

RHODE ISLAND FAMILY COURT

ADMINISTRATIVE ORDER 2008 - 1

Procedure for an Appeal of a General Magistrate of the Rhode Island Family Court to the Chief Judge of the Rhode Island Family Court

Pursuant to the *Rhode Island General Laws §8-10-14* the following procedure is adopted for the appeal of a finding of the General Magistrate or a Magistrate of the Rhode Island Family Court to the Chief Judge of the Rhode Island Family Court.

This order shall govern the proceedings on appeal from the General Magistrate and any Magistrate of the Rhode Island Family Court.

1. An appeal permitted by law from the General Magistrate or Magistrate of the Rhode Island Family Court shall be heard by the Chief Judge of the Rhode Island Family Court. A Notice of Appeal shall be filed in the Providence County Clerk's office. Failure of the appellant to take any step other than the timely filing of a Notice of Appeal, as prescribed by these rules, does not affect the validity of the appeal, but is ground only for such action as the Chief Judge or his or her designee deems appropriate, which may include dismissal of the appeal.
2. The Notice of Appeal shall specify the party or parties taking said appeal and shall designate the judgment, order or decree or part thereof being appealed. The Clerk's office shall provide the appropriate form for taking such an appeal.
3. The Clerk shall serve notice of the filing of the appeal by mailing a copy thereof to counsel of record of each party other than the appellant or, if a party is not represented by counsel, to the party at his/her last known address. A copy of the Notice of Appeal shall be filed with the Chief Judge. The Clerk shall note on each copy served the date on which the Notice of Appeal was filed. Failure of the Clerk to serve notice shall not affect the validity of the appeal.

4. In any case appealed from the General Magistrate or Magistrate a Notice of Appeal shall be filed with the Providence County Clerk's office within twenty (20) days of the date of entry of judgment order or decree appealed from. Upon good cause demonstrated, including but not limited to excusable neglect, the Chief Judge of the Rhode Island Family Court may extend the time for filing the Notice of Appeal by any party.
5. The Chief Judge of the Rhode Island Family Court and/or his or her designee may make such orders for injunction, giving bond, the appointment of receivers, and such other orders as are needed for the protection of the rights of the parties until the appeal shall be heard and determined.
6. Except where otherwise provided, the original papers and exhibits filed before the General Magistrate or Magistrate, the transcript of the proceedings or electronic sound recording thereof, if any, and a certified copy of the docket entries prepared by the Clerk, shall constitute the record for the purposes of appeal to the Chief Judge or his or her designee in all cases.
7. Within twenty (20) filing the Notice of Appeal, the appellant shall order from the court reporter a transcript of such parts of the proceedings not already on file as the appellate needs necessary for inclusion of the records. All time requirements and other requirements necessary for purposes of perfecting the record on appeal shall be in compliance with Rule 10 of the Supreme Court Rules of Appellate Procedure.
8. After the Chief Judge of the Rhode Island Family Court or his or her designee has received notice that an appeal has been filed of the General Magistrate or a Magistrate's order, he or she shall schedule a pre-briefing conference. The purpose of the conference is to identify the outstanding appellate issue/issues, to achieve settlement, if possible, and to determine the nature of the appeal. The Chief Judge or his or her designee may request counsel to submit memoranda of law and/or full briefs, as well as oral argument, with respect to the outstanding issues on appeal.

7/7/08

Date