending charges, the right to remain silent, the right to be represented by counsel of choice (or one appointed, if indigent), the right to a preliminary hearing, the right to a detention hearing, and the right to grand jury proceedings (the defendant can waive the last three). Then the magistrate judge can call for the preliminary and detention hearings to take place, or schedule them for a later date.

2. The Preliminary/Probable Cause Hearing is usually a short evidentiary hearing where the defendant and defense counsel have the opportunity to “poke holes” in the testimony or exhibits presented by the government’s witnesses—the law enforcement agent(s) involved in the investigation of the case, and who authored the affidavit that supported the judge’s decision to arrest the defendant in the first place. Through cross examining and questioning, defense counsel can attempt to obtain exculpatory evidence or other useful information for future motions or trial preparation. It should be noted that strict rules of evidence do not apply here, so hearsay or new unfounded allegations can be introduced at this hearing. At the conclusion, if the magistrate judge determines that the defendant probably did not commit the offense, the case would be dismissed and defendant free to go.

3. If the defendant waives the preliminary hearing or “loses” after said hearing, the judge has to decide whether to release or detain the defendant while the case is pending final resolution. This happens at the Detention/Bail Hearing. In making such a determination, the judge must consider two countervailing forces:

- 1) Whether the defendant, if let free, poses a risk of flight; and
- 2) Whether the defendant, if released, represents a danger to the community.

To assess the risk of flight, the judge relies on a bail interview conducted by a pre-trial services probation officer assisted by a language or sign interpreter. Based on the verified information gathered during the interview, if the defendant has ties to the local community, i.e., has a real estate interest, a family, dependents, is gainfully employed, owns a business, has legal permanent status as a foreigner, and has never missed a court date or violated any prior terms of release, the magistrate judge most likely will find that the defendant has successfully overcome the first hurdle. When assessing the second hurdle, danger to the community, a judge must consider the nature and circumstances of the alleged crime and the weight of the evidence, i.e., whether the alleged crime is one of violence, drug distribution, child pornography, widespread bank fraud, among others, the potential sentences the defendant might receive if convicted, and whether the evidence presented, although not scrutinized under a beyond a reasonable doubt standard, is very well founded and quite convincing.

The Grand Jury Hearing and Return of Indictment are interceding pre-trial hearings where an interpreter/translator may be required. They are non-public hearings which lead to the final pre-trial hearing, the Arraignment (see #4 below), and herald the possibility of the trial phase. They involve a group of citizens selected from a cross-section of the community, chosen from a list of registered and actual voters. This group of 23, selected for 18 months, must comprise a quorum

of 16 to hear and deliberate cases presented by the government. Twelve of them vote in favor of “True Bill” if they believe that it is more likely than not that a crime has been committed and that the defendant was involved in its commission. Judicial interpreters and translators may be called upon to assist the LEP jurors or witnesses during these proceedings. (As stated above, at the initial Appearance, defendants charged by way of a Complaint or Information may choose to waive their right to have the government comply with the presentation of the

- EVIDENCE -		
(TO BE COMPLETED BY ALLOCATED PERSONNEL ONLY)		
Submitting Agency	Case No.	
Date of Collection	Time of Collection	
Collected By	Badge No.	
Description of Evidence		
Location Where Collected		
Type of Offense		
Victim's Full Name		
Suspect's Full Name		
Evidence Seized By		
Badge No.		
- CHAIN OF CUSTODY -		
Name	To	Date

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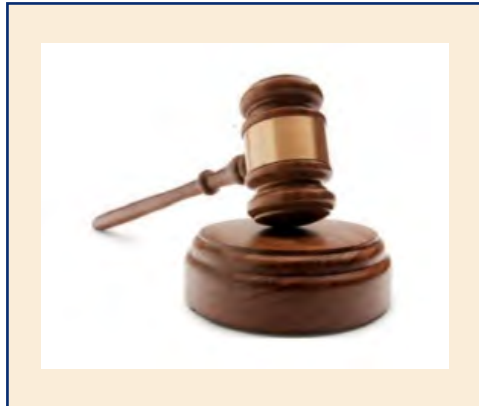
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case before a grand jury hearing, in exchange for a more favorable outcome.)

The indictment, once signed, is then delivered to the Magistrate Judge, who holds an oral session with the limited appearance of the foreperson and the attorney for the government, and inquires whether the foreperson's signature appears on the Bill and whether it is true that 12 jurors agreed.

4. The Arraignment almost mirrors the Initial Appearance. During both hearings, the defendant appears before a magistrate judge and is advised of his/her right to remain silent and to be represented by counsel of choice (or have counsel appointed if deemed indigent). During these hearings, the defendant is also informed of the alleged charges brought against him/her and which are contained in a written document. The main difference between these two hearings, is the origin of the charging document. Thus, during an Initial Appearance, the charging document is generally issued by way of a complaint and brought forth by law enforcement (federal agencies, e.g., ICE, DEA, ATF, FBI) or, by way of an information brought forth directly from the US Attorney's Office. However, during an arraignment the charging document is referred to as an indictment. This document is issued after a grand jury has screened the original charging documents (complaint or information). If after deliberating, and after a majority vote, they find that it is most likely than not that the specified crime was committed and that the accused person most likely than not committed that crime, the grand jury foreperson signs a True Bill and an indictment is then issued. However, if the grand jury decides otherwise, the case is dismissed and the charges against the defendant are dropped. Following the grand jury proceedings, their finding is notified in person to the judge, in a door-closed session, in the presence of the foreperson, the US Attorney, and a court stenographer/recording device. Generally speaking, after the arraignment, the door for most pre-trial criminal proceedings is closed, and the trial phase begins.



The various players in pre-trial proceedings include the US attorney, the defendant, defense counsel, the magistrate judge (the district judge delegates roles to the magistrate judge), the case manager, the court recorder, a pre-trial US probation officer, and more. (A pre-trial probation officer is to be distinguished from a pre-sentence US probation officer, who compiles a biographical and criminal history of the defendant who was convicted of a crime after pleading guilty or losing at trial, for the purpose of writing a report to assist the District Judge in fashioning the appropriate sentence. All information provided by the convicted defendant to the probation officer must be truthful and accurate and sworn under the penalties of perjury.)

José also explained how the magistrate judge plays a very important role during the pre-trial phase. Distinguished from Article III judges, they are appointed by and recommended by merit and screening committees for a renewable period of eight years. They perform a wide range of pre-trial duties that vary from district to district, in both civil and criminal matters, having ample authority in Class A misdemeanors and petty offenses. In civil matters, if the parties agree, magistrate judges can handle and dispose of these cases.

During the initial encounter between the defendant and lawyer and all along the stages leading to the end of pre-trial proceedings, the court interpreter and translator will be challenged with the topic of potential penalties a defendant could be subject to. Once again, José emphasized that although these discussions are more pertinent at the post-conviction stage, the exchange between parties around this topic frequently surfaces during pre-trial.

Thus, it is essential that interpreters and translators become acquainted not only with the terminology, but also with the operation of the legal system, which may find little equivalence in the country of origin of the defendant, as well as the nuances and differences between sentencing options.

A case in point: when the defendant who is seeking release while the case is being resolved is facing a mandatory minimum sentence, the defendant's chances for bail are almost nonexistent. If, however, an argument could be made to the Court that special circumstances exist, the magistrate judges might rule otherwise. Such special circumstances could be that the defendant may be eligible for the "safety valve," a term of art which applies when a defendant's criminal history is negligible, during the commission of the instant offense there was no use of violence or a gun, no death or bodily injury resulted from it, and the defendant was not a leader or organizer. Finally, the defendant would be required to provide the government with a full and truthful account about the offense and disclose all the relevant conduct the defendant personally was responsible for.

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After meeting these criteria, the defendant additionally could choose to cooperate by providing information that the government deems to be of a substantial nature, i.e., leading to the prosecution of other defendants or serving as a witness for the government in grand jury hearings or at trials against other defendants. In this manner, a defendant may benefit from an even lower punishment once the government on their own motion request the sentencing judge to consider a reduction in the sentence. This motion is commonly referred to as a 5K1.1.

With the Reform Act of 1984, Congress created the Sentencing Commission, an independent bipartisan agency charged with the responsibility of enacting the US sentencing Guidelines with the goal of eliminating sentencing disparities among similarly situated offenders and to promote transparency in the sentencing process. However, eventually it became apparent that “equal is not fair” and that certain distinguishing characteristics of the defendant and the offense itself needed consideration when fashioning a sentence that was sufficient but not greater than necessary.

Referencing the 2005 case of *US v Freddie J. Booker*, José pointed out how the Supreme Court determined that it was unconstitutional for judges to consider certain facts that raised the maximum guideline range by a preponderance of the evidence as opposed to juries making these findings beyond a reasonable doubt. Thus, a refocus on a broader range was needed when calculating a sentence that exceeded the prescribed minimum sentence.

Only toward the end of his prepared remarks did José allude to proceedings within a courtroom,

saying that they are conducted in an entirely different mode, i.e., interpreting is confined to a script rather than an open and more flexible out-of-court exchange. Language is formal and follows a preordained script. One example is the “Hear ye, hear ye, hear ye” call that begins each day in court. All parties introduce themselves to the court, and the interpreter is sworn in. The judge tells defendants about the charges against them

and specifies their rights, asking time and again whether they understand. Everything proceeds formally and solemnly. Interpreters had better have their prescribed language at the ready!

In conclusion

This presentation was chock full of content and charm. Accordingly, it was very well received. Attorney José Kleinberg has particular interest in the varied phases of pre-trial proceedings. As those phases play out, the atmosphere can be tense or rushed, and emotions can run high. Defendants may not be well educated. They may feel shame. They may close down. They may feel a sense of doom. At such times, the interpreter may have to mediate. José emphasized that there is considerable flexibility for interpreters to help attorneys to navigate gaps in communication (ex. level of defendants’ education, question of their competency) with the goal of finding common ground, all while avoiding any appearance of impropriety. Interpreters meet with various players and could end up with conflicting information. They must walk a careful line, recognizing that they are not experts in certain areas and

that much is at stake for each defendant (ex. deportation). It is essential to steer clear of conflicts of interest and to uphold the code of ethics at all times.

NB: Recordings of this and (some) other past NETA monthly meetings are available to NETA members, as follows:

To access a recording:

- Log in to our website, www.netaweb.org.
- On the far right of the green menu bar, hover over the three horizontal lines and select Members Only.
- Click on the “videos” link in the 4th bullet.
- There members will see the pertinent link and password to NETA’s video archive.

