

Interpreters in the Judicial System



Michigan Supreme Court
State Court Administrative Office

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I. Introduction

Courts across Michigan provide foreign language interpreters in court proceedings to varying degrees every day. In 2013, the Michigan Supreme Court adopted MCR 1.111 and MCR 8.127 codifying requirements for interpreters and establishing guidance for the courts.

In 2010, the United States census asked a question about limited English proficiency and the primary language spoken in each household. As of 2013, the top 10 languages other than English spoken in Michigan are Spanish, Arabic, Chinese, Vietnamese, Polish, German, Korean, Japanese, French or French Creole, and Italian.

Due process, fundamental fairness, and equal protection of the law require clear, understandable, and accurate communication between parties, attorneys, witnesses, judges, and court staff. All parties and witnesses must be able to communicate to meaningfully participate at their hearing or trial, assist counsel, receive effective assistance of counsel, and confront witnesses. To ensure a party's right to meaningfully participate in court proceedings, it is critical to provide competent interpreters knowledgeable in legal proceedings and terminology who can speak English and the target language fluently. This manual is designed to help interpreters understand their role, the primary legal authority governing their profession, the requirements of the Michigan courts, and best practices in interpretation.

II. The Role of the Interpreter in Legal Proceedings

The role of the interpreter is to place the limited English proficient (LEP) individual in a position as close as linguistically possible to that of a similarly situated English speaking individual in the same legal setting. To ensure this, the interpreter must interpret completely and accurately, adding or omitting nothing, giving the required consideration to grammar, syntax, intent, register, and level of language of the LEP individual.

Interpreters are impartial officers of the court. An interpreter's conduct should not result in any type of advantage or disadvantage to the LEP individual. The role of the interpreter must be made clear to the parties and attorneys at the commencement of the proceedings to avoid future explanations or disruptions to the flow of proceedings.

Direct Speech in Legal Proceedings

To ensure a clear, unambiguous, and meaningful record, the interpreter must employ direct speech. Direct speech means language and context should mirror all communication exactly, as if there were no language barrier. The interpreter interprets and speaks the LEP individual's message in another language, but when responding says it in the first person in English thus sounding as if the original message was initiated by the LEP individual in English. Direct speech ensures everyone in the courtroom hears the LEP's individual's first-person words. The following are examples of correct and incorrect direct speech:

CORRECT	INCORRECT
Judge: “Please state your name for the record.”	Judge: “Please ask him to state his name for the record.”
Interpreter (in foreign language): “Please state your name for the record.”	Interpreter (in foreign language): “He’s asking you to state your name for the record.”

When Third Person is Appropriate

There are times when using the third person is appropriate. Proper third-person self-reference by interpreters eliminates possible ambiguities and helps to maintain the accuracy of the record. When interpreters need to speak directly to the judge on their own behalf, rather than interpreting the words of someone else, they should always refer to themselves in the third person. The following are examples of correct and incorrect uses of third-person speech:

CORRECT	INCORRECT
Interpreter: “Your Honor, the interpreter requests a repetition. The interpreter did not hear the question.”	Interpreter: “I’m sorry, but I did not hear the question.”

III. Court Interpreter Responsibilities

To meet the challenge of providing accurate interpretation in Michigan’s courts, interpreters must become familiar with the following skills and terms to ensure effective and meaningful communication between the LEP individual and the court:

Modes of Interpretation

1. Simultaneous interpretation requires the interpreter to speak contemporaneously (existing, occurring, or originating during the same time) with the LEP individual.
2. Consecutive interpretation requires the interpreter to allow the LEP individual to complete a thought or statement before providing the interpretation.

Accuracy: Interpreters must faithfully and accurately interpret what is said without embellishment or omission, while preserving the language level and/or register of the LEP individual. Challenges the interpreter must be aware of include:

1. An interpreter must not correct erroneous facts or make any inferences from any statements made during a proceeding.
2. An interpreter must not characterize or attempt to explain testimony and must not mimic any gestures made by the LEP individual.
3. If a witness is testifying in a foreign language and uses a few words in English, the interpreter must repeat those words for the record.

4. When an objection is made, the interpreter must interpret everything that was said up to the objection and instruct the witness by hand gesture not to speak until the court has ruled on the objection.

Impartiality: Interpreters must maintain an impartial attitude at all times and avoid unnecessary contact or discussions with counsel, witnesses, interested parties, or the LEP individual, either inside or outside the courtroom and **must never provide legal advice.**

Confidentiality: Interpreters must not disclose any information deemed confidential by the court.

Professional Demeanor: Interpreters must speak in a clear, firm, and well-modulated voice. The interpreter must wear appropriate business attire when interpreting in the courtroom.

Location While Interpreting: The interpreter must be positioned in a manner that allows the interpreter to hear and see everything that is said during the proceedings without obstructing the view of the LEP person, judge, jury, or counsel. The LEP individual must also be able to hear and see everything the interpreter says.

Communication with the LEP Individual: Interpreters must advise the LEP individual that the interpreter's role is to interpret all statements and comments throughout the proceeding, and that all questions and statements must be directed to counsel or to the court. The interpreter and the LEP individual must not engage in independent dialogue, discussions, or conversations.

Addressing the Court: To ensure that all parties are properly identified for the record, interpreters must use the first-person singular tense when interpreting. Interpreters must also address the court using the third-person singular to prevent confusion on the record.

Language Difficulties: During a proceeding, if an interpreter does not understand a word, phrase, or concept, it is the interpreter's responsibility to inform the court and request further clarification. If the interpreter has difficulty hearing something that has been said, it is the interpreter's obligation to inform the court and request repetition.

Errors: When an interpreter discovers an interpretation error, the interpreter must immediately inform the judge, even if the error is discovered after the proceeding has been completed. This will be discussed in greater detail later in this manual.

Code of Professional Conduct for Foreign Language Interpreters in Michigan Courts: The interpreter shall follow the Code of Professional Conduct found in the next section of this manual.

CODE OF PROFESSIONAL CONDUCT FOR FOREIGN LANGUAGE COURT INTERPRETERS IN MICHIGAN COURTS

All court foreign language interpreters must understand and abide by the Code of Professional Conduct for Foreign Language Court Interpreters.

The purpose of this Code of Professional Conduct is to establish and maintain high standards of conduct, to preserve the integrity and independence of the adjudicative system, and to promote public confidence in the administration of justice.

PREAMBLE

Many persons who come before the courts are partially or completely excluded from meaningful participation in the proceedings due to limited English proficiency. It is essential that the resulting language barrier be removed, as much as possible, so that these persons are placed in the same position as similarly situated persons for whom there are no such barriers. An interpreter is sworn in. The interpreter helps assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. An interpreter is a highly skilled professional who fulfills an essential role in the administration of justice.

APPLICABILITY

This code shall guide and shall apply to all persons, agencies, and organizations who administer, supervise, use, or deliver interpreting services to the judiciary. Violations of this code must be reported to the Foreign Language Board of Review, which will review the alleged violations and may require certain remedial activities or sanctions.

CANON 1: ACCURACY AND COMPLETENESS

An interpreter shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

The interpreter has two duties: 1) to ensure that the proceedings reflect in English what the non-English-speaking person said and 2) to place the non-English-speaking person on equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, an interpreter is obligated to apply their best skills and judgment to faithfully preserve the meaning of what is said in court, including the style or register of speech. Verbatim, "word-for-word," or literal oral interpretations are not appropriate when they distort the meaning of the source language. Each spoken statement, even if it appears nonresponsive, obscene, rambling, or incoherent, should be interpreted. This includes apparent misstatements.

An interpreter should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the judge's permission to provide an explanation. An interpreter should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. An interpreter should demonstrate their professionalism by objectively analyzing any challenge to their performance.

CANON 2: REPRESENTATION OF QUALIFICATIONS

An interpreter shall accurately and completely represent their certifications, training, and pertinent experience.

An interpreter must present a complete and truthful account of their training, certification, credentials, and experience prior to appointment, so the court can fairly evaluate their qualifications for delivering interpreting services. On direction of the court, an interpreter should engage in a conversation with the limited English proficient individual, to ensure that the interpreter understands the language and dialect spoken. When an interpreter accepts a case, the interpreter is declaring that he or she is capable to interpret in legal settings.

CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST

An interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. An interpreter shall disclose any real or perceived conflict of interest.

The interpreter's duty in a court proceeding is to serve the court and the public. This is true whether the interpreter is publicly retained at government expense or privately retained (e.g., hired and paid by one of the parties).

The interpreter should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. An interpreter should maintain a professional relationship with their clients.

The interpreter should never accept gratuities or gifts of any kind from a litigant, the family of the litigant, or anyone else for services rendered. If such a gift is offered, the interpreter should politely explain that the interpreter cannot accept gifts, gratuities, or honoraria.

During the course of the proceedings, an interpreter generally should not converse with parties, witnesses, jurors, attorneys, or friends or relatives of any party except in the discharge of their official functions. It is especially important that an interpreter, who is often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Should an interpreter become aware that a proceeding participant views the interpreter as having a bias, or the interpreter actually becomes biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

A condition that interferes with the objectivity of an interpreter creates a conflict of interest. Before providing services in a matter, the interpreter must disclose to all parties and the court any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information.

Michigan Court Rule 1.111(E)(1) identifies the following situations as creating a potential conflict of interest:

- (a) The interpreter is compensated by a business owned or controlled by a party or a witness;
- (b) The interpreter is a friend, a family member, or a household member of a party or witness;
- (c) The interpreter is a potential witness;
- (d) The interpreter is a law enforcement officer;
- (e) The interpreter has a pecuniary or other interest in the outcome of the case;
- (f) The appointment of the interpreter would not serve to protect a party's rights or ensure the integrity of the proceedings;
- (g) The interpreter does have, or may have, a perceived conflict of interest;

An interpreter must disclose any of these circumstances to the court before accepting any appointment. The court will make a determination about whether the circumstance will prevent the interpreter from serving.

An interpreter should disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case.

An interpreter should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same case or court proceeding.

CANON 4: PROFESSIONAL DEMEANOR

An interpreter shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

An interpreter should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, the interpreter should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. An interpreter should work without drawing undue or inappropriate attention to him or herself. An interpreter should dress in a manner that is consistent with the dignity of the proceedings of the court. An interpreter should avoid obstructing the view of individuals involved in the proceedings.

CANON 5: CONFIDENTIALITY

An interpreter shall protect the confidentiality of all privileged and other confidential information.

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of his or her duties. It is especially important that the interpreter understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.

In the event that an interpreter becomes aware of a party's intent to commit a crime that is likely to result in serious harm to someone, the interpreter may disclose the intention of a party to commit a crime and the information necessary to prevent the crime to the court or the court's language access coordinator.

CANON 6: SCOPE OF PRACTICE

An interpreter shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

Since an interpreter is responsible only for enabling others to communicate, he or she should limit themselves to the activity of interpreting or translating. An interpreter should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation. An interpreter may be required to initiate communications during a

proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or to repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to competently satisfy an assignment. In such instances, the interpreter should make it clear that they are speaking for themselves.

An interpreter may convey legal advice from an attorney to a person only while the attorney is giving it. An interpreter should not explain the purpose of forms or services or otherwise act as counselors or advisors unless they are interpreting for someone who is acting in that official capacity.

The interpreter may translate language on a form for a person who is filling out the form. The interpreter may also repeat minimal information already provided by the court or facilitate conversation between the court and the LEP person to explain the form. However, the interpreter may not explain the purpose of the form to such a person.

CANON 7: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE

An interpreter shall assess at all times their ability to deliver their services. When an interpreter has any reservation about their ability to satisfy an assignment competently, he or she shall immediately convey that reservation to the appropriate judge or language access coordinator.

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

An interpreter should notify the judge or language access coordinator of any environmental or physical limitation that impedes or hinders their ability to adequately deliver interpreting services (e.g., the courtroom is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret).

An interpreter should notify the court of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue.

An interpreter is encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables the interpreter to more closely match their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently.

Even a competent and experienced interpreter may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, an interpreter should request a brief recess to familiarize him or herself with the subject matter. If familiarity with the

terminology requires extensive time or more intensive research, the interpreter should inform the court.

An interpreter must refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. An interpreter must notify the court if he or she feels unable to perform competently due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

An interpreter must notify the court of any personal bias that may impact their ability to interpret any aspect of the proceedings. For example, an interpreter who has been a victim of a similar crime may ask the court to be excused from interpreting.

CANON 8: DUTY TO REPORT ETHICAL VIOLATIONS

An interpreter shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and legal translating.

Because consumers of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other laws, regulations, or policies governing court interpreters. The interpreter must inform such persons of the interpreter's professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should seek guidance from the court (if appointed during a case or court proceeding) or the Foreign Language Board of Review.

CANON 9: PROFESSIONAL DEVELOPMENT

An interpreter shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.

An interpreter must continually strive to increase their knowledge of the languages in which they work professionally, including past and current trends in technical, vernacular, and regional terminology, as well as their application within court proceedings.

An interpreter should keep informed of all statutes, rules of courts, and policies of the judiciary that relate to the performance of their professional duties. In addition, an interpreter should provide documentation of their certification or credentials upon request.

An interpreter should seek to elevate the standards of their profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field. A certified interpreter and a qualified interpreter must obtain at least the minimum

number of hours of continuing education hours (CEHs) as required by SCAO to maintain their certification.

IV. Interpreter Functions

There are three basic functions an interpreter serves during court proceedings:

1. **Interpreting During Court Proceedings.** Interpreters most often interpret to enable an LEP individual to understand the entire proceeding and to communicate with the court and counsel when necessary. This includes everything said in the courtroom such as witness testimony, communication between the court and counsel, and anything stated by the parties, jurors, court staff, or audience. Its purpose is to ensure the litigant is truly “present” and understands all facets of the proceeding.
2. **Interpreting Witness Testimony.** The function of witness interpreting is to make the evidence taken from the LEP witness accessible to the court and parties and to preserve it for the record.
3. **Interpreting for Attorney-Client Interactions.** The function of the interpreter is to facilitate communication between an LEP individual and his or her attorney to ensure the effective assistance of counsel.

V. Appointment of Multiple Interpreters

There are circumstances when it would be impossible for one interpreter to fulfill all functions required during a proceeding. When determining whether it may be necessary to appoint more than one interpreter, consider physical placement and fatigue, constitutional issues, and privilege issues. The court should appoint more than one interpreter in the following circumstances:

1. Any proceeding expected to last two or more hours if continuous simultaneous or consecutive interpretation will be required. This is necessary to ensure the quality of interpretation does not decrease due to the interpreter’s fatigue.
2. Proceedings involving an LEP defendant when there will also be LEP witnesses who will testify in order to ensure attorney-client communication can take place during testimony if necessary.
3. Cases involving multiple parties with adverse interests (e.g., divorce proceedings, child abuse and neglect proceedings).

VI. Removal of an Interpreter

If at any time during the course of proceedings it becomes apparent the interpreter has violated an ethical obligation or is unable to communicate effectively with the presiding judicial officers, attorneys, parties, or witnesses, the court should dismiss the interpreter and obtain the services of another interpreter. If the removal of an interpreter is necessary or if it is found that the interpreter may have violated the code of conduct, a grievance may be filed against that interpreter.

VII. Conducting Court Proceedings and Ensuring Quality

Oath: MCR 1.111(G) requires that before an interpreter may begin to interpret for an LEP individual, an oath or affirmation must be administered to the interpreter substantially conforming to the following:

Do you solemnly swear or affirm that you will truly, accurately, and impartially interpret in the matter now before the court and not divulge confidential communications, so help you God?

At some point, either before or after the oath is administered, the court may need to explain the presence and function of an interpreter in the courtroom to those who might be unfamiliar with their function. These explanations can include details on the role of the interpreter for purposes of the court proceeding or trial. Judges may also speak directly to a witness not only to explain an interpreter's presence, but to ascertain the witness can understand the interpreter being provided.

VIII. Minimizing Errors During Interpreted Proceedings

Courts should be aware of and make provisions for dealing with interpreter fatigue. Although interpreting may seem effortless to others, it is a highly demanding and mentally taxing task. After long periods of uninterrupted interpreting, interpreters may experience fatigue, which, although unnoticeable at times, may have a negative impact on the interpretation. While performing under this condition, the interpreter is more susceptible to committing serious errors.

Interpreters should immediately report these situations to the court. Examples of circumstances that should be reported to the court may include:

- The interpreter is having difficulty hearing a speaker, so the court can ask the person to speak more loudly or more clearly.
- The interpreter is having difficulty hearing or being heard, so the court can permit the interpreter to move to a location where audibility is better.
- If any required audio equipment used to enhance the general audibility of testimony and/or record testimony is not functioning properly, so the court can replace the equipment or make alternate arrangements for the hearing.
- If attorneys or witnesses are speaking too rapidly for the interpreter to keep up, so the court can instruct the participants to speak more slowly.
- The interpreter is having difficulty interpreting a concept or idea, so the court can instruct counsel to rephrase the question using plain English, where possible, or make it more specific.
- When more than one person is speaking at the same time, so the court can instruct the speakers to speak one at a time.
- When the court is not allowing sufficient time between specific questions or a group of related questions in order for the interpreter to interpret that into the target language before continuing to the next question(s).

Additionally, when acting as a remote interpreter the interpreter should ask the court to summarize what needs to be accomplished at the hearing and provide any necessary special instructions up front. The interpreter should never assume the LEP individual is familiar with the court or its procedures and interpret that information completely for the LEP individual.

Errors, Correcting Errors, and Challenges to the Interpreter

Interpreters should understand and act on their obligation to correct any errors during a proceeding. If, during witness testimony, the interpreter discovers a personal error in interpretation while the witness is testifying, the interpreter should immediately inform the court and correct the error. If the testimony has been completed before the interpreter discovers the mistake, the interpreter should, as soon as possible, request a sidebar conference to address the issue.

When an error is suspected by someone other than the interpreter, the challenge should be addressed in a sidebar conference in order not to prejudice the jury. Such challenges can be resolved by allowing the interpreter to consult his or her dictionary, confer with a colleague if one is present, or request the question and answer be read back or repeated. The judge also can ask the witness what was meant by the statement. If the interpreter acknowledges the mistake, the court should advise the jury of the correction and amend the record accordingly.

However, if the interpreter believes there was no error in interpretation, the judge may wish to consult a second interpreter as an expert to resolve the problem, making sure the second interpreter has credentials equal or superior to those of the interpreter being challenged.

There is a presumption for the interpreter's interpretation to be correct, but it is the judge who, after evaluating the interpreter's training, experience, and expertise in court interpretation versus that of the person challenging the interpretation, makes the final determination as to the correct interpretation. Any parties objecting to the court's decision between the competing versions must be given opportunity to make clear their objection on the record.

IX. Grievances

In the event that an interpreter's skill or ethics are challenged, the appropriate procedure to file a grievance must be followed. Each trial court has a designated language access coordinator (LAC) to coordinate resources necessary to provide language services for court proceedings. The LAC must also report interpreters who fail to provide adequate services to the Foreign Language Board of Review. Once the incident is reported in writing to the Board, steps can be taken to review the incident. After an investigation of the incident, the Board may administer appropriate sanctions.

The following section lays out the steps associated with making a complaint against a foreign language interpreter.

1. Complaint

- a. Any person may file a written complaint on a form provided by the State Court Administrative Office or by written correspondence addressing the Foreign Language Board of Review (Board) with details of the specific misconduct.

- b. The State Court Administrative Office shall make a preliminary inquiry and direct the results to the chairperson for presentment on the Board's next agenda.
- c. If the Board determines that a hearing is required, notice shall be provided to the interpreter/respondent as provided in Section 3.
- d. All complaints not referred for hearing before the Board shall remain confidential and on file with the State Court Administrative Office.

2. Answer

- a. The interpreter shall be sent a copy of any formal complaint filed with the Board.
- b. Pursuant to MCR 8.127(D)(3), the interpreter shall answer the complaint in the manner required within 28 days from the date the complaint is sent. Allegations not answered within the time allowed will be considered true and accurate.

3. Notice

- a. The State Court Administrative Office may review records; interview the interpreter, complainant and witnesses; and propose a resolution to which the interpreter may stipulate or notify the Board to set the matter for hearing.
- b. If the matter is set for hearing, a notice to the interpreter must include the following:
 - 1) Date, time, and place of hearing; and
 - 2) Notice language shall substantially comply with the following:

Please take note that a hearing pursuant to MCR 8.127(D)(2) will be held before the Foreign Language Board of Review to determine if there is good cause to impose sanctions against you. This hearing could affect your qualified or certified status as an interpreter.

The hearing will be held at the State Court Administrative Office, 925 W. Ottawa, Hall of Justice, in the City of Lansing, County of Ingham, State of Michigan, on the _____ day of _____, commencing at ___ o'clock, local time.

You may be accompanied by counsel at the hearing.

*Purpose of the hearing: To consider the following Complaint No(s).
 _____ previously mailed to your official address of record by first-class mail or electronically.*

Failure to appear may result in the imposition of sanctions against you and/or affect your qualified or certified status as an interpreter.

- c. Notice shall be sent by regular, first-class mail or electronically as directed by the interpreter's original registration unless otherwise notified.
- d. Proceedings are closed to the public.

4. Appearance at Hearing

- a. The interpreter may attend all hearings regarding the complaint filed against them, except the Board's deliberations.
- b. The interpreter may be accompanied by counsel.
- c. The interpreter shall be permitted to make a statement, obtain testimony from the complainant or witnesses, and comment on the claims and evidence.
- d. If the interpreter fails to appear after proper notice, the Board may proceed with the hearing and make its decision in the absence of the interpreter.

5. Hearings

- a. Hearings will be conducted by a least a quorum of the Board, consisting of two-thirds of the members.
- b. The chairperson of the Board, or his/her designee, shall preside over the hearing(s).
- c. Upon prior approval of the Board, the interpreter and/or Board members may appear or participate through means of a telephone conference or other electronic communication equipment that permits all those appearing or participating to hear and speak to each other. If an interpreter wishes to participate through electronic means, the interpreter must submit a written request at least seven days prior to the hearing date, showing good cause that participation through electronic means is necessary. If participation through electronic means is approved, the interpreter shall be responsible for any costs incurred.
- d. All hearings before the Board shall be recorded.

6. Decisions

- a. A decision will be made by a vote of a majority of the Board members present.
- b. Unless otherwise determined by the Board and notice given to all interested parties, the decision will be made and issued within 28 days, in writing, signed by the presiding officer, and shall include findings of fact, conclusions, and any sanctions imposed, including but not limited to costs.
- c. The decision becomes effective seven days after mailing. A certificate of mailing shall be prepared showing the date of mailing.
- d. A copy of the decision shall be mailed by first-class mail or electronically to all interested parties.

X. Resources

In this section you will find additional information about language access plans, grievance forms, and the Foreign Language Board of Review, and references to primary and secondary legal authority that govern the work of interpreters within the court. Understanding your role and providing skillful interpretation can assist you in providing a meaningful service to LEP individuals in the courthouse.

Language Access Plans

As an interpreter, your interpreting skills and services are a part of the court's larger language access plan for LEP individuals. In accordance with Supreme Court Administrative Order 2013-8, each court is required to develop a language access plan (LAP). The purpose of the LAP is to ensure meaningful access to court services for persons with limited English proficiency. The LAP provides a framework for each court to efficiently provide foreign language services in a timely fashion to LEP individuals who come in contact with the court.

The LAPs have four sections. Section I is a needs assessment that lists the foreign languages identified within the community that are most likely to come in contact with the court.

Section II requires the court to identify in writing the language access resources available to LEP individuals. It identifies MCR 1.111 as the authority under which interpreters will be provided in court proceedings. The statement reads, "The court will make reasonable efforts to ensure that a non-federally funded entity to which the court refers LEP persons for services has provisions for addressing their needs. The court will consider viable alternatives if language access is not provided by such a non-federally funded entity." It also identifies language access services provided outside the courtroom, service referral resources, translation services, bilingual employees, or telephonic interpreter resources.

Section III is an attestation by the court that efforts will be made to educate and/or provide training to staff, judges, and the county clerk's office as appropriate on LEP policies and procedures.

Section IV addresses the court's responsibility to notify the public of foreign language interpretation service availability and its commitment is continuously evaluate the relevance of the plan and update resources and services for new foreign languages in the community.

A model language access plan (Model LAO 42) may be found at <http://courts.mi.gov/administration/admin/pol/laos/pages/required-laos.aspx>.

Legal Authority

The U.S. Constitution guarantees individuals the right to due process and the right to meaningful participation in the proceedings in which they are involved. Providing individuals who do not speak English with an interpreter is essential to upholding these rights. To enforce this Constitutional right, legal authorities must be known and examined to understand an individual's right to an interpreter. Legal authorities are authorized statements of law issued by governmental

bodies. This section includes those legal authority references thought to have the most bearing on the provision of interpretation services today.

Federal

Title VI of the Civil Rights Act of 1964, 42 U.S. C. § 2000d, et seq.

Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

Michigan

Michigan Rules of Court (MCR) 1.111:

[http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/CHAPTER%201.%20GENERAL%20PROVISIONS%20\(entire%20chapter\).pdf](http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/CHAPTER%201.%20GENERAL%20PROVISIONS%20(entire%20chapter).pdf)

Michigan Rules of Court (MCR) 8.127:

<http://courts.mi.gov/Courts/MichiganSupremeCourt/rules/Documents/subchapters/Subchapter%208.100%20General%20Administrative%20Orders.pdf>

Language Access Website

Additional information regarding language access resources, interpreter services, and translated forms may be found at <http://courts.mi.gov/Administration/admin/op/access/Pages/Language-Access-Resources.aspx>.