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June 2, 2025

The Hon. Paul Suttell  
Chief Justice  
Rhode Island Supreme Court  
250 Benefit Street  
Providence, RI 02903

**Re: Municipal Court Interpreters**

Dear Chief Justice Suttell:

I am writing to request your involvement in addressing a serious access to justice problem that we have come across and that I am hopeful that the State Judiciary will be able to resolve. Specifically, it concerns the lack of adequate language interpreter services in municipal courts across the state and the resulting inability of people with limited English proficiency (LEP) to fully and fairly participate in legal proceedings.

As you know, R.I. Gen. Laws § 8-19-1 *et seq.* requires *state* courts, including the R.I. Traffic Tribunal, to provide interpreting and language access services to all LEP individuals who are a party, or the parent or legal guardian of a party, in a court proceeding. In addition, the Rhode Island Judiciary has had a detailed Language Access Plan for over a decade which outlines standards for providing interpreters and language assistance across all state courts. These are critical safeguards in our multilingual society.

Unfortunately, there is no similar language interpreter statute or standardized Language Access Plan governing municipal courts. However, under the State and Municipal Court Compact (R.I. Gen. Laws § 8-18-1 *et seq.*), municipal courts are authorized to hear and adjudicate traffic violations that would otherwise be heard in the R.I. Traffic Tribunal, ***but only “in a manner consistent with the procedures of the Traffic Tribunal.”*** R.I. Gen. Laws § 8-18-11 (emphasis added). This encompasses procedural protections such as language assistance. Despite this requirement, we have found that such protections are not routinely being provided to LEP individuals in these municipal cases.

Following a complaint that refocused our attention on this longstanding problem, we filed Access to Public Records Act requests with eleven (11) of the state’s larger municipalities, seeking copies of their policies governing the provision of language interpreter services in their municipal courts. The responses we received yielded troubling results: most municipal courts either failed to provide interpretation or language access services at all or provided them inconsistently and not in conformance with R.I. Gen. Laws § 8-19-1 *et seq.* or the Judiciary’s Language Access Plan. Seven of the courts had no formal policy in place.

Even where some services are available, most municipal courts fail to provide advance notice of the right to an interpreter. LEP individuals often learn about the availability of interpreters only upon arrival at court, resulting in delays, return visits, lost wages, and additional burdens such as arranging childcare or transportation. Some courts even indicated that they rely on family members, including children, or other unqualified individuals to interpret, which is a clear violation of best practices and statutory requirements, and inappropriate for any number of reasons.

To the extent that municipal courts are adjudicating violations of state traffic statutes or civil traffic violations, whether under R.I. Gen. Laws § 31-41.1-4, the Compact, or any other arrangement, they have an obligation to meet the same language access standards as the Traffic Tribunal. We therefore believe it is essential for the State Judiciary to ensure that these courts provide interpreting/language access services equivalent to those available in state court proceedings. Failing to do so constitutes a violation of the due process and statutory rights of LEP individuals, as well as the requirements of the State and Municipal Court Compact.

While your jurisdiction over this matter may not extend to *all* actions of the municipal courts, we believe you clearly have the authority to address it to the extent they are hearing matters with concurrent Traffic Tribunal jurisdiction. More broadly, we believe there are ways that the Court could exercise its authority to ensure that the actions of municipal courts – including housing and probate courts – comport with this essential goal in other matters. For example, the Court could promulgate a rule specifying that, except for cases heard de novo in state court, any appeal or petition for certiorari emanating from a municipal court will be summarily vacated if the hearing was not held in compliance with the language access standards in effect in state courts.

I know you appreciate that an LEP person cannot meaningfully participate in their own defense, understand charges, communicate with the court, or present evidence without adequate language assistance. This denial of meaningful access to justice undermines the integrity and fairness of municipal court proceedings. There can also be no dispute about the longstanding nature of the problem, as exemplified by a *Providence Journal* article that highlighted it almost two years ago.<sup>1</sup>

In order to protect the rights of LEP litigants in local courts, the ACLU of Rhode Island therefore respectfully urges the State Judiciary to:

- a. Require all municipal courts adjudicating state traffic violations to fully comply with R.I. Gen. Laws § 8-19-1 *et seq.* and this Court’s Language Access Plan, and/or
- b. Reassign jurisdiction over these matters to the Rhode Island Traffic Tribunal if a municipality fails to meet these standards; and
- c. Otherwise require, to the extent authorized by statute or judicial authority, all municipal, housing, and probate courts to comport with the language access standards in effect for state court.

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<sup>1</sup> “Kids as translators? Non-English speakers lack trained interpreters in RI’s local courts,” Noble Brigham, August 24, 2023, <https://www.providencejournal.com/story/news/courts/2023/08/24/language-interpretation-lacking-in-rhode-island-municipal-courts/70625366007/>

We believe that, at the very least, reminding municipal courts of their obligations in this regard may have the additional salutary effect of encouraging them to ensure proper interpreter access for all their legal proceedings, not just traffic cases.

In light of the significant adverse impact of this non-compliance with State mandates on the administration of justice and due process rights of non-English speaking litigants, we would be more than willing to work with and assist the Court in providing stakeholder input and crafting a process and/or rule to address it. We hope and trust that you agree that this is a matter which can and should be resolved administratively.

Thank you in advance for your attention to this matter, and I look forward to hearing back from you about it at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Brown", with a stylized, flowing script.

Steven Brown  
Executive Director

cc: The Hon. Domenic Disandro, III  
Tamera Rocha, Esq., Director of Access to Justice Office