

# SUPREME COURT OF WISCONSIN

No. 24-02

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**In the Matter of Creating Wis. Stat. § 885.375,  
Relating to Interpreters in Municipal Court  
Proceedings**

**FILED**

**JAN 22, 2025**

Samuel A. Christensen  
Clerk of Supreme Court  
Madison, WI

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On May 20, 2024, Wisconsin Justice Initiative, Inc. (WJI) filed this rule petition asking the court to create Wis. Stat. § 885.375 and amend Wis. Stat. § 885.37 and Supreme Court Rule (SCR) 63.002 to establish a right to a qualified court interpreter for certain individuals in municipal court proceedings with limited English proficiency (LEP), without regard to indigency, at municipal expense. A letter soliciting public comments was sent to interested persons on September 5, 2024. The court received comments from the Wisconsin Municipal Judges Association (including an alternative proposed petition), the American Civil Liberties Union of Wisconsin, the Director of State Courts, Legal Action of Wisconsin, the Wisconsin Hispanic Lawyers Association, the Wisconsin Muslim Civic Alliance, the League of Wisconsin Municipalities, the Consulate of Mexico in Milwaukee, Judicare Legal Aid, and the Wisconsin Access to Justice Commission. WJI filed a response to comments.

A public hearing notice was issued on November 5, 2024, and the court held a public hearing on December 17, 2024. Attorneys Parker

White and Evan Bondoc presented the petition to the court on behalf of WJI. The following individuals spoke in favor of the petition: Attorney R. Timothy Muth, ACLU of Wisconsin Foundation; Attorney Susan Lund, Legal Action of Wisconsin; Morgan Lee, Communications & Development Director, Judicare Legal Aid; Attorney Nancy Cruz, Wisconsin Hispanic Lawyers Association; and Fauzia Qureshi, Executive Director, The Wisconsin Muslim Civic Alliance. The following individuals spoke in opposition to the petition: The Hon. Felice Borisy-Rudin, Wisconsin Municipal Judges Association; The Hon. Richard Ginkowski, Pleasant Prairie Municipal Court; and The Hon. Audrey K. Skwierawski, Director of State Courts.

At the ensuing open administrative conference, the court acknowledged the concerns giving rise to the petition, but voted 7-0 to deny the petition and voted 4-3 to refer the issues raised in the petition and responses for further study by the Wisconsin Judicial Council. Therefore,

IT IS ORDERED that the petition is denied; however, pursuant to Wis. Stat. § 758.13(2)(d), the court suggests that the Wisconsin Judicial Council, in its discretion, study the issues relating to access to qualified court interpreters in municipal courts, the use of interpreter translation services in such proceedings, and funding therefor, and take whatever action it deems appropriate within the remit of its statutory authority.

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Samuel A. Christensen  
Clerk of Supreme Court

¶1 ANNETTE KINGSLAND ZIEGLER, C.J. (*concurring, in part; dissenting, in part*). I agree with the court's decision denying rule petition 24-02, but I would not refer this matter to the Judicial Council.

¶2 I write separately to acknowledge that federal law arguably requires municipalities receiving federal funding to provide an interpreter to LEP individuals without charge in certain circumstances. See Thomas E. Perez, Assistant Attorney General, U.S. Dept. of Justice, Letter to Chief Justice and State Court Administrator (Aug. 16, 2010).<sup>1</sup> However, when applicable, the requirements for interpreters under federal law are different than under Wisconsin law. For instance, under Wis. Stat. § 885.38(3), circuit courts and appellate courts must provide "qualified interpreters" to LEP individuals. In contrast, federal law requires only the provision of a "competent" interpreter, which "does not necessarily mean formal certification as an interpreter." Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455-01 at 41461 (June 18, 2002).

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<sup>1</sup> Available at [https://www.lep.gov/sites/lep/files/resources/final\\_courts\\_ltr\\_081610.pdf](https://www.lep.gov/sites/lep/files/resources/final_courts_ltr_081610.pdf).

¶1 BRIAN HAGEDORN, J. (*concurring in part; dissenting, in part*). The issues in this petition are properly addressed to the legislature. I would deny the petition with no further action.

¶2 I am authorized to state that REBECCA GRASSL BRADLEY, J., joins in this separate writing.