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## COGNITIVE LOAD IN SIMULTANEOUS INTERPRETING OF LEGAL SPEECHES: CASE STUDY

**Summary.** The article is concerned with the features of interpreters who operate in the legal sphere from the perspective of cognitive load. Legal simultaneous interpreting (SI) is applied in very high demanding conditions as legal language and its terminologies are highly complex and the syntactical structures demand high levels of intrinsic cognitive load. Elements outside the foster classroom permeate an increase in extraneous cognitive load like the environmental speech factors or distracting environments. The article applies the cognitive load theory and analyzes how the interpreters cope with those challenges.

Attention in this study is focused entirely on a type of discourse which is very specific and requires accuracy. Legal interpreters are expected to work under extreme pressure and multitask by engaging in listening, comprehension and understanding, and interpreting simultaneously. Various cognitive load management strategies such as Gile's Effort Model, cognitive flexibility and anticipatory processing are provided by the author.

An empirical study was carried out among first-year master's students of translation and special training on simultaneous interpreting of legal speeches was conducted. Marks on the parameter 'cluttering' improved by 14%, preciseness – by 12%, and mobile cognitive load decreased remarkably by 40%. The strategies applied during instruction were vocabulary memorization, stress enlargement by rephrasing complicated legal sentences, and stress management through mindfulness.

The experiments in this study reveal that there is a considerable improvement in the performance of interpreters when structured training that encompasses cognitive flexibility exercises, terminology drilling, and mindfulness stress management is conducted. The author justifies the promotion of such techniques as part of the training of professional interpreters in order to enable them to cope with cognitive load during the legal SI.

The conclusion of this article expresses the opinion that it is possible to decrease the cognitive load of legal interpreters while increasing their clarity and precision of recollection through the use of specific training. The author also indicates the necessity of further studies on the long-term outcomes of this training. This study fills a gap in the literature of cognitive load in legal SI and it is real-time application for the problems of interpreter performance efficiency under high cognitive load.

**Key words:** cognitive load, simultaneous interpreting, legal discourse, cognitive flexibility, stress management.

**Theoretical background.** Simultaneous interpreting has been seen as a hard task, since interpreters need to listen to, understand and transform a speech in the very same moment. These difficulties

are heightened in legal interpreted settings, where an abundance of jargon, complex structures, and the requirement for suitable wording increases the workload of the interpreter. Cognitive load, explained by Sweller (1988) has structured the discussion about the beliefs regarding the mental effort required in SI. According to Sweller, cognitive load is the measure of working memory for a given task and this concept is very significant in evaluating some of the legal interpreting barriers [1, c. 263].

As noted the cognitive load in SI can be intrinsic, extraneous or germane. It is termed the intrinsic load, the inherent difficulty of the interpretation materials, in this instance, the legal lexicons and the syntactical structures of legal speeches and their word patterns. Gile (2009) points out that legal interpreting, because it is so specialized, has a particularly severe intrinsic load because interpreters are required to work in a language that is compact and foreign [2].

By contrast, extraneous load arises from factors outside the task itself including the communication clarity of the speaker or the environmental noise, as noted by Pöchhacker (2004). Some load that is also temperature [3]. Basic ideas on germane load and schema process have been mentioned by Paas and Van Gog in 2006 as Americans reserve habits which are somehow valid even during SI complex high risk periods [4].

Several studies are directed at identifying how the interpreters work under SI and cope with cognitive load. For instance, Gile (1995) developed the so-called 'Effort Model' [5] within which it is suggested that interpreters do and how much do they need to allocate and control auditory attention listening, speech output and its 'feedback' retiming. With regard to cognitive overload interpreters, may at times encounter a tightrope effect which describes a state of balance rather towards comprehension accuracy where an increase in the cognitive load would at tilting any other tasks or provocations to the interpretation itself may dilute any further comprehension where high violence is. Such models draw attention to the risks and constraints interpreters face when managing cognitive load during legal speeches which require high levels of accuracy and no errors.

More specifics have been attempted by Seeber (2011) who investigated how cognitive flexibility helps to decrease overload of information [6, c. 185].

Cognitive flexibility may refer to the skills identified by Scott in 1962 which include performing different and unrelated tasks as well as the processes of reorganizing cognitive structure. This is particularly important in SI where the interpreters need to mentally switch gears quickly – whether it is regarding the context, tone

or say, legal arguments. One of the findings in Seeber's study is that higher cognitive flexibility improves the speech processing in advocates who work in the legal domain with often fast and dynamic discourses [6, c. 194; 7].

It is worth mentioning, however, that external speech delivery and even the surrounding environment could have been instrumental evoking cognitive load according to Köpke and Signorelli (2012). They add that interpreters have to deal with the complexities of legal language and legal interpretation and, furthermore, in addition, people, interpreting variables that may impede the interpretation process [8, c. 192]. Pöchhacker (2016), in support of this, emphasised the use of extraneous variables as cognitive load and at some point bloated the interpretation effort centers with adverse effects on the quality of interpretation [3].

Legal interpretation is an activity with a potential for serious falsehood and thus potential liability as Ms. Moser-Mercer 2000 puts it, simply put [9, c. 88].

This gap in the literature requires a more thorough investigation of how interpreters in operational settings cope with advanced cognitive load. According to her, from her own experience, interpreters are required to craft some specific techniques in order to handle the increased complexities of legal SI, because basic approaches will not always help in this environment.

**Objective.** Legal speech is quick and there are often a lot of ideas being combined into one speech which is why such cross pollination exists. This study will be in the line of the works of Gile, Seeber, Moser-Mercer, and co using the legal speech interpreting context to assess the SI. This will in turn inform on how cognitive loads in active legal SI are managed encompassing intrinsic, extraneous, and germane loads putting SI in a broader perspective. In addition, it seeks to offer directions for forms of training which would allow interpreters to effectively confront and master the making sense aspects of legal interpretation so as to correct and accurately perform the work in risk-prone situations.

Legal language has often been described by Hale (2004) to be more precise than clear which is challenging for the interpreter [10]. Such complexities make it more difficult on the API inter-internal processing during which preservation of meaning along with legal terms is required. Gile (2009) does provide a similar situation in relation to borderline interpreters, but even here, legal speeches pose extraordinarily high relative acute and chronic loading on such interpreters that includes due to the areas, some too technical phrases are used some of which have no translations in the target language [5].

Further, González, Vásquez, and Mikkelsen (2012) state that if a translator interprets a speech that relates to two legal systems, the interpreter must have knowledge of both systems to translate the speech adequately. Interpreters are therefore faced with extra challenges that are cognitive in nature when interpreting legal arguments, details and procedures without that system knowledge [11].

Gile's "Effort Model" of SI (1995) comes handy in this context, in that it deals with the problem of the interpreters' allocation of comprehension, production and memory efforts. It is even more challenging in legal situations because the stakes are higher such that if one interprets the message wrongly due to factors like word choice, the legal implications may be grievous and kids are not even allowed to play with such words [5].

Long legal speeches are usually composed of packing information into sentences that tend to be of a size more than

necessary and more passive structures than active which add up to the amount of information that needs to be processed in a given time. As Pöchhacker correctly observes, the interpreter is often obliged to "deconstruct" the complex sentences into several paraphrased versions that capture the essence of the intended message. Chunking is one such important aspect that efficiently deals with cognitive load according to her findings by Gerver, inter alia, whereby it was seen that speech is not continuous and is frequently divided for constant information processing. Only, in legal SI the problem of chunking is much complicated because of the likelihood of using complex legal terms and the accuracy inherent in legal translations [12, c. 120].

### Interpreting Activities of Legal Conferences

As it is noted in various studies, there are particular features of simultaneous interpreting which are troublesome. Gile (1995) describes this activity as an overwhelming activity therefore the chief problem of SI is required to comprehend the segment that is being presented while at the same time speaking the other language. This multitasking has heavy mental overload and intensifies with legal speeches density and pace. Consequently, as Seeber (2011) states, SI is about 'powerful' multitasking – interpreters listening, processing, and speaking as though there is no processing delay while switching the language and the channels. Even more, this inaccuracy is unacceptable in legal settings and adds to the cognitive load already existing in all settings and activities.

According to Moser-Mercer (2000), many unnecessary mental efforts are required from interpreters engaged in legal simultaneous interpreting. For instance, the authors attribute the following to extraneous cognitive load: the speed of interpretation, the difficulty of legal theses, and the environment. Legal speeches are usually characterized by the rapid delivery of information which is more than in other classes of speeches. This additional time dimension leaves interpreters with no time within which to comprehend and interpret the meaning of the speech thereby raising the mental burden on such people [9, c. 90].

Legal speeches are also noted as involving certain aspects of legal systems and legal procedures that are foreign to many audiences, which already benefits interpreters in a big way.

### Practice and Training.

In order to control this overload, interpreters employ some techniques as anticipatory processing, which has been evaluated by Chernov (2004). Anticipatory processing helps interpreters to manage the pace of delivery by anticipating the message on the basis of contextual information. It is worth mentioning, that for legal interpreting, the anticipatory strategies might not be effective as Chernov agrees, anticipation can be effective for lowering the level of effort in some tasks, while increasing the risk of misconduct in others, and in particular the legal ones, since the forecaster's assumptions might concern overlapping meanings of fundamental law enforcement vocabulary and images [13].

Interpreters often resort to another strategy that makes it possible to perform the task of interpretation – cognitive flexibility, which is stated by Seeber (2011). Cognitive flexibility is the ability to switch between unrelated tasks, such as listening to the speaker, processing the heard information and generating speech on the target language. Particularly, padding and contextualization strategies are central in legal SI as interpreters have to adjust to a speaker's change of tone, change in style of argumentation, change in legalese usage very quickly, if not immediately.

The findings in the study by Seeber indicate that the interpreters that display a high degree of cognitive flexibility are able to better cope with the cognitive demands of the legal speeches and the level of accuracy is also high.

As highlighted earlier, even if legal speech acts are intrinsically very high in internal cognitive load, they also impose extraneous and germane cognitive load on interpreters. It can, as more readily seen in Paas and van Merriënboer, be defined as the amount of useless mental effort that is necessary to achieve the task. Some extraneous load may relate to certain factors that are not part of the task itself and that interfere with the subject such as bad sound systems, unclear voices, and time constraints. In legal situations, such extraneous load may be aggravated by environmental factors such as poor courtrooms, poor-quality recordings of witnesses, and so forth, due to people's professional interruptions. Köpke and Signorelli also assert that in courts, these external factors may contribute to a higher overload for the interpreters than the internal factors, which can affect their performance [8; 4].

The cognitive load stated in this case refers to the cognitive effort utilized towards comprehension and mastery of any given task. There are constant challenges in the scope of SI and interpreters have to keep on practicing their skills and adjusting to these challenges particularly the time when the interpreters are engaged in legal interpreting where a lot is expected.

Looking at the study of Christoffels and de Groot (2009), it is apparent that legal interpreting tends to attract a high germane load owing to the fact that interpreters do not only contend with the inherent complexity of legal language but, rather, constantly seek to develop strategies to cope with the changing requirements of their profession [14, c. 181]. In particular, this process of skill acquisition generates yet another category of cognitive load, which, if inadequately regulated, will culminate in mistakes or cognitive strain.

### **Practical Application and Experiment**

A practical experiment was carried out to test the strategies directed towards reducing mental stress and enhancing accuracy and clarity in simultaneous interpreting (SI) among a group of 1st year Master's students of the Translation Department. The students practiced with the language pair English-Ukrainian which turned out to be problematic in terms of legal discourse- vocabulary, structure and idioms. With regard to the nature of legal texts, the aim of the course was to maintain the interpretation without compromising on precision and accuracy while ensuring that the cognitive load remains manageable.

### **Training Approaches**

To these ends, the students were given focused training which incorporated three specific aspects that the students were to be targeting, namely precision, clarity, and management of cognitive load. These areas were advocated for and stressed on because of their significance in legal interpreting, even a slight variation from them may result in dire repercussions.

In light of the earlier observations and lessons learned from the literature, the following methods were carried out:

**Precision Training:** Legal interpreting has no room for error in defining and explaining legal argue terms and concepts. Glossaries of legal terms in both English and Ukrainian prepared jointly with legal professionals were provided to the students so that the accuracy of these glossaries is ensured. This vocabulary-building exercise was complemented by drills in legal sentence structures, making

the students tackle more and more complicated legal speeches that required being explicitly interpreted.

Further, error analysis was applied, which was also supported by González, Vásquez, and Mikkelsen (2012), where students watched their accuracy in interpreting the information given through some terminology and its meaning and finding the correct alternative [11]. Students more or less recognized patterns of mistakes which were typical for legal interpretation, and they could develop some strategies for those situations when one has to interpret as it happens, in real time.

**Clarity Enhancement:** Legal discourse is dense, legible in its nature which makes it harder to achieve simplification in SI. Students used to be trained to divide the very long legal complex sentences into further concise and easily understandable sentences which is also supported by Gerver (1975) who says chunking helps in reducing the amount of information in the working memory yet maintaining the intelligibility of the content [12].

The trainers emphasized the need for using paraphrasing tools in order to convey convoluted legal ideas in simple terms but the legal element of the message is preserved.

As a learning technique, students were tasked with performing mock legal speeches under various speeds and levels of complexity. Moser-Mercer (2000), in her studies of interpreter stress, supported the need for such output slowing down, especially when stress caused increased cognitive load.

**Cognitive Load Reduction:** Since effective simultaneous interpreting in legal settings requires minimizing cognitive load, cognitive load management is paramount. It was noted that cognitive flexibility, as explained by Seeber (2011) was one of the central issues of the training program. Exercises were presented to the students requiring them to switch from one legal topic to another and adapt to different manners of delivery. In this way, they learnt how to cope with rapid shifts inherent in legal interpretation without losing control.

The study also employed mindfulness and focusing techniques to offset external cognitive load that was likely to occur from stress or distracting environments. Moser-Mercer (2000) goes on to recommend the application of stress management strategies that can help boost focus and reduce the chances of cognitive overload on interpreters in stressful situations [9].

**Experiment Design and Results** Tackling an interpretation of spoken legal texts, we undertook the experiment in six weeks with a group of 1st year Master's of Law students. At the beginning of the experiment, the learners took what we called as the baseline test which involved interpreting a complex speech of law from English to Ukrainian. The assessments were based on the following factors: clarity, precision and cognitive load. Such factors comprised of the qualitative feedback of the well trained legal interpreters and the cognitive load self assessments, which were reported by the bonafide students themselves. Plus Numerous examples of measures for qualitative assessments on the clarity of translations made by learners. Thus, students after training concerning the particular topic were asked to interpret a similar legal speech. The results of the post-quasi training test reveal when centering on them, significant positive changes occurred, described by the following:

– Clarity of expression in students' documents to a point increased by 14%, measured by appropriateness in the coherence and flow of the students' interpretations.

– Resolution enhanced by 12% after the reduction of legal terminology errors committed before and also the better comprehension of the legal concept respective to the context.

– Cognitive Load decreased by 40%, based on students' self-report and observations of their instructors who reported this time students showed less evidence of cognitive overload during the between the speaker and interpreter tasks. Discussion The experiment above therefore, in summary, has outlined that targeted training is effective in increasing the levels of clarity and precision whilst lowering down at the same time the cognitive footprint of simultaneous interpreters especially where legal speeches are concerned.

**Strategies.** The strategies tried helped to cognitantly relieve students in a great deal for there was a considerable 40% reduction in cognitive load meaning that legal interpreters did manage to cope with the extremely complex cognitive processes involved in interpreting languages. These findings underscore the targeted development of terminology skills and error analysis as critical for increasing precision by 12%. The Ukrainian students were able to choose the right words in their made up situations in the target language more accurately because of the cross language context learning. This supports Gile's (1995) effort model which addresses preparation and management of terminology to assist in cutting down on the cognitive load in the practice of SI [5]. Lastly, the increase in clarity by 14% confirms that there is a need for introducing new training techniques which enhance distortion free simplification of complex legal sentences in the legal interpretation process. The evidence we draw from recommends the active use of such methods in every-day interpreter training, especially in the legal sphere. The findings of this experiment display the successful application of content-focused instruction on political speeches' simultaneous interpretation with respect to accuracy, clarity, and management of cognitive processes. The application of such approaches substantiates the standing of the phenomenon for the professional and educational contexts of the English-Ukrainian interpreting triad.

Cognition overload and panic are two problems most students feel when doing interpreters' tasks working through legal texts. To do this, interpreter teachers can embed active instructional models that boost students' vocabulary and clarity and lessen cognitive overload.

#### Techniques

**Clarity (+10%):** The method with the most enhancement is here. In breaking the complex legal syntax into smaller pieces, it was easier for the students to put across the primary message of the legal speeches when they are conveyed. Understanding of legal constructs was simplified thus enhancing the listener and making it easier to interpret.

**Precision (+2%):** This could be said as clarity being the major goal of this method; a small pinch precision was achieved. Students committed less errors in the understanding of complicated legal phrases when condensing long sentences because the target was compresses content and not only simplification.

**Cognitive Load (0%):** Chunking and simplify did not directly decrease cognitive load, but through enhancing clarity, the students management of mental resources in content density did not get them overwhelmed.

**Clarity (+4%):** Terminology drills helped improve clarity since most students were familiar and confident using appropriate legal terms, increasing the quality of interpretation.

Nonetheless, as this detail showed, this training did not focus on clarity, rather, it was for precision. It is anticipated that the students who went through this training will become good in precision. By putting emphasis on legal lexis and analyzing errors of students, they were taught to interpret legal ideas accurately thus reducing mistakes and increasing the level of healthy interpretation. This method did not remove cognitive load per se, but added something to it that made it easier to participants to measure their efforts very well and therefore, it lessened the burden of searching for precision to the extent of ignoring it. This psychological method had two implications: enhancing cognitive flexibility and managing stress level during language interpretation in the target language, which is simultaneously performed as the target language speech. This type of loading did not influence clarity on this method that primarily had effects on cognitive load and stress management for simultaneous interpretation, which is already documented above. Just as illusory advances in clarity were in cows, never did this method persistently change in improvement in precision and accuracy. Instead, it was on the create the conditions by which students will remain precise and moderate cognitive overexertion in stressing interpreting situations. Out of all these factors, the greatest level of achievement with this method was on alleviating cognitive load.

As students practiced cognitive restructuring tasks (task-switching and recontextualizing) and stress reduction methods (mindfulness, breathing), they were able to reduce their cognitive strain significantly and achieve a 40% decrease in cognitive load. This led to effective performance under pressure and sustained mental stamina during long stretches of interpreting.

**Conclusion.** To sum it up, the ways did work to improve clarity, precision as well as cognitive load management in respect of specific aspects of the training showing how effectively a generic training should be concerning the simultaneous interpretation in legal situations in all possible dimensions.

**Further Research Perspective.** So, the results of this experiment give us good reasons to believe in such targeted training methods as allowing restoring SI clarity and precision, as well as solving cognitive overload issues when it comes to interpretative activities for legal speeches at SI. But still, this study also opens several doors towards further research. This includes but is not limited to the possible progression of these interventions and determining what influence other characteristics of interpreters have on cognitive load comprehension.

Extent and Persistence of the Benefits of the Training Programs; Despite showing reasonable short-term resolution of clarity, precision and cognitive load reduction in the present context, it is not known if such gains can be masked over a period of time. It is appropriate to commence an extended systematic investigation that looks at interpreter performance six or twelve months post training. Seeking whether the cognitive load is still decreasing and clarity and precision remain high enough would provide further insights on the effective nature of the training methods over the long term.

In the context of future studies, it is interesting to understand whether these methods have the same impact on different language pairs, particularly those that are more syntactically or lexically different. Moreover, as the arrangement of judicial systems is different in the countries of the study, the other areas investigating the interpreters working in different judicial systems as well as the cognitive loads and strategies for the cognitive loads could look for dominance in cause effect relationship.

Future studies might look into the neurocognitive correlates of cognitive flexibility in interpreters and suggest ways in which cognitive flexibility training might be incorporated into interpreter training to further prepare interpreters for effective performance in real time, high pressure situations such as face-to-face meetings.

Though the present study established that implementing targeted training procedures leads to improvement in clarity and precision at the same time decreasing cognitive load, there remains a huge gap in respect to the area of simultaneous interpreting especially in legal contexts where various studies could be conducted.

Such areas can further be explored in future studies for the betterment of understanding the optimization of interpreter and coping with the real-time translation aspect in of the specialized subject area through the integrity of processes being translated in real time.

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#### **Скрильник С. Когнітивне навантаження при синхронному перекладі юридичних промов: тематичне дослідження**

**Анотація.** Стаття присвячена особливостям діяльності синхронних перекладачів, які працюють у юридичній сфері, з точки зору когнітивного навантаження. Юридичний синхронний переклад здійснюється в дуже складних умовах, оскільки юридична мова та її термінологія є дуже складними, а синтаксичні структури вимагають високого рівня внутрішнього когнітивного навантаження. Елементи, що знаходяться поза межами навчальної аудиторії, збільшують зовнішнє когнітивне навантаження, наприклад, мовленнєві фактори навколишнього середовища або відволікаюче оточення. У статті застосовано теорію когнітивного навантаження та проаналізовано, як усні перекладачі справляються з цими викликами.

Юридичні перекладачі повинні працювати в умовах надзвичайного тиску та багатозадачності, одночасно займаючись слуханнями, осмисленням і розумінням, а також усним перекладом.

Автор пропонує різні стратегії управління когнітивним навантаженням, такі як модель зусиль Джайла, когнітивна гнучкість та випереджувальна обробка.

Проведено емпіричне дослідження серед студентів першого курсу магістратури перекладу та проведено спеціальний тренінг з синхронного перекладу юридичних промов. Оцінки за параметром «громіздікість» покращилися на 14%, точність – на 12%, а мобільне когнітивне навантаження помітно знизилося на 40%. Стратегії, що застосовувалися під час навчання, включали запам'ятовування лексики, збільшення навантаження шляхом перефразування складних юридичних речень та управління стресом за допомогою усвідомленості.

Експерименти в цьому дослідженні показують, що ефективність роботи перекладачів значно покращується, коли проводиться структурований тренінг, який включає вправи на когнітивну гнучкість, термінологічне відпрацювання та управління стресом за допомогою техніки усвідомлення «майндфулнес». Автор обґрунтовує доцільність впровадження таких методик у підготовку професійних перекладачів, щоб вони могли справлятися з когнітивним навантаженням під час проведення юридичного синхронного перекладу.

У висновках статті висловлюється думка, що за допомогою спеціального навчання можна зменшити когнітивне навантаження на усних перекладачів і водночас підвищити їхню чіткість і точність запам'ятовування. Автор також вказує на необхідність подальших досліджень щодо довгострокових результатів цього тренінгу. Це дослідження заповнює прогалину в науковій літературі про когнітивне навантаження в юридичному перекладі та має безпосереднє відношення до проблеми ефективності роботи усного перекладача в умовах високого когнітивного навантаження.

**Ключові слова:** когнітивне навантаження, синхронний переклад, юридичний дискурс, когнітивна гнучкість, управління стресом.