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August 20, 2012

Corbin Davis
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48090

Re: ADM File No. 2012-03
Proposed Adoption of rule 1.111 and rule 8.127 of the Michigan Court Rules
(Foreign Language Interpreters)

Dear Mr. Davis:

I have reviewed the proposed adoption of MCR 1.111 and am pleased to see formal court rules proposed for the appointment and oversight of foreign language interpreters.

The State Appellate Defender Office is committed to facilitating meaningful access to the judicial system for our clients. To that end, we have found guidance in assessing our clients' needs by referring to the *Standards for Language Access in Courts* adopted by the American Bar Association as policy by the House of Delegates in February 2012.

In reviewing proposed new Michigan Court Rule 1.111 for the appointment process, we support and suggest that the Court adopt Alternative A at subrule (B), as it comports with the ABA's standard 3.2 for allowing persons with limited English proficiency to self-identify and request a foreign language interpreter. I would further recommend that the phrase "while testifying" from the last line of the paragraph of proposed (B)(1) be deleted as it is confusing and may unnecessarily limit a witness' access to interpreter services.

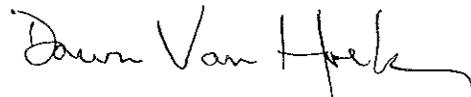
If the Court plans to include a provision for the reimbursement of costs of the foreign language interpreter, Alternative C at subrule (F)(4) makes clear that the costs shall not be imposed until the conclusion of the litigation and that no indigent person would be required to pay prior to a court proceeding as a condition of having an interpreter appointed. This alternative provision will go a long way toward ameliorating a chilling effect on the request for

Mr. Corbin Davis
August 20, 2012
Page Two

an interpreter. Both the commentary and best practices of the ABA's standard 2.3 contemplate recoupment from a well-resourced party, and observe that "the cost of interpreter services will burden most people of modest or even 'middle class' means..." It is our hope and assumption that the cost of appointing foreign language interpreters will not be supported exclusively by indigent litigants, and that reimbursement will not be ordered in every case as a routine matter.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Van Hoek". The signature is written in black ink and is positioned to the right of the typed name.

Dawn Van Hoek
Director
State Appellate Defender Office