



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

**(SENT BY EMAIL)**

DATE March 1, 2019

TO: Oregon Court Interpreters

FROM: Kelly Mills, Program Manager  
OJD Court Language Access Services

RE: **Interpreting Recommendations When the Court Interpreter Is Asked to Interpret Outside of Court or Off the Record (“The 10 Minute Rule”)**

*Court Language Access Services (CLAS) advises that Oregon Judicial Department (OJD) contracted court interpreters may provide brief “courtesy” interpreting services for incidental communication that occurs before, after, or during breaks in proceedings.*

**Statutory authority:**

The OJD does not have payment authority to provide court interpreters for off-the-record services between limited English proficient (LEP) parties and non OJD personnel. However, for the efficiency of the court process, CLAS authorizes incidental off-the-record interpreting services for up to 10 minutes, unless otherwise instructed by the court.

**Interpreting considerations:**

Providing interpreting services to one of the case parties for a prolonged period outside of the presence of the other parties and the court may give the appearance of bias or a conflict of interest on the part of the interpreter. This would violate the court interpreter’s duty under Canon 3 of the *Code of Professional Responsibility for Interpreters in the Oregon Courts (CPR)*.

The OJD contracted interpreter must ensure that the courtesy interpreting services (e.g. sight translating a plea petition) do not interfere with the court interpreter’s availability to provide in-court interpreting services and must occur in the immediate vicinity of the assigned courtroom.

Based on all of the circumstances and the interpreter’s best judgment, the interpreter may refuse to provide courtesy services. If an attorney requires interpreting services beyond the scope described above, they may contract separately with a non-OJD assigned interpreter.