

MICHIGAN SUPREME COURT



Office of Public Information

contact: Marcia McBrien | (517) 373-0129

follow the Office of Public Information on Twitter@CourtInfo

FOR IMMEDIATE RELEASE

Michigan Supreme Court kicks off new session by directing consistent, meaningful access to foreign language interpreters; Justices Young and McCormack announce new rule

LANSING, MI, September 11, 2013 – Michigan Supreme Court justices wasted no time getting down to business in their first official session of the season this morning, adopting a rule that all Michigan courts will provide foreign language interpreters to people with Limited English Proficiency (LEP). The new rule was announced today by Chief Justice Robert P. Young, Jr. and Justice Bridget M. McCormack, the Court’s liaison justice on access to justice issues.

“There are many people in this state who need language assistance to meaningfully participate in our court system, but many cannot afford to pay for it,” said Young. “This rule not only ensures that every court in our state will provide meaningful access to our legal system for those who need it, but also will lead to greater consistency and efficiency in the delivery of foreign language services around the state.”

McCormack said the rule is needed to address the fact that foreign language services to people with LEP vary from court to court.

“Some courts are well prepared to provide interpreter services, but there are examples of Michigan courts denying interpreters to LEP persons,” McCormack explained. McCormack noted that in some courts, children involved in custody disputes have been used to interpret proceedings between their feuding parents.

“The rule we announce today is a common-sense one: LEP parties to a court case or hearing will reimburse the court for interpreter services if they can afford to do so, but will receive services without cost if they cannot,” McCormack explained. “Note that reimbursement only applies to parties to a case, and not, for example, to LEP witnesses or others who require a translator to participate in court proceedings. And courts will not require payment for interpreter services up front, but only after the conclusion of the case or proceeding. This helps guarantee that LEP parties are not discouraged from accessing the justice system. Most importantly, the rule gives trial courts the flexibility to ensure access for all LEP persons. That is our goal.”

It is estimated that, in Michigan, about 320,000 people speak English less than well, based on self-identifying responses from Michigan residents in recent censuses.

Both justices cited Wayne County's Third Circuit Court as an outstanding example of meeting the needs of people with LEP. "Chief Judge Virgil Smith has done an outstanding job providing meaningful access to foreign language services," Young said.

The two justices praised the work of former Justice Marilyn Kelly, who began tackling the issue of interpreter services to people with LEP more than three years ago, convening a committee of judges and court administrators to develop proposals to ensure access to court services for people with LEP.

Kelly said, "I am gratified that we now have this long-needed rule, and I congratulate the Court on adopting it. We all owe a debt of gratitude to those judges and court administrators who served on the LEP Committee whose proposals formed the basis for this access to justice breakthrough."

Young and McCormack also thanked the Department of Justice for its assistance in discussions of possible LEP court rules and policies. The Department of Justice began investigating access to court interpreter services in Michigan in February 2011, focusing primarily on Washtenaw County.

The rule that the Supreme Court adopted today also established a Foreign Language Board of Review to regulate foreign language interpreters. "It is essential to ensure that the people we all rely upon to interpret what is being said in court do in fact have the skills and experience to objectively and reliably provide accurate interpretation of all proceedings," said Young.

State Court Administrator Chad C. Schmucker, a former circuit judge, praised the new rule's training requirements: "Every judge's nightmare is being surprised by having a non-English speaking individual appear in court and not having an interpreter available. The new rule will help avoid surprises by putting procedures in place to identify non-English speakers. In addition, the rule's training requirements will increase the pool of qualified interpreters. These steps alone will improve the courts' ability to try cases fairly and without unnecessary delay."

The newly-approved rule ensures that every person with Limited English Proficiency will have meaningful access to certified or qualified court-appointed language interpreters. Interpreter services will be provided without cost to LEP parties who are at or below 125 percent poverty level, consistent with standards used by legal aid organizations, and with those that courts use to appoint counsel for indigent defendants. The court may also waive reimbursement on finding that the assessment would unreasonably impede the LEP party's ability to defend or pursue the claims involved in the matter. LEP parties who can afford to pay for interpreter services will reimburse the court accordingly.

-MSC-