

THE MANAGEMENT OF DOCUMENTATION RESOURCES IN SPECIALISED  
TRANSLATION TRAINEES: A CASE STUDY ON LEGAL TRANSLATION

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ABSTRACT

Due to time restrictions, it is normally assumed that translation trainees have a good command of basic translation skills when they reach specialised subjects, as it is the case of documentation. The aim of this paper is to analyse to what extent advanced translation students are able to face the documentation process in a specialised discipline. To do so, we present a case study carried out with students of a specialised translation subject, which we will use to analyse if the resources they used for documentation on a translation assignment allowed them to solve the encountered translation problems. This will help us understand if a well-set base is the key to a good specialised documentation process, or if it may require further specific practice.

**KEYWORDS:** documentation, specialised translation, legal translation, translation competence, translation training.

RESUMEN

Dadas las restricciones temporales, se suele asumir que los estudiantes de traducción manejan adecuadamente las habilidades traductorales básicas cuando comienzan su especialización, como es caso de la documentación. El objetivo de este trabajo es analizar cómo se enfrentan estos estudiantes al proceso de documentación especializada. Para ello, presentamos un estudio de caso realizado en una asignatura de traducción especializada que utilizaremos para analizar si las fuentes de documentación utilizadas permiten a los estudiantes resolver los problemas de un encargo y así intentar comprender si una buena base es la clave de un buen proceso de documentación en traducción especializada o si ésta requiere mayor énfasis en su práctica.

**PALABRAS CLAVE:** documentación, traducción especializada, traducción jurídica, competencia traductora, formación en traducción.

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## 1. INTRODUCTION

One of the most relevant fields in translation training studies is Translation Competence, defined by the PACTE group as «the underlying system of knowledge needed to translate» (PACTE 2003:58). It has been studied since the 1970s (Pym 2003:481), and approached from multiple points of view, the most common one considering this competence as a set of skills or «sub-competencies» which define to what extent a translator is prepared to translate. These sub-competencies could be summarised in linguistic sub-competence (the ability to handle the languages involved), extra-linguistic sub-competence (general and/or specialised cultural knowledge), instrumental sub-competence (translation-related documentation process and technological skills), and professional sub-competence (professional translation practice skills, such as the ability to deal with translation problems or adapting to the client requirements). These skills are essential to build translation knowledge, and so have been increasingly used by translator trainers to structure translation courses.

However, any translation trainer knows how difficult it is to cover all the translation sub-competencies in a single course, no matter which translation discipline it is devoted to (general or specialised). Beginner translation studies tend to dedicate subjects to a single sub-competence – or even to a part of a sub-competence – such as language, documentation, translation technology, etc. Afterwards, at higher levels (which normally correspond to specialised translation), subjects try to unite all the sub-competencies – for example, a subject on technical translation would ideally combine languages, expert knowledge, specialised documentation resources, use of CAT tools, and real-life translation assignments. At this level, students should have worked with the different skills separately and should be able to put them into practice to a more specialised extent. The problem is that, mainly due to time restrictions, it is very difficult to focus on each sub-competence at higher levels, and subjects mainly focus on the linguistic and extra-linguistic skills (the most immediate problems when dealing with specialised translation for the first time), counting on the student's previously acquired knowledge or future initiative to solve the other sub-competencies related issues. These other sub-competencies share the feature that their principles do not vary significantly from one type of translation to another, while specialised terminology or concepts are different from those of any other discipline. But despite principles, there is one skill that still requires more specific training when dealing with specialised translation: documentation.

Documentation is a key element for future professionals, since it is essential for translators to have efficient documentation skills to make translation quality and profitability meet (Mayoral 1997:138). Thus, as trainers, we should not forget to pay documentation the attention it deserves. When students reach a specialised translation subject, they can use the resources they already know – which are general for any type of translation –, but we also teach them which resources are useful for the specific type of specialised translation they are working on. However, specialised documentation is not usually the main focus of specialised translation subjects as such. Is what trainees get enough? To what extent can they handle these new resources? Are they able to extrapolate the theoretical and practical documentation knowledge they previously have to the management of specialised documentation?

To answer all these questions we set two main objectives for this study: first, to find out to what extent advanced translation students are able to face the documentation process in a specialised discipline. Second, to determine if students use their documentation skills successfully to solve the specific problems of specialised translation.

To reach our objectives, we gave a group of legal-economic translation trainees the chance to explain how they faced the most common legal translation problems they encountered through the use of documentation while completing the translation of a Distributor and Manufacturer Agreement. To analyse if the tools and the processes they used really helped them solving the translation problems, we will first review the role documentation plays in the translation process to later focus on the most common problems of legal translation and the main resources used to solve them. This will help us

determine if, as trainers, we are paying enough attention to the process of specialised documentation in advanced courses.

## 2. THE TRANSLATION PROCESS AND SOME COMMON PROBLEMS

It is generally acknowledged that the translation process is divided into three stages: pre-writing, writing and post-writing (Englund Dimitrova 2005: 21). Ideally, these stages would include:

1. Pre-writing:
  - Reading/Understanding the source text (ST)
  - Detection of possible translation problems
  - Documentation
  - Planning of the translation writing (client specifications, etc.)
2. Writing:
  - Draft
  - Reading and detection of translation problems
  - Documentation
  - Changes
  - Draft review
3. Post-writing:
  - Reviewing the target text (TT)
  - Formatting and layout

Observing the translation workflow, we consider that documentation is the one phase that serves as a *leitmotiv* during the translation process. It is necessary for at least two out of the three translation stages, and it is essential to complete the tasks included on each stage.

Documentation could be defined as the ability of a translator to find and use resources of all kind («dictionaries, encyclopaedias, databases, parallel texts, experts, etc.» – Beeby 2000:187) to solve the different problems there might appear during the translation process: concepts, cultural background, terminology, phraseology, etc. The nature of the difficulties found inside one single text can differ widely, and so will the documentation resources used to sort them out. Thus, the first step a translator should take is detecting and classifying the translation problems on the text.

Within a language pair, most texts normally have similar translation-related issues. For instance, taking English and Spanish as an example, no matter what topic we are dealing with we will have a higher use of passive voice in English, or a tendency to longer sentences in Spanish, both of which might need to be rearranged when translating. However, each translation discipline has its own peculiarities, of which a translator should be aware to make the problem detection quicker and easier. Since this paper focuses on a legal document, we will define the most common translation problems regarding this field.

### 2.1. USUAL PROBLEMS IN LEGAL TRANSLATION

When translating a specialised document, translators have to deal not only with the general linguistic differences and problems, but also with a very specific field of knowledge they might not be very familiar with in their own language. This adds difficulty to the whole translation process, starting with the comprehension of the ST. More specifically, legal translation has an added difficulty, since the legal systems of the languages involved might differ much from each other, so the background in which the translation is set changes drastically from source language (SL) to target language (TL). Taking this into account, we will divide legal translation problems into three main categories following the

translation workflow stages: comprehension problems, equivalence problems and stylistic problems, which will be further explained with help of Borja (1999, 2000), Alcaraz and Hughes (2002), Chromá (2004) and Mayoral (2007).

### 2.1.1. *Comprehension problems*

We could define these as any issue caused by the lack of knowledge of some concept in the ST or the inability to understand/interpret the meaning of a certain element – lexical or syntactic – in a specific use (due to ambiguity, lack of expertise...). These problems would mainly arise during the pre-writing stage.

Interpreting a legal text is especially difficult because, as Alcaraz and Hughes (2002:24) state, they are texts that are meant to be interpreted, even by native legal experts. So translators need to work double: first interpreting the meaning of the text, then reinterpreting into another language. Among the most common comprehension problems we can list the following:

- Vagueness in lexical units, as the presence of synonyms, hypernyms and hyponyms used indistinctly (*document* and *contract*), false cognates (*magistrate* and *magistrado*)
- Syntactic ambiguity of sentences, which puts the translator in the position of deciding «[...] which of two or more possible senses is the one intended» (Alcaraz and Hughes 2002:44)
- Interpretation of complex noun phrases
- Detection of anaphoric referents

### 2.1.2. *Equivalence problems*

These would involve the lack of equivalent in TL – whether word or concept – or the inability to find the proper equivalent for the TT, including what Alcaraz and Hughes (2002:153) define as «[...] wrestling the original terms and syntax into a shape acceptable to users of the target language». These problems would mainly arise during the writing stage.

Equivalence problems are the ones which translator trainees are probably more aware of, and include the following:

- Polysemy of legal vocabulary, which can have a technical and a non-technical use and meaning, which «[...] contributes to the incorrect choice of terminological equivalents» (Chromá 2004:4)
- Terms which name a very specific concept which has no equivalent in other legal systems (*escrow*) and are sometimes left untranslated
- Influence of inaccurate translation equivalents set by «courtroom drama» (Alcaraz and Hughes 2000:159)
- Collocations (*enter into a contract*)
- Syntactic order that has no equivalence in TL and sounds unnatural if left as it is in the ST

### 2.1.3. *Stylistic problems*

These involve any problem regarding the text format or writing conventions, such as decisions on the TT macrostructure (which might differ from ST macrostructure), style or typography-related issues. These problems would normally arise both in the final part of the writing stage and during the post-writing stage.

Some examples of this type of problem could be:

- Stylistic conventions, such as lexical repetition (quite usual in English legal texts), tone (British judgments are drafted from a personal point of view, while Spanish ones are completely impersonal – Borja 2000:111-112), the use of pronominal adverbs or legal doublets and triplets in English, etc.
- Non-existent conventions, as titles in contract clauses (which for example do not exist in Spanish) or formulaic legal expressions (*in witness thereof*) (Mayoral 2007)
- Differences in text macrostructure, especially of some documents that have a very specific layout, such as certificates (Alcaraz and Hughes 2002)
- Typographic conventions, such as the use of boldface, capital letters, or numbering (Borja 2000:25) in English language legal documents.

When translators face any of the problems mentioned above, they are in need of consulting some kind of source of information to solve their doubts. Otherwise, they run the risk of creating a TT that does not match the expectations of the target reader – probably a legal expert. It is essential to leave everything well tied up, because the reaction of an expert who finds a document with a totally different layout from what it is expected could involve losing a client, or a bad syntactic order may lead to inconsistencies which could legally affect the client, or even the translator. Thus, finding the right source of information is vital to produce an accurate translation.

### 3. DOCUMENTATION IN LEGAL TRANSLATION

As argued above, the different nature of the translation difficulties found in the ST makes it necessary to choose the right resource for each case. But «[...] if you simply wait till a problem arises and think that you can just log on and have all the answers on your desk within minutes, you will be disappointed» (Obenaus 1995:257). Once translators detect the problem and its type, the existing resources are countless, so «[...] trying to locate a pertinent piece of information can turn into a frustrating experience for the novice» (ibid). Since this amount of information can lead to an unacceptable loss of time, translators need to learn some general criteria to assess the suitability of a resource. Mayoral (1997) sets out the following:

- Verification of reliability and authority (renowned experts, standardization entities...)
- Specificity and exhaustiveness of its contents, oriented to a professional audience
- Easy accessibility to save time
- Preference for original resources instead of translations
- Corpus-based resources are a plus

At the very first stages of their training, translators should spend some time learning how to identify these features, as well as practising with different resources and texts to improve their management. That will get them closer to a more dynamic and efficient translation process.

But what specific types of resources are available for legal translators and what type of problems they could help solving? Since the aim of this study is to analyse translation problems and the process of documentation, we will classify resources for legal translation according to the translation issues they can help solving.

#### 3.1. RESOURCES TO SOLVE COMPREHENSION PROBLEMS

- Monolingual dictionaries (general and specialised), thematic encyclopaedias, and monographs: they provide information to understand the concepts behind terminology.

- Legislation, law journals, and legal databases: these resources help with the background and context in which legal texts take place.
- Client documentation: depending on what resources the client provides the translator with, some documents might be useful for understanding the specific context of a case, contract, etc.
- Expert consultation: whether it is legal experts, native speakers or specialised translators, they are usually the most accessible, reliable, efficient, and affordable source of information (Mayoral 1997: 148). They can solve not only conceptual issues, but also interpreting difficulties, such as anaphoric referents, meaning of sentences, etc.

### 3.2. RESOURCES TO SOLVE EQUIVALENCE PROBLEMS

- Bilingual dictionaries: whether they are specialised or general, they help by providing translation equivalents. Dictionaries are the main resource translation trainees tend to use at first stages, but they should be used carefully, since there is «no guarantee that what has been chosen will be appropriate for [a] specific context» (Chromá 2004: 50). This «excessive reliance [...] can have extremely negative consequences», and equivalents «should be regarded as mere options to be contrasted with other relevant data before they being incorporated into a translation» (Orozco Jutorán and Sánchez Gijón 2011: 28).
- Glossaries: they can also solve terminology or equivalence problems within more specific fields, although they are not useful in case of concepts that do not exist in other legal systems (Mayoral 1997: 52).
- Thesauri: compilations of terms organised by semantic relationships could be useful for equivalence and semantic variation (synonyms, hypernyms, etc.)
- Terminology databases: they can help with terms and even provide information about the textual characteristics of legal documents as the branch of law or the textual genre (Orozco Jutorán and Sánchez Gijón 2011: 27).
- Parallel texts: original texts or legal forms can be used to extract terminology or to verify usage (Obenaus 1995: 259).
- Translation memories: they provide translation information in context, and if provided by the client, they could help with preferred terminology.
- Expert consultation: whether translation or legal experts, they can help solving issues regarding terminological equivalents, collocations, structure, etc.

### 3.3. RESOURCES TO SOLVE STYLISTIC PROBLEMS

- Parallel texts: they can be checked to learn about the macrostructure of the textual genre being translated, as well as helping with issues like collocations and stylistic or typographic standards.
- Expert consultation: legal experts know what it is expected from a text genre, so they will be able to give the translator the correct directions to produce an adequate TT.
- Grammar compilations and stylebooks: whether they are specific for legal writing or not, they can help with typography and other writing standards.

As we can see, there is a wide range of resources to help translators, but although specialised subjects and courses do not focus as deeply into documentation general principles as specific documentation subjects, as trainers we should make sure that trainees at a higher level know the right resources for the specialised field and which problems they can help solving. For this reason we decided to carry out a case study to help us find out how well students handle the principles of documentation, analysing if the resources they use for legal translation help them solve the problems they find during translation process.

## 4. CASE STUDY: DOCUMENTATION IN THE TRANSLATION OF A DISTRIBUTOR AND MANUFACTURER AGREEMENT

### 4.1. METHODOLOGY

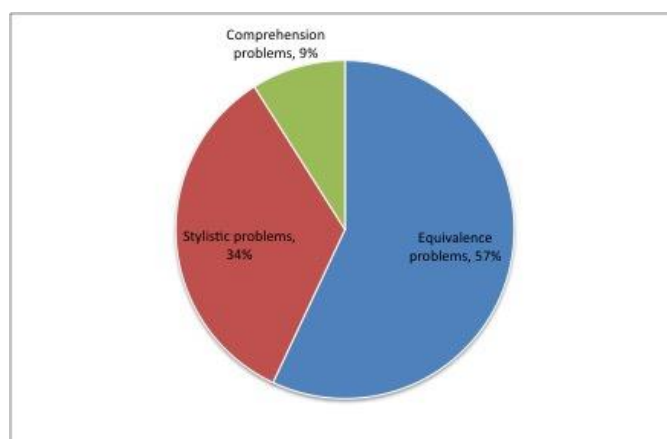
To check how translation trainees handle the different resources for documentation in specialised translation, we carried out a case study based on a compulsory translation assignment submitted by 15 students of an elective legal-economic translation subject included in the Degree of Translation and Interpreting of Universidad de Valladolid (Spain) during academic year 2014. The text was a Distributor and Manufacturer Agreement, a hybrid text combining both legal and economic fields of specialisation. As it was a final assignment, students had previously learnt and translated texts from both fields in class, and had had documentation practice in all the previous translation subjects. Some of the students had even undertaken other specialised translation courses during the degree.

Students were asked not only to translate the text, but also to analyse the text genre and its aim, to set forth the main translation difficulties faced during the translation process explaining their translation decisions, and to specify the resources they had used to find the solution to each translation problem.

For the analysis of the assignments submitted by the students, we firstly carried out a quantitative study to obtain an overview of the main types of problems found on the text and the resources used to solve each type so as to check if their documentation strategy matched our criteria. Secondly, moving into qualitative analysis, we studied if the translation problems had been solved through the means chosen and, if not, what the possible mistake was.

### 4.2. ANALYSIS

According to the figures found, most translation obstacles encountered by students were equivalence problems (57%), followed by stylistic problems (34%) and comprehension problems (9%).



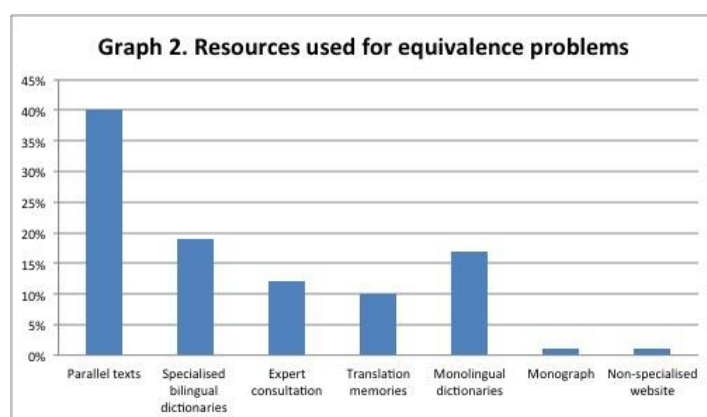
Graph 1. Translation problems

This study and figures exclusively correspond to the answers provided by students: further translation problems were found on each assignment, but only the ones set forth by students will be analysed, since they are the ones for which we have the resources they used.

#### 4.2.1. Management of equivalence problems

Most issues in this category were related to the inability of the student to find the proper equivalent or collocation in the TL (e.g. translating the name of the document; the equivalent name for the figure of the «agent» in the distributor's agreement; the corresponding expression in the TL for «applicable law», etc.).

Regarding the resources used by the students to solve these problems, 81% match the ones we previously suggested, namely parallel texts (40%), specialised bilingual dictionaries (19%), expert consultation (12%), and translation memories (10%). The remaining 19% corresponds to resources which might be less associated with equivalence problems, namely general and specialised monolingual dictionaries (17%), a monograph (1%) and a non-specialised website (1%). Apart from the non-specialised website, all the consulted resources are included in the documentation list suggested above. However, we consider that the last resource is not suitable for a specialised text on its own, which was the case of this specific search.



Graph 2. Resources used for equivalence problems

Regarding the efficiency of the chosen means for each specific case, only 18% of the equivalence translation problems were not adequately solved with the resource selected by the student. We noticed that most cases involved the use of a non-reliable resource, specifically parallel texts and translation memories. Regarding parallel texts, two main problems were found: firstly, some of the parallel texts trusted were not originals, but non-verified translations from another language, so translation trainees were not able to determine if the translation found was suitable. In addition, some of the parallel texts came from a diatopic variety that was different from the TL of the translation, resulting in some inadequate choices. With relation to translation memories, students trust their own previous translations, but sometimes they seem to introduce non-corrected versions. These two reliability issues caused trouble in the translation of the inadequate equivalents, as well as one case in which the student did not apply the translation convention of not translating the registered name of a company.

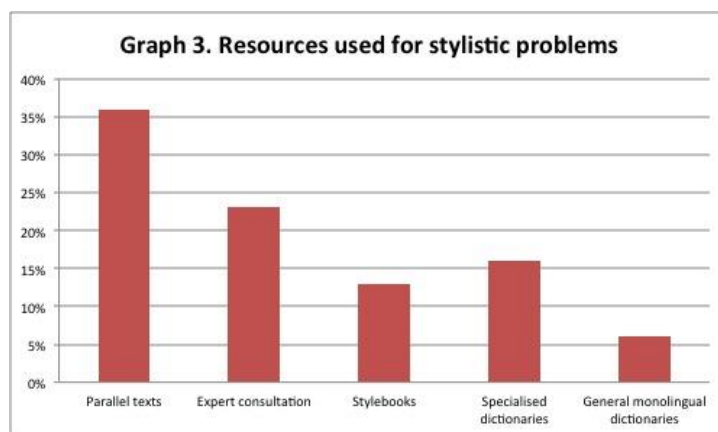
#### 4.2.2. Management of stylistic problems

Stylistic problems were mainly caused by clause titles (e.g. «conduct of business») and formulaic expressions (e.g. «this agreement is made this...»), as well as a few macrostructure and typographic conventions (capital letters, date, etc.).

72% of the resources used by the students match the ones we suggested, namely parallel texts (36%), expert consultation (23%), and stylebooks (13%). The remaining 28% could be divided into resources which would not normally be used to check stylistic problems, such as specialised bilingual and



monolingual dictionaries (16%) and general monolingual dictionaries (6%), and a resource which could be useful but is less usual for this type of problems, such as translation memories (6%).



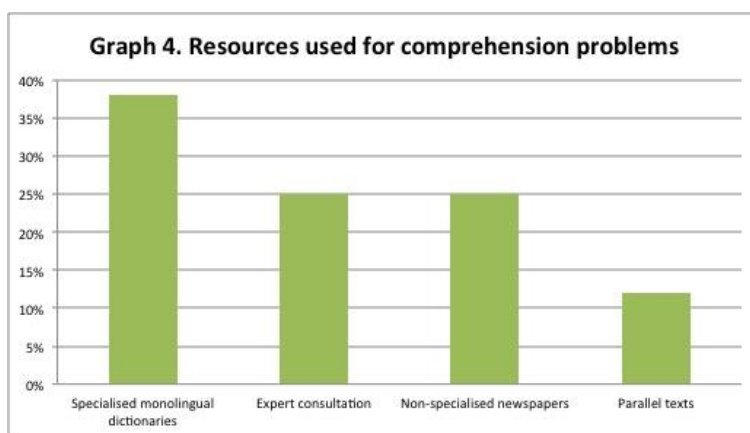
Graph 3. Resources used for stylistic problems

Only one problem was not efficiently solved in this category. However, it was not due to a bad resource choice, but due to the incorrect comprehension of the original formulaic expression, which was not interpreted as such, but literally – word by word.

#### 4.2.3. Management of comprehension problems

All comprehension problems were caused by lack of knowledge of specialised concepts (e.g. split commission, place of business, etc.).

63% of the resources chosen by the students match the suggested ones: specialised monolingual dictionaries (38%) and expert consultation (25%). Non-specialised newspapers (25%) and parallel texts (12%) were the other resources used.



Graph 4. Resources used for comprehension problems

Regarding the efficiency of the means chosen, 33% of the problems were not suitably solved. It is noted that non-specialised newspapers should be used carefully, as specialised concepts might not be thoroughly explained and might be confused with other similar concepts. Finally, it is important to emphasise that the advice of experts should not be overestimated: the success of expert consultation depends on which legal system he or she knows, since concepts differ from one to another, as well as accepted terminology. We noticed that some of the consulted experts were not experts in the TL legal system, so some concepts and terms chosen belonged to different legal and diatopic varieties.

To summarise, the analysis of the different problems and resources used shows that students detect and solve translation problems implementing the documentation principles they have learnt during their training, mainly adapting those principles to the specialised field they are facing. Nevertheless, they do not obtain good results in many cases that could be solved through an accurate documentation process, especially when dealing with specialised concepts.

## 5. CONCLUSION

This paper presented a study that reflects on the importance of documentation in specialised translation training through the analysis of a legal translation assignment. According to the specific results of this study, we have reached the following conclusions:

Firstly, regarding our first objective related to the extent to which students are able to apply their previous knowledge in documentation to specialised translation, we can confirm that they extrapolate and implement the principles of the documentation process they have learnt in previous stages when facing new specialised translation fields. This involves that a good base has been well established before reaching higher training levels, and so students keep building their knowledge adequately. We can observe this in the fact that up to 8 different resource types were used out of the 11 general categories we listed in section 3, what proves that students do not resort to the typical beginner resources (such as general bilingual dictionaries) on the first place, but they have a broader knowledge of possible resources and how to use them.

However, this has proven not to be enough. Regarding our second objective, the ability to solve translation problems through specialised documentation, the resources students used for each type of problem helped them solve their doubts in most cases, but the problems with the solution of comprehension problems – the ones which caused more trouble when the resource choice was not too accurate – draws to the conclusion that there are still gaps in the management of specialised knowledge. This lack could be solved with a correct documentation process, which suggests that more attention should be paid to the search of concepts in specialised resources.

In addition, students seem to have problems identifying the reliability of the available resources. This results in inaccurate translations that could have important legal consequences, so it would be necessary to further stress the importance of filtering resources to students, both during their general and specialised translation training.

Even though this study is a small sample, we hope to have confirmed the importance of a correct documentation for specialised translation trainees. They manage to solve the problems they face with the knowledge they have acquired during their translation training, and keep building this knowledge with new resources as they specialise. Nevertheless, it was also proven that trusting the student's previous knowledge on this basic skill is not enough to guarantee a correct problem-solving strategy on its own, so as trainers we should make sure that we devote enough time to set the correct documentation strategies to specialise translators, even if documentation is a presupposed skill at higher levels.

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