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Employment – Retaliation – Court interpreters

Superior Court

By: Mass. Lawyers Weekly Staff April 21, 2022

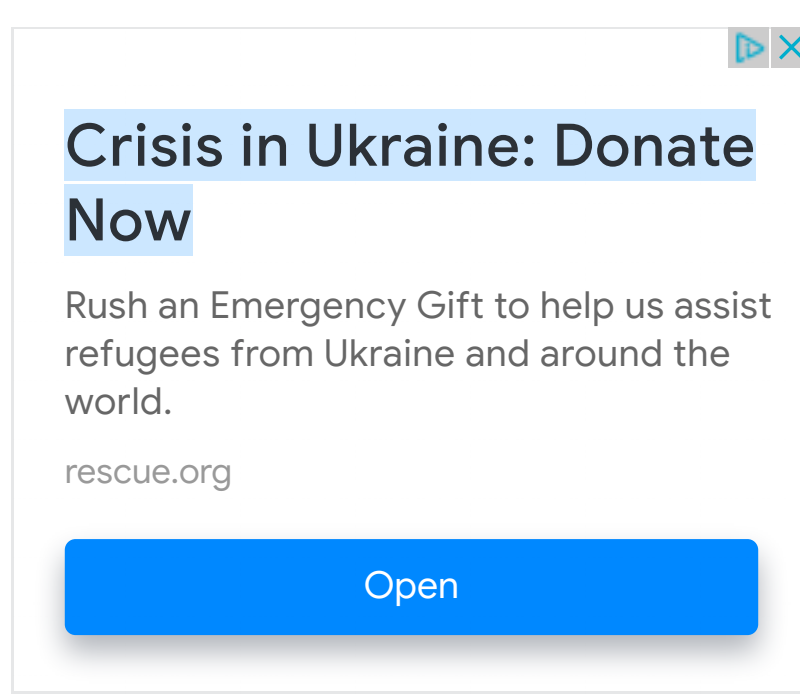
Where plaintiff court interpreters have moved to amend their complaint to add a claim alleging retaliation for exercising their rights under the First Amendment and Article 16 of the Massachusetts Declaration of Rights, the motion should be allowed despite the defendant’s assertion of sovereign immunity.

“... Plaintiffs claim that they have exercised their Constitutional rights by complaining about the Trial Court’s actions regarding payment and other working conditions for per diem court interpreters in this lawsuit, and that the Trial court retaliated against them for this exercise by amending the Standards & Procedures (‘S & P’) for court interpreters in a way that will chill continuing First Amendment activity. ...

“... Here, at this juncture, as the plaintiffs plead, they have been deprived of a Federal Constitutional right, and where they seek injunctive and declaratory relief, not damages, the claim is not barred by sovereign immunity. ...

“For the reasons stated, plaintiffs’ motion for leave to file an amended complaint, in so far as the plaintiffs only seek declaratory and injunctive relief, is allowed.”

Massachusetts Association of Court Interpreters, Inc., et al. v. Executive Office of the Trial Court (Lawyers Weekly No. 12-015-22) (4 pages) (Ham, J.) (Suffolk Superior Court) (Civil Action No. 2016-00969) (March 11, 2022).



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