

PROVIDING SERVICES INSIDE THE COURTROOM

Hon. William G. Kelly

Ms. Lori K. Shemka

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INTRODUCTIONS

- Name
- Position
- Experiences
- Issues

MCR 1.111

- Regulates what happens in the courtroom
- Certified interpreter – Gold Standard
- Qualified interpreter – Silver Standard
 - Meets SCAO standards and determined by the court after Voir Dire to be competent
 - Works for an entity that provides interpreter services provided they are registered and meets SCAO standards and determined by the court after Voir Dire
 - Remote by telephone or video provided the company is registered and meets SCAO standards and determined after Voir Dire
- Others – Tin Standard
- Make a record of why certified interpreter is not available or qualified interpreter is not available.

APPOINTMENT OF AN INTERPRETER

- Civil or criminal proceedings
- Shall appoint for party or witness if the court determines that an interpreter is necessary to meaningfully participate
- May appoint for someone who has a substantial interest
- Upon request or *sua sponte*
- Interpreter can be waived.
- May make a recording

CONFLICT OF INTEREST

- MCR 1.111 (E)
- Interpreter is compensated by a business owned or controlled by a party or witness
- Friend or family member
- Potential witness
- Pecuniary interest
- Appearance of impropriety

COURT EMPLOYEE

- Court may employ an interpreter who meets standards

OTHER – TIN STANDARD

- Court may appoint someone else if:
 - Neither a certified or a qualified interpreter is reasonably available
 - Considering the gravity of the matter
 - Considering whether the matter should be rescheduled
 - Voir dire determines the person to be capable

MONEY

- Reasonable compensation
- Paid by the court or by funds provided by law
- May order reimbursement if person is financially able to pay
 - Household income is greater than 125% of federal poverty level
 - Would not unreasonably impede the person's ability to defend or pursue the claims involved in the matter

MCR 8.127

- Foreign Language Board of Review is established to set criteria for certified and qualified interpreters
- Hear complaints
- Currently formulating the standards and code of ethics for interpreters

POSSIBLE SOLUTIONS

- Slide show for standard advice of rights
- Forms in various languages <http://courts.mi.gov/administration/scao/forms/translated-forms/pages/default.aspx>
- List of certified interpreters, small but growing number in limited number of languages
- List of qualified interpreters available after October 1
- List of interpreter companies available after October 1
- List of telephonic services available after October 1

**BIENVENIDO A LA CORTE
DE DISTRITO 62-B**



BIENVENIDO A LA CORTE DE DISTRITO 62-B

Por favor, lea los derechos que aparecen en la pantalla frente a Usted.

**USTED HA SIDO TRAÍDO A LA CORTE ACUSADO
DE UN DELITO DE MENOR CARGO.**



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- **Antes de que la Corte le pregunte su deseo, la Corte debe advertirle lo siguiente:**

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 - Sus derechos

SLIDE SHOW

- English, Spanish, Vietnamese, and Bosnian
- <http://www.ci.kentwood.mi.us/cityhall/Departments/court/criminal/Your-Rights.asp>
- Easy to create and edit
- May soon be available on Supreme Court website

**WHAT PROBLEMS HAVE YOU
ENCOUNTERED OR CAN FORESEE?**

WHAT SOLUTIONS ARE YOU AWARE OF?

HYPOTHETICAL #1

- A witness insists that they do not need an interpreter but it seems that they are not responding appropriately to instructions and questions

HYPOTHETICAL #2

- The defendant's LEP family claims that the interpretation is not accurate. How should that be handled?

HYPOTHETICAL #3

- An order is entered against a LEP defendant in a PPO matter. Is it necessary to translate the order (1) in writing, or (2) verbally? How does that occur?

HYPOTHETICAL #4

- A defendant tenant alleges that the landlord is not entitled to rent because he claims to not understand requests for repairs and withholding of rent; additionally, the tenant claims that the landlord is here illegally.

QUESTIONS

- What questions do we have about how this will work in Michigan?
- Do we need to identify any action steps to take?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- How will we identify measures of progress?

SUMMARY

- What are the main points to take away from this breakout session?