

## How to successfully appoint foreign language interpreters



## MCR 1.111

- Three levels of interpreters
  - Certified (**gold** standard)
  - Qualified (**silver** standard)
  - Neither certified nor qualified (**tin** standard)
- Must use highest reasonably available
- List on SCAO's website at <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FLI/Pages/Certified-Court-Interpreters.aspx>



## Certified Interpreter



- Passed written examination and oral proficiency examination administered through SCAO;
- Met all requirements established by SCAO for this interpreter classification; AND
- Registered with SCAO
- **Note: Individual certification only!**



## Qualified Interpreter



- Must be registered with SCAO
- Met all requirements established by SCAO for this interpreter classification
- **Determination by court after voir dire of competency**

### Who can be a Qualified Interpreter?

- Individual
- Person who works for an entity providing in-person interpreters
- Person who works for an entity providing remote interpreters.

## Court Employees

- Employed Interpreter by court: Must meet minimum requirements of certified interpreter
- General Employee of court: if meets the minimum requirements for interpreters established by MCR 1.111 and is not otherwise disqualified.
- *SCAO may authorize hiring of a person who does not meet requirements of certified interpreter (temporary)*

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## What if Qualified/Certified not Reasonably Available?

- Make a record
- Determination through *voir dire*



## Avoid Conflicts of Interest – MCR 1.111(E)(1)

- Compensated by a business owned or controlled by a party/witness
- Friend, family member, or household member of party/witness
- Potential witness
- Law enforcement officer
- Has pecuniary or other interest in the outcome of the case
- Appointment of interpreter would not serve to protect a party's rights or ensure the integrity of the proceedings
- Does/may have a perceived conflict of interest
- Creates an appearance of impropriety

## Administration of Oath/Affirmation



“Do you solemnly swear or affirm that you will truly, accurately, and impartially interpret in the matter now before the court and not divulge confidential communications, so help you God?” – *MCR 1.111(G)*



## Summary

- “Go for the Gold”; “Settle for Silver”
- Select “in person” over a remote interpreter when possible.
- Always voir dire less than certified foreign language interpreters for competency, whether in person or via technology.
- Always voir dire foreign language interpreters for conflicts of interest.
- “Put it on the record” – Conflicts or less than qualified
- Less than certified foreign language interpreter hires must be approved by the SCAO by submitting, proof of skill and an action plan.



## THANK YOU

**Additional resources including voir dire questions, grievance forms and training materials can be found at:**  
<http://courts.mi.gov/administration/admin/op/access/pages/language-access-resources.aspx>

**For rare languages or language access requirements, contact:**

- Stacy Westra, Language Access Coordinator at (517) 373-9574 or [trialcourtservices@courts.mi.gov](mailto:trialcourtservices@courts.mi.gov)

