

Accuracy and Immediacy of Legal Terminology in Court Interpreting: Challenges and Countermeasures

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Abstract

Court interpreting, as a crucial component in judicial proceedings safeguarding the litigation rights of parties with language barriers, directly impacts the realization of judicial justice. The accurate and immediate translation of legal terminology constitutes the core requirement of court interpreting, yet it faces numerous challenges in practice. This paper analyzes the characteristics of legal terminology translation in court interpreting, explores in depth the challenges related to language, culture, system, and technology encountered in ensuring accuracy and immediacy during the translation process, and proposes systematic countermeasures combined with case studies. Research indicates that measures such as enhancing interpreters' professional competence, improving institutional norms, and introducing technological assistance are of significant importance for guaranteeing the quality of court interpreting, contributing to the refinement of the language service system within the judicial field.

Keywords

Court interpreting; legal terminology; accuracy; immediacy; translation strategies

1. Introduction

With the acceleration of globalization and the deepening of cross-border judicial cooperation, court interpreting has become an essential safeguard for the normal operation of judicial systems in multilingual environments. Article 14 of the United Nations International Covenant on Civil and Political Rights explicitly stipulates the right of parties to a trial to have the assistance of an interpreter to ensure a fair trial. In this context, court interpreters are required to accurately convey legal terminology within highly tense, immediate judicial settings. The quality of their interpretation directly relates to the protection of parties' rights and the fairness of judicial procedures. However, legal terminology is characterized by high specialization, semantic precision, and cultural dependency. Coupled with the

immediacy demands of court interpreting, interpreters often face dual pressures of accuracy and efficiency. This study aims to systematically analyze the core challenges in this field and propose targeted solutions, providing theoretical and practical references for improving the quality of court interpreting.

2. Characteristics and Translation Requirements of Legal Terminology in Court Interpreting

2.1. Specialization and Standardization of Legal Terminology

Legal terminology serves as the core carrier of legal language, possessing strict specialization and standardization. For instance, "force majeure" in a legal context specifically refers to "objective circumstances that are unforeseeable, unavoidable, and insurmountable," differing significantly from its everyday meaning. The translation of such terms requires precise correspondence to the legal concept in the target language; any deviation may lead to misjudgment of legal consequences. Etymologically, many legal terms originate from Latin, such as "habeas corpus," whose meanings have been solidified through long-term legal practice. Interpreters must adhere to established professional translations when interpreting such terms.

2.2. Cultural Embeddedness of Legal Terminology

The meaning of legal terminology is often rooted in specific legal cultures. For example, "right in rem" in civil law systems and "property rights" in common law systems differ in conceptual boundaries and institutional design. Civil law emphasizes the absolute nature (*erga omnes* effect) of real rights, while the common law concept of property rights encompasses a broader bundle of rights. In translation, interpreters must not only convert linguistic forms but also accommodate shifts in cultural background to avoid misunderstandings caused by mechanical equivalence.

Table 1. Conceptual differences in terminology across legal systems.

Legal System	Typical Term	Core Conceptual Difference
Civil Law System	Right in rem	Emphasizes absolute effect, statutory nature
Common Law System	Property rights	Focuses on bundle of rights, consensual nature

Another example is the Chinese traditional legal concept of mediation, which differs from the Western concept of "mediation" in procedure and value orientation, requiring appropriate explanation and clarification during translation.

2.3. Dual Requirements of Accuracy and Immediacy in Translation

Court interpreting requires interpreters to react swiftly within the pace of courtroom proceedings while ensuring the precision of legal terminology. For instance, in criminal trials, distinguishing between "suspect" and "defendant" involves legal characterization based on the stage of proceedings. Interpreters must complete term selection and

conversion instantaneously, allowing no delay or error. Observations of multiple foreign-related trials in China indicate that during consecutive interpreting, interpreters have an average processing time of only 2-3 seconds per utterance, while in simultaneous interpreting, the lag time for information processing is typically required to be within 3-4 seconds. This imposes extremely high demands on interpreters' ability to handle complex legal terminology.

3. Core Challenges in Translating Legal Terminology in Court Interpreting

3.1. Challenges at the Linguistic Level

3.1.1. Lack of Terminological Equivalence

There exists a significant number of terms without direct equivalents across different legal systems. For example, the Chinese legal concept "death sentence with a reprieve" has no direct counterpart in common law systems, requiring explanatory translation such as "death penalty with a two-year reprieve" to convey its meaning, posing high demands on interpreters' on-the-spot processing ability. Similarly, the German legal term "Schuldrecht" (law of obligations) lacks a perfect equivalent in English; it is usually translated as "law of obligations," yet this translation still cannot fully encompass the connotations of the original German term.

3.1.2. Polysemy and Context Dependency

Legal terminology often carries ambiguous meanings due to contextual variations. For instance, "lien" in common law can refer to either a "right of retention" or a "right of detention/seizure." Interpreters must determine its specific meaning based on the case background, as misinterpretation can severely impact translation accuracy. In contract dispute cases, the term "consideration" may denote "valuable consideration" or "factor taken into account" in different clauses, requiring accurate judgment by the interpreter based on context. Furthermore, the use of archaisms (e.g., "hereby," "therein") and Latin terms (e.g., "quid pro quo") in legal texts adds to the difficulty of linguistic processing.

3.2. Cultural and Institutional Differences

Fundamental divergences exist in the legal cultures and institutional designs of different countries. For example, the civil law principle of "presumption of innocence" may conflict with certain rules of evidence in some Islamic legal systems. Interpreters need to balance cultural conversion and institutional adaptation of legal concepts during translation to avoid misunderstandings. In some Islamic legal systems, standards for evidence admission differ from Western ones, and the weight of witness testimony varies across cultural contexts. Moreover, unique legal institutions in certain countries, such as Japan's "Saiban-in system" (lay judge system), have no direct equivalents elsewhere, requiring detailed explanation during translation.

3.3. Fluctuations in Translation Quality under Immediate Pressure

The fast-paced nature of court proceedings requires interpreters to process information within seconds. Research shows that during consecutive interpreting, the average interpreter reaction time is only 2-3 seconds. During this process, the complex structure of legal terminology (e.g., Latin-derived terms like "res judicata") may cause delays in information processing or mistranslation. In actual trials, interpreters may also face challenges such as rapid speech, strong accents, and unclear expression from speakers. For instance, in a case involving a party from a Francophone African country, the interpreter's unfamiliarity with the local accent and slang led to errors in translating certain legal terms, affecting the trial proceedings.

3.4. Insufficient Institutional and Technological Support

Some judicial institutions lack unified legal terminology databases, making it difficult for interpreters to access authoritative references. According to surveys, in some basic-level courts in China, over 60% of interpreters reported being unable to find accurate corresponding translations for legal terms during interpretation. Simultaneously, the application of real-time translation technologies (such as speech recognition and machine translation) in the legal field still suffers from accuracy issues and cannot effectively assist human translation. Current machine translation systems generally achieve an accuracy rate below 70% when handling complex legal logic and specialized terminology, failing to meet the stringent requirements of court interpreting. Additionally, outdated and poor-quality interpretation equipment in some courts hinders information reception and transmission by interpreters.

4. Countermeasures and Practical Approaches

4.1. Enhancing Interpreters' Professional Competence

4.1.1. Strengthening Legal Knowledge Base

Interpreters need to systematically study the legal systems of both source and target languages, including legal concepts, procedural rules, and terminological origins. It is recommended to enhance legal professional competence by participating in certifications such as the Legal English Certificate (LEC) exam and observing judicial practices. Universities and training institutions should offer specialized legal interpreting courses covering not only legal English and terminology translation but also comparative analysis of different legal systems. For example, the legal interpreting program at the Middlebury Institute of International Studies at Monterey requires students to delve deeply into the differences between U.S. federal and state laws and comparisons with legal systems of other countries.

4.1.2. Optimizing Interpreting Skill Training

Employ methods such as simulated trial training and intensive terminology note-taking practice to enhance interpreters' responsiveness in high-pressure environments. For instance, training combining "shadowing exercises + legal terminology substitution" can improve the accuracy and fluency of immediate interpretation. Simultaneously, cultivating interpreters' psychological resilience through stress simulation training can help them adapt to the tense courtroom atmosphere. Furthermore, introducing case-based teaching methods, analyzing real interpreting cases from trials to summarize experiences and lessons, is beneficial. For example, simulated trial training can incorporate scenarios with fast-speaking presenters or intentional disruptions to train interpreters' adaptability.

4.2. Improving Institutional Safeguard Systems

4.2.1. Establishing Standardized Terminology Databases

Judicial authorities should take the lead in developing multilingual legal terminology glossaries, clarifying term definitions and usage norms. For reference, the European Commission's Directorate-General for Translation (DGT) maintains the IATE (Inter-Active Terminology for Europe) terminology platform, providing an authoritative resource for multilingual legal translation. China can draw on the EU experience by establishing a national-level legal terminology database through the joint efforts of institutions like the Supreme People's Court and the Ministry of Justice, with regular updates. The terminology database should cover commonly used languages and provide detailed explanations of term origins, applicable scopes, and translations in different contexts. Additionally, local judicial bodies should be encouraged to establish sub-databases for region-specific legal terminology based on local conditions.

4.2.2. Standardizing Interpreter Qualification Certification

Implement unified court interpreter qualification examinations incorporating assessment modules on legal knowledge, interpreting skills, professional ethics, etc., to ensure practitioners possess professional competency. Currently, countries like the United States and the United Kingdom have established comprehensive court interpreter certification systems. China can refer to these experiences to establish a tiered certification system, issuing certificates at different levels based on interpreters' competency. Furthermore, a continuing education system for interpreters should be established, requiring regular participation in training and assessments to update knowledge and skills.

4.3. Technological Assistance and Innovative Application

4.3.1. Developing Intelligent Legal Translation Tools

Utilize artificial intelligence technology to develop intelligent legal terminology retrieval systems supporting real-time queries and translation suggestions. For example, DeepL Pro has introduced a legal text translation mode that can enhance the accuracy of terminology translation. Future intelligent legal translation tools should possess functionalities such as: automatically recommending the most appropriate translation based on context; supporting cross-lingual terminology queries; and integrating with courtroom recording systems to enable real-time saving and retrieval of interpreted text. Moreover, real-time translation systems combining speech recognition and machine translation can be developed, where preliminary machine translation is followed by human interpreter correction.

4.3.2. Optimizing Courtroom Technological Equipment

Equip courtrooms with high-quality simultaneous interpretation equipment and real-time captioning systems to reduce information transmission barriers caused by technical failures. In some courts in developed countries, intelligent courtroom systems integrating functions like speech recognition, real-time translation, and automatic recording have begun to be used. Chinese courts can gradually introduce similar equipment to improve the courtroom environment. Simultaneously, maintenance and management of technological equipment should be strengthened, with regular inspections and updates to ensure smooth operation during proceedings.

5. Case Studies

5.1. Case One: Term Mistranslation in a Foreign-Related Contract Dispute

In a multinational contract dispute case, the interpreter mistakenly translated "liquidated damages" as "liquitated damages", while the correct translation should be "penalty for breach". This error led to misunderstandings by the parties regarding liability for breach, causing an interruption in the trial. Further investigation revealed that the interpreter lacked knowledge of contract law and was unfamiliar with the specific meaning of "liquidated damages" in Anglo-American contract law. This case highlights the severe consequences of insufficient legal knowledge and terminology preparedness among interpreters. To avoid such issues, interpreters should familiarize themselves with relevant legal clauses and terminology in advance when translating contract-related legal texts, consulting authoritative legal dictionaries and precedents when necessary.

5.2. Case Two: Optimization of Immediate Translation in a Criminal Trial

A Municipal Intermediate People's Court in China introduced an intelligent translation system in a foreign-related criminal case, combined with human

interpreter correction, improving courtroom interpreting efficiency by 30% and increasing terminology accuracy from 82% to 95%. The intelligent translation system contained a rich legal terminology database and could automatically adjust translation results based on context. During the trial, the system provided real-time translation of the speaker's utterances, upon which the interpreter performed rapid correction and polishing. The court was also equipped with high-quality simultaneous interpretation equipment and a real-time captioning system, facilitating understanding for judges, parties, and observers. This case demonstrates that the combination of technological assistance and human interpretation can effectively enhance the quality and efficiency of court interpreting.

5.3. Case Three: Translation Misunderstanding Due to Cultural Differences

In a divorce dispute case involving parties from the Middle East, the interpreter directly translated "mahr" (dower) as "bride price." However, within Islamic legal culture, "mahr" is not merely an economic payment but carries significant religious and social meaning, differing fundamentally from the Western concept of "bride price." This translation led to misunderstandings by the judge and parties regarding the nature and treatment of the dower. Ultimately, with guidance from experts, the interpreter adopted an explanatory translation: "mahr (a pre-marital dower with religious and social significance under Islamic law)," and provided the court with a detailed explanation of the term's cultural connotations, resolving the issue. This case illustrates that when handling legal terminology with cultural embeddedness, interpreters need a thorough understanding of the relevant cultural background and must employ appropriate translation strategies.

6. Conclusion

The accuracy and immediacy of legal terminology in court interpreting are crucial elements for achieving judicial justice. Faced with multiple challenges related to language, culture, system, and technology, a systematic solution must be constructed through the synergistic advancement of interpreter capacity building, institutional improvement, and technological innovation. Enhancing interpreters' legal knowledge base and interpreting skills, establishing standardized terminology databases and regulated certification systems, as well as developing and applying advanced technological assistance tools, are of significant importance for guaranteeing the quality of court interpreting. Future research can further explore the deep integration of artificial intelligence and human translation, as well as the standardization of cross-cultural legal terminology translation, providing continuous support for the professional development of judicial language services. Simultaneously, with the increasing frequency of global legal exchanges, attention should also be paid to terminology translation issues in emerging legal fields (e.g.,

cyber law, AI law), continuously refining the theoretical and practical system of court interpreting.

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