

Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2025-03

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

Proposed Amendment of
Rule 1.111 of the Michigan
Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.111 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[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)-(3) [Unchanged.]

(4) “Certified foreign language interpreter” means a person who meets all of the following criteria~~has~~:

- (a) has passed a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,
- (b) has met all the requirements established by the state court administrator for this interpreter classification,~~and~~
- (c) is registered with the State Court Administrative Office, and ~~is~~
- (d) provides foreign language interpreter services independently or on

behalf of a registered interpreter firm.

- (5) “Interpret” and “interpretation” mean the oral rendering of spoken or written communication from one language to another without change in meaning.
- (6) “Qualified foreign language interpreter” means a person who meets all of the following criteria:
 - (a) has passed the written English proficiency exam administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,
 - (b) within the last two calendar years, has passed the consecutive portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,
 - (c) is actively engaged in becoming certified by continuing to test on each portion of the oral examination in each calendar year,
 - (d) has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services,
 - (e) meets the requirements established by the state court administrator for this interpreter classification,
 - (f) is registered with the State Court Administrative Office, and
 - (g) provides foreign language interpretation services independently or on behalf of a registered interpreter firm.
 - ~~(a) A person who provides interpretation services, provided that the person has:~~
 - ~~(i) registered with the State Court Administrative Office; and~~
 - ~~(ii) passed the consecutive portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator (if testing exists for the language), and is actively engaged in becoming certified; and~~

- (iii) ~~met the requirements established by the state court administrator for this interpreter classification; and~~
 - (iv) ~~been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~
- (b) ~~A person who works for an entity that provides in-person interpretation services provided that:~~
 - (i) ~~both the entity and the person have registered with the State Court Administrative Office; and~~
 - (ii) ~~the person has met the requirements established by the state court administrator for this interpreter classification; and~~
 - (iii) ~~the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~
- (e) ~~A person who works for an entity that provides interpretation services by telecommunication equipment, provided that:~~
 - (i) ~~the entity has registered with the State Court Administrative Office; and~~
 - (ii) ~~the entity has met the requirements established by the state court administrator for this interpreter classification; and~~
 - (iii) ~~the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services~~

(7) “Registered interpreter firm” means an entity that employs certified or qualified foreign language interpreters to provide foreign language interpretation services and that is registered with the State Court Administrative Office.

(B) [Unchanged.]

(C) Waiver of Appointment of Foreign Language Interpreter. A person may waive the right to a foreign language interpreter established under subrule (B)(1) unless the court determines that the interpreter is required for the protection of the person’s

rights and the integrity of the case or court proceeding. The court must find on the record that a person's waiver of an interpreter is knowing and voluntary. When accepting the person's waiver, the court may use a foreign language interpreter. For purposes of this waiver, the court is not required to comply with the requirements of subrule (F) and the foreign language interpreter may participate remotely.

(D) Recordings. The court may make a recording of anything said by a foreign language interpreter or a limited English proficient person while testifying or responding to a colloquy during those portions of the proceedings.

(E) [Unchanged.]

(F) Appointment of Foreign Language Interpreters

(1)-(4) [Unchanged.]

(5) Except as otherwise provided in this subrule, if a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for all or a portion of interpretation costs. Reimbursement is prohibited in criminal cases.

(6)-(7) [Unchanged.]

(G) Administration of Oath or Affirmation to Interpreters. The court shall administer an oath or affirmation to a foreign language interpreter substantially conforming to the following: "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?"

(H) [Unchanged.]

Staff Comment (ADM File No. 2025-03): The proposed amendment of MCR 1.111 would prohibit reimbursement for interpreter services in criminal cases, update the definitions for "interpret," "certified foreign language interpreter," and "qualified foreign language interpreter," and add a new definition for a "registered interpreter firm."

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this 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 the proposal may be submitted by August 1, 2025 by clicking on the

“Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2025-03. Your comments and the comments of others will be posted under the chapter affected by this proposal.



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.

April 17, 2025

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk