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April 30, 2014

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2012

RE: ADM File No. 2012-03 – Amendment to Rule 1.111 of the Michigan Court Rules

Dear Clerk Royster:

At its April 25, 2014 meeting, the Board of Commissioners of the State Bar of Michigan considered the above rule amendment published for comment. In its review, the Board considered recommendations from the Civil Procedure & Courts Committee, Committee on Justice Initiatives, and Negligence Law Section.

The Board voted to support the proposed amendment with an additional amendment recommended by the Committee on Justice Initiatives and supported by the Civil Procedure and Courts Committee. The additional amendment addresses a concern that the Request for Review of either denial of a foreign language interpreter or an order for reimbursement of interpretation costs could be construed to apply to only those proceedings that occur inside the courtroom. This provision should apply to all language access services to persons with limited English proficiency in all court services with public contact, including court-managed offices, operations, and programs.

Additionally, all courts are required to have an expedited administrative process for the review of denials of requests for accommodations, including deaf and sign language interpreters. We note that some courts have incorporated an expedited administrative review process into their Language Access Plans (LAP). The Court should recognize that local courts may adopt this administrative review process through their LAPs. For these reasons we suggest the addition of an MCR 1.111 (H)(2)(f) as follows:

This provision applies to activities that occur both in the courtroom and in all court services with public contact, including court-managed offices, operations, and programs. Courts are also permitted to establish an administrative review process for the denial of interpretation services for such court-managed services (i.e., services provided outside the courtroom and/or for denial of reimbursement for such services, so long as that process is consistent with the process used by the court for the review of denials of requests for accommodations.

We thank the Court for the opportunity to comment on the proposed amendment.

Sincerely,

Janet K. Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Brian D. Einhorn, President