

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2014

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2012-03

Michael F. Cavanagh
Stephen J. Markman

Amendments of Rule 1.111
of the Michigan Court Rules

Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

On order of the Court, the need for immediate action having been found, the following amendments of Rule 1.111 of the Michigan Court Rules are adopted, effective immediately and pending public comment. This notice is given to afford interested persons the opportunity to comment on the form or the merits of the amendment or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas of public hearings are posted at [Administrative Matters & Court Rules page](#).

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 1.111 Foreign Language Interpreters

(A) Definitions

When used in this rule, the following words and phrases have the following definitions:

- (1) “Case or Court Proceeding” means any hearing, trial, or other appearance before any court in this state in an action, appeal, or other proceeding, including any matter conducted by a judge, magistrate, referee, or other hearing officer.
- (2) “Party” means a person named as a party or a person with legal decision-making authority in the case or court proceeding.
- (3) ~~“Reimbursement” means reimbursement at the conclusion of the case or court proceeding.~~
- (34) A person is “financially able to pay for interpretation costs” if the court determines that requiring reimbursement of ~~interpreter~~interpretation costs will not pose an unreasonable burden on the person’s ability to have meaningful access to the court. For purposes of this rule, a person is financially able to pay for ~~interpreter~~interpretation costs when:
 - (a) The person’s family or household income is greater than 125% of the federal poverty level; and

- (b) An assessment of ~~interpreter~~interpretation costs at the conclusion of the litigation would not unreasonably impede the person's ability to defend or pursue the claims involved in the matter.

(5)-(7)[Renumbered (4)-(6), but otherwise unchanged.]

(B)-(E)[Unchanged.]

(F) Appointment of Foreign Language Interpreters

(1)-(4)[Unchanged.]

- (5) If a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for ~~payment~~all or a portion of interpretation costs.
- (6) Any doubts as to eligibility for interpreter services should be resolved in favor of appointment of an interpreter.
- (7) At the time of determining eligibility, the court shall inform the party or witness of the penalties for making a false statement, ~~and of the continuing obligation to inform the court of any change in financial status.~~ The party has the continuing obligation to inform the court of any change in financial status and, upon request of the court, the party must submit financial information.

(G) [Unchanged.]

(H) Request for Review

- (1) Any time a court denies a request for the appointment of a foreign language interpreter or orders reimbursement of interpretation costs, it shall do so by written order.
- (2) An LEP individual may immediately request review of the denial of appointment of a foreign language interpreter or an assessment for the reimbursement of interpretation costs. A request for review must be submitted to the court within 56 days after entry of the order.

- (a) In a court having two or more judges, the chief judge shall decide the request for review de novo.
- (b) In a single-judge court, or if the denial was issued by a chief judge, the judge shall refer the request for review to the state court administrator for assignment to another judge, who shall decide the request de novo.
- (c) A pending request for review under this subrule stays the underlying litigation.
- (d) A pending request for review under this subrule must be decided on an expedited basis.
- (e) No motion fee is required for a request for review made under this subrule.

Staff Comment: The amendments of MCR 1.111 make technical revisions and insert an interim review process for cases in which a court denies a request for an interpreter or orders reimbursement of interpretation costs. These revisions are adopted with immediate effect, but pending public comment and a future public hearing.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on this amendment may be sent to the Supreme Court Clerk in writing or electronically by May 1, 2014, at P.O. Box 30052, Lansing, MI 48909, or ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2012-03. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).

MARKMAN, J. I would not adopt the proposed amendments of MCR 1.111(H)(2)(a) to (b) establishing a process that requires the chief judge of a court or a judge assigned by the state court administrator to review the denial of a request for either the appointment of an interpreter or the public reimbursement of interpretation costs.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2014

Clerk