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## **Optimising resourcing skills to develop phraseological competence in legal translation: tasks and approaches**

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**Abstract:** Based on a previous case study on common translation errors made by trainee translators when dealing with phraseological units in legal translation (Huertas Barros and Buendía Castro 2018), this paper proposes some activities and approaches to minimise these errors and hence enhance students' phraseological competence in this field. To this end, the authors first provide a description of the most representative legal resources available for translators, particularly for the English-Spanish language pair. This is followed by a review of approaches that could develop students' legal translation competence, particularly phraseological competence. For each type of error identified in the previous case study, the authors propose a set of research-based activities which could prevent such errors by maximising the use of legal resources. The emphasis is put on preliminary documentary research and effective use of corpora prior to the translation task. The authors propose an integrated approach combining task-based approaches with approaches based on critical discourse analysis, problem-solving and decision-making. While these tasks have been designed for a semi-specialised legal text pertaining to a subdomain of family law (i.e. adoption), they can be easily applied to any other subdomains of legal translation.

**Key words:** legal translation, phraseological competence, phraseological units, task-based approaches, translation errors, translation evaluation, translator competence, translator education

### **1 Introduction**

Despite the increasing number of studies in phraseology in second language acquisition in the last few decades (Higuera 2006; Meunier and Granger 2008; Penadés 1999; Ruiz Gurillo 2002; *inter alia*), recent studies highlight the need for further research on the didactics of phraseology in translator education (Sardelli 2014), particularly in specialised translation. In the words of Heltai (2004: 61):

[...] we must develop a *phraseological competence* [...] in trainee translators that includes knowledge of ready-made phrases used in various registers in both languages, an ability to match them and an *ability to evaluate them from the sociolinguistic point of view*. This means that translators should be aware of the fact that while all technical registers presuppose a certain degree of routinization, they are expected to hit the target accurately: a higher or lower degree of routinization might give grounds for complaint.

This is particularly important for legal translation since phraseological units seem to be at the core of legal documents (Tiersma 1999: 100-104). Most importantly, as highlighted by Vigier (2016: 105), trainee translators tend to disregard communicative and textual competence (particularly with regard to phraseological use of legal discourse in the target language), resulting in translations which are not entirely adequate from a pragmatic perspective.

*Phraseological* knowledge and *competence* is indeed a key component in the recent attempts to model legal translation competence. It is included in Prieto Ramos' proposal (2011), e.g. the communicative and textual competence, and it is also present in Scarpa and Orlando (2017)'s model of legal translation competence, e.g. language competence, intercultural competence (textual dimension), and information mining. Both proposals are informed by multicomponent competence models (i.e. PACTE 2000, 2003, 2005; Kelly, 2002, 2005, 2007; and EMT 2009 respectively) and, therefore, also acknowledge the importance of other components and specificities of legal translation<sup>1</sup>.

Several case studies recently undertaken in the field of legal translation have identified both transfer and language errors as the main areas which pose problems to trainee translators when translating phraseological units (Pi-Chan and Cheng 2016; Pontrandolfo 2016; Huertas Barros and Buendía 2018). As shall be seen in Section 4.1, the case study previously conducted by the authors shows that, within these two overarching categories (i.e. transfer and language), issues related to accuracy of the message, sub-language and the use of unidiomatic combinations seem to be the most problematic areas and, therefore, those in which trainee translators need further training. Some approaches that can prevent this type of translation errors and account for students' specific needs include task-based approaches (e.g. Hurtado Albir 1999/2003, 2015a, 2015b; González Davies 2003, 2004; Monzó Nebot 2008; Borja Albi 2016; Huc-Hepher and Huertas Barros 2016; Soriano Barabino 2016), critical discourse analysis (Way 2012), and approaches based on problem-solving and decision-making (Prieto Ramos 2014; Way 2014) (see Section 3).

Building upon a previous case study on the evaluation of translation errors in legal translation (Huertas Barros and Buendía 2018) (see Section 4.1), this paper suggests a set of activities closely intertwined to maximise the use of legal resources and hence enhance students' phraseological competence. This paper is organised as follows: Section 2 provides an overview of existing legal resources for translation purposes and Section 3 reviews some approaches that could be effective when dealing with phraseological units (PUs) in legal translation. In the light of recent case studies undertaken in the field of legal translation, Section 4 presents some methodological proposals to minimize recurrent

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<sup>1</sup> Prieto Ramos' legal translation competence model breaks down into five competences: Strategic or methodological, Communicative and textual, Thematic and cultural, Instrumental, and Interpersonal and professional management competence. Scarpa and Orlando (2017)'s model is as an extension to the EMT framework of reference and therefore includes the following six competences: Translation service provision competence, Language competence, Intercultural competence, Information mining competence, Thematic competence, and Technological competence.

errors made by students when translating PUs in semi-specialised legal texts. Finally, Section 5 outlines the main conclusions drawn from this study and suggests some future lines of research and applications.

## **2 Legal resources for translation purposes**

When looking for legal equivalents, paper dictionaries (both monolingual and multilingual) are still the first port of call. Despite being primarily relevant for the decoding process, monolingual resources could easily become a useful resource for information on collocations. Penadés (2001: 62) affirms that in order to know whether a word collocates with another word, it is sufficient to see whether the candidate word is contained in the definition of the other word. In line with this, Woolard (2000: 36) states that since dictionaries include examples of use illustrating the word in context and these examples may include some collocates, tutors should simply encourage students to browse these examples for collocations (Woolard 2000: 36).

Bilingual legal dictionaries offer users correspondences of a word or PUs in another language. Entries in these dictionaries usually do not include definitions, since it is assumed that users already know the meaning of the word or have previously looked it up in a monolingual dictionary (Buendía 2013: 127). Generally speaking, these dictionaries are bidirectional, i.e. searches can be launched from the source language to the target language (e.g. English-Spanish) and from the target language to the source language (e.g. Spanish-English). According to de Groot and van Laer (2011: 150), there are at least 200 printed bilingual or multilingual legal dictionaries which include two or more legal languages of the European Union Member States, without taking into account those specialised on certain areas of law, and also excluding resources limited to one state (e.g., Belgium, which uses three official languages, namely, French, Dutch, and German).<sup>2</sup>

One of the main limitations of monolingual and multilingual legal dictionaries is that most of them do not have an electronic version and can only be consulted in paper format. This limits access to information since searches are only possible from the base term (i.e. the noun), which means that searches are time-consuming. In addition, there is the risk of not including the most recent concepts or new senses because of the length of the publishing process (Biel 2008: 29). Another obvious limitation of paper resources is the rather small amount of language contained in the dictionary (Woolard 2000: 36). Consequently, presently there is a growing tendency to use online resources since, if designed properly, they can enhance access to phraseological information, as well as offer a wide range of search options and more current legal information which can be continuously updated on the system. Within the umbrella term of *online resources*, in this paper the authors refer to glossaries, databases, corpora, and legal websites which provide official translations<sup>3</sup>.

Thanks to the Internet we have now an endless amount of real language to explore and exploit.

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<sup>2</sup> Borja Albi (2016: 332-333) provides a complete list of bilingual and multilingual legal dictionaries for the English-Spanish pair.

<sup>3</sup> See Buendía Castro and Faber (2018) for a description of online legal resources.

Vast amounts of texts have been compiled in what has been referred to as a *corpus*, i.e. a collection of texts or pieces of texts, in electronic format, which have been selected according to specific criteria in order to be representative of the language (Sinclair 2005). If correctly designed, corpora are rich sources of information that can provide the translator with linguistic and conceptual knowledge that is not easily found in dictionaries. In this regard, legal corpora enable translators to become familiar with the micro and macro-textual features of legal texts. More specifically, target-language corpora allow translators to familiarise themselves with the most salient collocations, multi-word units, fixed formulas and conventional phrases of text written in the target language. Therefore, legal corpora can compensate, to a great extent, the absence of legal phraseological dictionaries by means of concordance-based queries (Pontrandolfo 2017a, 2017b).

### **3 Approaches for dealing effectively with phraseological units in legal translation**

The last two decades have witnessed a proliferation of innovative student-centred approaches in translator education. Among these, some approaches that can mitigate recurrent translation errors when dealing with PUs in legal translation include task-based approaches<sup>4</sup>, critical discourse analysis<sup>5</sup> and approaches based on problem-solving and decision-making<sup>6</sup>. These approaches can develop and hone legal translation competence (Prieto Ramos 2011: 12; Scarpa and Orlando 2017: 28-31) and, more specifically, phraseological competence (Heltai 2004) required in legal translation courses, by providing students with legal knowledge and making them aware of the collocations and formulaic sequences that characterise this field.

Task-based learning, originally applied to foreign language teaching (e.g. Nunan 1989) has been successfully applied to translation education in the last few years. This approach is based on designing a series of “concrete and brief exercises that help to practice specific points, be linguistic, encyclopaedic, transfer or professional (...) [T]he activities lead along the same path towards the same global end [i.e. task] (...) understood as a chain of activities with the same global aim and a final product” (González Davies 2004: 22, 23). As defined by Hurtado Albir (2015b: 263), “the approach consists of instructional design as a set of tasks, and regards the task as the unit on the basis of which the learning process is organized.” This approach conceives curriculum design from a global and integrated perspective since it brings together the core elements of the teaching and learning process, i.e. learning objectives, content, methodology and assessment.

By completing a series of carefully sequenced activities, students can develop a wide range of legal translation competences (e.g. communicative and textual; thematic and cultural; subject area; instrumental; and strategic or methodological competence). For example, students can enhance their

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<sup>4</sup> See e.g. Hurtado Albir (1999/2003, 2015a, 2015b); González Davies (2003, 2004); Monzó Nebot (2008); Borja Albi (2016); Huc-Hepher and Huertas Barros (2016)

<sup>5</sup> See Way (2012)

<sup>6</sup> See e.g. Prieto Ramos 2014 and Way (2014)

language receptive and productive skills, maximise the use of documentary research and information and communication technologies for translation purposes. Students can also develop subject-specific knowledge, identify translation problems and develop effective translation strategies to resolve them. The task-based approach has indeed proven effective in specialised translation, particularly in legal translation (Cánovas, Cotoner and Godayol 2003; Monzó Nebot 2008; Borja Albi 2016; Soriano Barabino 2016), where dedicated activities and tasks can provide students with knowledge on legal translation and law, enhance their documentary skills and develop their legal writing style. In other words, by using this approach students can practice and acquire both procedural (know *how*) and declarative knowledge (know *what*) in translation (González Davies 2004: 23).

Proposals based on discourse analysis can also be an effective way to introduce trainee translators to legal discourse. Way (2012) proposes a critical discourse analysis methodology which allows students to develop a structured analytical process when translating legal texts. In this proposal, discourse analysis is understood as a form of practice and of social action. Students position the text within the social processes which surround it, and by situating the text within the discursive practice they become familiar with the social structures and conventions governing the text (Way 2012: 45). Once students understand the three dimensions involved in the translation task (i.e. text, discursive practice, and social practice) they can overcome many of the translation problems encountered since they become familiar with the discursive and social practices which characterise both the source text (ST)/source culture (SC) and target text (TT)/target culture (TC).

Interesting proposals based on problem-solving and decision-making have also been published recently. Prieto Ramos (2014) proposes an integrated model of legal communicative parameters to solve problems with equivalence in legal translation. This holistic approach (Prieto Ramos 2014: 122-123) addresses all stages of the translation process and outlines four essential aspects for identifying and solving legal translation problems:

- 1) The definition of the overall adequacy strategy, which relies heavily on the analysis of the translation brief and the communicative situation (type of translation and general conditions, *skopos* and relation to ST communicative situation) but also on the legal macro-contextualization of the translation process (legal system/s, branch/es of law, text-type and genre).
- 2) ST analysis (culture-bound legal concepts, their relation to the main legal function of the text, how they adhere to established formulas and conventions, and comprehension and ambiguity problems).
- 3) Reformulation, which is linked to terminological and phraseological problems and to other reformulation problems (e.g. style, cohesion or syntax). This stage is based on an analysis of receivers' needs and expectations and an acceptability analysis of the terms and formulations that can meet those needs in order to select the most adequate translation option.
- 4) Revision (verification of adequacy to *skopos*).

Way (2014) suggests a decision-making framework for legal translation that aims to enhance students' confidence and performance in a field they tend to find daunting. The suggested structure to establish this framework pays particular attention to the following factors: 1) organising the course around a structure of decision-making contexts based on different tasks; 2) building upon pre-existing knowledge by using a relatively familiar field for students, e.g. family law; 3) introducing new concepts, text types and discourses based on collaborative activities; and 4) group presentations using the Project Management Sheet (Way 2009). The latter has been proven extremely useful to identify, analyse and classify problems, find effective tools to resolve them, and evaluate the reliability of such resources (Way 2014: 144). As shall be seen in section 4, the integration of a problem-solving and decision-making framework with a selection of research-based activities carefully designed depending on the level of difficulty of the ST can enhance various translator competences.

#### **4 Tasks and approaches to enhance students' phraseological competence**

The overall task proposed in the following sections comprises a series of activities to be included in 3x2-hour sessions<sup>7</sup> in order to minimise transfer and language errors in legal translation. Session 1 (see 4.2.1) will focus on the use of parallel texts and reliability of websites. In session 2 (see 4.2.2) students will be introduced to a wide range of lexicographic and terminographic legal resources available, particularly for the English-Spanish language pair. Finally, in session 3 (see 4.2.2) students will be provided with specific training in the use of corpora. The activities have been designed in the light of the type of translation errors made by both Spanish native speakers (SNSs) and English native speakers (ENSs) when translating (from English into Spanish) a ST concerning adoption procedures. The ST was translated within a core translation module (English>Spanish>English) for second-year students completing a BA in Translation (Spanish) at the University of Westminster. The overall task has been designed so that students are able to apply appropriate resourcing skills, including legal corpora, in order to minimise errors when translating phraseological units from a similar ST in subsequent academic years. Prior to suggesting some activities and approaches to develop and hone students' legal translation competence, particularly phraseological competence, the following section provides an overview of recent case studies involving the evaluation of translation errors in legal translation.

##### **4.1 Previous research on the evaluation of translation errors in legal translation**

Several case studies carried out in the last few years have addressed translation errors in legal translation involving different language combinations.

Pi-Chan and Le Cheng (2016) compiled a corpus of abstracts from articles of law reviews translated from Chinese to English and viceversa and identified translation errors to investigate the

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<sup>7</sup> While the authors envisage the set of activities to be spread across 3 sessions of 2 hours (6 hours in total), additional sessions may be added depending on the level of detail covered in each session.

potential origin of these problems. Their study revealed that most translation issues were linked to errors concerning incorrect titles of regulations, lexical errors, syntactic errors and others (e.g. errors involving a combination of errors, nonsense, omissions). These problems were caused by failure to consult reliable reference tools, influence of ordinary language, lack of legal knowledge and insufficient mastery of language competence, particularly legal language and discourse (Pi-Chan and Le Cheng 2016: 241).

Pontradolfo (2016) carried out a case study involving the identification of common errors when translating criminal judgments in the Spanish-Italian language pair. Following a quantitative and qualitative analysis, this study identified both transfer and language errors as the main areas in which trainee translators need further training.

The authors' case study on the evaluation of translation errors in legal translation (Huertas Barros and Buendía 2018) yielded similar results. It was conducted with a sample of second-year undergraduate students (n=14; 8 ENSs and 6 SNSs) studying a BA in Translation at the University of Westminster during the academic year 2014-2015. The study analysed the translation strategies used by students when dealing with certain PUs in a piece of legal translation coursework involving the English into Spanish language pair. The authors selected the PUs pertaining to the subdomain of adoption which posed more problems for students. A total of 85 errors<sup>8</sup> were made by students, of which 44 (51.8%) resulted in transfer issues, and 41 (48.2%) in problems related to language. Within the transfer errors, 28 errors (33%) fell within the subcategory of accuracy, and 16 errors (18.8%) within the subcategory of completeness. As language errors are concerned, 4 (4.7%) were associated with smoothness, 17 (20%) with sub-language, 3 (3.5%) with tailoring, 15 (17.6%) with idiom, and 2 (2.4%) with mechanics. Based on a quantitative and qualitative analysis, the case study also provided a breakdown of errors associated with students' background, i.e. SNSs and ENSs. Whereas SNSs were more prone to make "transfer > accuracy" errors, and "language > sub-language" errors, ENSs mainly incurred in "transfer > accuracy", "transfer > completeness" and "language > idiom" errors.

#### **4.2 Approaches and tasks to minimise translation errors when dealing with phraseological units in a legal text**

In the light of the above case studies, particularly the authors' previous research on the evaluation of translation errors in legal translation, this section suggests a set of activities to address the main translation problems encountered by students when dealing with the types of PUs that characterise legal texts. Building upon task-based approaches, critical discourse analysis, and approaches based on problem-solving and decision-making (see Section 3) the following proposals aim to enhance students' phraseological competence.

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<sup>8</sup> Our classification of type of errors followed Mossop's proposal (2014: 134–149).



#### 4.2.1 Activities to prevent errors associated with meaning transfer

As shown in section 4.1, the main difficulties students faced when translating legal texts were associated with problems of meaning transfer (51.8%). Law tends to be a daunting field which poses significant problems for trainee translators due to their lack of prior knowledge in this area.

The ST used in the authors' case study was an edited text taken from the official government website of Northern Ireland (NI direct). The extract provided information about the adoption process and how to facilitate the placement of children to families in Northern Ireland. As a contextualization activity prior to the translation of a similar ST, students will be asked to conduct some preliminary research at home to compare adoption practices and regulations in different countries (e.g. in Spain and in different South American countries). As a way of easing the students gently into this topic, firstly, students will be asked to read about the adoption process in general. Alcaraz Varó and Hughes (2009: 201-203) devote a section to parentage and the legal relation between parents and children, including adoption and other arrangements for the care of a minor in a suitable family (i.e. custody, guardianship and fosterage). Students will also be encouraged to consult some relevant handbooks of comparative law (e.g. Soriano Barabino 2016) to raise awareness about the different legal systems, textual conventions and familiarise with the cultures involved.

Session 1 (2 hours) aims to exploit the use of parallel texts and evaluate the reliability of websites. In view of the translation brief, students will be introduced to NI direct<sup>9</sup> and GOV.UK<sup>10</sup> (a portal to public service information from the UK Government), both of which provide detailed information about adoption, fostering and children in care and could be the source of potential texts for their corpus. Apart from general information, these official websites contain useful guides about intercountry adoption for UK residents which can complement students' pre-existing knowledge about the topic. As a complementary task to this preliminary introduction to the topic, students will be asked to search for parallel texts in both the ST/SC and TT/TC and compile a comparable *ad hoc* corpus (English-Spanish) in a subsequent session (see section 4.2.2) to acquire sufficient knowledge and familiarise with the adoption practices in force in different countries.

During the first session, the potential of parallel texts in the ST/SC will be explored by analysing some common errors detected in the authors' previous case study with the PU 'local Health and Social Care Trust', which led to several "transfer > accuracy" and "transfer > completeness" issues. In an attempt to provide an explanation for the Trust, some students introduced a major inaccuracy in the TT by stating that the Trust operates in the entire United Kingdom. Other students opted for replacing the cultural referent 'Health and Social Care Trust' with a potential functional equivalent in Spanish. Students will be shown how appropriate documentary research in the aforementioned official

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<sup>9</sup> <https://www.nidirect.gov.uk/> Section on adoption: <https://www.nidirect.gov.uk/information-and-services/adoption-fostering-and-children-care/adoption>

<sup>10</sup> <https://www.gov.uk/> Section on adoption: <https://www.gov.uk/browse/childcare-parenting/fostering-adoption-surrogacy>

government websites would have resolved such transfer issues. A quick search in the NI direct website shows that there are five Health and Social Care Trusts (in Belfast, Northern, South Eastern, Southern and Western Northern Ireland) which provide services to the public locally and on a regional basis. At this point, special emphasis will be given to the audience's needs and expectations in relation to the comprehension of culture-bound concepts, considering their function and relevance within the text and the audience's knowledge of such cultural elements (Prieto Ramos 2014: 123-124). Considering the TT was meant to be addressed to prospective adopters who were hoping to adopt in Northern Ireland, students will reflect on why the option of replacing the Trust with a potential equivalent cultural feature in Spanish should be discarded in this case. The suitability of different translation strategies will be discussed with students while familiarising them with the integrative model for problem-solving proposed by Prieto Ramos (see Section 3). Through this particular example, students will understand why in this case the TT audience expects the cultural specificity of the Trust to be present in the translation, and why a ST-oriented formal correspondence is the most adequate solution for this communicative situation.

Online glossaries can also be of tremendous help, but as with websites, students would have to evaluate carefully the reliability of the source. As such, part of the first session will also be devoted to show students how to assess the validity of websites (Buendía Castro and Ureña 2009) and, by extension, to look for reliable glossaries on adoption. To this end, two online glossaries will be used, one compiled by the *First4Adoption*<sup>11</sup> (the national information service for adopting a child in England) and one created by the *Blackpool Council Adoption Services*<sup>12</sup>.

In the second part of the session, these research-based activities will be complemented by analysing other parallel texts of a more complex nature both in the SL/SC and TL/TC. Students will be introduced to the National Archive<sup>13</sup> (the official archive and publisher for the UK government), which offers access to over 1,000 years of the nation's records, including the Adoption and Children Act 2002 and regulations for prospective adopters wishing to bring an adopted child into the UK. Similarly, students will be asked to consult the website of the Ministry of Health, Social Services and Equality of Spain (Ministerio de Sanidad, Servicios Sociales e Igualdad), which devotes an entire section to national and international adoption, including general information about adoption practices and the adoption law in force<sup>14</sup>. A critical discourse analysis in both the SL/SC and TL/TC (see Section 3) will provide students with thematic and cultural knowledge about intercountry adoption but also with existing parallel discursive and social practices. As stated by Way (2012: 54): "Familiarity with the whole process of text production not only clarifies problematic areas of the translation that dictionary or terminological

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<sup>11</sup> <http://www.first4adoption.org.uk/about-us/>

<sup>12</sup> <https://www.adoptwithblackpool.com/what-is-adoption/glossary>

<sup>13</sup> <http://www.legislation.gov.uk/>

<sup>14</sup> <http://www.msssi.gob.es/home.htm> Section on adoption:  
<http://www.msssi.gob.es/ssi/familiasInfancia/Infancia/adopciones/home.htm>

searches will rarely resolve, but also reinforces their confidence when approaching the translation task and later justifying their decision-making process and solution.”

In line with Borja Albi’s proposals (2016: 176, 179), other alternative activities that can improve comprehension of the ST will be used during part of this session or in a subsequent session. These will include reading a legal text and summarising it, responding to some specific questions about a legal text, providing a definition of the key terms and ‘filling the gap’ tasks. In this particular case, more complex texts such as the governing adoption legislation and regulations in the UK and in Spain (i.e. the Adoption and Children Act 2002<sup>15</sup> or Ley 54/2007, de 28 de diciembre, de Adopción internacional<sup>16</sup>) will be used as specified above. This set of activities, in combination with the ones suggested for sessions 2 and 3 (see Section 4.2.2), would activate and increase students’ knowledge about intercountry adoption as well as acquainting them with the legal terms and discourse which characterise this family law subdomain. The overall task ultimately aims to minimise potential translation errors associated with a lack of comprehension of the ST or lack of familiarity regarding phraseological use of legal discourse.

#### **4.2.2 Activities to prevent errors associated with language and style errors**

As previously mentioned in Section 4.1, 48.2% of translation errors in the authors’ previous study were related to language. For subsequent years, some research-based activities will be designed to make students aware of the usefulness of dictionaries, databases and corpora to overcome many of the legal phraseological problems encountered. The main aim will be to provide students with specific training on the use of legal resources for translation purposes. As shall be seen, most of the errors identified could have been avoided if relevant monolingual dictionaries, glossaries, online databases and corpora had been used effectively to find potential translation equivalences and to infer collocational behaviour of words. As such, 2x2-hour training sessions (i.e. session 2 and session 3) will be designed to prevent such translation errors. Session 2 will introduce students to the main lexicographic and terminographic legal resources available in paper format and online, whereas session 3 will focus on corpus-aided tools and the main theoretical concepts associated with corpus methodology.

During the first hour of session 2, students will be introduced to monolingual and bilingual legal dictionaries available for the English-Spanish language combination. Monolingual legal dictionaries provide definitions of legal concepts that form a conceptual network of a legal system in one language (Biel 2008: 27–28). Therefore, students can easily infer phraseological information from the definition, the examples of use, and the section for phrases, which some dictionaries include at the end of the term entry. Students will be introduced to The *Diccionario del español jurídico*<sup>17</sup> (Muñoz-Machado 2016),

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<sup>15</sup> <http://www.legislation.gov.uk/ukpga/2002/38/contents>

<sup>16</sup> <https://www.boe.es/buscar/act.php?id=BOE-A-2007-22438>

<sup>17</sup> <http://dej.rae.es>

for Spanish, and the *Black's Law Dictionary* (Garner 2014), for English, which may be the most discipline-related monolingual legal dictionaries for each language<sup>18</sup>.

Bilingual legal dictionaries include target language equivalents of source language legal concepts. As in monolingual dictionaries, in bilingual dictionaries, collocations are either offered explicitly or inserted in examples of use as a totally arbitrary decision. In other words, collocations in bilingual dictionaries are not well differentiated from typical examples provided for a particular sense. Therefore, students need to learn to infer whether the examples are representative of the word in context or if they are merely free combinations (Buendía 2013: 123-127).

During this part of the session, students will be introduced to printed bilingual and multilingual legal dictionaries containing the languages of the European Union Member States as per De Groot and van Laer's classification (2005, 2011), which includes the following categories: (i) *word lists*, i.e. bilingual or multilingual lists of terms with poor translations and with no information regarding meaning (e.g. *Diccionario bilingüe de términos legales inglés-español, español-inglés = Bilingual Dictionary of Legal Terms English-Spanish, Spanish-English* (Ramos-Bossini et al. 2008)); (ii) *explanatory dictionaries*, which include contexts of use (e.g. *Diccionario de términos jurídicos = A Dictionary of Legal Terms: inglés español, Spanish-English* (Alcaraz-Varó et al. 2012) and *Legal Dictionary English-Spanish – Spanish-English* (Kaplan 2012)); (iii) *comparative dictionaries*, which also refer to legal systems, legal sources, legal areas or comparative law and differentiate among legal systems that share the same language (e.g. *Bilingual Law Dictionary* (Gallegos 2005) and *Dahl's Law Dictionary Spanish-English/ English-Spanish* (2010)). Introducing students to these categories will make them aware that each successive category shows a higher degree of quality (de Groot and van Laer 2005: 2). In other words, this overview would show that comparative dictionaries are supposed to meet the requirements of a large number of legal translators, whereas word lists only offer limited information. As noted by Groot and van Laer (2005: 2), most legal dictionaries fall within the scope of *word lists*, which means students will not be able to find any information regarding phraseology in such resources.

Students will be asked to look up some specific legal terms (which would vary depending on the concrete brief) in both monolingual and bilingual resources. They will be asked to reflect on the phraseological behaviour of the terms, the specific section within these resources where they find phraseological information and compare their results with their peers. The PU 'adoption panel', which proved problematic for previous students, will be used as an example to illustrate this task and show how the phraseological information provided by explanatory dictionaries can inform translation choices. As highlighted in Huertas Barros and Buendía (2018), 33.3% of SNSs and 50% of ENSs provided an inaccurate translation for the PU 'adoption panel'. Most of the times, students used 'panel' in Spanish instead of 'comité' or 'comisión' resulting, thus, in a calque of the source language (i.e.,

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<sup>18</sup> For a comprehensive list of Spanish and English legal monolingual dictionaries, see Borja Albi (2016: 330-332).

Language > Idiom). For instance, the bilingual dictionary *Diccionario de Términos Jurídicos. A Dictionary of Legal Terms (inglés-español, Spanish-English)* (Alcaraz-Varó et al. 2012) will be shown as an example of how to prevent this kind of mistakes. As displayed in Table 1, ‘panel’, when used in a general sense, could be translated as ‘comisión’, ‘comité’ (see second sense). The potential of examples of use, which are provided for some combinations after the symbol  $\diamond$  (e. g. ‘*The matter was referred to a panel of experts, who were asked to provide their personal opinion in writing*’), will also be exploited in this session.

<p><b>Panel1</b> <i>n.</i>: CONST tribunal; se usa, sobre todo en Norteamérica, en la expresión <i>a panel of judges</i> con el sentido de <i>a bench of judges</i>; V. <i>en banc</i>. [Exp: <b>panel2</b> (GRAL comisión, comité, comisión técnica <math>\diamond</math><i>The matter was referred to a panel of experts, who were asked to provide their personal opinion in writing</i>; V. <i>arbitración panel, empanel</i>), <b>panel3</b> <i>der esc</i> (PENAL acusado), <b>panel of jurors</b> (PROC lista de candidatos a formar parte de un jurado, propuestos normalmente por el <i>sheriff</i>; a esta lista igualmente se la llama <i>array</i>, y el acto de constitución del jurado también recibe el nombre de <i>empanelling a jury</i>; V. <i>jury panel</i>), <b>panel of experts</b> (PROC comisión de expertos)].</p>
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Table 1. Entry for the headword ‘panel’ in Alcaraz-Varó et al. (2012)

The second part of this 2-hour session will be devoted to the main functionalities of large online glossaries and databases for legal translation. Students will be introduced to IATE (*InterActive Terminology for Europe*)<sup>19</sup> and TERMIUM Plus®<sup>20</sup>, which are considered some of the largest terminology and linguistic databases in the world (Pimentel 2015). IATE is the EU’s multilingual terminology database which has been available online since 2007 and covers a wide range of domains, including law. It includes more than 8 million terms, along with 130,000 phrases in all 24 official EU languages. TERMIUM Plus® has been developed by the Government of Canada as a result of over 35 years of research and development in terminology. It contains millions of terms in English, French, Spanish, and Portuguese, for both general and specialised language, including law. In addition, these databases also allow searches by noun or by verb, and include a definition or context of use for most combinations, which is very useful for translation purposes.

For this part of the session (1 hour), two activities will be proposed. In the first activity, students will be asked to query these databases with specific terms (which would vary depending on the specific brief) and discuss their findings with their peers to familiarise with the type of information offered by such databases. The main functionalities of these resources will be firstly introduced to the whole class by focusing on the type of problems encountered by previous students when translating the combination ‘decision maker’. As identified in the authors’ previous study, for this combination students provided

<sup>19</sup> <http://iate.europa.eu>

<sup>20</sup> <http://www.btb.termiumplus.gc.ca>

renderings such as ‘tomador\*<sup>21</sup> de decisiones de la agencia’ or ‘fabricante\* de la decision de la agencia’, which make little sense since they are not idiomatic combinations in Spanish. These errors could have been avoided with an effective use of databases (e.g. IATE). For the PU ‘decision maker’ (see Figure 1), IATE suggests, among others, the translation ‘persona responsable de adoptar decisiones’ in Spanish, which based on IATE’s reliability code seems to be a suitable equivalence in this context<sup>22</sup>. Other useful options that would allow students to assess the suitability of the translations proposed by IATE are the term reference ( +@), context , note section , and definition , which can also be retrieved by clicking on *full entry*. For example, when this is done for the combination ‘decision maker’, another window is displayed showing the term reference, a reliability code for both the source term and the term in the target language as well as a target language equivalent. The source term also includes an explanatory context, which could serve as a definition, and the reference from which it was taken.

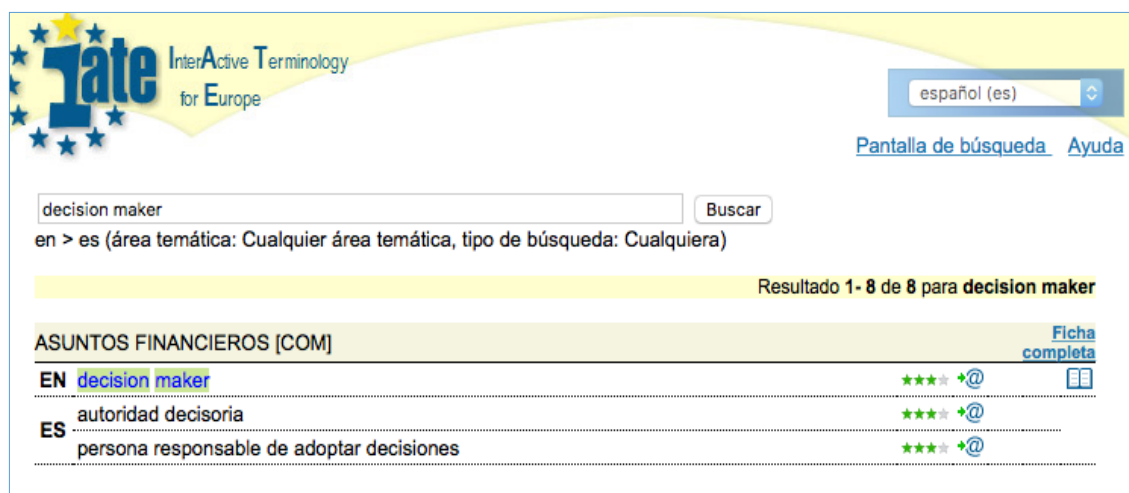


Figure 1. Extract of the term entry ‘decision maker’ in IATE

In the second activity, students will be asked to focus on the phraseological information these resources offer and, more specifically, on verbal phraseological information. Apart from the large number of phraseological units IATE and TERMIUM Plus® contain, one of the most significant advantages of these databases is that, unlike most legal resources, they include verbal collocates. The crucial importance of verbal collocates, especially for text encoding purposes, will be explained to students by using the PU ‘criminal record’ as an example. Even though translators agree that the inclusion of phraseological information in terminographic resources is of major importance, few specialised resources contain word combinations (L’Homme & Leroyer 2009: 260). In fact, most of

<sup>21</sup> The \* indicates the translation provided by the student in question contains an error.

<sup>22</sup> IATE includes a reliability code: three stars mean that the information can be considered reliable, whereas one star indicates that its reliability cannot be verified.

them do not take into account the description of verbs, despite the fact that verbs are regarded as the most important lexical and syntactic category of language (Fellbaum 1990).

An extract of the results obtained for this term in IATE (see Figure 2) will be shown to discuss and analyse verbal combinations such as ‘to have a criminal record’.

The screenshot shows the IATE search interface. At the top left is the IATE logo with the text 'InterActive Terminology for Europe'. On the top right, there is a language dropdown menu set to 'español (es)' and links for 'Pantalla de búsqueda' and 'Ayuda'. Below this is a search bar containing the text 'criminal record' and a 'Buscar' button. Underneath the search bar, it says 'en > es (área temática: Cualquier área temática, tipo de búsqueda: Cualquiera)'. The main area displays search results for 'criminal record', showing 'Resultado 1- 10 de 10 para criminal record'. The results are organized into several thematic sections, each with a 'Ficha completa' link. The sections include:
 

- Justicia, DERECHO [COM]**: EN criminal record, criminal register; ES registro de antecedentes penales.
- DERECHO, Unión Europea, Migración [Council]**: EN judicial record; ES documentos judiciales.
- Información, Informática y tratamiento de datos, Derecho penal [COM]**: EN ECRIS, European Criminal Records Information System; ES ECRIS, Sistema Europeo de Información de Antecedentes Penales.
- Derecho penal, Unión Europea [Council]**: EN European criminal record, European criminal register; ES registro europeo de antecedentes penales.
- Migración, Unión Europea, DERECHO [Council]**: EN to have a criminal record; ES tener antecedentes penales.

 Each result entry includes a star rating (mostly 4 stars) and various icons for document management.

Figure 2. Extract of the results for ‘criminal record’ in IATE

Finally, session 3 (2 hours) will be devoted to theoretical concepts associated with corpora and how to use the wealth of information provided by these resources effectively to prevent language and style errors, among others. Additionally, students will be introduced to specific corpus query tools, namely Sketch Engine, and how to use its basic functions. As such, firstly, students will be asked to do some readings on corpora (e.g. Biel 2010, Fletcher 2007, Pontrandolfo 2012, Zanettin 2012) to become acquainted with the concept of corpus and the types of corpora. Students will be introduced to the types of online legal corpora available<sup>23</sup>: (i) subcorpora of general corpora; (ii) autonomous legal corpora. Within the first group, special emphasis will be given to some of the most representative monolingual corpora that include texts on law, i.e. the *British National Corpus* (BNC)<sup>24</sup>, for English, and *Corpus del*

<sup>23</sup> For an overview of legal corpora, please see Pontrandolfo (2012).

<sup>24</sup> <http://www.natcorp.ox.ac.uk>

*español del siglo XXI* (CORPES XXI)<sup>25</sup>, for Spanish. Students will also be introduced to the parallel corpora offered by the European Union in a wide variety of languages and domains, including law. For instance, *The European constitution corpus* (EUconst), and the *European Parliament Proceedings corpus* (EUROPARL), available, among others, for the English-Spanish pair. Both can be accessed via the open source parallel corpus website (OPUS)<sup>26</sup>, which allows students to consult a growing collection of translated texts from the web, and via the Sketch Engine corpus query tool<sup>27</sup>.

This session will also highlight the importance of autonomous legal corpora available online by providing students with a brief description of the main advantages and functionalities offered by these resources. Particular attention will be paid to the following corpora:

(i) the *Bolonia Legal Corpus* (BoLC)<sup>28</sup>, a comparable English-Italian corpus which aims at representing the Italian and the English legal language and, more specifically, the differences between the civil and the common-law systems;

(ii) the *British Law Report Corpus* (BLaRC) (available on Sketch Engine) which is an 8.85 million-word legal corpus of 1,228 judicial decisions issued between 2008 and 2010 by British courts and tribunals. It is divided into five categories: a) Commonwealth countries; b) United Kingdom; c) England and Wales; d) Northern Ireland; e) Scotland.

(iii) the parallel corpus JRC-Acquis<sup>29</sup>, which is the total body of the European Union Law applicable in the European Union Member States. This corpus can be downloaded as translation memories.

Secondly, students will be taught how to build their own corpus from the web (*do-it-yourself corpus*, *DIY corpus*) by relying on authoritative websites (Buendía Castro and Ureña 2009). Generally speaking, a *DIY corpus* is a collection of internet documents compiled *ad hoc* as a response to a specific text to be translated (Zanettin 2002: 242). This corpus, also referred to as *ad hoc*, *virtual*, or *disposable corpus* (Varantola 2003: 55), has proved to be of valuable help for any trainee translator, and more specifically, for trainee legal translators (Monzó 2008; Scott 2012; Vigier 2016). *DIY corpora* are compiled to meet transitory needs rather than to enrich a permanent corpus. To this end, students will be asked to identify and download parallel texts in the target language. To complete this activity students will use the parallel texts they identified in session 1 (see section 4.2.1). However, students could also be asked to compile an *ad hoc* corpus for a different brief, text type and genre. Once downloaded and converted to .txt files, the texts can be processed by corpus analysis tools such as Sketch Engine. Students will be introduced to the corpus query system Sketch Engine and how to query pre-loaded corpora available in this engine. Apart from the conventional functions offered by other corpus query

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<sup>25</sup> <http://web.frl.es/CORPES/view/inicioExterno.view;jsessionid=A913BF5CDA269895F220C9CEA51F5575>  
Students need to restrict their queries to the domain of Law in these general corpora

<sup>26</sup> <http://opus.lingfil.uu.se>

<sup>27</sup> <https://the.sketchengine.co.uk>. See Kilgarriff et al. (2004) for more information regarding Sketch Engine.

<sup>28</sup> <http://corpora.dslo.unibo.it/BoLC/BOLCCorpQueryENG.html>

<sup>29</sup> <https://ec.europa.eu/jrc/en/language-technologies/jrc-acquis>



tools such as WordSmith Tools (i.e. generation of concordances, keywords, and wordlists), students will be made aware of the specific functionalities offered by Sketch Engine including what has been referred to as *word sketches*. *Word sketches* are one-page automatic, corpus-based summaries of a word's grammatical and collocational behaviour (Kilgarriff et al. 2004). Succinctly put, a Sketch Engine account offers students the following:

- Pre-loaded corpora (whose size varies and can reach up to 20 billion words) in more than 80 languages;
- Access to the WebBootCaT tool (Bernardini, Baroni and Evert 2006), which enables them to compile a corpus of thousands of tokens automatically in a few minutes from the 'seed terms' entered. Generally speaking, in order to build automatically a corpus with WebBootCat students would have to specify the language; select the seed words, i.e. words that are specific of a given domain and that the system would use to launch the query to a search engine like Google;
- A CorpusBuilder, which permits students to upload and set up their own corpora from the hard drive, and work with them from a linguistic perspective.

The parallel corpus OPUS2 will be used as an example in class to show all the functionalities and advantages for translation purposes offered by Sketch Engine. The English corpus OPUS2 contains more than 40 languages – including Spanish – which amounts to 1,500,000,000 tokens. It includes, among others, the EUconst corpus, the Europarl3 corpus, and the MultiUN corpus. In order to access the aforementioned functionalities, students only need to sign up and click on PARALLEL tab in the upper right menu tab (see Figure 3). Students will be shown how to access all the parallel corpora available on Sketch Engine and how to filter them by language (i.e. English). They will also be instructed on how to select the relevant corpus in this case, i.e. the OPUS2 English Corpus, and select the other language (i.e. Spanish) to be able to query the corpus.

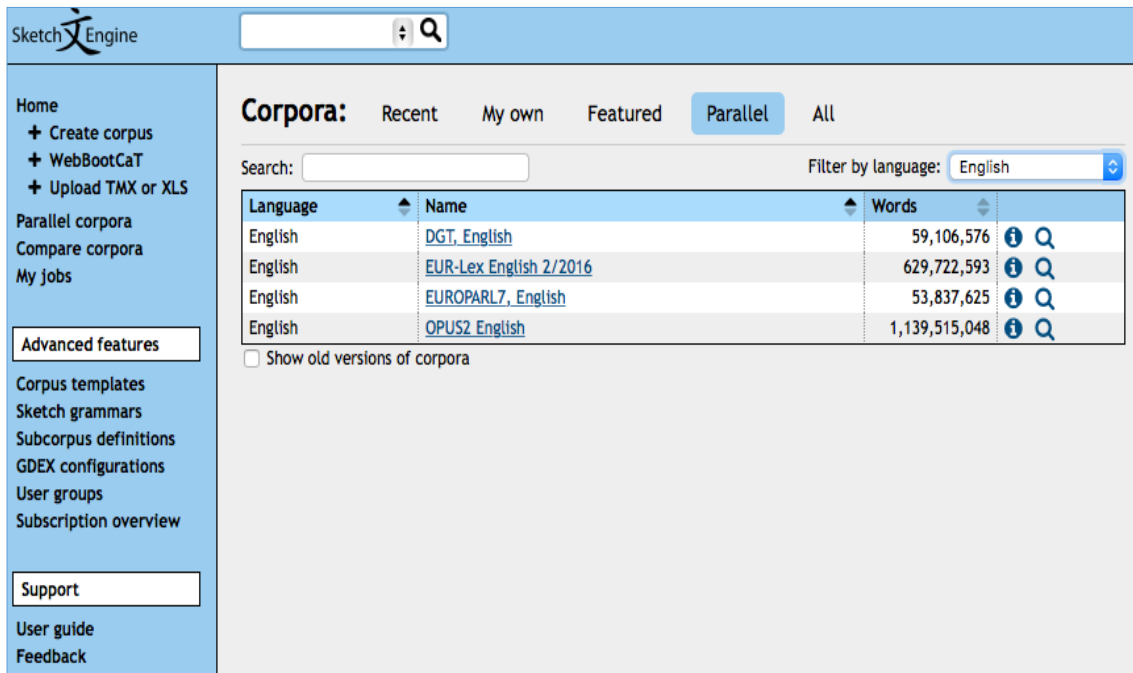


Figure 3. English parallel corpora on Sketch Engine

The potential of Sketch Engine for legal translation purposes will be explained to students by using as examples the problems identified in the authors' case study when dealing with the PU 'health and criminal record'. As described in Huertas Barros and Buendía (2018), some students apparently understood the source language PU, but they did not offer a natural combination in Spanish, resulting thus in a Language > Idiom error (e.g. 'historial clínico e historial criminal\*', 'su salud y su historial criminal\*', 'estado de salud y antecedentes criminales\*'). In addition, some Language > Sub-language ('expediente delictivo\*') and Sub-language/Smoothness errors were also detected ('su salud y antecedente penal\*', 'su estado de salud y cualquier antecedente penal\*'). In other words, in some cases 'criminal record' was lexicalised in singular in Spanish, following thus the same grammar pattern as in the ST, which is incorrect given that Spanish lexicalizes the general concept of 'criminal record' in a plural form (i.e. 'antecedentes penales'). It will be explained how the OPUS2 parallel corpus could have avoided such mistakes by using corpora instead of a bilingual dictionary given that the former offer PUs in context. As shown in Figure 3, for the PU 'health and criminal record', OPUS2 offers the hit 'el estado de salud y los antecedentes penales'. Both translation options are suggested by the United Nations which may indicate a higher degree of reliability.

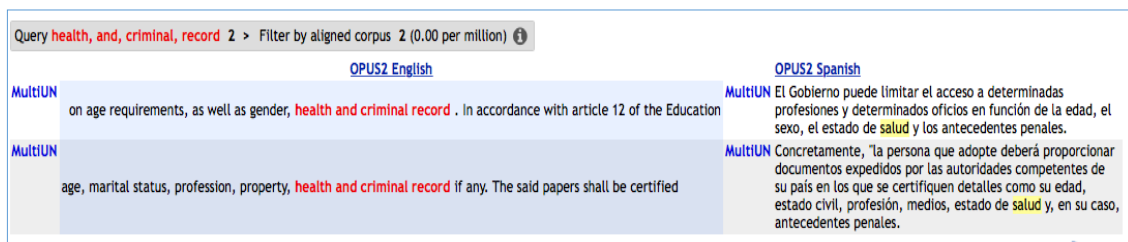


Figure 3. Results in Spanish for 'health and criminal record' in the OPUS2 corpus

## 5 Conclusions

The authors' previous research demonstrate students need to be provided with more effective training on how to use legal resources effectively, particularly on resourcing skills and the use of corpus analysis tools. The type of errors identified in an earlier case study (Huertas Barros and Buendía 2018), i.e. predominantly transfer and language errors, shows trainee translators tend to lack prior legal knowledge and are rarely familiar with legal discourse. In this sense, along with lexicographic and terminographic resources available in paper format, electronic resources, such as large corpora, glossaries, databases, and legal websites which provide official translations, could considerably enhance translators' linguistic and conceptual knowledge.

Transfer errors could be mitigated with an effective use of parallel texts, which can subsequently be part of students' *ad hoc* corpora. As discussed in section 4.2.1, preliminary reading and research-based activities prior to the translation task are essential to fill in knowledge gaps and to understand the conceptual structure and conceptual relations of a specific legal subdomain. A critical discourse analysis (Way 2012) of parallel texts in both the ST/SC and the TT/TC will familiarise students with the legal terms and discourse that characterise this field. This approach, combined with an integrative model for problem-solving in legal translation (Prieto Ramos 2014), will help students to solve problems with equivalence by allowing them to take more informed translation decisions that meet the TT recipients' needs and expectations.

This paper shows that language errors can be dealt with more effectively with a combined use of monolingual and bilingual dictionaries, databases and glossaries but, predominantly, with an appropriate use of legal corpora. In this sense, the series of activities proposed in this article have demonstrated how corpora can compensate and overcome the shortcomings found in lexicographic and terminological resources by using concordance-based queries. In this regard, the use of SL and TL corpora can enhance students' legal translation competence, particularly phraseological competence. More specifically, these online tools can provide students with linguistic, terminological, phraseological, grammatical and syntactic knowledge to be able to produce collocation patterns, formulaic sequences and phrases governing legal texts in different languages.

This paper suggests how an integrated methodology which combines task-based approaches with approaches based on critical discourse analysis, problem-solving and decision-making can maximise the use of legal resources which in turn can minimise errors when translating PUs in a given legal text. By completing a series of carefully sequenced activities prior to the translation task, students can develop a wide range of legal translation competences (e.g. communicative and textual; thematic and cultural; subject area; instrumental; and strategic or methodological competence). Students can

enhance their language receptive and productive skills, maximise the use of documentary research and information and communication technologies for translation purposes. Students can also develop subject-specific knowledge, identify translation problems and develop effective translation strategies to resolve them.

The integrated approach and the research-based task proposed in this paper have been designed to be easily applicable to various translation briefs within any subdomains of law. The authors will incorporate the task and approaches discussed to core translation modules in subsequent academic years to examine whether these have helped to reduce the number of transfer and language errors and ultimately improve the adequacy of students' translations. As future lines of research, a similar approach will also be applied to other specialised areas. As such, building upon a similar case study conducted within the subdomain of business (Huertas Barros and Buendía 2016), in future studies the authors will design a research-based and corpus-aided translation methodology to minimise translation errors and hence enhance students' phraseological competence in this field.

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