

Language Variants in Legal Translations

— By Maria Mindlin

Which word is best?

To increase access for all people to the legal system, the Judicial Council of California translates several of its English-language court forms, instructions, and all of its self-help web content into plain language. The plain language texts are shorter and simpler than the earlier texts, making them easier to use and understand for the majority of the people in the state. And to make sure speakers of other major languages in California also have access to this information, the Judicial Council translates many of these texts into Spanish. Before the Spanish-language translations are published, they are evaluated for accuracy and usability. The standards are high: the language must be correct, defensible, and standard enough to convey the intended meaning to as many Spanish speakers as possible, no matter their country of origin. To achieve these goals, the translations undergo numerous edits and there are often extensive conversations about which of the linguistic options available will be most widely understood and correct. These conversations are longest when there are lexical gaps, i.e., when the target language does not offer an exact equivalent of the term in question. When this takes place, the Judicial Council encourages careful examination of the available choices and seeks input from people with expertise on the term in question. This paper looks at one of the most commonly translated words in Judicial Council documents, and attempts to forge a reasoned consensus that values and balances the needs and preferences of all groups involved.

How do you say *court* in Spanish?

In the English-speaking world, even people with limited education or low literacy understand what the word *court* means. This word has a broad semantic domain: we use it to refer to trial courts, appellate courts, as well as our state and federal courts.¹ Not so in Spanish where there are several ways to translate the word “court,” each of which may convey a distinct meaning based on the speaker’s country of origin, level of education, profession, and idiosyncratic usage.

To learn more about which of these words would be best, we researched Spanish-language and bilingual dictionaries, talked to court interpreters, surveyed Spanish-speaking court consumers, studied U.S.-based Spanish-language media, and interviewed university professors of Spanish, Linguistics, and Anthropology. Our findings appear below.

Three words for *court* in Mexican Spanish²

In Mexico, the words most commonly used in general vernacular to refer to court are *corte* and *juzgado*. But within the legal subculture where greater specificity is required to denote the specific type of court within the Mexican judicial system, there are three words, each with a distinct meaning, as explained below:³

- *Juzgados* are the lower or trial courts,
- *Tribunales* are the appellate courts, and
- *Corte Suprema de la Nación* is the equivalent of the U.S. Supreme Court.^{4, 5}

Bilingual dictionaries prefer *tribunal*

We searched the four most cited bilingual dictionaries in U.S. District Court and Supreme Court pleadings and opinions for translations of the word *court*.⁶ We caution, however, that the most prominent Spanish-language references, including most of the bilingual dictionaries that we studied, are from Spain or reflect the variant of Spanish spoken there, known as Peninsular Spanish (this term refers to the Iberian Peninsula).⁷ In that language variant, *corte* in its singular form is used only to refer to a royal court. Its plural form, *Cortes*, refers to the Spanish Parliament.⁸ Peninsular Spanish retains a high level of prestige, even though it differs significantly from the Spanish variants spoken in Mexico and California. Because the word *corte* has a specific, non-judicial meaning in Peninsular Spanish, those references do not use *corte* to refer to judicial courts; this concern, however, should not apply to Spanish spoken in Mexico or California.

Below, we list translations for *court* from each dictionary, with the most commonly used term listed first.

Simon & Schuster’s International Dictionary		
<i>tribunal</i>	<i>juzgado</i>	<i>corte</i>
Velázquez Spanish & English Dictionary		
<i>corte</i>	<i>consejo</i>	<i>tribunal de justicia</i>
Oxford Spanish-English Dictionary		
<i>tribunal</i>	<i>juzgado</i>	<i>corte</i>
<i>used only for appeals or supreme court</i>		
Cassell’s Spanish-English Dictionary		
<i>tribunal</i>	–	–
<i>used only to refer to a Royal Court</i>		

Court Interpreters

We surveyed 13 certified Spanish interpreters by asking these three questions.⁹

- How would you translate the word *court*?¹⁰
- Do you believe it is also acceptable to translate it as (*Interviewer inserts the words they did not use*)?
- Do you believe court consumers benefit by using one term over the other?

Their answers to each question follow:

1. Best word for court:

- 15% preferred *juzgado*
- 62% preferred *tribunal*
- 23% preferred *corte*

Some interpreters explained their preferences. We summarize their responses below:

- *Juzgado*: A federally certified interpreter from Guatemala replied, “*Juzgado* is the most common term in Central America and Mexico for trial courts. In these countries, *corte* is used only for higher courts where there is more than one judge. I believe *juzgado* is the best translation, but *corte* is the term that will be most easily understood.”
- *Tribunal*: A state-court certified interpreter from El Salvador replied, “*Tribunal* is the correct term. We should only use *corte* when we refer to the Supreme Court. Although we could use *juzgado*, as well. It’s important for interpreters to maintain higher linguistic standards.” Another state certified interpreter commented, “As officers of the court and professionals, we should maintain our linguistic levels, and not use kitchen language [sic]. However, we still want people to understand, which may be another issue.”
- *Corte*: A federal interpreter (and examiner), who is also a U.N. Security Council interpreter, replied, “While *tribunal* is correct, I believe we should use *corte*. In my 30 years of experience at courts, the United Nations, and professional conferences, I have found that people of varied regional and educational backgrounds both use and understand *corte*.”

2. Which terms are acceptable, including preferred term from above:

- 46% accept *juzgado*
- 100% accept *tribunal*
- 69% accept *corte*

3. Which term most benefits court consumers.¹¹

- 20% said *juzgado*
- 40% said *tribunal*
- 40% said *corte*

- *Juzgado*: A state-certified interpreter from Mexico replied, “In Mexico, *juzgado* is the most common term for trial courts, and it is the term most Mexicans are familiar with.”
- *Tribunal*: A state-court certified interpreter from El Salvador said, “*Tribunal* is the best term. We should use the correct term. *Corte* is so common, but it is better for interpreters to educate rather than lower the level of language.”
- *Corte*: A federally certified interpreter, who is also an attorney and has worked with Spanish-speaking court consumers at a court Self-Help Center replied, “I believe *corte* is best for several reasons: (1) It’s the term that the court consumers use the most; (2) its similarity to the English word is helpful to the consumer; and, (3) it is at a lower register than *tribunal* or other terms I am aware of, which makes it more appropriate given the demographics and literacy levels of the average Spanish-speaking court customer.”

Court consumers say *corte*

We surveyed 65 Spanish-speaking consumers at courts in Alameda, Sacramento, and Yolo Counties. The majority of the respondents were from Mexico (63%); the others from Central America (35%) and South America (2%). We used a modified cloze technique that required consumers to say their preferred term for *corte*, without the interviewer uttering the word. The interviewer asked a series of questions until the respondent said a word meaning *corte*.¹²

Of the Spanish-speaking court consumers surveyed, 95% used the word *corte* to refer to *corte*. Only two respondents used *juzgado*; one used *tribunal*. Several respondents seemed confused that there might be other ways to say *corte* in Spanish other than *corte*.

Spanish-language media based in the U.S. strongly prefer *corte*

To find out which word was favored by the Spanish-language media we searched the largest Spanish-language media outlet in the United States, Univisión, to study how the words *tribunal* and *corte* were used.¹³

A look at Univisión’s headlines showed *corte* used exclusively in reference to courts in the U.S.¹⁴ We also looked at Univisión, El Universal (California’s largest Spanish-language newspaper), and Google’s Spanish-language web pages. The results show a strong preference for *corte*, as shown below:

	Corte penal	Tribunal penal	Corte familiar	Tribunal familiar	Corte de Tráfico	Tribunal de Tráfico
Univision	2,430	1,270	650	257	39	0
El Universal	2,340	1,340	1,040	35	16	0
Google	46,000	7,400	4,920	1,440	402	9

Academics weigh in

We asked 5 university professors, 3 in Spanish, 1 in Linguistics, and 1 in Anthropology, for their opinion of the best translation for the word *corte*. They all replied, “*corte*.” Their responses appear below:

- When speaking of a court in Spanish, it is very common to say *Corte de Justicia* or *Palacio de Justicia*.
- The word *corte* has a broader semantic domain than in English. It can be used to refer to both the court system as well as the place. In my opinion, *corte* is part of the general vernacular both in Mexico and in the United States.
- *Corte* refers to the specific space where court business takes place; *tribunal* refers to the officers of the court.
- *Corte* sounds better when referring to a specific type of court, such as la *corte* suprema, la *corte* criminal, etc. *Tribunal*, to my mind, designates a more general notion of the court system, such as when we say *tribunales* de justicia. *Corte* sounds less imposing to regular people. *Tribunal* is a more formal, highfalutin term, and sounds more abstract than *corte*.
- *Tribunal* is a more general term, as in the court system. *Corte* refers to the specific court that one encounters.

Conclusions

So, which of the two most widely used terms is better to use within the context of documents for the California Courts? The evidence above suggests both *corte* and *tribunal* are reasonable, defensible, and understandable. But there are powerful reasons to favor *corte* over *tribunal*, including these:

- While the majority of the interpreters prefer *tribunal*, 69% of those surveyed believe it is also acceptable to use *corte*.
- *Corte* is widely used by the U.S. based Spanish-language media headlines to refer to various types of courts in the U.S.
- *Corte* is preferred by El Universal, as well as Spanish-language web pages.
- *Corte* is the term used by 95% of the court consumers surveyed.
- *Corte* is endorsed by academics with expertise in Spanish language usage.



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References

1. We do not discuss the English word *tribunal* here because its use is typically reserved for specialized courts, such as a military or international tribunal.
2. Because the majority of Spanish-speaking court consumers in California are from – or influenced by – the Mexican variant of Spanish, we start with an examination of how the Spanish-language words for court are used in that country.
3. There are other translations that refer to the court building, including: *Palacio de Justicia*, *Corte de Justicia*, and more.
4. See: www.dgepj.cjf.gob.mx/organosjurisdiccionales.asp and www.mexonline.com/lawreview.htm.
5. The most prestigious Spanish language and usage dictionary in Mexico, *Diccionario del Español Usual en México*, partly confirms the usage of these terms as described above. We list the most common usage for each term: 1. *Juzgado* – the place in which trials are held. 2. *Tribunal* – the place or building where judges administer justice and pronounce sentences. 3. *Corte* – the highest level of court, the decisions of which cannot be changed.
6. Stone, Sergio D. *A Study of Dictionaries in U.S. and Latin American Courts*, The Colorado Lawyer 115, August 2007
7. Like France, Spain has an Academy that regulates its language, the *Real Academia Española*. It is pertinent to note here that the Academy is often criticized by Spanish-speakers from the Americas for its preference for madrilenio language and its reluctance to incorporate variant usages.
8. http://en.wikipedia.org/wiki/Cortes_Generales, and the Real Academia Española dictionary.
9. Six interpreters had state certification; seven federal. The author of this report, also a certified interpreter, did not participate in the survey.
10. If the interpreter asked for more context, we said, “such as Juvenile Court or Traffic Court.”
11. Three interpreters surveyed believed there would be no benefit to court consumers by using one of these terms over another.
12. For example, “Can you tell me why you came here today? If you were to describe your experience here today, what would you say?” etc.
13. The use of *juzgado* was so limited at Univision that we decided to look at *corte* and *tribunal* only.
14. *Tribunal* appeared frequently in Univision headlines, however in our search, it was used *only* in reference to courts outside the U.S.