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3rd ANNUAL
REPORT ON THE JUDICIARY



**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

1974

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THOMAS H. ROBERTS
CHIEF JUSTICE

Supreme Court of Rhode Island

Providence

TO: The Honorable Members of the Rhode Island General Assembly

Submitted herein is the third annual report produced by the Office of the State Court Administrator.

The report is divided into two sections. Part I reviews the structure and organization of the state courts. To some of you this review may seem superfluous. However, it has been our experience that many people who read this report find such a review useful. Part II discusses the events of 1974. This section is not meant to cover every detail of the events of the past year. The several courts in the system have been involved in a wide variety of activities in the conduct of their business. No single report can adequately document all of those activities. However, this report does summarize the most significant events of the year and gives a flavor of the high level of activity and progress in our courts.

The citizens of Rhode Island may well be proud of the record established by its judiciary, and it is hoped that this report may be of value to you in your further consideration of matters affecting the administration of justice in Rhode Island.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Roberts".

Thomas H. Roberts
Chief Justice
Supreme Court

ORGANIZATION OF THE RHODE ISLAND COURTS

The courts of the State of Rhode Island are divided into three levels: (1) courts of limited jurisdiction, (2) Superior Court of general jurisdiction, and (3) the Supreme Court. The courts of limited jurisdiction (Family, District) and the Superior Courts are trial courts. The Supreme Court is a court of review; that is, it determines from the record of a trial whether an alleged error made during the trial prejudiced the consideration of the appellant's cause.

The force of a decision of a trial court is limited to the litigants. A decision of a court of review not only affects the litigants, but announces the law on the issue raised. Decisions of the Rhode Island Supreme Court are published and become a part of the law of the state. The Supreme Court is the state court of last resort.

The entire court system in Rhode Island is state established and funded with the exception of the Probate Courts, which are the responsibility of the cities and towns, and the Providence and Pawtucket Municipal Courts, which are local courts of limited jurisdiction. A summary of the several courts and related agencies follow.

Supreme Court

Juisdiction: Article 10 of the Constitution of the State of Rhode Island provides that "the judicial power of this state shall be vested in one Supreme Court and in such inferior courts as the General Assembly may, from time to time, ordain and establish". With the above constitutional authority, the General Assembly provides in Title 8, Chapter 1, Section II of the Rhode Island General Laws, that the Supreme Court exercise general supervision over the courts of inferior jurisdiction and final revisory and appellate jurisdiction upon question of law and equity: — including the rendering of advisory opinions to the legislative and executive branches of the government and passing upon the constitutionality of laws. In addition to these judicial duties, the Supreme Court also regulates the admission and discipline of members of the Rhode Island Bar.

Membership: Title 8 of the Rhode Island General Laws provides for a Supreme Court consisting of a Chief Justice and four Associate Justices. In accordance with Article 10, Section 4 of the state constitution, each justice is elected by grand committee of the General Assembly and holds his post until it is declared vacant by resolution of the General Assembly.

It should also be noted that for purposes of administration, the State Law Library has been made part of the Supreme Court.

Supreme Court Clerk: The Clerk's primary responsibility is the filing, storing, and disseminating of Supreme Court records. In addition, the staff of three provides both assistance and information to attorneys, bar applicants, and the general public on matters relating to appeal procedures, Supreme Court calendars, bar examinations, and court rules.

As an extension of its information distribution role, the Clerk's Office

prints and issues initial copies of all court decisions to most attorneys and all judges. All newly adopted rules and procedures are also printed and distributed to attorneys and judges.

Office of the State Court Administrator: The staff of the Office of the State Court Administrator consists of the State Court Administrator, Deputy Administrator, Business Manager, and a Management Analyst. That staff is appointed by the Chief Justice acting in his capacity as administrative head of the state court system. Personnel, fiscal, and purchasing functions for the entire court system are performed in this office. The office has the responsibility of preparing and managing the budget covering: (1) Supreme Court, (2) Superior Court, (3) District Court and, (4) Family Court, and a number of miscellaneous agencies, including the Law Library and Judicial Council. The office also applies for and administers all LEAA grants for the court system. In addition, the office is assigned responsibility for a wide range of miscellaneous management functions, including the development and implementation of management improvement projects in specified areas. These projects are usually jointly developed and implemented by the Office of the Court Administrator and the particular court or courts involved.

Law Library: Under the direction of the Supreme Court, the State Law Library provides an integrated legal reference system for the state. Its first responsibility is to provide judges and staff of all courts with necessary information and material. As the only centralized law collection of any magnitude in the state, it serves as a primary resource for the community as well as the courts.

Attorneys and their staffs, government agency personnel, legislators, faculty and students of Rhode Island's colleges, and the general public make considerable use of the library facilities.

The library is open to all every day, Sundays and holidays excepted, from 9 o'clock in the morning until 5 o'clock in the afternoon, except during vacation of the courts and on Saturdays, when it may be closed at 3 o'clock in the afternoon.

All material is for reference only, although provision is made for circulating material to members of the General Assembly and judges of the several courts.

The library is growing constantly. Since 1969, 5,622 volumes have been added, bringing the library's total volumes to approximately 125,000.

Mr. Edward V. Barlow, the Law Librarian, is also responsible for the scheduling and supervision of the Law Clerk Pool which serves the judges of the Superior, Family, and District Courts. This program, begun with a federal grant, is now being funded with state monies.

The staff of the State Law Library includes the State Law Librarian, 2 full-time assistants, and 2 part-time assistants. Their budget is included in the budget of the Supreme Court.

Superior Court

Jurisdiction: The Superior Court has original jurisdiction of civil matters in excess of \$5,000, equity proceedings and original jurisdiction of crimes. All indictments found by grand juries are returned to this court. It also has appellate jurisdiction in criminal and civil cases appealed from the District and Probate Courts. In addition, there are numerous appeals and statutory proceedings, such as highway, redevelopment and other land condemnation cases. Concurrently, with the Supreme Court, it has jurisdiction of writs of habeas corpus, mandamus, and certain prerogative writs. Appeals from the Superior Court are heard by the Supreme Court, as described earlier in this report.

Organization: The 5 counties of our state are divided by legislative enactment into 4 Superior Court divisions with Providence-Bristol Counties comprising one division. A map showing the counties and their groupings into the Superior Court divisions appears on the following page. The Presiding Justice of the Superior Court has the power to administer the internal activities of his court. As administrative head, he establishes calendars, assigns judges, appoints administrative personnel, and makes rules of conduct of the court's business.

The General Laws of Rhode Island 1969 as amended (8-7-2 G. L.) provide that "The Superior Court shall be in session every year as follows:"

(a) at Providence, for the counties of Providence and Bristol, from the second Monday in September to the second Monday in July;

(b) within and for the county of Newport, for a period of not less than twenty-four (24) weeks during the court year;

(c) within and for the county of Kent, for a period of not less than twenty-four (24) weeks during the court year;

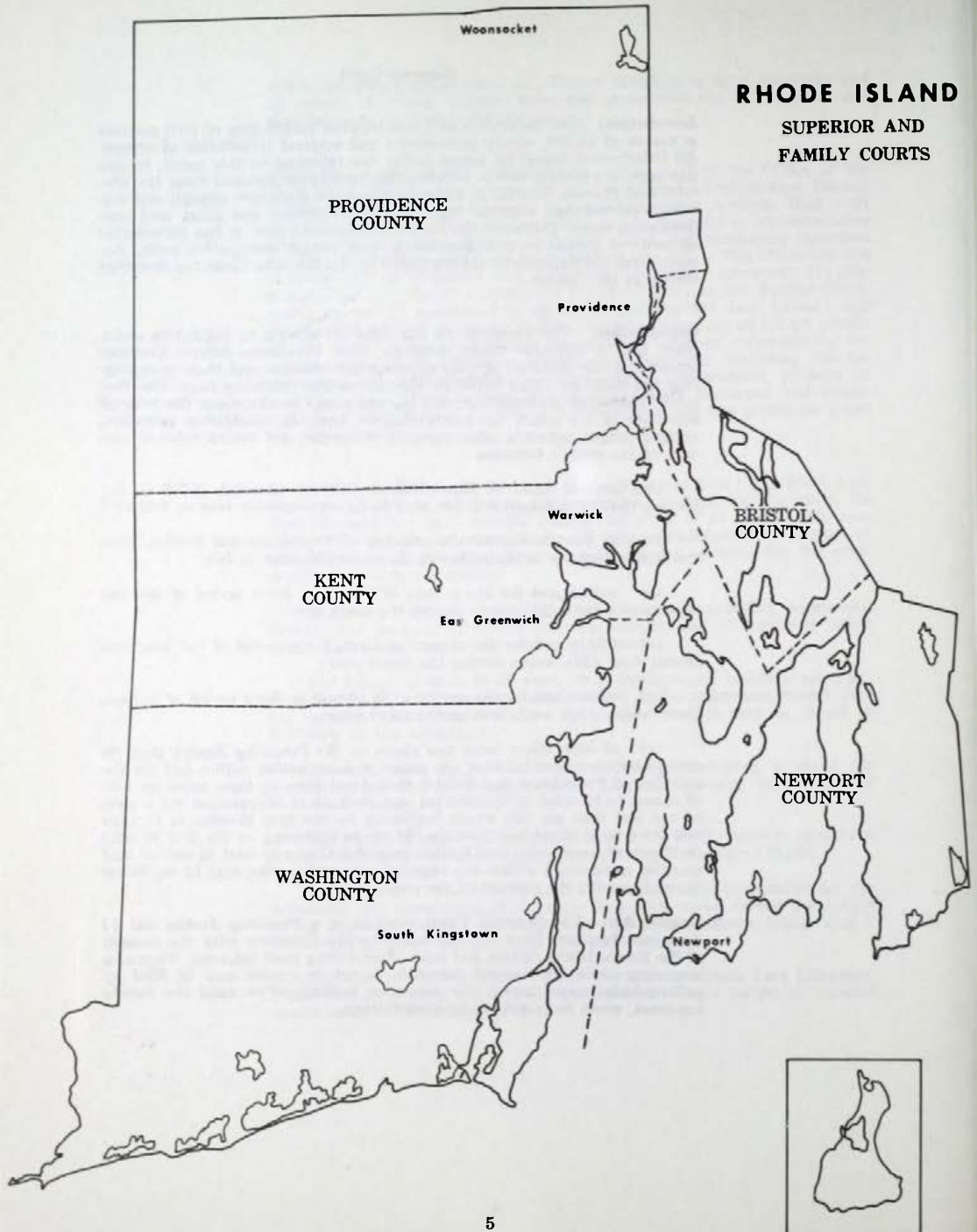
(d) within and for the county of Washington, for a period of not less than twenty (20) weeks during the court year;

(e) at such other times and places as the Presiding Justice shall fix and determine; provided that the superior court holden within and for the counties of Providence and Bristol shall from time to time make up lists of causes to be tried at Woonsocket and shall sit at Woonsocket for a term of not less than six (6) weeks beginning on the first Monday in October and for a term of not less than six (6) weeks beginning on the first Monday in March of each year; and further provided that any trial in any of said counties commenced within any regular or special session may be continued thereafter with the consent of the court.

Membership: The Superior Court consists of a Presiding Justice and 14 Associate Justices. They are appointed by the Governor with the consent of the Rhode Island Senate and hold office during good behavior. Vacancies occurring while the General Assembly is not in session may be filled by gubernatorial appointment, the appointee holding office until the Senate convenes, when he is subject to confirmation.

RHODE ISLAND

SUPERIOR AND FAMILY COURTS



Family Court

Jurisdiction: Title 8, Chapter 10, Section 1 of the Rhode Island General Laws (1961), known as the "Family Court Act," authorized the establishment of a court of limited jurisdiction to hear and determine all petitions for divorce from the bond of marriage and from bed and board; all motions relating to allowance of counsel and other matters including all petitions and motions relative to real and personal property in aid thereof affecting the parties and children wherein jurisdiction is acquired by the court by the filing of such petitions for divorce; separate maintenance; complaints for support of parents and children; and those matters relating to delinquent, wayward, dependent, neglected or mentally defective or mentally disturbed children. It also has jurisdiction for the adoption of children under 18 years of age; paternity of children born out of wedlock and provision for the support and disposition of such children or their mothers; also child marriages; those matters referred to the court in accordance with the provisions of Section 14-1-28; those matters relating to adults who shall be involved with paternity of children born out of wedlock; responsibility for or contributing to the delinquency, waywardness of neglected children under 16 years of age; desertion, abandonment of failure to provide subsistence for any children dependent upon such adults for support; truancy; bastardy proceedings, and custody of children; and a number of other matters involving domestic relations and juveniles.

The Family Court also provides counsel to children and adults referred to the court; provides secure custody and therapeutic handling of children who need to be detained; provides mental health service, including diagnosis and treatment; and assists and participates with various organizations and other agencies in connection with crime and delinquency.

Organization: The Family Court is organized in a fashion similar to the Superior Court. Pursuant to Title 8, Chapter 10, Section 24, sessions of the court are held in four of Rhode Island's five counties, with sessions at Providence being for the counties of Providence and Bristol.

As with the Presiding Justice of the Superior Court, the Chief Judge of the Family Court is responsible for the internal administration of the court. This responsibility includes the establishment of calendars, assignment of judges, appointment of a court administrator, and the formulation of court rules.

Membership: The Family Court consists of a Chief Judge, and six Associate Judges. They are appointed by the Governor with the consent of the Rhode Island Senate and hold office during good behavior. Vacancies occurring while the General Assembly is not in session may be filled by gubernatorial appointment, the appointee holding office until the Senate convenes, when he is subject to confirmation.

A Master, authorized by the 1973 General Assembly, sits to hear all matters relating to delinquent divorce payments. He is appointed by the Chief Judge of the Family Court. (See page 23.)

District Court

Jurisdiction: The District Court of Rhode Island has exclusive original jurisdiction of all civil actions at law involving \$5,000 or less, misdemeanors, lesser criminal offenses, small claims cases, mental and alcoholic commitments, and any other matters or proceedings which shall be declared to be within its jurisdiction by the General Assembly. The District Court does not hold jury trials, and appeals from decisions are made directly to the Superior Court for trial DE NOVO.

Organization: Title 8, Chapter 8 of the Rhode Island General Laws established one District Court with seven divisions.

The Chief Judge is the administrative head of the District Court and is, therefore, responsible for its operations and the efficient use of its manpower. To this end, he assigns judges, designates place or places for holding court, supervises the calendar, and reports annually to the Chief Justice of the Supreme Court on the state of the business of the District Court.

Membership: The District Court is comprised of a Chief Judge and 12 Associate Judges who are appointed to serve during good behavior by the Governor, with the advice and consent of the Senate.

Violations Bureau The 1970 session of the General Assembly passed legislation providing a uniform traffic summons control system to govern the issuance of summonses for the violation of any statute or ordinance relating to the operation, control or maintenance of a motor vehicle. At the same time, the Legislature directed the Office of the Court Administrator to devise a system and the necessary forms whereby violation of certain enumerated traffic regulations would not require an appearance in District Court but could instead be disposed of by the mail payment of a specified fine.

The 1974 session of the General Assembly eliminated the District Court's jurisdiction in simple traffic matters and transferred it to an Administrative Adjudication Division under the Department of Transportation.

On June 31, 1975 the Violations Bureau will be transferred to the Administrative Adjudication Division retaining, generally, the same responsibilities it now possesses.

Judicial Council

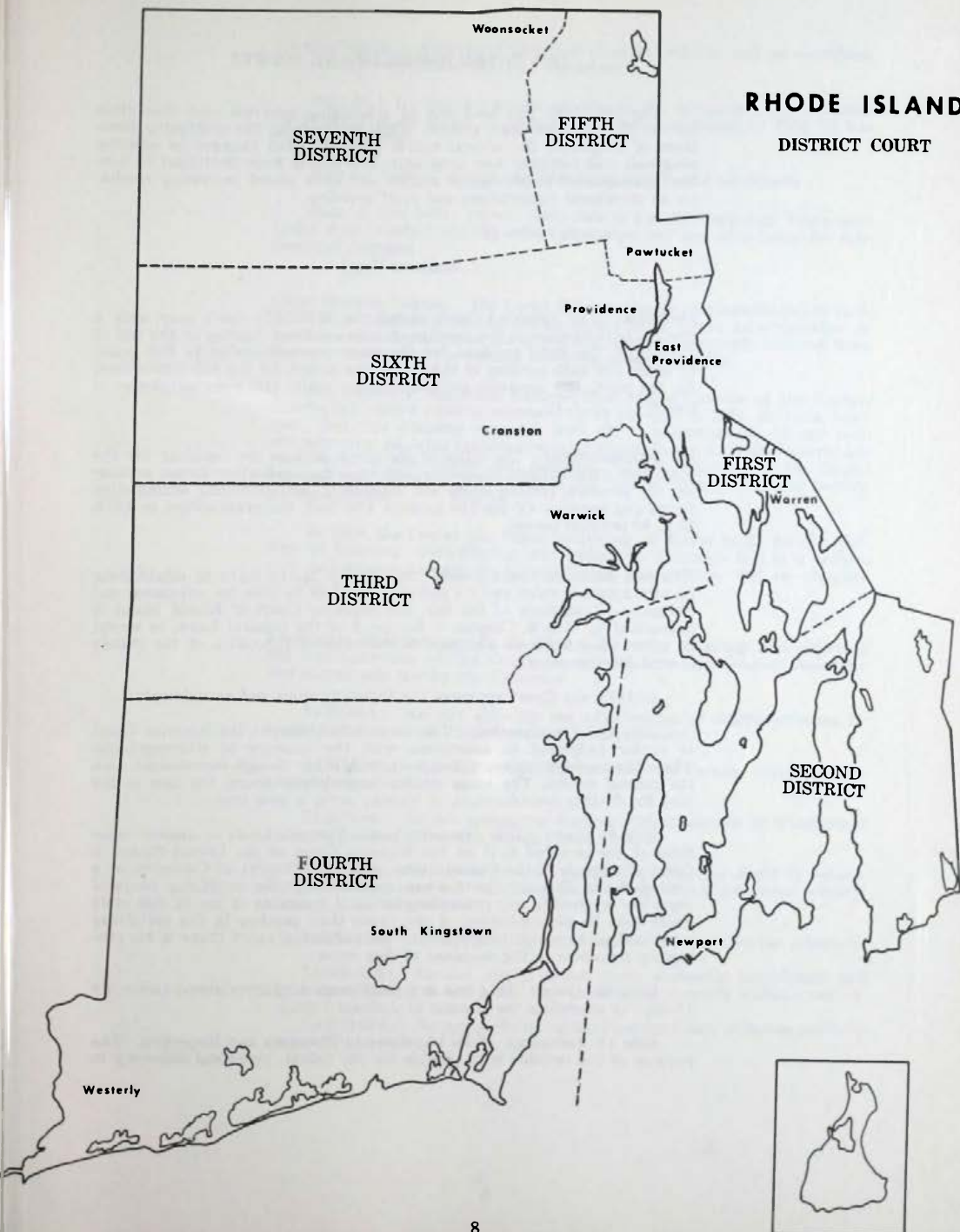
Title 8, Chapter 13 of the General Laws of Rhode Island provides for the creation of a Judicial Council consisting of six members of the Rhode Island Bar appointed by the Governor.

This council is organized to submit from time to time for consideration of the justices of the various courts such suggestions in regard to the judicial system of the state as it may deem advisable, and it reports annually to the Governor upon such matters as it desires to bring to his attention or to the attention of the General Assembly.

It has only one employee, paid (\$1,500), on a part-time basis. The members serve without compensation.

RHODE ISLAND

DISTRICT COURT



1974 IN THE RHODE ISLAND COURTS

The past year has been one of continuing progress and innovation for the Rhode Island court system. While maintaining the continuing functions of litigation, the several courts have initiated changes in existing programs and initiated new programs. The courts have continued to conduct management improvement studies and have placed increasing emphasis on structural reallocations and staff training.

Supreme Court

Statistics: The Supreme Court ended the 1973-1974 court year with a five per cent increase in the number of cases awaiting hearing at the end of 1972-1973. The total caseload for the court year amounted to 656 cases, of which 326 were pending at the end of the period. Of the 330 dispositions for the year, 170 involved written opinions while 160 were supplemental matters.

Bar Examinations: The office of the Clerk acts as the registrar for the State Bar examinations by issuing and receiving application forms, arranging for proctors, renting space and equipment, and providing examination forms and supplies. Of the 130 persons who took the examination in 1974, 75 to 80 per cent passed.

New and Amended Court Rules: In addition to the right of establishing its own appellate rules and its power to regulate by rule the admission and discipline of members of the bar, the Supreme Court of Rhode Island is authorized by Title 8, Chapter 6, Section 2 of the General Laws, to accept or reject all changes or additions to the rules of procedure of the state's several inferior courts.

In 1974, the Court approved the following rules and amendments:

Rule 19(b): (amended) This amendment permits the Superior Court to render judgment in accordance with the answers to interrogatories where the answers are consistent with each other though inconsistent with the general verdict. The judge retains discretion to return the case to the jury for further consideration, or he may order a new trial.

Rule 6: (new) This rule permits the Supreme Court to answer questions of law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States, or of the District of Columbia, or a United States District Court when requested by the certifying court if there are involved in any proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of this court.

Rule 18: (new) This rule is a reaffirmation of Provisional Order #9 (9/22/71) amending the Canons of Judicial Ethics.

Rule 16: (revision) Rule 16 relates to Discovery and Inspection. "The purpose of the revision is to provide for the fullest, reciprocal discovery in

criminal cases in Superior Court that is practicable as well as consistent with the Constitutional rights of defendant."

Rule 26.1 (revision) A rule relating to the production of statements by prosecution witnesses if pre-trial discovering pursuant to Rule 16 has not been invoked.

Rule 53 (new) A rule regulating conduct in the courtroom.

Rule 47 (Or 102): (new) This rule is a reaffirmation of Provisional Order #10. It sets forth the extent attorneys may use advertising for professional purposes.

Court Records Center: The Court Records Center was established in mid-1973 as a subdivision of the Office of the State Court Administrator. It functions as a storage area for active and semi-active records received from the state courts and the various court component agencies.

Mr. Antone P. Roderick, Records Analyst and director of the Center, reports that stored records increased by 30 per cent in 1974. He feels, however, that this climbing rate will level off to approximately 10 per cent annually once all dated records presently stored in the individual courts are transferred to the Center. Mr. Roderick further reports that the Center received approximately 200 requests for records from courts and participating agencies. 4,270

In 1974, the Center also began reviewing all docket books for the purpose of indexing, microfilming, and rebinding. Although this is a tedious and painstaking process, it is hoped that the review will be complete by the end of 1975.

Legislative Enactments: In the 1974 session, the following laws affecting the administration of the Courts were passed by the General Assembly and signed into law by the Governor.

74-S648A: An Act allowing the adjudication of traffic offenses by hearing offices within Department of Transportation.

74-H7452A: An Act authorizing pension for certain retired or deceased judges or their wives.

74-H7846: An Act mandating Superior Court sessions in Woonsocket to be held at least 12 weeks during court year.

74-H7813: An Act authorizing any police officer to assist in returning addicts who have left treatment centers from which they were referred through civil commitment.

74-S2402A: An Act relating to post conviction remedies for prisoners.

74-S2403A: An Act giving grand juries statewide jurisdiction and authorizing more than one grand jury to sit simultaneously within a county.

74-H7131A: An Act authorizing the Superior Court to impose partially suspended sentences.

74-H7835A: An Act authorizing the use of data processing equipment for the selection of jurors.

74-H7852: An Act increasing the number of assistant court secretaries.

74-H7367: An Act denying municipal employees witness fees for appearing in court or before a grand jury.

74-H7659: An Act authorizing the appointment of three additional assistant clerks for Superior Court.

74-H5382A: An Act authorizing the appointment of a Committee on Judicial Tenure and Discipline.

74-S2409: An Act allowing the exempting from jury duty certain officials of the Departments of Corrections and Social Rehabilitative Services.

74-S456: An Act authorizing the Attorney General to charge felony cases by information in Superior Court without grand jury action.

74-H7368: An Act increasing the number of Superior and Family Court Judges.

74-S2146: An Act exempting the state from payment of court's and sheriff's costs.

74-H7366A: An Act authorizing the Public Defender to represent indigents in the District Court.

74-H7743A: An Act increasing the number of jurors to be drawn from each municipality.

74-H7855: An Act authorizing the investigation of jurors by written questionnaire.

74-H5028A: An Act creating uniform procedures in trespassing and ejection actions.

National Center for State Courts: The National Center for State Courts was established by resolution at the urging of Chief Justice Warren Berger during the National Conference on the Judiciary held in Williamsburg, Virginia in 1971. Its stated goal is to "assist state courts to modernize the machinery of justice in as wise and timely a fashion as possible."

Since its inception three years ago, the National Center has engaged in a variety of research and demonstration projects for state courts throughout the United States.

The growing demand for the Center's services has resulted in the setting up of regional offices in various sections of the country.

This past year the Boston Regional Office of the National Center for State Courts began developing two projects for the Rhode Island courts. The first is preliminary work regarding the establishment of a pre-screening program for the Supreme Court. The Center has conducted a brief survey

of court caseloads and related operations, and established some project design criteria based on experience with identical projects in a number of other states. It is hoped that the project will be implemented during 1975 with funds supplied by the Law Enforcement Assistance Administration. The National Center is expected to assist the Office of the Court Administrator in drafting an application for these LEAA funds.

The Center has also developed and outlined a study of the management functions in the Family Court. Initial interviews have been held with Judge Gallogly and Family Court staff regarding this project. Final detailed specifications for the study are expected to be released in the early spring of 1975. The study itself will begin shortly after the release of these specifications.

Forms Revision Program: The Judicial branch of government is supported by paper. The Judicial Department probably produces more forms than any other state agency. (The Office of the State Court Administrator orders, stocks, and distributes approximately 300 different forms for state and Probate Courts each year.) In light of increases in printing costs and the paper shortage in general, the courts are attempting to cut down on their net consumption of paper, while retaining necessary court efficiency.

As part of its overall records management effort, a continuing program of review of court forms is carried out by the Office of the Court Administrator. Unnecessary and obsolete forms are eliminated and duplicate forms are consolidated whenever possible. Increasing use is being made of multi-part snap-out forms, turn-around forms, and carbonless paper or interleaved carbons, particularly in situations where multiple typing or photocopying can be eliminated by such a change. A standard procedure prior to reordering any form is to consider reducing the traditional 8½ x 14" "legal" size to 8½ x 11." In most cases this is possible with no loss of utility in the form. In 1974 approximately 21 forms were reviewed prior to reprinting.

Special Legislative Committee on Criminal Procedure: This past year the Special Legislative Committee on Criminal Procedure, chaired by Senator Joseph W. Walsh, cooperated with the Office of the State Court Administrator to carry out a comparative study of the ABA and LEAA standards for criminal justice relative to Rhode Island's conformance with the standards.

The study, funded through a grant from the Governor's Committee on Crime, Delinquency, and Criminal Administration, had three basic objectives.

- (1) Compare each LEAA/ABA standard with the existing situation in Rhode Island.

- (2) Evaluate the effectiveness of Rhode Island's "standards" vis-a-vis the LEAA/ABA standards.

- (3) Report the findings with recommendation to the General Assembly, state courts, and related agencies.

The basic comparative work has been completed. The committee is presently concentrating on certain standards considering whether remedial

or supplemental legislation will be necessary during the 1975 General Assembly.

A final report is planned for 1975.

New Court Facilities: The Rhode Island courts have long been in need of additional court facilities. The Providence County Courthouse, built in 1931, was the last major facility constructed for court use.

This past year, however, the Office of the Court Administrator, in cooperation with the District, Family and Superior Courts and the State Department of Administration negotiated the leasing of two large court facilities. After examining a number of potential locations in the Warwick area, a new four-story building located directly off Route 2 was chosen. The building has 10,000 square feet per floor, parking for over 200 cars and elevator service to all floors. In addition, the partially below ground first floor gives us an excellent location for a secure prisoner holding area.

The building's location and size has allowed us to consolidate all Kent County Court and Court-related agencies within its walls, thus eliminating both the inconvenience to attorneys of traveling to and from a number of courthouses, and some added costs incurred by the State in leasing scattered office space.

The following agencies are presently housed in the new Kent County facility: Department of the Attorney General (previously no permanent office in Kent County), the Office of the Public Defender (previously no permanent office space in Kent County), Division of Probation and Parole (previously located in the leased Hanaford School), the Department of Corrections (duties formerly performed by the Warwick Police Department), Kent County Sheriff's Department (previously located in leased space in Apponaug), the Family Court, Kent County session (as of 1973 the Kent County session was held in Providence for lack of adequate space in Kent), Third Division District Court (formerly housed above Warwick Fire Station), Superior Court (previously sat exclusively in Old Kent County Courthouse and the leased Hanaford School).



Clerk's Office



District Court



Superior Court



Cell Block

New Sixth Division Court House: In November of 1974, the Sixth Division of the Rhode Island District Court sat for the last time in the Old State House on Benefit Street in Providence. The next day the Court moved to a newly renovated building on Harris Avenue. It was a pensive day for some of the employees, for the Old State House had become a part of their lives. However, the historical significance of the building made its continuation as a modern courthouse impossible. It could not be renovated either externally or internally, parking for employees and the public was non-existent, and the lack of adequate ventilation and air conditioning made summer sessions nearly impossible.

The new building has $2\frac{1}{4}$ floors of which the court is occupying $1\frac{1}{4}$ (the remaining $1\frac{1}{4}$ are reserved for the new administrative adjudication division, see page 10). There are three fully equipped courtrooms . . . , two judges chambers, two large court administrative areas, a small claims office, and a holding area. In addition, the Chief Judge's permanent offices are located on the second floor adjoining Courtroom #3. A law library and three judicial offices are also on the second floor, but they will not be put to use until sometime in 1975.

The Office of the Public Defender and the Division of Probation and Parole are also provided with space, and it is expected that when the Attorney General begins information charging, he will use space available in the building.



Chief Judge's Chamber



Clerk's Office



Civil Courtroom



Criminal Courtroom

Administrative Training Conference: The first continuing education conference for clerks, assistant clerks, and deputy clerks of the various courts was held on June 21 and 22 at the Sheraton-Islander Inn, Newport. The conference was co-sponsored by the Office of the State Court Administrator and the Clerks of District, Family, and Superior Courts.

In preparing the conference program, the Office of the Court Administrator worked closely with the Presiding Justice of the Superior Court and the Chief Judges of the Family and District Courts. Over 60 clerks attended the conference, which covered topics of major concern to clerks in their daily performance of court duties and responsibilities.

On Friday morning, the keynote speaker was Walter J. Kane, Esq., State Court Administrator. Mr. Kane gave a brief talk on the court system and the future implications of a unified trial court. Upon the completion of his remarks, a spirited discussion of court administration followed.

The Friday afternoon session dealt with how an attorney looks at the court system. Guest speakers were: William Reilly, Esq., Criminal Law; Leonard Decof, Esq., Civil Litigation; and Alfred Factor, Esq., Domestic Relations.

Luncheon and dinner speakers on Friday were Chief Judge Laliberte of the District Court and Associate Justice Healey of the Family Court.

Saturday was devoted to a training session by Geoffrey Gallas of the Institute of Court Management in Denver, Colorado. Mr. Gallas explained and later administered the Management Grid exercise.

Luncheon speakers gave reports on the Courtwide Management Information System, and the Court's Affirmative Action Plan.

The conference ended with an evening meal and remarks by Superior Court Presiding Justice Weisberger.

PROMIS: This past year the Department of the Attorney General received a grant from the LEAA for the installation of PROMIS (Prosecutor Management Information System). This computerized tracking system was originally developed in Washington, D. C., where it has been in operation for over three years. PROMIS collects data on criminal cases within the court system and categorizes them in such a way as to enable the Attorney General to better administer his caseload in relation to court scheduling and the internal management of his office.

The development of PROMIS in Rhode Island is well-timed in that data generated by the system will serve as a major input to the Court Component Statistical System being developed (See below). In addition, as PROMIS is a computer based system, it will give use experience with computer statistical analysis.

Courtwide Statistical Information System (CSIS): In 1973 the Court Component Committee, consisting of representatives of the District, Superior, and Family Courts, the Attorney General's Department, the Public Defender's Department, and Department of Probation and Parole received a grant from the LEAA for the development of a statistical system common to all court agencies.

It is being developed as Phase I of a three-phased program. The three phases as outlined in the Court Component Committee's initial grant application were as follows:

- I. Develop a statistical information system
- II. Develop an offender based information system
- III. Incorporate these systems as part of an overall "State Criminal Justice Information System."

Soon after approval of the Court Component Committee grant, the Rhode Island Attorney General received approval to implement the PROsecutors Management Information System (PROMIS) as an independent effort within his department. This added an additional dimension to the CSIS project, since a major portion of Phase II (the felony offender based information system) would now be developed concurrently with, but independent, of CSIS.

After initial analysis of court component agency systems and data needs, the Court Component Committee modified the CSIS project to identify and utilize PROMIS offender transactional data and implement manual systems changes that would coincide with PROMIS development. These project modifications were as follows:

1. Develop and implement a manual transaction reporting and control system within the core agencies (District and Superior Court) to provide an accurate data base that coincides with PROMIS transactional processing at a case level.
2. Perform a detailed analysis of the PROMIS data base and identify the offender based statistical reports that could be developed to meet component agency information needs.
3. Change the CSIS project's implementation approach from a two-part recommendation and evaluation phase to include on-site monitoring of the District and Superior Court system effort.
4. Hire a court project manager to manage the implementation effort and coordinate future statistical reporting systems.
5. Identify the applicability of automating the Superior Court civil processing system to eventually parallel PROMIS offender based processing.

Progress to Date

The CSIS project is currently on schedule. Implementation is planned for June, 1975. The following major elements of the CSIS project are completed:

- Analysis and documentation of each component agency's data systems. The documentation has already been used by several agencies (Family Court and Division of Probation and Parole) for internal procedures development.
- Identification, at an early project stage, of the applicability of automated systems within the component agencies.
- Design of the transactional data system for the District and Superior Courts.
- Development of a PROMIS Preliminary Report Requirements statement for the Court Component Agencies based on an extensive analysis of the PROMIS data base.
- Analysis of a pilot District Court in-process file to identify its impact on the court scheduling as well as the manual reporting function.

Remaining Tasks

The project has the following remaining major tasks:

- Implement the Superior and District Court's transactional reporting system.
- Develop a conceptual design of a Superior Court automated civil tracking system.
- Evaluate the transactional system's effectiveness and identify additional measures that could improve systems effectiveness.

LEAA Projects: The passage of the Omnibus Crime Control and Safe Streets Act of 1968 signaled the start of the federal government's first major effort at providing large scale financial assistance to the states for the prevention and reduction of crime.

The Act created the Law Enforcement Assistance Administration (LEAA) in the Department of Justice, with the mission of providing funds and guidance for state crime prevention and reduction programs. In establishing LEAA, Congress took an approach to federal funding based primarily on block grants awarded in lump sums to states. The recipient states in turn allocate funds, according to a plan submitted for prior approval by LEAA, for their own law enforcement and criminal justice projects.

All states receiving LEAA funds have a specific agency which is required by law to be established as the official recipient agency for federal funds on behalf of the state. Rhode Island's recipient agency is the Governor's Justice Committee.

Since its inception six years ago, the Court Administrator's Office has requested and received approval for numerous ~~subgrants~~ from the Governor's Committee on Crime, Delinquency and Criminal Administration. This funding was used in funding projects designed to upgrade the ad-

ministration and ancillary services available to the state judicial system. Although the grants are prepared and administered through the OCA, the actual direction of specific projects is a joint effort of that office and individuals within specific agencies.

All of the specific grants fall within a number of management activity target areas which must be addressed by the courts in the coming years. (Education and Training, Improved Prosecution and Defense Services, Technical Legal Assistance, Application of Technology, Calendar Management, Coordination and Planning, Information Needs, and Facility Planning and Development.)

The several programs currently underway or in the planning stage are designed to fill specific needs within these target areas. Those programs with brief descriptive material are as follows:

1. **Judicial Library — Kent County Courthouse**

Funds allocated under this project are being used to establish a "working library" in the new Kent County Court facility.

2. **Records Microfilm Project**

The Office of the State Court Administrator has received funds under this grant to establish microfilming capability with the Court Records Center. This capability will insure the existence, in original or copy form of all court records and documents deemed necessary for future reference by the Court, the Attorney General, the Public Defender, or the public.

3. **Electronic Recording Equipment**

This project will allow for a verbatim record of all probable cause and bail hearings held in the District Court. The use of electronic recording equipment will provide us with this record without overextending the available pool of reporters.

4. **Judicial Education**

This project is designed to offer the opportunity for advanced judicial training to judges and administrators in the District, Superior, and Family Courts at the National College of the State Judiciary in Reno, Nevada, and the Institute of Court Management in Aspen, Colorado. Most judges from the Superior and District Courts and the administrative personnel of the Superior, Family, and District Courts have received training under this grant to date. It is a continuing program with which we expect to provide more opportunities for legal and administrative training for judicial system personnel.

5. **Courthouse Security**

Funds under this grant will be used to install metal detecting equipment in the Providence County Courthouse. This equipment will insure the security of all participants in courthouse processes (judges, jury, attorneys, parties, witnesses, prisoners, participants or the public).

6. **National Center for State Courts — Family Court**

Funds from this grant are being used to pay for the services of the National Center for State Courts in their evaluation and study of the Family Court Administration structure.

7. **Youth Diversionary Pilot Project**

Funds from this grant are being used to finance the establishment of a diversion project in Family Court. Under this project, youths brought

before the court on first offenses are "diverted" from the normal criminal justice process and handled by specially trained consultants. (See page 23.)

8. Management Information System

All court component agencies in the Rhode Island Court System have formed a committee to direct the establishment of uniform statistical gathering potentials. Funds from this grant are being used to pay the services of a consultant in his development of the system. (See page 16.)

Interdepartmental Mail: It cost the Rhode Island court system approximately \$28,000 for postage in fiscal year 1974. A survey in July showed us that a large share of this expense went for delivery to other state government agencies. Consequently, the Office of the State Court Administrator, in cooperation with the Department of Administration, implemented a two-month test of the state interdepartmental mail service. This service, headquartered at the State House, picks up and delivers mail to most state agencies in the Greater Providence area.

The test period proved highly successful with cost analysis indicating a potential savings to the court of \$2,000 a year. Permanent installation of the service was begun in October, 1974. We are presently examining the possibility of extending the service to the Kent County Courthouse in Warwick and the Sixth Division in Providence.

Commission on Jurisprudence of the Future:

The Commission, chaired by Supreme Court Associate Justice Thomas J. Paolino, was appointed in June, 1972, by Chief Justice Thomas H. Roberts. They were charged with the responsibility of surveying the broad field of law in an attempt to detect and project trends in the next 20-50 years which will have an impact on the administration of justice in Rhode Island.

In 1973 the Commission released the "Preliminary Report and Recommendation" of the Subcommittee on Criminal Law. (A detailed breakdown of this report can be found in "Report on the Judiciary, 1973".) Since the release of the report, the Commission has continued to meet, and although a number of progress reports have been issued, no further recommendations have as yet been put forward.

Rhode Island Judicial Council

The Judicial Council is an advisory body consisting of six members of the Rhode Island Bar appointed by the Governor. It was established by statute to study the organization of the judicial system of the state on an ongoing basis.

The Judicial Council "may from time to time submit for consideration of the justices of the various courts suggestions in regards to the judicial system." In addition, the Council submits annually to the Governor a report on matters it wishes to bring to his attention.

The 35th Report of the Judicial Council to the Governor issued in January, 1974, made eight recommendations regarding reform or revision



Thomas H. Needham

of the judicial system. Two of these recommendations have since been implemented; they and the six others follow:

1. The council recommended the construction of new court facilities in Kent and Washington Counties.
2. The council recommended the creation of two new judicial positions in both the Superior and Family Courts. (This recommendation was acted on and approved by the '74 General Assembly; Governor Noel appointed the four new judges in June. (See this page and page 22.)
3. The council recommended the creation of a commission to investigate and verify complaints against judges. (Similarly, this recommendation was acted upon and approved by the '74 General Assembly; Governor Noel is expected to appoint members in early 1975.)

Superior Court

Statistics: This past year a total of 2,116 cases were added to the civil calendar while 2,210 were disposed; of these disposed 1,209 or 54% were settled prior to calendar call, and 404 or 18.2% were disposed at calendar call. Twenty-seven per cent actually went to trial, and of these going to trial, 51 or 14.5% went all the way to verdict.

On the criminal side there were 3,657 cases filed, 2,451 were indictments while 1,206 were criminal appeals.

Judicial Appointments:

Thomas H. Needham of Cranston is one of three new judges named to the Superior Court bench. He was sworn in by Governor Noel on May 7, 1974 to fill one of the two positions created by the General Assembly.

A graduate of Providence College in 1946, Judge Needham received his law degree from Boston University in 1948.

Prior to his appointment to the bench, Judge Needham served eight years as a Senator from Cranston.

Judge John E. Orton, III, of the District Court is the second new Superior Court judge. He was appointed by Governor Noel on May 3, 1974 to fill a vacancy on the Superior Court bench created by the death of Judge Christopher Del Sesto.

Judge Orton, a Judge on the District Court since its creation in 1969, brings to the Superior Court years of experience as both an attorney and a judge.

John P. Bourcier, a Johnston native, was also named by Governor Noel to the Superior Court bench.

A graduate of Brown University in 1950, Judge Bourcier received his law degree from Vanderbilt University in 1953.

Prior to his appointment to the bench, Judge Bourcier practiced crim-



John E. Orton, III



John P. Bourcier

inal law for 15 years and later served as Johnston Probate Judge as well as City Solicitor.

Jury Study: In 1973, the Office of the Court Administrator, in conjunction with the Superior Court, began a study of the State's present jury selection system. This study was in response to a growing concern on the part of the Jury Commissioner and the Presiding Justice that the system used in selecting jurors had been outstripped by the growth in the number of jurors that had to be called.

The study group, consisting of one member of the Office of the Court Administrator, the Administrator of the Superior Court, an LEAA consultant and two research assistants, presented their final report on January 26, 1974. That report made the following recommendations:

1. The drawing and summoning of jurors should be conducted through the use of data processing equipment available in the Department of Administration's Division of Methods.

2. Manual screening of jurors for the purpose of assessing their qualifications should be conducted through the use of mailed questionnaires only. However, in the cases where exemption or disqualification has been claimed or where the Jury Commissioner "feels" a question exists as to the person's ability to serve, a personal interview of the type presently used should be conducted.

3. A jury management system should be implemented with the Jury Commissioner's office in direct control.

4. The study group felt that the exemption process as it was constituted was both ambiguous and discriminating. Therefore, the study group recommended that the state adopt a policy similar to that in force in the federal courts — exemptions from federal jury service are granted to members in active service in the armed forces, members of fire or police departments, and public offices in the executive, legislative, or judicial branches of government who are actively engaged in the performance of official duties. 28 U.S.C.—1862 (1964). Such exemptions are **not to bar** jury service; if exemption is waived, the person is a qualified juror unless otherwise disqualified. Judges may also excuse other groups or classes "upon a finding that such jury service would entail undue or extreme hardship."

5. The position taken by the jury selection study group was that the grounds for disqualification should be clearly stated objective criteria which will prevent both intentional and inadvertent discrimination in qualifying jurors. It, therefore, recommended the adoption of the provisions similar to those provided by the Federal Jury Selection and Service Act of 1968:

Recommendations #1 and #2 were immediately implemented by the Superior Court and, subsequently, on May 6, 1974, J. Gardner Conway, Jury Commissioner, conducted the first computerized drawing of jurors in the state's history. The process, which took approximately five hours, eliminated nearly six weeks of tedious and painstakingly long manual drawing of jurors which had been necessary under the traditional system.

In addition, this "batch" of prospective jurors was the first not re-

quired to submit to a personal interview conducted by members of the Jury Commissioner's staff.

Bench-Bar-Media Advisory Committee: An Advisory Committee consisting of members of the Rhode Island Bar, the Judiciary, and the various news media has been established to promote continued cooperation and understanding between the press, radio and T.V. and the Judicial System. In 1974 this committee, under the direction of Presiding Justice Weisberger, drafted a paper listing "examples of information which, if published and read or heard by jurors, would probably cause a court to declare a mistrial or an appellate court to reverse a conviction for failure to declare a mistrial". This paper has been duplicated by the Superior Court and copies will be issued to all media representatives during most criminal trials. The following is the list presented in the paper; it is not intended to be exhaustive but merely illustrative of the type of publications which may result in a mistrial.

1. Publication just prior or during the trial of the criminal record of the accused.
2. Publication of or reference to a confession or admission made by the accused, unless and until such confession or admission is allowed into evidence by the trial judge.
3. Publication of or reference to any evidence of a physical nature which is excluded from evidence by the court as illegally obtained in violation of the Fourth Amendment guarantees against unreasonable searches and seizures.
4. Publication of or reference to evidence adduced at a preliminary hearing conducted in the absence of a jury, where such evidence is ultimately determined to be inadmissible.
5. Publication of opinions just prior to trial or during trial as to the guilt or innocence of the accused.

Family Court

Statistics: In 1974, we witnessed another year of marked increase in the number of cases handled by the Court in all categories. This includes petitions for divorce and separation, adoptions, child support cases, juvenile referrals, and miscellaneous petitions.

The addition of two new judges to the Family Court has relieved the workload pressure on the Court to some extent, but it is difficult to foresee any decrease in the number of cases in the future. It is and has been the national trend that more people are seeking divorces and separations, and the problems surrounding juvenile crime are not being solved.

Judicial Appointments: Carmine R. DiPetrillo of Warwick is one of two new judges named to the Family Court bench this past year.

A graduate of Boston University College of Business Administration



Carmine R. DiPetrillo

and Boston University School of Law, Judge DiPetrillo has been practicing law in Rhode Island for over 20 years.

Prior to his appointment to the bench, Judge DiPetrillo spent five years in the General Assembly.

Angelo G. Rossi of Johnston is the second of two new Family Court judges appointed by Governor Noel in May, 1974.

A graduate of Providence College, Judge Rossi received his law degree from Boston University in 1957.

Prior to his appointment to the bench, Judge Rossi served as town solicitor and probate judge for the town of Johnston.

Judicial Appointment (Master): In October, Chief Judge Edward Gallogly announced the appointment of John J. O'Brien to the position of Family Court Master. He replaces Frederick R. DeCesaris who resigned in order to accept the Clerkship of the Providence Federal District Court.

Mr. O'Brien graduated from Providence College in 1959 and received his law degree from Suffolk University in 1970. Prior to his appointment, Mr. O'Brien served 4 years as an Intake Supervisor with the Family Court.

Space Improvements at Family Court: This past year the State Development Council moved from the Roger Williams Building on Hayes Street in Providence. This freed seven large offices on the second floor, thus allowing the relocation of the Master, the Reciprocal Unit, the Business Office and Court Secretaries. The space formerly occupied by these offices on the first floor was reallocated for expansion of the Clerk's Office and the recently enlarged Intake Unit.

In addition, the opening of the new Kent County Courthouse has allowed the return of the Kent County Calendar to Kent County, along with a fully staffed Clerk's Office.

Youth Diversionary Unit: The National Advisory Commission on Criminal Justice Standards and Goals defines diversion as "formally acknowledged efforts to utilize alternatives to initial or continued processing into the justice system." They further state that "to qualify as diversion such efforts must be undertaken prior to adjudication and after legally prescribed action has occurred."

The Youth Diversionary Unit (YDU) was not the first of this type developed in Rhode Island, but it was the most far reaching. The first program, the Driver Improvement Clinic, was begun in 1971. It consists of courses with lectures and films on the hazards of poor driving habits and techniques for improvement. The second program, in operation since 1973, allows for the diverting of divorce and juvenile cases where alcohol seems to be a contributing factor in the case.

The Youth Diversionary Unit was begun in September, 1974, as a Pilot Project to test whether juveniles charged with minor offenses can be better handled through short-term family crisis therapy administered at intake by specially trained Youth Diversionary workers than through the traditional procedures of juvenile court.



Angelo G. Rossi



John J. O'Brien

The specific goals of the project were:

1. To test whether truants, incorrigibles, runaways, and minor criminal cases can be diverted from the present system of juvenile justice and court adjudication.
2. To test whether detention can be avoided in many juvenile criminal situations through counseling and alternative placements that are both temporary and voluntary.
3. To test whether those diverted, thus not labeled, have fewer subsequent "brushes with the law" and are better adjusted to life than those not diverted.
4. To test whether this diversion can be accomplished within the existing structure of the Family Court in such a way as to enhance peripheral services.

During its first quarter in operation (October-December, 1974), the YDU was assigned a total of 217 referrals to investigate and divert from the traditional channels of the juvenile justice system. All referrals assigned to this Unit were screened by the Intake Department of Family Court to eliminate any referrals coming to this Unit that were not first offenders.

Of the 217 referrals received (an average of 72 new referrals each month) 193 were or are presently being diverted from the traditional Juvenile Justice System. The remaining 24 referrals (11% of total) were investigated and not diverted; hence, returned to the Chief Intake Supervisor for processing and eventual Court hearing.

The Youth Diversionary Unit workers have averaged a time span of two days between the time they have received a new case and the initial contact with the family. Unavoidable situations such as unlisted telephone numbers, no telephone in the home, holidays, have necessitated making appointments by letters, subsequently increasing the period of time between assignment of cases and initial contact. However, early contact is still emphasized and accomplished as a worthwhile objective.

Youth Diversionary workers provided personal counseling and supervision in approximately 30% of the cases which were diverted. In many instances this service was provided in addition to guiding the youth, and in some cases the parents/guardians as well, to other agencies within the community for extended services. A total of more than 17 different agencies have been called upon by the Youth Diversionary Unit during this period to provide various services for diverted youths and their families. Many hours have been expended in conferences with school officials, counselors, and families in attempting to find a workable and realistic solution to numerous truancy referrals. Also, the Youth Diversionary workers have been instrumental in obtaining restitution for victims by conferring with the victims, police, and the youth, to set a fair price on a loss. This procedure has seen youths working for claimants on a set schedule to compensate for losses for which they were responsible.

Each and every case diverted by this Unit is followed up to insure continued progress and cooperation. A random sample taken by the YDU supervisor indicates that a typical case will have three follow-up contacts by either phone or visits or combination thereof. In some cases, contacts are so numerous and frequent that documentation of each one would be superfluous.

The 193 referrals diverted by the Youth Diversionary Unit during this quarter alleviated the flow of new referrals to Court calendars as well as provided individualized attention and assistance to young first offenders.

District Court

Statistics: There was a total of 82,613 cases filed in the seven Divisions of the District Court last year. This amounted to over 75% of the total number of cases filed in all courts of the state.

There was an increase of 6,736 filings from the previous years' total of 74,877. Taken by category, civil filings increased by 9%, small claims filings increased by 35%, misdemeanors increased by 10%, felony arraignments decreased by 9% and traffic violations increased by 18%.

Of the total number of cases filed 18,489 (22%) were traffic and other motor vehicle violations; 20,329 (25%) were felonies or misdemeanors; and 31,217 (38%) were either small claims or civil cases.

Judicial Appointments: Joseph F. Rodgers, Jr., is the state's newest District Court judge. He was sworn in by Governor Noel in May, 1974 to fill a vacancy created by the elevation of Judge Orton of Warwick to the Superior Court.

A graduate of Providence College, Judge Rodgers received his Law Degree from Boston University School of Law in 1966.

Prior to his appointment to the bench, Judge Rodgers served seven years as a State Senator from Providence.

Driving While Intoxicated School: Rhode Island, like all of her sister states, has a problem with the intoxicated driver. Likewise, Rhode Island has been unable to deter DWI through the use of customary punitive measures.

On July 1, 1974, the State embarked on a new approach to the problem, an approach that attempts to rehabilitate, not punish. The new program, known nationally as a "DWI Counterattack Program," is a Driving While Intoxicated School. The essence of the program provides that, in addition to any other sentences or measures the courts may impose, the person convicted of a DWI offense may be required to attend a course of instruction designed to convince the offender to take personal measures to prevent a recurrence of DWI.

The establishment of the program required a change in Rhode Island law which was accomplished by the General Assembly in the 1974 session when the authority and responsibility to revoke driver's licenses was transferred from the Registry to the Courts. In sentencing a convicted DWI offender, a judge can now, at his discretion, order the person to the DWI Counterattack Course, while withholding final sentencing until completion of the course.

The aims of the program are:

1. To provide information on the consequences of drinking and driv-



Joseph F. Rodgers, Jr.

ing, with special focus on individual differences and tolerances to alcohol.

2. To consider the reasons why people drink and drive and to induce offenders to develop countermeasures to the problem.
3. To make easily accessible the resources of individual counseling, group rehabilitation programs, and Alcoholics Anonymous for those persons in need of and desirous of follow-up assistance.

The course is divided into four, 2¼-hour sessions held on successive weekday evenings at Rhode Island Junior College in Warwick. Each of the sessions have their particular theme which are, respectively: "The Drinking Driver," "Alcohol and Driving Skill," "Problem Drinking," and "Personal Action."

The course is not intended to stop people from drinking; each person has to make his own decision on that matter. However, it is forcefully stated that the course is concerned with the harmful combination of drinking and driving.

COURT DIRECTORY

Supreme Court Justices:

Thomas H. Roberts, Chief Justice
Thomas J. Paolino, Associate Justice
Alfred H. Joslin, Associate Justice
Thomas F. Keller, Associate Justice
John F. Doris, Associate Justice

Superior Court Justices:

Joseph R. Weisberger, Presiding Justice
John S. McKiernan, Associate Justice
Florence K. Murray, Associate Justice
Arthur A. Carrellas, Associate Justice
William M. Mackenzie, Associate Justice
James C. Bulman, Associate Justice
Eugene F. Cochran, Associate Justice
Ronald R. Lagueux, Associate Justice
Eugene G. Gallant, Associate Justice
Anthony A. Giannini, Associate Justice
Francis J. Fazzano, Associate Justice
Donald F. Shea, Associate Justice
John E. Orton, III, Associate Justice
Thomas H. Needham, Associate Justice
John P. Bourcier, Associate Justice

Family Court Judges:

Edward P. Gallogly, Chief Judge
Michael DeCiantis, Associate Judge
Edward V. Healey, Jr., Associate Judge
William R. Goldberg, Associate Judge
Jacob J. Alprin, Associate Judge
Carmine R. DiPetrillo, Associate Judge
Angelo G. Rossi, Associate Judge

District Court Judges:

Henry E. Laliberte, Chief Judge
Orist D. Chaharyn, Associate Judge
Paul J. Del Nero, Associate Judge
Anthony J. Dennis, Associate Judge
Corinne P. Grande, Associate Judge
Francis M. Kiely, Associate Judge
Robert J. McOsker, Associate Judge
Edward J. Plunkett, Associate Judge
Charles F. Trumpetto, Associate Judge
Joseph F. Rodgers, Jr., Associate Judge
Walter R. Orme, Associate Judge
Antonio S. Almeida, Associate Judge
Victor J. Beretta, Associate Judge

ADMINISTRATIVE PERSONNEL

Supreme Court:

Walter J. Kane, State Court Administrator/Clerk
Office of the Court Administrator
Providence County Courthouse
250 Benefit St., Providence, R. I.

Robert C. Harrall, Dpty. State Court Administrator
Office of the Court Administrator
Providence County Courthouse
250 Benefit St., Providence, R. I.

Superior Court:

John J. Hogan, Administrator
Providence County Superior Court
Providence County Courthouse
250 Benefit St., Providence, R. I.

Mr. Joseph Q. Calista, Clerk
Providence County Superior Court
Providence County Courthouse
250 Benefit St., Providence, R. I.

Mr. Daniel J. Shea, Clerk
Kent County Superior Court
Kent County Courthouse, Main St., E. Green., R.I.

Mr. Edgar J. Timothy, Clerk
Washington County Superior Court
1693 Kingstown Rd., West Kingstown, R. I.

Mr. Chester A. Oakley, Jr., Clerk
Newport County Superior Court
Courthouse, Newport, R. I.

Family Court:

Mr. Charles E. Joyce, Court Administrator/Clerk
Family Court
22 Hayes St., Providence, R. I.

Joseph D. Butler, Deputy Court Administrator
Family Court
22 Hayes St., Providence, R. I.

District Court:

Raymond D. George, Chief Clerk
District Court (Sixth Division)
345 Harris Ave., Providence, R. I.
Joseph Senerchia, Admin. Asst. to Chief Judge
Sixth Division District Court
345 Harris Ave., Providence, R. I.

District Court Clerks:

Gerald L. Bonenfant, Deputy Clerk
First Division District Court
516 Main St., Warren, R. I.
Francis W. Donnelly, Deputy Clerk
Second Division District Court
Courthouse, Newport, R. I.
James Signorelli, Deputy Clerk
Third Division District Court
222 Quaker Ln., West Warwick, R. I.
Frank J. DiMaio, Deputy Clerk
Fourth Division District Court
Courthouse, West Kingston, R. I.
Edward T. Dalton, Deputy Clerk
Fifth Division District Court
145 Roosevelt Ave., Pawtucket, R. I.
Paul A. Plante, Deputy Clerk
Seventh Division District Court
Front St., Woonsocket, R. I.
William W. O'Brien, Deputy Clerk
Eighth Division District Court
275 Atwood Ave., Cranston, R. I.

APPENDICES

Rhode Island Superior Court

CASES FILED BY TYPE (COMPARATIVE)Providence-Bristol Counties

| | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|------------------|--------------|--------------|--------------|--------------|--------------|
| Civil | 3,591 | 3,678 | 2,835 | 3,496 | 3,672 |
| Probate Appeals | 25 | 38 | 30 | 19 | 24 |
| Misc. Petitions | 380 | 444 | 423 | 501 | 492 |
| Indictments | 1,220 | 1,618 | 2,189 | 1,955 | 1,649 |
| Criminal Appeals | 639 | 853 | 961 | 706 | 770 |
| Totals | <u>5,885</u> | <u>6,631</u> | <u>6,438</u> | <u>6,677</u> | <u>6,607</u> |

Kent County

| | | | | | |
|------------------|--------------|--------------|--------------|--------------|--------------|
| Civil | 455 | 439 | 465 | 476 | 514 |
| Probate Appeals | 32 | 18 | 12 | 20 | 15 |
| Misc. Petitions | 47 | 40 | 63 | 54 | 91 |
| Indictments | 372 | 253 | 433 | 404 | 292 |
| Criminal Appeals | 179 | 352 | 264 | 194 | 146 |
| Totals | <u>1,085</u> | <u>1,102</u> | <u>1,237</u> | <u>1,148</u> | <u>1,058</u> |

Newport County

| | | | | | |
|------------------|------------|------------|------------|------------|------------|
| Civil | 244 | 273 | 269 | 260 | 233 |
| Probate Appeals | -- | -- | 3 | 1 | 4 |
| Misc. Petitions | 29 | 21 | 27 | 33 | 45 |
| Indictments | 170 | 147 | 243 | 279 | 307 |
| Criminal Appeals | 100 | 132 | 140 | 168 | 113 |
| Totals | <u>543</u> | <u>573</u> | <u>682</u> | <u>741</u> | <u>702</u> |

Washington County

| | | | | | |
|------------------|------------|------------|------------|------------|------------|
| Civil | 252 | 256 | 235 | 226 | 302 |
| Probate Appeals | 5 | 6 | 10 | 4 | 5 |
| Misc. Petitions | 70 | 97 | 21 | 21 | 38 |
| Indictments | 241 | 251 | 256 | 199 | 203 |
| Criminal Appeals | 147 | 167 | 225 | 232 | 177 |
| Totals | <u>715</u> | <u>777</u> | <u>747</u> | <u>682</u> | <u>725</u> |

All Counties

| | | | | | |
|------------------|--------------|--------------|--------------|--------------|--------------|
| Civil | 4,542 | 4,646 | 3,804 | 4,458 | 4,721 |
| Probate Appeals | 62 | 62 | 55 | 44 | 48 |
| Misc. Petitions | 526 | 602 | 534 | 609 | 666 |
| Indictments | 2,003 | 2,269 | 3,121 | 2,837 | 2,451 |
| Criminal Appeals | 1,065 | 1,504 | 1,590 | 1,300 | 1,206 |
| Totals | <u>8,178</u> | <u>9,083</u> | <u>9,104</u> | <u>9,248</u> | <u>9,092</u> |

Rhode Island Superior Court

JURY CIVIL CASE CALENDARED/DISPOSED*

| <u>Month</u> | <u>Cases Pending</u> | | <u>Cases Calendaried</u> | | <u>Disposed by Trial</u> | | <u>W/O Trial</u> | | <u>Total</u> | |
|--------------|----------------------|-------|--------------------------|-------|--------------------------|------|------------------|-------|--------------|-------|
| | 1973 | 1974 | 1973 | 1974 | 1973 | 1974 | 1973 | 1974 | 1973 | 1974 |
| Jan. | 4,901 | 4,765 | 159 | 164 | 52 | 22 | 210 | 218 | 262 | 240 |
| Feb. | 4,798 | 4,689 | 132 | 117 | 31 | 19 | 124 | 271 | 155 | 290 |
| March | 4,686 | 4,516 | 163 | 136 | 35 | 32 | 160 | 151 | 195 | 183 |
| April | 4,603 | 4,469 | 127 | 138 | 28 | 21 | 88 | 42 | 116 | 63 |
| May | 4,614 | 4,544 | 158 | 137 | 41 | 16 | 156 | 68 | 197 | 84 |
| June | 4,575 | 4,598 | 161 | 124 | 28 | 26 | 113 | 88 | 141 | 104 |
| July | - | - | - | - | - | - | - | - | - | - |
| August | - | - | - | - | - | - | - | - | - | - |
| Sept. | 4,595 | 4,618 | 297 | 437 | 18 | 30 | 160 | 180 | 178 | 210 |
| Oct. | 4,714 | 4,844 | 164 | 166 | 31 | 30 | 113 | 273 | 144 | 303 |
| Nov. | 4,734 | 4,707 | 110 | 136 | 15 | 22 | 64 | 274 | 79 | 296 |
| Dec. | 4,765 | 4,547 | 121 | 155 | 18 | 22 | 103 | 111 | 121 | 133 |
| | Total | | 1,592 | 1,710 | 297 | 240 | 1,291 | 1,576 | 1,588 | 1,906 |

NON-JURY CIVIL CASES CALENDARIED/DISPOSED

| | | | | | | | | | | |
|--------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Jan. | 307 | 303 | 0 | 46 | 15 | 3 | 44 | 19 | 59 | 22 |
| Feb. | 248 | 327 | 36 | 30 | 8 | 20 | 16 | 36 | 24 | 56 |
| March | 260 | 301 | 45 | 14 | 16 | 7 | 18 | 20 | 34 | 27 |
| April | 271 | 288 | 35 | 45 | 15 | 13 | 18 | 14 | 33 | 27 |
| May | 273 | 306 | 25 | 33 | 13 | 10 | 23 | 5 | 36 | 15 |
| June | 262 | 324 | 44 | 38 | 25 | 13 | 24 | 10 | 49 | 23 |
| July | - | - | - | - | - | - | - | - | - | - |
| August | - | - | - | - | - | - | - | - | - | - |
| Sept. | 257 | 339 | 71 | 111 | 2 | 8 | 15 | 29 | 17 | 37 |
| Oct. | 311 | 413 | 25 | 25 | 13 | 15 | 22 | 24 | 35 | 39 |
| Nov. | 301 | 399 | 30 | 37 | 8 | 11 | 16 | 13 | 24 | 24 |
| Dec. | 307 | 412 | 19 | 27 | 5 | 4 | 18 | 30 | 23 | 34 |
| | Total | | 330 | 406 | 120 | 104 | 214 | 200 | 334 | 304 |

Rhode Island Family Court

PETITIONS FOR DIVORCE (FILED) (By County)

| | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|--------------------------|-------------|-------------|-------------|-------------|-------------|
| <u>Providence County</u> | | | | | |
| Absolute Divorce | 1,742 | 2,357 | 2,567 | 2,732 | 2,833 |
| Bed & Board | <u>306</u> | <u>363</u> | <u>331</u> | <u>253</u> | <u>237</u> |
| Total | 2,048 | 2,720 | 2,898 | 2,985 | 3,070 |
| <u>Kent County</u> | | | | | |
| Absolute Divorce | 497 | 543 | 626 | 709 | 738 |
| Bed & Board | <u>96</u> | <u>116</u> | <u>90</u> | <u>84</u> | <u>80</u> |
| Total | 593 | 659 | 716 | 793 | 818 |
| <u>Newport County</u> | | | | | |
| Absolute Divorce | 356 | 356 | 367 | 346 | 373 |
| Bed & Board | <u>54</u> | <u>49</u> | <u>85</u> | <u>73</u> | <u>55</u> |
| Total | 390 | 405 | 452 | 419 | 428 |
| <u>Washington County</u> | | | | | |
| Absolute Divorce | 260 | 288 | 318 | 346 | 398 |
| Bed & Board | <u>36</u> | <u>42</u> | <u>27</u> | <u>28</u> | <u>23</u> |
| Total | <u>296</u> | <u>330</u> | <u>345</u> | <u>374</u> | <u>421</u> |
| Total (State) | 3,327 | 4,114 | 4,411 | 4,571 | 4,737 |

FAMILY COURT - ADULT HEARINGS
(by type)

| | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|----------------------------|-------------|-------------|-------------|-------------|-------------|
| Change of Name | -- | 1 | -- | -- | -- |
| Non-Support | 35 | 14 | 16 | 15 | 6 |
| Neglect of Children | 9 | 7 | 11 | 22 | 5 |
| Out of Wedlock | 121 | 70 | 35 | 43 | 75 |
| Contributing to W & D | 43 | 15 | 15 | 28 | 35 |
| Neglect to send ... school | 2 | -- | -- | 2 | 3 |
| Total | <u>210</u> | <u>107</u> | <u>77</u> | <u>110</u> | <u>124</u> |

CASES HEARD & DECISIONS RENDERED
(Divorce - B & B)

Providence County

| | | | | | |
|-------------------|--------------|--------------|--------------|--------------|--------------|
| Absolute Divorce | 1,142 | 1,319 | 1,545 | 1,837 | 1,927 |
| Bed & Board | 16 | 12 | 15 | 7 | 15 |
| Granted on Motion | 64 | 79 | 64 | 77 | 84 |
| | <u>1,222</u> | <u>1,410</u> | <u>1,624</u> | <u>1,921</u> | <u>2,026</u> |
| Discontinued | 15 | 53 | 32 | 17 | 2 |
| Total | <u>1,237</u> | <u>1,463</u> | <u>1,656</u> | <u>1,938</u> | <u>2,028</u> |

Kent County

| | | | | | |
|-------------------|------------|------------|------------|------------|------------|
| Absolute Divorce | 262 | 315 | 259 | 391 | 367 |
| Bed & Board | 4 | -- | 5 | 1 | 1 |
| Granted on Motion | 18 | 14 | 11 | 30 | 12 |
| | <u>284</u> | <u>329</u> | <u>275</u> | <u>422</u> | <u>380</u> |
| Discontinued | 43 | 64 | 57 | 45 | 1 |
| Total | <u>327</u> | <u>393</u> | <u>332</u> | <u>467</u> | <u>381</u> |

Newport County

| | | | | | |
|-------------------|------------|------------|------------|------------|------------|
| Absolute Divorce | 177 | 139 | 190 | 265 | 217 |
| Bed & Board | 1 | 4 | 3 | 1 | -- |
| Granted on Motion | 11 | 14 | 18 | 24 | 16 |
| | <u>189</u> | <u>157</u> | <u>211</u> | <u>290</u> | <u>233</u> |
| Discontinued | 12 | 15 | 14 | 20 | 10 |
| Total | <u>201</u> | <u>172</u> | <u>255</u> | <u>310</u> | <u>243</u> |

Washington County

| | | | | | |
|-------------------|------------|------------|------------|------------|------------|
| Absolute Divorce | 132 | 173 | 174 | 228 | 246 |
| Bed & Board | 2 | 3 | 11 | 3 | -- |
| Granted on Motion | 5 | 8 | 8 | 8 | 12 |
| | <u>139</u> | <u>184</u> | <u>193</u> | <u>239</u> | <u>258</u> |
| Discontinued | 13 | 18 | 12 | 22 | 8 |
| Total | <u>152</u> | <u>202</u> | <u>205</u> | <u>261</u> | <u>266</u> |

Rhode Island Family Court

JUVENILE REFERRALS

| | <u>1973</u> | <u>1974</u> | | |
|--------------------------------|-------------|-------------|------------|---------------|
| Wayward/Delinquent | 5,645 | 5,403 | -242 | (-4%) |
| Motor Vehicle | 2,415 | 1,887 | -528 | (-21%) |
| Dependency & Neglect | 299 | 211 | - 88 | (-29%) |
| Child Marriages (couples) | 131 | 94 | - 37 | (-28%) |
| Adoptions | 456 | 456 | - 68 | (-13%) |
| Termination of Parental Rights | 133 | 138 | + 5 | (+3%) |
| Other | <u>19</u> | <u>25</u> | <u>+ 6</u> | <u>(+31%)</u> |
| Total | 9,166 | 8,214 | -952 | (-10%) |

HEARINGS/FINDINGSJudicial

| | | | | |
|---------------------------|------------|------------|-------------|---------------|
| Wayward/Delinquent | 3,634 | 2,822 | -812 | (-22%) |
| Motor Vehicle | 934 | 1,297 | +363 | (+38%) |
| Dependent/Neglect | 1,291 | 1,036 | -255 | (-19%) |
| Child Marriages (couples) | 121 | 118 | - 3 | (-2%) |
| Adoption | <u>665</u> | <u>532</u> | <u>-133</u> | <u>(-20%)</u> |
| Sub Total | 6,645 | 5,805 | -840 | (-12%) |

Non-Judicial

| | | | | |
|---------------|------------|------------|------------|--------------|
| Motor Vehicle | 639 | 514 | -125 | (-19%) |
| Other | <u>406</u> | <u>415</u> | <u>+ 9</u> | <u>(+2%)</u> |
| Sub Total | 1,045 | 929 | -116 | (-11%) |
| Total | 7,690 | 6,734 | -956 | (-12%) |

Rhode Island District Court

CRIMINAL ARRAIGNMENTS

| | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|---------------|--------------|--------------|--------------|--------------|--------------|
| Motor Vehicle | 46,601* | 26,050* | 23,436* | 28,440* | 31,067 |
| Misdemeanor | 7,302 | 7,730 | 10,233 | 11,930 | 13,222 |
| Felony | <u>4,728</u> | <u>6,092</u> | <u>6,730</u> | <u>7,769</u> | <u>7,107</u> |
| Total | 58,631 | 41,872 | 40,399 | 48,139 | 51,396 |

MISDEMEANORS DISPOSED

| | | | | | |
|-------------------------|---------------|---------------|---------------|---------------|---------------|
| At Arraignment | 47,177 | 25,629 | 21,796 | 27,949 | 32,136 |
| After Trial/Change Plea | <u>6,407</u> | <u>9,364</u> | <u>10,333</u> | <u>10,388</u> | <u>10,701</u> |
| Total Disposed | (53,584)* | (34,993)* | (32,129)* | (38,337)* | (42,837)* |
| Total Arraigned | <u>53,903</u> | <u>35,780</u> | <u>33,669</u> | <u>40,370</u> | <u>51,396</u> |
| Increase in Backlog | 319 | 787 | 1,540 | 2,033 | 8,559 |

*These figures do not reflect the motor vehicle summonses paid by mail to the Violations Bureau; 1969-0; 1970-7, 676; 1971-38, 996; 1972-47, 190.

FELONY DISPOSITIONS

| | | | | | |
|----------------------|----------------|----------------|----------------|----------------|----------------|
| At Arraignment | 342 | 284 | 246 | 379 | 233 |
| Probable Cause Found | 1,488 | 1,564 | 1,728 | 1,232 | 803 |
| No Probable Cause | 256 | 208 | 119 | 56 | 51 |
| Dismissed | <u>1,322**</u> | <u>1,473**</u> | <u>3,086**</u> | <u>4,132**</u> | <u>3,093**</u> |
| Total Disposed | (3,408) | (3,529) | (4,933) | (5,420) | (3,947) |
| Total Arraigned | <u>4,728</u> | <u>6,092</u> | <u>6,730</u> | <u>7,769</u> | <u>7,107</u> |
| Increase in Backlog | 1,320 | 2,563 | 1,797 | 2,349 | 3,160 |

*Some of these were dismissed because of secret indictments.

CRIMINAL APPEALS

| | | | | | |
|---------------------------------|--------|--------|--------|--------|--------|
| Total Appeals | 879 | 691 | 422 | 480 | 449 |
| Total Disposed (all categories) | 53,587 | 34,993 | 32,129 | 38,337 | 42,837 |
| % of Total Disposed | 1.6% | 2% | 1.3% | 1.2% | 1% |

Rhode Island District Court

CIVIL ACTIONS

| | <u>1970</u> | <u>1971</u> | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|-----------------------------|---------------|---------------|---------------|---------------|---------------|
| Small Claims Filed | 5,032 | 5,199 | 7,023 | 7,849 | 10,607 |
| Civil Cases Filed | <u>17,150</u> | <u>18,398</u> | <u>19,118</u> | <u>18,889</u> | <u>20,610</u> |
| Total Filings | 22,182 | 23,597 | 26,141 | 26,738 | 31,217 |
| Small Claims Hearings | 2,697 | 2,086 | 3,628 | 3,842 | 4,188 |
| Civil Trials | <u>1,069</u> | <u>972</u> | <u>1,171</u> | <u>1,201</u> | <u>1,306</u> |
| Total Cases Heard | 3,776 | 3,058 | 4,799 | 5,043 | 5,494 |
| Judgments After Default | 3,315 | 6,249 | 12,006 | 13,270 | 13,967 |
| Judgments After Trial | <u>791</u> | <u>941</u> | <u>1,131</u> | <u>1,194</u> | <u>1,303</u> |
| Total | 4,086 | 7,190 | 13,137 | 14,464 | 15,270 |
| Appeals | 15 | 25 | 238 | 306 | 350 |
| % of Appeals from Judgments | .4% | .8% | 1.8% | 2.1% | 2.2% |