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CLERK OF SUPREME COURT
OF WISCONSIN



October 30, 2024

Clerk of the Supreme Court
Attn: Deputy Clerk - Rules
P.O. Box 1688
Madison, WI 53701

Re: Petition 24-02

Honorable Justices:

The Wisconsin Access to Justice Commission was created by the Wisconsin Supreme Court to aid the courts in improving the administration of justice and to develop and encourage means of expanding access to the civil justice system for unrepresented low-income Wisconsin residents. We ask the court to accept this late comment in support of Petition 24-02. Granting the petition would be a move in the right direction to both expand access to justice and improve the administration of justice in Wisconsin's municipal courts.

It is a fundamental principle of our justice system that individuals should have a fair opportunity to participate in our judicial processes. If an individual cannot understand the legal proceedings in the courtroom due to Limited English Proficiency (LEP), then they don't have a fair opportunity to participate in a case that affects their legal rights and responsibilities. This ability to effectively participate in the courtroom is essential for ensuring that parties can effectively exercise their rights, defend themselves, and participate meaningfully in the judicial process that brought them into the courtroom. For individuals with LEP, the lack of adequate interpretation services in the courtroom puts them at a distinct disadvantage, which increases the risk of unjust outcomes.

Providing qualified interpreters to LEP individuals in municipal court proceedings can also improve public trust and confidence in the legal system. It is a crucial step toward ensuring that all individuals, regardless of their language proficiency, have equal access to justice. By adopting this petition, the court can foster public trust in our legal system by demonstrating the court's commitment to basic fairness to all litigants.

When LEP individuals can understand and participate fully in legal proceedings, they are more likely to perceive the justice system as fair and impartial, thereby strengthening public trust and confidence in our legal system. They are also more likely to comply with court orders, participate effectively in negotiations, and resolve disputes efficiently. This, in turn, can reduce the burden on court personnel and systems.

Providing qualified interpreters at public expense in evidentiary hearings in municipal proceedings does impose additional costs on the judicial system and local governments. We don't take those concerns lightly. By focusing on evidentiary proceedings in municipal courts, Petitioners have made a good faith effort to limit the cost of this proposed change in two ways. First, Wis. Stats. 800.085 would remain in effect, allowing qualified interpreters to serve in evidentiary proceedings remotely via telephone, video, or other computerized means). The proposed rule change would also allow the use of approved alternatives (telephonic, video, or computerized) for non evidentiary municipal court proceedings. That is a prudent compromise to ensure fundamental fairness at the most critical stage of court proceedings.

Providing qualified interpreters in Wisconsin municipal court proceedings can help to ensure that the process is fair, that parties are treated equally and have an opportunity to effectively participate in the legal proceedings. Fundamental fairness is also good public policy. It fosters public trust, and ultimately leads to a more efficient and equitable justice system for all Wisconsin residents.

Therefore, the Commission urges the Court to grant Petitioner's request to create Wis. Stat. § 885.375, requiring qualified interpreters in certain municipal court proceedings.

Thank you for providing this opportunity to comment on this petition.

Sincerely,



Daniel J. Hoff
President