



1975

Rhode Island Report on the Judiciary 1975

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REPORT ON THE JUDICIARY

1975



Step Hopkins

STEPHEN HOPKINS — Chief Justice of the Rhode Island Supreme Court for 13 years between 1751 and 1776; also governor and signer of the Declaration of Independence.

STATE OF RHODE ISLAND

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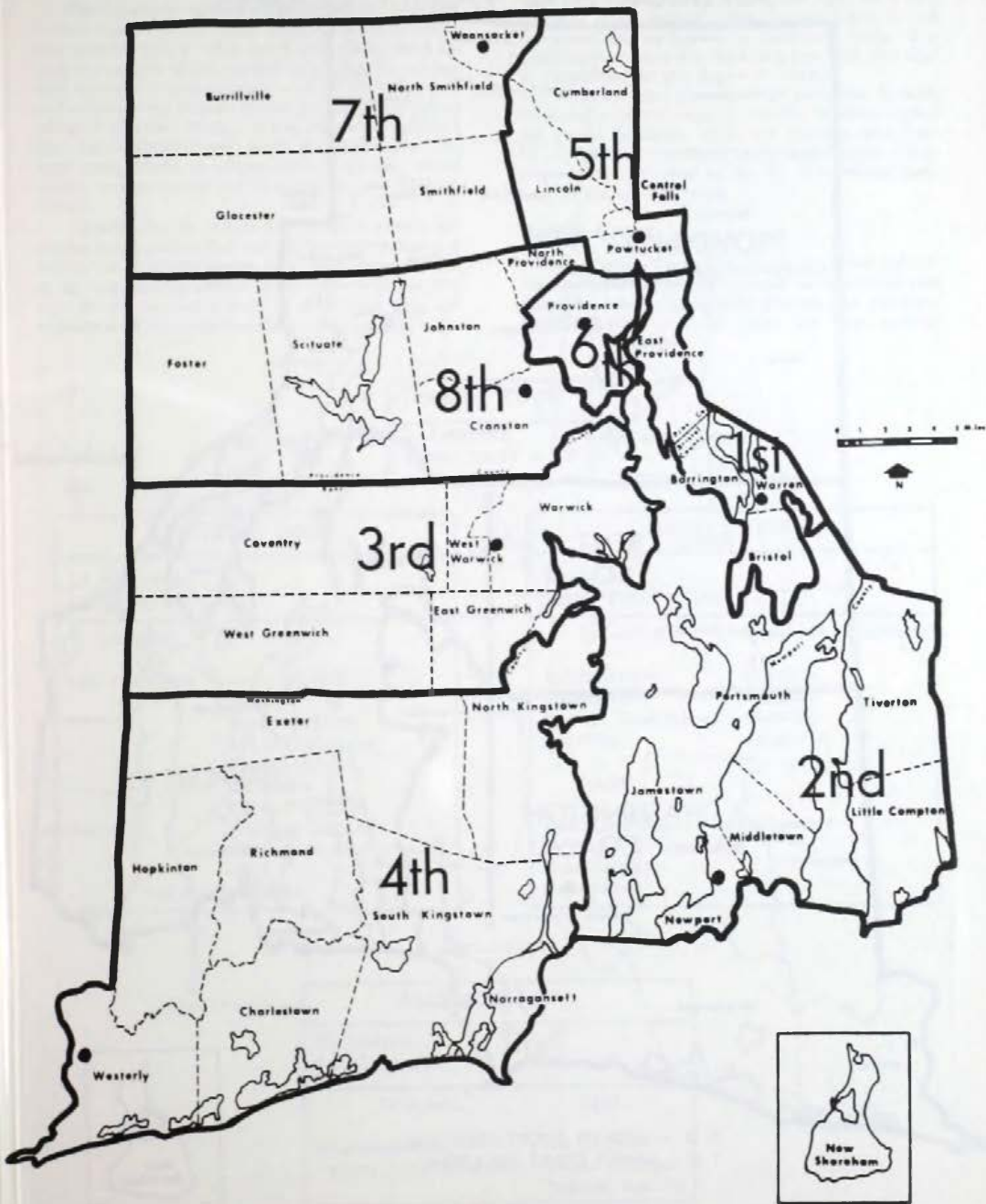
Old State House, Providence: Built in 1762, it served as the seat of the legislature until 1900 and as a courthouse for various courts until 1974.

ORGANIZATION OF THE RHODE ISLAND COURTS

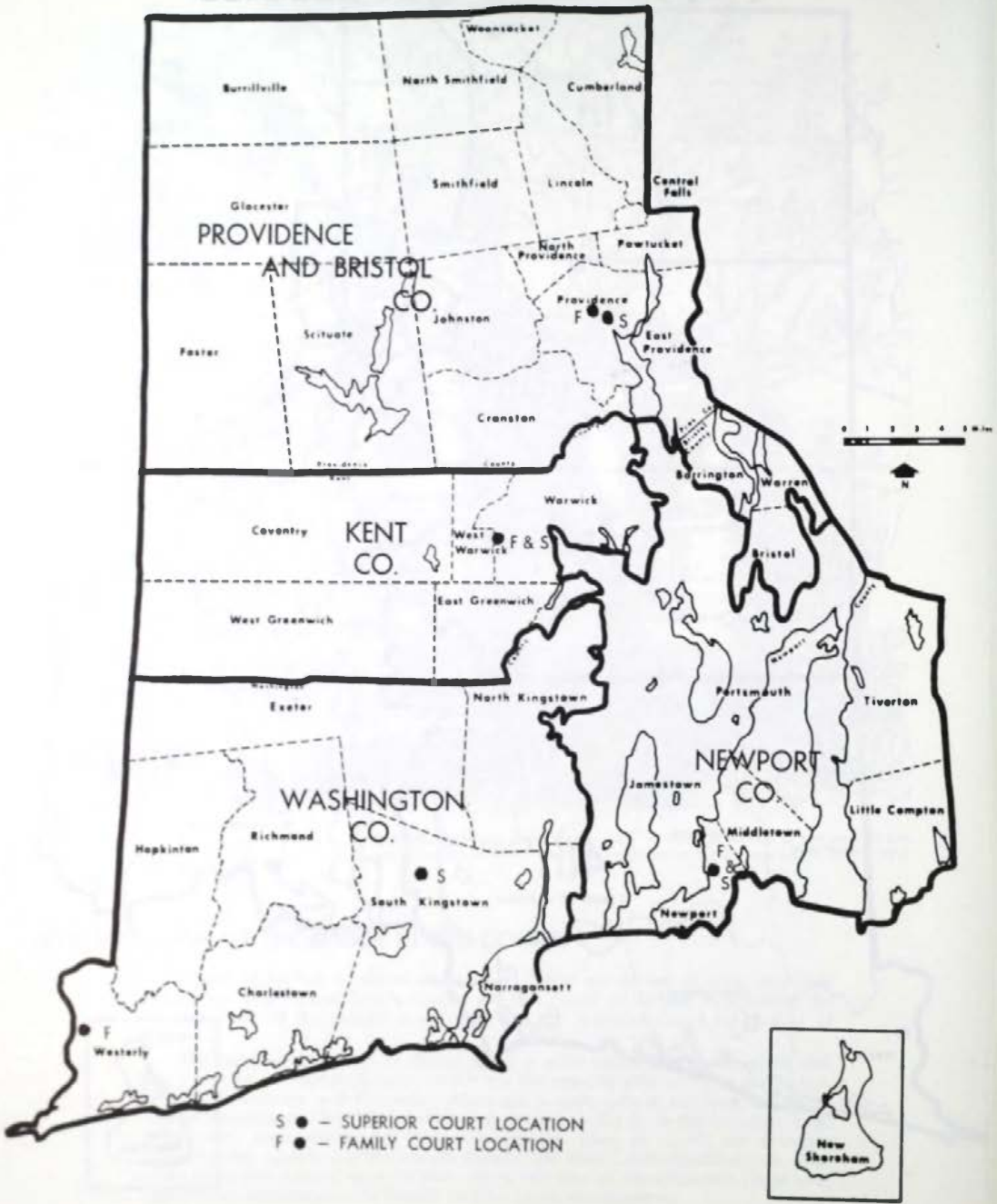
Rhode Island has a unified state court system composed of four statewide courts: the District and Family Courts are trial courts of limited jurisdiction, the Superior Court is the general trial court, and the Supreme Court is a court of review.

The entire court system in Rhode Island is state established and funded with the exception of Probate Courts, which are the responsibility of cities and towns, and the Providence and Pawtucket Municipal Courts, which are local courts of limited jurisdiction. The Chief Justice of the Supreme Court, as the Executive head of the state court system, has general supervision over all courts and provides administrative services for the system through the State Court Administrator. Each court maintains control over its own affairs and has an administrative judge who appoints an administrator to handle internal court management.

DIVISIONS OF THE DISTRICT COURT



SUPERIOR AND FAMILY COURTS



S ● - SUPERIOR COURT LOCATION
 F ● - FAMILY COURT LOCATION

District Court

Most people who come to or are brought before courts in this state enter, at least initially, the District Court. This court was established to give the people of the state easy geographic access and reasonably speedy trials to settle civil disputes in law involving limited claims and to judge those accused of lesser crimes. It has statewide jurisdiction but is divided into eight divisions so it can hear cases close to where they originate. Most felony arraignments are brought in the District Court.

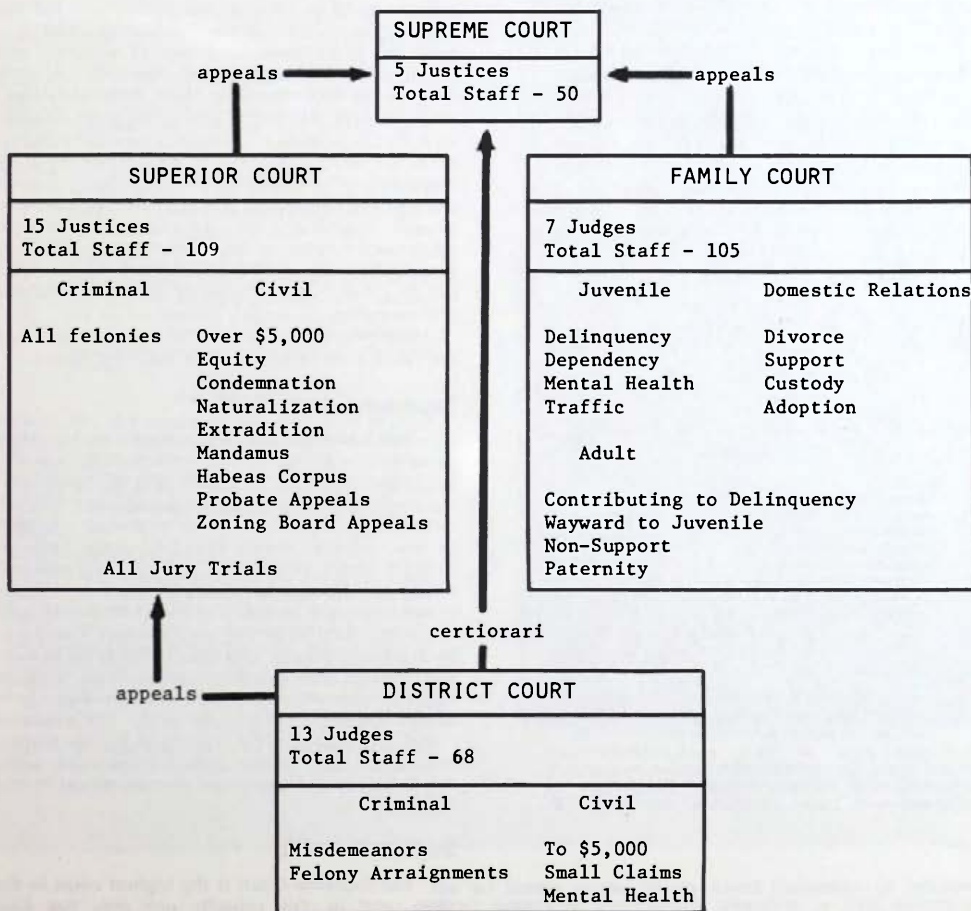
Specifically, its jurisdiction in civil matters includes small claims that can be brought without a lawyer for amounts under \$500 and other actions at law concerning claims of no more than \$5,000 that do not require a jury. It also hears suits on violations of municipal ordinances or regulations.

In criminal cases, it has original jurisdiction over all misdemeanors where the right to a jury trial has been waived. The District Court is not designed nor equipped to hold jury trials. If a defendant invokes the right to a jury trial, the case is transferred to the Superior Court.

Appeals from District Court decisions in both civil and criminal cases go to the Superior Court for a trial *de novo*. In actual practice, this right to a new trial is seldom used, and District Court dispositions are final in 96.7% of criminal cases and 98.5% of civil cases.

Family Court

The Family Court was created to focus specialized judicial power and wisdom on individual and social problems concerning families and children. Consequently, its main goals are that families



March, 1776.

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At the GENERAL ASSEMBLY of the GOVERNOR and COMPANY of the English Colony of Rhode-Island and Providence Plantations, in New-England, in America, begun and holden (in Consequence of Warrants issued by his Honor the Governor) at East-Greenwich, within and for the said Colony, on Monday the Eighthteenth Day of March, in the Year of our LORD One Thou and Seven Hundred and Seventy-six, and Sixteenth of the Reign of His Most Sacred Majesty GEORGE the Third, by the Grace of GOD, King of Great-Britain, and so forth.

P R E S E N T,
The Honorable

Nicholas Cooke, Esq;

G O V E R N O R .

The Honorable

WILLIAM BRADFORD, Esq;

D E P U T Y - G O V E R N O R .

SAMUEL DYRE, Esq;
SIMON POTTER, Esq;
AMBROSE PAGE, Esq;
JOHN SAYLES, JUN. Esq.
JOHN JEPSON, Esq.
JAMES ARNOLD, JUN. Esq;
JONATHAN RANDALL, Esq.
JOSEPH HAZARD, Esq.
THOMAS CHURCH, Esq;

Assistants.

The S E C R E T A R Y .
D E P U T I E S

The first page of the published acts passed in the General Assembly session immediately preceding the "Rhode Island Declaration of Independence" (see illustration on page 8).

whose unity or well being is threatened will be assisted, protected, and even restored, if possible, as secure units of law abiding members; also, that children within the jurisdiction of the court will receive the care, guidance, and control conducive to their welfare and the best interests of the state. Additionally, if children are removed from the control of parents, the court seeks to secure for them care as nearly as possible equivalent to that which parents should have given them.

Reflecting these specific goals, the Family Court has jurisdiction to hear and determine all petitions for divorce from the bond of marriage and any motions in conjunction with divorce proceedings relating to the distribution of property, alimony, support and the custody and support of children; separate maintenance; complaints for support of parents and children; and those matters relating to delinquent, wayward, dependent, neglected or mentally defective or mentally disordered children. It also has jurisdiction for the adoption of children under eighteen 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; responsibility for or contributing to the delinquency or waywardness of neglected children under sixteen years of age; desertion, abandonment or 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.

Appeals from decisions of the Family Court are taken directly to the state Supreme Court.

Superior Court

The Superior Court is the state's trial court of general jurisdiction. It hears civil matters concerning claims in excess of \$5,000 and all equity proceedings. It also has original jurisdiction over all crimes and offenses except as otherwise provided by law. All indictments found by grand juries or brought under information charging are returned to Superior Court, and all jury trials are held there. It has appellate jurisdiction in criminal and civil cases appealed from the state District Court and local 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 other prerogative writs. Appeals from the Superior Court are heard by the Supreme Court.

Supreme Court

The Supreme Court is the highest court in the state, and in this capacity not only has final advisory and appellate jurisdiction on questions of



IN MEMORIAM

The Honorable Thomas H. Roberts, Chief Justice 1966-1975. "He set a standard for his colleagues, for his successor. We may be comforted today in our great loss by the hope, the belief, that despite his innate modesty, this warm and sensitive man somehow must have had an inkling of what we know well, that this Court and the high office he held are better because he was here."

*An excerpt from a memorial address delivered by Professor Robert B. Kent of Boston University Law School.

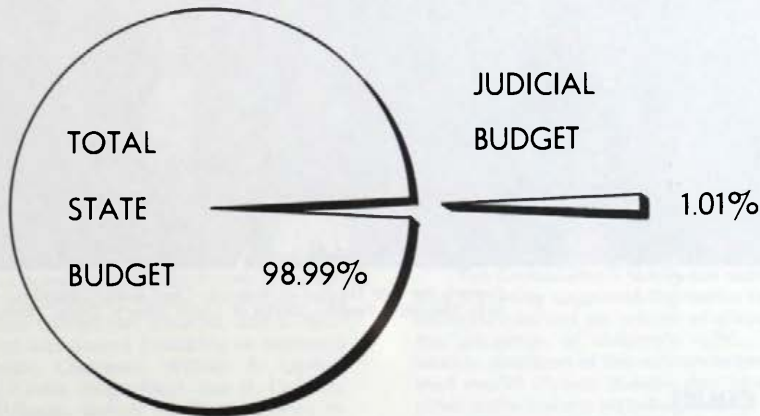
1975 IN THE RHODE ISLAND COURTS

The words and statistics that follow give a brief overview of the Rhode Island State Courts during the past year. The programs and events described are only meant to be representative of the many activities and accomplishments of that year.

This part of the report has been divided into four main sections; one for each of the state courts. However, since there are many centralized or cooperative activities in the state court system, a program described in a section on one court could have involved another court or the entire system.

Judicial Budget

The state courts present a unified budget request to the Governor each year. The Governor usually makes some adjustments in this budget before including it in his total state budget as submitted to the legislature. The legislature often makes some additional changes before approving the Governor's budget. The chart below compares the judicial budget with the total state budget for the last three fiscal years. For 1974-75 actual expenditure figures are used. For the following years, the figures used are the amounts allocated in the Governor's budget.



<u>FISCAL YEAR</u>	<u>TOTAL STATE BUDGET</u>	<u>TOTAL INCREASE</u>	<u>JUDICIAL BUDGET</u>	<u>JUDICIAL INCREASE</u>	<u>JUDICIAL % OF TOTAL</u>
74-75	647,241,631	59,351,797	7,158,183	1,037,964	1.11%
75-76	730,160,728	82,865,097	7,696,548	538,365	1.05%
76-77	770,848,535	40,741,807	7,756,570	60,022	1.01%



Seated: the late Thomas H. Roberts, Chief Justice. Standing: Associate Justices Thomas J. Paolino, Alfred H. Joslin, John F. Doris, Thomas F. Kelleher.

SUPREME COURT

The steady increase in the Supreme Court caseload continued during the 1974-75 court year. Consequently, the number of cases awaiting hearing at the end of the year increased 9% over the previous years. The total caseload for this court year was 681, of which 326 were disposed, leaving 355 cases pending at the end of the year. Showing a slight increase over the previous year, 172 written opinions were handed down disposing of 180 cases. Another 154 cases were disposed of in other orders.

Screening Unit Helps with Rising Caseload

Responding to the increasing caseload and backlog, three attorneys have been hired to make a preliminary review of appeals pending before the court. They form an Appellate Screening Unit which is intended to save the court time and allow it to dispose of more cases. Similar units in

other states have been successful in helping appeals courts handle larger caseloads. Federal funds from the LEAA are being used to finance this unit.

The central legal staff provided by this unit reviews and reports on all appeals heard by the court and assists the court in several specific ways: by weeding out cases improperly before the court

on jurisdictional grounds or other procedural defects, by identifying cases that raise similar questions of law and consequently could be considered together, by discovering dispositive authorities not mentioned in the briefs or lower court rulings and by monitoring recent decisions in other appellate courts that may have a bearing on appeals before this court.

Bar Examinations Given

The Office of the Clerk of the Supreme Court acts as the registrar and secretariat for the state bar examinations by issuing and receiving application forms. This examination is given twice yearly, and the Clerk's Office makes all the arrangements for proctors, accommodations, forms and supplies. In 1975, 148 people sat for the bar examination with 76% receiving passing scores.

New and Amended Rules

In 1975, the court approved the following rules and amendments:

Rule 34 was amended to allow members in good standing of the Bars of other courts to practice law in this state for two years or less while they are employed by legal services for indigents programs.

Rule 40 was amended and authorizes an attorney not licensed in Rhode Island to conduct or argue any case or trial in the courts of this state provided that a member of the Bar of this state has entered his appearance as counsel in said case, but no non-resident shall be recognized as an attorney in any case for the purpose of inducing writs, filing answers or pleas, or receiving notices or agreements.

Rule 42 was repealed and new disciplinary procedures for lawyers were substituted. To institute these new procedures, Archie Smith, Esq., was appointed Chief Disciplinary Counsel, and a Disciplinary Council was named consisting of Attorneys Lester H. Salter, Chairman, William A. Curran, Benedetto S. Cerilli, Hugo Ricci, Rae B. Condon, William C. Hillman, Robert M. Silva, Charles H. Anderson, Scott K. Keefer.

Rule 45 was amended to provide for the periodic registration of attorneys. Now, all attorneys must register with the Supreme Court yearly in order to be authorized to practice law in Rhode Island. This registration must be on or before July 1 and must be accompanied by a \$15 fee. Late registrations cost \$50.

Computer Helps Keep Attorney File

A recent amendment to the Supreme Court rules requires the Clerk of the Court to maintain a master role of all attorneys registered to practice law in the state. Since an accurate list of registered attorneys must be available at all times in all courts, the Administrative Office of State Courts,

in cooperation with the State Computer Center, has established a computerized attorney file. This file is constantly updated and is reprinted for distribution several times a year. At the end of 1975, 1,711 attorneys were listed on the master role.

Commission on Jurisprudence of the Future

Established in 1972, the Commission on Jurisprudence of the Future is charged with making broad observations on the present condition of the judicial system and offering recommendations for future reform and improvement. Chaired by Justice Thomas J. Paolino, it is a blue-ribbon panel that includes not only respected members of the Bench and Bar, but also prominent citizens including educators, physicians, and religious, labor, and community leaders. There are several subcommittees that meet regularly to discuss more specific topics within the broad field of law.

During 1975, the Commission's subcommittee on criminal law worked to draft legislation to help implement the recommendations they had prepared and presented in a "Preliminary Report and Recommendations" issued in 1973 with the approval of the Commission. These recommendations, "sought to better secure the privacy of citizens from the intrusions and assaults of other individuals and directed law enforcement agencies towards activities that protect individual privacy and away from actions that invade it." The subcommittee plans first to submit its model legislation to the whole Commission for approval then to offer it to the Special Legislative Committee on Criminal Procedure (See section below on this committee) and to other groups interested in legal reform. The subcommittee members hope in this way to have their reforms submitted to the legislature with a better chance of passage.

The Commission's family law subcommittee is also preparing suggested legislation to effect their recommendations on reform of divorce laws and the protection of children's rights. Meeting bi-weekly, members of this subcommittee have examined model divorce statutes that have worked in other states but are including in their draft legislation provisions that consider the particular needs of Rhode Island. Their objective in reform of the divorce laws is to build a rational statutory framework that can recognize when a marriage is irretrievably broken and will help the parties and the court legally arrange its dissolution and correlative matters of division of property, support, and custody of children, in the best interest of the couple, their children, and society.

In May, 1975, the full Commission sponsored a meeting on public sector labor law and the right of public employees to strike. Political leaders, legislators, and executives from state and local government attended and heard Jerry Wurf, International President of the American Federation of State, County, and Municipal Employees, and other experts speak.

Discipline Commission Appointed

Following statutory provisions designed to produce a balanced composition, the 13 members of the Commission on Judicial Tenure and Discipline were appointed in 1975. The Governor appointed 6 members; half of these from a list provided by the Rhode Island Bar Association. Another 3 members came from the General Assembly and were appointed by the Speaker of the House or the Majority Leader of the Senate. The Commission was brought to its full complement by 4 members of the judiciary appointed by the Supreme Court.

The Commission is empowered to investigate and conduct hearings on verified allegations of serious judicial misconduct or disability. Its initial membership includes: Honorable Anthony A. Giannini, Chairman; Honorable Florence K. Murray; Honorable Edward V. Healey, Jr.; Honorable Walter R. Orme; Dr. Michael Brennan; John D. Lynch, Esq.; Kenneth R. Neal, Esq.; Louis M. Macktaz, Esq.; Mr. Robert Gammino; Mrs. Alice D'Alessio; Representative Edward P. Manning; Representative Harold D. Cutting, Jr.; and Senator Guido J. Canulla.

Judicial Council Reaffirms Recommendations

The Rhode Island Judicial Council exists to study the organization and administration of the state's judicial system. It consists of 6 members of the Bar appointed by the Governor to 3-year terms. They meet regularly and submit a report to the Governor annually. Judges and court administrators have met with the members of the Council to give them information on conditions and needs in the courts.

In their 1975 report, members of the Council expressed concern over the fact that many of their past recommendations have yet to be enacted into law. They reaffirmed these recommendations including: some new court facilities, uniform procedures before local administrative agencies, repeal of dower and curtesy statutes, reform of probate law, and adoption of the Uniform Trustee's Accounting Act.

The Council's major new recommendation for the year concerned constitutional reform of the judicial articles. They urged that a commission be established as called for in the present state constitution "to assemble information on constitutional questions for the electors." This commission could work on an improved, comprehensive article on the judiciary that would consider all "subjects vital to the maintenance of a strong independent judiciary."

State Law Library Continued Growth

The State Law Library, in 1975, added some 800 volumes to its continually growing collection of about 125,000 books. This collection is main-

tained and its use is managed by a full-time staff of 3 and 2 part-time employees. It was used extensively by judges, court personnel, other justice agency employees, attorneys in private practice, and the public. Using some federal funds, a new branch library was set up in the Kent County court facility. It has 1 full-time staff member and will serve criminal justice personnel and members of the Bar and public in Kent County.

The library provides additional research help for judges and court personnel with 4 full-time law clerks and a varying number of part-time clerks. During 1975, these law clerks responded to 226 research requests. Of this total, 127 required several days of research effort, and many of these occupied a clerk for a number of weeks.

Operation of the library and supervision of these law clerks is the responsibility of the librarian, Edward P. Barlow.

Legislative Commission Active

Throughout 1975, the Legislative Commission to Study Criminal Procedure continued its work to help the legislature and the criminal justice system cooperate to improve the administration of justice in this state.

The Commission was formed by the Legislature in 1971. It is chaired by Senator Joseph Walsh and is composed of legislators, the judicial heads of the state courts, the Attorney General, the Public Defender, the State Mental Health Advocate, and several representatives of the public. The Walsh Commission not only studies issues of criminal law and procedure, but actively seeks to implement reforms in this area by framing legislation, drafting court and agency rules, and conducting seminars on important questions.

In 1975, several pieces of legislation drafted by the Commission were passed by the General Assembly. These laws concerned various subjects including: the penalties for common law offenses not covered by statute, the qualifications for jury duty, and statistical reporting requirements for the courts. During the year the Commission drafted more bills for submission to the 1976 session of the General Assembly. Some of these bills proposed far-reaching changes: one restructures the jurisdiction of the Superior and District Court; another proposes a constitutional amendment to permit smaller juries for civil cases. Reforms of the state's criminal statutes were proposed in bills involving: warrantless misdemeanor arrests, a state-wide disorderly conduct statute, and more rational violation categories. Other legislation prepared by the Commission concerned amendments to the mental health law and criteria for parole.

Several court rule changes were proposed by the Commission in the last year. A rule governing evidence in rape cases was adopted by the Superior Court, and three other commission drafted rule changes are pending in this court. Amended Rule 6 mandates stenographic records of Grand Jury pro-

cedings; an amendment to Rule 32 gives presentencing reports to defense counsel; and proposed Rule 35A establishes a 3-judge panel to review sentences.

The Commission has secured federal funds to pay a single staff member and to provide occasional expert legal advice from a Boston law school. The members meet regularly at lunch hour or in the evening.

Legislative Enactments

In 1975, the General Assembly passed the following laws that directly affect the courts:

S 186: Changing the effective date for establishing an administrative procedure to handle motor vehicle violations to July 1, 1975.

S 210A: Requiring the Supreme Court to give priority to appeals of firefighter and policemen arbitration awards.

S 254: Creating the Eighth Division of the District Court to consist of Cranston, North Providence, Johnston, Scituate, and Foster.

S 740: Removes traffic offenses committed in places within exclusive jurisdiction of the federal government from the jurisdiction of the traffic violation hearing board.

S 826: Authorizes the payment of fines for certain traffic offenses to the Administrative Adjudication Division.

S 452: Reduces the period in which appeals from Probate Court can be filed in Superior Court to 20 days.

S 718: Authorizes the traffic violation hearing board to require attendance at a rehabilitative driving course and reduces appeal time to 10 days.

H 5160: Sets the date from which interest on tort verdicts is computed as the date on which cause of action accrues.

S 660: Transfers certain employees and property of the District Court Violations Bureau to the Division for Administrative Adjudication of Traffic Offenses in the Department of Transportation.

H 5803: Protects jurors from loss of employment or longevity benefits.

S 612: Reduces residence requirement for divorce from two years to one year.

H 5556: Removes W-2 statements from documents subject to discovery rules in civil suits.

S 218: Raises the jurisdiction limit in small claims court to \$500.

S 389A: Gives a Superior Court judge power to excuse or continue service of jurors because of economic or domestic hardship; also eliminates section on male only list of persons selected for jury duty and section concerning women serving on juries.

S 661: Authorizes the use of jury sub-panels in counties other than Providence and Bristol upon order of the Presiding Justice of the Superior Court.

S 662: Instructing that the names of those who have served or been excused from service on juries or are permanently disabled or exempted be

inserted into electronic data processing equipment used to select jurors.

S 745: Requiring that towns choosing not to have jurors selected by electronic data processing notify the Jury Commissioner prior to January 1st of each year, also that the public and press be admitted to the place of electronic selection.

S 883A: Allows a fifty dollar filing fee for appeals taken from Superior Court to Supreme Court.

S 897: Authorizing the State Court Administrator to prepare an annual report on administration of the state court system for the General Assembly; also eliminating annual reports of various courts.

S 932: Extending the Attorney General's power to take certain actions without being requested to do so by any state agency.

S 987: Authorizing "designated assistants" of the Attorney General to prosecute by information.

H 6131A: Increasing the fees of sheriffs, sergeants, and constables.

H 341: Extending the time limit within which a hearing must be held on removal of an abused child from 48 hours to 7 days.

S 513: Dividing common law offenses into felony and misdemeanor categories, also codifying common law conspiracy and relating the severity of punishment to the nature of conspiracy.

S 572: Mandating the destruction within 45 days of records of persons acquitted of a crime.

S 710: Making irreconcilable differences grounds for divorce.

S 919: Allows appeals to the Superior Court from local boards of tax review by those denied exemptions for poverty or infirmity.

H 5505: Giving the court discretion to allow first offenders to remain in their usual employment or education.



Administrative Office of the Courts

The Administrative Office of the State Courts made considerable progress in 1975 toward improving and expanding cooperation with other criminal justice system agencies. One of the goals of the legislation that joined the four state courts into a unified state court system and established the Administrative Office, was to give the courts a central staff to improve its dealings with administrators or representatives of other agencies. Some of this progress is specified in the paragraphs below.

The Administrative Office also continued to serve the various courts more directly by providing management, program and facilities studies and improvements. These improvements are carried out jointly with the particular court or courts involved. The more general of these project accomplishments are mentioned below, while those that concern a single court appear in the section devoted to that court.

Adjudicatory Planning Unit Formed

The Court Component Committee, which is composed of representatives from the courts, the Attorney General's Department, the Public Defender's Office, and the Division of Probation, received a grant from the LEAA to create a planning unit which will attempt to coordinate efforts in a number of administrative areas affecting all of the agencies represented on the committee. This three-person unit reports to the committee and is involved in such areas as the assessment of new program possibilities, the evaluation of existing programs, the collection and analysis of statistics, and the development of funding sources. Near the end of 1975, a qualified and experienced staff was recruited for this unit.

Courtwide Information System

Plans for an information system serving all state courts and interfacing with compatible systems in other criminal justice agencies made significant progress in 1975. A systems analyst, paid out of federal funds, was added to the staff of the Administrative Office of the State Courts to work primarily on the development and implementation of this information system. Manual data collection systems were set up in the Superior Court (see following report on that court) and expanded in the District Court. These systems were designed to provide uniform statistics from all counties or divisions. Summary reports can now be made to show statewide caseload and caseload patterns to help the administrative judges and their court administrators with decisions on the use of existing resources and the need for additional personnel or funds. Data now being collected will form an important part of the base for a broader State Judicial Information System (SJIS).

Agreements were made with the Attorney General's Department to assure their computerized Prosecutor's Management Information System (PROMIS) would be compatible with the planned court information system. There has been close cooperation between the courts and the Attorney General in the development of PROMIS, and it is planned to provide information that can be used by both agencies, for example, in mutual efforts to improve the scheduling of criminal trials and hearings. The Court Component Committee has helped plan additional cooperative data collection and information use involving the Public Defender's Office and the Probation Division. Wider

criminal justice system cooperation is planned in development of a statewide Criminal Justice Information System (CJIS). The courts have been represented on a subcommittee of the Governor's Justice Commission that has been working to resolve basic questions on the control and operation of this larger system. Both SJIS and CJIS will receive federal funds for development and initial operation costs.

Under federal law, each state must have a Security-Privacy Plan covering criminal justice information systems and records. Responsibility for developing the Rhode Island plan has been given to a subcommittee of the Governor's Justice Commission made up of representatives of local and state police, the Attorney General, the Department of Corrections, and the courts. Using federal funds, a consulting firm has been hired for technical assistance in developing this plan.

Toward the end of 1975, considerable progress was made in completing the Security-Privacy Plan, and the subcommittee plans to have the state plan approved by the Federal government before the March, 1976, deadline. The final plan will probably provide that criminal history records for the entire state be maintained in a central repository with access to this information tightly controlled.

Federal Grants Total \$426,817

At the end of 1975, the courts were receiving federal funds through 7 grants and subgrants. Another 4 short-term grants were received during the year. These 11 grants allocated a total of \$320,912 in extra federal support for programs in the state courts.

Additional direct federal support was received through the CETA program. At the end of the year, there were 13 CETA paid court employees, and funding from this program was at a yearly rate of \$105,905.

The titles of federally funded programs are listed below with brief descriptions of their objectives. More details on accomplishments in 1975 for most of these programs can be found in the sections on each court.

Adjudicatory Planning Unit — Aids coordinated planning for the courts and other justice system agencies with a 3-person staff provided for the Court Component Committee.

Appellate Screening Unit — Speeds consideration of appeals before the Supreme Court by providing a central legal staff to "screen" all cases.

Comparative Judicial Systems Seminar — Gave New England judges and court administrators a view of British administration of justice in a 3-day seminar held in Newport by Region I of the Law Enforcement Assistance Administration.

Continuing Judicial Education — Offers advanced training to judges and court administrators through attendance at courses offered by the

May, 1776.



At the GENERAL ASSEMBLY of the GOVERNOR and COMPANY of the *English Colony of Rhode-Island and Providence Plantations, in New-England, in America*, begun and holden at *Newport*, within and for the said Colony, on the First Wednesd^y in *May*, in the Year of our LORD, One Thousand, Seven Hundred and Seventy-six.

P R E S E N T,

The Honorable

Nicholas Cooke, Esq; Governor.

The Honorable

William Bradford, Esq; Dep. Governor.

AMEROSÉ PAGE, E q;

JOHN SAYLES, E q;

JOHN JEPH N, E q;

JAMES ARNOLD, jun. E q;

J MATHAN RANDALL, E q;

PETER PHILLIPS, E q;

THOMAS CHURCH, E q;

Assistants.

The S E C R E T A R Y.

DEPUTIES

The first page of the published acts passed in the General Assembly session during which the "Rhode Island Declaration of Independence" was enacted (compare with illustration on page 7).

National College of the State Judiciary, the Institute of Court Management, and other specialized educational institutions.

Courthouse Security — Provided metal detectors to improve the physical security arrangements in several court facilities.

Family Court Alcoholism Project — Counsels alcoholics who are referred by the courts or other criminal justice agencies.

Information Charging Seminar — Informed criminal justice system executives and officials of the objectives and procedures of a new system to speed the initiation of criminal prosecutions.

Judicial Library, Kent County — Provided law books for a library in the new Kent County court facility.

National Center for State Courts, Family Court Study — Studied the organization and operation of the Family Court with a report of findings and recommendations.

Sheriffs' Communication Equipment — Allows the Sheriff's Department to purchase electronic equipment to improve its ability to communicate with other security and corrections agencies and their personnel.

Youth Diversionary Unit — Diverts juvenile first offenders to provide specialized counseling and assistance, to avoid harmful association with criminals or unnecessary social stigmatization, and to reduce caseload burdens in Family Court.

Facilities Renovation Continued

The new Kent County court facility on Quaker Lane has allowed full consolidation of all Kent County court activities in one location. In the beginning of the year, installation of furnishings and equipment was completed that allowed the Superior Court to completely vacate their offices in the old courthouse in East Greenwich. During 1975, the courts acquired and renovated the fourth floor, adding two courtrooms, better jury accommodations, and additional space for the Attorney General's Office. A waiting area for litigants was also added to help eliminate corridor congestion. Further renovation has added space for a law library. Books for this library have been paid for under a federal grant. The library serves judges, court personnel, staff of the Attorney General's Department, public defenders, and lawyers who work in Kent County.

The Washington County Courthouse was extensively renovated in 1975. On the second floor, a law library was set up, and a large courtroom was divided into two courtrooms. These changes provide more useful court facilities and offer more office space for court personnel. Plans have been made for additional construction to create a more satisfactory cell block arrangement.



Seated: Justices James C. Bulman, Arthur A. Carrella, Florence K. Murray, William M. Mackenzie, Eugene A. Ciannini, Anthony A. Ciannini, Ronald R. Lagueux, Eugene

SUPERIOR COURT

The year 1975 marked the completion of 70 years of continuous judicial activity in the Superior Court which began its operation in 1905 as successor to the Common Pleas Division of the Supreme Court.

As we look back with a perspective of 70 years, we see that the court has met the challenge of changing times and recurrent crises. The justices and other personnel of this tribunal look forward to a continued striving to meet the challenges arising out of the turbulence and violence of our present decade.

It is hoped that the second 70 years will further enhance the service of the Superior Court to the people of the State of Rhode Island.

Calendar Systems Help Caseload

In 1975, the Superior Court continued to successfully use a civil calendaring system allowing greater flexibility and efficiency in the use of judicial time. This system, which operates in Providence & Bristol Counties, where the great majority of civil cases are heard, uses a central assignment judge and clerk who schedule all civil proceedings to one of three continuous calendars. Central assignment helps give the parties and their attorneys advance notice of scheduled proceedings, makes it possible to avoid schedule conflicts for attorneys, and assures fuller use of judicial resources. Under this system, the number of cases on the civil trial calendar decreased by 348 during the 1974-75 court year even though a record 2,199 cases were added during this period.

Taking full advantage of this calendaring system, Presiding Justice Joseph Weisberger, in his role as administrative judge, has used some innovative methods in referring cases and re-assigning judges from one county to another. These methods help to distribute workload and

judicial manpower, so cases in all counties can come to trial or be otherwise disposed more rapidly.

The Presiding Justice has also from time to time reassigned judges who usually hear cases from the civil calendars to help handle an overload in the number of trials on the criminal calendar. In an effort to deal more effectively and consistently with problems concerning the scheduling of criminal cases, the court has made plans to set up a central assignment office, similar to that used for civil cases, to control the criminal trial calendar. During 1975, agreements have been made with the Attorney General's Department, where most trial scheduling is now done, and arrangements have been made to secure initial federal funding to implement these plans.

Hearings Held at the Institute of Mental Health

Certification hearings for individuals committed to the Institute for Mental Health can now be held in a newly constructed courtroom in the Insti-



S. McKiernan, Presiding Justice Joseph R. Weisberger, Justices [unclear]. Standing: Justices Thomas H. Needham, Donald F. Shea, [unclear], Francis J. Fazzano, John E. Orton, III, John P. Bourcier.

tute's administration building in Cranston. This helps expedite the increased number of these hearings handled by the Superior Court as a result of recent legislation requiring annual certification. Hearings held at the Institute are less of a disruption in the lives of the patients, are easier on mental health professionals who must testify, and save judicial time.

The construction and use of this courtroom is a cooperative effort of the Department of Mental Health, Retardation and Hospitals and the Superior Court. Costs for this improvement were minimal, as actual construction was done by the maintenance staff of the Institute and furnishings were allocated by the Administrative Office of the State Courts from surplus stocks.

Seminar Helps Implement New Charging Method

Information Charging is a method of initiating felony prosecutions more rapidly and more efficiently. After lengthy preparation involving an amendment to the state constitution, special enabling legislation, and allocation of additional funds to the Attorney General, cases began coming into the Superior Court by this new method in 1975.

Under Information Charging, the lengthy process of presenting charges to a grand jury is eliminated for non-capital crimes and the Attorney General or his designated assistant schedules an interview with police to receive documents and testimony from police officers and witnesses. On the basis of information presented at this interview, a decision is made to initiate prosecution, to divert the offender, to postpone prosecution await-

ing additional evidence, or to dismiss. The Information Charging Unit of the Department of the Attorney General has designed specific forms for police departments to use in presenting evidence for a charge by information. Rights of the accused are protected under this system by giving the defendant a copy of the forms and documents presented at the interview and by allowing the defendant ten days to make a motion to dismiss any charges in the Superior Court.

As part of the training necessary to implementing this procedural reform, the Superior Court joined with the Attorney General and the Public Defender to hold an all-day seminar to acquaint representatives of the whole criminal justice system and the criminal bar with the objectives and the procedures of Information Charging.

In July, 375 seminar participants listened to speakers explain the background, purposes, and operation of the new Information Charging System. Workshops were held to demonstrate the procedures used at the various stages of Information Charging including: the police/prosecutor interview, the preliminary hearing, and supporting documentation.

The seminar was attended by judges, court administrators, law enforcement executives, attorneys of the Attorney General's Department, members of the Defense Bar, public defenders, legislators, and town solicitors. Accommodations for the conference and the assistance of expert legal consultants were paid for with a federal grant from the LEAA.

Free Press-Fair Trial Conflict Discussed

A committee of the Press, Bar and Judiciary formed by the Presiding Justice of the Superior Court met throughout 1975 to examine conflicts between the media and the law. While members of this committee have not reached a common view of the proper balance between the rights to fair trial and of a free press, they have demonstrated that representatives of the media and representatives of the Bar and Bench can discuss their differing interests with cordiality and mutual respect.

This committee reported its progress to a three-day conference held in Newport during September on "Conflicts Between the Media and the Law." A prestigious gathering of leading judges, legal experts, court administrators, representatives of the Bar, media executives, press representatives, and nationally known guests; this conference was sponsored jointly by the Superior Court, the Special Legislative Commission to Study Criminal Procedures, the Nieman Foundation, and the Harvard Institute of Politics. Conference participants heard speeches by Rhode Island Senator Joseph Walsh, Dean Ernst Watts of the National College of the State Judiciary, New York Times columnist Anthony Lewis, and Harvard Professor Jonathan Moore. They also participated in a case

presentation by Professors Philip Haymann and Abram Chayes of the Harvard Law School.

Although the media representatives and the members of the Bench and Bar differed on the relative importance of the First Amendment vis-a-vis the Sixth Amendment, each group recognized the importance and significance of the views of the other. The conference participants agreed that self-restraint and self-regulation based on this recognition was the best way to deal with situations where claims to these constitutional rights compete.

Reports Coordinated and Summarized

Beginning in June the Superior Court clerks' offices implemented a new statistical reporting procedure as part of the State Judicial Information System (SJIS). The new Superior Court data collection reports were designed to provide uniform, periodic information on aggregate caseload through various points in the judicial process. This information can help the Presiding Justice, his Administrative Clerk, and the Clerk of the Court make management decisions on resource distribution and procedural changes to expedite cases and reduce backlog.

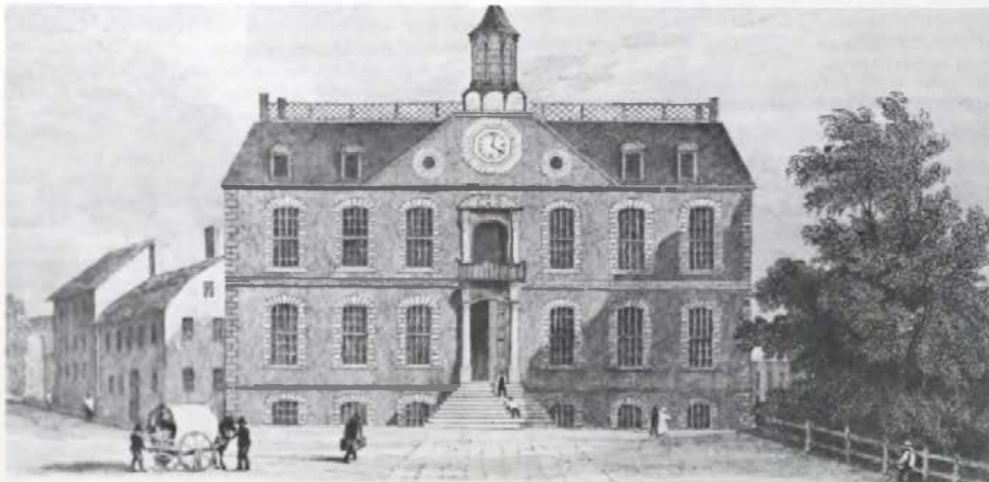
The data needs and the reporting forms of the current system have been developed with the future use of electronic data processing (EDP) equipment in mind. When this equipment is installed, data collection, compilation, and reporting will be faster, more up-to-date, and easier to use. Also, the use of EDP equipment will help the Superior Court reports serve their important purpose in court-wide and criminal justice system programs that provide information to coordinate operations and improve the effectiveness of each agency and the whole system.

Closer Attention Paid to Needs of Jurors and Visitors

Several thousand citizens come into the Providence County Courthouse each year to serve as jurors in the Superior Court. Thousands more come to the courthouse on tours arranged by social, civic, and educational organizations. Using some federal funds, a Public Contact Officer has been hired to better serve these members of the public and to help them learn more about their court. Also, improvements have been made in the facilities and procedures used for jurors.

The new Public Contact Officer, Edward Pendleton, has an office near the first floor entrance to the courthouse. He arranges and conducts group and individual tours of the various courts. He also assists trial participants and members of the public who want to observe a particular trial or other judicial proceeding by helping them locate the proper courtroom and informing them generally of judicial procedures and rules governing conduct in the courtroom. During proceedings that have drawn wide public attention, he aids other court personnel in implementing new security procedures and in dealing with representatives of the press and other media.

The Jury Commissioner, with help from the Public Contact Officer and court personnel, has made several changes in jury management procedures to make more efficient use of jurors and to make their period of service a bit more pleasant. All jurors receive an orientation in the judicial process, the role of a jury, and procedures used in selecting a jury. New identification badges have been provided to clearly identify jurors while they are in the courthouse. Some additional improvements have made the rooms where jurors wait and meet more comfortable.



Colony House, Newport: Built before 1742 and used by the Supreme Court until 1905.



Seated: Judge Michael DeCiantis, Chief Judge Edward P. Gallogly, and Judge Edward V. Healey, Jr. Standing: Judges Carmine R. DiPetrillo, Angelo G. Rossi, Jacob J. Alprin, and William R. Goldberg.

FAMILY COURT

Throughout the past year, the Family Court witnessed considerable judicial and administrative changes. Programs, such as the Youth Diversionary Unit (YDU) and Children in Placement (CIP), showed the court's interest in aiding children at the time of referral and after final disposition. Through improved statistical reporting systems, court personnel showed a desire to produce data that will be valuable for both management and planning purposes. Additionally, the court endeavored to further communication between itself and the various outside agencies that become involved with the court. In the future, the court will attempt to further the gains of the past year so as to provide clients of the court with improved and timely services.

Statistics on the court's business in 1975 are listed in the appendix. Analysis of these statistics indicates some interesting developments in 1975. The court has been able to improve its ability to keep current on domestic relations cases. When the caseload coming into the court, as measured by the number of petitions filed, is compared with the cases being disposed of, as measured by the number of cases heard and decisions rendered, it can be seen the percentage of filings being disposed of by court action is increasing. The graph on the next page shows that after a slight decline in 1974, this figure rose to 70% in 1975.



The following synopsis depicts various aspects of court involvement during the past year. Although this summary includes many of the innovations and accomplishments of the past year, certain areas of involvement have not been included. Future reports will provide data on such activities.

Juvenile Office Strengthened

The Intake Supervisor and assistants have been given more time for their important case screening and calendar management duties by relieving them of some clerical tasks through improved organization of the Juvenile Office staff. With the assignment of an assistant clerk to the Juvenile Office, individual supervision and responsibility has been added to improve the office's operation. Janet Diano, formerly the secretary of the Chief Intake Supervisor, is now in charge of this office.

Another improvement involves the juvenile records. With the invaluable help of R.S.V.P. volunteers, the old family folder file system is being replaced with individual defendant files. For each juvenile there will be a separate folder that contains systematically arranged and indexed documents with a face sheet of basic identification data and a summary of folder contents. This system cuts file reference time for Intake and for judges, while helping to safeguard the constitutional right of juveniles to due process and privacy. As part of this program, records on defendants over 18 are being pulled from the files, sealed, and sent to the Records Center, thereby saving an estimated 25% of the old file space.

Computer to Track Juvenile Cases

Another plan to improve operation in the court juvenile division calls for the use of a

computer assisted, case based information system. The system analysis has been completed for this program which will help the court administration plan for more efficient use of judges' time and other resources. It will also aid caseload management and make required reports to federal and state agencies more accurate and easier to compile.

This automated system collects and indexes data by case and individual. Data collected in the past have been based on the number of petitions (similar to charges or counts in other courts). The planned system will track cases through the court noting the time taken in each of four stages, from referral to court through calendar entry and appearance before a judge to final disposition. It can also allow for constant comparisons of the numbers of cases handled judicially with those handled administratively, a useful case management measurement that is almost impossible to ascertain under the old system.

Herb Taylor of the State Division of Information Processing has helped design this information system working closely with court research technician, Aileen Martino, and with Deputy Court Administrator, Joseph Butler, and Chief Intake Supervisor, Dolores Murphy. They have developed a system that meets court needs and can be fully understood and operated by court personnel. Operation is simplified by employing a software package called "Easytrieve," which will allow the court to write programs that will fulfill everyday requests for statistical information concerning juveniles.

Diversion Cuts Court Caseload

The 810 youths successfully diverted by the Youth Diversionary Unit (YDU) in 1975 represented 44% of the total number of first offenders referred to the court that year. The YDU's successful cases are handled as administrative dispositions which saves a considerable amount of judicial time. Throughout the year, this unit has been able to increase the number of cases diverted each month.

The counseling and services provided by the YDU have proved very effective in helping juveniles in trouble with the law. By the end of 1975, the recidivism rate among the unit's clients was only 7.75%. Federally funded as a pilot project, the unit has shown itself to be a valuable part of the Family Court system and is seeking continued support.

Conference Improves Communication

People who had known each other only by initials on memos or voices on the telephone got together face to face in small work groups during the Family Court system's two-day training conference in Newport on November 2 - 3. An important result was better communication within the court and between the court and external public or private social service agencies.

The work groups and larger group discussion sessions brought all levels of court employees, representatives of external service agencies, and members of the Bar together to examine their various roles in the Family Court, then to identify some problems, and finally to suggest solutions and improvements. Conference recommendations were compiled and distributed to the participants. Immediate action was taken on some of the suggestions made, and an Implementation Committee was formed to plan for other improvements.

One of the lasting effects of the conference has been continued use of the new communication channels opened there. Regular meetings are now scheduled with representatives of Child Welfare, Probation, and other agencies.

Changes Follow N.C.S.C. Study

Consultants from the National Center for State Courts completed a management study of the Family Court and recommended several changes. Responding to these suggestions, the court consolidated the clerk's office and courtroom in South County to a single location. Also the roles of the county clerks in both Newport and South County have been expanded so it is no longer necessary for clerks from the Providence Clerk's Office to travel with judges to courtrooms in other counties. These changes are expected to improve the efficiency of court operations.

The National Center for State Courts does research and consulting to help state court systems improve judicial administration. A staff of experts and researchers under the supervision of the Director of the Center's Northeastern Regional Office worked on the Family Court project from March through August. Their work was financed through a federal grant.

Alcoholism Counseling Serves Court

National studies have shown Rhode Island to have one of the highest alcoholism rates in the country. Judges and workers throughout the criminal justice system recognize the tremendous impact alcohol-related offenses have on their caseload. Acknowledging that the disease of alcoholism is the root cause of many criminal, domestic relations and even juvenile cases coming before Rhode Island courts, the Alcoholism Counseling Unit was set up in the Family Court. By providing counseling, treatment and referral services, the 7-person unit helps cure alcoholics and stops the criminal and antisocial behavior caused by alcohol abuse.

In 1975 this unit served 587 people referred from courts and other public or private agencies because of their involvement with alcoholism or alcohol abuse. The unit is carrying close to its maximum caseload.

Funding for this program has come from a federal formula grant distributed through the

Department of Mental Health, Retardation and Hospitals. As this support is temporary and soon to reach its mandatory limit, other sources are being sought. The state has been asked to pick up some of the costs of this program, but since the state budget office is very reluctant to allow any new court expenses, the unit is applying for other federal grants.

Placement Study Needs Support

Approximately 1,200 children have been placed in substitute homes or institutions by the Family Court. An additional 400-500 children are on voluntary placement through court and other social service agencies. Fear that some of these children may be inappropriately placed or institutionalized for unnecessarily long periods or simply lost and forgotten by the system has sparked a study project called Children in Placement.

As one of twelve demonstration projects in the country, this court is gathering information on children placed outside of their original family home. This is part of a study conducted by the National Council of Juvenile Court Judges and financed by the Edna McConnell Clark Foundation. Since funding for this Family Court demonstration project has been minimal, the work has been done by volunteers. Miss Mabel Cooney, retired Chief Intake Supervisor, has voluntarily served as Project Coordinator and Mrs. Mary Rodio, Chief Supervisor of Child Welfare, has provided professional support. The research and field work has been done by Junior League volunteers.

In the past year the records of about half of the children placed through the court have been examined, and although no case of misplacement or unnecessary placement has been found, information does show problems with too frequent changes of placement environments for some children. The court has found the information provided by the Children in Placement Project valuable and has tried to support its work with staff and clerical assistance. Since limited court resources have prevented sufficient support of this kind, an application has been made for some federal funding.

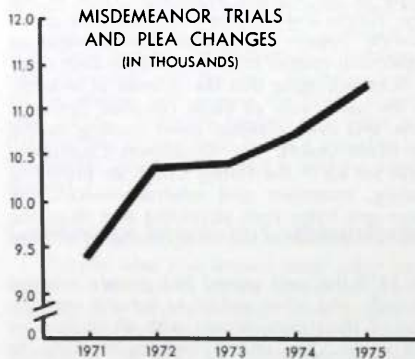
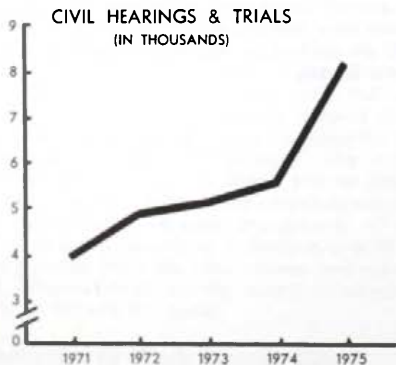


Seated: Judges Paul J. Del Nero, Orist D. Chaharyn, Charles F. Trumpetto; Chief Judge Henry E. Laliberte; Judges Walter R. Orme, Edward J. Plunkett, and Antonio S. Almeida. Standing: Judges Francis M. Kiely, Victor J. Beretta, Joseph F. Rodgers, Jr., Robert J. McOsker, Corinne P. Grande, and Anthony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

DISTRICT COURT

The number of criminal arraignments and civil filings coming into the District Court continued to increase in 1975, keeping its caseload the highest in the state. In response to this increasing workload, the court continued to improve its capability to deal rapidly and fairly with the thousands of people who come before it. Improvements have included removing minor motor vehicle violations from the court's jurisdiction and systematically clearing the calendar of inactive cases. The effect of these and other changes has been to decrease the court's backlog and shorten the time to disposition for most cases.

Statistics on court business in 1975 and previous years are displayed in the appendix. Analysis of figures for the last five years shows the court to have steadily increased the number of hearings, trials, and other judicial dispositions completed each year. The charts below describe this increase in judicial action in both criminal and civil matters.



Minor Motor Vehicle Violations Transferred

In July, the Administrative Adjudication Division of the Department of Transportation began to take over jurisdiction on many motor vehicle violations. Legislation planned and drafted by a special legislative commission headed by Senator Joseph Walsh was passed to allow this transfer of jurisdiction. The newly created Adjudication Division is located in Providence in the same building as the Sixth District Court.

The District Court has worked for this change in jurisdiction so it could concentrate its judicial and clerical resources on more serious motor vehicle misdemeanors and other misdemeanor cases. Although the Administrative Adjudication Division has only been operating for half of a year, the 1975 statistics do show its positive impact on the court caseload. Motor vehicle arraignments were down 31% from the previous year, while misdemeanor dispositions after arraignment were up (See chart above).

Serious motor vehicle violations such as reckless driving or leaving the scene of an accident are still under the jurisdiction of the District Court.

Annual Judges' Conference

As required by the statute creating the District Court, a two-day judges' conference was held in March. The program included a number of topics on current changes and improvements in the court. The judges viewed a demonstration of the electronic recording equipment for recording bail hearings and preliminary hearings under the Information Charging System. They also discussed improvement in small claims processing, the

impact of the transfer of jurisdiction over most motor vehicle violations to the Department of Transportation, and a number of other matters.

Expanded Jurisdiction Proposed

In the interest of better utilization of courts in general and of more effective administration of justice, the Special Legislative Commission to Study Criminal Procedures has recommended jurisdiction over certain non-jury matters be transferred from the Superior Court to the District Court. The Commission concluded it advisable to enhance the responsibility and prestige of the District Court while reducing the heavy burdens of the Superior Court.

In parallel proposals, the Commission suggested the installation of electronic recording equipment in all District Court divisions. This equipment would make this court a "court of record" capable of the wider jurisdiction mentioned above.

Senator Joseph Walsh and the members of his commission met weekly while considering this matter. They discussed alternatives with the Presiding Justice Weisberger of the Superior Court, Chief Judge Laliberte of the District Court, State Court Administrator Walter Kane, other legal experts and court administrative staff.

An act to effect these changes in jurisdiction was drafted by the Commission for submission to the General Assembly in their 1976 session. Non-jury matters that would be handled by the District Court under this bill include: involuntary civil commitments, review of adjudicatory decisions by various boards and officials, as well as enforcement of subpoenas and compliance orders issued by these same groups and individuals.

CREDITS

Illustrations on the cover and pages 3 and 19 were provided by The Rhode Island Historical Society.

Photocopies of the documents that appear on pages 1, 7, 8, and 16 were made at the John Carter Brown Library, Brown University from originals in their collections.

Photograph on page 9 courtesy of the Providence Journal Bulletin.

Pursuant to Chapter 8-15 of the Rhode Island General Laws as amended by Chapter 247 of the 1975 Public Laws, this report was prepared by the Administrative Office of State Courts, 250 Benefit Street, Providence.

Walter J. Kane, State Court Administrator

COURT DIRECTORY

Supreme Court Justices:

Joseph A. Bevilacqua, Chief Justice
Thomas J. Paolino, Associate Justice
Alfred H. Joslin, Associate Justice
Thomas F. Kelleher, 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 Justice
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
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Robert C. Harrall, Dpty. State Court Administrator
Office of the Court Administrator
Providence County Courthouse
250 Benefit St., Providence, R. I.

Superior Court:

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Providence County Superior Court
Providence County Courthouse
250 Benefit St., Providence, R. I.

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

Thomas M. Mooty, Clerk
Kent County Superior Court
222 Quaker Lane, West Warwick, R. I.

Edgar J. Timothy, Clerk
Washington County Superior Court
1693 Kingtown Rd., West Kingston, R. I.

John H. McGann, Clerk
Newport County Superior Court
Courthouse, Newport, R. I.

Family Court:

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 A. 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.

CASELOAD STATISTICS

RHODE ISLAND SUPERIOR COURT

CASES FILED (BY TYPE AND COUNTY)

	1971	1972	1973	1974	1975
Providence-Bristol Counties					
Civil	3,678	2,835	3,496	3,672	4,376
Probate Appeals	38	30	19	24	45
Misc. Petitions	444	423	501	492	680
Indictments	1,618	2,189	1,955	1,649	1,638
Criminal Appeals	853	961	706	770	821
Totals	6,631	6,438	6,677	6,607	7,560
Kent County					
Civil	439	465	476	514	616
Probate Appeals	18	12	20	15	29
Misc. Petitions	40	63	54	91	99
Indictments	253	433	404	292	327
Criminal Appeals	352	264	194	146	168
Totals	1,102	1,237	1,148	1,058	1,239
Newport County					
Civil	273	269	260	233	310
Probate Appeals	—	3	1	4	3
Misc. Petitions	21	27	33	45	31
Indictments	147	243	279	307	179
Criminal Appeals	132	140	168	113	121
Totals	573	682	741	702	644
Washington County					
Civil	256	235	226	302	287
Probate Appeals	6	10	4	5	10
Misc. Petitions	97	21	21	38	56
Indictments	251	256	199	203	230
Criminal Appeals	167	225	232	177	181
Totals	777	747	682	725	764
All Counties					
Civil	4,646	3,804	4,458	4,721	5,589
Probate Appeals	62	55	44	48	87
Misc. Petitions	602	534	609	666	866
Indictments	2,269	3,121	2,837	2,451	2,374
Criminal Appeals	1,504	1,590	1,300	1,206	1,291
Totals	9,083	9,104	9,248	9,092	10,207

RHODE ISLAND FAMILY COURT

PETITIONS FILED FOR DIVORCE (BY COUNTY)

	1971	1972	1973	1974	1975
Providence County					
Absolute Divorce	2,357	2,567	2,732	2,833	2,291
Bed & Board	363	331	253	237	233
Total	2,720	2,898	2,985	3,070	2,524
Kent County					
Absolute Divorce	543	626	709	738	612
Bed & Board	116	90	84	80	75
Total	659	716	793	818	687
Newport County					
Absolute Divorce	356	367	346	373	412
Bed & Board	49	85	73	55	44
Total	405	452	419	428	456
Washington County					
Absolute Divorce	288	318	346	398	471
Bed & Board	42	27	28	23	11
Total	330	345	374	421	482
State Total	4,114	4,411	4,571	4,737	4,149

ADULT HEARINGS (BY TYPE)

	1971	1972	1973	1974	1975
Change of Name	1	—	—	—	—
Non-Support	14	16	15	6	9
Neglect of Children	7	11	22	5	15
Out of Wedlock	70	35	43	75	79
Contributing to W & D	15	15	28	35	26
Neglect to send . . . school	—	—	2	3	3
Total	107	77	110	124	132

JUVENILE PETITIONS

	1973	1974	1975
Wayward Delinquent	5,645	5,403	4,840
Motor Vehicle	2,415	1,887	1,422
Dependency & Neglect	299	211	273
Child Marriages (couples)	131	94	100
Adoptions	524	456	403
Termination of Parental Rights	133	138	138
Battered / Abused Children*	—	—	23
Other	19	25	11
	9,166	8,214	7,210

*Not counted separately until 1975

JUVENILE HEARINGS FINDINGS

Judicial

Wayward Delinquent	8,281	6,358	6,966
Motor Vehicle	934	1,297	1,077
Dependent / Neglect	1,291	1,036	1,232
Child Marriages (couples)	121	118	150
Adoption	665	532	523
	10,358	9,341	9,948

Non-Judicial

Motor Vehicle	639	514	354
Other	406	415	173
	1,045	929	527
Total	11,403	10,270	10,475

DIVORCE CASES HEARD & DECISIONS RENDERED

(BY DISPOSITION AND COUNTY)

	1971	1972	1973	1974	1975
Providence County					
Absolute Divorce	1,319	1,545	1,837	1,927	1,731
Bed & Board	12	15	7	15	6
Granted on Motion	79	64	77	84	58
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	1,410	1,624	1,921	2,026	1,795
Discontinued	53	32	17	2	9
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	1,463	1,656	1,938	2,028	1,804
Kent County					
Absolute Divorce	315	259	391	367	455
Bed & Board	—	5	1	1	—
Granted on Motion	14	11	30	12	15
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	329	275	422	380	470
Discontinued	64	57	45	1	54
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	393	332	467	381	524
Newport County					
Absolute Divorce	139	190	265	217	255
Bed & Board	4	3	1	—	—
Granted on Motion	14	18	24	16	14
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	157	211	290	233	269
Discontinued	15	14	20	10	34
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	172	255	310	243	303
Washington County					
Absolute Divorce	173	174	228	246	241
Bed & Board	3	11	3	—	1
Granted on Motion	8	8	8	12	19
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	184	193	239	258	261
Discontinued	18	12	22	8	13
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	202	205	261	266	274
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
State Total	2,230	2,448	2,976	2,918	2,905

RHODE ISLAND DISTRICT COURT

CRIMINAL ARRAIGNMENTS

	1971	1972	1973	1974	1975
Motor Vehicle	26,050*	23,436*	28,440*	31,067*	21,363†
Misdemeanor	7,730	10,233	11,930	13,222	15,172
Felony	6,092	6,730	7,769	7,107	6,732
Total	41,872	40,399	48,139	51,396	43,267

MISDEMEANORS DISPOSED

At Arraignment	25,629	21,796	27,949	32,136	24,537
After Trial/Change Plea	9,364	10,333	10,388	10,701	11,167
Total Disposed	(34,993)*	(32,129)*	(38,337)*	(42,837)*	(35,704)†
Total Arraigned	35,780	33,669	40,370	51,396	36,535
Increase in Backlog	787	1,540	2,033	8,559	831

*These figures do not reflect the motor vehicle summonses paid by mail to the Violations Bureau.

† Does not include minor vehicle violations now handled by the Administrative Adjudication Division of the Department of Transportation.

FELONY DISPOSITIONS

At Arraignment	284	246	379	233	29
Probable Cause Found	1,564	1,728	1,232	803	597
No Probable Cause	208	119	56	51	8
Dismissed	1,473**	3,086**	4,132**	3,093**	6,110**
Total Disposed	(3,529)	(4,933)	(5,420)	(3,947)	(6,774)
Total Arraigned	6,092	6,730	7,769	7,107	6,732
Increase in Backlog	2,563	1,797	2,349	3,160	-12

** Some of these were dismissed because of secret indictments.

CRIMINAL APPEALS

Total Appeals	691	442	480	449	544
Total Disposed (all categories)	34,993	32,129	38,337	42,837	35,704
% of Total Disposed	2%	1.4%	1.3%	1%	1.5%

CIVIL ACTIONS

	1971	1972	1973	1974	1975
Small Claims Filed	5,199	7,023	7,849	10,607	12,107
Civil Cases Filed	18,398	19,118	18,889	20,610	21,228
Total Filings	23,597	26,141	26,738	31,217	33,335
Small Claims Hearings	2,086	3,628	3,842	4,188	6,612
Civil Trials	972	1,171	1,201	1,306	1,539
Total Cases Heard	3,058	4,799	5,043	5,494	8,151
Judgments After Default	6,249	12,006	13,270	13,967	11,901
Judgments After Trial	941	1,131	1,194	1,303	1,539
Total Judgments	7,190	13,137	14,464	15,270	13,440
Appeals	25	238	306	350	445
% of Appeals from Judgments	0.8%	1.8%	2.1%	2.2%	3.3%