



1977

Rhode Island Report on the Judiciary 1977

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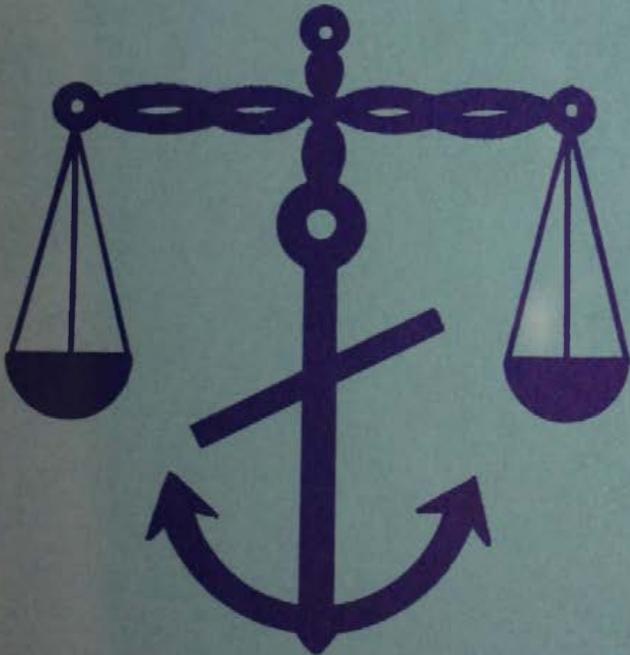
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1977

REPORT ON THE JUDICIARY

STATE OF RHODE ISLAND



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

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**TO: The Honorable Members of the
Rhode Island General Assembly**

Submitted herein is the sixth annual report produced by the Administrative Office of State Courts.

In 1977, the court took initiatives to better deal with the changing demands placed on the judiciary. Special attention was paid to case scheduling, and efforts were made to reduce the number of cases pending disposition in both trial and appellate courts. Goals have been set putting limits on the time certain types of cases may remain before the court, and the courts are committed to using special efforts and new techniques to meet these goals. These and other developments in the operation and administration of the courts are described in this report.

Illustrating our report this year are photographs of a few of the court employees that are working in the several innovative programs that have been started to assist the courts in the last five years. While judges are central figures in the court system, vital services are provided by support employees who allow judges more time to serve in their primary judicial role and who help judges operate more efficiently in that role. The courts have been steadily applying new methods and programs to improve their operations, and the court system will continue to seek better ways to serve its judges, the state and the interests of justice.

Sincerely,

Joseph A. Bevilacqua
Chief Justice, Supreme Court

RHODE ISLAND COURT STRUCTURE

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 the court of review.

The entire court system in Rhode Island is state-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 has responsibility over its own operations and has an administrative judge who appoints an administrator to handle internal court management.

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 and 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. It also hears cases on violations of municipal ordinances or regulations.

In criminal cases, it has original jurisdiction over all misdemeanors where the right to a jury trial in the first instance has been waived. The District Court is not designed or 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 trials *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. An additional category of minor offenses, called violations, was created by the Legislature in 1976. Decisions of the District Court on violation cases are final and subject to review only on writ of certiorari to the Supreme Court.

Since October, 1976, the District Court has had jurisdiction formerly exercised by the Superior Court over hearings on involuntary hospitalization under the mental health, drug abuse, or alcoholism

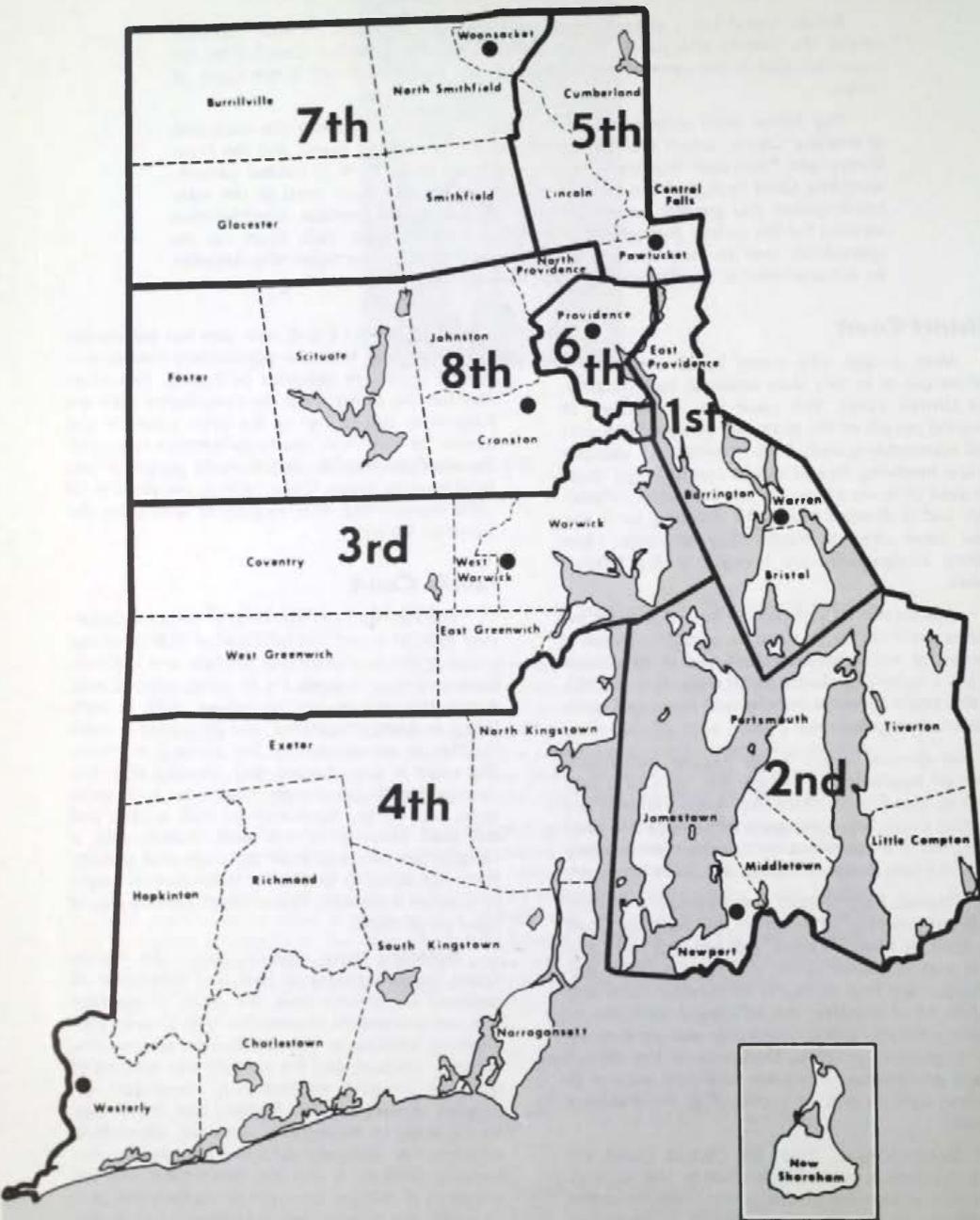
laws. The District Court now also has jurisdiction to hear appeals from the adjudicatory decisions of several regulatory agencies or boards. This court also has the power to order compliance with the subpoenas and rulings of the same agencies and boards. In 1977, this court's jurisdiction was again increased to include violations of the state and local housing codes. District Court decisions in all these matters are only subject to review by the Supreme Court.

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 goals are to assist, protect, and, if possible, restore families whose unity or well-being is being threatened and to preserve these families as secure units of law abiding members. This court is also charged with assuring that children within its jurisdiction 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 over the adoption of children born out of wedlock and provision for the support and disposition of such chil-

DIVISIONS OF THE DISTRICT COURT



dren or their mothers; 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

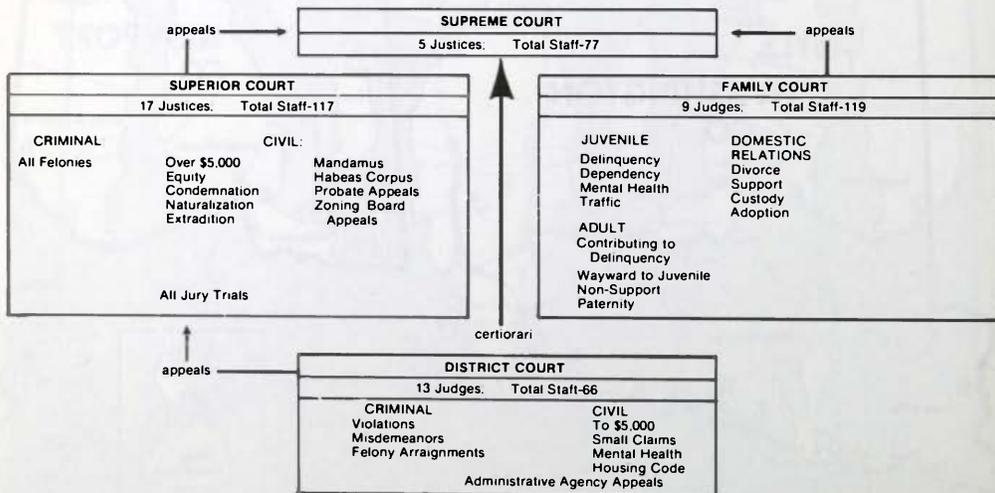
The Superior Court is the state's trial court of general jurisdiction. It hears civil matters concerning claims in excess of \$5,000 and all equity proceedings. It also has original jurisdiction over all crimes and offenses except as otherwise provided by law. All indictments found by grand juries or brought under information charging are returned to Superior Court, and all jury trials are held there. It has appellate jurisdiction over decisions of local probate and municipal courts. Except as specifically provided by statute, criminal and civil cases tried in the District Court can also be brought to the Superior Court on appeal where they receive a trial de novo. 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 law and equity, but also has supervisory powers over the courts of inferior jurisdiction. Its area of jurisdiction is statewide. It has general advisory responsibility to both the Legislative and Executive branches of state government and passes upon the constitutionality of legislation. Another responsibility of the Supreme Court is the regulation of admission to the Bar and the discipline of its members.

The Chief Justice of the Supreme Court also serves as the executive head of the entire state court system. Acting in this capacity, he appoints the State Court Administrator and the staff of the Administrative Office of the State Courts. This office performs personnel, fiscal, and purchasing functions for the state court system. In addition, the Administrative Office serves a wide range of management functions, including consolidated, long-range planning; the collection, analysis, and reporting of information on court caseload and operations; the development and implementation of management improvement projects in specified areas; and the application for and administration of federal grants for the court system.

The State Law Library is also under the direction of the Supreme Court. This library provides an integrated legal reference system. Its first responsibility is to provide reference materials and research services for judges and staff of all courts. However, it also serves the general community.



1977 IN THE RHODE ISLAND COURTS

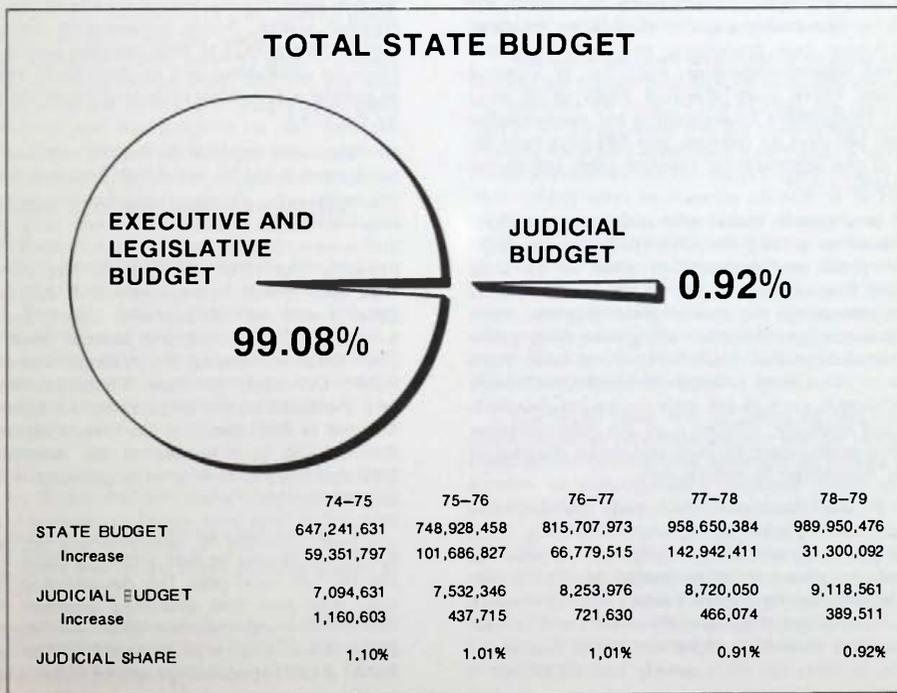
The words and statistics that follow give a brief overview of activity in the Rhode Island State Courts during the past year. The programs and events described are only meant to be representative of the many activities and accomplishments of that year.

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 co-operative 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 court budget request for the 1978-79 fiscal year was presented to the Governor's Budget Office in the fall of 1977. This budget limited any increases to the target levels set in the Governor's guidelines for budget preparations. However, these increases were further reduced by the Governor's Budget Office.

The state courts present a unified budget to the Governor each year. The Governor's Budget Office usually makes some adjustments to this budget before including it in the total state budget as submitted to the Legislature. The chart below compares the judicial budget with the total state budget for the last five fiscal years. For the first three years shown, actual expenditures are used. The figures used for 1977-78 are the amounts allocated by the Legislature, and the 1978-79 figures are from the Governor's budget recommendations.



SUPREME COURT

The number of new cases docketed in the Supreme Court continued to increase through 1977. Responding to its growing caseload, the court has taken several steps to better control the process by which cases are brought before it to increase dispositions by court orders and other abbreviated procedures where the interests of justice allow. Total annual dispositions have begun to increase, and 10% more cases were removed from the docket in 1977 than in 1976.

The court has made plans to further increase its dispositions and has joined the other state courts in setting time-to-disposition goals for criminal cases. New procedures for hearing civil cases are also being considered. To explore longer term solutions to the expanding appellate caseload, the court has joined with other judges and the Legislature to begin an examination of alternative court organizations and jurisdictional divisions.

Speedy Trial Goals Set

In his role as Executive head of the state court system, the Chief Justice of the Supreme Court has announced specific objectives to reduce criminal trial and disposition delay in all state courts. These objectives had been set by the newly established Judicial Planning Committee (JPC), a top level, policy-making body (see following article). The JPC determined that the first priority for court improvement was the elimination of delay in criminal case processing, and that committee offered time-to-disposition goals for all criminal matters. These goals specified limits of 90 days from arraignment to disposition for misdemeanor cases, 180 days for felonies, and 180 days from filing to oral argument for criminal cases before the Supreme Court.

In a speech before the annual state Judicial Conference in June, the Chief Justice made these goals public and reviewed progress all the state courts have already made to expedite criminal case processing. He also affirmed that the court system was committed to "doing everything possible to shorten the amount of time it takes for a case to move from initiation to conclusion." Since that speech, each of the state courts independently, and with the assistance of the Administrative Office, have begun to plan and make changes in their operations to reduce delay.

A Court Conference on Speedy Trial has been arranged for the beginning of 1978 to bring court and justice system leaders together to learn of successful efforts in other jurisdictions to implement time-to-disposition limits. This conference has been planned to also allow the courts to assess what they have done and what has to be done to meet the JPC's speedy trial objectives.

Planning Group Formed

By order of the Supreme Court, a statewide policymaking and planning group has been created for the justice system. This group, called the Judicial Planning Committee (JPC), was formed according to newly amended provisions of the federal law governing the Law Enforcement Assistance Administration (LEAA), an agency that disburses federal assistance for improvements in the area of criminal justice. These amendments encouraged states to form JPC's to help improve justice system planning capabilities and to give courts assistance in getting a fair share of federal funds distributed by the LEAA.

The order establishing the JPC in January authorized this body to: establish priorities for court improvements, develop programs to implement improvements, prepare an annual judicial plan, and review all proposals for LEAA funding of court projects. The nine members of the committee were also named in this order and included: the Chief Justice of the Supreme Court, one other justice from that court, the Judicial heads of the three state trial courts, the Attorney General, the Public Defender, the State Court Administrator, and the head of the Department of Corrections' Division of Field Services. The three-member Judicial Planning Unit formed in the Administrative Office of State Courts in 1976 provides staff services for the JPC.

With the help of the Judicial Planning Unit, the JPC prepared its first annual Judicial Plan for the 1977-78 fiscal year. This document included a multi-year plan that addresses priorities for justice system improvement over the next three years. It also contained an annual action plan for LEAA grant supported programs. The plan sets



Justice John F. Doris, Chief Justice Joseph A. Bevilacqua, Justices Thomas J. Paolino, Alfred H. Joslin and Thomas F. Cellerer.

specific objectives for improvements in court facilities, case processing, continuing education, information systems and court structure.

In June, the JPC passed a resolution to notify the Governor and the public of their priority goals. This resolution specified the Committee's objectives for improved court facilities and a phased reduction of criminal trial delay. The JPC has also sought to assist the courts with programs to meet its objectives and has assigned its staff and the Administrative Office staff to work in the various courts to plan and implement improvements.

Appellate Process Improvements Studied

In 1977, the number of cases filed in the Supreme Court increased again as it has every year for the last four years. This rise has created problems of efficient disposition in the face of a growing backlog of pending cases; problems that have been aggravated by an increase in administrative review cases of demanding complexity. The court has been able to maintain, and in the last year increase, the annual level of dispositions. This has been possible despite losses of judge time caused by illness and the replacement of retiring justices. However, as filings have risen faster than dispositions, the inventory of pending cases remaining at the end of the court year has grown at an increasing rate.

The statistics shown at the end of this report clearly illustrate this problem. In 1974, the court disposed of 330 cases, however, increased filings

pushed up the number of cases pending at the end of the year to 326, a figure 5% higher than the year before. In 1977, the court increased dispositions to 364 cases, but because filings grew faster, the number of cases pending at the end of the year jumped 16% over the previous year to 521.

The court has been investigating possible solutions to the problems caused by its rapidly expanding caseload. To assist in this process, the National Center for State Courts (NCSC) was commissioned to study the state's appellate process and to recommend alternatives for the court's consideration in determining ways to exercise control of its caseload and to provide more timely dispositions. The NCSC presented the completed study to the court in October. Study recommendations included a wide range of changes in court rules and procedures, many dealing with ways the court could differentiate among the cases before them according to the most appropriate and efficient means of disposition for various types of cases.

The NCSC study was accepted by the court, and some of its recommendations will be put into effect as the court moves generally to reduce the number of cases pending decisions. Some steps already being taken involve increased use of the Appellate Screening Unit (see following article) and other court staff. The court also plans coordinated efforts at tightening procedural time limits while making it easier for the parties involved to meet these limits. New preliminary procedures are also being considered to encourage settlement in civil cases.

Show Cause Orders Allow More Dispositions

The three attorneys who staff the Appellate Screening Unit have been assisting the Supreme Court to dispose of an increasing number of cases. This federally funded unit provides the court with preliminary reports on a majority of the appeals heard by the court. These reports aid the court in a number of ways, including indicating cases suitable for the issuance of show cause orders, which may lead to summary disposition without formal opinions. The Screening Unit has demonstrated its value to the court, and as this program has exhausted its eligibility for further federal grants, it was included in the court's 1978-1979 budget request.

During 1977, the court increased its use of show cause orders to deal with appeals that appear to be moot, or clearly controlled by settled law, and reports from the Screening Unit assisted the court in this effort. The use of those orders has increased court dispositions by allowing the court to add up to five cases to each monthly hearing calendar and by causing more cases to be withdrawn or summarily dismissed by the court. The court heard 139 cases in 1977 that had been reported on by the Unit, and show cause orders were issued in 30 of these. One effect of these orders was immediate disposition of 11 cases by withdrawal or dismissal.

Identifying cases eligible for more rapid disposition procedures is only a small part of the Screening Unit's service to the court. It prepares prehearing reports on the majority of cases docketed. Based on an independent review of the record, these reports are keyed to significant passages in the pleadings, transcripts, and other papers included in the record as it is transmitted from the lower courts or hearing tribunals. Each report presents a neutral analysis of the positions of the parties to the appeal and contains, as well, supplemental research material on the legal issues raised in the briefs. The reports are thus designed both to aid the court in preparing for oral argument and to serve as a convenient reference resource at the time of opinion writing.

Justice Paolino Retires

After 22 years of service on the state's highest court, Associate Justice Thomas J. Paolino retired at the end of 1977. He had been the appellate court's senior justice and served as Acting Chief Justice after the retirement of the late Chief Justice Roberts. Throughout his years on the bench, he fulfilled his personally avowed goals of "espousing the cause of justice and enunciating viable legal principles."



Barbara Whalen, Appellate Screening Unit Secretary, reviews a pre-hearing report with Research Attorney Moss Patashnik.

Justice Paolino has announced his willingness to assist the court while working on a limited schedule appropriate to a retired justice, and, since he fully participated in court decisions right up to his retirement, the Justice will continue to write opinions that have been assigned to him well into 1978. The Chief Justice indicated the court will seek to take full advantage of retired Justice Paolino's experience and ability as the court develops new procedures to deal with its growing caseload.

Judicial Council Calls For Judge Interchangeability

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.

In the past year, the Council continued its examination of alternatives to the present state trial court structure, which now divides jurisdiction between three separate courts. Considering the trend in recent years toward court unification in other states, the Council investigated the possible benefits of consolidating Rhode Island's trial courts. They researched unification plans from several states and evaluated claims that this restructuring could eliminate retrying of appealed cases, economize in the cost of support services, and generally improve the uniformity and quality of judicial decisions.

The Judicial Council's 1977 report to the Governor observed that "the Rhode Island court system already contains a number of the basic components generally associated with the advantages of a unified court system — e.g. centralized management, centralized budgeting, and state financing." While the report contained some specific commendation for strengthening these unifying features in state courts, the Council concluded that one trial court was "not necessarily the best answer for Rhode Island." The improvements recommended by the Council included: complete interchangeability of judges, judicial assignments among the courts under the authority of a committee of the judicial heads of all courts, improved centralized court facilities, and an ongoing continuing judicial education program.

Legislative Commission Re-Established

The 1977 General Assembly established a Special Commission on Criminal Justice to study and recommend specific improvements in criminal law and for criminal justice agencies. This Commission replaces a temporary legislative study commission whose five-year history demonstrated the positive impact of regular discussion between legislative leaders and justice system executives. The law creating the new Commission specified its duties to include: study of court procedures, sentencing, organization and administration; review of criminal statutes and rules of court; and any matter relating to criminal justice.

Composition of the Special Commission was also specified in this legislation. The legislative leadership appoints six members from the state House and Senate. Another four appointments are made by the Governor of members to represent the public. The remaining nine commission positions are filled by ex-officio members from courts, and the state Bar Association. Representative Joseph A. DeAngelis was elected Chairman.

Attorneys Finance Disciplinary Council

The Disciplinary Council was created in 1975 to implement disciplinary procedures for the Bar specified in Supreme Court Rule 42. This Council is supported by the members of the state Bar through annual registration fees required by the Supreme Court in Rule 45. The Supreme Court Clerk's Office collects these fees and, with computer assistance, maintains an updated list of all attorneys who have registered. Under new procedures to insure uniform application of Rule 45, this list will be distributed to all state courts. Any attorney not listed as having paid an annual registration fee will be barred from practice before

these courts. Registration numbers that appear on this computer listing of attorneys will be used in this process, and these numbers will be requested on entries of appearance and some other court forms.

The Disciplinary Council has nine members and is served by a full-time Chief Disciplinary Counsel who receives complaints against attorneys for violations of the strict standards of professional conduct for members of the Bar. Formal complaints are investigated and, if found valid, presented to the full council. If the council decides disciplinary action should be taken, a petition is filed and hearings are conducted. These hearings are of a judicial nature so witnesses and evidence may be subpoenaed. If, on consideration of facts presented at a hearing, the council decides that disciplinary action is required, it transmits the full hearing record to the Supreme Court with recommendation for discipline. Only the Supreme Court can impose sanctions on an attorney. If the court decides some form of discipline is called for, it may disbar an attorney, suspend his right to practice law, or deliver a public or private reprimand.

All actions of the Chief Disciplinary Counsel and proceedings of the full Disciplinary Council as well as Supreme Court reviews of recommendations for discipline are completely confidential. This is important to both protect the reputation of attorneys wrongfully accused of unprofessional conduct and to preserve the confidential relationship between attorneys and clients by preventing exposure of private client information. If the Supreme Court decides that public discipline is warranted, it takes action and makes the matter one of public record.

In 1977, the court ordered the suspension of two attorneys.



Supreme Court Appeals Clerk Donald Currar uses high speed copying machine recently rented by the Courts.

Sentencing Alternatives Studied

At the request of the Governor and in coordination with the Executive Office, the courts arranged a one-day Symposium on Restitution for community and justice system leaders in November. The symposium participants learned about successful restitution programs in Rhode Island and other states and discussed the issues involved in a greater use of this alternative to jail. A committee formed to follow up the conclusions reached at the symposium has made several proposals to allow the courts to order restitution in more cases, and legislation has been proposed to allow judges wider discretion in this area.

The symposium was conducted in response to increased public and professional interest in programs that arrange for criminals to pay restitution to crime victims. Studies in this area show that use of restitution as a sentencing alternative offers greater satisfaction to the victim, better rehabilitation for the offender, and lower costs to the taxpayer.

The courts have been ordering restitution in an increasing number of cases in recent years. In the last fiscal year, an administrative move was made to strengthen court control over the collection of court-ordered restitution payments and to increase the capability for handling larger volumes of such payments. This was accomplished when the Central Registry, a unit that collects, accounts for, and disburses restitution payments, was expanded and transferred into the Office of the State Court Administrator. The Registry had been previously funded from year to year under federal grants and was within the Department of Corrections.

State Law Library adds New Volumes and Restores Old

In 1977, the State Law Library added 1,458 new books to its collection of over 125,000 volumes. Significant acquisitions include a complete set of the *Pacific Digest*, CCH Aviation, Federal Carriers, and Nuclear Regulation Reporters, the Prentice-Hall Federal Taxes service, and a variety of textbooks in such expanding fields of the law as products liability, employment discrimination,

medical malpractice, administrative law, class actions, and copyright. The library also added 10 new periodical subscriptions to its collection, bringing the total number received to 172. The library hopes in the near future to raise this total to 200 of the 370 periodicals covered by the Index of Legal Periodicals.

The overhaul of the library's antiquated card catalog is proceeding on schedule. Nearly all current materials have been re-cataloged, as well as most volumes in the loan library. By the target date of 1980, it is planned to have the entire collection re-cataloged by author, title, and subject in conformity with Library of Congress standards.

The library also instituted a sign-in policy for all non-attorneys in 1977. All patrons falling into this category are asked to sign a register upon each visit and indicate their research interest. This will assist the library staff in monitoring library use by non-attorneys, serve as an aid in the acquisition of new books, and help to discourage the theft of library materials. Statistics for 1977 reveal that the register was signed 3,125 times and that the topics of greater interest among this group were criminal law, medical malpractice, health law, fisheries law, products liability and school law.

The library staff has also taken the initial steps in attacking the problem of a physically deteriorating book collection. In addition to the regular program of rebinding, the staff has begun to recondition the leader bindings of its rare 16th, 17th and 18th century law books. Books of these periods will be featured in a regular series of exhibits.

More Bar Exams Given

The Office of the Clerk of the Supreme Court acts as the registrar and secretariat for the State Board of Bar Examiners. It is responsible for issuing and receiving application forms and also for maintaining application files. This office makes all the arrangements for the bar examinations that are given twice a year.

In 1977, 186 candidates sat for the state bar examination. This was 18% over the number that took the exam last year. There were 147, or 79%, who achieved passing scores.

Legislative Enactments

In 1977, the General Assembly passed the following acts that directly affect the courts (Acts are listed by their chapter numbers in the 1977 Public Laws and bill numbers are also indicated):

Chap. 10—H 5207: Provides that interest of 8% per annum shall be added to the amount of damages awarded in certain civil actions from the date the cause of action accrued.

Chap. 16—H 5283. Redefines "dangerous weapons" carried in the commission of a violent crime to include explosives and noxious liquids, gases, or substances.

Chap. 17—H 5023: Provides that the victim of a crime of breaking and entering or burglary may be presumed to have acted in self defense in the event that the perpetrator of the crime suffers, at

the scene of the crime, injury or death at the hand of the victim.

Chap. 18—H 5566: Provides that the \$50. attorney's fee required to be paid upon a claim of appeal from the District Court to the Superior Court be divided equally among the attorneys for the adverse parties when more than one adverse party is involved.

Chap. 54—S 123: Requires a minimum fine of \$1,000. upon being convicted of arson.

Chap. 56—S 439: Makes the witness fee \$10.

Chap. 66—S 1032: Authorizes a peace officer with reasonable grounds to believe a person has committed a misdemeanor to issue a summons.

Chap. 67—S 1040: Requires petition alleging a child to be delinquent, wayward, dependent or neglected to be sworn to before any licensed notary public; and petitions for the arrest and/or detention of any person to be sworn to by a justice or clerk of the Family Court.

Chap. 68—S 1041: Empowers the Chief Judge of the Family Court to appoint masters to assist the court; enumerates the powers and duties which masters may exercise.

Chap. 69—S 1046: Authorizes the Family Court to issue writs of habeas corpus for prisoners confined to the training school for youths.

Chap. 71—S 1055: Authorizes a peace officer to arrest without warrant a person whom he has reasonable grounds to believe has committed a misdemeanor or petty misdemeanor, and who the officer has reasonable grounds to believe cannot be arrested later, or may harm himself or others, or cause damage to property, unless immediately arrested.

Chap. 79—H 5074: Requires the Supreme Court to provide copies of its written opinions to the Governor, Lieutenant Governor, and certain Legislative leaders.

Chap. 83—H 5919: Allows Family Court the discretion to decide the practicability when selecting an agency, society, or institution to take guardianship or custody of a child, of selecting one governed by persons of the same religious faith as the child's parents.

Chap. 89—H 5520 A: Provides for Family Court jurisdiction over antenuptial agreements, property settlement agreements, and other contracts between husband and wife; and extends jurisdiction to include handicapped children.

Chap. 94—H 6116: Provides for the selection of jurors for the statewide grand jury whereby the number of jurors selected from each county shall be proportional to the number of voters in that county.

Chap. 98—S 630: Abolishes the crimes of vagrancy and drunkenness.

Chap. 104—S 1228: Allows alimony in divorces granted upon the grounds of separation of the parties.

Chap. 113—S 283: Creates the Special Commission on Criminal Justice to develop, on a continuing basis, standards and priorities for reform of the criminal justice system.

Chap. 126—H 6100: Provides for the conditional escheat of all monies or funds which have been on deposit in the court registries and have been unclaimed for a period of 10 years.

Chap. 128—H 5319: Provides that any person convicted of cruelty to or neglect of a child may, in addition to other penalties, be required to undergo psychosociological counseling in child growth, care and development.

Chap. 155—H 5270 A: Provides procedure for selection of the Supreme Court justices.

Chap. 156—H 5305 A: Permits juries of six persons in civil cases, and provides for one pre-emptory challenge for every three jurors.

Chap. 192—H 6097: Requires the maintenance, by District and Superior Court Clerks, of a public register of criminal convictions, listing the presiding judge, defendant, charges, and sentence.

Chap. 193—H 6115: Set fines and imprisonment for obstruction of the judicial system.

Chap. 197—H 6096: Provides that in cases of disproportion of fault among joint tortfeasors relative degree of fault shall be considered in determining pro-rata shares.

Chap. 239—S 418: Makes available records of the division of criminal identification to any attorney of record in any criminal action, and to persons required by law to make a criminal background check of prospective employees.

Chap. 258—S 987 A: Establishes factors to be considered by the court when determining the amount of support to be paid by the appropriate parent for a delinquent, wayward, or neglected child, or a child of divorced parents receiving public assistance.

Chap. 259—S: 1009: Provides that an act of simple assault between adult members of the same household shall be deemed domestic assault with a penalty of one year imprisonment, \$500. fine, or both, provided arrest is made within 24 hours of commission of misdemeanor.

Chap. 263—S 260 A: Establishes procedure for Senate review of Judicial nominees.

Chap. 265—S 520 A: Allows certain close corporations consisting of family members to designate non-lawyers as their representatives to prosecute small claims.

Chap. 277—S 499 A: Creates a Housing Court within the state District Court with jurisdiction over minimum housing, maintenance, and occupancy actions.

ADMINISTRATIVE OFFICE OF STATE COURTS

In recent years, despite rising caseloads and growing backlogs, the courts have found it more difficult to win approval for larger budgets or more judges. Consequently, throughout 1977, the Administrative Office of State Courts has assisted each state court and the judicial system as a whole in its efforts to find new ways to better use available resources. The Office's assistance has varied from provision of new management tools such as a computerized information system, to development of alternate case processing methods, to examination of the effects of changes in organization of the state courts.

Additional Judicial Facilities Planned

When the long dormant Public Building Authority was revived in the summer of 1977, it set the construction of a new court building as its first priority. The courts have long recognized their need for additional facilities, and for several years have been requesting that the Governor or the Legislature commit the required capital funds. Court representatives have suggested a number of ways a new courthouse could be financed, including the revival of the Public Building Authority. Legislation passed twenty years ago gave the Governor the power to appoint an authority to finance acquisition and construction of state buildings. He exercised this power last summer.

While waiting for action to be taken on financing a new courthouse, the Administrative Office has been studying the courts' facility needs and is well prepared to participate in the design of new facilities to assure they meet the present and future needs of the judicial system. In 1973, a complete survey was made of existing court buildings statewide, and recommendations were made for renovations and new construction. Another study in 1976 focused on the pressing needs of the Family Court. These professional studies helped the courts make a few small improvements allowed within regular annual budgets and have allowed specific documented proposals for needed new construction.

The Administrative Office plans to see that the courts participate fully in the design of facilities for their use. It has been proposed to the Authority that the courts be allowed to engage a professional consultant with wide experience in courthouse design. This consultant would work with committees from the courts to be housed in the new building and prepare specifications for the architects selected by the Authority. The preparation of these specifications is a usual part of the design of any large building and is often sub-contracted out by the architect. The Administrative Office's recommendations are to assure that

these specifications consider previous facilities studies, use proven models for courthouse design, and best serve the courts.

Planning Staff Serves Courts

The Judicial Planning Unit provides a full-time professional staff for the newly formed Judicial Planning Committee (JPC). The JPC is a planning and policy-making body composed of the judicial heads of the state courts and the directors of other justice system agencies. With a three-member staff, the Planning Unit provides information to the JPC on problems and programs that the committee has to consider. Under the direction of the committee, they also prepare the Judicial Plan that expresses the improvement goals for the courts and describes strategies planned to meet these goals. The unit is often assigned by the JPC to work with various courts to help develop and implement programs to make the improvements decided on by the JPC. Funded with a federal grant, the Planning Unit has been operated for two years.



SJIS Systems Specialist Rod Ryan (seated) discusses computer prepared management reports with C. Leonard O'Brien and Susan McCalmont of the Judicial Planning Unit.

In 1977, the Planning Unit's staff prepared successful applications for several major LEAA grants and assisted the courts with a number of new programs. Plans for a comprehensive computer assisted information system for all courts were furthered with grants to fund Phase II development of the Statewide Judicial Information System (see following story) and for a Juvenile Justice Information System. The Superior Court's efforts to increase the efficiency of their criminal case scheduling and processing methods were assisted by a new grant prepared by the Planning Unit, and continuing program development support from this unit's staff helped that court with several changes made to improve criminal case scheduling. The District Court also made use of the unit for help in planning a special effort to get prosecutory action on long pending criminal cases.

The Planning Unit serves several continuing functions for the JPC and the Administrative Office. In this role, it collects, summarizes, and analyzes statistical information about the courts through a manual statistical collection system. The unit also monitors grants given to the courts, making the periodic reports required by the LEAA, and applying for adjustments that are sometimes required. New grant applications are prepared by the unit staff, and they guide these applications through the complicated and often changing LEAA approval process.

SJIS Produces First Reports

Development of the Statewide Judicial Information System (SJIS) began in January of 1977 when this federally funded program acquired a full nine-member technical staff. Within its first year of development, SJIS is producing several types of reports for the courts, the Department of the Attorney General, and various police departments. When completed, this information system will have data on all court cases and court support operations and will produce many reports to make justice system operations and management more effective and efficient. Systems development is proceeding on schedule according to a phased implementation plan that calls for parts of the whole system to be put to use as their design is completed and while work on the rest of the system continues.

Rhode Island SJIS has been commended by national evaluation groups for this sequenced implementation schedule and because it plans to serve not only the courts, but also the prosecutors in the Department of the Attorney General, the Public Defender, and the Department of Corrections. The system's responsiveness to this broad



Joan DiSanto and Nancy Bowley of SJIS work at the system's two video terminals.

group of user agencies is being assured by involving systems analysts within each agency in the design of the system from the very beginning. Six analysts are assigned from the staffs of different justice system departments to work with the SJIS technical staff.

During this first year of development, SJIS completed several of the milestones set in its implementation plan. In February, it began to provide PROMIS (PROsecutor Management Information System) reports to the Attorney General. By June, an information needs survey was completed for all user agencies. In the fall, monthly management reports on criminal caseload in the Providence and Bristol County Superior Court were being produced, and monthly status reports were being sent to pilot police departments in these counties. The growing SJIS data base was also used to plan, conduct, and evaluate a special scheduling and disposition effort by the Superior Court in November and December to reduce the number of pending criminal cases. Then, by the end of the year, the system was able to provide updated calendars to assist criminal case scheduling in this court.

Continued SJIS plans call for extension of the criminal case data base to include all Superior and District Courts. Civil case and court administration modules will be added to the system in subsequent years. Experience in other jurisdictions has shown that information systems like this can be invaluable to courts by helping judges better manage court caseload and by allowing administrators to make best use of available resources. In this initial year, SJIS has demonstrated that Rhode Island can expect similar benefits from its system.

Federal funding for Phase II SJIS development has been awarded partly on the strength of the system's accomplishments in its first year. How-

ever, federal funding is only available for initial system set up, and the courts are requesting that funding for this valuable program be included in the state budget in several phases over the next few fiscal years.

Security Measures Taken and More Planned

Improved courthouse security was identified by the Judicial Planning Committee as one of its priority goals for court improvement. In 1977, a committee of representatives of the courts, police departments, corrections officials, and the state marshals met regularly to study court security needs and to plan methods to improve courthouse safety. Following the recommendations of these committees, the Administrative Office used federal funds to install electronic security devices in the Providence and Kent County Courthouses.

During the summer, small speakers were put up throughout the Providence County Courthouse for an evacuation alarm system. The speakers can broadcast an alarm signal or verbal instructions to the entire building or just to selected zones. The system will assist with controlled evacuations caused by fires, bomb threats, or other emergencies. Cellblock security was also improved in this building by replacing 26 door locks on cells and passageways. The new locks protect both the public and the prisoners, because they are not only stronger and harder to pick but are also easier to open with the proper keys and less prone to jamming. One other security system has been added in Providence to allow some judges to signal officers if they require emergency assistance.

Federal Support at \$514,600 Despite Cuts

During 1977, the court received federal assistance through 12 Law Enforcement Assistance Administration (LEAA) grants totalling \$470,550 for specific programs. Another \$44,050 was paid by the CETA program so the courts could hire a few additional staff members. Both these federal programs have suffered reductions in their national appropriations, and although the courts here have lost proportionally less than other agencies, the figures quoted above are about 15% under the 1976 level of federal support. The Administrative Office fears even larger cuts in 1978.

The CETA program provides funds so agencies can offer temporary employment to job seekers who meet certain residence and income requirements. The courts started the year with six employees paid by CETA, but this was reduced to three in July. Plans for 1978 will bring the courts the assistance of four new CETA paid workers for ten months to operate a bail study project.

The titles of the 11 court programs funded with LEAA grants are listed below. Additional information on the 1977 accomplishments for most of these programs can be found in sections of this report on the four state courts. In 1977, the courts won approval of one additional grant supported project, but since its funding does not start until 1978, the program is not listed below. This program will allow the Family Court to better care for children placed in foster homes, and its grant totals about \$37,000.

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

Court Records Center Microfilm Project — Provides the court with the equipment and personnel to microfilm semi-active records.

Court Security — Provides security equipment to improve the physical security arrangements in several court facilities.

Court Delay Project — Assists development of a predictable scheduling policy and also addresses the problem of pending cases in Superior Court.

District Court Operations Manual — Offers a step-by-step outline of many of the procedures used in the District Court Clerk's Offices.

Juvenile Justice Information System — Provides personnel and computer support needed to implement a system which meets the Family Court's information needs.

Judicial Education — Offers advanced training to judges and court administrators through attendance at courses offered by the National College of the State Judiciary, the Institute of Court Management, and other specialized educational institutions.

Judicial Planning Committee — Designs and aids coordinated planning for the courts and other justice system agencies.

Rhode Island Appellate Process Study — Examines the procedures and caseload existing in the Supreme Court.

Statewide Judicial Information System — Provides the Judicial System with automated capabilities designed to meet statistical and management system needs for all courts, the Department of the Attorney General, and the Public Defender's Office.

Superior Court Criminal Scheduling Office — Develops and supports a coordinated scheduling procedure designed to meet case processing time limits.

Superior Court Operations Manual — Assists with the development of a compilation of procedures used in the Superior Court Clerk's Offices for handling criminal and civil matters, also for completing accounting, jury management, and statistical collection functions.

SUPERIOR COURT

The Superior Court in 1977 made significant changes in the way criminal cases are scheduled and moved through the court. The court is now prepared to work toward recommended goals for more rapid disposition of all criminal matters. By making these changes now, without external pressure from a specific statute or appellate decision mandating time-to-disposition limits, the court has been able to move deliberately and balance the defendant's right to speedy trial and the interests of public safety.

Activity to reduce criminal case backlogs and processing delays has caused some temporary diversion of effort from the civil caseload. However, improvements the court made a few years ago to centralize civil calendaring allow the court to make the best use of judicial resources available for civil trials and hearings. As in the past, the Presiding Justice's authority to reassign justices will be used to prevent an extraordinary buildup of pending cases on one calendar or in one county.

Criminal Cases Scheduled by the Court

As part of a general effort to improve court efficiency and to reduce processing delays for criminal cases, the Superior Court in Providence and Bristol Counties took control over criminal trial scheduling on January 17th. Previously, cases had been assigned to the criminal trial calendar by an office in the Department of the Attorney General, and a large backlog of pending cases had built up. Court control of scheduling has been shown to be an important prerequisite for programs to reduce case backlogs, and appellate court decisions have held trial courts directly responsible for delay in criminal proceedings.

Responsibility for criminal case scheduling was transferred by administrative order of the Presiding Justice of the Superior Court, and a new Criminal Assignment Office was created using existing state resources and additional federal funds from the

LEAA. The office's original five-person staff was built of employees transferred from the Department of the Attorney General, already working for the Superior Court, or newly hired under a federal grant. As it has developed throughout the year, the Assignment Office has sought to better use the calendaring process to help identify cases that do not go to trial and schedule them for prompt disposition. This office has also been using reports supplied by the State Judicial Information System to track pending cases and to quickly update calendars.

Case scheduling problems had originally been discussed by the Judicial Planning Council (JPC), a statewide planning and policy-making body for the justice system. The JPC is the successor to the Court Component Committee, and its membership includes the Judicial heads of the four state courts, the Attorney General, the Public Defender, and the Chief of Probation and Parole. This body recommended court scheduling of criminal cases.

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





Margaret Williams (standing) works with Bonnie Williamson scheduling cases in the new Criminal Assignment Office.

Managing Justice Named for Trial Calendar

Another step taken to improve criminal case-flow was the designation of a Managing Justice for Superior Court Criminal Case Scheduling. The order creating this new position also specified procedures for scheduling cases and notifying trial counsel. These procedures regulated continuances and other scheduling changes for cases on the trial calendar. Under authority of the new Managing Justice, cases set on the calendar are assured of trial within the general time limits of the notice periods.

One of the new scheduling procedures established by this order removes cases that are settled by plea from the trial calendar before the final trial notice is sent out. This encourages early conclusion of plea negotiations, and a separated disposition calendar has been established to handle these cases promptly. Since the trial calendar is cleared of cases likely to be settled before trial, both the court and the parties involved can better schedule their activities, and delays caused by conflicting commitments can be avoided.

The Managing Justice has authority over continuances granted in cases on the trial calendar and also controls any other special rescheduling.

This centralized authority allows stricter control of unnecessary or repetitive postponements and assures that cases are rescheduled as quickly as possible without conflict to the established calendar.

The daily criminal calendar for all criminal matters except trials continues to be operated by one justice independent of the trial calendar. However, modifications in trial scheduling methods have considered that judges on the trial calendar sometimes assist with the daily calendar caseload if they do not have cases before them ready for trial. These two calendars are coordinated so that during times when trials are not usually held, such as when jury panels are changed every two weeks, some trial calendar judges will hear cases on an expanded daily calendar.

Special "Push" Reduces Pending Criminal Caseload

Special accelerated processing procedures were used and additional judges were assigned to criminal cases in a six-week disposition "push" that allowed the Providence County Superior Court to reduce its backlog of active criminal cases by almost 30%. During the "push", a separate disposition calendar was used for timely hearings on cases that did not require trials and assured that only cases that would go to trial were scheduled for the judges hearing criminal trials. Automated data processing supported these scheduling innovations and allowed daily updating of calendars. The number of judges assigned to criminal cases was doubled during the "push", but the new scheduling procedures helped these judges to dispose of four times as many cases as are usually handled by that court.



Lois Kalafarski, Superior Court Calendar Secretary assists with case scheduling in the Civil Calendaring Office.

The "push" was an important part of general court-wide efforts to more effectively schedule criminal procedures and to meet goals to reduce the time criminal cases are before the court. Cases scheduled for the "push" included those that had been pending a long time and a few cases on serious matters that required priority scheduling and rapid disposition in the public interest. The number of older cases in the court's backlog had to be reduced before the newer cases could be scheduled for rapid processing and recommended time-to-disposition goals could be reached. The "push" succeeded in disposing of over 1,000 cases with an average age of almost two years. During this "push", the court was also able to test and gain experience with new scheduling techniques and case processing methods.



Justice Corinne P. Grande

cludes seven years as a Special Assistant Attorney General.

District Court Judge Named to Superior Court

The Honorable Corinne P. Grande was sworn in as an Associate Justice of the Superior Court in November, 1977. Justice Grande was appointed by Governor J. Joseph Garrahy to fill the seat vacated by the retirement of Justice James C. Bulman, and her appointment was later confirmed by the state Senate.

Before this appointment, Justice Grande had served on the District Court for seven years. Her law degree is from Northeastern University School of Law, and her professional experience also in-

Civil Jury Size Reduced

A statute mandating the use of smaller six-member juries for civil trials was passed by the General Assembly in 1977 and took effect in May. With this change, Rhode Island joins many other state and federal courts that have been using smaller juries to reduce trial time and save money. The Superior Court and the Jury Commissioner's Office have been working together to make the necessary adjustments in the number of jurors called and in the size of juror panels sent to courtrooms for jury selection, so the expected savings can be realized.



Public Contact Officer Edward Pendleton conducting a tour of the Providence County Courthouse for one of the many groups that come to learn about the Judiciary.



Seated: Judge Michael De Ciantis, Chief Judge Edward P. Gallogly, Judges Edward V. Healey, Jr., and William R. Goldberg. Standing: Judges John K. Najarian, Robert G. Crouchley, Jacob J. Alprin, Carmine R. DiPetrillo, and Angelo G. Rossi.

FAMILY COURT

With the help of two additional judges appointed to the Family Court at the end of 1976, considerable progress was made in 1977 to increase caseflow for both domestic and juvenile matters. Administrative improvements were made during 1977 to fully support this increased judicial activity. Organizational changes helped distribute administrative duties more efficiently. Improved scheduling procedures assisted judges in hearing more cases. Backlog control measures helped judges identify the reasons for disposition delays in long pending cases. Some of these improvements are described in the following articles.

Two Changes Expedite Domestic Matters

In Providence, where the Family Court has its busiest domestic calendar, both hearings on temporary motions and trials on contested divorce cases can now be more efficiently and quickly handled as a result of changes in the way these matters are scheduled for court action. Hearings are still held once weekly on a designated Motion Day, but all these hearings are now pre-assigned to individual judges to eliminate a time-consuming mass calendar call. Divorce cases on the contested trial calendar are now scheduled for pre-trial hearings and are automatically set down for immediate trial if settlements are not reached, so delays caused when

trials were scheduled separately have been eliminated. These new calendaring procedures require some extra clerical work from the Family Court Administrative Office and the Domestic Relations Clerk's Office, but they have resulted in a higher rate of judicial dispositions.

The new system for dividing the Motion Day calendar among the available judges allows more dispositions in two ways. Now that cases are pre-assigned to each judge, hearings on motions can begin at the start of the court day, because there is no need to wait while a single judge presides over a mass calendar call and then assigns matters called "ready" to the other judges. Delays are

also avoided since pre-assignment can prevent scheduling conflicts that previously had some busier attorneys with hearings before different judges at the same time.

Changes in the way cases are placed on the trial calendar for contested divorces have eliminated some delays that had been built into the old system and have likely helped speed pre-trial settlements in many cases. Previously, pre-trial hearings were scheduled separately and if no settlement resulted from such a hearing, a trial was scheduled for a later date. Now when a pre-trial hearing is set on the calendar, the schedule is arranged so the judge may hold a trial immediately following the hearing if no settlement has been reached.

Juvenile Intake Operations Improved

Toward the end of 1977, the court implemented plans to better divide and distribute the work done in the Juvenile Intake Department. Intake Supervisors have been freed of clerical duties so they can concentrate on their primary professional functions of examining juvenile referrals, providing intake counseling, and making decisions for prosecutions, or diversions. The Juvenile Office has completely revised and streamlined its operations for processing juvenile referrals and guiding cases through the court. That office has also designated one of its staff as a calendar clerk with responsibility for scheduling all juvenile case proceedings.

These organizational changes were carefully planned with full involvement of Intake and Juvenile Office staff. Staff meetings were held to discuss proposals, and the new procedures were drawn up for staff approval. Finally, before permanent changes were made, a two-day test was run using the new forms and procedures. Full implementation came only after the results of this test were evaluated.

Fewer Juvenile Cases Now Pending

During the last four months of 1977, special efforts were made to identify and dispose juvenile cases pending before the court 120 days or more. With the cooperation of local prosecutors and the Public Defender's Office, hearings and trials were scheduled for many of these older cases. By the end of the year, the court's backlog of these cases was cut by almost 40%.

Despite a general "spirit of cooperation" from both the prosecution and defense, the Family

Court's attempt to completely eliminate the juvenile case backlog and their plans to increase case-flow for juvenile matters have been hampered by the way juvenile offender prosecutions are now handled. Attorneys from the city solicitors' office in each of the 39 cities and towns and the office of the Attorney General are responsible for prosecuting most juvenile cases. Many of these attorneys serve only part-time as prosecutors, and juvenile matters are only a fraction of their workload. Often prosecutors lack experience in juvenile matters and are unfamiliar with Family Court procedures. This is not a new problem, and a commission formed eight years ago under the chairmanship of the Chief Justice of the Supreme Court recommended to the Governor the establishment of centralized statewide prosecution for juvenile cases. This proposal has languished for these last eight years because of lack of funding.

New Court Facilities to be Built

The state Public Building Authority has made a commitment to fund and build a new court building in Providence. This facility will be designed to replace the inadequate housing now provided for the Family Court in a former school building. The need for new Family Court facilities in Providence has long been recognized and has been documented in several studies done for the courts; consequently, the Family Court has been able to take an active role in shaping the Authority's building plans. It is anticipated that part of the building will be utilized for additional facilities



Chief Deputy Clerk William Doherty updates a domestic relations case file.

for the District Court and Workmen's Compensation Commission.

The need for additional new judicial facilities has been primary on the Public Building Authority's agenda since it was activated by the Governor in 1977. The courts made an initial formal presentation of their needs to the Authority, and the results of a study made in 1976 of the Family Court's short and long-range facility requirements formed the basis of a very complete report on that court's needs. The Administrative Judge and Deputy Court Administrator of the Family Court participated in this presentation. Before the end of the year the Authority had decided to go ahead with plans for new judicial facilities and began the process of selecting an architect. A Family Court Committee will work with other court representatives to advise the architects and specify the court's facility requirements and will play an important part in the plan for the functional design.

Court Rules Project Underway

In the fall of 1977, the Family Court began a project to draft and adopt complete rules of court procedure. Consultants, whose fees are being paid under a federal grant, are working with the court on these rules. The consultants, Boston University Law School professors who have drafted uniform rules for other Rhode Island courts, have been meeting regularly with a small committee formed by the court and made up of a Family Court judge and attorneys experienced in family law. A complete draft of these court rules will be submitted to the full court in the spring of 1978.

The need for written rules of procedure in the Family Court was recognized several years ago, and specific plans were made to research and draft these rules as early as 1974. Since it was acknowledged that assistance of consultants experienced in the codification of procedural rules was necessary, a federal grant was sought to pay these consultants. This grant was awarded by the state LEAA office, but regional agency officials held up the awarded funds on technicalities. Once assurances were received that LEAA funding would be approved, the consultants began work two years after the planned start of the project.

Procedural rules were felt necessary in the Family Court because, as a comparatively new court with jurisdiction over an area of law greatly affected by recent landmark appellate decisions, there are no long-standing precedents and traditions to shape uniform court procedures. Under the guidance of the proposed rules, the court hopes to help all judges use standards so their



Filomena Lupo and Dennis Keough of the JJIS transfer data from magnetic disc to tape with the help of SJIS's David Bonaccorsi.

procedures will be more expeditious, equitable, and efficient.

Information System Tracks Juvenile Cases

While all courts need information systems to help monitor their caseload and track their pending cases, the Family Court had additional information needs because of the court's continuing interest in juveniles under its jurisdiction. In 1977, the court received a federal grant to help with the costs of setting up a complete Juvenile Justice Information System (JJIS). The grant has allowed the court to hire an information systems specialist and to use a computer to build a more comprehensive and responsive system. The court is also supporting the development of this system by assigning a member of its staff full time as a systems analyst. The Family Court Administrative Office and court's operational personnel have contributed substantially to the system design.

This new JJIS is successfully applying national systems models and has been selected by the National Court of Juvenile and Family Court Judges as one of its exemplary systems. When the full system is put in operation in 1979, it will produce reports to aid both day-to-day operations and general management decisions. Operational reports will assist in scheduling hearings or trials and in notifying the parties involved. Other reports of this kind will provide information for intake or sentencing decisions and some will track the prog-

ress of cases through the courts. Summary and management reports will include periodic readings of caseloads or caseload and will show such measures as the number and types of cases pending. These types of reports will help judges and administrators manage the court's active caseload and assist long-range planning and evaluation efforts.

Although the full JJIS will not be operating until 1979, an interim system has been set up to provide some needed reports by the summer of 1978. Court employees are scheduled to start collecting data for the interim system at the start of 1978. Information on cases that entered the court back to 1975 will also be fed into the system. The interim system will not only meet some of the court's immediate information needs, it will also allow tests of data input and processing methods that will help in the design of the total JJIS. As court employees have worked with the interim system, they have made many valuable suggestions that will help shape the final system.

The personnel and activities of this project are being supervised by the Director of the Statewide Judicial Information System, and the JJIS will be fully compatible with this larger system.

Youth Diversionary Unit Supported by State Budget

The Family Court's Youth Diversionary Unit (YDU) was established September 1, 1974 under a federal grant from the LEAA. The Unit is the first



Stephen King and Richard Santos of the Youth Diversionary Unit counsel their clients.

statewide diversionary program in the nation. Due to the YDU's success in its first three years of operation and with the active support of the Family Court, funding to maintain this unit was included in the state's 1977-1978 budget.

The YDU is primarily intended to serve as an arm of the Intake Department of the Family Court by diverting many first offenders from the normal judicial process. First offenders who have committed a wide variety of misdemeanors, status offenses and select felonies are considered for diversion. Serious offenses such as armed robbery, arson, rape, etc. are not considered for diversion.

During 1977, the YDU investigated 940 cases and subsequently diverted 836. A case is counted as diverted if the YDU case worker assigned to counsel and work with the juvenile can successfully close out the case without a formal court hearing. The 104 remaining cases were returned to Intake for a formal court hearing for various reasons such as non-cooperation or necessity for a court order for placement or treatment.

The YDU has helped to alleviate some of the workload of the Family Court Judges and their staff (clerks, stenographers, and sheriffs), and it has also helped to lessen some of the workload of other areas of the already overtaxed juvenile justice system such as Family Court's Intake Department, Public Defender's Office, Probation and Child Welfare Services. From September, 1974, to December 31, 1977, (40 months), this unit has investigated 3,136 cases and diverted 2,768 (88.2%) of these cases. During this time, only 436 of these diverted youths have been referred back to court on a subsequent offense. This gives the Unit a recidivism rate of only 15.75%.

The diversionary process has also helped prevent youths from being negatively labeled as juvenile delinquents or trouble makers by avoiding a formal court hearing and formal adjudication. The resulting stigma of the negative labels attached to these youths are considered by many to be one reason for the re-entry of these youths into the Juvenile Justice System. Coupled with this avoidance of negative labeling is the range of services that the Youth Diversionary Worker can recommend without a formal court hearing. The worker can also offer personal counseling and supervision and referral to appropriate community based agencies.

The Youth Diversionary Unit's success in its first three years and the diligent efforts on the part of Family Court members as well as various individuals within the entire State Judicial System convinced the Legislature and Governor to commence its funding on July 1, 1977.

New Laws Add Child Support Cases

State and Federal legislation mandating and specifying the state's interest in matters assigning and determining child support has greatly increased the number of these cases coming to the court. The state must be represented in all divorce cases involving children and also must make similar "extraordinary efforts" to protect the interests of the state in determining paternity and support obligations for children born out of wedlock. Many new child support cases are being brought before the court on the initiative of the state's Department of Social and Rehabilitative Services (SRS) rather than by action of the parties. SRS attorneys are also returning many older cases to the court for reconsideration under new standards.

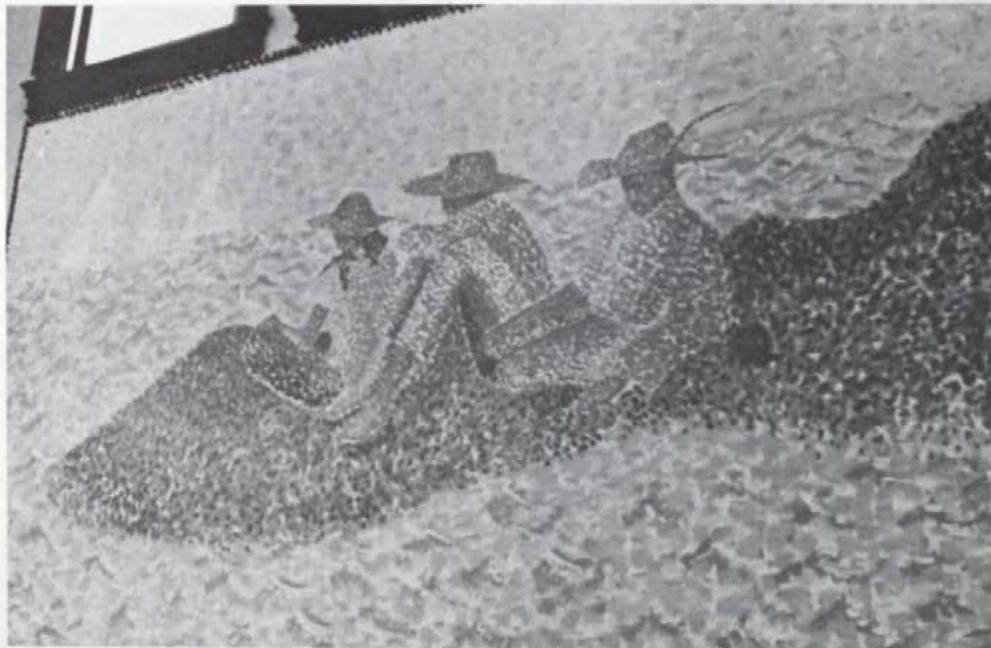
The problems caused the court by this workload increase have been compounded by current law allowing a jury trial in paternity and support cases. The court has cooperated with the legislative commission formed to consider new legislation needed in this area.

The court has responded to this increase in the child support caseload by improving administrative procedures used to collect and monitor support payments. Also the court uses its only master for assistance in determining levels of payments necessary for court support orders.

Child Advocate to Monitor Court Placements

The court has received a federal grant that will allow it to play a more active advocacy role for children in foster care. The program supported by this grant will begin in 1978; and through it, the court will be able to keep a closer watch over several thousand children placed in substitute homes or special care facilities under court orders. The court has final authority over these children and has a responsibility to protect their rights and interests.

With the funds made available through the grant, the court will develop an effective monitoring system which will provide current and accurate information on the number of children under its jurisdiction, where each child is placed and whether planning for the child has been reviewed in a regular and timely manner. The court will also create a new position, the child advocate, with responsibility for reviewing each child's placement status at least once a year. The advocate will also promote improvement in the procedures and services for foster care children in general. This new concept is the next forward step under the successful Children in Placement program initiated under the auspices of the National Council of Juvenile and Family Court Judges.



Mural painted by summer CETA workers to brighten the old building now used by Family Court.



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. Rogers, Jr. (appointed to Superior Court), Robert J. McOsler, Corinne P. Grande (appointed to Superior Court), and Anthony J. Dennis (Judge Albert E. DeRobbio does not appear).

DISTRICT COURT

The jurisdiction and status of the District Court continued to increase in 1977 as legislation mandated that court hear certain equity and other matters brought under state and local housing codes. Although additional jurisdiction has increased the workload of the court, scheduling and caseload management efforts have been successful in reducing the backlog of pending cases. The District Court is continuing with these efforts and is working to meet time-of-disposition goals recommended by the Judicial Planning Council.

Jurisdiction Increased to Include Housing Violations

As of October, 1977, the District Court began to act as a Housing Court by assuming equity and appellate jurisdiction previously held by the Supreme and Superior Courts over violations of state and local housing codes and minimum housing standards. This transfer of jurisdiction was mandated by legislation passed by the General Assembly at the 1977 session. It is anticipated that housing cases will receive speedier action in the District Court, and the Superior and Supreme Courts will benefit from a reduction in their caseload.

The law that effected this transfer of jurisdiction also reclassified housing code infractions from misdemeanors to violations. Consequently, District Court decisions in these matters are final. The court now also has appellate jurisdiction once exercised by the Supreme Court over decisions of the Housing Board of Review. District Court rulings in all these matters will be only subject to review by writ of certiorari from the Supreme Court.

Action Taken on Pending Cases

As a part of its efforts to meet speedy trial goals, the District Court has been examining its inventory of long-pending criminal cases. While the court has been able to dispose of cases ready for trial without delay, a considerable backlog built up of cases that, because of action or inaction on the part of prosecution or defense, had never come to trial. Not wanting to be forced into arbitrary dismissals of large numbers of cases to implement proposed time-to-disposition limits, the court began a project to take more control of the scheduling of criminal cases and to reschedule all backlogged cases over six months old.

With the assistance of students hired during the summer, all criminal cases pending for six months or more were listed for each charging police department. The lists were then used by each division to dispose of these older cases. Copies of the appropriate lists were sent to each police department with a letter signed by a judge and clerk requesting a meeting to discuss the

handling of the backlogged cases. At these meetings, a prosecuting officer of a police department went over every case listed with the judge. If it was no longer possible to prosecute the case, it was dismissed but, if the police were able to proceed with the case, it was immediately rescheduled for trial. Only cases in which bench warrants were outstanding were left open with no trial date.

Recording Clerks Available to all Divisions

As the Legislature has expanded the jurisdiction of the District Court, the nature of its proceedings has changed. The decisions of the court on matters heard under this new jurisdiction are not subject to a *de novo* proceeding in the Superior Court. In these matters the action of the District Court is final and subject only to review on questions of law to the Supreme Court. This finality requires a full record be made and this record is available for any post-decision action.

To fulfill this new role as a court of record on certain matters, the District Court has acquired specially designed cassette tape recording machines. Selected District Court employees have been trained as recording clerks to operate these machines. Machines and operators are available to all the divisions of the court. A chief recording clerk has been hired to coordinate recording, to file and control taped records and to handle the



Court Recording Clerk Theresa Velletri catalogs taped court records.



District Court employees learn how to use their new Operations Manuals.

production of written transcripts from these records.

All taped records are kept by the chief recording clerk at the 6th Division District Court. From this office cassette tape copies are issued to attorneys.

Operations Manual Completed

The National Center for the State Courts (NCSC) was contracted to prepare an Operations Manual for the clerks and clerical personnel of the District Court. The manual was written in consultation with judges, clerks and other court employees. The manual is intended for use in all eight divisions of the court and will help clerks' office employees deal with new tasks, will assist the clerks in training new employees, and will help standardize procedures throughout the court.

The NCSC has prepared clerk's manuals and judges' benchbooks for other courts in New England and other states. The manual's format is based on the NCSC experience with similar guides and uses charts that clearly describe office procedures with samples of all forms used. A federal grant paid for the work the NCSC did on the manual.

The Operations Manual was bound in looseleaf binders with tabbed indexes for easy reference. The District Court plans to accompany distribution of the manual with a few workshops on its contents and its use. The looseleaf binders will allow substitutions and additions to continuously update the manual and preserve its usefulness as the court changes.

COURT DIRECTORY

SUPREME COURT JUSTICES:

Joseph A. Bevilacqua, Chief Justice
 Alfred H. Joslin, Associate Justice
 Thomas F. Kelleher, Associate Justice
 John F. Doris, Associate Justice
 Joseph R. Weisberger, Associate Justice

SUPERIOR COURT JUSTICES:

Florence K. Murray, Presiding Justice
 John S. McKiernan, Associate Justice
 Arthur A. Carrellas, Associate Justice
 William M. Mackenzie, 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
 Joseph F. Rodgers, Jr., Associate Justice
 Clifford J. Cawley, Jr., Associate Justice
 Corinne P. Grande, Associate Justice

FAMILY COURT JUDGES:

Edward P. Gallogly, Chief Justice
 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
 Robert G. Crouchley, Associate Judge
 John K. Najarian, Associate Judge
 Thomas F. Fay, Associate Judge

DISTRICT COURT JUDGES:

Henry E. Laliberte, Chief Judge
 Antonio S. Almeida, Associate Judge
 Orist D. Chaharyn, Associate Judge
 Paul J. Del Nero, Associate Judge
 Anthony J. Dennis, Associate Judge
 Francis M. Kiely, Associate Judge
 Walter R. Orme, Associate Judge
 Edward J. Plunkett, Associate Judge
 Charles F. Trumpetto, Associate Judge
 Victor J. Beretta, Associate Judge
 Robert J. McOsler, Associate Judge
 Albert E. DeRobbio, Associate Judge
 Vincent A. Ragosta, Associate Judge

ADMINISTRATIVE PERSONNEL

SUPREME COURT:

250 Benefit St., Providence, R. I.
 Walter J. Kane, Administrator,
 State Courts/Clerk 277-3272
 Ronald A. Tatalo, Administrative
 Asst. to Chief Justice 277-3073
 Robert C. Harrall, Deputy Administrator,
 State Courts 277-3266
 Brian B. Burns, Chief Deputy Clerk 277-3272
 John J. Manning, Business Manager 277-3266
 Edward P. Barlow, State Law Librarian 277-3275
 Sophie D. Pfeiffer, Chief Appellate
 Screening Unit 277-3297
 C. Leonard O'Brien, Coordinator, Judicial
 Planning Unit 277-3382
 Ronald R. LaChance, Director, S.J.I.S. 277-3358
 Thomas A. Dorazio, E.E.O. Manager 277-3266

SUPERIOR COURT:

250 Benefit St., Providence, R. I.
 John J. Hogan, Administrator 277-3215
 Joseph Q. Calista, Clerk 277-3250
 Alfred Travers, Jr., Jury Commissioner 277-3245
 Thomas S. Luongo, Criminal Assignment
 Clerk 277-3230
 Charles Garganese, Civil Assignment
 Clerk 277-3225
 Edward L. Pendleton, Public Contact
 Officer 277-3292

KENT COUNTY SUPERIOR COURT

Thomas M. Mooty, Clerk 822-1311
 222 Quaker Lane
 West Warwick, R. I. 02893

WASHINGTON COUNTY SUPERIOR COURT

Edgar J. Timothy, Clerk 783-5441
 1693 Kingstown Road
 West Kingston, R. I. 02892

NEWPORT COUNTY SUPERIOR COURT

John H. McGann, Clerk 846-5556
 Eisenhower Square
 Newport, R. I. 02840

FAMILY COURT:

22 Hayes St., Providence, R. I.
 Charles E. Joyce, Administrator/Clerk 277-3331
 Joseph D. Butler, Deputy Court
 Administrator 277-3334
 John J. O'Brien, Jr. Master 277-3360
 Dolores M. Murphy, Chief Juvenile Intake
 Supervisor 277-3345
 Howard F. Foley, Chief Family Counsellor 277-3362
 Raymond J. Gibbons, Supervisor of
 Collections 277-3356
 J. William McGovern, Fiscal Officer 277-3300
 William L. Doherty, Chief Deputy Clerk 277-3340

DISTRICT COURT:**SIXTH DIVISION DISTRICT COURT**

345 Harris Avenue
 Providence, R. I. 02909
 Raymond D. George, Chief Clerk 331-1603
 Joseph Senerchia, Administrative
 Assistant to Chief Judge 331-1603

FIRST DIVISION DISTRICT COURT

Gerald L. Bonenfant, Deputy Clerk 245-7977
 516 Main Street
 Warren, R. I. 02885

SECOND DIVISION DISTRICT COURT

Francis W. Donnelly, Deputy Clerk 846-6500
 Eisenhower Square
 Newport, R. I. 02840

THIRD DIVISION DISTRICT COURT

James A. Signorelli, Deputy Clerk 882-1771
 222 Quaker Lane
 West Warwick, R. I. 02893

FOURTH DIVISION DISTRICT COURT

Frank J. DiMaio, Deputy Clerk 783-3328
 1693 Kingstown Road
 West Kingston, R. I. 02892

FIFTH DIVISION DISTRICT COURT

Edward T. Dalton, Deputy Clerk 722-1024
 145 Roosevelt Avenue
 Pawtucket, R. I. 02865

SEVENTH DIVISION DISTRICT COURT

Paul A. Plante, Deputy Clerk 762-2700
 Front Street
 Woonsocket, R. I. 02895

EIGHTH DIVISION DISTRICT COURT

William W. O'Brien, Deputy Clerk 944-5550
 275 Atwood Avenue
 Cranston, R. I. 02920

COUNCILS**DISCIPLINARY COUNCIL:**

250 Benefit Street
 Providence, R. I. 02903
 Lester H. Salter, Chairman
 Frank H. Carter, Disciplinary Counsel 277-3270

JUDICIAL COUNCIL:

40 Westminster Street
 Providence, R. I. 02903
 Samuel J. Kolodney, Chairman
 Melvin L. Zurier, Secretary 751-2400

Category	1960-1961					Total
	1960	1961	1962	1963	1964	
Admission	100	110	120	130	140	500
Graduation	80	85	90	95	100	350
Dropouts	20	25	30	35	40	150
Transfers	10	12	15	18	20	75
Re-enrollment	5	6	7	8	9	35
Other	2	3	4	5	6	20
Total	127	136	146	156	165	610
By Department						
Theology	10	12	15	18	20	75
Education	15	18	22	25	28	108
Business	20	25	30	35	40	150
Science	25	30	35	40	45	175
Arts	30	35	40	45	50	180
Liberal Arts	40	45	50	55	60	210
Total	127	136	146	156	165	610

CASELOAD STATISTICS

RHODE ISLAND SUPREME COURT

ANNUAL CASELOAD*	1973	1974	1975	1976	1977
Cases on docket at start	240	311	326	355	447
New cases docketed	349	345	355	422	438
Cases disposed	291	330	326	330	364
Cases remaining of docket	311	326	355	447	521
TYPES OF CASES FILED	1973	1974	1975	1976	1977
Civil Actions	141	125	157	146	175
Criminal Actions	64	49	52	61	51
Certiorari	58	83	76	105	96
Family Court	16	23	18	35	32
Habeas Corpus	18	16	10	31	24
Workmen's Compensation	17	16	13	16	34
Other	35	33	29	28	26
Total	349	345	355	422	438

*Collected for the court year which runs October 1 to September 30.

RHODE ISLAND SUPERIOR COURT

CASES FILED	1973	1974	1975	1976	1977
Providence, Bristol					
Civil	3,496	3,672	4,376	4,431	3,974
Probate Appeals	19	24	45	26	46
Misc. Petitions	501	492	680	689	654
Indictments	1,955	1,649	1,638	1,455	1,689
Criminal Appeals	706	770	821	654	536
Totals	6,677	6,607	7,560	7,255	6,899
Kent					
Civil	476	514	616	721	875
Probate Appeals	20	15	29	11	5
Misc. Petitions	54	91	99	108	70
Indictments	404	292	327	388	318
Criminal Appeals	194	146	168	177	147
Totals	1,148	1,058	1,239	1,405	1,415
Newport					
Civil	260	233	310	299	308
Probate Appeals	1	4	3	3	4
Misc. Petitions	33	45	31	54	17
Indictments	279	307	179	164	140
Criminal Appeals	168	113	121	204	115
Totals	741	702	644	724	584
Washington					
Civil	226	302	287	348	354
Probate Appeals	4	5	10	12	6
Misc. Petitions	21	38	56	31	28
Indictments	199	203	230	152	120
Criminal Appeals	232	177	181	83	88
Totals	682	725	764	626	596
All Counties					
Civil	4,458	4,721	5,589	5,799	5,511
Probate Appeals	44	48	87	52	61
Misc. Petitions	609	666	866	882	769
Indictments	2,837	2,451	2,374	2,159	2,267
Criminal Appeals	1,300	1,206	1,291	1,118	886
State Totals	9,248	9,092	10,207	10,101	9,494

RHODE ISLAND FAMILY COURT

DIVORCE PETITIONS FILED	1973	1974	1975	1976	1977
Providence / Bristol					
Absolute Divorce	2,732	2,833	2,291	2,884	2,976
Bed & Board	253	237	233	235	191
Total	2,985	3,070	2,524	3,119	3,167
Kent					
Absolute Divorce	709	738	612	763	878
Bed & Board	84	80	75	65	46
Total	793	818	687	828	924
Newport					
Absolute Divorce	346	373	412	262	498
Bed & Board	73	55	44	21	26
Total	419	428	456	283	524
Washington					
Absolute Divorce	346	398	471	487	473
Bed & Board	28	23	11	10	8
Total	374	421	482	497	481
State Total	4,571	4,737	4,149	4,727	5,096

REFERRALS RECEIVED AND RECORDED

ADULT JURISDICTIONS	1973	1974	1975	1976	1977
Non-support of minor children	28	—	—	4	—
Neglect of children	2	—	—	4	—
Neglect to send to school	4	1	3	3	1
Contributing to delinquency	3	9	17	3	7
Alleged paternity	17	12	11	14	1
Change of Name	1	5	3	2	1
Bastardy	—	4	5	7	5
Battered children	—	2	—	2	—
Other	4	11	13	13	13
Total	59	44	52	52	28

JUVENILE PETITIONS	1973	1974	1975	1976	1977
Wayward Delinquent	5,645	5,403	4,840	4,993	4,464
Motor Vehicle	2,415	1,887	1,422	697	828
Dependency & Neglect	299	211	273	269	180
Child Marriages (couples)	131	94	100	69	59
Adoptions	524	456	403	348	418
Termination of Parental Rights	133	138	138	111	133
Battered / Abused Children*	—	—	23	71	74
Diverted to YDU*	—	—	810	897	940
Other	19	25	11	26	44
Total	9,166	8,214	8,020	7,481	7,150

*Not counted separately until 1975

JUVENILE REFERRALS

Counties

Providence / Bristol	3,264	2,917	2,356	1,950	1,934
Kent	1,064	1,003	991	771	724
Newport	333	322	287	310	322
Washington	302	363	256	219	244
Total (Counties)	4,963	4,605	3,890	3,250	3,224
Miscellaneous State Agencies	880	624	478	520	402
State Total	5,843	5,229	4,368	3,770	3,626

**DIVORCE CASES HEARD AND
DECISIONS RENDERED**

	1973	1974	1975	1976	1977
Providence, Bristol					
Absolute Divorce	1837	1,927	1,731	1,523	1,948
Bed & Board	7	15	6	16	3
Granted on Motion	77	84	58	55	75
	1,921	2,026	1,795	1,594	2,026
Discontinued	17	2	9	47	58
Total	1,938	2,028	1,804	1,641	2,084
Kent					
Absolute Divorce	391	367	455	431	585
Bed & Board	1	1	—	19	2
Granted on Motion	30	12	15	24	43
	422	380	470	474	630
Discontinued	45	1	54	9	5
Total	467	381	524	483	635
Newport					
Absolute Divorce	265	217	255	278	365
Bed & Board	1	—	—	4	—
Granted on Motion	24	16	14	24	24
	290	233	269	306	389
Discontinued	20	10	34	28	13
Total	310	243	303	334	402
Washington					
Absolute Divorce	228	246	241	313	333
Bed & Board	3	—	1	—	1
Granted on Motion	8	12	19	18	21
	239	258	261	331	355
Discontinued	22	8	13	16	22
Total	261	266	274	347	377
State Total	2,976	2,918	2,905	2,805	3,498

RHODE ISLAND DISTRICT COURT

CRIMINAL CASEFLOW	1973*	1974*	1975*	1976	1977
Misdemeanor					
Arraignments	40,370	44,289	36,535	22,365	23,211
Dispositions					
At Arraignment	27,949	32,136	24,537	12,661	13,477
After Trial: Changed Plea	10,388	10,701	11,167	9,420	12,404
Total	38,337	42,837	35,703	22,081	25,881
Backlog Increase/Decrease	2,033	1,452	832	284	-2,670

*Figures for these years include minor motor vehicle violations now handled by the Administrative Adjudication Division of the Department of Transportation.

Felony					
Arraignments	7,769	7,107	6,732	6,392	6,907
Dispositions	5,420	3,947	6,744	6,108	8,339
Backlog Increase/Decrease	2,349	3,160	-12	284	-1,432
Appeals	480	449	544	410	285

CIVIL ACTIONS	1973	1974	1975	1976	1977
Filings					
Small Claims	7,849	10,607	12,107	9,062	6,058
Regular Civil	18,889	20,610	21,228	19,964	22,430
Total	26,738	31,217	33,335	29,026	28,488
Dispositions					
Small Claims					
Hearing Judgments	1,114	717	706	631	547
Defaults & Settlements	2,728	3,471	5,906	5,688	3,728
Total	3,842	4,188	6,612	6,319	4,275
Regular Civil					
Trial Judgments	1,194	1,303	1,539	2,947	2,999
Defaults & Stipulations	13,270	13,967	11,901	12,484	13,971
Total	14,464	15,270	13,440	15,431	16,970
Appeals	306	350	445	489	543