

The agony of choice – a delicate balance:

Finding the ideal partner for legal translations

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Translated from German into English by our English team

Your American client has asked you to prepare a comprehensive legal and tax plan for its new branch office in Germany. As this may require the establishment of a limited liability company under German law (GmbH), the articles of association for such a company have been drawn up and are ready for signature. You have also prepared draft agreements for your client's potential partners, as well as the employment agreement for the company's managing director.

The meeting with your client is scheduled for the beginning of next week. Suddenly your client contact person calls to inform you that the CEO will be coming over from the USA to attend the meeting. Naturally, he wants to receive all of the documents in English in advance of the meeting, so that he can review them together with his legal team.

Up to this point, communications have functioned smoothly, and your contact has clearly understood your explanations on German law in general and corporate law in particular.

But where can you now quickly obtain an accurate legal translation into English? You could use the English-language books on German corporate law from your law firm's library for the articles of association, and perhaps the employment agreement also. Maybe one of the paralegals could use these to patch together a usable translation? ... or, on second thought, maybe not.

So what is to be done? The American CEO expects you to supply a flawless, legally accurate version of all these documents in his native language, documents that will form the basis for his planned German branch office.

Our tip: Find a translation boutique that specializes in your field. Here's a brief overview of what you need to look for in a translation service provider:

Your ideal partner:	
✓ Concentrates exclusively on legal translations, with related areas as needed (e.g. finance and taxation)	... this means a focus on a selected area of specialty, in all its diversity - and with the thoroughness that you need
✓ Offers no more than three to four language combinations	... this enables your partner to keep constantly up-to-date on linguistic trends in these language combinations
✓ As the owner of “your” translation boutique, he/she has many years of relevant professional experience and is also an active translator	... ensures personal service in every aspect of the assignment
✓ Works with a small team of selected specialists	... the owner of “your” translation boutique uses the services of a small, hand-picked group of independent translation specialists: - Native speakers of the target language - Quality control - Rush assignments/major projects
✓ Has a reliable quality control system	... quality control is always performed by a second legal translator acting as an editor, based upon the “second set of eyes” principle
✓ Has developed procedures to guarantee optimal performance	... all procedures are personally coordinated by the owner, who can put together teams of multiple translators (including the owner him- or herself), provide support, particularly in terms of terminological consistency, and ensure smooth workflow and timely delivery of the work

Ideally, your translation partner should have the following qualifications:

- ✓ Training as a translator with a diploma from Germany in legal translation, plus corresponding foreign degrees (from the country of the target language(s))
- ✓ Many years of experience as a legal translator for direct customers like you
- ✓ Quality control: Your partner always uses editors, in accordance with the “second set of eyes” principle
- ✓ Ongoing education, training, professional seminars and self-study:
 - Workshops focusing on legal translations in his/her language pairs; terminology studies
 - Seminars comparing legal systems in different countries: e.g. common law versus continental European civil law
 - Language training: linguistic differences and nuances (English as spoken in England, USA, Australia; or French in France, Switzerland, or Québec/Canada)

Your ideal translation partner will also have a lively interest in the law, and will be intimately familiar with various jurisdictions. To return to our example, your ideal partner will be able to render your expert documentation for your American client's German branch office into fluent English, maintaining correct terminology and conceptual accuracy.

In doing so, your translation partner will also ensure that your expert opinions and draft agreements, which are based on German law, do not suddenly become documents based on common law concepts. This would completely misrepresent their meaning to your American client, and to his legal team in particular.

Boutique firms for legal translations based upon the model described above are best suited to master such tasks because they are well versed in the various jurisdictions, are familiar with the relevant terminology, such as terms related to the German GmbH from our example, and know how to correctly translate these terms into English without ultimately converting a GmbH into an American “corporation” or creating a completely unrecognizable entity.

Where can you find this translation boutique? The best sources are professional translators’ associations, because any translator worth his or her salt is a member of at least one of these associations.¹

Follow these three steps to achieve your goal:

1. First, visit the online directories of these associations and draw up a list of candidates based upon area of specialty and

language combination. All of the translators that you select in this way should have websites that can provide you with the additional information that you need.

2. Owners of translation boutiques corresponding to the profile presented here will certainly mention all of these important criteria on their websites, and it is based upon precisely these criteria (**all** of which should be present) that you will create a short list of candidates.
3. Making contact by telephone is highly recommended, because this will give you a personal impression of your potential partner. At this time you can also obtain some references, because legal translators generally do not list customer names on their websites, since this may violate confidentiality agreements that they have signed with other clients.

And finally, one more tip: You should be happy if your translation partner asks questions during the assignment, because this shows that he/she is actively engaged in the process. This can nip potential misunderstandings in the bud. Furthermore, there have been many instances where the translation process uncovered minor irregularities in a text, which no one else had noticed. This is because the translator must analytically dissect the text in order to fully understand it, and thus translate it properly. Your ideal translation partner will also ask you about various aspects of the project such as target language (e.g. UK or US usage), new or old German spelling, delivery format (such as side by side layout for agreements), your client's technical terminology, and other points. The goal of all of these questions is to provide you with the best possible translation.

You are now well prepared and on your way to a successful and confident collaboration with the translation partner of your choice.

Good luck with your new partner!

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¹ List of country-specific translators’ associations are provided on the LINKS page of Noening Translations G.P.’s website: <http://www.ntgp-legaltranslations.com/links.htm>