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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-H 5260, RELATING TO ACTIONS BY AND AGAINST TOWNS February 16, 2023

The ACLU of Rhode Island strongly supports this legislation, which would require cities and towns to disclose basic information on their website about litigation in which they are involved. This modest mandate would have a major impact in promoting transparency and accountability in municipal government.

Too often, residents, and sometimes the ACLU on behalf of residents, are forced to sue their cities and town for clear violations of their civil rights. In many instances, a successful lawsuit means, in addition to any monetary damages that must be paid out to compensate victims for violations of their rights, that the municipality must pay the plaintiff's attorney fees. Whether it is damages or attorneys' fees or the costs expended by the municipality in defending itself, it is almost always the taxpayer who foots the bill for the municipality's wrongdoing. The public has a right to know how much of their tax money is being spent in the name of violating their rights. While the information required by this bill is a matter of public record, if sought, it is not readily available in one location. It is therefore difficult to grasp how much taxpayer money is being spent by municipal officials in defending (often unsuccessfully) claims against them. Passage of this bill would eliminate that difficulty.

Requiring the collection and display of this information can also be helpful to the municipalities themselves. We recently had dealings with one town where we wanted to find out the legal costs the school committee had incurred in defending what we believed was a frivolous lawsuit. We were surprised to learn that the municipality was unable to provide us that information because the solicitors they used provided no breakdown whatsoever of the amount of time, and therefore money, spent working on any specific legal matter. Instead, they billed the district every month only "by general topical areas; e.g., 'Labor,' 'Education,' 'Grievances,' and 'Negotiations.'" As a result, neither the school committee nor, just as importantly, members of the public could even guess as to how much tax money was being spent in any particular case or matter, much less the reasonableness of that amount.

Having the municipality's website collect all this information in one place will promote transparency and accountability, and in doing so, also promote better financial stewardship. The public should know, when it comes to municipal litigation, whether their taxes are being spent in a prudent manner.

We would, however, suggest a minor amendment to clarify how the information regarding costs and expenses would be broken down. Specifically, we would ask the committee to consider revising subsection (b)(4) [Page 1, line 17 to Page 2, line 1] to read as follows:

**(4) Disclose all costs and expenses related to the legal action, ~~including, but not limited to~~
in the following categories:**

- (i) Court costs;**
- (ii) Legal fees; ~~and~~**
- (iii) Expert witness fees;**
- (iv) Compensatory and punitive damages; and**
- (v) Any other costs, fees, or expenses incurred.**

Thank you for considering our views.