



Judicial Bench Card

What is the OJD Interpreter Policy?

The Oregon Judicial Department will “provide qualified interpreters to persons who are unable to readily understand or communicate in the English language because of a non-English-speaking cultural background or a disability.” – ORS 45.273(1)

How do I know if a party or witness needs an interpreter?

- When an attorney or a litigant advises the court that a party or witness has limited English proficiency (LEP).
- When a party involved in a case does not appear to understand court proceedings in English.
- If you are unsure, inquire on the record to determine the party’s ability to proceed in English.

Sample Questions to Assess Understanding of English:

- ◆ How many years did you go to school?
 - ◆ What kind of work do you do?
 - ◆ Where were you born? Please tell me about your country.
 - ◆ Please describe what you see in this courtroom.
 - ◆ What language do you speak at home?
 - ◆ How comfortable are you in proceeding with this matter in English?
 - ◆ Would you like us to bring in an interpreter to help you communicate?
- A person unable to answer these questions may be unable to use English well in the high stress legal court environment.
 - Also, if the court cannot understand the person’s spoken English, consider using an interpreter.
 - To determine the language used by the LEP person, ask them to point to their language on the *I Speak Card* language chart. (This assumes the person can read their language).

How do I get an interpreter for my court?

Court Language Access Services (CLAS) provides interpreting services to Oregon State courts. Contact your CLAS judicial district scheduler for any interpreter need. If you are unable to reach a scheduler, use the [online request form](#) or contact CLAS at 503.986.4545.

How do I know if the interpreter is qualified?

CLAS schedules three categories of interpreters, two credentialed, per ORS 45.291(c):

- Oregon Court Certified – Interpreters who have successfully passed **oral interpreting examinations**, demonstrated an understanding of *The Code of Professional Responsibility for Interpreters in the Oregon Courts* (CPR) and passed a criminal background check.
- Oregon Court Registered – Interpreters who have passed oral **language proficiency exams** in English and their non-English language(s), demonstrated an understanding of the CPR, and passed a criminal background check.
- Non-certified/registered – Interpreters or bilingual individuals who have submitted their resumes and passed a criminal background check. These interpreters must put their qualifications on the record and given an oath.

Establishing an Interpreter’s Qualifications on the Record

- ◆ Do you currently hold an Oregon Court Interpreter credential?
- ◆ Do you hold the federal court interpreter certification or any other interpreting credential?
- ◆ Have you read and do you understand and agree to adhere to the *Code of Professional Responsibility for Interpreters in Oregon Courts*? Briefly describe the main points.
- ◆ Are you aware of any conflicts of interest you may have in this particular case?
- ◆ Have you had an opportunity to speak with the person in this case who needs an interpreter? Can you readily communicate with the person?

What if the LEP customer brings a friend or family member to interpret?

OJD has an obligation to offer qualified interpreter services to the LEP person. As a last resort, if OJD is unable to provide an interpreter immediately, a friend or family member might communicate new dates to the LEP person to allow CLAS time to bring in an interpreter. **Children should not be used to interpret.**

Interpreter Oath

- **Interpreters holding an Oregon interpreter credential:** An Oregon certified or registered interpreter has made the oath or affirmation required by ORS 40.325 and need not make one again prior to the court proceeding.
- **Interpreters not holding the Oregon interpreter credential:** The appointed interpreter must meet the statutory requirements for qualification and state their qualifications on the record, as well as make the oath or affirmation required by ORS 40.325.
“Do you solemnly swear or affirm that you will interpret truly, accurately, completely, and impartially in accordance with the standards prescribed by law and the Code of Professional Responsibility for Interpreters in the Oregon Courts?”
- **Sign language interpreters assisting a juror** with a disability must make the following oath or affirmation.
“Under penalty of perjury, do you solemnly swear or affirm that you will not participate personally in the jury’s deliberations, nor make any comment nor offer personal recollections of the evidence or opinion about the outcome of this case? And do you further swear or affirm not to disclose, retain, or comment upon anything heard in jury deliberations unless ordered to do so by the court?”

What is the role of the interpreter?

A qualified interpreter will:

- Interpret everything said in the courtroom, with no additions, omissions, or personal input.
- Abide by the *Code of Professional Responsibility for Interpreters in the Oregon Courts*.
- Request clarification if a phrase or word is not understood.
- Briefly converse with the non-English speaker prior to the proceeding to confirm mutual understanding.
- Use appropriate interpreter tools such as a language dictionary and note-taking materials.
- Behave in a professional manner and be as unobtrusive as possible.

How can I assist communication during an interpreted proceeding?

- Instruct all participants to speak clearly and directly to the party or witness, not to the interpreter.
- Allow only one person to speak at a time.
- Allow the interpreter to set the speed and pace of communication.
- Allow the interpreter to position him or herself to best advantage.
- If needed, allow the interpreter to review court and party documents (e.g. pleadings, reports, trial memoranda) to review names, unique vocabulary and other pertinent information.
- Check in with the interpreter from time to time for additional needs.

How can I assess the performance of the interpreter?

- When someone is speaking, is the interpreter interpreting? (The interpreter will lag a few words behind or may ask the speaker to pause to allow for interpretation; this is normal)
- Is there a pattern of significant differences between the length of the interpretation compared to the original utterance?
- Do the interpreter and the LEP person appear to be conversing?
- Is the interpreter acting in a professional manner?

For any questions or concerns regarding interpreting services please contact us:

(503) 986-4545

Court.Interpreter.Program@ojd.state.or.us

<https://www.courts.oregon.gov/languages/Pages/default.aspx>