



1979

Rhode Island Report on the Judiciary 1979

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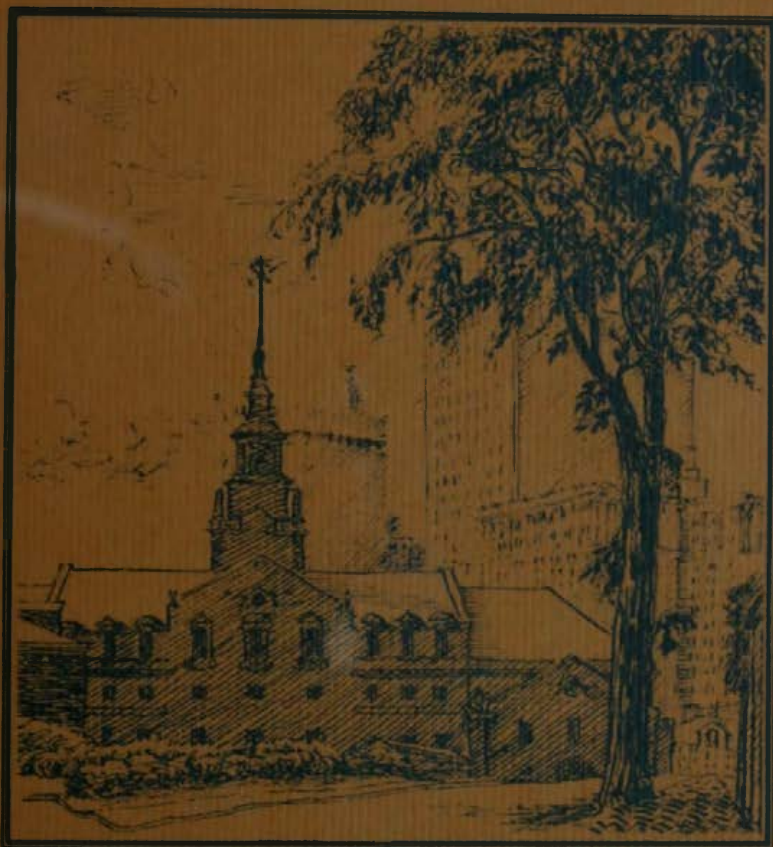
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STATE OF
RHODE ISLAND
REPORT ON THE JUDICIARY



1979



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Pursuant to Chapter 8-15 of the Rhode Island General Laws as amended by Chapter 247 of the 1975 Public Laws, this report was prepared by the:

ADMINISTRATIVE OFFICE OF STATE COURTS

250 Benefit Street

Providence, R. I. 02903

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TO: THE HONORABLE MEMBERS OF THE RHODE
ISLAND GENERAL ASSEMBLY

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

During 1979 progress in the state court system was marked by several very important milestones. Ground was broken for a new major courthouse in Providence, the first built in this state in over 50 years. Guided by speedy trial goals, the trial courts mastered growing criminal caseloads, while the Supreme Court increased dispositions to match the growing number of new cases docketed.

The groundwork also has been laid for future progress. The trial courts have planned additional caseload management improvements in the civil area. The Supreme Court has introduced several new procedures to assist it in dealing with its growing caseload, and a number of court system committees have been formed to investigate improvements in several specific problem areas. Plans have also been made for renovations and additional courtrooms in the Providence County Courthouse.

This report describes progress and programs in all the state courts. Its articles briefly mention some of the efforts and achievements of our judges and court employees to better serve the people of Rhode Island and the interests of Justice.

Sincerely,

Joseph A. Bevilacqua
Chief Justice, Supreme Court

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



Map of the State of Rhode Island showing the Superior and Family Courts

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 adoptions; 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

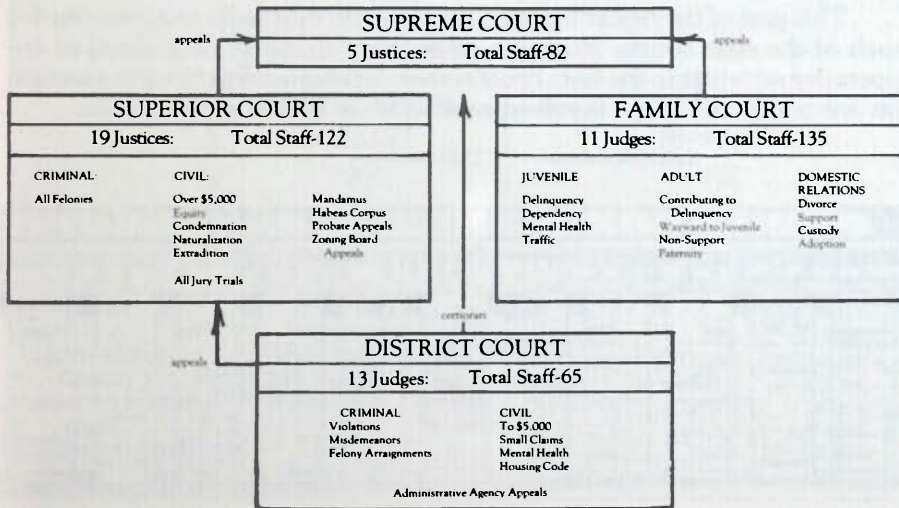
The Superior Court is the state's trial court of general jurisdiction. It hears civil matters concerning claims in excess of \$5,000 and all equity proceedings. It also has original jurisdiction over all crimes and offenses except as otherwise provided by law. All indictments found by grand juries or 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 re-development, 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 develop-

ment and implementation of management improvement projects in specified areas; and the application for and administration of federal grants for the court system.

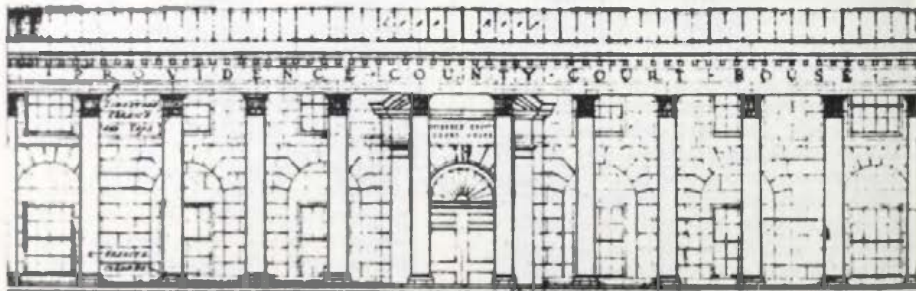
The State Law Library is also under the direction of the Supreme Court. This library provides an integrated legal reference system. Its first responsibility is to provide reference materials and research services for judges and staff of all courts. However, it also serves the general community.

1979 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 cooperative activities in the state court system, a program described in a section on one court could have involved another court or the entire system.

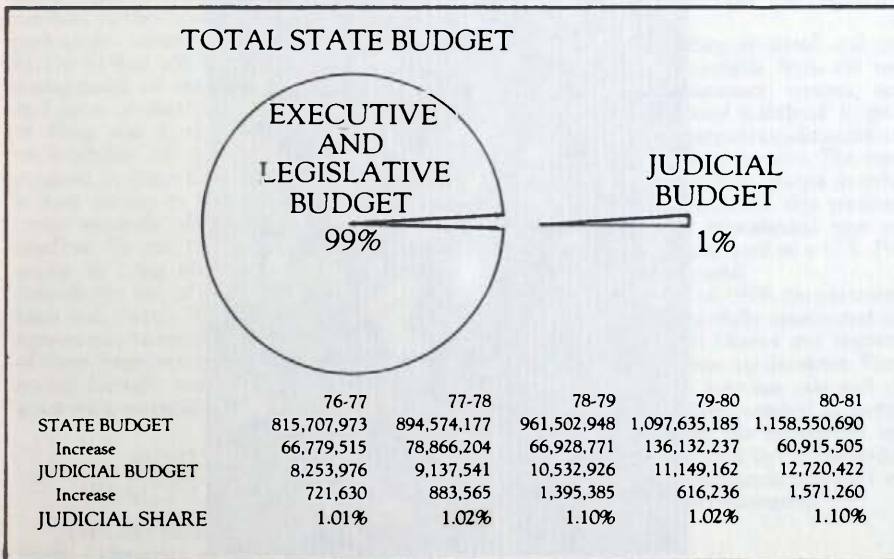
*The colonnade
of the Providence
County Court-
house from the
construction
drawings from
the office of
Jackson, Robert-
son, & Adams,
Architects
Drawn by C. W.
& F. G. B., June
8, 1931*



JUDICIAL BUDGET

The court budget request for the 1980-81 fiscal year was presented to the Governor's Budget Office in the fall of 1979. 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 1979-80 are the amounts allocated by the Legislature, and the 1980-81 figures are from the Governor's budget recommendations.



SUPREME COURT

During the court year 1979, the Supreme Court disposed of as many cases as were docketed. This was an achievement since in recent years the number of cases docketed has been steadily increasing. The court has responded with efforts to increase dispositions, and in the last four years it has been disposing of a larger number of cases each year. In 1979 the increase in dispositions finally caught up with the growing number of cases docketed and consequently, no cases were added to the inventory of those now pending court action.

Efforts throughout the judicial system to achieve reductions in criminal case disposition time and to reduce the number of pending criminal cases showed considerable success in 1979. With these programs well under way, the Chief Justice announced plans for a similar program to address civil caseflow.



Seated: Chief
Justice Joseph A.
Borjas
Standing: Justices
Thomas F.
Kelleher, Joseph
R. Weisberger,
John F. Dons, and
Florence K.
Munoz (Photo,
Neal D. ...)

COURTS COMMITTED TO REDUCING CIVIL CASE DELAY

In a speech delivered at the 1979 Judicial Conference, Chief Justice Joseph A. Bevilacqua observed that it was time to devote additional attention to insuring speedy disposition of civil cases and to reducing the case backlog of these types of cases. Delay in civil cases, he stated, "often creates more individual hardship on members of the public than any similar delay in criminal cases". He noted that in Providence County, where 71% of all Superior Court civil cases are filed, the number of these cases pending trial continued to grow despite the fact that there was a decrease in the number of cases filed.

To address these problems, the Chief Justice called for a second Speedy Trial Conference at which some specific objectives were outlined. He suggested that these objectives should include: 1) that all civil cases be managed by the court from the day they are filed in the court system, 2) that a comprehensive control system be developed similar to that which has been used for the management of criminal cases, 3) that all civil cases be disposed of within 18 months of filing, and 4) that each court have the responsibility of developing an individual program to attain these goals. This approach is very similar to that which was used in highly successful efforts to improve criminal caseflow. He said that it is the intent of the courts to bring about successful solutions through the use of internal systems development and change. While some additional resources may be required, he stressed that most of these improvements will have to be supported through more effective use of what is currently available.

SENTENCING PRACTICE STUDIED

The Chief Justice appointed a Sentencing Study Committee in 1979 in response to

increasing public and professional concern over court sentencing practices. Nationwide there has been a movement to reduce judicial discretion in sentencing by statute or court rule. Rhode Island has been no exception with recent amendments to the criminal code providing for harsher, mandatory sentences on a few crimes; and a statute requiring courts to keep a register of all sentences. There has also been some criticism of certain sentences from citizen's groups and the press.

The committee was assigned to fully study existing sentencing practices so the courts could better deal with demands for changes in this area. Since sentencing is a very complex issue involving many factors and having an enormous impact on individual defendants, it was felt unwise to consider changes without a real understanding of current practice. The committee is chaired by Supreme Court Associate Justice Thomas F. Kelleher, and its membership includes judges from each of the state courts and representatives from the Attorney General's Office, the Public Defender, the Legislature, and the public.

During 1979, they reviewed and discussed information available from the sentence register, pre-sentence reports, and court records; but found it difficult to get a true picture of how sentencing decisions are made from any of these sources. The committee then looked at how groups in other jurisdictions had approached this problem, and decided that a hypothetical case experiment similar to one used in a U.S. District Court would be useful.

Toward the end of 1979, the committee distributed a set of carefully constructed hypothetical cases to all District and Superior Court judges for sentencing decisions. There was almost a 100% response rate and the committee staff has been assigned to analyze the results. Based on this experiment and other information gathered by the committee, they plan to make recommendations and form a program for their implementation.

CONFERENCES SEEK EARLY SETTLEMENTS ON SOME APPEALS



Associate Justice Joseph R. Weisberger, one of the Supreme Court Justices conducting Pre-Argument Settlement Conferences, goes over a conference schedule with Bruce Vesley, the law clerk who assists the court on this project.

The Supreme Court is testing the usefulness of pre-argument settlement conferences in encouraging parties to settle and withdraw their appeals before action by the full court. This is one of several new procedures the court is considering in its efforts to more effectively deal with an ever-rising caseload. Using provisional orders, the court has established procedures for assignment of roughly one half of the appropriate cases to pre-argument conferences. This allows the court to compare disposition patterns between those cases assigned to conferences and those that are not. Such a comparison will show if the new procedure can increase the number of cases settled before oral argument.

Cases randomly selected for assignment to a pre-argument conference are scheduled at docketing to the next available conference date, usually within one month, and both parties are notified. The conferences are conducted by a justice of the Supreme Court who assists the parties in focusing on the issues and exploring the possibilities for settlement. Information forms submitted when an

appeal or petition is filed help the justice prepare for the conference, and generally provide the court with useful information on the characteristics of their pending caseload. If there is no settlement before or during the conference, the justice instructs the parties to report back by a certain date.

A preliminary review of the use of this procedure in 1979 gives some indication that it may be useful. Almost one quarter of the cases assigned to these hearings have been settled or otherwise withdrawn. A law clerk has been assigned to collect information on the effectiveness of this procedure. He also assists the justice conducting the conferences by maintaining the files on the cases involved and by keeping in contact with the parties.

ATTORNEY SPECIALIZATION CONSIDERED

The Supreme Court Committee on Attorney Specialization was appointed in 1978 to investigate proposals and programs that recognize and regulate specialization in the practice of law. Chaired by Supreme Court Associate Justice Alfred H. Joslin, the committee members are judges and respected members of the Bar. The full committee has met seven times and plans to report their findings to the court in 1980.

Beginning in the fall of 1978, the Committee reviewed reports on specialization in other jurisdictions and studied proposed and model specialization plans. They invited the chairman of the American Bar Association's Standing Committee on Specialization to make a presentation on his committee's findings, and heard from a Florida attorney, who was also a member of this ABA Committee, about the implementation of a specialization plan in that state.

In 1979, they commissioned an opinion survey of the state Bar membership. This poll of a random sample showed that 75% of the respondents agreed that there should be a voluntary specialization plan for Rhode Island.

Almost 70% of the attorneys questioned considered themselves specialists in a particular field of law.

The Committee has considered and discussed the results of their investigations. A report has been drafted and will be revised by the committee in 1980 for submission to the Supreme Court.

INCREASED MEDIA ACCESS EXAMINED

A Media Access Committee was appointed by the Chief Justice, and charged by him to consider the advisability of increased media access to state court proceedings. Supreme Court Associate Justice John F. Doris is the chairman of this committee composed of judges, media representatives, representatives from other criminal justice agencies, and members of the public. During its deliberation it has heard presentations from concerned individuals and groups regarding the technology of media coverage and the legal consequences of such access.

This group has studied the effects of recent actions in several states allowing increased press, radio and television coverage of court proceedings. Florida has been in the forefront of jurisdictions extending media access and their program has been challenged in federal courts and is presently before the United States Supreme Court.

A survey has been planned by the committee to measure the opinion of the full committee membership and all state judges on increasing media access to court. The survey will ask generally if they favor allowing electronic media into the court, and will include more specific questions on the advisability of conducting a pilot program to test the effects of increased media coverage. After the results of this survey are compiled and considered by the committee in 1980 a report will be made to the Supreme Court.

ADDITIONAL INSERVICE EDUCATION OPPORTUNITIES PLANNED

In the fall of 1979 the Chief Justice appointed a Court Committee on Continuing Education to plan and coordinate a comprehensive continuing education program for judges and all court personnel. Chaired by Supreme Court Associate Justice Joseph R. Weisberger, the committee has representatives from each state court. In order to better address its objective of serving the education needs of all court employees, the chairman appointed three subcommittees. Each subcommittee was to concentrate on the specific needs of a different segment of the court staff: judges, clerks and support employees, or sheriffs.

The committee met before the end of the year and considered a survey done earlier on judges ideas for in-state judicial education. They also discussed the training needs of other court personnel. Although their primary objective is the expansion of court-run education programs, the committee agreed that national professional education programs for judges and administrative personnel should continue to be used as they provide a level of specialized education that could not be duplicated instate. Considering the broad scope of education needs in the Court system, the committee made a preliminary recommendation that additional funds be requested for this purpose in the next state budget. The State Court Administrative Office has been assigned to support this committee's work and the position of State Judicial Education Officer within that office is responsible for implementing their plans.

Plans for 1980 call for a series of court sponsored sheriffs training sessions and an ongoing seminar series for court employees. The committee will explore the possibility of joining with neighbor states for regional judges seminars, and will consider in-state programs on topics of special interest to Rhode Island judges.

*Deputy Clerk
Brian Burns,
system analyst
Philomena Lupo
data entry clerk
Elizabeth
Medeiros review
new statistical
reports that allow
the Supreme Court
to better monitor its
caseload.*



JUDICIAL COUNCIL SUGGESTS COURT IMPROVEMENTS

The Rhode Island Judicial Council exists to study the organization and administration of the state's judicial system. It consists of six members of the Bar appointed by the Governor to three-year terms. They meet regularly and submit a report to the Governor annually.

During 1979, the Council considered several matters including: ways to help the Family Court with an increasing workload, civil case delay, and the jurisdiction of the District Court. In their annual report to the Governor, they made comments and recommendations on each of these and other subjects.

To aid the Family Court, the Council suggested the establishment of a position of Community Advocate in the Office of the Attorney General to initially screen all juve-

nile matters and determine which should be handled by criminal prosecution and which by an alternate program such as diversion. It further recommended the development of Informal Advisory Panels to provide experienced Family Court practitioners to meet on an informal, pretrial basis with parties. The purpose of this is to narrow issues and make a recommendation to the trial court for entry of a pre-trial order. It is hoped this chance to meet informally with experienced members of the Family Court Bar would result in settlements of a number of differences.

The Council reaffirmed two prior recommendations designed to more efficiently distribute court caseloads. They advocated full interchangeability of District and Superior Court judges in both civil and criminal matters and also advised increasing the exclusive original jurisdictional amount of the District Court from \$5,000.00 to \$7,500.00.

In dealing with civil delay, the Council suggested an experiment with arbitration panels similar to those used in the general jurisdiction trial court in New York. These panels consist of three volunteer lawyers, selected from a computerized list, who deal with cases involving \$6,000.00 or less in damages. Arbitration could be compulsory but decisions would not be binding. The Council suggested that this procedure would help reduce delay by eventually achieving as high a degree of finality as have our District Courts.

The Council further addressed the problem of the proliferation of Municipal Courts, calling the creation of new specialized courts a "step backwards in our judicial system." It also recommended additional Motion Days for Superior Court in Kent County utilizing District Court judges; suggested the use of motions to close discovery to allow cases to be prepared in a more timely fashion while encouraging a greater number of pre-trial dispositions; and asked the Legislature to improve Court procedure in cases involving breach of bond to strengthen the effectiveness of these actions and to speed their disposition.

JUSTICE MURRAY ELECTED TO SUPREME COURT

The Honorable Florence K. Murray was elected to the Supreme Court by the Legislature during a Special Session in November of 1979. The Legislature acted to fill the position on the court vacated when Justice Alfred Joslin retired at the end of the summer of 1979. Justice Murray had been a Superior Court Justice for 22 years, serving as Presiding Justice from April 4, 1978 until her Supreme Court election.

In her judicial career, Justice Murray has won wide recognition and has held leadership positions in several national professional organizations. Currently, she is on the Board of Directors of the National Judicial College, the American Judicature Society and the Institute of Court Management. She is Secretary of the Executive Committee of the National Conference of State Trial Judges and serves on several important committees within that organization. She is also a member of the Boston University Law School Board of Visitors, and serves on the Boards of Trustees for Syracuse University, Bryant College, and Salve Regina College.

During World War II, Justice Murray served five years in the WAC, was awarded the Legion of Merit and attained the rank of Lieutenant Colonel. After the war, she served nine years on the Newport School Committee — five of those years as Chairman. During that time, she also was elected to the State Senate for four terms. She was graduated from Syracuse University and from Boston University Law School. She is admitted to



Justice Florence K. Murray

the State Bar in Rhode Island and Massachusetts, as well as the Federal Bar. She also was admitted to practice before the U.S. Tax Court and the U.S. Supreme Court.

BAR ADMISSIONS

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 for maintaining application files. All arrangements for the bar examinations that are given twice a year are made by this office.

The number of candidates sitting for the state bar exam in 1979 was up slightly from 1978. 192 law students took the exam, 168 achieving passing scores.

LEGISLATIVE ENACTMENTS

Chap. 19-H 6129: Amends *provisions* relating to the retirement of judges. Provides for compensation for retired judges called back to full-time service and also providing for cost of living increases of 3% for retired justices and their *widow*.
Chap. 35-S 192: Establishes as a felony failure

to appear in court on the date, or *within* 30 days of the date set by the courts, for persons accused of a felony and released on bail or recognizance.
Chap. 36-S 195A: Requires the approval and registration of a professional bondsman by the presiding justice of the superior court; provides that

such registration shall be revoked for bondsman's failure to satisfy recognizance for which he is bound, either in full or for part thereof determined by the court, eliminates judicial discretion on deposit of money in lieu of bail.

Chap. 120-S 842: Provides that itemized bills and reports for medical and hospital services may be admitted as evidence of fair and reasonable charges for such services in a proceeding for personal injuries before any court, commission or agency.

Chap. 121-S 851: Provides that whenever the jury commissioner selects jurors from the registered voters by means of electronic data processing equipment, the clerk of the board of canvassers shall not be required to furnish any additional manually compiled list of registered voters.

Chap. 123-S 1022: Provides that the jury commissioner shall compile a list of jurors selected from the registered voters of the several cities and towns, randomly mixing the names drawn, whether by computer or manually.

Chap. 124-S 1041: Authorizes the jury commissioner or his agent to serve juror notifications with the consent of the local town sergeant.

Chap. 127-S 59: Establishes a definition and provides punishment for the offense of organized criminal gambling and includes such offense as one for which interruptions of wire and oral communications may be authorized.

Chap. 129-S 310: Establishes cruelty to or neglect of a child as a felony; sets penalties for first and second degree child abuse; requires additional investigation by law enforcement agency.

Chap. 131-S 356: Provides that a warrantless arrest for domestic assault must be made within 24 hours of the commission of the offense.

Chap. 141-S 606: Establishes penalties for first and second convictions of indecent assault on a child; bars provisions of suspended or deferred sentence, or probation for second conviction.

Chap. 142-S 620: Provides that any person convicted three times for shoplifting, larceny, or receiving stolen goods or any combination thereof, shall be deemed a habitual offender; sets out penalties for subsequent convictions.

Chap. 151-H 5558: Increases the time limit for bringing suit for a claim involving disability or death resulting from an occupational disease from 24 to 36 months under the workers compensation laws.

Chap. 164-H 5455: Prohibits operation of a motor vehicle while consuming alcoholic beverages; provides for administrative adjudication and a fine of not more than \$200 suspension of driver's license for up to 6 months, or both.

Chap. 172-H 5557: Amends the Uniform Commercial Code, Title 6A of the General Laws, as proposed by the Permanent Editorial Board of the Uniform Commercial Code.

Chap. 178-H 5696A: Includes the unlawful killing of a human being while committing or attempting to commit arson, or certain other unlawful burnings of property, as murder in the first degree.

Chap. 185-H 5938: Enacts the uniform law on paternity with jurisdiction in the family court.

Chap. 187-H 5983A: Authorizes the appointment of special family court masters to assist in placement, custody, and adoption of children.

Chap. 190-H 6038: Requires the department of SRS to petition the family court for the care, custody and control of children voluntarily placed with said department for foster care who remain for a period of 12 months.

Chap. 191-H 6046: Establishes a procedure for the issuance of executions against the parent responsible for support of any child, when such support is 45 days overdue.

Chap. 192-H 6056: Requires a written report to be submitted to the family court once per year on each child entrusted to the department of SRS.

Chap. 203-H 5041: Prohibits stringing a highway at a height less than 14 feet.

Chap. 206-H 5440: Authorizes the department of environmental management to conduct a pistol/revolver certification course, completion of which shall be a prerequisite for purchase of a pistol or revolver.

Chap. 217-H 5775: Establishes as a crime the accessing or causing to be accessed any computer or computer program for false or fraudulent purposes and provides a penalty therefor.

Chap. 224-H 5944: Increases the fine for conviction of larceny to \$3,000.

Chap. 235-H 5171: Increases the liability of parents to a maximum of \$1,500 for willful or malicious damage or injury by their children.

Chap. 239-S 60: Authorizes superior court to order common carriers of oral communications to provide information facilities and technical assistance for wiretaps; exempts such carriers from criminal and civil liability.

Chap. 241-S 156: Authorizes active and retired judges of the various state courts to administer oaths.

Chap. 244-S 193: Establishes penalties for prisoners who escape, attempt escape, or assault an officer while in the custody of the Director of Mental Health, Retardation and Hospitals.

Chap. 245-S 194: Provides that the soliciting of another person to commit or join in the commission of a felony shall be punishable by the same penalty as the felony solicited with a maximum of 10 years imprisonment.

Chap. 246-S 299: Authorizes family and district courts to order persons to any appropriate state facility to determine mental retardation.

Chap. 249-S 419: Establishes assault upon a sheriff, deputy sheriff, or state marshal as a felony.

Chap. 255-S 695: Provides for sessions of the superior court for Providence and Bristol counties on a continuous basis.

Chap. 256-S 703: Allows any judge to elect membership in the state retirement system if he was a member prior to becoming a judge.

Chap. 259-S 832: Provides that the attorney general upon written request shall defend a state employee or former state employee for an act or omission which occurred within the scope of employment, and further provides for exceptions.

Chap. 260-S 909: Amends Reciprocal Enforcement of Support Law, providing for improved procedures and extending by reciprocal legislation the enforcement of duties of support.

Chap. 278-S 1221: Amends provisions of the law relating to driving after suspension of license and fines; therefore, authorizes division of administrative adjudication to conduct probationary license hearings.

Chap. 279-H 5224A: Amends provisions of the law relating to alimony and child support; provides for assignment of property in divorce proceedings.

Chap. 293-S 348: Repeals in its entirety the law governing commitment of defective delinquents.

Chap. 302-H 5408A: Repeals Chapter dealing

with "Rape & Seduction"; and creates new chapter on "Sexual Assault", setting out definitions, criminal conduct and penalties therefor.

Chap. 304-H 5871A: Redefines acts which constitute disorderly conduct; amends sanctions for non-support to include the wife as well as the husband.

Chap. 320-H 5725: Increases the maximum fee per page to \$1.50 for transcription of superior and family court proceedings by court stenographers.

Chap. 329-S 567: Provides that a final decree of divorce on the grounds that the parties have lived separate and apart for at least three years shall not be effective until 20 days after its entry.

Chap. 334-S 699: Repeals provision for reserving until the end of a trial questions on the constitutionality of a law in criminal cases.

Chap. 338-S 856A: Provides that the natural parent not having custody of children, except upon the showing of cause, shall be granted reasonable rights of visitation.

Chap. 366-S 121: Provides for the extradition of juveniles to other states.

Chap. 369-S 569: Provides for appeal to superior court from a decision of the Commissioner of Education in matters concerning transportation of school pupils beyond city and town limits.

Chap. 373-S 705: Increases compensation paid to family court stenographers for furnishing transcripts; amends certain procedures of and grants additional powers to the family court.

Chap. 394-H 5855: Clarifies the standards for parole eligibility of a prisoner sentenced for an offense committed after the imposition of the sentence then being served.

Chap. 396-H 5866: Provides for appointment of assistant clerks of the district court.

ADMINISTRATIVE OFFICE

Programs of the Administrative Office of State Courts in 1979 included accomplishments in several important areas: construction of a new judicial complex in Providence, improvement of security in all court facilities, implementation of new personnel rules for employees in the unclassified service, and development of more responsive information systems. The Administrative Office also continued to provide administrative and planning services for court system programs improving caseflow and otherwise increasing the effectiveness of court operations.

JUDICIAL COMPLEX AHEAD OF SCHEDULE

Ground was broken in July for a 6-story Judicial Complex in Providence. Construction began quickly, and effective contract management helped by milder than usual winter weather allowed work to move 6 weeks ahead of schedule. The projected completion date has been advanced to summer 1981. Financed and built by the state Public Building Authority (PBA) the complex will be occupied by the Family and District Courts. The complex will

also be the new home of the state Workers' Compensation Commission.

The PBA is an independent body appointed by the Governor with the authority to issue bonds for the construction of new state buildings. The Authority selected the architect and contract manager and has complete responsibility for the construction of the complex. However, the courts have participated in design of their facilities and the Authority has been responsive to their needs. The judiciary will pay rent for the use of the complex, and that rent will be used to retire



*This view of the
Dorrance Street
side of the new
Judicial Complex
shows major
construction
almost completed.*

the PBA bonds. When these bonds are deemed the state will own the complex.

The Courts have recognized the need for new facilities for many years. The Chief Justice made this a priority objective for the judiciary, and with the cooperation of the Governor was able to use the PBA to build the first new courthouse in over 50 years. Planned to meet the special requirements of courts the new complex should be a great improvement over the old school building now housing the Family Court and the former factory where the District Court is now located. Designed with special consideration for the needs and convenience of the public, the new complex should be a great asset to the court system.

SECURITY PLANS IMPLEMENTED

Some of the central provisions of a statewide court security plan were implemented in 1979. Through an arrangement with the Executive Department, officers of the Capitol Police have been assigned to court facilities. The Judiciary is using these security officers within the context of their overall security plans. The Court Security Supervisor is responsible for coordinating the activities of all security personnel and for providing them with facilities and equipment. Extensive improvements also have been made in physical security arrangements in courthouses statewide.

Beginning in September, access to the Providence County Courthouse has been monitored by the Capitol Police using metal detectors at the two public entrances. A security officer is also on duty at this courthouse after hours, and there are plans to assist this officer with electronic monitoring equipment that records all entrances after the building is closed. Additional plans call for improved emergency evacuation alarms and procedures.

Detention areas in the Woonsocket Courthouse were inspected in November and while the cells were found adequate, problems were noted with controlling access to the detention area and isolating prisoners from con-



Capitol Police Officer Ed Lomergan uses a walk-through metal detector at an entrance to the Providence County Courthouse.

tact with the public. Plans were made to install additional security screening to correct the problem. In Newport, similar security screening was added to windows around the cell block area, and plans were made to add external lighting and to provide the Newport County Sheriff with a complete communications system. The Kent County Courthouse plans also call for improved external lighting. Capitol Police have been assigned there, and after hours security has been improved by adding electronic locks.

In the old Family Court building in Providence, a security inspection done in the early fall of 1979 revealed the need for specific security improvements in the detention area. Following up on this study, the cells were reinforced and the doors to the detention area were replaced and secured with electronic locks. Additional improvements planned include an alarm system to alert sheriffs to problems.

Security considerations have been a part of plans for the new Judicial Complex in Providence since its early design stages. Working with the architects, the Security Supervisor has assisted in including security features in the building's basic design and in adding necessary physical and electronic security equipment.

INFORMATION SYSTEM OFFERS NEW SERVICES UNDER A NEW NAME

The Statewide Judicial Information System (SJIS) closed 1979 with wider computer services for the courts and a new name, Rhode Island Judicial Systems and Sciences (RIJSS). The name was changed to better reflect the true range of services provided by this agency to the entire adjudication community.

RIJSS now operates a remote terminal support network with 34 terminals statewide. This network gives every court building and the Adult Corrections Institution access to an expanding range of RIJSS services. There are plans for extending the network to serve regional and state police departments. RIJSS is also exploring the possibility of connecting this network using microwave transmissions instead of telephone lines. This could eliminate delays and other problems now being experienced with the use of New England Telephone Company equipment.

Probation benefited from expanded information services as a new Superior Court clerk's note form was put in use. An additional copy of this form now provides Probation and Parole with an up-to-date record of court actions. This assists planning by allowing them to anticipate changes in probation caseload and future requests for presentencing reports.

Services provided to the Family Court assisted with the development of a model Juvenile Justice Information System on schedule in September. Continued RIJSS support helped tailor the model system to the specific needs of the Rhode Island Family Court. By the end of 1979 this court had access to a total juvenile tracking and statistical system. Using on-line entry this system provides a wide range of statistical information as well as listing of cases on the calendar for each county on a particular date or range of dates. Design has been completed on an addition to this system that will provide an automated statewide domestic relations case index to be in use by the middle of 1980.

Expansion of services to corrections and police departments have been planned with a statewide warrant system and an automated jail list. However, equipment delivery problems and other commitments on programming staff time delayed the scheduled implementation of these plans until near the end of 1980. The warrant system will allow on-line inquiry on the status of all warrants, and the new jail list will help track the status of all prisoners at the ACI and will be immediately updated every time an inmate is released or a new prisoner is admitted. The information in these two systems will be accessible from all RIJSS terminals.

The Attorney General has two new projects in design at RIJSS. A detailed time accounting system will track the activities of prosecutors and allow billing for services provided to other state agencies. A new automated Civil Index will list all cases brought against the state and will provide an up-to-date summary of total punitive damage claims lodged against the state at any particular time.

RIJSS plans for 1980 call for the creation and installation of several other information systems to serve specific needs of adjudication agencies. There will be temporary inconveniences associated with the set up and testing of these systems, and there will be times when the parallel running of new automated and existing manual system will require duplications of effort.

Despite these brief inconveniences and some adjustments required by the new systems, our experience has shown that all users will benefit as they find they will be able to retrieve in minutes useful information that use to take days to access or was completely unavailable.

NEW PERSONNEL RULES IMPLEMENTED

In September personnel rules for the unclassified service were adopted by the State Unclassified Pay Board and approved by the Governor. These rules set uniform standards for working conditions, job classification, and

computation of pay rates. The great majority of state employees are in the classified service and have been covered by personnel rules or union contracts that guarantee the terms and conditions of their employment. However, most court personnel (88%) are not in the classified service, so the new unclassified rules now extend similar guarantees to them.

Since most court employees are in the unclassified service they make up a large proportion of state personnel in that category. Consequently, the Judiciary, through their representative on the Unclassified Pay Board participated in the drafting of the new personnel rules. Several adjustments were made to proposed rules so they would better reflect the special requirements of the courts and their employees.

After their adoption, the courts have moved to fully and fairly implement these rules. By administrative order, the Chief Justice established new uniform time and leave reporting procedures. The state courts Employee Relations Office carefully analyzed changes in personnel procedures mandated by the rules and prepared the required new forms. The Administrative Office arranged meetings with clerks, administrators, and supervisors from all courts and prepared information packets for all employees to explain the new rules provisions and new procedures used to implement them. These preparations were completed in the last quarter of the year and the required forms and personnel procedures were fully installed at the start of 1980.

FEDERAL ASSISTANCE DROPS BY 21%

In 1979 the courts received federal funds through 11 grants from the Law Enforcement Assistance Administration (LEAA). The total amount awarded in these grants was \$363,568, which was \$98,272 less than allocated to LEAA grant projects in 1978. There have been cuts nationwide in this program and it is possible that LEAA will be drastically reduced or even eliminated in the future. The courts have continued to make full use of avail-

able federal assistance, but have been planning further for reductions in this support.

Titles of 11 LEAA-funded court programs are listed below with short descriptions of their objectives. Additional information on the progress made in some of these programs can be found in sections of this report on each of the four courts.

COURT SECURITY — Provides modern electronic equipment to improve physical security for officers of the court and all persons attending court proceedings, also to increase the security of court records and documents.

JUVENILE JUSTICE INFORMATION SYSTEMS — Supports with personnel and data processing equipment the implementation of an automated system which meets the Family Courts' information needs.

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

JUDICIAL PLANNING COUNCIL — Design and aids coordinated planning for the courts and other justice system agencies.

STATEWIDE JUDICIAL INFORMATION SYSTEMS — Provides the Judicial System with automated capabilities designed to meet case tracking and statistical information needs for all courts, the Department of the Attorney General and the Public Defender's Office.

SUPERIOR COURT FACILITIES — Funds the remodeling and refurbishing of space in the Providence County Courthouse (3rd floor) to add a thirteenth Superior Courtroom.

PROVIDENCE COUNTY COURTHOUSE STUDY — Contracts for a space utilization study of the Providence County Courthouse to determine how to reorganize the present space maximizing the number of courtrooms and relocating support staff based on their functional relationships.

CHILD MONITORING — Allows a more active role of the Family Court to monitor children in placement with an innovative use of trained volunteers.

FAMILY COURT RULES OF PROCEDURE — Finances the use of professional consultants to help the Family Court develop juvenile criminal rules of procedure. This will include a review of published standards and models of juvenile procedure, juvenile rules adopted in other jurisdictions, relevant case law and federal and state statutes affecting the court.

COURT DELAY PROJECT — Assists the study and improvement of criminal and civil caseload management in the Superior Court.

SUPERIOR COURT

In 1979 the Superior Court disposed of many more felony cases than were filed during the year. Consequently the backlog of pending criminal cases was greatly reduced and significant progress was made toward the goal of disposing of every felony case within 180 days of filing date. Plans were made for a similar courtwide effort to reduce both the number of civil cases pending disposition and the average time civil cases spend awaiting trial.

MORE FELONY CASES DISPOSED THAN FILED

Throughout 1979 the Superior Court successfully continued its efforts to manage its criminal caseload and eliminate its backlog of long-pending cases. Since the start of the backlog reduction program the number of felony cases awaiting trial over 180 days was reduced by 78%. The scheduling system used in this program allowed the court to dispose of older cases while assuring that newer cases were still being processed within the 180-day time limit.

Quarterly caseload figures show that in Providence and Bristol Counties, the court's busiest jurisdiction, more felony cases were disposed than were filed in every quarter of the year. In the 2nd quarter there were 1246 cases disposed, while only 544 cases were filed. This margin is particularly noteworthy since filings were higher in this period than in any other quarter.

To support these efforts to dispose of more felony cases, the court assigned more judges to the criminal calendars. This was made possible through the use of judges from the District Court and part-time assignment of retired judges. Judges from the entire court used various methods and devoted special effort to handling more cases.

The court's Criminal Scheduling Office continued to assist the courts by assigning cases for timely hearings and trials; then by monitoring the progress of every case. An on-line computer information system has given

them access to complete and up-to-date information on the status of calendars and individual cases. This system also produced management reports on the courts criminal caseload and the pending case inventory.

CIVIL CASELOAD STUDIED

With the criminal case management program well underway, the Superior Court has begun to study ways to reduce delay in handling civil cases. Preliminary analysis of civil caseloads has shown that the number of civil cases pending has been constantly increasing. In Providence, where 71% of all civil cases are filed, pending caseload rose 22% from 7400 to 8000 cases during 1979. The Superior Court's efforts in the civil area are part of a system-wide attack on civil case delay.

The court has received a special \$15,000 allocation in the state budget to support an expert evaluation of civil case backlog problems with recommendations for improved caseload management. The court has hired 6 clerical employees under the CETA program and they will be used to assist this study. A preliminary review of civil cases now awaiting court action has already begun in an effort to show bottle-necks in the current system.

Preliminary plans have been made for a court-wide program to assure that civil cases are disposed within reasonable time limits. This program will fully involve the civil trial bar, and preliminary consultations have already been held with the existing Superior Court Bench-Bar Committee. Plans also

called for further use of the court's computer information system to provide data on civil cases and for study of model civil delay reduction projects in other jurisdictions.

NEW PRESIDING JUSTICE APPOINTED

The Honorable Anthony A. Giannini was appointed Presiding Justice of the Superior Court succeeding Justice Florence K. Murray who was elected to the Supreme Court. Justice Giannini has served 10 years as an Associate Justice on the court.



*Presiding Justice
Anthony Giannini*

Admitted to the Bar in 1951, Justice Giannini's professional career has included public service as counsel to the Public Utilities Administrator, and as Executive Secretary to Governor Notte. In addition to his service on the Bench, he is Chairman of the Commission on Judicial Tenure and Discipline, is a member of the Governor's Advisory Committee on Judicial Appointments, and is on the Board of Directors of the American Judicature Society. He is also on the national Advisory Committee to the Center for Judicial Conduct Organizations.

A graduate of Providence College, Justice Giannini received his law degree from Boston College. During World War II he served in the Air Force. He is active in community affairs, and is a member and officer of civic, charitable, and religious organizations. He is a member of the Corporations of Providence College and Roger Williams College.

RENOVATIONS ALLOW INCREASED COURT ACTIVITY

A specific allocation from the state capital budget allowed some interior improvements in the 50-year old Providence County Courthouse. These improvements help support increases in Superior Court activity that have come with additional judges and full court sessions in the summer.

Air-conditioning has been added to 8 courtrooms and some remodeling has turned previously under-used areas into needed office space. New offices created have included judicial chambers, judges meeting rooms, and offices for court secretaries and court stenographers. Carpeting has also been installed in some areas to improve acoustics.

CLERK'S OFFICE REORGANIZED

Some major improvements have been made in the Providence/Bristol County Superior Court Clerk's Office. These have included a reorganization of the office paper flow to make it quicker and easier to file motions. In addition, a new Audit Control Unit is monitoring the flow of cases, and the Audit Support Unit is handling fiscal activities.

There have been physical renovations made as well, centering around the installation of a new counter. The improvements have been made in consultation with the state Auditor General and Management Consultants Arthur Young, Inc.



A parallel examination was undertaken of the use of court secretaries. This has resulted in changes in the way work has been assigned to them in order to make better use of existing staff. Tape equipment has also been introduced for dictation and other tasks. These changes have increased the effectiveness of the support the office can provide in handling criminal cases.

APPOINTMENT REPLACES RETIRED JUSTICE

The Honorable Dominic F. Cresto was appointed as a Superior Court judge in August of 1979 to fill the position vacated by Justice Francis J. Fazzano. Justice Fazzano retired after 7 years on the Bench and 27 years of state service as a member of the Attorney General's

staff, Director of the State Department of Business Regulation, and then Director of the Department of Transportation.

As an attorney, Justice Cresto has had a unique background in all three branches of state government. While concentrating his practice in Labor and Environmental Law, he chaired the Governor's Commission to Study the Field of Arbitration in the Public Sector, and was a member of the Commission of Interstate Cooperation. He gained legislative experience as Assistant Director of the Legislative Council to the General Assembly and served as a member of the Rhode Island Judicial Council. While Executive Counsel to the Governor of Rhode Island, he chaired the Northeastern Councils Association.

Admitted to the Rhode Island Bar Association in 1960, he has been very active in that organization, serving on numerous committees and as a Member of the House of Delegates. He was also certified as a labor arbitrator by the American Arbitration Association. Justice Cresto has been involved in various charitable organizations including the United Fund, American Cancer Society, and Catholic Charities.

Clerks man the new counter that was installed when the clerk's office in Providence was remodeled.



Justice Dominic F. Cresto

FAMILY COURT

During 1979 the Family Court found itself faced with a dramatically increasing caseload. Domestic relations filings rose by 14% and juvenile referrals by 15%. New legislation helped the court somewhat in dealing with its caseload, and expanded development of the Juvenile Justice Information System aided the court with management statistics and more efficient file access on juvenile cases. 1979 also saw new domestic relations rules drafted and approved for the Family Court.

CASELOAD INCREASES

The court experienced a significant increase in caseload during the past year. On a statewide basis, juvenile filings increased by 18% when compared to similar filings for calendar year 1978. Most noteworthy were the 40% increase in dependency/neglect/abuse filings and the 12% increase in wayward/delinquent filings. As a result of this influx of new cases the total number of pending wayward/delinquent trials increased by 7%, and the total number of pending civil trials increased by 9%. Increases in pending trials occurred despite the court's attention to these calendars which resulted in 1,821 juvenile trials being disposed in calendar year 1979 compared to 1,231 trials being disposed in 1978.

Domestic relations filings showed a 14% increase compared to figures from calendar year 1978. This increase in filings coupled with increased hearing time associated with the new assignment of property statute caused pending contested divorce trials to increase by 24%.

Filings associated with the Uniform Reciprocal Enforcement of Support Act indicated a 21% increase over the previous figures for calendar year 1978.

LEGISLATION ALLOWS IMPROVEMENTS

The Family Court was affected by several pieces of legislation passed in 1979. While some of these statutes allowed the court to implement procedures to more efficiently handle some types of cases, other laws had the

effect of increasing the court's workload. Compared to the previous year, filings were higher in 1979 for both juvenile and domestic relations cases. The court has made several improvements to deal with its increasing workload.

Among the actions taken by the Legislature were laws that replaced the old bastardy law with provisions of the Uniform Law on Paternity (see following article), strengthened the law on cruelty or neglect of a child, provided for additional court monitoring of children in the custody of the state, updated the Reciprocal Enforcement of Support Act, and made some other improvements in domestic relations and juvenile law. The Legislature also expanded the Chief Judge's authority to appoint masters to provide assistance to the court (see separate article below).

Changes in the law on cruelty to or neglect of a child made these offenses felonies instead of misdemeanors and so increased the penalties for these crimes. Amendments to the statute on children under the custody of the state gave the court a larger role in monitoring the care given these children by requiring the state to petition the court for custody of children voluntarily placed when that placement extends to 12 months. The law also now requires yearly written reports to the court on children placed with the state. The Reciprocal Enforcement Support Act was generally updated following recommendations of the national group that coordinates reciprocal arrangements in this area. Other legislation in the same area increased the court's power

to enforce support payment orders by issuing executions.

A number of other statutes dealt with Family Court matters. They specified visitation rights of parents not having custody of their children, increased parents' liability for willful damage or injury by their children to \$1500, and mandated that the final decree in a divorce where the parties have lived apart for at least 3 years will not be effective until 20 days after its entry.

PATERNITY STATUTE UPDATED

From a case processing standpoint, the Uniform Law on Paternity enacted by the 1979 Legislature, significantly varies from Chapter 15-8, entitled Bastardy Proceedings, which it replaced. Under the new statute paternity actions are civil actions governed by the rules of civil procedure. Previously, such actions had been quasi-criminal in nature, as all such actions were commenced by the filing of a complaint and warrant. Additionally, this new legislation states that trial shall be by the court without jury. Under the former statute, trial was by the court unless trial by jury was claimed.

The Bureau of Family Support processes all paternity actions for clients receiving aid to dependent children. As soon as this act was passed, representatives from the Bureau met with the court to present an estimate as to the number of new cases that would be processed under the new statute. They stated that the Bureau had 4,000 pending matters that they anticipate processing. Additionally, they receive approximately 350 new cases per month, all of which they will be filing with the court.

In order for the court to gain some insight as to the flow of this caseload, (e.g. how many parties will default, how many parties will request a trial, etc.) an administrative order was signed by the Chief Judge allowing the master to hear all such actions. During the latter part of 1979, the master began to hear these cases. The court will be monitoring this caseload throughout the first few months of

1980 and make management decisions as to the assignment of judicial personnel to handle this substantial increase in the caseload of this court.

MASTER ASSISTS SCHEDULING OF JUVENILE CASES

As a result of 1979 legislation, a master within the Family Court can now hear, in accordance with Section 8-10-4, Chapter 14-1 and Chapter 15-8 of the General Laws, all motions, pre-trial conferences, arraignments of juvenile offenders, probable cause hearings and reviews of all such matters.

Using this legislation as a basis, the Chief Judge signed an administrative order empowering the master to hear arraignments of juvenile offenders charged as being wayward and/or delinquent as provided in Chapter 14-1 of the General Laws. The administrative order further states that the juvenile shall be advised of all rights and lists these rights. If the juvenile enters a denial, the master is to



Court Master John O'Brien, who now also hears juvenile arraignments, goes over some papers with Raymond Gibbons, Supervisor of Collections

assign the matter for trial before a judge. The master may accept admission of guilt or admission of sufficient evidence for the court to obtain jurisdiction. Upon acceptance of such pleas, the master is to refer such cases to a judge for disposition.

This legislation, coupled with the administrative order, has enabled the court to make significant changes in scheduling practices in Providence. Once a week ten arraignments are scheduled hourly before the master. Calendars range from forty to fifty arraignments per week. If a police department has more than one juvenile to be arraigned, all such arraignments are scheduled within the same hourly timeframe, thereby allowing police officers a minimum amount of waiting time in the courthouse. Additionally, the master's absorption of this function has allowed judges in Providence additional hearing time which is being used to address pending juvenile trials.

INFORMATION SYSTEM IS NATIONAL MODEL

During 1978 the Family Court was chosen by the National Council of Juvenile and Family Court judges as the pilot site for the development of a model juvenile information system that would be adaptable to similar jurisdictions on a nationwide basis. Throughout 1979 the Council's Director of Systems and Technology, with staff from the Family Court, State Court Administrator's Office, and the Judicial Systems and Sciences division worked on the development of this model.



Family Court data entry clerks Barbara Kilkenry, Carol McKenna, and Elaine Wood work with their court's new information system.

Data that had been originally extracted from court files by summer interns and subsequently maintained on an interim automated system by court staff were converted to the model system during September of 1979. Since that time, the court has been given the capability to access an automated index of juvenile offenders, thereby reducing laborious name checks previously conducted through the use of index cards. Additionally, the court is able to retrieve instantaneously: 1) personal information on juveniles, e.g. date of birth, names and address of parents, race, sex, etc.; 2) offense information, e.g. nature of offense, referring agency, court action, etc.; and 3) previous court histories.

The court will also benefit from the management statistics that will be generated by this system. By the end of 1979, the systems design for several reports had been completed and forwarded to programming. These statistics will allow the court to measure its caseload and track the processing time for this caseload. By becoming aware of this data, the court will attempt to maximize the use of available judicial hearing time and the assignment of staff.

Within the near future this system will also be generating court calendars. Automated production of the calendar along with easier accessibility to juvenile records has reduced the clerical needs of this office, thereby allowing for the transfer of personnel to other offices in need of such services.

During December of 1979 the system received national recognition at a symposium on information systems conducted in New Orleans. Family Court personnel were able to demonstrate the system as data was relayed from the Information Processing Division along telephone lines to New Orleans. The New England Telephone Company provided this service, estimated at a cost of \$10,000, free of charge to the state. For two days participants at the symposium were allowed to view the court's system and ask questions. Based upon the comments received at the symposium, a number of participants will be making on-site visits to Rhode Island.

CASA PROGRAM CONTINUES TO GROW

The Court Appointed Special Advocate Program began within the Family Court last year. The Project is financed with a grant from the Governor's Justice Commission. It utilizes trained volunteers as advocates for children before the Court to insure that the best interests of each child is served. The CASA Program is now into its second year and continues to grow and develop.

The experience of the first year of operation has demonstrated that trained volunteers can perform well in this role. During this time over 200 volunteers were trained with approximately 150 available for assignment. Currently there are 65 volunteers active in 64 cases involving 128 youngsters. In about 90% of the cases the volunteer has had a definite effect on the movement of the case toward a positive conclusion for the child.

In the near future a pilot study is planned to determine the feasibility of CASA volunteers being appointed in all new petitions of abuse and neglect. This pilot study will begin on March 1, 1980 and will involve all new petitions of abuse and neglect filed in Providence.

As part of this new phase of operations the Public Defender will serve as legal counsel to the CASA Office and to the volunteers. Attorneys from that office will appear at all court proceedings in which legal counsel is needed to protect the best interest of the child. They will represent the CASA volunteer, subpoena witnesses and documents, examine witnesses and advise the volunteer in all legal matters pertaining to such proceedings.

By incorporating legal counsel into the functioning of the Program it is felt that the achievements of the Project will be enhanced. This can only make the CASA Program that much more effective, thus insuring that the "Protection of the Court" is more meaningful for those youngsters who require it.



CASA program director John P. O'Riley (right) and volunteer Helen Ucci discuss a case with Judge Edward V. Henley, Jr. and attorneys Mary Lisi and Mary Nagle.

NEW DOMESTIC RELATIONS RULES DRAFTED

New rules governing civil actions within this court were drafted by consultants from Boston University Law School with the advice of a committee of judges and attorneys. The rules were considered by judges and staff at several meetings conducted during the year. During June, the Family Court judges met with one of the consultants, members of the committee, and attorneys having an interest in the rules. After a few minor changes were made, the rules were approved by the justices of this court and sent to the Supreme Court for approval.

New forms have been designed for use as soon as the rules are promulgated by the Supreme Court. The court has conducted in-house training programs for the clerks of court. Additionally, judges from this court have made outside presentations to attorneys who have voiced an interest in the rules.

The court has been informed that funding has been approved for the same consultants to prepare rules that will govern actions affecting juveniles. In the near future a committee will be formed to assist the consultants with this task.

DISTRICT COURT

Although there were 12% more misdemeanor arraignments in 1979, the District Court was able to continue reducing its backlog of criminal cases over 90 days old. Now this backlog is down to just 1% of annual arraignments. This was accomplished despite reductions in judicial staff caused by temporary assignments of judges to the Superior Court.

CRIMINAL CASEFLOW GOALS MET

Throughout 1979, the District Court continued to make progress in reducing criminal case delay and backlog. Despite an increase in case filings in every category, 97% of all criminal cases arraigned in the District Court have been disposed of within 90 days. At year end, the number of misdemeanor cases pending over 90 days was 357, a large decrease from the 1977 figure of 2,374. Essentially, all felony cases are now processed by the District Court before the 90 day deadline. Several of the 8 Divisions of the court were fully current in criminal matters with all cases being disposed of within 90 days.

HOUSING CODES ENFORCED

District Court judges have moved to use their equity powers and procedural rules to strengthen their authority in Housing Code matters. In this way they have made it easier for local authorities to enforce legislation and ordinances governing housing standards.

In the two years since the District Court jurisdiction was extended to include Housing Code matters, judges have noticed that some parties have misused court procedures to delay or even escape enforcement. In response they have tightened the application of time limits between various stages in the judicial process and on compliance with court orders. To enforce court orders in this area contempt of court citations are being used with accompanying fines or even jail sentences.

The effects of this exercise of court

authority have been felt with special impact in Providence where there are many prosecutions on housing code violations. There have also been beneficial effects for the court since enforcement of processing time limits has allowed cases to be disposed of more quickly and so reduced the number of open cases before the court.

CIVIL INDEX MODERNIZED



The Sixth District Court has implemented a plan to make its recordkeeping more efficient and accessible. Defendant and plaintiff card files, similar to those used in other state courts, have replaced the massive cloth-bound civil case index books previously in use. While the index books were a nostalgic reminder of historic days in the courthouse, the new files are fully alphabetized, clearly typed, and can be used by more than one person at a time. The cards are being temporarily

The new civil index card files at the 6th Division are referenced by clerk typist Kathleen Behan.

housed in old library card file drawer sets until the expected arrival in the spring of 1980 of new multi-drawer card file cabinets that will be their permanent home.



PROSECUTOR APPOINTED DISTRICT COURT JUDGE

The Honorable John J. Cappelli was appointed and confirmed as a District Court Judge to fill the vacancy created when Judge Albert DeRobbio was elevated to the Superior Court.

Admitted to the Bar in 1964, he has had a diversified background in professional public service, acting as a City Solicitor for Providence until 1973. He then served as a federally-funded Special Prosecutor for the Sixth District Court, until assuming the post of Special Assistant Attorney General in 1975.

A graduate of Providence College, Judge Cappelli received his law degree from Georgetown University, School of Law.

*Judge John J.
Cappelli*

COURT DIRECTORY *

SUPREME COURT JUSTICES:

JOSEPH A. BEVILACQUA, Chief Justice
THOMAS F. KELLHER, Associate Justice
JOHN F. DORIS, Associate Justice
JOSEPH R. WESBERGER, Associate Justice
FLORENCE K. MURRAY, Associate Justice

SUPERIOR COURT JUSTICES:

ANTHONY A. GIANNINI, 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
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
ALBERT E. DeROBBIO, Associate Justice
DOMINIC F. CRESTO, Associate Justice
ANTONIO S. ALMEIDA, Associate Justice
FRANCIS M. K'ELY, Associate Justice
ERNEST C. TORRES, Associate Justice

FAMILY COURT JUDGES:

EDWARD P. GALLOGLY, Chief Judge
EDWARD V. HEALEY, JR., Associate Judge
WILLIAM R. GOLDBERG, Associate Judge
JACOB J. ALPRIN, Associate Judge
CARMINE R. DiPETRILLO, Associate Judge
ANGELO G. ROSSI, Associate Judge
ROBERT G. CROUCHLEY, Associate Judge
JOHN K. NAJARIAN, Associate Judge
THOMAS F. FAY, Associate Judge
JOSEPH S. GENDRON, Associate Judge
HAIGANUSH R. BEDROSIAN, Associate Judge

DISTRICT COURT JUDGES:

HENRY E. LALIBERTE, Chief Judge
ORIST D. CHAHARYN, Associate Judge
PAUL J. DEL NERO, Associate Judge
ANTHONY J. DENNIS, Associate Judge
EDWARD J. PLUNKETT, Associate Judge
CHARLES F. TRUMPETTO, Associate Judge
VICTOR J. BERETTA, Associate Judge
ROBERT J. McOSKER, Associate Judge
VINCENT A. RAGOSTA, Associate Judge
JOHN J. CAPPELLI, Associate Judge
MICHAEL A. HIGGINS, Associate Judge
PAUL P. PEDERZANI, JR., Associate Judge
ALTON W. WILEY, Associate Judge

*Includes judges appointed to new or vacated judicial positions in 1980.

ADMINISTRATIVE PERSONNEL

SUPREME COURT:

250 Benefit St., Providence, R. I.

Walter J. Kane, Administrator,
State Courts/Clerk 277-3272
Ronald A. Tutalo, 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
Frank J. Sylvia, Security Supervisor 277-3296

Sophie D. Pfeiffer, Chief Appellate
Screening Unit 277-3297
C. Leonard O'Brien, Coordinator, Judicial
Planning Unit 277-3382
William D. Craven, Director,
RIJSS 277-3358
William A. Melone, Judicial
Education Officer 277-3266
Linda D. Bonaccorsi, Employee
Relations Officer 277-3266
Thomas A. Dorazio, E.E.O.
Officer 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
Charles Garganese, Civil Assignment Clerk 277-3225
Thomas P. McGann, Public Contact Officer 277-3292
Bonnie L. Williamson, Criminal Scheduling Office 277-3602

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 Kingstown, 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 (Domestic Relations) 277-3340
Joseph Squicciarino, Deputy Clerk (Juvenile) 277-3352
John P. O'Riley, Court Appointed Special Advocate 277-6863

JUDICIAL COUNCIL:

1025 Industrial Bank Building
Providence, RI 02903
Charles J. McGovern, Chairman
Girard R. Visconti, Secretary 331-3563

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 822-1771
222 Quaker Lane
West Warwick, R. I. 02893

FOURTH DIVISION DISTRICT COURT

Frank J. DiMaio, Deputy Clerk 783-3328
1693 Kingstown Road
West Kingstown, 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

DISCIPLINARY BOARD:

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

CASELOAD STATISTICS

RHODE ISLAND SUPREME COURT

ANNUAL CASELOAD*	1975	1976	1977	1978	1979
Cases on docket at start	326	355	447	516	556
New cases docketed	355	422	438	460	482
Cases disposed	326	330	364	418	482
Cases remaining of docket	355	447	521	558	556

TYPES OF CASES FILED	1975	1976	1977	1978	1979
Civil Actions	157	146	175	148	195
Criminal Actions	52	61	51	82	73
Certiorari	76	105	96	113	98
Family Court	18	35	32	31	35
Habeas Corpus	10	31	24	17	26
Workmen's Compensation	13	16	34	26	29
Other	29	28	26	43	26
TOTAL	355	422	438	460	482

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

RHODE ISLAND SUPERIOR COURT

CASES FILED	1975	1976	1977	1978	1979
PROVIDENCE/BRISTOL					
Civil	4,376	4,431	3,974	4,055	4,511
Probate Appeals	45	26	46	42	87
Misc. Petitions	680	689	654	511	560
Indictments/Informations	1,638	1,455	1,689	1,590	1,540
Criminal Appeals	821	654	536	494	712
TOTALS	7,560	7,255	6,899	6,692	7,410
KENT					
Civil	616	721	875	917	947
Probate Appeals	29	11	5	10	30
Misc. Petitions	99	108	70	40	56
Indictments/Informations	327	388	318	479	299
Criminal Appeals	168	177	147	185	139
TOTALS	1,239	1,405	1,415	1,631	1,471
NEWPORT					
Civil	310	299	308	327	393
Probate Appeals	3	3	4	3	5
Misc. Petitions	31	54	17	33	22
Indictments/Informations	179	164	140	154	150
Criminal Appeals	121	204	115	87	66
TOTALS	644	724	584	604	636
WASHINGTON					
Civil	287	348	354	378	432
Probate Appeals	10	12	6	8	8
Misc. Petitions	56	31	28	29	36
Indictments/Informations	230	152	120	173	155
Criminal Appeals	181	83	88	88	150
TOTALS	764	626	596	676	781
ALL COUNTIES					
Civil	5,589	5,799	5,511	5,677	6,283
Probate Appeals	87	52	61	63	130
Misc. Petitions	866	882	769	613	674
Indictments/Informations	2,374	2,159	2,267	2,396	2,144
Criminal Appeals	1,291	1,118	886	854	1,067
STATE TOTALS	10,207	10,101	9,494	9,603	10,298

RHODE ISLAND FAMILY COURT

DIVORCE PETITIONS FILED	1975	1976	1977	1978	1979
COUNTIES					
Providence/Bristol	2,524	3,119	3,167	2,849	3,242
Kent	687	828	924	796	912
Newport	456	283	524	428	493
Washington	482	497	481	496	541
STATE TOTAL	4,149	4,727	5,096	4,569	5,188
JUVENILE PETITIONS	1975	1976	1977	1978	1979
COUNTIES					
Wayward/Delinquent	7,072*	6,587	6,232	6,400	7,195
Dependency, Neglect & Abuse	296	340	254	420	589
Child Marriages (couples)	100	69	59	28	63
Adoptions	403	348	418	431	492
Termination of Parental Rights	138	111	133	134	137
Other	11	26	44	40	310
TOTAL	8,020	7,481	7,150	7,452	8,786
JUVENILE REFERRALS	1975	1976	1977	1978**	1979
COUNTIES					
Providence/Bristol	2,356	1,950	1,934	2,575	2,632
Kent	991	771	724	798	869
Newport	287	310	322	536	479
Washington	256	219	244	358	474
Statewide Agencies	478	520	402		464
STATE TOTAL	4,368	3,770	3,626	4,267	4,918

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

**Referrals from statewide agencies were distributed among the counties by residence of the juveniles.

N.B. Beginning 1978, juvenile statistics were collected with a new automated system, and although generally comparable with statistics for previous years, there are some differences.

RHODE ISLAND DISTRICT COURT

CRIMINAL CASEFLOW	1975*	1976	1977	1978	1979
MISDEMEANOR					
Arraignments	36,535	22,365	23,211	25,545	28,423
Dispositions	35,703	22,081	25,881	26,954	27,166
Backlog Increase/Decrease	832	284	-2,670	-1,409	1,257
Appeals	544	410	285	291	341
FELONY					
Arraignments	6,732	6,392	6,907	5,912	7,297
Dispositions	6,744	6,108	8,339	7,192	7,170
Backlog Increase/Decrease	-12	284	-1,432	-1,280	127
CIVIL ACTIONS					
FILINGS					
Small Claims	12,107	9,062	6,058	6,802	8,161
Regular Civil	21,228	19,964	22,430	22,394	23,425
TOTAL	33,335	29,026	28,488	29,196	31,586
DISPOSITIONS					
Small Claims					
Hearing Judgments	706	631	547	622	985
Defaults & Settlements	5,906	5,688	3,728	4,760	4,884
TOTAL	6,612	6,319	4,275	5,382	5,869
Regular Civil					
Trial Judgments	1,539	2,947	2,999	2,741	2,642
Defaults & Stipulations	11,901	12,484	13,971	14,672	15,783
TOTAL	13,440	15,431	16,970	17,413	18,425
Appeals	445	489	543	442	530

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