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November 1, 2012

Hon. Robert P. Young, Jr., Chief Justice
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM. 2012-03

Dear Chief Justice Young,

The proposals that relate to the procedure for the certification and appointment of foreign language interpreters were considered at the October 19, 2012 meetings of Michigan District Judges Rules Committee and the Michigan District Judges Association Executive Board. The Michigan District Judges Association agrees that a Rule regarding when a foreign language interpreter must be adopted. Similarly the Michigan District Judges Association agrees that a Rule creating a Board to certify and oversee the interpreters working in our Courts should be adopted. The alternative provisions being considered in connection with the newly proposed MCR 1.111 in regards to when the appointment of foreign language interpreter is required and MCR 8.127 which proposes the creation of an oversight board in regards to the certification of appointed of foreign language interpreters, were reviewed and discussed at length.

As District Court Judges we regularly witness and are acutely aware of the compromised ability of litigants and witnesses who have Limited English Proficiency to meaningfully participate in matters pending before the Court. In those instances when a party or person who appears before the court does not speak English the challenge facing such an individual is insurmountable. Clearly a party or a participant's access to justice becomes non-existent if they are unable to participate in a case or proceeding due to the fact that they do not speak English fluently. In the alternative, we are also aware that a requirement to provide a foreign language interpreter to all participants in all proceedings that take place in the District Court would most certainly be cost prohibitive.

Keeping the above described principles in mind, in reference to when an interpreter must be appointed the Michigan District Judges Association supports the adoption of Alternative A in connection with 1.111(B) and in reference to how the appointed interpreters shall be compensated Michigan District Judges Association supports the adoption of Alternative A in connection with the adoption of 1.111 (F) (4).

Please feel free to contact me at dpasseng@iserv.net or at (616) 632-5679, if you wish to discuss this bill further.

Respectfully submitted,

Donald H. Passenger
President
Michigan District Judges Association