

## **Teaching legal translation in Norway – JurDist: an online course**

### **Abstract**

In this paper we present the JurDist programme, its *raison d'être*, which is related to the particular situation of translation programmes in Norway, as well as its content and focus. The JurDist programme is unique in Norway and was launched only recently. It is a 15 ECTS-credit course, consisting of a two-step approach. In the first step, students are given an overview of some important parts of the Norwegian legal system and are then asked to compare the Norwegian system with the legal systems in France, Germany and Spain respectively. In the second step, the students use the insight acquired through this exercise in their translations of various legal texts, using Norwegian as source or target language. We argue that certain kinds of texts ought to be used for training such as this and we also argue for our particular didactic choice, i.e. our focus on culturally embedded legal realia. The latter is also the focus of the case study reported on.

### **1 INTRODUCTION**

The aim of this article is to present the JurDist online legal translation training programme at NHH Norwegian School of Economics, the reason why it has been launched, its content and our didactic approach. One reason for establishing this programme is that the need for legal translation has increased steadily the last 10-20 years due to the ongoing internationalisation and globalisation process where translation of legal documents is one natural consequence. Another reason is, as will be shown below, the special situation in Norway with respect to translation training programmes in general.

Our didactic focus is to give the students of JurDist an overview of the Norwegian legal system and the systems of France, Germany and Spain as basis for their subsequent translation activities. The commonly held opinion is that legal translation differs from other translation for specific purposes (LSP translation) such as medical or technical translations (e.g. Weston 1990:681, 1991:2) because of *i.a.* its cultural embeddedness with its conceptual differences and ensuing translation problems (Weston 1983). The students are therefore taught some basic strategies in order to cope with inevitable translation problems and challenges. To this end the students need a certain amount of legal knowledge of the particular legal systems and of central legal genres. Such topics are therefore central for our teaching in the online course JurDist.

The paper is organized as follows. Section 2 gives an overview of the situation in Norway with respect to translation training programmes. Section 3 shortly describes our recent online course in legal translation, called JurDist, and its special focus on a content-based approach. Section 4 is dedicated to a case study on some recurrent translation problems faced by students in legal translational settings. Section 5 describes the assessment of the first version of the course. Finally, section 6 contains our concluding remarks and a brief outlook.

### **2 TRANSLATION TRAINING PROGRAMMES IN NORWAY**

Norway has no translation training programmes comparable to those given in continental Europe and the U.K. There is, however, a Master programme in translation studies at the University of Oslo, which is primarily geared towards non-LSP texts. Furthermore, at the University of Agder, a Bachelor in English is offered with focus on translation and intercultural communication. The University of Bergen offers an undergraduate course in translation. Last, but not least, for a long period 1-2 day courses in LSP-translation have been offered at NHH annually in preparation for the National Translator Accreditation Exam (NTAE) (*autorisasjonsprøve i oversettelse*, previously *statsautorisert translatørksamen*).

NHH has been in charge of this exam since the 70s.<sup>i</sup> About 80 candidates sit this exam each year with the bulk in the language combination Norwegian-English/French/German and Spanish.<sup>ii</sup> The candidates are typically mature with various types of professional and educational background. Many do not have any formal linguistic or translational training. Some of them do not even live in Norway. Not surprisingly, the failure rate is extremely high, about 80 % due to two main reasons: firstly, as already mentioned, there are no study programmes leading up to the exam and there is therefore very little course material geared

towards translators working to and from Norwegian. Secondly, as is the case for most small languages, there is a lack of specialized bilingual dictionaries and/or legal encyclopaedias.<sup>iii</sup>

### 3 JURDIST – AN ONLINE LEGAL TRANSLATION TRAINING PROGRAMME

Since economic constraints did not allow us at NHH to continue with the annual 1-2 day courses, and our previous experience had shown that translating the legal text, one of the three LSP-texts at the NTAE, was considered to be the most difficult translation task, we decided to offer an online course in legal translation.<sup>iv</sup> This seemed in our view to be the most efficient and practical solution in order to cater for the needs of the heterogeneous group of candidates taking the NTAE. After thorough preparation on how to organise a course in legal translation, the online course JurDist was offered for the first time in 2013-2014 to students working between Norwegian and French, German or Spanish, with English to be added from autumn 2015.<sup>v</sup>

This course is a 15-credit module at MA level. It stretches over the academic year from August to December and from January to June, totalling 24 weeks, where a one-hour seminar is given to all students on a biweekly basis, independently of their target language. Four teachers share the responsibility for furnishing insights into the Norwegian legal system, sources of law, legislative procedure, judicial authorities and court system, and the relationship between national and international law as well as supranational law (EU-law). Since most of the students are at the same time in full-time jobs, the class is held in the afternoon. They may follow the teaching either synchronously or asynchronously as the lessons are recorded together with questions and comments from the students attending our presentation with mostly PowerPoint files. Most of them do follow the lessons synchronously. The remaining weeks are devoted to online interaction between the language-specific groups and their professors in French, German and Spanish respectively by way of discussions on the teaching platform. In these lectures we give feedback to the students on their homework on issues taught previously within a Norwegian legal setting, but now within their particular legal system setting and discuss problems and solutions.

In the second part of the academic year, the focus is on as many translation exercises as possible from Norwegian into the other target languages or vice-versa with the students working in language specific groups. A short introduction to the theory of translation studies is given with particular focus on legal translation and its specificity<sup>vi</sup> before we continue with different text genres, where we follow a comparable teaching approach, but now dealing with those parts of the Norwegian and the language specific legal systems that were dealt with in the first part. We decided to focus on legislative texts (acts and regulations), court decisions, other court documents such as summons, different kinds of contracts, general terms of contract and miscellaneous, each of them as authentic texts both in Norwegian and in the particular foreign language. This decision was based on our intention to expose the students to

- genres that help them understand the law
  - translation of legislative texts allows them to be updated with the dynamicity of the legal world, especially when the particular legal systems do differ in their development;
  - court decisions, which refer to particular legal provisions which again might ease their process of understanding of the topic at hand and consequently the process of translation;
- genres that are often translated in practice
  - court documents and agreements, which often need to be translated in our age of globalisation because the end user needs to know exactly all the details of the document in order to be aware of the legal implications;
  - contracts and general terms of contract, which are today omnipresent.

The biweekly legal translations are done as homework. We recommend the students to consult comparable texts looking for *i.a.* textual conventions and recurrent collocations which they then might use in their translation and of course to focus on the relevant terminology in the pertinent (sub)domain of law. Their solutions are discussed subsequently in the interaction sessions with focus on the particular legal setting of the translation, a possible translation brief and ensuing translation decisions.

As already indicated, the main aim of the course is to teach the students strategies of how to translate different legal texts. Still, teaching some theoretical framework, based on a functionalist approach (Nord 1997), was considered appropriate. We arranged also at the end of the course a one-day seminar on *Language and Law – Theoretical and practical approaches*, where invited speakers from each of the languages involved presented their view on this topic. Unfortunately only some of the students could attend this symposium because most of them were not staying in Bergen.<sup>vii</sup>

At the end of the course a summative assessment is carried out. The assessment is based on the students' translation portfolio. The students are free to choose between different texts from the same categories as in the teaching process, but the texts have earlier not been discussed or commented on. The assessment is graded as either "passed" or "failed".

To sum up: The *raison d'être* for JurDist is that (1) due to external causes there is a high demand for training in legal translation<sup>viii</sup>, (2) there are no courses or university programmes offered in legal translation in Norway, and (3) there is a high failure rate at the NTAE where the legal translation is often considered to be the most difficult of the three LSP-texts to be translated. Our objective is thus primarily to enhance the students' competence in legal translation in preparation for taking the NTAE<sup>ix</sup>. We therefore focus on:

- A general introduction to the field of law based on conceptual systems and visualisation of the relationship between several legal concepts.<sup>x</sup> The main focus is on the Norwegian legal system. We rely on e.g. Knoph (2014), an introductory book on the Norwegian legal system used for instance at the Faculty of Law at the University of Bergen and a tailor-made overview of relevant basic issues of the Norwegian legal system. At the same time the students are invited to contrast and discuss this information with their respective legal system. To this end the students have to find appropriate resources in the suggested list of references available on the platform Its learning and/or on the Internet about the particular issue under discussion.
- A short introduction to different legal genres (e.g. legislative texts and various kinds of court documents) emphasizing their function and linguistic aspects related to structure, style, genre conventions etc. Our choice is based on feedback from representatives of the translation industry (Kumpch 2006; Ferguson 2011) as well as the above mentioned reasons. For contrastive use in the translation activities a selection of authentic texts in French, German and Spanish has been compiled. Where available we looked for similar texts previously given at the NTAE to be (re)used in the JurDist course.
- Extensive translation activities in the second part of the course with individual feedback to the students using the previously introduced legal genres.

#### 4 CASE STUDY

Our common experiences and the input from representatives of the translation industry were used to pinpoint the text genres we considered to be the most relevant to translator training. Examples were taken both from authentic Norwegian and from French, German as well as Spanish texts.<sup>xi</sup>

Due to practical problems we did not get the permission to quote from the translations of our JurDist students; we rely instead on our empirically based insights of particular translation problems. Our experiences in dealing with and assessing various kinds of translation at the level of the NTAE exam span from a few years to more than 20 years.

In this section we draw on some recurrent general translation problems in legal translation. These or similar translation problems were of course discussed thoroughly with our students taking into account the following questions: (1) the final purpose of the translation of a legal text, (2) the possible difference if the translation is carried out for informative purposes only and (3) the intended (final) addressees. Since these questions cannot easily be kept apart, we consider the three aspects simultaneously when presenting our case study.

##### 4.1. Interrelatedness of purpose, "legal effect" and addressee

In order to discuss the interrelatedness of purpose, "legal effect" and addressee we focus on the implicit translation brief, which we presume the (student) translator is aware of or is explicitly made aware of. When we confront our students with the task of translating a legislative text or, more realistically, parts thereof, we do so with a twofold purpose: The first might be to document to the receiver/addressee<sup>xii</sup> the content of the particular text and the second might be to inform the receiver about the legal consequences as stipulated in the source text. Contrary to the purpose of official bi- or multilingual translations, the translation is still to be considered as a "secondary" text to facilitate the understanding of the different linguistic expressions in the source text and their counterparts in the target text. At the same time the translator has to keep in mind that the receiver might need more information/text to fully comprehend the issue at hand in order to defend his or her rights. In our view, this requires that designations of cultural embedded institutions from the source (legal) system should be recognizable as to their function and at the same time identifiable by their name. By way of example, we point to easily retrievable designations such as *Norges Høyesterett* referring to the 'Norwegian Supreme Court' or 'The

Constitution of the Kingdom of Norway' referring to *Kongeriket Norges Grunnlov* (in short: *Grunnloven*). Sometimes Norwegian institutions have adopted at least an English translation which can easily be found on the Internet. The same applies to international institutions such as NATO, IMF, ECJ etc. that are frequently used in their different renderings, e.g. as *OTAN* (the French and Spanish equivalent of NATO), *Det internasjonale pengefondet /Internationaler Währungsfonds/IWF* or *Europäischer Gerichtshof/ EuGH/Domstolen i Den europeiske unionen*. The (student) translator is advised to use the particular designation in order to avoid misunderstandings on the part of the receiver.

An important issue in this context is to refer to existing commonly acknowledged approach to legal translation where legal translation historically mainly followed a source-oriented translation strategy, that is, a more literal translation, rather than a target-oriented translation strategy.

After the so-called "cultural turn" (Lefevere & Bassnett 1990: 1 ff.) in the 1980s, which takes into account factors other than purely linguistic ones, the translation strategy may shift according to the purpose (Vermeer's *skopos* – Vermeer 1996)<sup>xiii</sup> of the translation. Other scholars prefer to describe this approach as taking the particular communicative situation into account drawing on the Lasswell Formula (*Who says what in which channel to whom with what effect?*), which in turn takes us back to Hermagoras of Temnos (2nd century BC) and his rhetorical advice of *quis quid quando ubi cur quem ad modum quibus adminiculis* (who, what, when, where, why, in what way, by what means). However, as Šarčević (1997: 19) rightly argues, this approach cannot be applied to all translations because one type, i.e. legal texts, is subject to special rules that govern their use in the mechanism of the law. Šarčević advocates that legal translators must take into account the legal criteria (ibid.), which we would compare to Kisch's (1973: 411) "quant à la substance" (with respect to the essence), when they select the appropriate translation strategy. The target text should ensure that the legal effects of its source language/culture are transposed into the target language/culture. We agree with Šarčević's view and discuss below some problems and strategies on which we focus in the JurDist course, but first we start with discussing various kinds of legal translation.

## 4.2 Kinds of legal translation

For the eligible strategy for translating legal texts it is important to differentiate between the status of the translation functioning either as 'authorized' or 'authenticated', which is to be deduced from the translation brief. In the examples to follow we presumed that the translation should function as an authorized translation, which needs some explication.

In general two different kinds of legal translations are identified: The first is the authorized (certified or sworn) translation where the translation is not authoritative **without** an existing original – e.g. a court decision from country<sub>1</sub> to be used in legal proceedings in country<sub>2</sub> or a birth certificate and other types of personal certificates. The same applies to the translation of extracts from the legislation of country<sub>1</sub> into the language of country<sub>2</sub>, for instance in legal proceedings. Šarčević (1997: 19) who uses a different designation for this categorization, talks about 'non-authoritative' translation, i.e. a translation being without the force of law and being non-binding in contrast to 'authoritative' translation. We use 'authorized' here in the sense of 'non-authoritative'. It is with such kind of legal translations we confront our candidates at the NTAE with, in recent years by also giving them an explicit translation brief. A similar procedure is followed at the JurDist course. One of the first questions when discussing the students' translation solutions is what impact the translation brief should have on their translation strategy.

In contrast, the other kind is the authenticated<sup>xiv</sup> translation where its purpose is "to work as **legislation**" (Strandvik 2012:28; emphasis added), i.e. in multilingual law making. These translations are no longer 'translations', but "equally authoritative texts" (= versions) in the sense of the Vienna Convention on the law of treaties of 1969, Article 33(1).<sup>xv</sup> At least theoretically speaking, it is presumed that all legally valid versions of a single instrument have the same meaning (VCLT, Article 33 (3)). However, this kind of translation falls beyond the scope of this paper.<sup>xvi</sup>

### 4.2.1 Documentary or instrumental - dichotomy or graded continuum?

When a legal document, e.g. a birth certificate or an earlier judgment from legal system<sub>1</sub> (source culture) is used as court evidence in legal system<sub>2</sub> (target culture), its translation is used as a means (Nord 1989) for giving information. This information is to be given as precise as possible to the judiciary authorities in the target culture and should take into account genre conventions of the target culture. At the same time however, the translation's purpose is also to document the content and form of the source text. As rightly observed by Šarčević (2012: 191), "sworn translators are required to **reproduce the words and form** of the original **as closely as possible**" since "the accuracy and reliability of translated court documents

are generally assessed by the degree to which the translation is a **mirror of the original text**" (emphasis added). Consequently, what is of utmost importance for legal translations is that the target text mirrors to the extent possible the message of the source text and thereby ensures that the legal effects of the source language/culture are transposed into the target language/culture. Hence, the translation brief and the legal force of a particular text strongly influence the translation strategy to be applied. Whenever the legal force of the source text supersedes that of the target text, as in authorized translations, the strategy of the translator should consequently be nearer the 'documentary' (Nord 1989) end of the continuum. Linguistic features particular to the source language and to the target language should be balanced according to the expectations of norms in the target culture.

#### 4.2.2 Problems and strategies: some examples

We now turn to some examples of problems and strategies we have been able to trace. Keeping in mind that our approach in teaching legal translation is content based,<sup>xvii</sup> we draw the students' attention *i.a.* to different relevant literature, i.e. short introductions to central issues in the particular foreign legal system written in the respective language. The students are also encouraged to learn to critically assess different translation solutions from various sources, including bilingual dictionaries and the differences of their findings of suggested translations with and without further context.

In line with Mattila (2006: 266), who states that "there is a need for systematic study and comparison of legal institutions and concepts and their designations, from the standpoint of many languages, in defined domains" we use once again cultural realia (legal institutions) in society for exemplification.<sup>xviii</sup> The language pairs concerned are Norwegian – French, German and Spanish, including even English, where we show to the following examples taken from different genres.<sup>xix</sup>

##### (1) French legislation

Our first example is provided by a French text pertaining to French labour legislation submitted at the NTAE exam<sup>xx</sup>: *Réforme: présentation de la rupture d'un commun accord du contrat de travail*. The text was taken from [www.juritravail.com](http://www.juritravail.com). This reform introduces a new way of terminating a labour contract, without having any conceptual counterpart in the Norwegian legal system, i.e. a conceptual void. The challenge here was to render the provisions in intelligible Norwegian. One candidate's suggested translation of *RUPTURE*<sup>xxi</sup> (*d'un commun accord du contrat de travail*) was 'brudd på arbeidsavtalen' (violation/breach of the labour contract), which is totally misleading. A solution to render this French legal concept in Norwegian would be to verbalize it analytically with known Norwegian legal concepts pertaining to the same domain, such as: "heving av arbeidsavtalen i minnelighet"/ "etter minnelig avtale/overenskomst"/"heving av arbeidsavtalen uten oppsigelse". Such an approach is often recommended when the translator is faced with a legal void.

##### (2) Norwegian legislation

(2a) Another example of conceptual pitfalls is provided in a text on recent Norwegian legislation on parenthood which also had to be translated at the NTAE. The translation problem was the newly coined legal concept of *MEDMOR* ('co-mother') unknown in some legislations as of 2008 (date of enactment of the pertinent regulation). A literal translation e.g. in German as *Mitmutter* would not convey important legal implications and therefore prevent the understanding.<sup>xxii xxiii</sup>

##### (2b) *Arbeidstilsynet*

In the Working Environment Act, an "unofficial translation"<sup>xxiv</sup> by the Norwegian Ministry of Justice into English of *Arbeidsmiljøloven*, reference is made to *Arbeidstilsynet* by 'The Labour Inspection Authority'. Compared to example no. 5 no original designation is kept in this translation. We assume that the whole context (in a wide sense) is taken into account, i.e. that the reader of this document is aware that all information is about a particular Norwegian legal issue and hence that there is (felt) no need of giving the Norwegian designation as well.

##### (2c) *Lov om mekling og rettergang i sivile saker (tvisteloven)*

This particular act is rendered in German and English in Lipp & Fredriksen Haukeland (2011). The translations read as follows: *Gesetz über Schlichtung und Verfahren in zivilen Streitigkeiten (tvisteloven)* and *Act of 17 June 2005 no. 90 relating to mediation and procedure in civil disputes (The Dispute Act)* (emphasis added). With respect to the German translation the translator team Bessing/Schrader & Lipp in Lipp & Fredriksen Haukeland (2011) inform that the translation "was kept closely to the original wording of the Norwegian text". The English translation is once again an "unofficial translation" by the Norwegian Ministry of Justice (op.cit.: 135). What we can see here, is that the German translators add the Norwegian designation in brackets after their translation in line with their strategy to stay "closely to the original wording". In contrast the English translator(s) refer(s) to the Norwegian act identified by the date of promulgation "17 June 2005" and its number "no. 90" which is

the way in which Norwegian acts are published as there are no great codifications in Norway contrary to what is the case in France, Spain and Germany. At the same time the English translator(s) give(s) supplementary information about the content of the act "relating to mediation and procedure in civil disputes".

### (3) Other legal documents

(3a) Proper names – Norwegian - German

Looking at some data from student translations of cultural realia from the legal domain, the data reveal basically three translation strategies which were used to render a government ministry's proper name from Norwegian as source language culture in German as target language.

The first strategy found in the data is a more or less literal translation of a legal term. The most straightforward way of translating the proper name of the Norwegian Ministry of Justice (*Justisdepartementet*) into German is for instance a literal translation of the compound which results in the German term *Justizministerium*. Although the legal concepts of the Norwegian 'Justisdepartementet' and the German 'Justizministerium'<sup>xxv</sup> differ somehow, the receiver of the translation gets the most basic information, i.e. reference to a government department in the source culture which deals with legal issues. In the data from the student translations, the context provided the information that the particular ministry was the Norwegian Ministry of Justice.

The same strategy (literal translation) was also applied to other government departments that have a counterpart in the German government administration: *Finansdepartementet* was translated with *Finanzministerium* and *Utenriksdepartementet* (the Foreign Ministry) with *Außenministerium*. Even though the official German designations for these ministries are respectively *Bundesministerium für Finanzen* and *Auswärtiges Amt*, the receiver will, through the simplified forms *Finanzministerium* and *Außenministerium*, be informed of their key activities, which are assumed to be the same in both countries. There is, at least theoretically, a possibility that such literal translations having a similar counterpart on the linguistic (and conceptual) level may lead to misunderstandings, for instance when the receiver is not aware of the fact that the text is a translation. On the other hand it would be even more difficult to keep apart the Norwegian and the German ministry in the translation if the proper name, e.g. *Auswärtiges Amt*, was chosen as a designation for the Norwegian ministry (*Utenriksdepartementet*).

The second strategy is an extension of the strategy described above. By adding the adjective 'Norwegian' to the word-for-word translation of the ministry (*das **norwegische** Justizministerium*), the translator signals that this government department is part of the Norwegian government administration. By doing so, the translator leaves no space for misunderstandings as to which country's ministry the text refers to.

The third strategy reflected in the data is also an extension of the first strategy. Again the ministry was rendered by a word-for-word translation, but in addition the German translation was followed by the Norwegian name of the ministry in brackets<sup>xxvi</sup>: *Finanzministerium (Finansdepartementet)*. A translation like this makes clear which national government department a text refers to. The receiver will also be able to exactly identify the ministry in case of further questions and/or required contact.<sup>xxvii</sup>

In addition, a combination of strategies 2 and 3 was found: *Das norwegische Finanzministerium (Finansdepartementet)*. In this variant the legal entities of Norwegian and German ministry are kept apart most clearly.

In changing now the language combination from Norwegian to Spanish the same translation strategies are identifiable.

(3b) Proper names – Norwegian - Spanish

*Norsk Lovtidend*

The Norwegian legal gazette *Norsk Lovtidend* is published by the Ministry of Justice and Public Security (*Justis- og beredskapsdepartementet*) and contains official promulgations of i.a. statutes, regulations, legal notifications, decrees, etc. In student translations of a particular Norwegian regulation where its source is informed to be the *Norsk Lovtidend* three different renderings of this proper name are found:

- i. *Norsk Lovtidend*
- ii. *Norsk Lovtidend*, publicación noruega sobre leyes
- iii. Boletín Oficial de Leyes de Noruega (*Norsk Lovtidend*)

As we can see, all three strategies involve the use of the Norwegian proper name in the translation, thus making it possible for the addressee of the translated text to identify the original Norwegian designation.

As a matter of fact, the first strategy is simply to use the Norwegian proper name without any translation or explication at all. This means that the Spanish speaking reader will know the name of the publication but will not know what kind of publication this is without any further research. This would be the case, especially when the broader context does not give more information. For the Norwegian addressee one could assume that he is or should be aware of the function of this publication.

The second strategy is to first mention the Norwegian proper name and then add an explication of what *Norsk Lovtidend* is, i.e. *publicación noruega sobre leyes* ('Norwegian publication about laws'), but this explication is imprecise and fails to transmit to the addressee that *Norsk Lovtidend* is the Norwegian official legal gazette and not just *any* Norwegian publication *about* laws and other legal instruments.

The third strategy is to first give a more general explication in Spanish of the Norwegian proper name, i.e. *Boletín Oficial de Leyes de Noruega*, and then add the Norwegian proper name in brackets. This Spanish translation is more accurate than the one we saw in the second strategy, because the student has used a functional equivalent by using a formulation very similar to the name of the Spanish official legal gazette, which is *Boletín Oficial del Estado* (BOE), thus explaining more adequately what kind of publication this is.

#### *Folkeregistermyndigheita*

Another culture bound referent found in the student translations of the same regulation is *folkeregistermyndigheita*, which is the authority responsible for the Norwegian National Registry. This Registry contains important information concerning everyone who either is or has been resident in Norway. This information is most relevant in the given context. This particular referent is mentioned four times in the source text, including the third time when it is mentioned in its short form, so-called fore-clipping, i.e. *myndigheita*.

In the renderings two strategies are observed:

- i. *El registro civil / el registro civil / la autoridad / el registro civil*
- ii. *La autoridad del Registro Civil / la autoridad del Registro Civil / la autoridad / la autoridad del Registro Civil*

The first translation strategy has been to translate *folkeregistermyndigheita* with *el registro civil*, which is the Spanish name for public registry: *registro público dependiente del Ministerio de Justicia* (Comares 2013)<sup>xxviii</sup>, i.e. the Spanish registry corresponds to the Norwegian National Registry, even though, according to Fernández de Buján (2009), '*registro civil*' refers both to *a collection of books* and *a public office* (conjunto de libros y oficina pública). However there is one difference, but which in this particular context does not matter: In Spain the public registry authority falls under the Spanish Ministry of Justice while in Norway this authority falls under the Ministry of Finance.

The second strategy was a quite literal translation *folkeregistermyndigheita*, i.e. *la autoridad del registro civil*, which is a very transparent term in Spanish.

As we can see, in both translations a literal translation of the Norwegian designation *myndigheita* was chosen in the third mention of the referent, i.e. *la autoridad*. This strategy functions very well in case (ii), but not as well in case (i), because at first glance it is not clear that *el registro civil* and *la autoridad* are coreferents in this text.

#### **(4) Scholarly work and legal dictionaries**

We encourage our candidates both at JurDist and NTAE to widen their research competence, a vital sub-competence of translation competence.<sup>xxix</sup> In this respect, scholarly works might be a fruitful resource to look into whereas the use of legal bilingual dictionaries, if available, presupposes that the candidate is aware of possible pitfalls if no further investigation is done. In order to look for what translation strategy can be identified in scholarly works and legal dictionaries our next examples are taken from these sources.

A scholarly work written in English about the German Criminal Law, i.e. a descriptive text type (level of description in the sense of Kjær 1990: 35), Dannecker & Roberts (2005) use as a general rule the English designation first, followed by the original (German) designation in round brackets. This applies to legal institutions as well as to legal procedures. 'The Federal Constitutional Court' is used to refer to the *Bundesverfassungsgericht* (op. cit.: 422), the 'District Court' shows to the *Landgericht* (p. 425), the 'Federal Table of Lawyers'Fee' is used to refer to *Rechtsanwaltsvergütungsgesetz* (p. 422) and 'appeal on

questions of fact and law' is their English circumlocution of the German *Berufung* (p. 446) in legal proceedings, to give but a few examples. In Dietl et al.'s well-known bilingual German-English/English-German legal dictionary<sup>xxx</sup> the same translations are found for these examples with the exception of *Rechtsanwaltsvergütungsgesetz*<sup>xxxi</sup> which is listed as *Bundesgebührenordnung für Rechtsanwälte* (*BRAGO*) and its English counterpart 'Federal Code of Lawyers' Fees'.

### 5) Web site, a communicative situation from expert to lay-person

#### *Arbeidstilsynet*

Our last example is taken from a communicative situation where the sender is a legal expert and the receiver a non-expert. Although this example does not belong to the two most used kinds of texts (level of regulation and level of action in the sense of Kjær 1990: 35) in the curriculum for JurDist, it shows a recurrent challenge for the translator independently of the genre. On its homepage, this particular authority with special relevance for migrant workers coming to or already staying in Norway uses the English designation 'The Norwegian Labour Inspection Authority'. Its homepage offers no rendering or any information in French, German or Spanish in contrast to languages such as Polish, Estonian and Lithuanian. The reason for this is obviously that a significant number of migrant workers from the Baltic region (Poland, Estonia, Lithuania), come to Norway and hence the Norwegian authority has recognized the need for web-information in their languages. So here the student has to try to find out if there is a comparable authority in his/her particular legal system and decide whether (s)he should use a calque or another strategy, e.g. by paraphrasing and giving the original designation as explication in brackets.

To sum up, most examples show that the translations are source language oriented tending to be literal translations, but at the same time they give (supplementary) functional information. The sources may differ with respect to the order in which the original designation and its translation are rendered. The students are made aware of this at the same time as we point towards the necessity of being consistent throughout the document.

## 5 ASSESSMENT OF THE FIRST VERSION OF THE COURSE

Our intention was to teach legal translation in an online environment to students who felt they needed more experience in legal translation, either in preparation for the NTAE or as life-long learning approach to enhance their knowledge on this kind of translation activities. Since our teaching is oriented towards practical and not towards academic goals, the main focus has been on teaching strategies to cope with translation problems. The focus on translation theories was therefore reduced to a minimum. Instead our focus was geared towards the importance of the translation brief and the possible different approaches according to the legal genres. At the same time we considered it as a *conditio sine qua non* to teach basic insights into the Norwegian legal system since this is a prerequisite in the understanding process, which always is the first step in a translation process. We expected the students to acquire parallel knowledge about their particular legal system in order to be able to compare similarities and differences between the systems involved. This knowledge is needed in the (re)production phase of translation.

The students' feedback shows that the course content and electronic mode of teaching to a great extent did meet their expectations. Since the students are mostly in full-time jobs and some of them live in other countries than Norway as well, e.g. Australia, and the lessons are recorded, they can watch the presentation whenever and wherever they like. At the same time the work load, especially with respect to the homework to be done within deadlines, has been reported sometimes to be heavy.

With respect to the work load for the teachers, the preparatory work was heavy and time-consuming. Much research on what has been written about legal translation and what could be useful for our students in the light of the practical focus of the course had to be done. To this end, we collected some central research articles. In addition we wrote a tailor-made overview of the Norwegian legal system and a short introduction to translation theories. We discussed thoroughly what legal genres we would focus on (see section 3) and had to find relevant texts. Since one aim of the course is to prepare candidates for the NTAE exam, it was only natural that we tried to reuse earlier texts from that exam where possible.

During the course the work load for the teachers was also heavy since we expected the students to deliver each week a piece of homework of some pages, which had to be commented on with respect to both language use (if necessary) and the content and references made.

But, all in all, our decision to use an electronic platform to teach legal translation has proven to be viable given the economic and personal constraints. However, minor changes with respect to the work load will be implemented for the next version starting from autumn 2015.

## 6 CONCLUDING REMARKS AND OUTLOOK

From the particular situation in Norway, where no study programmes in general translation training are offered but only the National Translator Accreditation Exam, a need for training in LSP translation was more recently identified, especially for candidates for the NTAE. This in turn gave rise to the online course in legal translation JurDist. The content of this course was shortly described before our case study was presented. We pointed to one of the well-known challenges in legal translation, i.e. the translation of culturally embedded legal realia (legal institutions) as one particular didactic issue that is given much attention in the JurDist course. The challenge is identified as an expectation that the student should be aware of the differences between the pertinent legal systems. This presupposes that the student has a sufficient amount of legal knowledge of both of the legal systems and is able to take into account text type, genre and purpose of the translation (translation brief). As mentioned above, our approach has been to give the students an overview of important parts of the Norwegian legal system, which were then to be compared with the other legal system(s). The choice of what was considered important was based *i.a.* on feedback from representatives of the translation industry on recurrent text genres to be translated.

Our description of one aspect of the specificity of legal translation is in line with the findings of previous research work by renowned scholars, but now using Norwegian as source or target language, which is seldom the case in such studies.

In this paper all four legal systems belong to the code-law-based civil law system. Hence, the translation challenges are more easily comparable than would be the case when the Anglo-Saxon legal system (common-law-based case law system) is taken into account as well, especially when issues such as judicial system and legal procedures are included in a translation setting. From the autumn 2015, the Anglo-Saxon legal system and English legal language will be included in our teaching of JurDist. Case law and common law are totally different; hence we expect more complicated translation challenges.

## ACKNOWLEDGEMENT

We want to thank the anonymous reviewer(s) for their valuable comments on an earlier version of this article. Any remaining errors and shortcomings are the authors' sole responsibility.

## REFERENCES

- BIEL, L. (2011). Professional Realism in the Legal Translation Classroom: Translation Competence and Translator Competence, *Meta: Journal des Traducteurs*, 56 (1), 162-178.
- BUSSE, D. (2000). Textsorten des Bereichs Rechtswesen und Justiz. In: Brinker, K./Antos, G./Heinemann, W. & Sager, S. F. (Hrsg.). *Text- und Gesprächslinguistik. Linguistics of Text and Conversation. Ein internationales Handbuch zeitgenössischer Forschung - An International Handbook of Contemporary Research*. 1. Halbbd. Berlin - New York: de Gruyter. 658-675.
- CAO, D. (2010). Legal translation. In: Gambier, Y. & Doorslaer, L. van (eds). *Handbook of Translation Studies*. Amsterdam/Philadelphia: Benjamins. 191-195.
- CHESTERMAN, A. (2010). Skopos theory – a retrospective assessment. In: Kallmeyer, W./Reuter, E. & Schopp, J. F.(Hrsg.). *Perspektiven auf Kommunikation. Festschrift für Liisa Tittula zum 60. Geburtstag*. Berlin: Saxa.
- DANNECKER, G. & ROBERTS, J. (2005). The Law of Criminal Procedure. In: Reimann, M. & Zekoll, Joachim (eds). *Introduction to German Law. The Hague: Kluwer Law International*. 419-450.
- Diccionario básico jurídico (2013). Granada: Editorial Comares. [cited as Comares]
- DIETL, C.-E. & AL. (2005/21983) Wörterbuch für Recht, Wirtschaft und Politik [Dictionary of legal, commercial and political terms]. München: Beck.
- DULLION, V. (2015). Droit comparé pour traducteurs: de la théorie à la didactique de la traduction juridique, *International Journal for the Semiotics of Law* 28, 91-106.
- ENGBERG, J. (2013). Comparative Law for Translation: The Key to Successful Mediation between Legal Systems. In: Borja Albi, Anabel & Prieto Ramos, Fernando (eds). *Legal Translation in Context. Professional Issues and Prospects*. Oxford etc.: Lang. 9-25.
- FELICI, A. (2010). Multilingualism in EU law: how promulgation authenticates equality. *Comparative Legilinguistics* 2, 153-165.
- FERGUSON, D. (2011). En translatørs hverdag [A translator's everyday life]. *SYNAPS - A Journal of Professional Communication* 26. 94-100.

- FERNÁNDEZ DE B. & FERNÁNDEZ, F. (eds) (2009). *Diccionario juridico. El Derecho*. Madrid: Grupo Ed. El Derecho y Quantor.
- GISLE, J.& AL. (eds) (2010). *Jusleksikon [Engelske termer ved Åge Lind]*. Oslo: Kunnskapsforlaget.
- GÖPFERICH, S. (2008). *Translationsprozessforschung. Stand - Methoden - Perspektiven*. Tübingen: Narr.
- GÖPFERICH, S. (2013). Translation competence. Explaining development and stagnation from a dynamic systems perspective, *Target. International journal of translation studies*, 25(1), 61-76.
- HARVEY, M. (2002). What's so Special about Legal Translation?, *Meta, Journal des traducteurs*, 47(2), 177-185.
- HARVEY, M. (2003). *A Beginner's Course in Legal Translation: the Case of Culture-bound Terms*. <http://www.tradulex.com/Actes2000/harvey.pdf> [last accessed 27.07.2015]
- HARVEY, M. (2012). Un cours de traduction juridique: de la pratique à la théorie. In: Meunier, M./Charret-del Bove, M. & Damette, E. (eds). *La traduction juridique. Points de vue didactiques et linguistiques*. Lyon: Université de Lyon. 31-42.
- HJORT-PEDERSEN, M. & FABER, D. (2005). Legal Translation Training and Recognition of Information Needs. Or: Should the teaching of subject matter content be a thing of the past?, *LSP & Professional Communication. An International Journal (Formerly Unesco Alsed-LSP Newsletter)*, 5(1), 42-54.
- KELLY, D. (2005). *A Handbook for Translator Trainers. A Guide to Reflective Practice*. Manchester: St. Jerome Pub.
- KIEFFER, J.-M. (1997). Anatomie d'un cours de traduction juridique - L'enseignement de la traduction juridique et de la terminologie juridique bilingue (anglaise et française). In: Engberg, J. & Trosborg, A. (Eds). *Linguists and Lawyers - Issues We Confront*. Tostedt: Attikon. 109-119.
- KISCH, I. (1973). Droit comparé et terminologie juridique. In Rotondi; Mario (Ed.) *Inchiesta di diritto comparator*. 402-423. Padova: Cedam.
- KJÆR, A. L. (1990). *Normbetingede ordforbindelser i tysk juridisk sprog*. København: Copenhagen Business School Press.
- KNOPH, R./LILLEHOLT, K. & ANDENÆS J. (2014). *Knops oversikt over Norges rett*. Oslo: Universitetsforlaget. [14. ed.] [cited as Knoph]
- KUMPCH, J. U. (2006). *Hvem er vi?* Bulletin for Statsautoriserte Translatørers Forening (09.03.06).
- LEFEVERE, A. & BASSNETT, S.: Introduction (1990). Proust's Grandmother and the Thousand and One Nights: The 'Cultural Turn' in Translation Studies. In: Bassnett, S./Lefevere, A. (eds). *Translation, History and Culture*. London: Pinter.
- LIPP, V. & FREDRIKSEN, HAUKELAND H. (eds) (2011). *Reforms of Civil Procedure in Germany and Norway*. Tübingen: Mohr Siebeck.
- MATTILA, H. E.S. (2006). *Comparative Legal Linguistics*. Translated by Christopher Goddard. Aldershot: Ashgate.
- MCLAREN, K. (2015). Interview between Łucja Biel and McLaren about "Legislative bilingualism as a special case of legal translation", *The Journal of Specialised Translation*, 23, 12-17.
- MINCKE, W. (1991). Die Problematik von Recht und Sprache in der Übersetzung von Rechtstexten, *ARSP: Archiv für Rechts- und Sozialphilosophie*, LXXVII (4), 446-465.
- Multilateral United Nations Convention on the Law of Treaties. Vienna 23. May 1969. [cited as Vienna Convention]
- NORD, C. (1997). *Translating as a Purposeful Activity. Functionalist Approaches Explained*. Manchester: St. Jerome.
- NORD, C. (1989). Loyalität statt Treue: Vorschläge zu einer funktionalen Übersetzungstypologie, *Lebende Sprachen*, 34 (3), 100-105.
- PACTE (2009). Results of the Validation of the PACTE Translation Competence Model: Acceptability and Decision Making, *Across Languages and Cultures*, 10 (2), 207-230.
- POMMER, S. (2006). *Rechtsübersetzung und Rechtsvergleichung. Translatologische Fragen zur Interdisziplinarität*. Frankfurt /M. etc.: Lang.
- PRIETO RAMOS, F. & BORJA ALBI, A. (2013). Legal Translation: The State of Affairs. In: Borja Albi, A. & Prieto Ramos, F. (eds). *Legal Translation in Context. Professional Issues and Prospects*. Oxford etc.: Lang. 1-6.
- ROALD, J. & SIMONNÆS, I. (2005). Blikk på og blikk for translatøreksamen i Norge, *SYNAPS* 16. 21-27. <http://www.nhh.no/en/research-faculty/department-of-professional-and-intercultural-communication/research/publications/synaps.aspx>
- ROALD, J. & WHITTAKER, S. (2011). The formation of legal terms: a case study, *SYNAPS - A Journal of Professional Communication*, 26, 90-93. <http://www.nhh.no/en/research-faculty/department-of-professional-and-intercultural-communication/research/publications/synaps.aspx>
- ROALD, J. & WHITTAKER, S. (2012). On the formation of legal terms. Paper presented at Colloque international, Lyon 1er-3 juillet 2012. Le Centre de Recherche en Terminologie et Traduction (CRTT) de l'université Lumière Lyon 2. *La néologie en langue de spécialité - Détection, implantation et circulation de nouveaux termes*.
- ŠARČEVIĆ, S. (1985). Translation of culture-bound terms in laws, *Multilingua*, 4 (3), 127-133.
- ŠARČEVIĆ, S. (1997). *New Approach to Legal Translation*. The Hague etc.: Kluwer Law International.
- ŠARČEVIĆ, S. (2000). *Legal Translation and Translation Theory: a Receiver-oriented Approach* ([www.tradulex.org/Actes2000/sarcevic.pdf](http://www.tradulex.org/Actes2000/sarcevic.pdf) [last accessed 31.01.15])
- ŠARČEVIĆ, S. (2012). Challenges to the legal translator. In: Tiersma, Peter M. & Solan, Lawrence M. (eds). *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press. 187-199.
- SCHÄFFNER, C. (2004). Developing Competence in LSP-Translation. In: Fleischmann, E. & Schmitt, P. A. & Wotjak, G. (Hrsg.). *Translationskompetenz. Tagungsberichte der LICTRA 4.-6.10.2001*. Tübingen: Stauffenburg. 679-689.
- SIMONNÆS, I. (2005). Das Übersetzen von Rechtstexten: Verstehen und Textanalyse, *LSP & Professional Communication. An International Journal (Formerly Unesco Alsed-LSP Newsletter)*, 5(1), 55-74.
- SIMONNÆS, I. (2012). *Rechtskommunikation national und international im Spannungsfeld von Hermeneutik, Kognition und Pragmatik*. Berlin: Frank & Timme.
- SIMONNÆS, I. (2014). Legal Comparison as a Prerequisite to Legal Translation. The Inherent Interrelatedness between Legal Comparison and Legal Translation. In: Helland, I. & Koch, S. *Nordic and Germanic Legal Methods*. Tübingen: Mohr Siebeck. 23-43.

- STEJSKAL, J. (2002). International Certification Study: Norway, *The ATA Chronicle*, XXXI (7), 13-15 + 22.
- STOLZE, R. (2013). Translation and Law, *SYNAPS - A Journal of Professional Communication*, 28. 3-13.  
<http://www.nhh.no/en/research-faculty/department-of-professional-and-intercultural-communication/research/publications/synaps.aspx>
- STRANDVIK, INGEMAR (2012). Legal Harmonization Through Legal Translation: Texts that Say the Same Thing? In: Baaij, C[ornelis] J.W. (ed.) *The Role of Legal Translation in Legal Harmonization*. Alphen aan den Rijn: Wolters Kluwer. 25-49.
- VERMEER, H. J. (1996). *A skopos theory of translation. (Some arguments for and against)*. Heidelberg: Textcontext-Verlag.
- VOGEL, H.-H. (1988). *Juridiske översättningar*. Lund: Juristförlaget i Lund.
- WESTON, M. (1983). Problems and principles in legal translation, *The Incorporated Linguist*, 22 (4), 207-211.
- WESTON, M. (1990). The role of translation at the European Court of Human Rights. In: Matscher, Franz & Petzold, Herbert (eds). *Protecting Human Rights: The European Dimension*. Studies in honour of Gérard J. Wiarda. Köln etc.: Heymanns. 679-689.
- WESTON, M. (1991). *An English Reader's Guide to the French Legal System*. New York - Oxford: Berg.
- Way, Catherine (2012). A Discourse Analysis Approach to Legal Translator Training: More Than Words, *International Journal of Law, Language and Discourse*, 2(4), 39-61.
- [http://www.gesetze-im-internet.de/englisch\\_rvg/index.html](http://www.gesetze-im-internet.de/englisch_rvg/index.html) [last accessed 15.02.2015]  
<http://www.nhh.no/no/studietilbud/translatorleksamen/spraktilbud.aspx> [last accessed 15.02.2015]  
<http://www.nhh.no/no/nhh-executive/andre-studier/jurdist.aspx> [last accessed 21.07.2015]

- 
- <sup>i</sup> For a glimpse on the history of this exam see e.g. Stejskal (2002) and Roald & Simonnæs (2005).
- <sup>ii</sup> For more information see <http://www.nhh.no/no/studietilbud/translatorleksamen/spraktilbud.aspx>
- <sup>iii</sup> One exception being Gisle et al. (2010), a Norwegian legal encyclopaedia with English terms for each entry.
- <sup>iv</sup> The idea for this course came from our colleague from the French Section, professor Sunniva Whittaker, as part of a possible more comprehensive programme in LSP-translation.
- <sup>v</sup> For detailed information (in Norwegian only) see <http://www.nhh.no/no/nhh-executive/andre-studier/jurdist.aspx>
- <sup>vi</sup> For a critical discussion of what is claimed to be so special about legal translation, see Harvey (2002).
- <sup>vii</sup> The presentations are published in this issue of *Terminology Science and Research* and will be part of the reference literature for the next version of JurDist.
- <sup>viii</sup> Although the following statement does not focus on the training of legal translation *per se*: “[...] the debate on legal translation has gained momentum since the approval of Directive 2010/64 EU on the right to interpretation and translation in criminal proceedings” (Prieto Ramos & Borja Albi (2013: 2), we see it as relevant to training purposes. In a Norwegian context it is sections 2-8 and 22-5 of the Prosecution Instructions (*Forskrift om ordningen av påtalemyndigheten /Påtaleinstruksen*) which regulate those cases, as Norway is neither a member of the EU, nor is criminal law part of the EEA-agreement.
- <sup>ix</sup> Cf. Dullion (2015) who advocates a similar methodology in teaching legal translation. Contrary to what we expected there were some candidates who were already state authorized translators but nevertheless felt the need for more input on the topic of legal translation.
- <sup>x</sup> This approach is in line with approaches advocated earlier e.g. by Hjort-Pedersen & Faber (2005), Pommer (2006), Engberg (2013), Simonnæs (2014), to name but a few.
- <sup>xi</sup> Cf. Kelly (2005: 119f.) cited in Biel (2011) who shows to the existing consensus [in translation studies] “that texts should, as far as possible, be authentic, unmanipulated and presented in their original form”.
- <sup>xii</sup> For convenience we use interchangeably ‘receiver’ and ‘addressee’. For a more detailed discussion about ‘receiver’ see Simonnæs (2005) reprint in Simonnæs (2012).
- <sup>xiii</sup> For a critical assessment of the *skopos* theory within the functional approaches in translation studies, see Chesterman (2010:209 ff.).
- Cf. also Simonnæs (2012:67 ff.), discussing the similarities of “purpose” in legal studies and translation studies.
- <sup>xiv</sup> Šarčević (2000) explains that authenticated translations, “vested with the force of law [...] **enable the mechanism of the law to function** in more than one language” (emphasis added).
- <sup>xv</sup> “When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.”
- <sup>xvi</sup> For more in-depth discussion about the peculiar status of EU legal texts see e.g. Felici (2010) with further references there.
- <sup>xvii</sup> This approach is in line with what other scholars claim, e.g. McLaren who recently states that “[...] one of the starting points for anyone wishing to specialize in legal translation is to have a good

---

understanding of the legal system in which they operate and a solid knowledge of the legal principles which apply” (McLaren 2015: 12).

Cf. also Kieffer (1997).

<sup>xviii</sup> Cf. also Harvey (2003; 2012.) in general and on the translation of culture-bound terms in laws in particular Šarčević (1985).

<sup>xix</sup> Due to place constraints we cannot discuss the issue about legal genres more in depth, but show to some slightly different categorization by e.g. Kjær (1990); Busse (2000: 670ff.); Cao (2010: 193); Šarčević (2012: 189) and Stolze (2013).

<sup>xx</sup> As indicated we did not get the permission to collect data from the students of JurDist. We use therefore, if not indicated otherwise, examples taken from translations performed at the NTAE. The discussion on the best applicable strategy is one important issue in the teaching activities of JurDist.

<sup>xxi</sup> Capitals are used for the designation of the concept and inverted commas [ ‘ ’ ] for the linguistic expression.

<sup>xxii</sup> This insight is not new. Cf. in this respect Mincke (1991: 465; emphasis added) who states that “Das Verständnis kann die Übersetzung nicht gewährleisten, wenn dem Leser der im Text behandelte Gegenstand nicht bekannt ist. Das **Verständnis erfordert Erklärung**, nicht Übersetzung [...]”

<sup>xxiii</sup> For more details on this translation challenge Norwegian-French see Roald & Whittaker (2011); for Norwegian-German see Simonnæs (2014).

<sup>xxiv</sup> ‘unofficial’ should be understood as for information purposes only because of the supplementary information “Should any doubt arise, the Norwegian text of the Act is valid and binding”.

<sup>xxv</sup> The official name is *Bundesministerium der Justiz und für Verbraucherschutz* (Federal Ministry of Justice and Consumer Protection) in contrast to the *Justis- og beredsskapsdepartementet* in Norway (The Ministry of Justice and Public Security).

<sup>xxvi</sup> In this context we do not discuss further what kind of brackets (round or square) would be the best.

<sup>xxvii</sup> Cf. Vogel (1988: 52) who emphasizes the translator’s task is always to take into account that the receiver of the translation, if needed, should be able to get in touch with the pertinent authority and that he therefore might need to have access to the court’s or authority’s original untranslated designation.

“Under alla omständigheter får en översättare av rättegångshandlingar och liknande aktstycken i förvaltningsförfaranden räkna med att översättningens mottagare måste kunna komma i kontakt med vederbörande domstol eller myndighet och att han därför kan behöva ha tillgång till domstolens eller myndighetens ursprungliga, oöversatte beteckning [...]”.

<sup>xxviii</sup> Cf. also Way (2012: 52 ff.).

<sup>xxix</sup> Cf. Schäffner 2004, Göpferich 2008, 2013 and PACTE 2009, to name but a few.

<sup>xxx</sup> We refer to the second edition of 1983.

<sup>xxxi</sup> In 2004, the BRAO was replaced by the “Gesetz über die Vergütung der Rechtsanwältinnen und Rechtsanwälte” or short “Rechtsanwaltsvergütungsgesetz” /“RVG”. In English: “Law on the Remuneration of Attorneys” ([http://www.gesetze-im-internet.de/englisch\\_rvg/index.html](http://www.gesetze-im-internet.de/englisch_rvg/index.html)).