

AUGUST 2016

# MAGNA FYI

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**Top 10**

Document Translation  
Tips and Pitfalls

**Steel Counselor**

Interview with  
**Christopher Greene**  
Canal Insurance Co.  
Vice President  
General Counsel  
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**Editor's Note**

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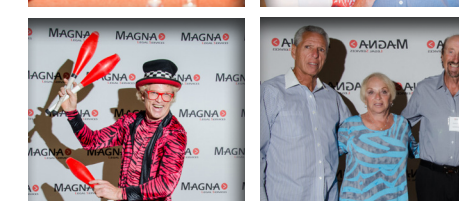
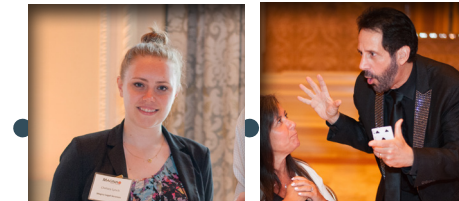
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S. Ross Suter, Esq.  
Director of Litigation Solutions

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## Editor's



Friends of Magna LS,

Chicago, known as Chicagoland, The Windy City, City by the Lake, Paris on the Prairie, and Chi-Town, is now officially home to Magna LS! Chicago is by far one of my favorite cities. Partly because the Twinkie was invented there, and also because the people are awesome. I'm what you might call a professional people-person, so I can say with some authority that Chicagoans are super cool. There is also some unique Magna history with the city too. Here's some Magna trivia.... Part of the inspiration for the development of our kick ass, one-of-a-kind, patented online mock trial program, called JuryConfirm 2.0, came from working with a Chicago company called CNA Insurance. So we already had roots nine years before we really started planting trees.

To firm up our foundation we merged with Chicago-based Creative Counsel, the go-to graphics design and trial consulting firm for the Midwest. And now we have the honor of becoming part of a 40 year local court reporting tradition with the merger between Lake Shore Court Reporting and Magna LS. Lake Shore is by far one of the best court reporting firms in the local area with a serious commitment to client satisfaction. Their dedication aligns perfectly with the Magna philosophy of focusing on client needs. To that end, their staff and court reporters will all be part of the new venture.

Last but not least, I'd like to address the court room sketch on the cover page of this issue of Magna-FYI. You might be wondering, "Who is that guy behind the glasses with no hair...?" Well, let me tell you, he's my partner and he heads up our litigation consulting team. If someone would have asked me when we first formed Magna, if I had ever expected to see Mark Calzaretta front and center in such a high profile case like the "Knoedler Art Forgery Trial", my response would have been "Most definitely yes!" That's right, I'm saying yes. I knew when Mark and I first paired up in the business that he was special. I could see that the clients got that vibe too and I can see his talent evolve after each new case. So, no, I'm never surprised when Mark takes his skills to a new level.



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## STEEL COUNSELOR

He used to write the policies; now he defends them.

Canal Insurance Co. Vice President, General Counsel and Secretary Christopher Greene on practical experience, focus groups and driving an 18-wheeler.



Christopher Greene is a self-described “small town guy from Alabama” who got his college degree in political science from a “small university” outside Birmingham: the University of Montevallo. He knew he wanted to go to law school but didn’t have the money so he worked as an underwriter

for a few years and kept at it while attending the University of Alabama School of Law. In his over 20 years of practice, his career has varied from practicing in an insurance defense firm, to stints as in house counsel with Progressive and AIG, followed by becoming Canal’s General Counsel in 2009.

**Q. Canal is focused on providing insurance solutions to the transportation industry, insuring just about every type of truck from 18-wheelers to charter buses. You’ve got taxi, garbage, and tow-truck programs also. Is there anything you don’t do along those lines?**

**A.** Hauling explosives or nuclear material is something we do not want to do, but we will look at any-sized risk otherwise, and almost any commodity.

**Q. How has work as an underwriter translated to providing legal advice to an insurer?**

**A.** My prior experience in underwriting and marketing helps me daily to assist the business units at Canal craft the right way to do things that are compliant and often more economically feasible, while accomplishing the ultimate business result.

You hear this common theme from the very good in house lawyers: If you’re just responding to your internal clients with a simple yes or no - especially if you are just

going to always say no - you are not doing your job. Your job is to find solutions. The law is oftentimes not absolute. You need to look outside the box and understand what the business person is trying to accomplish. And if there is a hurdle, to come up with creative solutions to get to the ultimate business result.

**Q. You note that you were at Progressive when they were doing “cool stuff” with data.**

**A.** The idea came up to provide competitor price quotes along with the Progressive quote. But we needed the hard data for comparison sake. This was accomplished in those early days by a complex phantom shopping program with people calling to agents to obtain insurance quotes based on various hypothetical client profiles. That was how some of the original data was collected. My tenure at Progressive taught me the importance of using/collecting/gathering data in effectively running an insurance company.

**Q. What are some recent changes in the industry?**

**A.** More heightened federal regulation of transportation companies, which I’m not suggesting is a bad thing. However, stricter regulations have pushed some smaller trucking companies, who already had to deal with tiny profit margins, out of business, or have caused them to lease on to drive for the bigger trucking companies. The regulations have also compressed the number of available and qualified drivers, so there continues to be a driver shortage. Now you have to be 21 years old with a commercial driver license to drive on interstate hauls. But one good thing that came out of recent regulations was a pilot program for those under 21 if they had advanced military training with essentially heavy/large vehicles, which will help to give vets greater employment opportunities following deployments.

**Q. Have you ever driven an 18-wheeler yourself?**

**A.** No, but I’ve been on accident reconstructions, in a driver simulator, and have sat in enough trucks. Frankly, I can’t imagine a tougher job. To me, it’s perhaps tougher than an airline pilot because handling a truck in heavy traffic is not an easy thing.

**Q. A lot of people at Magna may not have driven an 18-wheeler. But they know how to help defend them.**

**A.** Magna is our preferred court reporting vendor because their service and ability to satisfy their customers is far and away better than I’ve seen in my career.





We have also used them in another really important way: for focus groups. You have people who may be sitting at home and are seen on screen as an avatar. But taken as a whole, you basically have a mock jury in the same venue as your case so you get that local flavor. Via cameras, you then have lawyers present portions of your case – whatever theories you are trying to test. The focus group is a fantastic way to do a gut check on how a jury is going to view evidence or arguments. And it's going to give you a peek into how a jury would value the case. It's tremendously more economical than a full-blown mock trial. We've learned something valuable every single time, and it's always been a very good experience for us. Of course, I can't say enough about the level of service and support we get from Jessica Gimbel, and if there is anyone reading this that does not yet know Peter Hecht, get to know that totally awesome guy in a hurry.

**Q. You work out of an interesting office at Canal headquarters in Greenville, South Carolina.**

**A.** Canal is family owned now going into the fourth generation. Our offices are in a former, 1950s Sears and

Roebuck. South Carolina urban legend says we have the oldest working escalator in the state. People will come into the building and say, that's the spot where they used to sell tools, or blue jeans.



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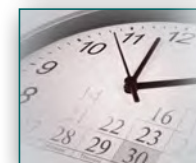
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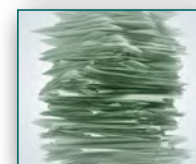
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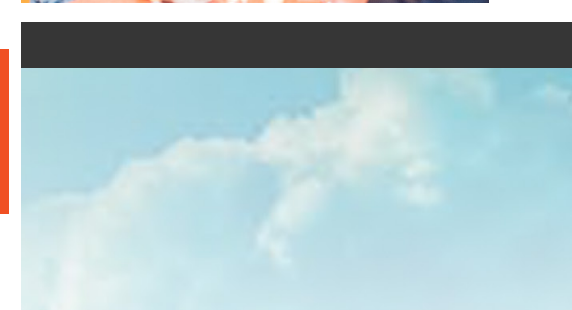
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**LEONARDO DURÁN**  
GENERAL MANAGER OF  
LANGUAGE SERVICES

## Magna Legal Services Provides Interpreters for the UFC Athlete Summit in Las Vegas

Philadelphia, PA (2016)

Magna Legal Services, one of the country's largest jury research, litigation graphics and court reporting companies, recently provided conference interpreters in multiple languages for the Ultimate Fighting Championship (UFC) Athlete Summit, April 3-5 in Las Vegas, NV. To assist the international athletes with limited English proficiency, Magna was called on to provide interpreters in Spanish, Portuguese, Russian, Korean and Japanese.

**The event** – held twice a year at various resort properties in Las Vegas – brought together up-and-coming athletes in the fast-growing sport of mixed martial arts and covered a wide range of informational and educational topics, such as social media, PR, health and performance, training, etc., in a classroom-style setting.

“Magna Legal Services was honored to be part of this successful event for a second time and help a number of foreign athletes hone the skills they’ll need outside of the ring,” said

Leonardo Durán, General Manager of Magna’s Language Services department. “For most of the three-day event, our interpreters worked in fully enclosed soundproof booths, interpreting each presenter’s speech simultaneously while the athletes listened on headphones connected to portable receivers.”

Following the morning presentations on the second day, the athletes took part in one-on-one fitness evaluations and group exercise demonstrations at the nearby UFC Training Center. They also sharpened their PR skills in mock media interviews. In these scenarios, Magna’s interpreters worked alongside the athletes in consecutive mode, interpreting back and forth between the various participants.

**More information on the case can be found here:** <http://www.magnals.com> or Call us at our Toll Free number: 866-624-6221

### About Magna:

Magna Legal Services is one of the largest jury research, litigation graphics and court reporting companies in the country, providing end-to-end legal support services, including interpreting and document translation, to law firms, corporations and governmental agencies throughout the nation. As an end-to-end service provider, Magna provides strategic advantages to clients by offering legal and language support services for a range of business needs. Magna’s mission is to meet all business support needs in a high-quality, reliable and responsive manner.







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## MAGNA LEGAL SERVICES

# TOP 10 DOCUMENT TRANSLATION TIPS AND PITFALLS

LEONARDO DURÁN, GENERAL MANAGER OF LANGUAGE SERVICES

### 1. Make sure the source text is readable.

To help speed up the translation process and ensure accuracy, it's best to have an electronic file in an editable format such as MS Word. If an editable file is not available, try to get the best quality scan possible. If the document is partially illegible, there may be important text missing from the translation. The translator will usually indicate any illegible text in the translation with a note brackets. For example: "The patient exhibited symptoms of [illegible]." If a better copy is obtained later, the translator can go back and fill in the gaps.

### 2. Allow enough time for translation.

Accurate translation takes longer than most people think, often 2 to 3 times longer than it takes to write the original document. Some language combinations, such as English to Spanish, are faster than others, such as English to Chinese. This is because English and Spanish have similar structure and word order, not to mention they use the same alphabet. Many Asian languages, however, use character-based writing systems that are more difficult to type. They also use a completely different word order than English, meaning the translator must take extra steps to dissect and rewrite each sentence. Although rush service – including splitting a large document among different translators – is always an option, the more time you allow, the more consistent and readable the translation will be.

### 3. Avoid machine translation whenever possible.

Machine translation is a rapidly developing field and the technology has improved greatly over the last several years. However, as anyone who has ever tried using free online translation tools such as Google Translate knows, the results can often be just short of gibberish. Machine translation engines still have a hard time differentiating between words with multiple meanings and deciphering word order and context.

They do better between languages with similar structures but can wreak havoc with Asian languages, producing often laughable results. That said, machine translation can be a quick way to get a very rough idea of the topic of a document or website – but human translation is always better whenever comprehension is critical.

### 4. Don't rely on bilingual employees or family members.

Being bilingual doesn't automatically enable someone to translate between languages accurately, the same way being good at math doesn't make someone a good accountant. Translation requires a different skill-set that most people don't naturally possess, even if they grew up with both languages. This is particularly the case with complex subject matters such as legal, financial and technical. Without the proper background and training, most bilinguals are unable to handle high-level language beyond informal conversation. Like any profession, translation skills must be developed overtime through many years of education and experience. To protect yourself and your business, always use a professional translation service.

### 5. Be aware of dialects and other language variants.

Some languages, such as Chinese, can vary by country or region. For example, Chinese uses two different character sets for writing – simplified and traditional. Mainland China uses simplified characters, but Taiwan and Hong Kong use traditional. This is different than spoken dialects of Chinese like Mandarin, Cantonese, etc. For example, residents of Beijing and Taipei both speak Mandarin, but they use different characters when writing. That's why it's important to rely on a professional translation provider like Magna. Our language experts know the right questions to ask and can advise you on what language variants are appropriate for different audiences.





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### 6. Beware of text expansion and other formatting pitfalls.

Some languages use more words than others to express the same thing, thus taking up more space on a page. For example, when translating from English to Spanish, the number of words will typically expand by about 20%. This means your 3-page English document may end up being 4 pages long in Spanish, affecting page number references, table of contents, indexes, etc. Other languages present different challenges. Chinese and Japanese, for example, don't put spaces between words, and Arabic and Hebrew are written from right to left. Magna's Language Services team can advise of these issues in advance to avoid surprises and make sure your translation is properly formatted.

### 7. Finalize the source document first, then translate.

If possible, make sure the source document goes through all the necessary revision processes before you start translating. This will save you the time and cost of implementing multiple rounds of changes, especially if you're translating into multiple languages.

### 8. If budget is a concern, review first, then translate.

You have a stack of documents in a foreign language, but you're not sure what's relevant. Before you pay to translate everything – and run the risk of a small return on your investment – Magna's Language Services team can review the documents for relevance first. Let us know what you're looking for – the more criteria you can provide, the better. Once the relevant set of documents is identified, the full translation process can begin. Alternatively, ask for a summary translation of each document, i.e., a short paragraph describing the contents.

### 9. Keep your terminology consistent.

If you're translating large sets of related documents – especially if it's a large project that will be split among multiple translators – it's a good idea to keep your terminology consistent. Many terms and phrases have multiple correct translations, so establishing preferred word choices in advance can help

guarantee comprehension across multiple documents. Magna's Language Services team can help by creating terminology glossaries for your project, which can be updated and revised as needed. These glossaries can be leveraged for future projects as well.

### 10. Take advantage of translation memory tools.

Translation memory tools keep track of how sentences are translated, so that if the same or similar sentences appear again later, they can be translated exactly the same way. This not only helps you maintain consistency, it also speeds up the translation process and can keep translation costs down by leveraging repetitions or so-called "fuzzy matches," i.e., sentences that are more than 50% but less than 100% the same. Not all translations are translation memory compatible. Ask Magna's Language Services team whether translation memory is right for your project.

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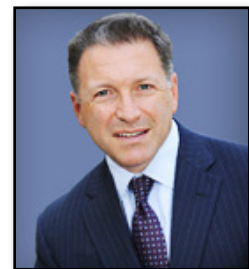
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# TOP LITIGATOR INSIGHTS: Depositions

**S. Ross Suter, Esq.**  
Director of Litigation Solutions  
Magna Legal Services

**A**s a practicing litigation consultant and former litigator, I believe the art of conducting a deposition is a fascinating three-way dance of questioner, deponent and presenting attorney. As was demonstrated at Magna's Mock Crisis at the Breakers, attorneys must balance many factors no matter which side of the deposition they are on (taking or presenting). Following the conference, I was able to pose questions to four highly experienced litigators and identify their mindset at deposition.

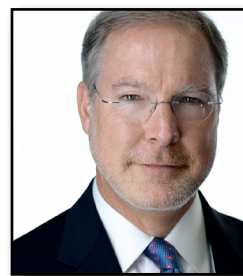


**Scott Haworth, Esq.**  
Managing Partner

**HAWORTH**  
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**Q. Have you ever conducted a mock deposition with a witness? And if so, how did that impact your witness?**

**A.** Yes. The mock deposition allowed the witness to hear, review and understand how his responses would read in a printed transcript, particularly in response to uncomfortable questions designed to obtain adverse "sound-bite" testimony. When videotaped, the mock deposition allowed the witness to see how his mannerisms and expressions can influence how a jury may view him as a witness, regardless of his verbal response. Ultimately, mock depositions allow us to workshop responses and behaviors in a way that positively impact the testimony and the case result.



**Wade R. Quinn, Esq.**  
Attorney at Law

**RAMEY, CHANDLER,  
QUINN & ZITO, P.C.**

**Q. In preparing a witness for deposition and you were only permitted one instruction, what would that be?**

**A.** If I truly was permitted only one instruction, I suppose it would have to be to "tell the truth." However, that should be understood. So, the one instruction I would give separate and apart from that would be "don't guess or speculate." A deposition is not like a test in school where you try to fill in the blank even if you really don't know the answer, hoping to get some points out of it. In a deposition, guessing is often the fastest way for a witness to be trapped in contradictory statements.



**Daniel S. Liebowitz, Esq.**  
Partner

**Kelley Kronenberg**  
ATTORNEYS AT LAW

**Q. How do you instruct witnesses how to handle the simply answer "yes or no" question?**

**A.** This is the witness' testimony not the opposing lawyer's. The witness should answer the questions as he or she deems appropriate without being limited to simply "yes"

or "no" because that is counsel's instruction or request. Of course if the complete answer is "yes" or "no", then that is the best answer.



**Pete Swayze, Esq.**  
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**Q. In your opinion what is the most effective deposition question and why?**

**A.** I have dozens of favorites, but the best of class to me is a "set up question" about honesty that is calculated to serve you on multiple issues in defense of every personal injury case. Specifically, I believe a Plaintiff should always be asked if it is their custom and practice to be honest with police and investigating authorities as well as health care providers when providing answers to questions about what transpired at an accident scene or

when answering questions about their past and current medical conditions, especially when a form is filled out and signed by the plaintiff at or shortly after an event or in the course of medical care by treating physicians. Those questions are often honestly answered before litigation is contemplated or commenced and those answers will often diffuse the litigation testimony of even the most well prepared Plaintiff.

For example, 'we can agree Mr. Plaintiff that when you filled out the Health History Form at Dr. Jones office that your answers were accurate [and you set forth a long history of back and neck pain]?...Is that your signature? ...You didn't even circle the body part you are now complaining about on this form shortly after the accident and now you are testifying that you suffered injury to that body part?...'

Those types of questions create multiple areas for cross-examination on self-serving embellishment for secondary gain.

I would like to thank each of the above attorneys for their time and insights. We look forward to seeing everyone in Atlantic City at the 4th Annual CHOPPED for CHOP event.



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