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April 4, 2016

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

BY MAIL AND EMAIL

RE: 2016 H-7830/ 2016 S-2505

Dear Chief Justice Suttell:

In light of recent news stories and calls to our office regarding the overdue court fees notices mailed out last month, I am writing to urge reconsideration of the Judiciary's support of H-7830 and S-2505, legislation that would repeal any future notification requirement to those who owe outstanding court fees, while requiring that their names be posted on a Judiciary website. Instead, we encourage you to consider promoting an alternative approach that would avoid the prospect of embarrassing individuals who may or may not owe fees, including fees of very small amounts, and reduce the burden on the Judiciary in implementing this posting requirement in the future.

As you know, the law at issue requires the Judiciary to publish on a public website the names of every individual who owes overdue court fees in the state of Rhode Island. Although the law also requires quarterly notice by mail to these individuals, this mailing had never been done prior to March 2016. This bill would keep the posting requirement intact, while eliminating the notice requirement.

We understand and appreciate the concerns of the Judiciary, and certainly agree that the routine mailing of tens of thousands of letters incurs quite a cost. Yet, as we have expressed to the legislature, repealing the notice requirement raises considerable concerns regarding the privacy of individuals who have their names posted online, and their ability to avoid the public humiliation that comes with finding themselves publicly branded, perhaps incorrectly, as deadbeats by the State of Rhode Island. The experience from the Judiciary's mailing last month underscores these concerns and, we believe, highlights the importance of considering a revised approach.

We know from the information gleaned from the Judiciary's recent mailing that many of the fines date back decades, some as far back as the 1970's. We know that thousands of mailed letters were delivered as unreturnable because, not surprisingly, many

of these people have since moved, and thus have not received notice that their name may soon appear on a government website as a deadbeat. We know that some of the people on the list are deceased. Media reports and complaints our office has received in the past month have documented that, in at least some instances, the court records have been in error, and a court spokesperson has commendably and candidly acknowledged that. We know that a number of those who did receive notice claim this is the first time they were made aware of their financial debt to the court. We know that others vigorously dispute the claim they owe the money, but for obvious reasons are unable to prove it due to the passage of decades. We also know that the posted list would include people who purportedly owe as little as one cent.

Under the circumstances, some Rhode Islanders owing overdue court fees will become aware of their presence on the public list only after they or someone else comes across it. This is most likely to occur when an employer searches online for the name of a potential employee, coloring their perception of the employee's trustworthiness. We can also envision the scenario of a young child Googling her grandfather's name and seeing the first result being a reference to him being a state deadbeat.

At the same time, even without having to provide further notices, the Court will still bear a heavy burden implementing the law, having to constantly update the list when fines are paid or an obligor's death is brought to the Court's attention.

We recognize that the Judiciary is merely trying to abide by the legislature's wishes for this website, but we would urge you to join us in calling for a change to the underlying statute. At a recent committee hearing on the bill, suggestions were made that the current law be amended so that only, say, the top 50 or 100 deadbeats, or only those owing money above a certain set amount be listed. This would reduce the posting burdens on the Judiciary, while avoiding the mistakes and the unnecessary, and sometimes inaccurate, embarrassment that the posting of a mega-list would post. That is the approach taken by the General Assembly in dealing with delinquent taxpayers, and it would seem to make similar sense in this context as well. *See* R.I.G.L. 44-1-34.

In light of these concerns and the very real impact made clear by the Judiciary's mailing last month, we respectfully ask that the Judiciary support an amendment to its bill in order to sharply limit the number of names that would need to be posted, thus also greatly reducing the Judiciary's notice and updating obligations. We believe the General Assembly might be amenable to such an approach, not having fully recognized at the time of its passage the logistical difficulties imposed by the current law's universal posting requirement.

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We appreciate the Court's interest in recouping outstanding court fees, but we believe the humiliation of thousands of Rhode Islanders – some of whom may erroneously find their name on the – is an inappropriate solution to this issue. We hope you will agree that it is worth asking the General Assembly to reconsider the approach in its original law, both for those individuals and to promote the Court's efficiency.

Thank you for your attention to this request, and I look forward to hearing back from you about it.

Sincerely,

Steven Brown  
Executive Director

cc: Erika Kruse Weller  
J. Joseph Baxter, Jr.  
Darlene Walsh  
R. Kelly Sheridan  
Rep. John DeSimone  
Rep. Cale Keable