

Risks of Common Law Mistranslations

1. Why Common Law Legal Terms Are Uniquely Difficult to Translate

Common law is a system based on judicial decisions and precedents. This means that many legal terms carry meanings that have evolved through years (sometimes centuries) of case law. Your organization needs a translator who is fluent in the target language and both legal systems to accurately convey meanings and retain the original intent of legal clauses.

2. The Risk of Oversimplification or Literal Translation

If your organization relies on literal translations or automated tools, it risks distorting the law entirely. Consider the term "injunction." In common law, it refers to a court order that compels or restrains a party from taking a specific action. If you oversimplify them in translation, you risk misleading your audience and undermining the original text's intent.

3. Cultural and Legal Context Are Everything

A significant part of accurate translation lies in understanding the legal culture of both the source and target languages. It's not enough to know what "tort" means in English. The translator needs to know how legal responsibility is structured in the target system—if the receiving legal culture has a similar concept of negligence, or if it distinguishes between civil and criminal liability the same way.

4. Why You Need a Legal Translation Expert

It's not enough to work with a translator who is fluent in both languages. They must also understand legal terminology and know how to handle citations, footnotes, exhibits, or cross-references in a way that aligns with your jurisdiction's expectations. If your translation team lacks that depth, you may expose your organization to serious risks, including contractual, regulatory, or reputational issues.

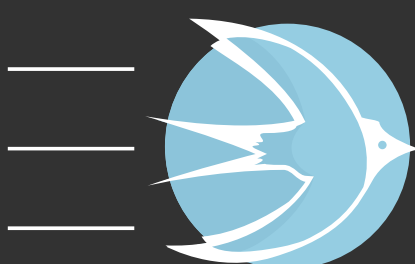
5. Terminology Errors Invite Legal Challenges

Consider a U.S. company entering a joint venture with a French partner. The term "indemnify," when translated literally as "compensate," loses its U.S. legal meaning, which includes not only compensating but also defending against claims. In a dispute, the French partner can argue that they never agreed to a duty to defend. That single mistranslation can expose your organization to risks it never intended and trigger costly litigation and delays.

6. Translation Accuracy is a Legal Requirement

The only way to protect your organization is to build translation into your legal risk strategy. Treat it with the same care you would give to legal counsel, because in many ways, they work hand in hand. The correct translation won't just mirror the language; it will preserve the law. Protect your organization by partnering with a reputable translation company experienced in legal translation.

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