

◆ KNOW YOUR COURTS ◆

# **RHODE ISLAND**

# **SUPERIOR COURT**

**2007**

**JOSEPH F. RODGERS, JR.**

**PRESIDING JUSTICE**

# RHODE ISLAND SUPERIOR COURT

## WHAT DOES THIS COURT DO?

The Superior Court is the trial court of **general jurisdiction** in the Rhode Island **unified state court system**, having original jurisdiction in all felony proceedings, in civil matters where the amount in controversy exceeds \$10,000, and in matters of equity. Jurisdiction is concurrent with the District Court as to civil matters with amounts at issue from \$5,000-\$10,000. The Superior Court also hears appeals on civil and criminal cases from the District Court. It has concurrent jurisdiction with the Supreme Court in issuing writs of habeas corpus and writs of mandamus. Any **appeal** from a decision rendered in Superior Court is taken directly to the Rhode Island Supreme Court.

Rhode Island's five counties are divided into four Superior Court **jurisdictions**: Kent, Washington, and Newport; with Providence/Bristol counties comprising one jurisdiction.

Rhode Island does not have a single trial court, however the Superior Court is the forum for a trial by jury and a stenographic record of proceedings. Appeals from trials held in the District Court result in a *trial de novo*, or entirely new trial, in Superior Court.

The Superior Court also has **appellate** jurisdiction of decisions of local municipal and probate courts. Appeals from various boards and commissions, such as zoning board and Ethics Commission appeals, are heard in Superior Court as well as petitions to review disciplinary action imposed upon a state or local police officer by the chief of that department.

A special **Gun Court**, the first of its kind in the nation, heard its first gun case on September 12, 1994. This innovative program has had a dramatic impact upon the time from filing such a case in the Superior Court to disposition, a reduction from 18 months to 6 ½ months. The court is considered a great success both within Rhode Island and across the nation.

In addition to conducting trials, the Superior Court administers the highly successful **Court-Annexed Arbitration Program** which speeds the disposition of certain less complex civil cases in which there is \$100,000 or less at issue. Matters such as contract disputes, personal injury claims, and property damage suits may be certified to this alternative dispute resolution program.

During an arbitration hearing, evidence is presented in an informal setting to a court-trained attorney/arbitrator who, after considering the same, makes an award in the case, usually within 10 days of the hearing. Arbitration not only speeds case resolution, but also saves litigants and taxpayers millions of dollars a year by eliminating many of the costs associated with lengthy, formal trials. It also frees courtrooms and allows judges to concentrate on more serious or complex civil and criminal cases. In 2006, 22% of all civil dispositions resulted from court-annexed arbitration.

Also administered through the Superior Court Arbitration Office is the annual "Settlement Week", held in Providence in December each year, during which civil cases may be resolved through **mediation**. Additional settlement

weeks in the counties have been held, with much success, extending this option to cases filed outside Providence. Seven percent of the year's total disposed civil cases were settled through mediation in 2006.

### **WHO RUNS THIS COURT?**

The **Presiding Justice of the Superior Court** is the administrative judge of the court. As such, the Presiding Justice has responsibility for establishing calendars, assigning judges, appointing a Superior Court Administrator and other administrative staff, and making rules for the conduct of the court's business. The Presiding Justice also appoints a Jury Commissioner and all staff for the Case Scheduling Offices, and is responsible for the Superior Court Clerk's Offices, the Arbitration Office, and the Central Registry.

The Presiding Justice of the Superior Court is assisted by 21 Associate Justices as well as five Magistrates, the Superior Court Administrator and Deputy Administrator, the Superior Court Clerks, the Jury Commissioner and various administrative staff.

Judicial appointments are made by the Governor following recommendation of 3-5 candidates by the **Judicial Nominating Commission** to the Governor and confirmation by the Senate of the Governor's choice. Appointments are for life in the absence of judicial misconduct. Complaints about such misconduct are heard by the **Judicial Tenure and Discipline Commission**.

The Superior Court conducts its own judicial evaluation program, distributing questionnaires about judicial performance to jurors and attorneys practicing before the court.

### **THE SUPERIOR COURT CLERK'S OFFICE**

There are 4 locations of the Clerk's Office throughout the state, corresponding to the 4 Superior Court jurisdictions: Providence/Bristol, Kent, Washington, and Newport (see last page of this booklet for addresses and telephone numbers). Rhode Island General Law §8-4-4 establishes a County Clerk for each of these jurisdictions.

The Clerk is the custodian of all criminal and civil cases filed in the Superior Court, a total of approximately 15,500 in 2006. The Clerk's Office is responsible for receiving and storing all documents and other materials that make up a Superior Court case file. The Clerk is also custodian of the Superior Court seal.

All Superior Court hearings are attended by courtroom clerks from the Clerk's Office. Computer entries are made by Clerk's Office staff for all court proceedings. Fines, costs, and civil case fees are collected and accounted for by the Clerk's Office, which also serves as a primary resource where attorneys and members of the public can gather information on Superior Court cases.

### **ABOUT JURY DUTY**

The **petit jury** is the panel of 25-32 jurors from which 14 jurors are selected for criminal trials (12 + 2 alternates) and from which 8 are chosen for civil trials (6 + 2 alternates). Petit jurors serve for a two day period in Providence/Bristol and Kent Counties, longer if a trial for which they are sitting extends beyond two days. From July 1, 2005 to June 30, 2006, 20,931 jurors were summoned for petit jury duty.

The Superior Court has implemented a **one day - one trial system** in Washington and Newport counties to make more efficient use of jurors' time. This system of requiring petit jurors to serve for either **one day** or for the duration of **one trial** permits those not selected to serve on a case to be dismissed at the end of their first day. Similarly, a **two day - one trial system** has recently been established for Providence/Bristol and Kent Counties. This program is a cost saving measure, and is also beneficial to employers, as employees are able to fulfill their civic obligation with a minimal amount of time away from work.

All Grand Jury **indictments** charging defendants with a crime are returned to Superior Court by the Attorney General. The **Grand Jury** consists of not more than 23 nor less than 13 individuals who decide whether sufficient evidence has been presented to return a **true bill** against a defendant. If a true bill is returned, the Attorney General must then indict, bringing charges against that defendant in Superior Court.

As an alternative to indictment, the process of **information charging** was created through a state constitutional amendment in 1973. This allows a defendant to be charged by an affidavit brought by a police department to the

Attorney General. Charges may also be brought by the Attorney General himself/herself. Since this procedure eliminates the use of the Grand Jury, it saves time for witnesses and police while providing safeguards to individuals charged with a crime. Grand Jury indictments are still required for the most serious felonies, called **capital offenses**, because they involve the possibility of life imprisonment: namely murder, rape, robbery, and burglary.

### **USE OF TECHNOLOGY**

The Superior Court has a fully operational **video conferencing system** used to conduct video presentments during the daily criminal calendar. The video conferencing system increases safety for those who use the courthouse and provides substantial savings in inmate transportation costs from prison to court.

The Superior Court also has assistive listening devices available for the hearing impaired. These may be utilized by contacting the Administrative Office in advance.

## WHERE IS THE SUPERIOR COURT?

The **Licht Judicial Complex**, formerly known as the Providence County Courthouse, on South Main and Benefit Streets in Providence, houses the **Providence/Bristol County Superior Court** as well as the Supreme Court and the State Law Library. The **administrative offices** of the Rhode Island Superior Court are also located in the Licht Complex. The **Kent County Superior Court** is in the **Leighton Judicial Complex** on Quaker Lane in Warwick; **Washington County** is at the **McGrath Judicial Complex**, Tower Hill Road, Wakefield; and **Newport** at the **Murray Judicial Complex**, Washington Square in Newport.

***SUPERIOR COURT JUSTICES***

Joseph F. Rodgers, Jr. - Presiding Justice

***ASSOCIATE JUSTICES***

Alice Bridget Gibney  
Robert D. Krause  
Melanie Wilk Thunberg  
Vincent A. Ragosta  
Mark A. Pfeiffer  
Patricia A. Hurst  
Francis J. Darigan, Jr.  
Judith Colenback Savage  
Michael A. Silverstein  
Stephen J. Fortunato, Jr.  
Edward C. Clifton  
Netti C. Vogel  
O. Rogeriee Thompson  
Gilbert V. Indeglia  
Stephen P. Nugent  
Edwin J. Gale  
Susan E. McGuirl  
Daniel A. Procaccini  
Jeffrey A. Lanphear  
Allen P. Rubine  
William E. Carnes, Jr.  
Magistrate William J. McAtee  
Special Magistrate Joseph A. Keough  
General Magistrate Patricia L. Harwood  
Administrator/Magistrate Susan L. Revens  
Magistrate Gordon M. Smith

**Superior Court Administrative Office**

Licht Judicial Complex  
250 Benefit Street  
Providence, Rhode Island 02903

Susan L. Revens,  
Administrator  
222-3215

Eugene J. McMahon  
Jury Commissioner  
222-3245

Joseph V. Conley,  
Deputy Administrator  
222-3215

Robert O. Tiernan, Acting Administrator, Arbitration Office  
Fogarty Judicial Annex  
24 Weybosset Street  
Providence, Rhode Island 02903  
222-6147

**Providence Superior Court**

Licht Judicial Complex  
250 Benefit Street  
Providence, Rhode Island 02903

Henry S. Kinch, Jr.,  
Clerk  
222-3250

Michael K. Kelleher, General Chief Clerk  
222-3250

**Kent County Superior Court**

Leighton Judicial Complex  
222 Quaker Lane  
Warwick, Rhode Island 02886

David E. Perry,  
Clerk  
822-6900

Jury Commissioner's Office-John T. O'Hara  
782-4177

**Washington County Superior Court**

McGrath Judicial Complex  
4800 Tower Hill Road  
Wakefield, Rhode Island 02879

Courtland R. Chapman, Jr.,  
Clerk  
782-4121

Jury Commissioner's Office-John T. O'Hara  
782-4177

**Newport County Superior Court**

Florence K. Murray Judicial Complex  
45 Washington Square  
Newport, Rhode Island 02840

Jane M. Anthony,  
Clerk  
841-8330

Jury Commissioner's Office-John T. O'Hara  
782-4177

