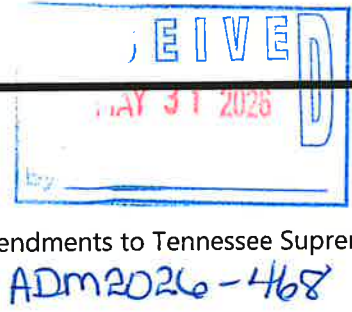


MaryBeth Lindsey

From: P F W Maher <pfw1973@yahoo.com>
Sent: Sunday, May 31, 2026 9:33 AM
To: appellatecourtclerk
Subject: Public Comment - ADM2026-00468 – Proposed Amendments to Tennessee Supreme Court Rules 41 and 42



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Dear Clerk and Members of the Court:

I appreciate the opportunity to submit public comment on the proposed amendments to Tennessee Supreme Court Rules 41 and 42 governing the Tennessee Language Access Program and Court Interpreter Program.

The proposed rule changes reflect a substantial effort to clarify interpreter ethics, improve administrative processes, and expand guidance for courts and stakeholders. These are important objectives, particularly given the critical role interpreters play in ensuring meaningful access to justice for individuals with limited English proficiency (LEP).

However, I respectfully submit that there are real, substantive issues presented by the proposed amendments that warrant careful consideration. In particular:

- concentration of authority within the Access to Justice Commission;
- lack of transparency in the grievance and disciplinary process;
- limited judicial oversight; and
- broader structural gaps in access to justice that remain unaddressed.

Each of these concerns directly impacts the fairness, accountability, and accessibility of the judicial system.

First, the proposed rules assign significant disciplinary and quasi-adjudicatory responsibilities to the Access to Justice Commission, including oversight of grievance procedures, appointment of grievance committees, and review of appeals. While the Commission plays an important advisory role, the consolidation of investigative, adjudicative, and appellate functions within a single body raises concerns regarding independence, due process, and institutional role clarity.

Second, the proposed grievance system provides that complaints, investigations, and related records are confidential and not subject to public disclosure absent limited circumstances. While confidentiality may serve certain purposes, this approach significantly limits transparency in a process that directly affects interpreter competency, court access, and the rights of litigants. Public confidence in the integrity of the interpreter system depends, at least in part, on visibility into how complaints are handled and resolved.

Third, the role of the Tennessee Supreme Court in reviewing interpreter discipline appears limited in certain instances to a cursory review. This level of oversight may be insufficient given the potential consequences of disciplinary decisions, including disqualification or suspension of interpreters, which can affect both individual livelihoods and the availability of language access services in the courts.

Fourth, the proposal does not adequately address broader structural access-to-justice concerns, particularly as they relate to interpreter availability and system capacity. For example, compensation rates remain unchanged despite acknowledged challenges in securing qualified interpreters. The continued reliance on non-credentialed interpreters, even with additional safeguards, underscores a systemic shortage that is not fully addressed by the proposed amendments.

These issues are particularly important when viewed in light of the mission of the Access to Justice Commission itself. The Commission has articulated four overarching goals to address our shared civil legal needs in Tennessee:

1. To involve more lawyers and law students;
2. To provide educational opportunities and resources;
3. To make the justice system more user-friendly; and
4. To remove barriers to access to justice, including disability, language, literacy, and geography.

While the proposed amendments are intended to support language access, certain aspects of the proposal may be in tension with these goals. For example:

- A largely confidential grievance system may limit public understanding and accountability, reducing transparency and user-friendliness;
- Centralizing disciplinary authority within the Commission will create structural barriers rather than removing them;
- The absence of expanded resources or capacity-building measures, such as compensation or recruitment mechanisms, does not meaningfully address real geographic or systemic access limitations.

Taken together, these concerns suggest that while the proposed amendments might improve basic clarity in several respects, they may not advance the broader objectives of accessibility, transparency, and user-centered justice that the Commission itself has identified.

I respectfully encourage the Court to consider whether additional safeguards, transparency measures, and structural improvements are warranted before adopting the proposed amendments in their current form.

Please confirm receipt of this submission and advise if anything further is required.

Thank you for your consideration..

Respectfully submitted,

Peter Maher

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