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**Is the Jury Still Out on ISO 20771?
An Analysis of the Potential Value of ISO 20771
for the UK Legal Translation Market**

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Submitted for the degree of Master of Arts in Translation

Abstract

Legal translation is a specialised field within translation. As many official and legal documents require an exceptional range of knowledge and skills, there are arguments that higher standards for legal translation should be expected. The translation industry in the UK is unregulated. Accordingly, certification to ISO 20771:2020, the first international specialist translation standard and the first standard for individual translators, may be a way to evidence competences, qualifications, and experience. Certification may also demonstrate that a translator can deliver a quality legal translation service, alongside helping clients to identify skilled legal translators.

As adoption of ISO standards is voluntary, ISO 20771 is relying on its relevance to the translation market for widespread use. However, ISO 20771 made headline industry news and generated controversy following its repudiation by Germany's national standards agency. This dissertation reviews both sides of the argument on ISO 20771 and attempts to uncover the views of UK Legal Translators on the standard to gauge whether it is deemed to be a welcome addition to the UK legal translation profession. A recent ATC and ITI survey of translators' views on ISO 20771 is published for the first time in this dissertation, the main talking points of which are used as the structure for in-depth interviews with six legal translators and an LSP seeking collaborative certification to ISO 20771.

The key findings from the interview data established that the value of ISO 20771 is likely to differ according to the role of the participant in the UK translation industry and that ISO 20771's value is impacted by accessibility and usability issues for legal translators as well as by uncertainty about client demand. Future studies are suggested to investigate the level of demand from end users of legal translations for translators certified to ISO 20771.

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Acknowledgements

A huge thank you to my interviewees for your invaluable contributions, as well as providing a priceless insight into the translation industry. I fully appreciate you all stepping forward and donating your time and opinions to me.

My grateful thanks to my supervisor, Dr Joanna Gough, who has patiently answered all my questions and provided constructive suggestions. A special mention also to Professor Constantin Orasan who was there at the start of this endeavour and continued to provide support thereafter.

A huge thank you to my husband for doing more than his fair share of cooking whilst I have been working away on this dissertation.

To my sons – I wish you fun and enthusiasm in your own university journeys.

Glossary of Acronyms

ATA	American Translators Association
ATC	Association of Translation Companies
BSI	British Standards Institution
CEN	European Committee for Standardization
CEO	Chief Executive Officer
CIOL	Chartered Institute of Linguists
DIN	Deutsches Institut für Normung e.V.
ECJ	European Court of Justice
EN	European Standard
EUATC	European Union of Associations of Translation Companies
ISO	International Organization for Standardization
ITI	Institute for Translation and Interpreting
LSP	Language Service Provider
NAATI	National Accreditation Authority for Translators and Interpreters

Chapter 1: Introduction

When ISO 20771:2020 (Legal Translation – Requirements) was published in April 2020 as the first ever international specialist translation standard for individual translators, it made headline industry news in Slatior following rejection by Germany's national standards body, DIN (Deutsches Institut für Normung e.V.) (Marking, 2020b). DIN's decisive repudiation of the approved standard led to a defence of ISO 20771 by committee members. Peter Reynolds, committee convenor, reported that all issues had been resolved on ISO 20771 and Monika Popiolek, project leader, pointed out that 88% of participating members voted in favour of the standard compared to three votes against it (Marking, 2020a).

Under the World Trade Organization Technical Barriers to Trade Agreement, ISO is obliged to deliver globally relevant international standards (ISO, 2004). ISO recently outlined its vision for the next ten years, affirming that standards “must be widely used [...], high quality, easily accessible and usable, and that people understand the benefits they bring” (ISO website, 2021e). Brunsson et al. (2012, p.615) argue that as standards are voluntary, a standard's authority depends on whether it is judged as having validity and applicability. Accordingly, the outright rejection of ISO 20771 by Germany's influential national standards body raises the question of whether this standard will achieve ISO's aim of being widely used by other ISO member countries. Investigating other countries' positions, however, is beyond the scope of this dissertation and the Research Question addresses the relevance to the UK legal translation market only. Germany operates a state authorised sworn translation system, whereas the UK translation industry is completely unregulated (Drugan, 2013, p.188), thus there is a difference between the two countries in their approach to certification of translations.

In terms of the UK's formal position on ISO 20771, it has been adopted as a UK standard by the British Standards Institution (BSI), the recognised UK National Standards Body (ISO website, 2021b). Nonetheless, more than formal adoption is required if a standard is to be retained when it undergoes its five-yearly review by ISO, as the standard must be used in at least five countries (ISO, 2019b, pp.3-4). More than formal adoption is also required to ascertain whether this standard has become established in the UK legal translation industry, indicating a need for research to investigate ISO 20771's impact in the UK. Although neither ‘use’ nor the ‘amount of use’ is defined by ISO, a practical starting point is to investigate whether certification to ISO 20771 is readily accessible for legal translators in the UK market. Whilst it is possible for translators to apply for certification by any worldwide certification body, the only UK company I have found offering certification to ISO 20771 to date is the specialist language services certification body ATC Certification Ltd (ATC, 2021a). ATC Certification Ltd is offering certification to individual legal translators as well as a collaborative certification process to enable Legal Service Providers (LSPs) to certify in-house and/or freelance legal translators (see document at Appendix I). To date, two companies are seeking collaborative certification (McNab, 2021b). Whilst it is therefore possible to apply for certification in the UK, the question of whether this standard has benefits to bring to the UK market remains to be addressed in this dissertation, along with a consideration of whether individual translators are likely to apply for certification without financial assistance from a company.

After the initial flurry of headlines about ISO 20771's reception in Germany and the ISO committee's response, there has been limited further coverage in the language services industry media. Slator followed up on the ISO 20771 discord by asking its readers whether there should be separate ISO standards for specialist translation areas (Bond, 2020). Out of the fifty-six respondents to this May 2020 poll, 82.1% said no to individual specialist standards and 17.9% said yes (Bond, 2020). However, it is unclear whether all, some or any of the respondents were legal translators. Chesterman and Wagner (2002, p.45) aver that "with legal translations, especially those to be used as evidence in court, the translator carries great responsibility and quality control is essential". Moreover, Prieto Ramos (2014, p.12) argues that as inadequate legal translations can have disastrous consequences, there is a general understanding that legal translation is a unique area necessitating specific qualifications and competences. In relation to ISO 20771 itself, Popiolek (2021) acknowledges that ISO 20771 "is considered to be a high standard and a difficult one to conform to", proposing that this gives it a "prestige factor [that] only contributes to its marketing potential as a standard of excellence". The next logical step, therefore, is to ask legal translators providing translations to the UK market for their opinions on ISO 20771.

In terms of existing research targeting legal translators operating in the UK, professional bodies the Association of Translation Companies (ATC) and the Institute of Translation and Interpreting (ITI) conducted a joint survey of ITI members in June 2020 with the purpose of obtaining opinions, *inter alia*, on whether translators had interest in obtaining certification to ISO 20771 or ITI 20771 Qualified status (similar to ITI Qualified status for the general translation standard ISO 17100). More details on this survey can be found at section 2.4 below, along with the anonymised survey data which is published for the first time with the permission of ATC and ITI at Appendix III. My dissertation builds on this data by identifying the main themes highlighted by the respondents and investigating these areas further via semi-structured interviews with individual translators who provide legal translations to the UK market. The content of ISO 20771 is considered in this dissertation in relation to the main themes referenced by the survey respondents, as well as in the context of reviewing the established arguments for and against ISO 20771, but the Research Question is not evaluating whether ISO 20771 is a good standard or not.

This dissertation has been organised in the following way. Chapter Two gives a brief overview of the emergence of the International Organization on Standardization (ISO) as a global force, then covers how ISO committees operate and how translation standards have evolved. In addition, Chapter Two reviews the regulation of the translation profession including from a UK perspective, outlines ISO 20771's main requirements and the arguments about ISO 20771. It also provides details on the ATC/ITI survey data. Chapter Three describes the methodology used for data collection which involved semi-structured interviews with individual legal translators and an LSP, and Chapter Four presents the results from these interviews. Chapter Five discusses the interview data and Chapter 6 revisits the Research Question of whether ISO 20771 has potential value for the UK market, summaries the dissertation's contributions and limitations and makes recommendations for future research.

I have embarked upon this dissertation as a result of the above-mentioned gaps in knowledge about the impact of ISO 20771 on the UK translation market, my personal interest in this subject as a qualified solicitor and newly qualified translator and following a suggestion by

ATC that ISO 20771 would benefit from further evaluation from a UK standpoint. Whilst the ATC has a professional interest in ISO language service standards and jointly owns ATC Certification Ltd (ATC, 2021c), the ATC has no influence on the content of my dissertation.

Chapter 2: Literature Review

As ISO 20771 was published in April 2020, the amount of academic research is limited at present. The relevant and available information needed to understand the background knowledge for this dissertation, including the ATC/ITI ISO 20771 survey from 2020, will be presented in this section.

2.1. The International Organization for Standardization

ISO describes itself as “an independent, non-governmental international organization with a membership of 165 national standards bodies” (ISO website, 2021a). ISO advises that its standards should be thought of as “a formula that describes the best way of doing something” (ISO website, 2021f).

ISO came into existence shortly after World War II and was inspired by the belief of early twentieth century engineers that establishing a process for setting voluntary standards - rather than relying on governments or the international marketplace - would benefit global trade and innovative practices (Murphy and Yates, 2009, pp.23-24). After being occupied initially with assisting the development of international trade, ISO slowly broadened its range of activities and Murphy and Yates consider that ISO is now active in most areas of the world economy (2009, pp.4-5; p.21). Drugan (2013, p.1) is also cognisant of this push towards global standards across multiple industries, commenting that “establishing objective quality criteria has traditionally been seen as contentious, if not impossible, in translation studies; but in the real world, such criteria have indeed been defined and are increasingly applied to LSPs’ work”. Drugan (2013, pp.10-11) also observes that the growth of international organisations has resulted in an increasing demand for the translation of legal documents for businesses. Both scenarios suggest that there may be a gap for an international legal translation standard.

ISO (ISO website, 2021c) states that its standards originate from proposals by industry experts or other stakeholders rather than being initiated by ISO. In order to proceed, a proposed standard must have value for the ultimate users and resolve the problem in the market in question (ISO, 2019a, p.5).

Technical committees develop approved projects into standards, with the groups of relevant industry experts on these committees nominated by national members (ISO website, 2021d). There is one vote per national member and national member representatives are obliged to present a consensus, whatever the range of views of interested parties behind the scenes (Murphy and Yates, 2009, p.30). To be authorised for publication, a standard must be voted for by two-thirds of participating committee members and cannot be opposed by more than one-quarter of voters (ISO, 2020b, p.26).

Each standard is reviewed at least every five years, with the review intended to check whether the standard needs updating, whether at least five countries are using it and, if not, whether it should be withdrawn “because it is no longer international” (ISO, 2019b, p.3-4; pp.9-11).

The first translation standard on the scene for the pan-European translation industry was EN 15038:2006 (Translation services – Service requirements), instigated by the European Union Association of Translation Companies (EUATC) and developed by the European Committee for Standardization (CEN). It was published in 2006 and applied to both LSPs and individual translators, with an aim to “enhance the quality of translation services” by setting out requirements for translation procedures (Biel, 2011, p.61). An additional motive was to “raise the profile of the translation industry by bringing it into line with other ‘standardised’ industries and giving it a more professional image” (Hübner 2007, cited in Biel, 2011, p.62). Under the terms of the Vienna Agreement 1991 which details the cooperation between ISO and CEN, ISO standards take precedence (CEN, 2016) and as a consequence CEN withdrew EN 15038 in 2015 in favour of the new and more wide-ranging ISO 17100:2015 (Translation services – Requirements) (Koźbial, 2017, p.162). Certification to ISO 17100 is aimed at LSPs rather than individual translators due to the processes involved, although a few individual translators have obtained certification to ISO 17100 in the UK (Flint, 2021a).

ISO 20771:2020 (Legal translation – Requirements) was published in April 2020 and is the first specialist translation standard and the first translation standard for individual translators.

2.2. Regulation of the Translation Profession

In general, the translation profession is an unregulated one worldwide, apart from authorised or sworn translation systems operated by many European countries and countries such as Brazil and Argentina (Biel, 2011, p.62; Marking, 2016; Lexis, 2021). Furthermore, following research for their report on The Status of the Translation Profession in Europe, Pym et al. (2013, p.12) highlight that they were unable to find any European country requiring translators to have academic or even formal qualifications. In addition to the lack of barriers to entry, Pym et al. (2013, p.vii) evidence that it is possible for virtually anyone to set up an online business offering unaccredited training and certification to would-be translators.

In 2002, Chesterman (Chesterman and Wagner, 2002, p. 37) advocated for an international way to identify skilled translators on the basis that:

the professional status of translators is still so vague, so unprotected, that there are no adequate formal criteria separating competent professionals from incompetent amateurs: both groups can call themselves translators. What we need is a much stronger international accreditation system [...].

Backing the original introduction of EN 15038 in 2006, Biel (2011, p.62) argues that standardisation is needed as a means of identifying a quality translation service, as many clients commissioning a translation do not understand the language the document is to be translated into and cannot judge the quality of the translation as a result.

As noted above by Biel, the exception to the absence of regulation is in the field of court or other official documentation, but even here authentication requirements differ from country to country. As Pym et al. (2003, pp.16-18) elucidate, the translation of documents is carried out in three different ways in Europe: translations are certified by a notary or similarly qualified legal professional in some countries, in others the state requires aspiring sworn translators to pass a test, and a third possibility is that translators are authorised as a result of their qualifications (although some countries may also require professional experience). Gouadec (2007, p.253) contends that in many countries, becoming a sworn translator is a coveted status and as “the only official professional title available”, it raises the sworn translator’s profile for both clients and the public. It also creates a monopoly for sworn translators over the translation of certain documents.

Other possibilities are national accreditation or certification systems, such as the American Translators Association (ATA), and the National Accreditation Authority for Translators and Interpreters (NAATI) in Australia (Gouadec, 2007, p.248). NAATI’s Certification System, for example, aims to establish whether an applicant is competent to work as a translator in Australia, with NAATI’s website clarifying that due to employers’ and service providers’ expectations, translation work without certification is more difficult to obtain (NAATI, 2021). Accreditation and certification are voluntary, albeit that there may be market pressure for a translator to obtain either accreditation or certification in order to secure clients, as indicated by NAATI. Regulation, however, is a mandatory process.

In the UK, there is no regulated sworn translator system, national certification system or national accreditation system. As Moreno-Rivero observes, “specialized qualifications exist, yet governmental authorities fail to make them a requirement” (2020, p.5).

In relation to certification of translations in the UK, in theory anyone can self-certify a translated document, even a legal one. In reality, the practical steps for certifying a translated document depend upon the type of document and the requirements of the end user. The Foreign Office (UK Government, 2012; my emphasis) provides the following guidance for submission of “foreign documents” with a passport application:

Where a document written in a foreign language is submitted in support of a passport application it should be submitted with an English translation attached. It should be provided by a translator registered with an official organisation such as the *Institute of Linguists* or the *Institute of Translation & Interpreting*. A translator who is employed by a recognised translation company the latter being a member of the *Association of Translation Companies* is also acceptable.

The entities referred to above are professional UK translation and interpretation bodies: The Chartered Institute of Linguists (CIOL – referred to above by its old name of the ‘Institute of Linguists’) and the aforementioned ATC and ITI. These associations offer translators at the requisite membership level the authority to certify translations under their respective names. ATC, ITI and CIOL maintain registers for these members, enabling potential clients to search for translators or in ATC’s case, for certified translation companies (ITI, 2021c; CIOL, 2021; ATC, 2021b). As the above guidance dates from 2012, it remains to be seen whether translators certified to ISO 20771 will be added to the list of approved names in the future.

The complications involved in certifying translations in the UK are further illustrated by ITI's guidance on certifying official documents for embassies. ITI (2021b) states that embassies may accept translations from its Qualified or Corporate Members and that it may be necessary for the translations to have ITI's Certification Seal attached; the advice is to check with the requisite embassy in the first instance. ITI also states that it has been given legal advice that "a certificate is acceptable if it is accepted" and suggests a referral to a notary practice where a higher grade of certification is requested (ITI, 2017, access for ITI members only). With such an unstructured approach to certification of translations, an internationally recognised means of certifying translations might benefit the UK. However, translators certified to ISO 20771 cannot use the standard as an authority to provide certified translations; section 3.4.6 of ISO 20771 acknowledges that a legal translator who can certify translations is one who is "officially authorized by a court or a government body". As time goes by, it is possible that UK authorities will recognise translators certified to ISO 20771 as being an acceptable source in the same way that translations certified by members of the ITI, ATC and the CIOL are acceptable. This may depend on how well known the standard becomes in the UK and whether it is easy to locate translators certified to it. It is therefore unlikely that there will be any immediate gain to the UK from the adoption of ISO 20771 as far as the lack of a sworn translation system and the ambiguities surrounding certifications of translations are concerned. Any long-term benefit is also likely to be minimal, as ISO 20771 will be another addition for certification of translations rather than a replacement.

In summary, as the UK translation industry is unregulated, translators operating in the UK rely on the status and authority granted to them by professional bodies, qualifications, ISO standards, and their own reputation. Many translators with clients in multiple countries may agree with Pym et al. (2003, p.23) that "it is no longer sufficient to seek status on the national level alone". If ISO 20771 is or becomes sufficiently well known, it may be a way for legal translators to raise their profile in the UK and internationally, along with an additional means for worldwide clients to identify translators who are certified as delivering a quality legal translation service.

2.3. Outline of ISO 20771 and the Arguments for and against ISO 20771

This section will first provide an outline of the main requirements of ISO 20771, then detail the arguments for and against ISO 20771.

2.3.1. Outline of ISO 20771

ISO 20771 was published in April 2020 and its certification is intended for individual translators specialising in legal translation (BSI Group, 2021). The standard sets out the requirements for the competences and qualifications of legal translators, revisers, and reviewers, along with defining key translation terms and detailing appropriate translation practices, procedures, professional development requirements, record keeping requirements and other relevant translation services (BSI Group, 2021). The intention is that certification to ISO 20771 demonstrates that a translator can deliver a quality legal translation service (BSI Group 2021). The standard therefore deals with processes and resources but 'a good quality translation' is not defined.

Section 5.1 of ISO 20771 obliges a translator to have the following competences: translation competence in relation to specialist legal content; linguistic and textual competence in the source and target language; specialist legal field competence; competence in research, information acquisition and processing; legal culture competence; and technical competence. The standard, however, does not specify how to evidence these competences. As Brunsson, Rasche and Seidl (2012, p.621) observe, “standards are by definition ‘rules for the many’”, which suggests that ISO may be opting for flexibility for assessment purposes, as the evidence to establish competence is likely to vary between countries. Popiolek also outlines that the competences are “complementary to the minimum legal translator qualifications requirements” and are therefore quite general and easy to assess in practice (2020, p.30).

A legal translator must also satisfy at least one of the ‘qualification-plus-experience’ requirements outlined in Table 2.1 below for the relevant language pair and must be able to provide documentary evidence of this. Unlike the general translation standard ISO 17100, it is not possible for translators to qualify with five years’ plus of experience but no degree. No guidance is provided on how length of legal translation experience is to be calculated if the translator does not spend 100% of their time on legal translations.

Table 2.1
Qualifications and Experience Required as a Legal Translator for ISO 20771
(BSI Group, 2021, ISO 20771:2020, section 5.2)

	Qualifications	Professional Legal Translation Experience
I.	Degree in translation, language studies or equivalent degree, including a significant translation training component, AND a post-graduate degree in law or another specialist legal field	At least 3 years’ full-time professional experience in legal translation
II.	Degree in law or another specialist legal field	At least 3 years’ full-time professional experience in legal translation
III.	Degree in translation or any subject	At least 5 years’ full-time professional experience in legal translation
IV.	Degree in any subject AND a recognised professional qualification as a certified legal translator from an officially recognised professional organization	At least 3 years’ full-time professional experience in legal translation
V.	An officially recognised qualification as an authorised legal translator in accordance with relevant national requirements and regulation	

The same ‘qualification-plus-experience’ requirements shown in Table 2.1 above apply to revisers of a legal translation, with almost identical competence requirements applying (ISO 20771, section 5.3).

A review is recommended if the document is legislation (ISO 20771, section 6.5).

If the translator is working with a direct client, the translator is responsible for managing all aspects of the project from beginning to end, including the delivery of a finalised quality translation within the contracted timeframe. If working for an LSP, it is recommended that the translator follows the same processes (ISO 20771, section 6).

2.3.2. The Arguments for and against ISO 20771

ISO states that work starts on a new standard only if that standard is needed by end users *and* addresses a difficulty experienced by the market (ISO, 2019a, p.5, my emphasis). The argument for - and the rationale behind - ISO 20771's development is explained by Monika Popiolek (2016, p.6), its project leader. ISO 20771 is needed, Popiolek states, because there is no international agreement on the required qualifications and competences of legal translators, nor is there any international agreement on the best way to assess legal translation quality. ISO 20771 is intended to address these identified needs firstly by specifying required qualifications, experience, and competences for translators, and secondly by setting out the processes and procedures to enable a translator to deliver a quality legal translation service.

A further argument in favour of ISO 20771 relates to the value added by attaining certification, as this provides an independent verification of the service offered by a translator. Certification is defined by the CEO of ATC as "an expert third-party review of a translation service provider's (whether a company or individual freelancer) operations, processes and documentation against all the requirements of an ISO standard" (McNab, 2021a). Furthermore, Florensa (2018) points out that annual auditing, which is part of the certification process, is a way of showing that the required controls and processes are being adhered to. Certification to ISO 20771 can therefore be considered as a reliable way to identify translators and companies working to specified procedures and a way to ensure ongoing maintenance of those procedures. According to Drugan (2013, p.70), clients find identification of specialist translators challenging due to the lack of formal translation qualifications for specialisations. Therefore, certification to ISO 20771 may greatly aid the identification of specialist legal translators.

Section 5.1 of ISO 20771 specifies that a legal translator must have (inter alia) specialist legal field competence and the ability to translate specialist legal content, a higher specification, logically, than the competence requirements in the general translation standard ISO 17100. Although it repudiated ISO 20771, Germany's national standards body, DIN, recognised the need for "higher requirements" for "rule of law documents" above and beyond those in the more general translation standard ISO 17100 (2020, p.2). DIN's issue with special requirements for legal translations is therefore related to how such requirements are introduced - which DIN considers should be via "domain-specific annexes to ISO 17100" (2020, p.2) - rather than with the introduction of requirements per se. Whilst it may not be in the form DIN wanted, an international standard with higher requirements for the translation of legal documents now exists.

Another advantage of having a standard is clarity for all parties about the processes and terminology involved. Section 3.2.5 of ISO 20771, for example, defines revision as a bilingual revision of the entire target language content against the source language content. In her 2013 study of translation quality across the translation industry, Drugan (2013, p.184) found that clients and LSPs often had different expectations about the checks to be carried out on translations; this included a lack of awareness that sampling rather than full revision might take place. With ISO 20771, the obligation for full text revision is evident to all parties, thus the client can confidently expect full revision as this can only be waived if the client agrees in writing.

Further in relation to revision, Prieto Ramos (2014, pp.24-25) argues that a reviser's competence should "normally [...] be higher than (or at least as high as) that of the translator in order to detect translation problems and improve and/or assess their solutions. This, however, is not the norm in practice". Under ISO 20771, competence requirements for the reviser are virtually identical to those required by the translator and qualification and experience requirements are the same (ISO 20771, sections 5.3 & 5.4), fulfilling Prieto Ramos's criterion for the reviser to be as qualified as the translator. Even if an equally qualified reviser is not the norm in practice, this is an obligation under ISO 20771 and, as Parra-Galiano contends, this may help "guarantee the quality of legal translations" (2021, p.230).

A challenge of ISO 20771 is that international standards should be suitable for all member countries, but ISO's aim to set out "the best way of doing something" (2021f) has not found favour with Germany in this instance. DIN (2020, pp.1-2), Germany's national standards body, released an extensive statement explaining why it had voted against ISO 20771. One of its main arguments is that there is no need for one standard for individual translators and a different one for companies, even for specialist areas: DIN would prefer specialist areas to be annexed to ISO 17100 to avoid excessive certification (2020, pp.1-2). The counterargument to this, courtesy of Popiolek (as quoted by Marking in Slator), is that the development of ISO 20771 is a response both to market demand and the wishes of individual translators; accordingly, a specialist standard for individuals should not be an annex to ISO 17100, a general standard primarily for LSPs (Marking, 2020a). A further argument from DIN (2020, pp.1-2) is that ISO 20771 recommends procedures which conflict with official German regulations, including sworn translation regulations. ISO expert Izabel Souza's response (as quoted by Marking in Slator) is that as ISO standards are voluntary, there is no conflict as German law takes precedence (Marking, 2020a).

It could be argued that it is inappropriate for ISO 20771 to permit a degree in any subject to be a suitable qualification for a legal translator (section 5.2). As there are profound consequences if legal documents are translated incorrectly, there is a rationale for claiming that specific qualifications, experience, and competences are necessary for legal translators (Prieto Ramos, 2014, p.12). Gouadec (2006, p.33) goes one step further by contending that it is "usually acknowledged that the bona fide legal translator should be either a lawyer or at least someone with a solid legal background". However, as section 5.1 of ISO 20771 also obliges legal translators to have competences in specialist legal content and translation proficiency, this may offset the potential weakness if the translator lacks a relevant degree. Thus, on the one hand, ISO 20771 grants flexibility to legal translators in how they acquire

their legal and translation skills but on the other hand, there is no flexibility if the translator does not possess a degree at all.

A further problematic aspect of ISO 20771 is the accessibility of certification for translators of rare languages who are not in a position to obtain a degree or are not nationally authorised legal translators. Pym et al. (2013, pp.23-24) note that the typical language pairs offered by European translation courses do not reflect the reality of the range of languages needed for the translation of official documents, mostly notably in the case of languages spoken by recent immigrants. Pym et al. (2013, pp.23-24) also suggest that when faced with low rates of pay and prohibitive academic costs, it may not be viable for many translators to seek formal qualifications. This will also apply to certification costs, as these are not insignificant. In practical terms, certification to ISO 20771 may only be viable for a restricted range of languages and may preclude particular groups of translators. The qualification requirements could therefore be seen as discriminating against certain populations and/or language groups.

Finally, ISO 20771 could be seen as incongruous with the realities of the supply chain and with the distribution of responsibilities alongside the supply chain because section 6.1 places the responsibility for the entire translation process on individual translators. However, translators may not have the ability to control all translation process when working with LSPs.

Accordingly, whilst there are strong arguments for welcoming ISO 20771 as a potential asset for the international legal translation field, there are also appreciable drawbacks to the standard. Whilst the German jury has handed down its verdict on ISO 20771, the verdict remains under consideration for the moment from the UK perspective. It is now time to let the translators have their say, starting with the ATC/ITI survey at section 2.4 below.

2.4. ATC and ITI Joint Survey (June 2020)

ITI and ATC kindly authorised use of the anonymised data they obtained from a joint survey on ISO 20771 which was emailed to ITI members for the purpose of seeking to establish: (i) whether there was interest in certification to ISO 20771, (ii) whether there was interest in ITI ISO 20771 Qualified status, (iii) whether translators felt they would meet ISO 20771's qualification requirements, and (iv) opinions on the initial proposed costs for certification and Qualified status (Flint, 2021b). Forty-six responses were received and as a specialist in legal translation was defined as someone who works at least 75% of the time on legal translations, under this categorisation thirty respondents were specialists in legal translation, fourteen were not and two considered themselves to be specialists although legal translations are less than 75% of their workload. Respondents were provided with a 'Summary of ISO 20771 requirements', a copy of which is attached at Appendix II. A copy of the survey results is attached at Appendix III.

The survey enabled respondents to submit simple 'yes', 'no' or 'maybe' responses and/or provide comments. The results showed a range of views on the perceived benefits of ISO 20771, and on ISO 20771's qualification requirements, as well as differing opinions on whether the earlier translation standard, ISO 17100, had offered any marketing benefits. Most respondents agreed that the cost of certification to ISO 20771 was prohibitive. A few

respondents pointed out that the standard is expensive to buy and not readily available to view elsewhere.

Turning to examine these issues in more detail, one of the major talking points was the cost of certification to ISO 20771. Overall, thirty-three respondents responded negatively to an interest in gaining certification, seven were interested, and six were unsure or considered it a possibility. Twelve respondents explicitly stated that certification was too expensive and four commented that applying for certification would depend on whether clients requested it. An ex-managing director of an LSP thought it unlikely that legal translators would profit from the extra costs they would incur, as clients tend to opt for the cheapest translation. This view concurs with Chan's 2010 study of vendor managers' opinions on certification, the majority of whom considered that any financial benefits for certified translators would be minimal (2010, p.109-110). Only one ATC/ITI survey respondent believed there was the potential to recoup costs.

It was notable that no respondents had been asked about ISO 20771 by their clients or agencies; this may indicate a current lack of awareness and/or interest in ISO 20771 from clients and agents. One respondent remarked that "most clients do not generally seek out ISO-certified translators", with another observing that they had seen no real benefits to EN 15038 or ISO 17100, implying that there will be no interest in ISO 20771 either.

There was also positivity about ISO 20771, with one respondent declaring that since ISO 17100 status had been of benefit professionally (although it was not clarified how), ISO 20771 could enhance the profession's image. Similarly, an additional respondent believed that as agencies had started asking for ISO 17100 following its introduction, ISO 20771 could be a "good marketing tool".

Many respondents expressed concerns about ISO 20771's 'qualifications-plus-experience' requirements at section 5.2, with one feeling that "the experience [...] gained over a period of thirty-five years counts for nothing" as they would not qualify for ISO 20771 due to the lack of a degree. Another argued that clients are focused on translation quality rather than qualifications and it was also proposed that CPD and specialist courses could bridge the non-degree gap. Furthermore, it was contended that the difference between UK common law and European civil law dilutes ISO 20771's relevance, as the standard does not require qualifications for both jurisdictions. It was also felt that as ISO 20771 does not require a translation qualification, this creates the impression that translation degrees are inconsequential.

The obligation for translations to be revised in full by a reviser (section 6.5) was an area of concern to some, with several respondents querying whether this would be achievable when working with agencies.

When asked whether the legal translation market would benefit from a widespread implementation of ISO 20771, opinions were divided. Thirteen respondents were positive about ISO 20771, sixteen were not and seventeen either did not know or considered it possible that ISO 20771 could benefit the legal translation market. One remark was that the standard was about process rather than content, therefore peer-reviews of translations

would be a better way to measure translation content. Two respondents considered that the reception of ISO standards would be strengthened if courts and authorities opted to use ISO-certified or ITI Qualified status translators.

Following this survey, ITI has indicated to me that it has no current plans to introduce ISO 20771 Qualified status on the basis that there is insufficient current demand and it would exclude ITI members who do not hold degrees, although this may change in the future (Flint, 2021b). ISO 17100 Qualified status is available at a current cost of £39.00-£49.00 to those individuals who have passed ITI's Qualified translator assessment (ITI, 2021d). Whilst ISO 17100 Qualified status does not hold the stature of certification and does not entail annual certification checks, it confirms that the translator holds the requisite qualifications and/or experience. ISO 17100 Qualified status can be used as a search criterion in the ITI Directory (2021a), a potentially useful marketing tool. This therefore leaves certification as the only formal option available for ISO 20771 in the UK at present and, as noted, most survey respondents had no current interest in certification.

Accordingly, the lack of regulation in the UK translation industry means that legal translators who wish to raise their UK profile have to rely on qualifications, status granted by professional bodies, ISO standards and/or reputation. An outline of ISO 20771 and the arguments for and against it highlighted benefits as well as drawbacks. The ATC/ITI survey revealed an overall lack of interest in certification by individual translators, the very people the standard was intended for. Only a handful of respondents were positive about the recognition and credibility ISO 20771 might bring to the profession. However, as not all respondents were legal translation specialists and the responses to questions varied greatly in detail, a more in-depth consideration of the survey's recurrent themes by individual legal translators working in the UK was considered to be necessary. In addition, further investigations would be able to evaluate whether a decision to certify to ISO 20771 might be influenced by the type of legal documents translated, the type of clients, and the translator's length of experience. Furthermore, following confirmation that two companies were applying for collaborative certification to ISO 20771 (McNab, 2021b), obtaining a commercial perspective on the value of ISO 20771 had become possible.

Chapter 3: Methodology

The research objective of this dissertation was to investigate whether ISO 20771 may have value for the UK legal translation market. Inspired by the ATC/ITI survey data on ISO 20771, the starting point for my research was an analysis of these survey results, enabling me to identify recurrent themes. These themes were then used as the basis for more in-depth research with legal translators and a representative for the LSP (applying for collaborative certification) on specific aspects of ISO 20771 and on the perceived impact of ISO translation standards in general. This section details the factors influencing the research method, research design and selection of participants, followed by a description of the data collection and a brief consideration of data analysis.

3.1. Research Method and Design

Semi-structured interviews were chosen as a suitable method for obtaining data on the basis that this would enable access to legal translators' personal opinions and experiences, along with the flexibility to explore any additional themes or insights which might emerge during the interviews.

As outlined above, two types of participants were involved in the interview process, namely legal translators and an LSP representative, with the questions varying slightly between these two groups. To encourage translators to participate, the number of interview questions for legal translators was limited to 16 questions to enable it to be answered during a half hour interview. The initial four questions were designed to elicit information on interviewees' legal translation background, experience, and the type of texts translated. Four questions were then posed about ISO 17100 to ascertain whether interviewees had experienced any benefit from this earlier general translation standard. The final six questions were on the recurring ISO 20771 themes identified by the ATC and ITI survey, with the last question an open-ended 'any other comments' question. For this last section, three pertinent questions were retained from the ATC/ITI survey. The 15 questions for the LSP's representative were based around the recurrent themes identified in the ATC/ITI survey, as well about the reasons for seeking collaborative certification. The legal translator interview questions are attached at Appendix IV, along with the LSP's questions at Appendix V.

3.2. Participants

As the Research Question is considering the value of ISO 20771 for the UK translation market, interviews were sought with specialist legal translators with a range of experience who were based in the UK and/or provided (inter alia) legal translations for the UK translation market. An interview was also solicited with a representative for a UK LSP specialising in finance and legal translation on the basis that it was seeking collaborative certification to ISO 20771.

Suitable candidates were identified via ITI's Directory of Translators, internet searches, contacts of ATC and my own contacts; potential interviewees were emailed directly with a request for an interview. An advertisement for interviewees was also placed in CIOL's July 2021 e-magazine and on LinkedIn in July 2021. The LSP representative was identified via ATC, with the interviewee proposed by ATC contacted directly by email with a request for an interview.

Overall, six legal translators and the LSP representative who met the criteria agreed to be interviewed. Five of the interviewees were female and two were male. The translators' length of translation experience was between one and 30 years.

Prior to the interviews, all participants were sent a Participant Information Sheet (see Appendix VII), a Consent Form (see Appendix VIII), a list of questions (see Appendix IV), and a 'Summary of ISO 20771' (see Appendix IX) in case they did not have access to the standard (for copyright reasons, it was not possible to provide a copy of the standard). All Consent Forms were signed and returned before interviews took place.

Whilst this research could have benefitted from further interviewees, a small sample of five to seven interviewees was considered to be sufficient for this research due to the three-

month time limit for completion of this dissertation. It should be noted that it was not possible to pay for interviewees' time.

3.3. Data Collection and Analysis

Four interviews were conducted online using Zoom Video Communications, Inc technology, with the interviews recorded and subsequently transcribed. 30 minutes was allotted for these interviews but some were longer. Three interviews, along with additional exchanges of information, were conducted via email, with any extra relevant data from the additional exchanges incorporated into the transcripts. All interviewees were anonymised and assigned numbers as a matter of University of Surrey policy. Gender-neutral language was used in the transcripts and for interviewee data referenced in the body of the dissertation to reflect this requirement for anonymity. All interviews were carried out during June and July 2021 and the transcripts are attached at Appendix X.

3.4. Ethical Considerations

In accordance with University of Surrey requirements, as my research involved human participants, a self-assessment form (SAGE-HDR) approved by my interim supervisor was submitted to the University Ethics Committee in February 2021. As I confirmed that my research did not involve any of the higher, medium or lower risk criteria as set out in SAGE-HDR, I was authorised to proceed with my research without a review by the Committee. A copy of my completed SAGE-HDR form is attached at Appendix VI.

As this research involved personal opinions and was from a small dataset, the data collected was qualitative and cannot be generalised. Instead, an exploratory analysis of the results is presented below at Chapter 4.

Chapter 4: Results

Manual coding of interview data was carried out to identify the main themes, with the themes most relevant to the Research Question detailed below.

4.1. The 'Ideal' Qualifications for a Legal Translator

Section 5.2 of ISO 20771 does not require a degree in law and/or translation, however, a degree in any subject is required as a minimum (unless the translator has obtained national authorised legal translator status). The LSP representative regarded these qualification and experience requirements as "fairly simple and [...] similar to, and in some cases less stringent than, our own internal recruitment requirements". Before taking on a new translator, this LSP obtains more information about a translator's specialist knowledge, with evidence required for each legal field the translator wants to work in.

There was no consensus amongst the six legal translators on what constitutes the 'ideally qualified legal translator'. Starting with legal qualifications, although the five most experienced legal translators all stated that an understanding of both legal systems was essential, they had differing views on how this knowledge should be acquired. Furthermore,

these views did not always align with interviewees' own legal qualifications. A law degree was endorsed as ideal by interviewee 5 (who holds a law degree) but the two qualified solicitors were split on their views: interviewee 4 did not regard a law degree as essential for translators who had gained a clear understanding of legal issues and concepts by other means, whereas interviewee 3 felt that a law degree was important for high level documents such as contracts. As a proofreader of legal translations, interview 3 had encountered "confusion about the legal system" and a failure to comprehend "basic legal principles and concepts".

The additional two translators who backed the need for knowledge of all relevant legal systems did not possess law degrees. Interviewee 2 regarded a law degree as helpful but prioritised language proficiency and obtaining relevant legal jurisdictional knowledge whether by a degree or other means. This translator acquired their legal translation knowledge by working in the City and interpreting for major law firms. After correcting "some abominable translations that would lead to lots of litigation if they were not corrected", this led to a realisation that there was a translation niche for proficient linguists with legal knowledge. For the other translator (interviewee 6), legal knowledge was acquired through a legal translation module as part of their degree, along with attending workshops on legal translation.

An alternative viewpoint on legal qualifications came from interview 1, an experienced magistrate with family law training and the newest entrant to the profession. They pointed out that legal translation is a wide-ranging area and it is possible for a someone with a law degree to translate texts for legal areas they have not studied:

I worked on a family law text with someone who had a law degree but directly translated *espace de rencontre* as 'meeting place' whereas the correct English legal terminology is 'family contact centre' - in this context, 'meeting place' is meaningless and was a key term in the text.

Translation qualifications were accorded less prominence overall. Interviewee 1 prioritised translation qualifications over legal qualifications, whereas interviewee 3 considered that a translation qualification alone was insufficient to address gaps in legal knowledge. A middle ground was taken by interviewee 6, who gave equal weight to translation knowledge and legal knowledge, with a translation qualification considered essential on the basis that they had encountered translators without this background asking "the most basic of questions regarding language, language structure and translation choices".

Although all six interviewees hold a degree as a minimum qualification, two interviewees expressed concern that able legal translators without a degree could be excluded and the newest entrant to the profession felt that agencies are after experience rather than qualifications. One interviewee was surprised that a degree in any subject was permitted. The LSP confirmed that although it would hire translators on rare occasions without qualifications, they would have to possess a lot of experience for this to happen.

4.2. The Requirement for Revision

Section 6.5 of ISO 20771 obliges a translation to be revised by a separate translator, although this requirement can be waived if the client agrees to this in writing. Although interviewee

opinions differed on whether revision should be mandatory, they agreed that the costs of revision should be met by clients in some form. The LSP operates a flexible approach to revision, offering a service compliant with ISO 17100 for documents that are going to be “published, certified, used in court etc”. For documents that are purely for information purposes, the LSP suggests translation and quality assurance only.

The three translators who regularly carry out revision supported this requirement. Interviewee 2, a company owner, organises revision of legal documents if (i) they are significant ones, (ii) there is sufficient time to carry out the revision, and (iii) the client is willing to pay for it. Their company’s clients are mostly direct clients who pay extra in such circumstances. This interviewee believed that clients need to be educated about why revision is necessary. Another committed reviser, interviewee 6, pointed out that ITI recommends that translations undertaken by its members should be subject to revision prior to certification. This interviewee charges higher prices for legal translations to cover the costs of revision and regards revision as “an essential quality assurance step in legal translation where the consequences of an omission or error could be significant for either the client or translator”. Whilst interviewee 3 organises revision when they deem it to be professionally advisable, they feel that clients do not welcome revision from a costs point of view and they tend to ‘bury’ the costs in the overall pricing to make it more palatable.

The other three translators voiced negative views about revision, with interviewee 5 confirming that they had never been asked for a revision service by clients and foresaw that under ISO 20771, it might become standard practice for clients to agree that revision was unnecessary. Interviewee 4 could not envisage clients paying extra for a reviser and would not be able to afford to pay for one out of their earnings, although did note that their ECJ work was revised in-house. Interviewee 1, the newest to the profession, held the opinion that if a translator meets the qualification and experience requirements, a reviser is unnecessary as the translator by definition is competent to assess their own work. This interviewee also felt that agencies are more likely to try to secure the cheapest translations possible by opting for proofreading rather than revision by a second translator as agencies are “after as big a margin as possible”.

4.3. Costs associated with Certification

Certification to ISO 20771 is available in the UK both for individual translators and for companies via collaborative certification (see Appendix I). Current costs for individual translators with ATC Accreditation Ltd are confirmed as £800.00 for the initial full two-day audit, followed by a one-day certification for the following two years at £400.00 per annum; there is no set fee for the cost of re-certification after this initial three-year cycle (McNab, 2021a). These are current costs from one certification body only and are not indicative of the fee structure of other certification bodies.

The unequivocal response from all interviewees on certification costs was that they are too high for individual translators, with a few translators pointing out that there are plenty of other professional costs for translators to pay. Four translators also expressed doubt about receiving more business as a result of certification to ISO 20771, with interviewee 2 opining that “colleagues would clearly need to understand what benefits would be there for them,

especially if they have an established base". This translator felt that certification costs should not be visited upon translators and revisers and if companies were only willing to work with translators certified to ISO 20771, they should shoulder these costs. In addition, they considered that the standard would need promoting to clients and clients would have to want to work with translators certified to ISO 20771 otherwise "the only benefitting parties would be translation companies [...] selling themselves as a package but then they are not going to pay their providers any more [money]".

When the LSP was asked about DIN's statement that its preference was for specialist translation standards to be in the form of annexes to ISO 17100 to avoid excessive certification demands, the response was that as the LSP can be audited for ISO 17100 and ISO 20771 at the same time, "it is not particularly onerous for them to be separate".

4.4. The Impact of ISO Translation Standards

In line with the ATC/ITI survey carried out in 2020, all interviewees confirmed that they had not been asked about ISO 20771 by their clients or agencies. The LSP representative was also unaware of any existing or potential clients enquiring after ISO 20771.

In relation to the earlier general translation standard, ISO 17100, the LSP holds certification for this. Although the LSP's representative confirmed that it was unusual for clients to approach their company based on ISO 17100 alone, the feeling is that ISO accreditation creates a positive impact when bidding for new work. Accordingly, the main reason the LSP is applying for certification to ISO 20771 is because it is hoped that this new standard will prove to be a successful marketing tool. The representative views the UK translation industry as "massively under-regulated" and believes that contacting clients to say that their translators are certified to ISO 20771 "will be very positive". However, the LSP's representative view is that certification to ISO 20771 is unlikely to become widespread unless collaborative certification becomes popular "because the onus is on the translators themselves to get accredited".

In terms of the prior impact of ISO 17100 on the translators, of the four who hold ISO 17100 Qualified status (a lower standing and a considerably lower cost than certification to ISO 17100), three were unsure whether they had experienced any benefit from it. As translators often gain ISO 17100 Qualified status at the same time as ITI membership and an entry in ITI's directory, it is not always evident whether they are being approached by clients because of ISO 17100 Qualified status or their membership status (or both). Interviewee 6 was the only translator who was certain that ISO 17100 Qualified status had provided value in terms of new work from agencies, as well as enabling them to identify other suitable translators to work with. Nevertheless, this interviewee viewed regulation as a better method for controlling translation standards than ISO 20771. Interviewee 3, an experienced translator who does not hold ISO 17100 Qualified status, confirmed that they were regularly contacted by clients because of their legal qualifications. They also considered that ISO 20771 "would raise standards" and that in the future, some agencies and knowledgeable clients may seek out translators and LSPs certified to it for high value and complex translations.

Concerns that clients were not knowledgeable about ISO standards were raised by two translators. New entrant, interviewee 1, felt that direct clients from outside the language services industry had no appreciation of ISO standards and agencies were merely after the lowest rate rather than ISO accreditations. The much more experienced interviewee 2 also viewed clients as lacking understanding about ISO standards and thought they would need educating about the “added value” of a translator meeting ISO 20771 certification requirements.

These results show that individual translators and a commercial agency have different perspectives on ISO 20771, particularly in relation to costs and the marketing impact of ISO translation standards. In Chapter Five below, the above data is analysed and the key findings are discussed.

Chapter 5: Discussion

The conundrum facing ISO 20771 is that it is trying to cover two divergent requirements. Monika Popiolek (2021), the project leader for ISO 20771, confirmed that ISO 20771 is considered to be “a high standard and a difficult one to conform to”, but ISO also wants its standards to be “easily accessible and usable” and for people to understand “the benefits that [standards] bring” (2021e). This incongruity is particularly evident when individual translators’ views on ISO 20771 are compared with those of the LSP. The key findings identified in the data were ease of accessibility, ease of usability, and uncertainty about the benefits of ISO 20771 accreditation, and these are discussed in detail below.

5.1. Ease of Accessibility

A practical starting point is the accessibility of the standard itself. Comments were made in the ATC/ITI survey that ISO 20771 is expensive to buy and not readily accessible otherwise. Whilst ATC offers its members access to ISO 20771, this is not the case with other professional associations. When conducting interviews, no legal translator mentioned having access to the standard and even though all interviewees are legal translation specialists, ISO 20771 had not captured the prior attention of all of them. Interviewee 4 felt that ISO 20771 was “not very well known” and interviewee 2 commented that ISO 20771 “wasn’t very high on my radar [...] or on the radar of my legal colleagues”. If the starting point for translators is having to purchase what they consider to be an expensive and inessential standard, it is unlikely that they are going to investigate certification any further. One solution would be for access to ISO 20771 to be made more widely available via other professional bodies, which would also aid the dissemination of more detailed information about ISO 20771 and may increase interest in certification.

Turning now to consider the accessibility of ISO 20771 for the purposes of certification, Popiolek’s (2021) statement that it is considered to be difficult to comply with ISO 20771’s high requirements suggests that certification will be most relevant for legal translators with extensive experience. However, interviewee 2 (who has twenty years of experience) was of the opinion that translators with well-established client bases and no clear evidence of a likely return on investment would have little incentive to apply for certification. Furthermore, interviewee 2 recounted being told by a judge that “there are very few legal interpreters and translators of sufficient level [...] so please stay where you are, as you are in a good niche”,

indicating that there may be ample work for established, top level legal translators and, again, little incentive to apply for certification. The standard may therefore be most accessible to the very translators who are least likely to need it for professional recognition and/or additional work.

Consequently, certification may be more useful for legal translators who want to increase their professional profile, differentiate themselves from the competition and obtain a wider client base. They will, of course, still need to meet ISO 20771's requirements and be able to afford the costs involved. The interviewees variously described the costs of certifying to ISO 20771 as "hefty for sole practitioners", "way too high" and "prohibitively expensive". Even interviewee 3, the most positive about ISO 20771's marketing potential, viewed the costs as "a sticking point at that price". Two translators also expressed doubt about the ability of newer entrants to meet these fees, particularly when considering the many other professional fees which are payable. Accordingly, the translators who are likely to benefit most from ISO 20771's marketing potential - if there is a suitable return on investment - may find certification costs too high.

A different perspective on costs came from the LSP: under the collaborative certification system, it can be audited for ISO 17100 and ISO 20771 at the same time and as a commercial agency, it has a longer-term business perspective on certification costs. Popiolek (2021) refers to ISO 20771 as having the potential to be marketed as a "standard of excellence" and the LSP has a similar outlook, viewing ISO 20771 primarily as a potentially valuable marketing tool, with the costs of certification being an investment in attracting future clients. Surprisingly, this LSP is certifying a few select freelancers as well as all its in-house translators. If collaborative certification does become more established, it is likely that the majority of those certified this way will be in-house translators for contractual reasons. On this basis, it is unlikely that collaborative certification will be the solution to making certification financially accessible for freelancers.

Accordingly, the costs factor is likely to be a deterrent for all individual legal translators unless there is evidence of a benefit to investment and/or translators are interested in obtaining ISO 20771 for the prestige. Although the standard is intended for individuals, from a costs point of view it is much more accessible for commercial companies. Further research is suggested to establish how aware end clients are of ISO 20771 and whether they plan to request translators certified to this standard in the future. End clients should include law firms, as they are likely to be amongst the most prolific users of translated documents.

A further accessibility issue arises out of ISO 20771's qualification requirements at section 5.2. There were different views amongst the translators about the 'ideal qualifications' for a legal translator and whether a formal law and/or translation qualification was essential but there was no overall consensus. Concern was expressed, however, by a few interviewees about ISO 20771's exclusion of translators who may be skilled and experienced but do not possess a degree. Interviewee 4 commented that "if [the translator has] twenty-five years of experience and no degree, that's equally valuable" and "just having a degree doesn't make you a good translator". This also potentially discriminates against those who are unable to seek formal qualifications due to low rates of pay and prohibitive academic costs (Pym et al., 2013, pp.23-24), albeit that it is also unlikely they would be able to afford the certification costs.

Furthermore, the relevance of allowing the degree to be in any subject was queried by interviewee 3. It is possible that the reason for this is related to the transferable skills attained during advanced level education, and of course a degree that is directly relevant to a specialist subject area of legal translation is an asset. However, as the competences section of ISO 20771 (section 5.1) requires translators to have legal, linguistic and translation skills in any event, the requirement for a degree in any subject appears to be extraneous. In this regard, ISO 20771 lacks the flexibility of the general translation standard ISO 17100, which permits certification without a degree as long as a minimum of five years' experience has been achieved.

It is suggested that when the standard is reviewed, consideration is given to amending the requirement for a degree as a minimum qualification in order to make ISO 20771 more accessible.

5.2. Ease of Usability

The intention is that certification to ISO 20771 should demonstrate that the translator has followed specified processes and can deliver a quality legal translation service (BSI Group, 2021). On this basis, ISO 20771 is 'usable' in terms of helping clients and agencies to identify competent legal translators and (as the LSP notes) may speed up the recruitment process. However, a problem is that ISO 20771 is a specialist standard for a diverse field of highly specialised areas and, as highlighted by interviewee 1, it is possible for someone with a law degree to translate legal texts for areas in which they have no legal training. For this reason, the LSP confirmed that it does not rely solely on ISO certification as proof of ability and always requires additional evidence of a translator's specialist legal knowledge. Translators certified to ISO 20771 may therefore be wise to consider certification to ISO 20771 for reasons above and beyond formally evidencing qualifications, experience, and competences. Direct clients who are not knowledgeable about ISO standards and/or the language industry may be unclear about the limitations of ISO 20771 in this regard. However, the required competences section of ISO 20771 (section 5.1) obliges a translator to have the ability to comprehend the source text and render this in the target text, underlining the fact that the translator should only accept work that is within their ability in any event.

A further potential usability hurdle may be the type of documents regularly translated by the translator, as section 6.5 of ISO 20771 requires revision of the whole document to be part of the translation process. The three interviewees who supported revision considered relevant documents to be: "something particularly important, say an expert report or a legal expert report", "more complicated translations", and "legal translation where the consequences of an omission or error could be significant". As Martin (2007, p.57) points out, "revision is a valuable and costly resource best applied selectively". Thus, if a translator does not regularly translate the type of documents that justify revision, using ISO 20771 may not be a worthwhile option. Whilst an LSP may have the structure and resources to invest in two different levels of service, one of which is ISO 20771-compliant, this is less likely to be a viable option for a freelance translator.

A final point relating to usability is that it may not always be practical for translators to comply with ISO 20771 when working with agencies, as they may not have control over the appointment of a sufficiently qualified reviser. This may be count as a factor against applying for certification for translators whose workload comes mainly from agencies. In relation to the three interviewees who already organise revision when professionally necessary, it is evident that they appreciate being able to select their own revisers as follows:

- interviewee 2, the company owner, works mainly with direct clients, uses an in-house reviser and the revision costs are paid for by clients.
- interviewee 6 has both direct and agency clients, builds the costs of revision into their legal translation prices and uses their business partner, a suitably qualified translator, as the reviser.
- interviewee 3 “buries the costs” of revision (if it is needed) into their prices and prefers to work with a reviser they know, as this makes it easier to discuss texts if this is helpful for the text in question.

It is unclear, however, whether all or any agencies in the above scenarios are aware that the interviewees are organising revision as part of the overall translation process, as this may simply be built into costs. Research may therefore be useful to establish how agencies intend to deal with ISO 20771’s requirement for revision when they work with freelance translators who are certified to ISO 20771.

5.3. Understanding the Benefits of ISO Translation Standards

The results revealed that the interviewees were mostly unclear as to whether clients were intentionally seeking out translators certified to the general translation standard ISO 17100 and/or those holding ISO 17100 Qualified status. The LSP representative felt that clients nonetheless liked to see various ISO accreditations; this may be because certification is considered to strengthen the image of the translation profession (Chan, 2010, p.109) and ISO credentials may therefore hold general marketing value. In terms of the lower-level ISO 17100 Qualified status, this was regarded by some interviewees as an ‘add on’ to ITI membership and was not necessarily viewed as a marketable asset. Only one interviewee was directly aware of being approached by agencies because of this status. Moreover, interviewee 3 (who does not hold ISO 17100 Qualified status) reported being contacted regularly by clients specifically because of their legal background, which may indicate that a relevant qualification could be at least as beneficial as ISO status for an individual translator’s marketing purposes.

Concerns were also expressed by interviewees about whether clients would appreciate the significance of certification to ISO 20771, reflecting Wagner’s comment (based on European Commission client satisfaction surveys) that clients tend to view linguistic quality as a given, with the real appreciation reserved for meeting deadlines (Chesterman and Wagner, 2002, p.84). This element of doubt about clients’ perceptions and awareness of ISO 20771 clearly influenced a few interviewees’ low expectations of benefitting financially from certification and as interviewee 2 pointed out, certification to ISO 20771 “has to work for the actual professionals”. Although this interviewee adheres to ISO 20771’s requirements and supports its aim to raise standards, they query why they should apply for certification:

if it's not required by my clients, if it's not becoming a completely widespread industry standard [...] what would I get for just paying another set of fees? Would I get more business as a result? Would I get higher fees as a result? Would people understand the added value?

These reservations about a return on investment concur with Chan's 2010 survey of vendor managers' opinions on certification, when the majority of vendor managers considered that any financial benefits for certified translators would be minimal (2010, p.109-110). It should be noted that this survey was prior to ISO 20771's publication and as ISO is the first specialist translation standard, it remains to be seen if it has a different impact to more general translation standards. In addition, a positive outlook came from one of the most experienced translators (interviewee 3), who thought that "the better agencies and the more informed clients would be looking for LSPs who've got [ISO 20771 for] high value, complicated translation[s]". If this turns out to be the case, the logic is that client demand will be for the more experienced translators who are used to translating at the highest levels. As noted previously, established translators with a solid client base may need to be convinced of the benefits of certification, therefore once again research on end users' perceptions of ISO 20771 and the likely level of demand for translators certified to ISO 20771 may be useful.

Chapter 6: Conclusion

The aim of this dissertation was to evaluate whether the legal translation standard ISO 20771 has value for the unregulated UK legal translation industry. Following analysis of data from interviews with six legal translators and an LSP seeking collaborative certification, it can be concluded that the value of ISO 20771 differs according to the role of the participant in the UK translation market. The LSP, for example, viewed ISO 20771 positively on the basis that it has commercial value as a marketing asset. The legal translators, however, considered certification costs to be onerous for individual translators and were unconvinced about the ability of ISO 20771 to deliver a return on an investment in certification. In terms of benefit to clients, it was generally felt that clients would gain from the 'added value' of using a translator certified to ISO 20771 but it was considered that there would not be a corresponding benefit for translators unless the costs of certification and revision were met by clients and/or agencies. The message from the interviewees was that for ISO 20771 to be of value to translators, it needed to financially benefit translators.

It can also be determined from interpretation of the data that issues with ISO 20771's accessibility and usability may lessen its value for individual translators. In terms of accessibility, the LSP representative considered that putting the onus on freelancers rather than companies to apply for certification could restrict its adoption and as all interviewees considered certification costs to be prohibitive, this appears likely to be the case. Furthermore, as ISO 20771 obliges translators to be in control of the entire translation process, translators who work mostly with agencies may not consider certification to be a viable option if they do not get a say in the appointment of a suitable reviser. Lastly, as ISO 20771 is considered to be a difficult standard to comply with (Popiolek, 2021), this potentially restricts certification to highly experienced translators. Interview results, however, indicated that established translators with a solid client base may have little incentive to apply for certification. The main interest in certification to ISO 20771 may therefore come from companies applying for collaborative certification and it remains to be seen whether this becomes widespread beyond LSPs who specialise in legal translation. According to Biel (2011,

p.62), a benefit of standardisation is that clients are able to identify translators who can deliver a quality legal translation service, but this will not be the case if few translators obtain certification to ISO 20771.

6.1. Summary of Contributions, Recommendations, Limitations and Suggestions for Further Research

A limitation of this research is that it was obtained from a small sample of interviewees. It is possible that results might vary with a larger sample of legal translators and LSPs, with a greater range of experience and qualifications amongst translators, and with LSPs who are generalists rather than specialists in legal translation. In addition, as ISO 20771 was also only published in April 2020, there has been limited time to ascertain its impact on the UK translation industry.

Despite these limitations, this dissertation has raised awareness of the advantages of making ISO 20771 more readily accessible in order to encourage interest in it. In addition, it has highlighted concerns about the “hefty costs” of certification for individuals and drawn attention to interviewees’ unease about legal translators without degrees being excluded from certification to ISO 20771, thereby restricting accessibility. As a result, it has been proposed that consideration is given to amending the requirement for a degree when the standard is reviewed. This dissertation has also drawn attention to the fact that if a translator is unable to ensure the appointment of a suitably qualified reviser when working with an agency, the translator may not be able to comply with ISO 20771. It is therefore suggested that research may be useful to establish how agencies intend to deal with the appointment of an appropriate reviser when working with translators certified to ISO 20771.

Finally, an insight into the LSP’s recruitment process established that certification to ISO 20771 on its own is unlikely to provide sufficient evidence of specialist legal knowledge for high-end agencies and knowledgeable clients; a translator may still need to provide further documentary evidence of their skills in specific legal areas. In addition, based on the data analysis, it can be concluded that ISO 20771 may potentially have a reduced uptake in the UK because the audience it is targeting as a result of its challenging requirements appears unlikely to need the standard. Further research may therefore be helpful to investigate end users’ perceptions of ISO 20771 and whether these end users are likely to start requesting or directly seeking out translators certified to this standard in the future.

REFERENCES

ATC (2021a) *ISO 20771 Certification*. Available at: <https://atccertification.com/iso-20771-certification/> (Last accessed: 6 September 2021)

ATC (2021b) *Member Directory: Find your perfect language services partner!* Available at: <https://atc.org.uk/member-directory/> (Last accessed: 6 September 2021)

ATC (2021c) *Welcome to ATC Certification Ltd!* Available at: <https://atc.org.uk/welcome-to-atc-certification-ltd/> (Last accessed: 6 September 2021)

Biel, L. (2011) "Training translators or translation service providers? EN 15038:2006 standard of translation services and its training implications", *The Journal of Specialised Translation*, 16 (2), pp. 61-76.

Bond (2020) *Reader Polls: ISO Row, Missing the Office, RSI on Zoom*. Available at: <https://slator.com/reader-polls-iso-row-missing-the-office-rsi-on-zoom/> (Last accessed: 20 July 2021)

Brunsson, N., Rasche, A., and Seidl, D. (2012) "The Dynamics of Standardization: Three Perspectives on Standards in Organization Studies", *Sage Journals*, 33 (5-6), pp. 613–632.

BSI Group (2021) *Standard: Legal Translation. Requirements BS ISO 20771:2020 Current 30 Apr 2020*. Available at: <https://shop.bsigroup.com/products/legal-translation-requirements> (Last accessed: 22 August 2021)

CEN (2016) *The Vienna Agreement – FAQs*. Available at: https://boss.cen.eu/media/CEN/ref/va_faq.pdf (Last accessed: 6 September 2021)

Chan, A. (2010) 'Perceived Benefits of Translator Certification to Stakeholders in the Translation Profession: A Survey of Vendor Managers', *Across Languages and Cultures*, 11(1), pp. 93 - 113.

Chesterman, A. and Wagner, E. (2002) *Can Theory Help Translators? A Dialogue Between the Ivory Tower and the Wordface*. Manchester: St Jerome.

CIOL (2021) *Find-a-Linguist*. Available at: <https://www.ciol.org.uk/find-a-linguist> (Last accessed: 21 August 2021)

Deutsches Institut für Normung e.V. (2020) *Statement of NA 105-100-03-01 UA "Translation Services" on the publication of ISO 20771:2020 "Legal translation – Requirements"*. Available at: https://bdue.de/fileadmin/files/PDF/Positionspapiere/NA105-00-03-01UA_N0293_Stellungnahme_des_NA_105-00-03-01_UA_zur_Ver%C3%B6ffentlichung_von_ISO_207712020_en.pdf (Last accessed: 8 July 2021)

Drugan, J. (2013) *Quality in Professional Translation: Assessment and Improvement*. London and New York: Bloomsbury.

Flint, J. (2021a) Telephone call with Karen Curtis, 15 June.

Flint, J. (2021b) Email to Karen Curtis, 15 July.

Florensa, L. (2018) *How ISO relates to LSPs*. Available at: <https://multilingual.com/how-iso-relates-to-lsp/> (Last accessed: 8 July 2021)

Gouadec, D. (2007) *Translation as a Profession*. Amsterdam: John Benjamins.

ISO (2004) *ISO/TMB Policy and Principles Statement Global Relevance of ISO Technical Work and Publications*. Available at: <https://www.iso.org/governance-of-technical-work.html> Last accessed: 27 July 2021)

ISO (2015) *ISO 17100:2015/ Translation Services – Requirements for Translation Services*. Geneva: ISO.

ISO (2019a) *Guidance on new work*. Available at: <https://www.iso.org/publication/PUB100438.html> (Last accessed: 21 July 2021)

ISO (2019b) *ISO Guidance: Guidance on the Systematic Review process in ISO*. Available at: <https://www.iso.org/publication/PUB100413.html> (Last accessed: 16 August 2021)

ISO (2020a) *ISO 20771:2020. Legal Translation – Requirements*. Geneva: ISO.

ISO (2020b) *My ISO Job: What delegates and experts need to know*. Available at: <https://www.iso.org/files/live/sites/isoorg/files/store/en/PUB100037.pdf> (Last accessed: 25 July 2021)

ISO (2021a) *About us*. Available at: <https://iso.org.about.us.html> (Last accessed: 25 July 2021)

ISO (2021b) *BSI United Kingdom*. Available at: <https://www.iso.org/member/2064.html> (Last accessed: 6 September 2021)

ISO (2021c) *Developing standards*. Available at: <https://www.iso.org/developing-standards.html> (Last accessed: 25 July 2021)

ISO (2021d) *Developing Standards: Get involved*. Available at: <https://www.iso.org/get-involved.html> (Last accessed: 25 July 2021)

ISO (2021e) *ISO Strategy 2030*. Available at: <https://www.iso.org/publication/PUB100364.html> (Last accessed: 6 September 2021)

ISO (2021f) *Standards*. Available at: <https://www.iso.org/standards.html> (Last accessed: 25 July 2021)

ITI (2017) *Guidelines for certification*. Available at (access for ITI members only): <https://www.iti.org.uk/resource/guidelines-for-certification.html> (Last accessed: 6 July 2021)

ITI (2021a) *About ISO 17100*. Available at: <https://www.iti.org.uk/membership/individual-membership-categories/qualified-translator/about-iso-17100.html> (Last accessed: 10 August 2021)

ITI (2021b) *Embassy Information*. Available at: [Embassy Approved Translations \(iti.org.uk\)](https://www.iti.org.uk/embassy-approved-translations) (Last accessed: 7 September 2021)

ITI (2021c) *Find A Professional*. Available at: <https://www.iti.org.uk/find-professional-translator-interpreter.html> (Last accessed: 21 August 2021)

ITI (2021d) *ISO 17100 FAQs*. Available at: <https://www.iti.org.uk/faqs/iso-17100-faqs.html> (Last accessed: 10 August 2021)

Koźbial, D. (2017) 'Two-tiered approach to quality assurance in legal translation at the Court of Justice of the European Union', in Biel, L., K. Łoboda and T. Svoboda (eds.), *Quality Aspects in Institutional Translation*. Berlin: Language and Science Press, pp. 155–174.

Lexis (2021) *A solid ethical commitment*. Available at: <https://www.lexis.pro/news/latin-america/a-solid-ethical-commitment/> (Last accessed: 28 July 2021)

Marking, M (2016) *Sworn Translators in Brazil Should Not Fear the Apostille*. Available at: <https://slator.com/sworn-translators-in-brazil-should-not-fear-the-apostille/> (Last accessed: 28 July 2021)

Marking, M. (2020a) *Experts Defend ISO Standard for Legal Translation*. Available at: <https://slator.com/industry-news/experts-defend-iso-standard-for-legal-translation/> (Last accessed: 8 July 2021)

Marking, M. (2020b) *Germany Rejects ISO Standard for Legal Translation*. Available at: <https://slator.com/industry-news/germany-rejects-iso-standard-for-legal-translation/> (Last accessed: 8 July 2021)

Martin, T. (2007) "Managing risks and resources: a down-to-earth view of revision", *The Journal of Special Translation*, 8 (July), pp.57-63.

McNab, R. (2021a) Email to Karen Curtis, 23 June.

McNab, R. (2021b) Online meeting with Karen Curtis, 19 July.

Moreno-Rivero, J (2020) *Translation as social policy: qualify management in public service interpreting and translation*. Available at: <https://www.meits.org/policy->

papers/paper/translation-as-social-policy-quality-management-in-public-service-interpreting-and-translation (Last accessed: 11 July 2021)

Murphy, C. and Yates, J. (2009) *The International Organization for Standardization (ISO): Global Governance Through Voluntary Consensus*. London and New York: Routledge.

NAATI (2021) *Become Certified*. Available at: <https://www.naati.com.au/become-certified/> (Last accessed: 6 August 2021)

Parra-Galiano, S. (2021) "Translators' and revisers' competences in legal translation", *Target*, 33(2), pp. 228 – 253.

Popiolek, M (2016) *ISO Standards Framework for QA in Legal Translation*. Available at: <https://translatingeurope.ils.uw.edu.pl/files/2016/06/ISO-Standards-Framework-for-QA-in-Legal-Translation.pdf> (Last accessed: 4 July 2021)

Popiolek, M (2020) "ISO 20771:2020 overview and legal translator competence requirements in the context of the European Qualifications Framework, ISO 17100 and relevant research", *Lingua Legis*, 28(1), pp.7-40.

Popiolek, M (2021) *ISO 20771:2020 Legal Translation – Requirements. Industry Standards Demystified - Part 6*. Available at: [ISO 20771:2020 Legal translation — Requirements - ATA-TCD.com | ATA-TCD.com](https://www.iso.org/obp/ui/#iso:code:38100:20771:2020:1) (Last accessed: 6 September 2021)

Prieto Ramos, F. (2014) "Quality Assurance in Legal Translation: Evaluating Process, Competence and Product in the Pursuit of Adequacy", *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique*, 28 (1), pp. 11 - 30.

Pym, A., Grin, F., Sfreddo C., and Chan, A. (2013) *The Status of the Translation Profession in the European Union*. London and New York: Anthem Press.

UK Government (2012) *Guidance: Foreign documents*. Available at: [Foreign Documents \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/foreign-documents) (Last accessed: 16 August 2021)

APPENDICES

Appendix I – ATC Accreditation Limited's Collaborative Certification Document



ISO 20771:2020 Collaborative Certification

OVERVIEW

The ISO 20771 standard, although very similar to ISO 17100, is aimed at individual legal translators, and therefore cannot be implemented by language service companies directly.

ATC Certification operates a collaborative certification process whereby language service companies collaborate with in-house or freelance legal translators to jointly fulfil the requirements of the standard.

Collaborative certification process

Contractual/formal

The contract for certification is made between ATC Certification and the language service company, who is responsible for the auditing and certification fees.

ATC Certification certifies the language service company's individual legal translators, either in-house or freelance, who following successful certification hold an individual ISO 20771 certificate. The scope of the certificate is however limited to work carried out for the named language service company.

The language service company contractually agrees who carries what responsibilities for compliance with the standard, with the translators to be certified.

Responsibilities

The language service company should

- ensure that the translator understands the requirements of the standard;
- set out how responsibilities for compliance with the standard's requirements are shared;
- ensure that they comply with the requirements of the standard relevant to them;
- provide a list of translators to be certified during Stage 1 Audit; and
- ensure all translators to be certified are available during Stage 2 Audit afternoon meeting.

The individual translators should

- understand the requirements of the standard;
- agree to being audited and certified by ATC Certification for work carried out for the language service company;
- ensure that they comply with the requirements of the standard relevant to them;
- agree to the language service company to use their certificate for commercial purposes; and
- make themselves available during Stage 2 Audit afternoon meeting.

Scope

The scope of certification in each individual translator's certificate is:

All translation services carried out under collaborative certification with [Name of language service company].

The language service company may provide translations carried out under collaborative certification with a statement of:

This service is compliant to ISO 20771 for legal translation

Compliance

To audit for compliance with the requirements of the standard, the language service company must identify which requirements are fulfilled by them and which by the individual translator.

Responsibilities for each requirement of the standard are outlined in the 20771 Self-Assessment Form.

The audit process is otherwise carried out normally, i.e., Stage 1 documentation audit plus Stage 2 process audit and sampling.

During Stage 1, language service company must make available each translator's details, and also share the contractual agreement drawn between the language service company and the translator.

During Stage 2, the auditor audits the language service company's compliance with the requirements they fulfil, and the individual translators' compliance with theirs. Each named individual translator is audited (e.g., 0.5-1 hr per translator).

Cost structure

The cost of the certification process on a three-year cycle is as follows.

1-10 translators to be certified

As per ATC Certification standard cost structure of £800 per audit day (typically 2 days for Certification Audit, and 1 day for annual surveillance audit)

Additional translators

Additional translators may be included in the certification for an additional fee of £100 per translator.

Additional translators may be added to the certification in the middle of a certification cycle or year, with an audit of the translator's compliance to the requirements of the standard they are responsible for.

Appendix II – ATC/ITI’s ‘Summary of ISO 20771 Requirements’



Survey of ITI members on the ISO 20771 Legal Translation standard

The International Standards Organisation have recently released a new standard: ISO 20771 Legal translation, which is intended for implementation by individual translators who specialise in the provision of legal translation services.

You may have seen there has been some [discussion in the media](#) and within the translation industry in the last few weeks, and the ATC hosted a webinar on 26 May discussing the standard and the implications for the industry. ITI members can access a recording of the webinar in My ITI.

A brief summary of the standard is included below. The [full standard](#) is copyright but can be purchased from the ISO for approx. £90.

The ATC and ITI are working closely together to consider the options to implement and promote the standard within the UK and would welcome your feedback by answering the questions below and returning to membershipmanager@iti.org.uk no later than Tues 30th June.

Many thanks for your assistance.

Jacqui Flint Raisa McNab

ITI Membership Manager Association of Translation Companies CEO

1	Would you consider yourself to be a specialist in legal translation i.e., you work at least 75% of the time on legal translations?	Y/N
2	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	
3	Do you think you would be able to fulfil one of the qualification/experience requirements detailed below?	Y/N
4	Have any of your clients or LSP's you work for, asked about or discussed the ISO 20771 standard with you?	Y/N
5	The ITI is considering offering a Qualified status similar to the Qualified 17100 status for approx. £50. This is <i>not</i> Certification but simply demonstrates that you meet the Qualification elements of the standard. Is Qualified status to 20771 something you would be interested in gaining?	Y/N
6	The ATC are considering offering full Certification to this standard with an initial	Y/N

	cost of approx. £600 and annual audit fees of approx. £250. Is Certification to ISO 20771 something you would be interested in gaining?	
7	Please add any further comments about the ISO standard, how it may affect the industry and how ITI and the ATC could help support you with its implementation.	
8	Can we contact you again if we have further questions, we would like to follow up with you?	Y/N Please add your name and email here if Yes

Summary of ISO 20771 requirements

The standard is intended for individual translators who specialise in the provision of legal translation services. The standard is not intended for legal interpreters and legal interpreting qualifications are not relevant to this standard.

The standard specifies requirements for the competences and qualifications of legal translators, revisers and reviewers. It also specifies the best translation practices and processes, resources, confidentiality, professional development and training that directly affect the quality and delivery of legal translation services.

Competences

- Translation competence
- Linguistic and textual competence in source and target language
- Specialist legal field competence
- Competence in research, information acquisition and processing
- Legal culture competence
- Technical competence

The ISO 20771 standards states that a legal translator shall have these competences but gives no indication how these are to be demonstrated.

Qualifications

Legal translators must meet at least one of the five qualification and experience criterion listed below and have documented evidence to support this.

	Qualifications	Experience
1	Degree in Translation, language studies or a degree that includes a significant translation training component And Post grad degree in law or other specialist legal field	Minimum of three years full time equivalent professional experience in legal translation
2	Degree in Law or other specialist legal field	Minimum of three years full time equivalent professional experience in legal translation

3	Degree in any subject	Minimum of five years full time equivalent professional experience in legal translation
4	Degree in any subject And Professional qualification as a certified legal translator	Minimum of three years full time equivalent professional experience in legal translation
5	Officially recognised qualification as an authorised legal translator on the basis of relevant national requirements and regulations	

In addition, the standard lays down requirements for:

Translation process including co-operation with other parties, agreement specification, project preparation, revision and review, verification and correction, record keeping, certification, handling complaints, confidentiality, professional liability insurance and 8-10 days of continuing professional development each year.

Appendix III – ATC/ITI's Survey Data (June 2020)

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
1	Yes	Yes	Yes	No	Yes	No	
2	Yes	No	No	No	No	No	I've been translating legal texts successfully and well for several decades now, but I would suddenly no longer qualify under the new system. The focus is entirely on degrees and official qualification. The experience I have gained over a period of 35 years counts for nothing.
3	No (around 50%)	No. Impossible to say without reading the standard; impossible to read the standard without paying £90. So, it's rather 'chicken & egg' - but I suspect not.	No	No	Possibly in the future, depending on if it is ends up being widely respected. Not keen to be an early adopter though, at present.	No	I've seen no concrete benefits to EN 15038, ISO 17100 etc. yet – suspect these things are mainly useful for mega-clients and mega-agencies, and just a lot of hassle/paperwork for anyone else.

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
4	Yes	Yes	Yes	No	Yes	No, considerable cost	
5	Yes	Don't know	Yes	No	Yes	No	The ATC's Certification proposal is much too expensive, and I imagine the take-up among freelancers would not be high.
6	No – Legal translations are not 75% of my work, but I do consider legal translation one of my specialities.	Yes	Yes	No	Yes	Yes	I am a MITI and a freelancer working in the US. The 17100 ISO status has been quite helpful to my work. I am presently taking advantage of COVID-19 conditions to acquire more clients in the legal field. Either the 20771 status or the certification would be a major contribution to that effort.

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
7	No	No	Yes – depending on what they count as legal translation and whether you can count years in which you did about 30-40% legal translation as a full year.	No	No – at the moment. But if clients started to want it and it's a one-off £50, I would become interested.	No – not at that price ever.	The industry currently seems to be all about dropping its prices with no interest in quality. I can see some agencies caring about the qualification if they can push the entire cost onto the translator, but I'm not currently prepared to do anything about it. I honestly can't see end clients caring. They don't even currently seem to care if their translations are accurate, so long as they're cheap. 8 to 10 days of CPD per year is significantly more than the ITI's 30 hours. And if all of that had to be legal CPD, it would be pointless for me, as I'm primarily a financial translator, so would be doing a lot of CPD for something I do as a secondary subject. I don't

							<p>earn enough to consider 8-10 days of CPD per year a reasonable requirement – especially if I have to pay for that CPD in addition to losing working time. So far, all attempts to add standards to the translation industry seem to have resulted solely in more hoops to jump through and no actual improvement in translations. Being able to prove certain qualifications and being a good translator are two separate things. I would have no particular interest in someone I wanted to use for a translation having this qualification either, given my experience so far of how little translation qualifications mean. I'd rather read their CV and experience their work.</p>
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No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
8	Yes	Yes	Yes	No	Yes	No	
9	Yes	Don't know. After listening to ATC webinar, I can perceive some potential benefits, but see major obstacles to implementation	Yes	No	No	No	I am a certified translator under Spanish regulations (traductora-intérprete jurada appointed by the Spanish Ministry of Foreign Affairs) which is sufficient accreditation for me, given that I am based in Spain and most of my clients are Spanish. I am also an EU Commission and ECB subcontractor, so I meet their requirements.

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
10	Yes	Don't know	No (I would need a couple more years of full-time experience to qualify for point 3)	No	Yes	Possibly. Due to the relatively high cost of the initial certification and the annual audit, I think it would very much depend on whether my existing/ potential clients requested me to be ISO certified.	
11	Yes. I do not work 75% of my time in legal translation, but I did study law at university level and consider myself experienced in some specific areas of law	Don't know	Yes	No	Yes	No	
12	Yes	Don't know	No	No	Yes	No	

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
13	Yes	Yes	Yes	No	Yes	Yes	Customers usually do not request the ISO certification as a mandatory requirement, but I think it could provide an added value to our professional image.

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
14	Yes	Possibly yes, and no. In my experience, most clients don't generally seek out ISO certified translators specifically. On the other hand, it would help to improve the quality of legal translations – but the standard falls short by excluding/ overlooking legal translators who do not hold university degrees, but who have years of experience, specialisation courses and CPD that makes them just as qualified and knowledgeable.	No, because I do not have a university degree of any kind and the court certified translator status does not exist in the UK or Portugal (where I am based). The absence of a qualification requirement such as that under 17100:2015 'five years of full-time professional experience in translating' (in the legal field in this case), I believe, was	No	Yes, just like I did for ISO 17100 before becoming ISO certified, but I do not qualify for 20771. Again, I believe this will lead to some discrimination given that, should this be highlighted for example on the ITI members page, translators who are just as qualified (by experience) to work as legal translators will be overlooked because they do not bear the qualified status seal on their profile. ISO 20771 won't only affect those who	Yes, I would add on to my already existing 17100 and 18587 ISO certifications but can't for the reasons explained above.	A more level 'playing field' would have been nice, to include those who specialise in legal translation but do not hold a university degree and/or live and work in countries that do not have an officially recognised statute for certified translators. Perhaps a specific test or exam should be taken by all those (with and without degrees) who wish to obtain ISO 20771 certification, to REALLY determine who knows what they are doing and to certify legal translators. After all, isn't that what ISO 20771 is all about?

			<p>short-sighted on the part of the ISO technical committee.</p> <p>There are many translators without a degree who have been working in the field for decades and produce texts in their specialisms, specifically legal translations, just as well as those who hold a degree. That is why CPD and specialisation courses exist.</p>		<p>translate court documents; contracts, laws and regulations, official certificates and other documents will also be encompassed.</p>		
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15	Yes	Possibly For the UK: I think some legal practitioners, e.g., notaries, would welcome it. Buyers who are not in the law probably would not greatly care. It would go down well elsewhere, in standard-minded countries like Switzerland, the Netherlands (oddly, the Germans don't want it).	Yes	No	No. The standard is not for agencies, but for individuals. So, I'm a bit surprised to see ATC offering the full certification. You would expect it to be the other way round.	Yes. The cost compares well with translation memory software, with its inbuilt obsolescence. I also think the potential would be better to recoup these costs. Is VAT included? Makes a difference.	Rejected by DIN, why? "Enough standards already." "Legal translation is no different from any other translation" Of course, law is a very wide field, but I do think this is a great marketing tool for small groups of translators.

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16	Yes	Yes	Yes	No	Yes	No. Ridiculously expensive (and pointless – see next section)	<p>There is a great deal of misunderstanding connected with the issues of legal translation.</p> <p>(i) The best indicator of qualification for legal translation is that a legal translator has legal qualifications (LLM, BCL, law degree, practising lawyer, etc.) in addition to qualifications and experience as a professional translator.</p> <p>(ii) Part of the problem is also the monetisation practices of ISO – most people will not pay £90 just to read what the ISO 20771 standard involves. This should be available free of charge if it is to operate as a proper standard. This means that in discussions about what the ISO 20771 standard entails, most people (including me) will not know, (or even care very much) what it involves, and so its value is 90% devalued ab initio.</p> <p>(iii) There is, in any case, a common misunderstanding about what the accuracy issues are in legal translation. For example, the UK, German, and French legal systems are very different. Even UK/US/Australian systems that have a large degree of historical congruence have very important differences of non-equivalence. For this reason, it is worrying that, even now, a number of translation agencies still insist on the use of TM for legal translation, which of course for all of the above reasons, and more, should not be used in a legal context.</p> <p>(iv) The ‘standard’ of a ‘sworn’ or ‘court’ translator is not universal, entirely objective, or standardised. Notably, a UK translator cannot put him/herself forward for the purposes of providing a ‘sworn’ translation, because the concept is meaningless and non-existent in the UK context. This also, logically, begs the question, that other criteria need to be in play for any translation into English/UK English (to name but one national example).</p>

							<p>(v) Objective standards for legal translation also need to be understood in the context of specialist fields of law (litigation, property, private, public, civil, family, IP, insurance, contract, criminal, tax, medical, labour, etc.) This is also a level of specialisation that is inadequately addressed (in my experience) in all language combinations and national jurisdictions, whereas it is also true that with a good grounding (tort, statute, etc. and legal research principles) it is still possible to provide a sound translation that covers the fundamental legal concepts involved, unless the field specialisation is technically too demanding.</p> <p>(vi) Returning to the question of “equivalence”, as any decent translator [in any field] will entirely understand, it is very often the case that there is not a 1:1 “equivalence” in very many subject disciplines, and this is very much the case with law. There needs to be an understanding that when rendering a term that is approximately “equivalent,” a constant judgement is required as to whether this a “gloss” that requires further contextual explanation, or qualification as approximate, since the lawyer reading the translation (even an experienced international lawyer) will not necessarily have access to a linguistically nuanced perception of these differences. Hence, short of some kind of formal legal translation qualification, or, importantly, a legal qualification per se, it is not entirely obvious that a translator who merely ‘specialises’ in a field of legal translation, or legal translation generally, will necessarily understand the full semantic process of the translation of the material with which they are working. Even lawyers may struggle with this concept.</p> <p>(vii) In short, there are always 3 aspects that must constantly be taken into account: (a) the meaning of the legal term and legal context of the source text (b) the approximation of this meaning and context in the target language and legal system of the country(ies) of that target language, and (c) the extent to which the difference between (a) and (b) may require explanation/contextualisation, while at the same time retaining sufficient clarity of reference, so that the end user of the translation will always be able to refer back to the source, while discussing the legal principles operative at the level of international law and interacting jurisdictions. It is sadly very rare that these criteria are given sufficient importance. The scope for misunderstanding may sometimes be critical.</p>
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17	Yes	Don't know	Yes	No	Possibly	Possibly. Due to the relatively high cost of the initial certification and the annual audit, I think it would very much depend on whether my existing/ potential clients requested me to be ISO certified.	Clients are really interested in the quality of services provided, rather than evidence of qualifications, which in most cases they have never heard of. It would be more useful if minimum rates for translation were to be recommended.
18	Yes	Possibly	Yes	No	No (not at this price)	No (far too expensive)	

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19	No	Possibly Why only the UK? I suggest this needs to be considered on an international basis. My clients are mostly in Sweden. I'm not sure the standard will improve anything other than accountability. It seems like a lot of hoops and is mainly about process, not content. More relevant might be peer-reviewed translations/audits, even reviews of randomly selected work by lawyers.	Yes	No	Possibly	Possibly	I would consider it if it became necessary to have it and it were applied internationally. As mentioned above, talking about one national market is irrelevant to a translator as most of us have clients in multiple countries. At present my status as a state-authorised translator in Sweden is sufficient for requirements there. The exam required to achieve that status includes a legal section. And maintenance of that status involves proof that you have been working every five years. The standard does seem like yet another hoop to jump through. However, if it did become a necessity, I would welcome ITI support. I work as a legal translator regularly, but not 75% of the time.

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20	Yes. I introduce myself as a legal translator to potential clients, and the majority of works accepted relates to translation of contracts, court documents and other legal materials.	Yes, as a graduate of a law school in London, the legal market in the UK is considered to be one of the areas the UK is leading the world. The laws of England and Wales are prevalent in the Commonwealth countries and areas, including Singapore, HK and India, and the market would not shrink even after the Brexit.	Yes, I have graduated from the faculty of law in Japan and also obtained post-graduate legal degrees from UK's law school and have worked at international law firms for more than six years. After becoming a freelancer, I have handled legal translation for more than seven years. Thus, I think that I meet the requirements, subject to the required assessment.	No, but I am sometimes asked to provide a certified translation to be submitted to the authorities.	Yes, it would show authenticity of my legal translation service and I will show the certification (20771) in the signature block of my email and mail messages to the clients.	Yes, it is interesting to be certified as such and I would like to see if it contributes to gaining trust from direct clients, including law firms. The costs, however, seem to be a bit expensive, and I believe that there would be more translators who would consider the full certification if the costs can be lowered.	The status of the ISO standard would be enhanced if the government institutions and courts prefer to use the translation done by someone qualified or certified by the proposed ISO standard. That way, legal translators would make an effort to brush up the skills so that he/she can maintain the certification and gain more works exclusively reserved for the certified translators.

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21	Yes	No	Not sure	No	Yes	No	My clients are in Germany, and it seems they do not accept it. But the ones that are aware of the previous ISO were happy to see the ISO ITI logo in my email address. Anything new would need to be affordable and widely accepted.
22	No	Possibly, if it becomes well known to customers.	Yes	No	Possibly	Possibly only if sufficient clients demanded it.	The problem with the legal qualification aspect of the standard's requirements is that anyone who is legally qualified in the UK, a common law system, is qualified in the wrong kind of law when it comes to translating texts from a civil law system as applies in the rest of Europe and much of the world. This would seem to weaken the standard's validity/applicability, and effectively (even expensively) make little difference to the status quo.
23	No	Don't know	Yes	No	Yes	Yes	
24	Yes	Yes	Yes	No	Yes	No	The requirement for freelancers to have all their work independently checked by another suitably qualified legal translator would substantially increase costs to the client.

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25	Yes	No	Yes	No	Yes	No	I don't think it is workable or realistic in its current format. From my own experience it is difficult enough to find an Arabic to English translator who is a native speaker of English, to then have to find someone to work with to proofread each of my translations is quite unrealistic. It would be better to work on promoting the ITI membership standard and the CIOL Diploma in Translation. Also, I wonder how far legal firms, who are the most likely clients for legal translation, have been consulted on whether this would be important to them in using a translator?
26	Yes	Don't know	Yes	No	Yes	No	
27	Yes	Don't know	Yes	No	Yes	No	Not sure about the mandatory clause about external proofreading if working predominately with agencies. Also, as I personally work a lot from German and the standard has not been recognized there, I have some doubts about it.

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28	No	No. As an ex-Managing Director of a translation company I know that clients tend to go for the cheapest on offer, I don't see how legal translators would benefit from the extra expense of such standards.	Yes. I have approx. 30 years' experience in the translation industry: translating and project managing.	No	No. I am already having to turn work down owing to being overloaded translating patents and associated legal opposition matters. It is therefore unlikely that I would want to pay out £50.00 for something I don't need.	No. Well there you go, another £750.00 for the translator to pay out. Do you think clients will be willing to compensate legal translators for this added expense by paying a higher rate of services provided?	I have approx. 30 years' experience in the translation industry and during my time as Managing Director/Project Manager/Translator of a translation bureau, I was constantly trying to raise the image of translators/interpreters with clients who invariably went for the cheapest on offer: on one occasion a task required someone with a language degree and a degree in a medical field but the client thought the quote was too high even though he probably paid a higher hourly rate to have his car maintained. Our company prided ourselves on selling quality translations provided by professional translators and checked by a further professional translator, but we frequently lost out to agencies who were quoting less. Adding new standards seems to me to be a way of increasing the costs for the translators but without a hope of their recuperating the charge.

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29	No	No	Yes	No	Not sure	No	Unless LSPs and direct clients change from being cost and speed driven to quality driven, I don't think it will make much difference. I've never been asked about ISO 17100 qualification, and I don't expect this will be any different. Unless the courts and authorities start demanding that translators be 20177-qualified, I can't see it making any difference. ITI and the ATC should be pushing for annexes to ISO 17100 to cover specialist areas of translation, not charging £600 for translators to become qualified and £250/year for an annual audit!

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30	Yes	No	Yes	No	No	No	I have not been following this in detail but based on comments on one of the ITI forums and in the media, this standard seems unnecessary, expensive and an unwarranted complication. While I accept that the situations in Germany and the UK are not necessarily comparable, the comments by German experts, as reported in the article signposted by ITI seem very pertinent. Moreover, the standard appears to fail to take into account that many legal translators work for much of the time for translation agencies/companies, where the freelancer and agency might well between them satisfy the requirements of the standard, but it would be very difficult for the freelancer on their own to demonstrate compliance for the purposes of standard certification, and it is not open to agencies to seek certification. Not having seen the standard in detail, I do not know whether some of the specific requirements in terms of processes apply only to certified translations, but some of the requirements might be excessive for non-certified translations of legal texts. However, if a freelancer was certified to the standard, they would presumably have to apply all parts of the standard to all “legal” translations, regardless of relevance.
31	Yes	Yes	Yes	No	Yes	Yes	

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32	No	Yes – it would offer a professional benchmark and recognition for legal translators.	No	No	Yes	No	I think it is a good thing as professional legal translation should have a recognised standard. It would also reassure potential clients that they are choosing a qualified professional for their work.
33	Yes	No. A standard is only a list of tick-boxes put together by theorists. One could tick all the boxes and still be a lousy translator, but at least consistently so!	Yes	No	No	No - Remember ISO 9xxx and before that BS5750, the only people who benefit are those who collect the fees.	I made them as I went along. I think ITI and ATC would do the profession a great service by vigorously OPPOSING it

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34	Yes	Possibly Widespread implementation? Does it mean required by law to work as a legal translator? YES. Does it mean another qualification that nobody cares about? NO	Yes	No	Yes	Don't know	At the moment I am a Chartered Linguist, MCIL, MITI, ISO Qualified. Unfortunately, any of these titles helped me to gain more clients, work or prestige. As the UK's system doesn't recognise translators as a profession, the general public thinks that anybody can be a translator. Privatisation of PSI didn't help to maintain our image. My clients care about my knowledge not titles. Only after meeting me, they start treating me as a professional and equal partner.
35	No	No	No	No	No	No	I'm afraid they are mostly negative as I don't do much legal translation these days.
36	Yes	No	Yes	No	No	No	In my opinion, translators are already under considerable pressure due to the coronavirus, downward pricing pressure, fuzzy discounts, machine translation, Brexit, exploitative translation companies, globalisation. This is not the time to add to translators' workload and costs by introducing this standard.

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37	No	Yes	No	No	No	No	It appears that this standard will make it difficult for new entrants to start out on a freelance basis. I would wonder how common in-house legal translator positions are, particularly for new graduates.
38	No	Don't know	No	No	No	No	I am a qualified accountant and as such studied contract law and company law as part of my qualification for the Certified Institute of Management Accountants. Before becoming a translator, these aspects of law were part of my everyday life as an accountant. I recommend that any standard that is introduced identify these specific elements of law for which a qualified accountant would be suitable. There may be other subject areas which do include a law component when qualifying in that subject so people with that specific branch of law within their competence should not be excluded from doing translations related to the law of that particular area. The term "legal translations" is far too broad as is a qualification in "law". The fact that "law" covers such a large range of specialisms reflecting all aspects of life means that the standard suffers from the oxymoron of being too specific in its generalisation.

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39	Yes, if you count contracts as legal (as opposed to being predominantly commercial). Please not that I am still in the process of ramping up my translation business and I have concerns this standard will inhibit me from achieving this, despite good subject knowledge.	No, as it will inhibit a number of good or potentially good translators from practising in this specialism, especially as the requirements are somewhat onerous and over-prescribed. My experience in Procurement equips me very well for translating (legal) contracts and no consideration for this has been made in the standard.	Yes	Not at the moment but foresee this being a potential barrier to obtaining work in my specialism from quality clients in the future.	Yes - as long as it is open to Affiliate members and entry requirements are not too onerous e.g., that I will need x amount of experience [chicken and egg situation] or will need to do a Law Degree [very long and expensive] to qualify. If this is in place of the 2 nd requirement (I satisfy one of the requirements) and that qualified status exams are not timed, this would perhaps be of interest and of benefit to me.	No, it is probably not cost effective at this present moment. The costs are too high, and this should be dependent on your standard of work and not ability to pay. This would eat into my profits, so it would be important, in making the decision to go for this accreditation, to carefully consider benefit v cost. As it stands, it is not worth it and hope that translators are not put into a position where they have no option in order to retain their attractiveness in the market.	Being accredited with a standard would be a huge advantage to many translators like myself and may actually help to overcome some of the difficulties of breaking into freelance translation. However, as it stands, it is not attainable or affordable for many translators who are not at the high end of earning (for various reasons).

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40	Yes	Yes beneficial – definitely; Likely – probably not (thinking of actual/observed implementation of 17100)	Yes	No	Yes	Don't know	Three big difficulties: 1. 'International' law 2. Institutional transborder law 3. Availability to translators in UK for gaining qualifications applicable to developing countries
41	No	No	Yes	No	Yes	No	
42	No	Don't know. It may prove to be a box-ticking exercise. I am sure there are many good 'legal' translators who would not meet the qualifications.	No	No	No	No	If it became a generally expected requirement, I think that a lot of good translators would be excluded, and other not-so-good ones might be accepted. I am not convinced that it would be a good thing.

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43	No	No. I don't think 'what a qualified translator is' has been sufficiently well defined yet in the industry in general, and this is the first step. I agree with some of the discussion that it is important to focus on one industry standard – currently ISO:17100. Having an additional standard for individual subjects seems confusing and may also mean that some translators who have (paid to) achieved ITI Qualified Member status no longer meet the criteria to offer certified translations, such as academic certificates, birth certificates etc if they are not registered sworn translators in another country?	Yes	No	No	No, I feel this is an expensive cost to impose on individual translators who have already paid to complete their law degrees/translation qualifications/ years of experience to qualify. It would be better if it were more affordable.	The standard is unclear as to what a 'qualified translator' is. According to the criteria, it is possible to have never studied translation, but still be a qualified translator. That does not send a good message about quality or the profession in my view as it makes translation degrees meaningless. The requirement for legal subject knowledge is welcome and specialist subject knowledge should/could be incorporated into translation degrees; likewise, qualified lawyers should/could complete short translation courses to familiarise themselves with relevant translation theory, and dos and don'ts for processes such as revision. I do like the element of rigour in the review process that the standard brings in.

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44	Yes	No, one should rather consider introducing and promoting the ISO 17100 path – this standard covers all the quality requirements necessary. It is counterproductive in my eyes to have a different standard in each and every sub-segment of the translation market and will start an endless series of further sub-segment ISO standards thus fragmenting the market even more.	Yes	No	No - only if there is no other choice to stay in business in the UK. A “Qualified” status is useless anyway because there is no meticulous exam or other scrutiny behind it (GBP 30 and membership are sufficient). It therefore de-values and dilutes the real ISO certifications, other certifications from government bodies (e.g., for the courts), language-specific diplomas/graduations etc. and is confusing, if not misleading, for clients. ISO 17100 fully covers all quality aspects and is open to small agencies and freelancers as well, i.e., it offers a fair basis for comparison for everybody, whether big or small.	No, and certainly not at this cost. I already hold ISO 17100 which states in the certification document that I was checked as an expert for “legal and financial translations”.	The cost and efforts of introducing a range of ISO standards for each and every translation sub-segment will not be manageable for small agencies and freelancers. Be warned (unless you want only the big players to prevail).

No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
45	Yes	No. I haven't read the standard in full since it is expensive to purchase, but I did watch the ATC's helpful webinar. The emphasis has to be on quality of output and there seems to be a lot of ambiguity in the drafting of the standard. There appears to be no recognition given to those of us coming to translation with experience as solicitors or barristers, which is surprising and feels rather arbitrary. The legal qualifications stop at having a law degree or post-graduate law degree, which is equates to a much lower standard of legal knowledge. I am all in favour of applying high standards to the market but am concerned it could be a significant barrier to newcomers or those less experienced who produce high-quality work but cannot easily demonstrate the years of translation experience required or pay for expensive certification. This would rather defeat the point because the qualitative criteria	No	No	Yes, I would be interested in obtaining this since it would be an affordable way of self-certifying. However, for the reasons given above, please make this available to all members (not just MITI and FITI) since we may meet the ISO requirements but not those applied by the ITI to take the MITI assessment. This would impose an additional barrier on translators like	No this would clearly be a significant investment and does not seem particularly affordable. Whether or not I decided to go ahead would likely be driven by my clients' requirements and I have not yet been asked about this by clients. Again, I am concerned that it imposes	Is the ITI able to make a copy of the standard available to its members as the ATC has done? I am very concerned that the standard may prevent newcomers from getting into the profession. I started out recently and feel I have been able to make a success of my business because I was a qualified solicitor for a long time before becoming a translator. However, demonstrating compliance with the ISO would have been impossible for me and I don't think I would have

		would then be secondary to the quantitative aspects of the standard / certification process.			me that is not actually present in the ISO and further hamper newcomers from entering the profession. For example, I can't take the MITI test yet because I have only been translating for 2 years, but I believe I would satisfy the ISO standard because I have translated a significant no. of words of legal translation over that period.	an additional barrier on those who are very capable but unable to pay and I feel uncomfortable with this.	been able to get started if this had been widely required across the UK, despite the fact that my clients are all happy with the quality of my work. As stated above, it would be helpful for the ITI/ATC to consult and provide guidance on some of the ambiguities in the standard., especially if they intend to offer Qualified status or certification. For example, how many source words would equate to '3 years' full-time experience' or '5 years' full-time experience'? I believe the emphasis has to be on quality of output/qualifications and not number of years of experience as this offers little indication of a translator's ability.
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No.	Would you consider yourself to be a specialist in legal translation, i.e., do you work at least 75% of the time on legal translations?	Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?	Do you think you would be able to meet any of the qualification/ experience requirements?	Have any of your clients or LSPs you work for asked about or discussed the ISO 20771 standard with you?	Is Qualified status to ISO 20771 something you would be interested in gaining?	Is Certification to ISO 20771 something you would be interested in gaining?	Any other comments on ISO 20771?
46	Yes	Yes	Yes	No	Yes	No	Professionalisation of the industry in general is a great step in the right direction and this standard could be used as a good marketing tool. After the introduction of ISO 17100-2015, many agencies I work with started requesting it. I imagine the same will happen with this standard.

Appendix IV – Questions for Legal Translators

Questions for Legal Translators

Background

1. How many years of experience do you have as a legal translator?
2. In relation to your translation workload, what percentage of legal texts do you translate?
3. What type of legal texts do you translate?
4. How did you acquire your legal translation expertise?
5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?
7. If yes, why did you obtain ISO 17100 Qualified status?
8. Have you been sought out by clients because of this status?
9. Have agencies you worked with requested this standard?

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?
11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?
12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?
13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?
14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?
15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?
16. Any other comments about ISO 20771?

Appendix V – Questions for LSP

Questions for the LSP

1. As far as you are aware, has your company been sought out by clients because of its **ISO 17100** status?
2. As far as you are aware, have existing clients or potential clients asked about or discussed **ISO 20771** with your company and/or any of its in-house translators and/or freelance translators?
3. On your company's website, it states that most of your linguists are members of professional bodies such as ITI, CIOL and ATA. When would you use linguists who are not members of professional bodies?
4. Under ISO 17100, a translator with 5 years plus of experience but with *no* qualifications meets ISO 17100's requirements for certification, whereas ISO 20771 does not allow certification for translators with experience but no qualifications (unless the translator is an authorised translator via national requirements and regulations). You mention that ISO 20771's requirements are less stringent in some cases than your own internal recruitment requirements. Would you work with a translator who does not have any qualifications?
5. Why has your company decided to pay for 10 translators to be certified to **ISO 20771**?
6. I note that your company is an Accredited Member of ATC and its translators are authorised to certify translations as a result of this membership. Is your company also intending to use accreditation to **ISO 20771** as an additional way of providing certified translations?
7. **ISO 20771** requires its certified translators to dedicate 8 – 10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?
8. What are your thoughts on the qualifications and experience requirements for **ISO 20771**, as set out in the 'Summary of **ISO 20771** requirements' document?
9. In what regard are ISO 20771's requirements less stringent than some of your internal recruitment requirements?
10. Do you think the UK legal translation market would benefit from a widespread implementation of **ISO 20771**?
11. Any other comments on **ISO 20771**?

12. Regarding your comment about the onus being on translators to get accredited, can I check if you are applying for accreditation for your in-house translators only, or freelance translators only, or a mixture of both?

13. I note your comment that ISO 20771 does not, in your opinion, offer anything more than ISO 17100. Germany's National Body (DIN) stated that its preference is for translation services for specialist areas to be in the form of domain-specific annexes to ISO 17100 to avoid excessive certification demands. What are your thoughts on DIN's statement?

14. How do you carry out additional checks to determine a translator's specialist knowledge?

15. In relation to the obligation to have legal documents revised under ISO 20771 (unless agreed with the client in writing that this is not necessary), do you already offer a translation plus revision service for legal documents?

SAGE-HDR

Response ID	Completion date
640816-640807-71463411	1 Feb 2021, 22:38 (GMT)

1	Applicant Name	Karen Curtis
1.a	University of Surrey email address	kc01022@surrey.ac.uk
1.b	Level of research	Postgraduate Taught (Masters)
1.b.i	Please enter your University of Surrey supervisor's name. If you have more than one supervisor, enter the details of the individual who will check this submission.	Prof Constantin Orasan
1.b.ii	Please enter your supervisor's University of Surrey email address. If you have more than one supervisor, enter the details of the supervisor who will check this submission.	c.orasan@surrey.ac.uk
1.c	School or Department	Literature and Languages
1.d	Faculty	FASS - Faculty of Arts and Social Sciences

2	Project title	NB This is a working title only: Setting New Standards: An Analysis of the Requirements of ISO 20771:2020 and its Potential Value for the UK Legal Translation Market
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3	Please enter a brief summary of your project and its methodology in 250 words. Please include information such as your research method/s, sample, where your research will be conducted and an overview of the aims and objectives of your research.	<p>This proposed dissertation is in collaboration with the Association of Translation Companies.</p> <p>Its purpose is to:</p> <ul style="list-style-type: none"> • Analyse the requirements of ISO 20771:2020, a new international standard for legal translators and the first specialist translation standard. • Collate the differing viewpoints on ISO 20771, as some countries already have a formal system of authentication for legal translators and Germany in particular has been vocal in its rejection of ISO 20771. • The UK, however, does not have a formal authentication system for legal translators and it is appropriate to analyse whether ISO 20771 may or may not be relevant for the UK legal translation market, how it is viewed by individual translators in the UK and the prospects of it being implemented in the UK. <p>Methodology:</p> <ul style="list-style-type: none"> • An in-depth consideration of ISO 20771:2020 • A review of relevant literature • A possible survey of individual legal translators (a recent survey has been carried out in this regard by an institution representing translators and interpreters and enquiries will be made as to whether it is possible to have access to and use of this data)
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		<ul style="list-style-type: none"> • Interviews with UK Legal Translators • Interviews with other relevant individuals where appropriate/possible - for example, national standardization organizations, UK companies/entities interested in the standard. <p>All interviews to be undertaken online or by telephone in view of the pandemic.</p>
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4	Are you making an amendment to a project with a current University of Surrey favourable ethical opinion in place?	NO
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5	Does your research involve any animals, animal data or animal derived tissue, including cell lines?	NO
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7	Does your project involve any of the following: human participants (including human data and/or any human tissue*); or is your project linked to engineering and/or the physical sciences?	YES
---	--	-----

12	Does your project involve any type of human tissue research? This includes Human Tissue Authority (HTA) relevant, or irrelevant tissue (e.g. non-cellular such as plasma or serum), any genetic material, samples that have been previously collected, samples being collected directly from the donor or obtained from another researcher, organisation or commercial source.	NO
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13	Does your research involve exposure of participants to any hazardous materials e.g. chemicals, pathogens, biological agents or does it involve any activities or locations that may pose a risk of harm to the researcher or participant?	NO
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14	Will any activities in your research take place in the Surrey Clinical Research Building (CRB)?	NO
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15	Will you be accessing any organisations, facilities or areas that may require prior permission? This includes organisations such as schools (Headteacher authorisation), care homes (manager permission), military facilities etc. If you are unsure, please contact RIGO.	NO
16	Will you be working with any collaborators or third parties to deliver any aspect of the research project?	NO
17	Does your funder, collaborator or other stakeholder require a mandatory ethics review to take place at the University of Surrey?	NO
18	Are you undertaking security-sensitive research, as defined in the text above?	NO

19	<p>Does your project process personal data¹?</p> <p>Processing covers any activity performed with personal data, whether digitally or using other formats, and includes contacting, collecting, recording, organising, viewing, structuring, storing, adapting, transferring, altering, retrieving, consulting, marketing, using, disclosing, transmitting, communicating, disseminating, making available, aligning, analysing, combining, restricting, erasing, archiving, destroying.</p>	YES
19.a	<p>Please ensure that you adhere to the data protection guidance</p>	<p>I am an UG or PGT student and I understand that I have to abide by the 'Data protection and security for undergraduate and postgraduate taught student projects' policy found at https://research.surrey.ac.uk/ethics</p>
20	<p>Does your project require the processing of special category² data?</p>	NO

21	Are you using a platform, system or server ³ that is external to the University of Surrey to collect, process and/or store any personal and/or special category data?	NO
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22	Does your research involve any of the above statements? If yes, your study may require external ethical review or regulatory approval	NO
----	---	----

23	Does your research involve any of the above? If yes, your study may require external ethical review or regulatory approval	NO
----	--	----

24	Does your project require ethics review from another institution? (For example: collaborative research with the NHS REC, the Ministry of Defence, the Ministry of Justice and/or other universities in the UK or abroad)	NO
----	--	----

28	Declarations	<ul style="list-style-type: none"> I confirm that I have read the
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University's Code on Good Research Practice and ethics policy and all relevant professional and regulatory guidelines applicable to my research and that I will conduct my research in accordance with these.

- I confirm that I have provided accurate and complete information regarding my research project
- I understand that a false declaration or providing misleading information will be considered potential research misconduct resulting in a formal investigation and subsequent disciplinary proceedings liable for reporting to external bodies
- I understand that if my answers to this form have indicated that I must submit an ethics and governance application, that I will NOT commence my research until a Favourable Ethical Opinion is issued and governance checks are cleared. If I do so, this will be considered research misconduct and result in a formal investigation and subsequent disciplinary proceedings liable for reporting to external bodies.
- I understand that if I have selected any options on the higher, medium or lower risk criteria then I MUST submit an ethics and governance application (EGA) for review before conducting any research. If I have NOT selected any of the higher, medium or lower risk criteria, I understand I can proceed with my research without review and acknowledge that my SAGE answers and research project will be subject to audit and inspection by the RIGO team at a later date to check compliance

29	If I am conducting research as a student:	<ul style="list-style-type: none"> • I confirm that I have discussed my responses to the questions on this form with my supervisor to ensure they are correct. • I confirm that if I am handling any information that can identify people, such as names, email addresses or audio/video recordings and images, I will adhere to the security requirements set out in the relevant Data protection Policy
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PARTICIPANT INFORMATION SHEET

Title of Study: Is the jury still out on ISO 20771? An analysis of ISO 20771 and its potential value for the UK Legal Translation Market

University of Surrey Ref: CURTIS/GOUGH

PLEASE KEEP A COPY OF THIS INFORMATION SHEET FOR YOUR RECORDS

Section: Taking Part

Invitation Paragraph

I am a Master's student at the University of Surrey in the School of Literature and Languages. I would like to invite you to participate in this research project which forms part of my MA degree in Translation. You should only participate if you want to; choosing not to take part will not disadvantage you in any way. Before you decide whether you want to take part, it is important for you to understand the rationale behind the research and what your participation will involve. If you have any questions, you can contact me using the contact details at the end of this information sheet.

What is the purpose of the study?

The aim and objectives of this study are to collect data from legal translators and relevant legal service industry participants in order to understand their views on ISO 20771:2020. This will involve interviewing legal translators and relevant participants in the language services industry.

Who is responsible for this study?

This study is the responsibility of Karen Curtis (the Researcher) at the University of Surrey and Joanna Gough (the Supervisor).

Why have I been invited to take part?

You are invited to participate in this study because you are a legal translator or a relevant language services industry participant in the UK legal translation market.

What will happen to me if I decide to take part?

If you decide to take part, you will be given this information sheet to keep and will be asked to sign a separate consent form to confirm your agreement to participate. You will be given a copy of this consent form to keep. I will then send a list of interview questions via email. A full transcription of your anonymised answers will appear at the end of my dissertation. Brief extracts from your anonymised answers will be referenced and discussed in the main body of my dissertation. You have the right to withdraw up to one week after the interview.

What are the possible benefits in taking part?

The information I will get from the study will enable a greater understanding of the attitudes of legal translators and other relevant language service industry participants towards ISO 20771 in the UK legal translation market and will assist interested parties in considering whether ISO 20771 may or may not hold a current benefit for them.

Are there any potential risks involved?

By taking part in this study, you will be helping the translation profession and academia to better understand the potential impact of ISO 20771 on the UK legal translation market. There are no disadvantages in participating in this study and the risks of participation are extremely low.

How is the project being funded?

No funding is required for this study.

Will my participation be kept confidential?

The Researcher is responsible for making sure your participation is kept confidential and any data is kept secure and used only in the way described in this information sheet.

Your information may be subject to review for monitoring and audit purposes by individuals from the University of Surrey and/or regulators who will treat your data in confidence.

Will my data be shared or used in future research studies?

No. Your data will not be shared or used in future research studies. The use of your data is restricted to the publication of the dissertation, according to the data protection policies of the University of Surrey.

What will happen to the results of the study?

I will produce a final report summarising the main findings in a Master's dissertation. This research may be published by the University of Surrey and/or the Association of Translation Companies (please note that the ATC suggested this dissertation topic but has no influence on the content of my dissertation and I am not receiving any funding from the ATC for this dissertation). The results may also appear in an anonymised form in other outputs such as on a website, in a presentation, in a report, etc. I am happy to offer participants an online copy of the results and/or my dissertation.

Who has reviewed this study?

I have completed an ethical self-assessment for this study, which indicated that an ethical review by an ethics committee was not required due to insignificant risk.

Section: Your personal data

What is personal data?

'Personal Data' means any information that identifies you as an individual. The Researcher will be collecting and using some of your personal data that is relevant to completing the study and this section describes what that means.

The information that the Researcher will collect will include name, job title and email address which are regarded as 'personal data'. The Researcher will use this information as explained in the 'What is the purpose of the study' section above.

Who is handling my personal data?

The University of Surrey, who has the legal responsibility for managing the personal data in this study, will act as the 'Data Controller' for this study. The Researcher will process your personal data on behalf of the controller and is responsible for looking after your information and using it properly.

What will happen to my personal data?

As a publicly-funded organisation, we have to ensure that when we use identifiable personal information from people who have agreed to take part in research, that this data is processed fairly and lawfully. The University of Surrey processes personal data for the purposes of carrying out research in the public interest and special category data is processed on an additional condition necessary for research purposes. This means that when you agree to take part in this research study, we will use and look after your data in the ways needed to achieve the outcomes of the study.

Your personal data will be held and processed in the strictest confidence, and in accordance with current data protection regulations. When acting as the data controller, the University will keep identifiable information about you for 6 years after the study has finished after which time any identifiers will be removed from the aggregated research data.

Your rights to access, change or move your information are limited, as we need to manage your information in specific ways in order for the research to be reliable and accurate. If you decide to withdraw from the study, we may not be able to withdraw your data. We will keep and use the minimum amount of personally-identifiable information about you that we have already obtained in order to complete the study.

If you wish to make a complaint about how we have handled your personal data, you can contact our Data Protection Officer Suzie Mereweather who will investigate the matter (dataprotection@surrey.ac.uk). If you are not satisfied with our response or believe we are processing your personal data in a way that is not lawful, you can complain to the Information Commissioner's Office (ICO) (<https://ico.org.uk/>).

You can find out more about how we use your information <https://www.surrey.ac.uk/informationmanagement/data-protection> and/or by contacting dataprotection@surrey.ac.uk.

Section: Further information

What if you have a query or something goes wrong?

If you are unsure about something you can contact the research team for further advice using the contact details at the bottom of this information sheet.

However, if your query has not been handled to your satisfaction, or if you are unhappy and wish to make a formal complaint to someone independent of the research team, then please contact:

Research Integrity and Governance Office (RIGO)
Research and Innovation Services
University of Surrey
Senate House, Guildford, Surrey, GU2 7XH
Phone: +44 (0)1483 689110
Email: rigo@surrey.ac.uk

The University has in place the relevant insurance policies which apply to this study. If you wish to complain or have any concerns about any aspect of the way you have been treated during the course of this study then you should follow the instructions given above.

Who should I contact for further information?

If you have any questions or require more information about this study, please contact the research team using the following contact details:

Karen Curtis, Master's student in Translation, University of Surrey: kc01022@surrey.ac.uk

Dr Joanna Gough, Lecturer in Translation Studies, University of Surrey:
joanna.gough@surrey.ac.uk

Thank you for reading this information sheet and for considering taking part in this research.

INFORMED CONSENT FORM

Title of Study: Is the jury still out on ISO 20771? An analysis of ISO 20771 and its potential value for the UK Legal Translation Market

Thank you for considering taking part in this research.

Please complete this form after you have read the Information Sheet and/or listened to an explanation about the research.

University of Surrey Ref: CURTIS/GOUGH

The person asking for your consent must explain the project to you before you agree to take part. If you have any questions about the Information Sheet or their explanation, please ask the researcher before you make your decision. You will be given a copy of this Consent Form and the Information Sheet to keep and refer to at any time.

By **initialling** each box, you are consenting to this part of the study. Any boxes which are **not initialled** will mean that you DO NOT agree to that part of the study and this may mean you are ineligible for the study.

Taking part in the study		
	Statement	Please initial each box
1	I confirm that I have read and understood the Participant Information Sheet dated 22nd June 2021 version number 1 for the above study. I have had the opportunity to consider the information and asked questions which have been answered satisfactorily.	
2	I understand that my participation is voluntary and that I am free to withdraw at any time during the study without giving any reason. Furthermore, I understand that data already collected can only be withdrawn up to one week after the interview.	
3	I understand that information I provide may be subject to review by responsible individuals from the University of Surrey and/or regulators for monitoring and audit purposes.	
4	I understand that information I provide will be used in various anonymised outputs, including report, publication, presentation, website, etc.	
5	I understand that my personal data, including this Informed Consent Form, which link me to the research data, will be kept securely in accordance with data protection guidelines, and only be accessible to the research team, namely Karen Curtis and Joanna Gough, or responsible persons at the University.	

6	I understand any personal contact details collected about me, such as my email address, will not be shared beyond the study team.	
7	I agree to take part in this study.	
8	I consent to my interview being video recorded for the purposes stated in the Participant Information sheet.	

Signature		
Name of Participant	Signature	Date

Appendix IX – ‘Summary of ISO 20771’ Document

Summary of ISO 20771 requirements

The standard is intended for individual translators who specialise in the provision of legal translation services. The standard is not intended for legal interpreters and legal interpreting qualifications are not relevant to this standard.

The standard specifies requirements for the competences and qualifications of legal translators, revisers and reviewers. It also specifies the best translation practices and processes, resources, confidentiality, professional development and training that directly affect the quality and delivery of legal translation services.

Competences

- Translation competence
- Linguistic and textual competence in source and target language
- Specialist legal field competence
- Competence in research, information acquisition and processing
- Legal culture competence
- Technical competence

The ISO 20771 standards states that a legal translator shall have these competences but gives no indication how these are to be demonstrated.

Qualifications

Legal translators must meet at least one of the five qualification and experience criterion listed below and have documented evidence to support this.

	Qualifications	Experience
1	Degree in Translation, language studies or a degree that includes a significant translation training component And Post grad degree in law or other specialist legal field	Minimum of three years full time equivalent professional experience in legal translation
2	Degree in Law or other specialist legal field	Minimum of three years full time equivalent professional experience in legal translation
3	Degree in any subject	Minimum of five years full time equivalent professional experience in legal translation
4	Degree in any subject And Professional qualification as a certified legal translator	Minimum of three years full time equivalent professional experience in legal translation
5	Officially recognised qualification as an authorised legal translator on the basis of relevant national requirements and regulations	

In addition, the standard lays down requirements for:

Translation process including co-operation with other parties, agreement specification, project preparation, revision and review, verification and correction, record keeping, certification, handling complaints, confidentiality, professional liability insurance and 8-10 days of continuing professional development each year.

Reviser

Note that a reviser should be engaged to revise the translated text *unless* it is agreed with the client that this step is not necessary – any such agreement needs to be in writing.

Reviewer

A translated text should be reviewed by a reviewer if the translated text is legislation.

Appendix X – Interview Transcripts
Interviewee 1
Interview held on Zoom on 25 June 2021

Background

1. How many years of experience do you have as a legal translator?
1 year.
2. In relation to your translation workload, what percentage of legal texts do you translate?
60% - but this is a very wide/ loose term (may need clarification?).
3. What type of legal texts do you translate?
Academic legal studies, simple contracts, company registration documents, criminal record checks, birth certificates, articles of association.
4. How did you acquire your legal translation expertise?
Through working on a legal translation dissertation for my MA in Translation and through my 10 years of work as a magistrate for which I received a lot of training. My magistrate's expertise is in family law; I don't know anything about civil law, for example, but the MA taught me how to research appropriately and when to know not to accept a type of work.
5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?
Translation training is necessary – having had translation training, I know to research terminology. For example, I worked on a family law text with someone who has a law degree but directly translated *espace de rencontre* as 'meeting place', whereas the correct English legal terminology is 'family contact centre' – in this context, 'meeting place' is meaningless and was a key term in the text. Legal translation is a wide area, and someone can have legal qualifications but translate legal texts for areas in which they have not actually received any legal training. Without translation training, they may not be sufficiently self-aware about the need for research.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?
No. No one has asked about ISO 17100 at all.
7. If yes, why did you obtain ISO 17100 Qualified status?
N/A
8. Have you been sought out by clients because of this status?
N/A
9. Have agencies you worked with requested this standard?
N/A

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?

No and I contacted over 30 agencies when I started out - the only recurring question was how many years of experience I had. And my rate.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

My experience is that agencies want to know how many years of experience you have and the rate, not qualifications. It is quantitative not qualitative. Also, in my opinion years of experience are no indication of quality. The only qualification that will assist in raising quality standards is a proper translation qualification which will teach appropriate techniques for research, finding the right tone etc. Other professions might give credit for other degrees, but none of them will let an unqualified amateur practice in their discipline simply because they have a different degree or 3 years' experience. Translation professionals should be qualified in translation as a basic requirement.

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

A certain amount of CPD is ideal and should be mandatory. 8-10 days is a bit high. Specialist training is good.

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

If this standard is saying that your qualifications and experience mean that you meet the standard, why do you have to have someone check this? Cannot think of another profession where someone has to check all your work. Why are we being re-assessed? Given that this is an enhanced standard, it is negating itself. Either you meet the quality standard and are competent to QA your own work, or you don't.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

No. Need to understand the evidence about the problem ISO 20771 is trying to solve. If the problem could be clearly articulated, you could get the right standard. Clients do not care about ISO type standards – direct clients don't understand the industry if they are not part of it and agencies just want the lowest rate and they often revise the document in any event. The UK market would benefit from effective regulation for agencies, rather than membership bodies who champion the agencies but do very little to assure that they only use appropriately qualified translators (which would entail them paying appropriately for quality).

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

No. There is no benefit in paying these costs (which are hefty for sole practitioners).

16. Any other comments about ISO 20771?

The ultimate problem is that the industry is unregulated. I come from a regulatory background. Until the industry is properly regulated, quality barely features, as it is all about being commercial. Before devising a standard, the 'problem' needs to be clearly articulated (is it quality, is it mistranslation of particular types of legal documents, is it wrong tone?) – the standard should then address each of the evidence-based issues. This standard looks muddled and seems to be trying to fix something without knowing what. Law firms need good quality work and will pay for it but in view of the number of languages they generally need documents translated into, they will give the work to agencies. Agencies are after as big a margin as possible when the work is passed on to individual translators. They are therefore unlikely to want to pay top prices to someone simply because they have an ISO standard, when they can pay a low rate to a less experienced/competent translator and then a low proofreading rate to someone more experienced. Direct clients are not 'intelligent' clients because they do not speak the language, so their definition of 'good' will be based on things like customer service/timeliness etc – they are unlikely to understand or know to look for an ISO accredited translator.

Interviewee 2
Interview held on Zoom on 30 June 2021

Background

1. How many years of experience do you have as a legal translator?
20 years +
2. In relation to your translation workload, what percentage of legal texts do you translate?
70%
3. What type of legal texts do you translate?
All the documentation for litigation and arbitration, Codes, legal authorities, judgments etc.
4. How did you acquire your legal translation expertise?
Experience of working in the City (in the areas of reinsurance and investment banking), interpreting for major law firms, courses and conferences.
5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?
A degree in Law would help but the person needs to be proficient in another language and have an understanding of the legal systems of both source and target languages. Constant CPD is a must.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?
Yes.
7. If yes, why did you obtain ISO 17100 Qualified status?
It was offered by the ITI, and I agree with its requirements.
8. Have you been sought out by clients because of this status?
No client quoted this specifically, but most clients are repeat customers who know our quality of work.
9. Have agencies you worked with requested this status?
Not specifically but some of the new ones might have selected me on that basis through the ITI list.

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?
No.
Interviewer: had you seen much information on 20771 prior to me sending you the Summary sheet?
I have to admit it wasn't very high on my radar. ITI did not actively promote it. It might have done but it certainly wasn't on my radar or on the radar of my legal colleagues. Unless they perhaps run an agency. I can see that the ATC is the one promoting it and looking to get some feeds for it. So, the colleagues would clearly need to understand what benefits would be there for them, especially if they have an established client base. If no one is asking them about this specific standard, and they

are already following the necessary requirements for the standard and are known for their quality of work...but likewise other colleagues that perhaps might cut corners, maybe it will improve their standards.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

A lot more of an academic route into the profession. One thing I can envisage is if people did not have, for example, specific UK academic qualifications – they might have a degree in another country, then they might have on-the-job training, say they had a Russian Law Degree and then worked as paralegal and then they decided to set up as a legal translator. I did come across a person like this who was very good. I think it has to be spelled out a lot more clearly. How is the legal translation component judged, for example – who would be the judge of the percentage of work that qualifies as legal? Just to give you an example – when I was in reinsurance, banking and corporate finance, quite a lot of documents I worked with were in a legal context (exposés, agreements) - that was my route to the profession because I saw some abominable translations that would lead to lots of litigation if they were not corrected. It wasn't my job; it just fell into my lap. If I wanted my department to get the fundamentals, we had to correct a few things. They had a specialist translation department or some kind of outsourcing they used but my colleagues that actually had some languages, they also had to get involved sometimes to correct things.

For my spouse who's a Japanese translator, it's also a similar route into the profession. My spouse was also in the City in reinsurance and saw some pretty abominable translations and realised there is a niche. So, we both left the City and started working in that niche.

Interviewer: there is a need for a standard but it's how it's set out?

The way I see it, quite often the people who would be qualified to do it, they would not go into translation, they might have some understanding, they might even have some linguistic training, and secondly legal training and they will be working in their high-powered law firm earning a lot per hour and won't waste their time on translation. So, they would like to outsource it but they would like to get it done just so, in the way they would have done themselves. It still requires stamina to train someone to that standard, for that person to have an understanding and experience and then time to do that. Quite often, the paralegals might know how to put bundles together, but they would not necessarily be trained as linguists. Or they may have some spoken language but may not necessarily have command of written language to do a proper legal translation. So, I would feel that there is a gap of necessary training courses. I can really count on one hand some colleagues who were lawyers, and they went into providing translation training courses. Sometimes just in common law, sometimes just in a particular area but specifically for translators and not necessarily being linguists themselves – just explaining some concepts for lay people who would be working in legal translations. So that they are not translating words but understanding the concepts.

Interviewer: I see what you mean. I haven't seen a great deal of CPD courses for legal translation advertised.

We find them ourselves. We go to the same things as lawyers do. But that's a very limited group of legal interpreters who work at a particular level – in the High Court,

Supreme Court, Family Courts. We're not talking the PSI, Police & Court interpreting which requires different skills and different terminology and different level of skill. Sometimes they are highly trained but it's just very different routes and very different professions compared to, you know, interpreting for a QC at the higher Commercial Courts. Effectively you are work-shadowing whoever is speaking. You have to understand the concepts, you have to understand the strategy, you have to understand how the whole case is proceeding. So, you have to become them and especially as so much is now simultaneously interpreting, you really have to expect how to finish the phrase. A lot of that filters down into translation when we are asked to translate things and also when we are preparing, we quite often compare translations and sometimes pick up on something which is incorrect not necessarily because the translator was a bad translator but just because something is not reflected on paper, but it was either said or presumed in verbal communication in the course of the hearing.

Interviewer: As legal texts cover a huge range - is it possible to have 'one-size fits all' in relation to a standard?

Perhaps not. I think there should be probably steps, stages, some kind of modules for an ISO standard. That's actually a good thought. They should have specific modules. It certainly helps if a translator has a degree in a subject and is a specialist. For example, let's take some oil and gas or mining or construction disputes where you have to have some grip on the subject plus a grip on the legal arguments plus of course be a proficient linguist. I have a small team. We would have someone who is a trained Russian lawyer plus had some courses in English law, we'll have someone who has the financial backgrounds such as myself plus courses in CPD in English law, someone who has the oil and gas background plus continuous CPD, and people who have backgrounds in politics and social sciences, so we all cover the whole spectrum. So, if there is a case involving some political figures and media, then a relevant member of the team can be more useful and the rest of us will obviously have to go to them for some specific in-depth experience. It's very much a teamwork. The same with translation, for example, if we are asked to translate something particularly important, say an expert report or a legal expert report which could be taken as read and sometimes the judge makes their decision based on that document and not even calling that particular expert witness. Then yes, one of us would translate it, the other person would quite often review it if we have the luxury of time and the client is very happy to do that. Sometimes the client says unfortunately this is super urgent, we are prepared only to give it to our QC to read through, if they have any questions then they can discuss it with you. So, we work with the actual lawyer or with the QC who would be using that document to discuss any queries they may have, and they will be the judge of our accuracy as well which is very high standard. Quite often they will be bilingual themselves, so they appreciate if there's any translation issue.

Interviewer: In a scenario when you do a review, who pays for that review? Is it the client or is it all part of the service?

Most of our clients are direct clients in that setting and they would pay extra. They would pay per hour. Agencies – unfortunately, our experience with agencies is that unless it's very very important and it's important for them to keep a client, they quite often try to pay the translator as little as possible unless they make a real bodge job and then the client says sort it out and then the agency stops at nothing to get it right

and they would pay our fees and they would not use cheap people but they would use someone who would do a good job. That's very rare. We had experiences like this with very large agencies who would gradually try to pay cheaper, cheaper and cheaper. They would use our CVs to win the client, but they would use someone very cheap who would do a terrible job and then they would only call us when they needed rescuing.

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

I think it's a wonderful requirement. There should be simply a wide list of professional training events. I'll give you an example of the kind of training events we do. There could be for example arbitration conferences, or Russian law conferences, or conferences on English law in Russia and the former CIS states, various specialised workshops organised by law firms. Some of them have to be paid for, some are sponsored by the organisers.

Interviewer: when you say there should be a wide list of professional training events, do you mean they should be available somewhere specific like ITI?

Certainly, yes.

Interviewer: what are your thoughts on the time you would have to take off work to fulfil that requirement?

I think if it's spread throughout the year, if say an average workshop would be, say, 2 – 3 hours, it's do-able. Especially as we now have more opportunities to do things remotely.

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

I think it has to be first sold to clients. They would have to expect that, and they would have to be prepared to pay for that.

Interviewer: you do use the revision system already. Do you use it for everything?

In my practice, we use the same high standard for everything. I would not do something quickly and sloppily just because it's paid less. I might make the judgment call and I might not take a job on - if it's not worth my time and I'm very pressed - for something better and more interesting. Likewise, I can do things pro bono if it's something I believe in.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

Yes. Again, we have to think about how the burden of the fee. The fee should not be passed on to actual translators and revisers. People have to be encouraged to accede to the standard but it's very difficult for someone starting in the profession to have lots of professional fees. Just for me, I haven't started yesterday, I'm 20 years plus, but I pay a set of fees to the ITI (that cost is available on the internet), for IEC (International Association of Conference Interpreters) around 900 Swiss Francs, sets of fees for example for British-Russian Law Association, some other legal associations, and there are various bodies that we can chose to be a member of. So, it all adds up. So, to pay for ISO standard, which I follow anyway, if it's not required by my clients, if it's not

becoming a completely widespread industry standard, I would think – what do I get for just paying another set of fees? Would I get more business as a result? Would I get higher fees as a result? Would people understand the added value? Because firstly it has to be promoted with the end clients and the end clients would have to specifically request all these things as a minimum that are reflected in the standard otherwise the only benefitting parties would be translation companies, maybe, paying that and selling themselves as a package but then they are not going to pay their providers any more.

Interviewer: in relation to the certification fee, would that have to be wrapped up in increased fees from clients in essence? Are you saying that they are paying for someone who has that standard and therefore they are paying an extra premium?

Yes, I believe there should be that connection otherwise it will pass down to the translators who are just setting up and we will end up with very few translators in this country. We already have a big problem of not enough people taking up languages, not enough people studying them to degree level and then going and working in the legal profession or using them for legal translation. In the end it will be people working outside of the UK who have never heard of the ISO standard and I'm not sure who would be picking up the pieces?

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

That person would have to automatically be a member of some translation body, presumably something like the ITI, so if the ITI could incorporate it like the ISO standard we are already given through the ITI – that is somehow incorporated in the ITI fees I believe – because we are all assessed by the ITI, and we have to pay the assessment fees. Something else to bear in mind for someone setting up – each language pair in particular direction has an exam specifically for it, it's about £400, so Russian to English is £400 and English to Russian is another £400... Former students, they will have to think twice.

Interviewer: this is about ITI Qualified status?

Back in the day, when ITI was set up, people were literally handed it on a silver platter if they had a degree involving translation and they had to have so many years' experience then they had to be assessed, to pass this exam in order to self-certify their work. Now they have to have an assessment in a specific language combination in a particular direction, so it became more rigorous. Some people are very good but don't have it, other people somehow have managed to pass the exam and, well, it varies. They are allowed to use the ITI seal and self-certify what they are doing.

Interviewer: are you advocating that there should be some kind of exam that assesses quality rather than a standard that represents working through a process?

Well, it's interesting, because if people have been accepted and assessed by the ITI, they already will have had some assessment at least in one direction. I'm not quite so sure whether the ISO standard would apply across the board or if someone was working in several languages, whether they would need a specific assessment for each language which makes this very cumbersome and very expensive.

16. Any other comments about ISO 20771?

I would say that the idea of raising standards is great, the idea of having more CPD courses specifically in legal translation is great. But it has to work for the actual

professionals. The burden of that should not be just squared on their shoulders. Maybe it should somehow be offered through professional organisations, spreading the cost this way. The clients perhaps, those clients that want it promoted might be able to contribute to the cost of it.

Interviewer: do the clients want it? It's chicken and egg. If the clients want it, that makes a difference in relation to translators looking into getting it.

If, say, large international organisations only are prepared to work with people who qualify under the standard – or the agencies – then they have to shoulder the cost, provide the training, and provide the testing and cover the costs of that. Otherwise, it's going to be very difficult to find individual practitioners who will be individually doing that. As far as I understand, quite often agencies just pay one lot of fees, and they squeeze the individual translators who provide the service across all languages because there obviously would be generic agencies that might have dozens of language pairs they provide. I don't believe they would be paying a fee for each of them. So, they have a very rare language, and they might not have any jobs in that language, they would not ISO certify that specific language unless there is commercial need.

Interviewer: have you ever actually bought an ISO standard? They are about £90 online via ISO.

I am trying to remember if I paid for it or if that was embedded in our ITI fees. A few years ago, when the existing standard [17100] was rolled out, which is currently against my name in the ITI directory, I think it was somehow tied into our ITI fees. Our clients choose us not because we have that standard. They choose us because they've worked with us before and they know the quality of our work. If they speak to someone completely new in some unknown language combination and they cannot check in-house, then maybe they'll look into someone who always uses all the standards, the revisers. It might be a comfort if they know nothing about the professional.

Interviewer: one comment I have had is that quite often direct clients – it's probably very different for your direct clients because of the high level of work you are doing – but that direct clients don't always understand the language services industry and that Qualified status may give an indication of specific level of qualifications and experience. They just want a translation and then just look at what's put before them. Well, it really depends on the client. It obviously helps if clients themselves speak languages or perhaps have had a language degree in the past and they understand our predicament. A friend of mine who is a judge said look, there are very few legal interpreters and translators of sufficient level and there are many lawyers so basically please stay where you are because you are in a good niche. We are in demand and that's good. It happens, but it really depends on the level of understanding of the client, but I feel part of our job is to educate, to explain what it takes. It's not put in a credit card and out comes a translation. They are welcome to use google translate if this is what they need but they take the risk.

Interviewee 3

Interview held on Zoom on 9 and 23 July 2021

Background

1. How many years of experience do you have as a legal translator?

22 years.

2. In relation to your translation workload, what percentage of legal texts do you translate?

90%.

3. What type of legal texts do you translate?

Mainly contracts and court documents.

4. How did you acquire your legal translation expertise?

Basically, on the job because I started translating legal documents in about 2000 with quite short documents, mainly certificates in the first year or so (academic certificates, births, deaths, marriage, and so on). Nothing too difficult and then gradually I was getting more and more work in and certainly for probably about the first five years all my work, other than 1%, would have been through agencies. I was starting to get statements from lawyers and so on to translate largely for immigration purposes actually – legal and illegal I would say. It just really took off from there and then gradually over the years I've built up a fairly reasonable database of direct clients as well and I do specialise in the area of legal documents for the purchase and sale of residential property in France. That's been quite a good earner for me. That would include obviously sales contracts, all the accompanying documents (surveyors' reports, sometimes mortgage documents, correspondence between buyers and their notaire or the sellers and the notaire, etc). I probably translate a lot more contracts after 20 years in the job than I did right in the beginning so what you can see there is definitely a progression of moving from fairly simple legal documents to much longer, much more complicated documents.

I also interpret legal French and I have realised over time that you can actually get quite a lot if you interpret as well. You can do an interpreting job and they will say not only can you please interpret in court, but we have a whole load of documents that also need translating and can you do it? So, I've actually picked up - unintentionally if you like – quite a lot of translation work by doing that. So that was perhaps something I hadn't expected at the beginning.

Increasingly over the years as I've become more known, I've had a lot of colleague referrals of documents if they've been too busy or maybe they've felt that the documents are too difficult for them. That kind of issue. And I also proofread a lot of legal documents for colleagues where they are not lawyers themselves and don't have the legal background and have had a bash, if you like, at a legal translation and they're not quite sure if it's as correct as it perhaps ought to be, and they'll get me to look over it.

I've got a law degree from a British University (LLB) and after that I've got a UK Solicitor's qualification. So, I am a qualified UK solicitor but when I set up my legal business French interpreting and translation company back in 2002, I left my practice

as a lawyer because I decided it would be best for me to combine my legal background with what I really wanted to do which was legal translation and legal interpreting.

I did a mixed practice of some local authority work – started off in private practice. I worked in a lawyer's firm for around 5 years before I did my law degree as a kind of unqualified legal clerk, but it was very good experience to see what I was letting myself in for before I did the law degree. So, I would count that experience as relevant as well. Then I did my two years of Articles in private practice and then after that I practised for about 10 years in all.

I don't see it as something that just stopped when I stopped practising because I do update myself. I do a tremendous amount of CPD in the area of law. I attend it or present it. I'm still on a lifelong learning mission with my CPD.

Interviewer – how easy is it to find CPD courses for legal translators?

I think it's probably too easy. I think that there's a lot of legal CPD out there both in the UK and outside of the UK and you can find it at the click of a button if you look for it but actually to find good legal CPD is much harder. I mentor a lot for various professional organisations and so I have quite a lot of mentees coming through. They tell me a lot of horror stories, for instance they are based in the UK, but they've just attended some great CPD given by an American attorney and some of them just don't realise that this is not the same legal system, it's not the same terminology. They may go and do French legal courses which are very useful from the comparative point of view and so on, but they don't always realise the difference in the systems. So, when I'm actually presenting legal CPD for various organisations, I tend to present legal terminology courses and so on, underneath that what I'm finding out is this great hole in colleagues' knowledge and confusion about the legal system here. It's really quite frightening. Should these colleagues who do not have any sort of legal background – which is most of them as far as I can see – be doing this sort of work? I know that there's a lot of controversy out there and I know that you could make yourself very unpopular by saying I don't think they should unless they have the benefit of somebody like you or somebody like me who does have the relevant qualifications so you can check it. Some of the proofreading that I'm doing, I'm just really horrified by the translations that I'm proofreading. Some of them are dire. They have not grasped the basic legal principles and concepts that are set out in the documents that they are translating. Sometimes they have got them really, really wrong. But what is worrying is that they don't know that they are wrong. They only know what they know, do you know what I mean?

5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?

More straightforward documents (birth certificates etc) - are not always straightforward. Sometimes issues can arise such as the certificate is dated before the date of birth on the certificate and then you realise that this is a dodgy certificate and then it can raise all sorts of, if you like, not direct translation queries, questions about ethics, about do I do something about this, do I notify the owner of the document, do I notify, perhaps, the authorities if I think there's something illegal going on here. You know, all those kinds of issues can and do arise as well.

Interviewer – what kind of training do you think is necessary for issues like that?

I think it needs to be dealt with in initial training, for example DipTrans. Or generally in ongoing CPD for legal translators. We're beginning to see a bit coming through these days but as I say, it's not all that good. One of the most worrying issues to do with CPD for translators, but specifically for legal translators, is that there is a lot of good and bad out there and it's really difficult to those without a legal background to know which CPD is ok and which to target and which to leave alone. It's always a good idea to get references and recommendations about specific training.

Interviewer – in relation to the more detailed contracts, what kind of training in legal terms and translation terms, if any, do you think is needed?

I really think when you are getting onto contracts and at that level that there should be at least a law degree in sight, preferably further training than that. Maybe a solicitor's course like you've done, the transfer course, or perhaps bar exams or maybe these days I do know that the Institute of Legal Executives actually do have some very good training courses which a lot of colleagues don't know anything about. So, I think it's worth trying to register on those. There are courses that you can do to become an accredited police station representative, for example. You can do the courses that are actually aimed at budding lawyers or budding legal representatives. We don't just have to stick within our own profession and follow our own CPD. Solicitors' CPD is likely to be much more up-to-date and the speakers and so on will be almost certainly qualified lawyers. For example – get involved in local chamber of commerce – I have here in Manchester, and they have some very good talks and legal updates by lawyers from time to time.

Interviewer – You are the 2nd interviewee who's mentioned solicitors' courses. They would be quite expensive which could be a huge investment upfront for someone starting out.

Yes, but on the other hand like any CPD, it is an investment and I think you have to view it as an investment in your business and in your career. If you look at it in that respect, that you are updating yourself, getting good quality CPD, you can use it in your marketing, you can put it on your website, i.e., I've just done such and such a course. In that way informed clients – not that all clients are informed – will realise that this translator is a bit of a cut above the rest. Look at the training they are doing and look at that list. They must know what they are talking about. If the client is informed, for example I get a few estate agents contacting me to translate documents for property purchases in France, and they will really know that I am up to date because they will understand that kind of training that I am doing. There are many uninformed clients but from time to time I will actually get clients stating to me that I chose you because you've got a legal background. That is said to me quite regularly.

Interviewer – what about translation qualifications in relation to legal contract work. Have you got any thoughts on whether a translation qualification is necessary or not necessary?

I'm not sure it is necessary to be honest because my big gripe when I'm proofreading my colleagues' work is the lack of grasp of the legal structures and procedures and the legal terminology. Their translation skills are usually fine, and they are able to use CAT tools etc but it's the lack of the grasp of the subject matter that is the big problem. I don't think doing a translation course is going to solve that.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?

Don't have it yet.

7. If yes, why did you obtain ISO 17100 Qualified status?

N/A.

8. Have you been sought out by clients because of this status?

Never been asked by clients if have it.

9. Have agencies you worked with requested this status?

Not yet. I think when it becomes more known about, it will be asked about. Some of the better agencies I've noticed are increasingly asking about "Have you got professional indemnity insurance, have you got a GDPR policy, tell us about your most recent CPD". So, I think this will be on the cards. I just don't think at the moment it's known about.

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?

I've never been asked about any ISO standards. Which is interesting but no, I've never been asked.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

Interviewer: the big difference between 20771 and 17100 is that you can certify under 17100 if you have 5 years + of experience but no degree, whereas 20771 requires a degree – it can be in any subject – unless you have an officially recognised qualification as an authorised legal translator on the basis of relevant national requirements and regulations which of course is not going to be anything to do with the UK.

I would support this personally. I'm not so sure about the degree in any subject. I don't see how that helps really because of my central point; you know my gripe is the lack of central knowledge. What's the point of a degree in geography if you then become a legal translator? I suppose it can help if you have border issues or something in the translation!

Interviewer: if it's a science subject and you're doing something that is connected with a science angle for legal translation then it could be helpful.

If the subject matter becomes relevant, then it could do. I've had some of those where maybe it's been a shipping contract or something like that.

Interviewer – you could have a degree in any subject but would also need 5 years' full time professional experience in legal translation. Is the point you were saying to me earlier that you could have 5 years' experience and still not know the terminology?

Yes, I think that's true because I have been quite shocked. I have thought when I'm doing my proofreading that colleagues that would not be very competent would be what we call the newbies and yes, a lot of them are really not up to the standard they should be and there is quite an issue amongst some of my more qualified and experienced colleagues whereby we think there's a bit of scam going on here. The

newbies are targeting work that they know full well they shouldn't be targeting because they don't have the competence and then they are getting people like me to "proofread" it but really what they are wanting us to do is more or less re-write it. Then they submit it and get paid pretty good rates for a legal translation. We all know that in the UK rates for legal translations are usually more than for other subjects. Some of us have started to realise that we think we are being a bit used and abused here. So, we are getting a bit wary about taking some of those on now. That's kind of the lower end, the newbies.

It's not necessarily just the newbies who don't have the requisite standard in my opinion. It's sometimes shocking that it's quite experienced colleagues that are in this area of work and I'm really unhappy with their standard or lack of it. Not always but sometimes I think gosh, this person has been translating for the last ten years or something and look at what they are producing. But then there are lots of variants such as maybe they don't just do translation, maybe they do a whole range of range of different subject matter translations and legal is just one of them, so the fact they've got five or ten years' so-called legal translation experience doesn't really tell you a lot unless you probe and find out that they occasionally do legal translation.

"Here's my translation, will you proofread it". They are probably pretty aware that it's not good enough and that's why they've contacted someone like me. They are willing to pay a bit extra but what they really want me to do is not just proofread, they want me to send it back duly amended and corrected so that they can submit basically what is my work.

Interviewer: I've had another interviewee mention that they can be asked by agencies to sort out translations that have been given to translators who weren't up to the job.

Interviewee – it's not agencies, it's newbies I'm taking about.

Interviewer: I see, so it's not an agency coming to you and saying that.

No, these are newbies who have probably got work from agencies and it is way beyond their competence, and they shouldn't have offered and been accepted on it. They do the work and it's just awful and they get somebody like me to have a look at it. But they really want a lot more than proofreading. What they are really asking us to do is to re-write it.

Interviewer: so, either way they shouldn't have been given the work and regarding the ethical code, they shouldn't have taken the work on?

Trouble is it's a really big issue all of this and somebody really needs to look into this because it's not just the newbies' fault if you like because they are able to get this work, the agencies are giving it to them without sufficient checks on whom they are giving it to. I've certainly got used to that modus operandi from newbies and what I'm doing now much more carefully is when they approach me, I ask to see the translated document and the source and have a good read of their translation and I either accept the offer work or not. I go back to them and usually send them a paragraph on what proofreading is and I make a big point about I will not be re-writing the translation because that is where I think there's a problem. That, I think, is their real expectation of me.

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

I don't think it's enough. 8 –10 days if you are working as a professional translator is not really a lot.

Interviewer – that obviously involves taking 8 – 10 days out of a working year. Again, I would imagine that's tricky for someone starting up in terms of the time they have to take out and the amount they have to pay?

I think CPD is tricky throughout your working career because as you mentioned earlier, it doesn't come cheap. But without it we shouldn't really be working. When you consider a subject like law, there are so many changes that we need to know about. I've recently updated myself in human trafficking, I'm looking now at the Police and Courts Bill, the new immigration law; I work across quite a few fronts, so I really need to update myself quite a lot, quite often. I'm sure if added all my updates – what I read, what I attend, I am sure it would be a lot more than 8 – 10 days.

Interviewer – I guess the more areas you cover in law, the more you have to keep up with. So maybe it's more commensurate with how much law you are covering? If you are just doing one area, that might be ok?

If you are sitting really on one area, it might be. I do, as I say, residential, immigration, contracts.

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

In my experience many clients, including direct clients, aren't happy to have a reviser involved purely from the point of view of cost because they think this is going to cost even more than I've already paid and is it really necessary. So, you have to do a bit of client education on that sometimes. The way I try to sell it, if you like, as I do on more complicated translations prefer to have some kind of reviser involved, especially an independent one, is that this is a very professional thing to do, and all professionals would adopt this approach and that it's for the client's benefit as much as mine and that it's worth including in the service. I know that translators have different ways of charging for it, some will add it on as a supplementary cost. I tend to bury it within my own costs because I think it goes down better that way with certain clients.

Interviewer: So psychologically they don't feel they are paying extra, it's just a package?

A lot of them get the point that it's for their protection and it's an extra level of quality assurance if you like and they understand that, but a lot don't want to pay for it.

Interviewer: You know what you would like a revision service for and what not for, so what would constitute a complicated translation?

I suppose, translations where I myself have struggled with them, because it does happen from time to time. I'm thinking, does it mean this, does it mean that? Translations where perhaps I've done a bit of legal research and you know it's not what I call, for want of a better phrase, a bog-standard translation that I'd be doing pretty regularly. Maybe, for example, a theoretically complicated scenario involved in the translation – maybe multiple parties, terminology, not just the legal terminology is quite difficult, where translations are ambiguous, and it could well mean that, but it could just as well mean such and such. I really do like to have a reviser of my own

choice where possible, somebody that I can actually discuss things with and in fact I was only doing that the other day with somebody. I was saying – I think that penultimate paragraph means such and such as I think it refers to two paragraphs above and my colleague was saying no, I disagree with you because I think it is just the conclusion and it doesn't refer to anything that has gone before particularly. And when we both examined each other's viewpoints, it could have been either. I mean, because we hadn't been given an entire contract because you're not always given the whole contract, you're often just given them, you know, like this which is just somewhere in the middle of the contract. So, without the back-up beginning and end, they could have been right, and I could have been right.

Interviewer: So, two heads are better than one in that scenario. And if it's really not clear, you can go back to the clients?

Oh yes. Even if the client doesn't bother to reply or says we can't find out from the end client or whatever. You know, at least I've covered my back, by raising the issue. Sometimes it's quite useful to have a reviser on board because if you've got an agency, and I'm talking particularly about agencies who use proofreaders who, in my opinion, are sometimes less experienced than the translators that they are proofreading, then if you have a situation where you can go back and say well, not only I think that this particular phrase means such and such but so does my reviser. You could even get the reviser, if they would agree to, to send an email and say I think my translator's right because of such and such.

Interviewer: So, as far as you know, agencies don't offer you revision, they just proofread? Or have you got any agencies where you do the translation, and they appoint a reviser?

Rare.

Interviewer: do all the agencies proofread, do you know?

No. I would say the bottom feeder end of the market hardly ever. And if they do, not that I do much of that work, but I find it quite tedious really because, and I know other colleagues do, you think you are getting the same scenario just mentioned, you are getting proofreaders who don't really know as much as you do. And I get the impression that most of them are just trying to earn their pennies by pointing out spurious things that really don't...and sometimes even make comments about legal terminology and so on where I'm having to go back and say, no it doesn't mean that, it can't mean that. Or just to give you a basic example, they're out of date, they're talking about custody of children instead of residence. So, I can just see straight off, they're not up to date.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

Yes, without a doubt.

Interviewer: can you expand on that?

Because the obvious answer is, I think it would raise standards, and I think it might end up in a scenario where the better agencies and the more informed direct clients would be looking for LSPs who've got it. Or maybe not all the time, maybe where they've got quite a high value complicated translation that's worth a lot of money, then they might be tempted to go in that direction.

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

Potentially, yes, because I would find the training useful, but I think that at prices like that, I can think of a lot of colleagues who will be saying that's a lot of money. But I suppose you can counter that by saying – look at the benefits of the investment. You could sell it to them that way, but I still think that's a lot of money, bearing in mind we have to pay various membership fees and professional indemnity insurance, security checks sometimes, equipment, etc, etc. This is going to be yet another cost and I think that's going to be a big sticking point at that price.

Interviewer: The ATC is also offering collaborative certification, in that a company can apply for certification of, say, up to 10 legal translators for a certain price and they can be in-house or freelance ones. So, there may be a tie-up in that regard, for example there's a company that uses legal translator services a lot, even if they're a freelancer and want to get that standard. Would that be of interest?

Yes, I mean I think companies would be quite wary about investing in non-in-house translators because how do they know that we'd ever work for them again or not. They've paid for our training and then we disappear.

Interviewer: I wonder if there would be something in the contract. I would imagine there would be something in the contract to say that if we certify people under this, you need to be available for the next two years, for example.

I agree with you, I mean in an ideal world that would be protection for the company but practically speaking, you know, realistically, I think it would be quite hard to police because colleagues might suddenly become ill, they might decide that translation's not for them. What do you do? I mean, what do you do, make them pay it back, what if they can't pay it back?

Interviewer: yes, it's just from a contract point of view you wouldn't go into that thinking we'll just get a freelancer on board, I think there must be something else there.

Yes, you know translators have just got so many costs to pay. I mean, let's think about accountants, tax, and here is another huge sum of money. That's not a Mickey Mouse sum, that's quite a big sum. I'm just not too sure what the take up would be. I mean, I may be proved to be wrong. I think, initially, it would only be a few colleagues who would probably take it up and then it might take time to catch on. You know, when it comes to a crunch whereby colleagues start thinking, oh no, I'm not getting any work but my colleagues who've got it are. You know, when the penny starts to drop kind of thing, that's when it might come into play, but I mean, I can give you an example from the CIOL. I don't know if you remember, but a couple of years ago, whatever, three years ago, I think, chartered linguist status used to have to be paid for. If you wanted to apply for chartered linguist interpreter status or translator status, you had to pay a fee to have your application examined and the take up was really, really low. Then the whole system was made free and the take up mushroomed. And the fee, actually, was ever so small. It was about £100 or less but, I mean, when it was made free, it showed that it wasn't that people weren't interested in doing it, it must have been the cost.

Interviewer: That's a very good point to make.

16. Any other comments about ISO 20771?

I was just going to ask you a question actually about the ATC. The training. Is this going to be face-to-face or online or is it mixed and who's actually doing it.

Interviewer: when you say training, what are you meaning by training?

Sorry, I meant assisting people to put their applications together.

Interviewer: ah yes, so the certification. I have had a statement on this. There's a lot involved. It's auditors and they can do it online now, so I think they can do it internationally too and everything's online at the moment, so they can do it online. It does take a full day...I'd have to look it up and get the full information.

I am just wondering what we would get for it.

Interviewer: the auditors have to be specifically trained to be able to do it. The auditors have to get assessed as well to be able to audit everybody else. I think it's at least a full day and then the following two years are back-up in relation to checking. So, the idea is certification only works if you are going to have this every year, it's not as if you get certified and it's like Qualified Status when you get it for life. The Qualified Status for ITI, you get rubber stamped and then you are done. And then it's not checked again, so the idea behind auditing is that clients can rely on the fact that it's an annual process. Procedures are checked every year to make sure that translators are still complying, so I think it's just a question of going through an awful lot of documentation, looking at procedures, and checking, you have to supply evidence I imagine, of what you say you are doing, so it's very clear you are fulfilling that role. So, the first one is much more labour intensive, and I guess the second and third year are just a question of checking up and checking procedures is a bit quicker and then the fourth year I think it goes back to a full audit again.

Yes, that's quite intense, that's quite thorough.

Interviewer: yes, it's obviously quite a lot of money and as someone who's doing a collaboration, I don't want to look like someone who's banging the drum for ATC, the dissertation will just show the information that I'm putting in, yes but it's not £800 for nothing so to say, it's a serious business. Here's the statement: a formal ATC auditing process is an expert third party review of a translation or interpreting status, whether a company or an individual freelancer. So, of their operations, processes and documentation against all of the requirements of an ISO standard. This is carried out in compliance with relevant ISO standards and best practices for auditing and certification in person, either on site or remotely. They have to do it in agreement with ISO procedures, so you're getting a certification from an auditor that in turn is certified by the ISO.

I was just wondering who the auditors were going to be because I think that will be really important. If they're a company that colleagues are going to go oh no, I don't think so, that's an issue.

Interviewer: what I've been told is that you can get audited anywhere in the world, you don't have to be audited by, say, someone in the UK for UK work. It's a question of going to a company that is maybe recognised – obviously outside of the industry a lot of people may not know, some clients are more astute than others – so it's going to be a question of going to somebody that's definitely been accredited by the ISO and there may be a list on the ISO website of accredited companies.

Yes, because I think that's an important consideration in terms of marketing.

Interviewer: I'm just seeing if there's any other information. So, there's an independent audit against language services. So, an independent audit involves significant input from the auditor and the certification body and the main factors affecting certification costs are the auditor's time and the operations of the structured certification body. The other comment is 'ATC recognises the cost is likely to be a barrier for some individual translators and we are working towards establishing long-term cost-effective auditing.' As far as I am aware, they'll have procedure that they will have to follow in order to be accredited certifiers.

The other thing that occurs to me on cost, you know what we call newbies starting out, I don't think there's any way they're going to be want to or be able to fork out £800, you know, because their priorities will be perhaps joining the ITI or CIOL or both, you know. Sorting out their insurance. The things they absolutely have to do.

Interviewer: although I don't think they can get certification until they've had a certain number of years as well. Three years. Yes, so whatever qualification they've got, there are some qualifications that mean you need less experience than others, but the minimum seems to be three years so they would have to have three years rather than just going straight into it. Whether it's more affordable three years in, I guess it really depends on the individual and the work they're doing and how well they've done.

Interviewee 4

Interview held on Zoom on 12 July 2021

Background

1. How many years of experience do you have as a legal translator?

10 years.

2. In relation to your translation workload, what percentage of legal texts do you translate?

95%.

3. What type of legal texts do you translate?

Main client is the European Court of Justice, so I translate a lot of stuff for them. A lot of judgments, Opinions of their Advocates General, Requests for Preliminary Rulings that are sent to the Court, Reports. One client I do family documents for, so divorce judgments and matrimonial stuff.

4. How did you acquire your legal translation expertise?

I was a solicitor, but I didn't do translation as a solicitor. I did a post-graduate diploma in legal translation at City University in London on a course that no longer exists. It was a fantastic course. You could either stop at the post-graduate diploma or some people carried on and did a full MA, but I stopped at the diploma as I thought I'd learnt what I needed to learn in practical terms.

5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?

How you acquire it is another thing, but you definitely have to have a thorough grasp of both the legal systems that you are dealing with. Ideally you would have a legal qualification in both jurisdictions but that's unlikely. I don't know many people like that. I think because I have a legal qualification in one jurisdiction, at least that makes me aware of legal issues and when I come across a concept in the other jurisdiction, I can at least think "is this going to be the same or not?" So, I think some sort of legal qualification is definitely an asset. You don't have to be a qualified lawyer and I don't even think you should have to have a law degree, but you have to acquire somehow a pretty good grasp of legal systems and concepts. I don't think one size fits all, that's the thing. I know legal translators who have got all sorts of backgrounds. Some have legal qualifications, some don't. Some have much better translation qualifications than me but don't have the legal experience.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?

Yes.

7. If yes, why did you obtain ISO 17100 Qualified status?

It was easy and quick, and I'd just passed the MITI assessment, and it was kind of an add-on almost. The office said wouldn't you like to get this as well and it was so simple. Fill in a form and I think it was like £35 or so and it seemed silly not to do that.

8. Have you been sought out by clients because of this status?

Not as far as I know but on the other hand, I got it at the same time as I became an MITI, and I know that people have contacted me because I'm now on the directory. Whether they also look at that I have no idea. No one has mentioned it at all.

9. Have agencies you worked with requested this status?

See answer to above question.

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?

No. Absolutely not. I am just re-tendering for the Court of Justice as contracts last for 4 years (although the current one has been extended to 5 years because of Covid), so you have to reapply every few years. You have to supply so much evidence that you are qualified to do the job, but they haven't put this in at all. With the re-tender they would have had a chance to add it to the list of things they expect.

Interviewer: have they put 17100 in?

No. There is probably a section on the 'other' where you could mention it but it's certainly not something they look for.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

With all those different combinations you would catch most people who currently work in legal translation, I would say.

Interviewer: the one difference and the big difference between this and 17100 is that 17100 allows someone to have no degree but 5 years plus of experience. Whereas with 20771 you have to have minimum of a degree or number 5 at the bottom: the qualification from a national relevant authority which is not going to be in the UK because that doesn't exist.

Exactly. I would imagine in the countries that have that, you would have had a degree maybe.

Interviewer: I have been looking into this. Some you need a degree, some you have to sit an exam, some a law degree or translation qualification. It really does vary across the entire world. There's nothing set for common law or civil law either. It's all a bit of a jungle out there in terms of who needs what.

Going back to what you said about 17100 not requiring a degree, I know a lot of different translators who've come to it in different ways. I don't think I know any who doesn't have a degree, but I can see that maybe in some language combinations – if you were translating a really rare language combination - you might not have that.

Interviewer: Pym did bring up that point about rare languages. You don't have those pairs offered on university courses, so it's not necessarily possible to get a translation qualification in them.

No. No, I don't know. People that were translating in this country that had either learnt it all through just being a native speaker or years and years of experience. What really would be the point of acquiring a degree as an absolute minimum. I don't know. Part of me wants to say you should have a degree but then I can see that there should be exceptions as well.

I suppose for someone taking on a translator for the first time, it would give you a level of confidence in them but at the same time if they've got 25 years' experience and no degree, that's equally valuable, I think.

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist legal training event. What are your thoughts on this requirement?

So that would almost be 2 weeks out of work. There is the ITI suggested minimum is 30 hours, so that's quite a difference. I can kind of see the point but if only one is professional specialist training, can you just read a book for the others?

Interviewer: it's like the ITI requirements. The difficulty as well with this standard is that it costs £90 to buy it and I'm not allowed to share the standard with you. There's a lot of info in the standard but nobody's really seen it because it's quite expensive. So, it's very similar requirements to ITI's requirements – you can do seminars, webinars, read articles, go and present as well. It's very broad ranging. The only specific requirement is the minimum specialist one day requirement.

I can see the point of that [the one day of specialist training] but I can see that people would just be scratching around to make up the other days with bits and pieces which might not actually add to it. It seems a lot. Specially to pay for 8 – 10 days.

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

I wouldn't want to have to pay out my money I was earning for it to be revised. Basically, I would have to double my costs and I can't really see clients following that. I think that is for the client to arrange if they want to. Certainly, going back to my experience of the Court, the Court has in-house revisers so I know that everything I translate for them will get revised. I believe agencies revise things.

Interviewer: how much work do you get from agencies compared to direct clients?

Hardly any. What I know about agencies is basically 2nd hand news from other translators. I get the impression that good agencies anyway do revise things. If I had to pay for a reviser out of what I earn, I'd probably stop translating. I can't see myself being able to afford that. Prices would have to double.

Interviewer: in view of the direct clients you have, almost all of your work is revised in any event?

Mostly. The Court does. Something I have done in the past, I don't tend to like doing it. I have done work in the past for individuals like translating birth certificates and marriage certificates and things like that and then I don't even think the clients are sophisticated enough to realise that it hasn't been revised. As far as they are concerned it's been translated and that's it.

Interviewer: birth certificates, marriages, CVS, etc: they are the more straightforward end of legal translation in essence? And the standard does differentiate between authorised legal translation (sworn translation) and the more complicated legal translation. The implication in the standard is that revision is for the more in-depth legal documents rather than marriage certificates etc. Birth certificates, marriage certificates, etc: in your opinion, would they not need a reviser?

I don't think so.

Interviewer: but the documents you do, the more complicated ECJ legal documents, you agree that they do need revision, it's just that you can't incorporate that into your scenario and for the amount you get paid?

Exactly, yes.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

I cannot actually see how it would. I suppose from the clients' point of view, probably it would. Unless the client ends up paying double because they are having to pay for the revision. I can see that the clients would like there to be a minimum standard for legal translators. It would give them security, but I think the impact on translators is too onerous. If it would benefit the market...?

As you say, it would depend on whom you are talking about, if you are talking about clients or translators.

The trouble is if things become too difficult and things become too expensive, then clients just resort to machine translation and some of them still don't understand that it's rubbish.

Interviewer: especially for judgments, etc. Surely nobody's asked for MT on those because they have to be absolutely accurate. I am being naïve?

A lot of translators use CAT tools. Including for judgments and things. I don't basically because I'm a bit reluctant to invest in the technology. You can use CAT tools for even complicated things like judgments as long as you revise them really carefully but running something through Google Translate, that would not be a good thing to do.

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

No, I couldn't justify that unless in the future it becomes widespread, and I feel that I've missed out by not having it. At that point I would invest but at the moment I can't see the benefits that I would be getting for that investment.

16. Any other comments about ISO 20771?

It's not very well known. Don't really know why that is. The Germans rejecting it does ring a bell. It does seem very much under the radar, doesn't it?

Interviewer: some people have commented about 17100 and why do we need 20771 and that it should have been in an annex to 17100.

Yes, that's a good point.

Interviewer: ITI have looked at could they offer qualified status like they have for 17100 but it's a question of having enough uptake.

Just having a degree doesn't make you a good translator so you have to be very careful if you impose standards that they are going to achieve what you want.

If you were to get this qualification, basically you have to pay every year? Do you have to prove that you are still capable? Or do you just pay the fee, and they just churn it out every year?

Interviewer: you pay £800 for the first year for a full audit and the next two years it's £400, it's still an audit and review but not as big as the first one. What is less clear to me is what happens on the 4th year, it seems that you go through that system again, so the 4th year is a full audit again. Part of the certification and showing that you are up to this standard and you are complying is that you have to have checks every year, hence the amount of money. I have had a statement from ATC on what's involved, and

they obviously want to stress that there are a lot of employee hours going into the checking. It's different for 17100 because that is for LSPs, this is an individual standard and there's a whole different concept between a company looking at that money and that investment and an individual translator looking at that investment.

Absolutely, yes.

Interviewer: I understand there are a few translators who are certified against 17100 but not many at all.

Interviewer: there are quite a lot who are qualified under 17100 but certification is an investment.

Exactly and if I could see the benefits, then I would think about it, but I have yet to be convinced.

Interviewee 5

Interview and follow up questions both by email between 14 and 16 July 2021

Background

1. How many years of experience do you have as a legal translator?

30 yrs.

2. In relation to your translation workload, what percentage of legal texts do you translate?

50-60%

3. What type of legal texts do you translate?

Contracts, commercial disputes, commercial property, labour law, criminal law.

4. How did you acquire your legal translation expertise?

By experience, and then by qualification (MBA, LLM, FCIPD, PhD)

5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?

It would be difficult to translate legal texts correctly without an understanding of legal language, and hence a grasp of jurisprudence and principles of law. The issue, not commonly understood by non-legally qualified translators, is that there is a degree of separation between the UK case-law dominated system, vs. (for example) the French statute law approach. This means that there is not a 1:1 equivalence, and where this matters in the *ratio* of the case, it is important that this aspect is never 'glossed over' (literally). For such reasons, also, I am dubious about the use of TM (or MT, for that matter) on legal texts. There are few, if any, specific subject specialist translation qualifications available. The CIOL DipTrans for example includes a range of technical translation but this cannot be considered enough (of itself) to qualify anyone as a subject specialist for translation. BA, MA translation, LLM/solicitor / equivalent, I'd say.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?

Yes. ISO 17100 (with ITI).

7. If yes, why did you obtain ISO 17100 Qualified status?

For purely commercial and marketing reasons, because I already qualified without further action on my part, and because, via the ITI, it was almost free.

8. Have you been sought out by clients because of this status?

I believe so, to some extent, but hard to evaluate (other factors – FCIL, professional qualifications, and other listing content in the CIL/ITI directories have a bearing too).

9. Have agencies you worked with requested this status?

None.

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?

None.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

It is a curious issue. I would potentially obtain the standard (but see below...) because I qualify. But like Germany, I am not 100% objectively convinced that it is more than an incremental 'place holder'. One would rather work with someone who cares about standards, generally, but this ISO standard (20771) is not, of itself, any kind of general guarantee of expertise, knowledge, quality, or general competency. There is also always the risk of 'badge engineering' (as was notably the case with the generic quality standard BS 5750/ISO 9002).

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

Sceptical. This will be nice for the ATC since they are first in running the accreditation courses, and CPD is a nice earner for the CPD aspect. + definition of 'specialist' / 'professional'?

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

I think in practical terms it will be problematic, since the end client must pay extra if they want a separate translator to revise. No client has ever asked me for this specifically, and certainly not for free. It is also difficult to be specific what extra benefit they may derive from this. A possible outcome may be that clients agreeing that revision by a 2nd party is unnecessary becomes a default option. With agencies where additional internal proofreading takes place, I have sometimes seen texts that have been *significantly worsened* by the process too - v. annoying when this is also presented as a *fait accompli* – and then one has to somehow convey that they/the client must reverse certain of the most egregious changes.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

Not in the current form of ISO 20771. It is also an issue that Germany has categorically rejected the standard. I receive legal work from German clients and agencies for DE->EN and no-one (agencies in the EU/UK) has ever mentioned ISO 20771, notwithstanding that it is only a year old as a standard.

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

Not at those prices. I think the ATC has seriously overestimated (a) the volume of work available to be shared amongst freelance translators; (b) the expectation of clients to have such work done by someone with an additional level of certification (which does not = qualification). The cost of the ATC route is, above all, way too high.

16. Any other comments about ISO 20771?

As with ISO 17100:2015, the difficulty is that many people will already “qualify” for such standard certifications simply by having been around for a while, and ‘had a go at a range of texts’. By definition, there being no inherent barriers to entry, anyone with some knowledge of languages can become a freelance translator. This is the universal existential issue for the freelance translation industry (if there even is a ‘translation industry’) if one wishes to establish objective standards of competency and qualification.

The CPD aspect also raises the issue of how good, useful, qualified, relevant.... The training available will be. There are already legal ‘chapters’ of the ITI and CIOL – freelancers may prefer to stick with these more informal fora – so anything formal, would really have to justify its credentials, in comparison.

My view has always been based on the principle that, however good one’s knowledge of the source language, the ability to use correct language and terminology in the target language is always key (subject to the minimum source language knowledge requirement).

It is not sufficient *not to have misunderstood* the source language: the target language reader (and in law, likely to be a professional reader) needs also to be confident that what they have as a translation makes sense and can be relied upon – including in the legal sense. In the extreme, a lack of understanding of the target language sense and implications of what is being said/written in the source language, is still capable of rendering the translation valueless and incomprehensible.

What will prevent this kind of ‘non-translation’ is always likely to be a form of qualification in law, but this still does not cover all bases for the general feel that there is not a 1: 1 equivalence for what happens in (say) EU / French jurisprudence and its heavy reliance on statute law, as against how this might operate, and what implications it may have for UK law, with its case law emphasis on precedence.

I also do biomedical work for example. I have no STEM qualification, but my spouse is a toxicologist by qualification, and I can ask them a very wide range of technical questions; they can also proofread my work. How would this work for an ISO standard...? And yet how many haematologists, toxicologists, paediatric surgeons, neurosurgeons, etc... are available for the odd bit of freelance FR/DE translation...?

One has to be alive to how the freelance translation market actually works.

You will probably also have watched the ATC webinar (<https://atc.org.uk/iso-20771-legal-translation/>) Per Normenausschuss Terminologie: “there is no objective reason whatsoever to define different requirements for translation services — regardless of the specialist field — for different types of translation service providers.” <https://slator.com/industry-news/germany-rejects-iso-standard-for-legal-translation/> [i.e., vis-à-vis ISO 17100:2015] – as things currently stand, I think I would have to agree.

One can be shown to work to certain standards as a translator generally, the ability to show that one is also technically qualified in a given area of translation is an additional factor which can also be demonstrated between translator and client.

For example, one may qualify as a translator [BA, CertPhon, DipTransCIOL, MITI, FCIL, PGCE etc.] and then specialise in business [MBA, FCMI] and legal work [LLM, FCIPD, PhD]. This should be persuasive on the basis of those layers of qualification. If one can also point to specific professional experience in these areas, then all the better.

GENERAL

This was something I also researched in my thesis (which is on the specification, management and evaluation of work performance in employment law).

The medical professions are of course the example par excellence of multi-layered regulation (the specific NHS trust, GMC, PPA, HPAN system, HCPC, NICE, PSAHSC, CQC, not to mention the various Colleges – RCS, RCP, RCOG... and PHSO [ombudsman]... etc., etc.) And, as we know, in most spheres, the ombudsman bodies in this country are massively failing, including because they mere operate at a tick-box ‘cassation’ checking level that an organisation applied its own processes consistently. This was widely an accusation with some justification raised against ISO 9002 in that it could qualify an organisation to consistently produce something in a mediocre way, rather than raise standards, or even provide any certificated value or assurance of any level of quality whatsoever.

The worst-case scenario, however, is as in the USA where litigation takes over as the prevailing regulator, so even the standards process is monetised, mostly to the benefit of negligence lawyers. (Hence also the problems obtaining PI insurance if one has US clients).

The issue is a matrix of spectra of definitions of quality and performance on the one hand, and standards, qualifications, regulation, and control on the other, as for all professions. It is curious though that in employment law, the same ‘blunt instrument’ but also v. ambiguous ‘conduct’ and ‘capability’ criteria are applied universally, regardless of the nature of the work involved – life and death for surgeons, but then again turning up to work on time, or being rude to a client in more ‘ordinary’ contexts.

The difficulty always lies in the nature of the work done, the element of control (including if there is any control at all...) and the determination and specification of what good, acceptable, and unacceptable actually look like.

QA in translation is a problematic area but not insurmountable – but it is a problem that, although thankfully rare, client complaints are often subjective and uninformed, and not framed by a satisfactory set of performance criteria recognised across the profession. Then again there is the typo in the machine manual translation that says press the red button when it should be the green button, with dire consequences (albeit these days with multiple layers of safety checks and redundancies) or the marketing leaflet with the glaring error in 16 pt bold on p. 1 that is printed in millions of copies (hence professional indemnity insurance).

By regulating ourselves, including possibly at more granular levels for specific subject areas in translation, what are we seeking to do?

- to protect against dangerous errors
- to raise professional standards
- to improve recognition of the business sector
- to prevent incompetent translators from practising
- to set objective standards for the handling of complaints
- to set criteria for training and qualification
- to promote appropriate qualification
- to protect the status of the profession
- manage risk, generally...?

I think it is all of these things and more, but if (for example) ISO 20771 does not do any of these things, then it is not worth having. So, it is a problem, if (as for ISO 17100) there will be many translators who simply meet the standard already – and at the lowest levels e.g., degree

in any subject and 5 years full-time professional experience in legal translation, is not very differentiating (if at all).

The strict interpretation of “full time professional experience in legal translation” is also nonsensical, as no such role exists, and no-one will have 5 years of experience of legal translation alone.

My view is that it is definitely always a good thing to have both and is progressively the responsibility of the conscientious translator to acquire both. The ideal being:

- Language degree
- PG translation qualification/diploma/degree [*perhaps still an area of weakness...]
- Translation professional experience
- Subject degree(s)
- Subject professional qualification (e.g., not easy to become a solicitor*)
- Subject professional experience

So, in a sense, standards are redundant if the common sense of a client seeking the most qualified and experience service provider operates. On the other hand, in a profession with no barriers to entry, there is the converse risk of cowboy translators doing cheap and cheerful work and the consequent reputational damage to the industry.

The bottom line is that there are relatively few people in certain subject fields (vanishingly few in many fields) who have qualified professional subject knowledge *and* can combine this with being competent linguists and translators. Therefore, sometimes a person with no knowledge of engineering may find themselves translating, for example, a specification on decommissioning a nuclear power station.

As Henry Marsh, David Nott, and Atul Gawande¹ state unequivocally, one does not become (and remain) a good surgeon without accidentally killing, or failing to save patients on the operating table, which, unless systematic failure, is not grounds for the surgeon to be struck off, or even necessarily disciplined, and still an agonising and poignant issue for practitioners to live with for the rest of their lives. But it is essential to learn from mistakes, and, without a degree of error, one never learns.

Then there is the case of *Alidair Ltd v Taylor*² – a pilot fairly dismissed on capability and conduct grounds for just one hard landing, which could have damaged the plane, and also put at risk the lives of passengers. As is sometimes said in the field of translation ‘one is only as good as one’s last translation’ – applied fairly or unfairly. An example of this where, due to 1 job, I lost one of my most regular and profitable clients: I did a translation on viticulture, which also had a marketing element, and the agency neglected to tell me it should have been into US (not UK) English – I would otherwise have declined the job. As we know, the Americans hate UK English for promotional purposes, and the end client hammered my translation (unjustifiably it has to be said) for all the usual reasons – too archaic, stuffy, formal style. The “corrected” translation I was sent contained multiple mistranslations, numerous syntactical errors (even for US English), and glaring typos, + they had edited content in, and out, and changed the entire order of the text – and actually bore little relationship to the source text. On pointing this out, I was told that the ‘client is king’, and never received any work this agency again. Very sad, but the client would have made themselves (not only this time, clearly) a total laughing stock, with their grossly illiterate standards of copy. It still also disturbs me when I notify important errors in source text, that some agencies feel that would be too disrespectful to the client to even bring to their notice...

Like the surgeon performing their first craniectomy, the translator needs to extend their scope of operations by stepping outside the comfort zone too, but, as far as possible this should not be a dangerous process. Hence the importance of sound, reliable, research and analytical skills and strategy in translation, to cover fields of lesser (or no) expertise in the moment of translating a taxing, technical, and often multidisciplinary text. This is an area where I think the institutions ITI, CIL, ATC, FIT etc., including HE, qualification and bodies need to focus much more. It is an almost completely neglected area (including by ISO).

More generally, on the subject of ‘emerging’ professionalisation in various sectors, there is an interesting paper in the CBR series, with the title “WORK INTENSIFICATION AND EMPLOYMENT INSECURITY IN PROFESSIONAL WORK”, Suzanne J. Konzelmann, Frank Wilkinson, and Roy Mankelow, Centre for Business Research, University of Cambridge Working Paper No. 345. 2007 (copy enclosed: Work Intensification CBR.pdf)). Interestingly the paper examines lawyers, & pharmacists (‘established professions’), midwives (‘aspiring’ profession) and counselling psychologists, & HR managers (‘emerging professions’).

This is also interesting in the context of ERA 1996, s. 98(1)) ‘conduct’ or ‘capability’ criteria, and *Harmer v Cornelius* CEXC (1858) 5 CB (NS) 236 (that the employee is ‘impliedly competent’.)

For the translation industry in general and for all professions that seek to raise standards and achieve recognition – it is of course classically the situation of the former guilds systems – in part seeking to create an exclusive, professionalised ‘closed shop’ for commercial reasons as well as the ontological quality reasons.

In the age of C-19 also, the ‘Swiss cheese’ analogy of multiple protections rather than reliance on a single factor, is equally valid. Quality imperatives, after all, are an aspect of risk management.

The epithet ‘close enough for jazz’ always amuses me. The music and football analogies are also interesting – team managers sacked for the performance of their teams, even a rank-and-file 2nd violinist required to audition with a concerto in front of the whole orchestra... It is increasingly necessary to have multiple careers in order to be able to survive economically – most professional musicians I know have another career because the music just does not pay enough – something that will certainly have saved many of them financially during 2020/21. Similarly, opting to be *only* a German -> English translator, *only* of legal texts, will also result in impoverishment. Very arguably it is also the case that having to work in a number of different fields and language combinations is mutually beneficial for all aspects of language and subject expertise.

Is there also such a thing as too much quality? [Not necessarily].

Finally, enforcement. I don’t know of any translators who have been ‘struck off’. It is a set of very different risks and consequences. As Lord Donaldson put it [RE medicine]:

A culture of blame and retribution has dominated the approach to this whole field so that it has been difficult to draw a distinction between genuine misconduct, individual failure, human error provoked by weak systems, and untoward outcomes which were not the result of any specific failure. An ‘off with their heads’ approach to every problem will ultimately make healthcare and medical practice more dangerous, since no one will admit their own mistakes, nor will they want to condemn a colleague’s career to ruin.’³

3 L Donaldson ‘Good doctors, safer patients: Proposals to strengthen the system to assure and improve the performance of doctors and to protect the safety of patients’ 14 July 2006 (part revised 31 August 2006).
<http://webarchive.nationalarchives.gov.uk/20120503224921/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4137276.pdf>

Interviewee 6

Interview and follow up questions both by email between the 29 and 30 July 2021

Background

1. How many years of experience do you have as a legal translator?

13 years, part-time, through agencies since 2008 and then as an MITI since 2014.

2. In relation to your translation workload, what percentage of legal texts do you translate?

It really depends year on year, but anything from 80% from the year I first started (I think birth, marriage and police certificates are often some of the first documents agencies send new freelancers) to approx. 30% now in one business and almost 100% in another.

3. What type of legal texts do you translate?

Mostly contracts, tenancy agreements or summaries thereof, official translations of birth, marriage and death certificates, police clearance certificates, medical certificates for visa purposes, ID documents, wills and testaments, grants of probate, court orders, police reports, medical reports for legal purposes, and official translations of academic qualifications, course descriptions and transcripts.

4. How did you acquire your legal translation expertise?

Honestly, on the job, but researching through legal colleagues and self-research. I did a legal translation module as part of my degree and have attended workshops on legal translation. However, please see my answer to q.11 below on translator training because I don't really feel this is sufficient.

5. In your opinion, what type of legal qualifications or training *and/or* translation qualifications or training are needed for translating the type of texts you translate?

My personal and professional view is that you cannot have legal expertise or translation expertise without proper training. We should be training in both before we carry out this work. Please see my answer to q.11 below.

ISO 17100

6. Do you hold ISO 17100 Qualified status with ITI or another professional body/organisation?

Yes, with the ITI.

7. If yes, why did you obtain ISO 17100 Qualified status?

To gain a market edge and to distinguish myself from unqualified (those not holding a translation qualification) or inexperienced translators.

8. Have you been sought out by clients because of this status?

I am not sure about direct clients, but I know some agency clients have sought me because of this status. I seek colleagues who have this status when I am looking for other translators to work with.

9. Have agencies you worked with requested this status?

Yes, particularly if I were going to supply them with other language combinations by outsourcing to colleagues. As I only have individual ISO 17100 Qualified status and not as an 'agency', I have been unable to provide those agencies with services in other

languages that I do not handle myself, as they, understandably, have criteria they need to fulfil to protect their own ISO status.

ISO 20771

10. Have any of your clients or agencies you work for asked about or discussed the ISO 20771 standard with you?

No.

11. What are your thoughts on the qualifications and experience requirements for ISO 20771, as set out in the 'Summary of ISO 20771 requirements' document?

I am not sure about the need for a separate standard to ISO 17100. I feel it should be incorporated within ISO 17100, because otherwise we could make a case for the need for a separate standard for every major translation field.

I strongly disagree with someone who does not hold a translation qualification meeting the ISO 20771 standard for legal translation through a legal qualification only. I have heard translators without linguistic training, i.e., language or translation degrees ask the most basic of questions regarding language, language structure and translation choices. It is equally ludicrous to me that a legal translator should have no formal legal training because I imagine translators without a legal background ask some frighteningly basic questions! The same could be said about a medical translator, or one who works in engineering, family services, etc. This, for me, is not so much about the standard as about how the standard has had to be written because translation is not yet considered a qualified profession, and by that I mean that we recognise there is translation theory you need to learn and demonstrate in order to be able to do the job. I also mentioned in my comments to the ITI on this standard that I believe translation degrees should move to incorporate a formal training component in subject fields of choice, so that in addition to translation theory and practice, the student studies an appropriate undergraduate legal module, in order to learn the relevant theory and terminology, with the university's Faculty of Law, or a medical module with the Faculty of Medicine, or a module in electronic engineering, life sciences, health professions or creative writing with the relevant faculty in line with the student's translation interests. When I did my degree, we only had the translation degree staff give us their tips and guidance on how to approach and research each genre of text but did not have the subject-expert input. In our Professional Aspects of Translation module, we were repeatedly advised to work in a particular sector or industry for a few years to gain the subject expertise before specialising in translation for that sector. I would also like to see the necessary theory formalised within translation degrees in the above manner. The modules I would choose for a translation degree would be Translation Theory and Practice, Textual Analysis, Translation Technology, Professional Aspects of Translation/Business Skills, Subject Theory Modules with the home subject faculties, Translation Practice, and then electives such as Interpreting, International Institutions, etc.

I find that ISO 20771 is not completely compatible with the stringent processes translators go through in countries with the 'sworn' translation system to become 'sworn' translators. It also complicates awarding of MITI status because that exam grants a translator the appropriate status to provide legal translations such as certified translations of visa documentation or documents for legal purposes, without the translator necessarily meeting the requirements of ISO 20771.

12. ISO 20771 requires translators certified under this standard to dedicate 8-10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

I am an advocate of CPD and keeping your knowledge and skills in your subject fields up to date! I don't feel you can do a good job in any profession year on year without regular CPD because you would miss important developments. Imagine a doctor who never did CPD! I would stay well clear 😊

13. ISO requires the translator to offer a translation plus revision service (with the revision by a separate translator), *unless* the client agrees in writing that this is not necessary. What are your thoughts on this stipulation, including whom out of the translator and end client would be likely to pay for the extra costs of using a reviser?

Yes, revision needs to happen, and the client needs to pay for the costs of the revision (unless they state they waive the requirement as above). This is why my prices are higher for legal translation.

ITI already advises that all certified translations produced by MITIs should be revised by a colleague before they are certified.

ISO 17100 already stipulates a process for revision and proofreading/QC.

In practice, in the business I run together with a *traductora jurada* from Spain, we routinely collaborate on texts and there is barely a translation that we produce together where one of us does not spot a typo, error, omission or better translation from the first draft.

I feel it is an essential quality assurance step in legal translation where the consequences of an omission or error could be significant for either the client or the translator.

14. Do you think the legal translation market in the UK would benefit from a widespread implementation of this standard?

No. I think the UK would firstly benefit from a proper professionalisation of the translation profession as above, where the distinction is clearly made between someone who is bilingual and someone who has the necessary linguistic and subject expertise to exercise the profession of translator. Until then, I feel ISO 17100 should be sufficient and more widely implemented.

15. The ATC is offering full ISO 20771 certification at a cost of £800 for the first year and £400 for the following two years. Is this something you would be interested in gaining?

I feel it is prohibitively expensive and penalises translators who have already invested considerably in gaining their translation and other degree qualifications.... unless legal translators start commanding fees more similar to those legal firms command: approx. £270/hour instead of £40–50/hour!

16. Any other comments about ISO 20771?

I do appreciate the effort of ISO 20771 to increase quality in legal translation. I have put that I meet the standard (self-certification) on my website in case it highlights my experience in legal translation and differentiates my profile, although I don't really agree with the standard for the reasons above. I agree with the aim, but not with the method. I feel that professionalising the translation profession needs to happen first and then we can say translators meet the required level or not. Other than that, I think that's it 😊.

Interviewee 7

Interview and further questions both by email on 23 July 2021

1. As far as you are aware, has your company been sought out by clients because of its **ISO 17100** status?

Only very rarely do clients specifically seek us out due to our ISO 17100 certification, however it does assist when completing RFQs and/or new supplier documentation with clients, as they always like to see various ISO accreditations.

2. As far as you are aware, have existing clients or potential clients asked about or discussed **ISO 20771** with your company and/or any of its in-house translators and/or freelance translators?

No, not that I am aware of.

3. On your company's website, it states that most of your linguists are members of professional bodies such as ITI, CIOL and ATA. When would you use linguists who are not members of professional bodies?

Rarely and on an as needs basis for less usual language combinations or specialisms. We would never work with a linguist who was not a member of one of these bodies (or equivalent bodies in other jurisdictions) without them completing a lengthy application process so that we could assure ourselves of their knowledge and experience.

4. Under ISO 17100, a translator with 5 years plus of experience but with *no* qualifications meets ISO 17100's requirements for certification, whereas ISO 20771 does not allow certification for translators with experience but no qualifications (unless the translator is an authorised translator via national requirements and regulations). You mention that ISO 20771's requirements are less stringent in some cases than your own internal recruitment requirements. Would you work with a translator who does not have any qualifications?

Rarely yes, but they would have to possess a lot of experience to compensate for this.

5. Why has your company decided to pay for 10 translators to be certified to **ISO 20771**?

Primarily because it will be (we hope) an effective marketing tool. As a legal specialist translation agency, to be able to contact existing and prospective clients and say that our translators are ISO 20771 accredited will be very positive. As early adopters of the collaborative certification, we are also placing ourselves at the forefront of the legal translation sector in our clients' minds.

6. I note that your company is an Accredited Member of ATC and its translators are authorised to certify translations as a result of this membership. Is your

company also intending to use accreditation to **ISO 20771** as an additional way of providing certified translations?

Most likely not – at least this is not the current intention.

7. **ISO 20771** requires its certified translators to dedicate 8 – 10 days pa to CPD, with at least one event being a professional specialist training event. What are your thoughts on this requirement?

To me this seems reasonable and comparable with expectations in other industries. I would be surprised if most of our linguists are not doing so already. The more difficult aspect of this requirement will be for us to effectively monitor and record that they are doing so, although we do already endeavour to regularly ask our linguists to provide us with updates on new skills and experience that they acquire as part of our standard processes.

8. What are your thoughts on the qualifications and experience requirements for **ISO 20771**, as set out in the 'Summary of **ISO 20771** requirements' document?

To be honest the requirements are fairly simple and are similar to, and in some cases less stringent than, our own internal recruitment requirements.

9. In what regard are ISO 20771's requirements less stringent than some of your internal recruitment requirements?

We collect a lot more information about specialist knowledge – so for each legal field that a translator wants to work in (e.g., contract law, family law, shipping law etc.) we ask them to provide evidence of their expertise in each field. Example of expertise would include documents they have translated, word volumes and references from other clients.

10. Do you think the UK legal translation market would benefit from a widespread implementation of **ISO 20771**?

In some ways yes – it would certainly speed up our recruitment of freelance translators in a lot of cases as it could serve as evidence that they meet some of our requirements, however it would not be able to completely replace our recruitment/application process. Translation in the UK is still massively under-regulated so any means of helping us to demonstrate our legitimacy as an agency would be welcomed.

11. Any other comments on **ISO 20771**?

Because the onus is on the translators themselves to get accredited, I think unless this collaborative certification becomes widespread it is unlikely to be widely adopted. I also think that the standard, other than as a marketing tool, does not in reality offer anything more than ISO 17100. Although it obviously relates specifically to legal

translation, there is such a wide range of subject matter within the field, ranging from pharmaceutical patent applications, shipping related insurance litigation, commercial contracts etc. all of which are highly specialised areas within themselves, which means that there will always be a need, in my opinion for agencies or clients to carry out additional checks to determine a translator's specialist knowledge in these specific legal areas.

12. Regarding your comment about the onus being on translators to get accredited, can I check if you are applying for accreditation for your in-house translators only, or freelance translators only, or a mixture of both?

A mixture of both – all our in-house team and a few select freelancers.

13. I note your comment that ISO 20771 does not, in your opinion, offer anything more than ISO 17100. Germany's National Body (DIN) stated that its preference is for translation services for specialist areas to be in the form of domain-specific annexes to ISO 17100 to avoid excessive certification demands. What are your thoughts on DIN's statement?

Using the collaborative certification method with the ATC means that we can be audited for the 2 standards at the same time, so for us it is not particularly onerous for them to be separate. In my experience the majority of LSPs are generalist rather than specialist, so if there were to be different standards or different annexes to 17100 for all sorts of different specialisms, then I would imagine that most agencies would either want to get all of them or none of them, which would render having them a bit pointless.

14. How do you carry out additional checks to determine a translator's specialist knowledge?

We ask the linguists to complete a detailed specialist knowledge form grading themselves from 1-10 for around 50 different areas of expertise. We then ask them to list how many words they have translated in each area in the last 12 months, give examples of documents they have translated, and provide the names of clients or other agencies for each area. We will then get references from at least 2 of these clients or other agencies. Based on the information provided, our team will then decide which specialisms we want to work with them in.

15. In relation to the obligation to have legal documents revised under ISO 20771 (unless agreed with the client in writing that this is not necessary), do you already offer a translation plus revision service for legal documents?

Yes, we have 2 main levels of service. Translation and QA only, for documents which are for information only, or Translation and Proofreading by a second linguist, for documents that are going to be published, certified, used in court etc.