

**ADMINISTRATIVE ORDER NO. 2023-02**

**RE: ATTORNEY OF THE DAY PROGRAM**

Pursuant to the authority vested in the Chief Judge of the Rhode Island District Court by the provisions of G.L. 1956 § 8-8-12(a) and in an effort to help alleviate the staffing shortage currently faced by the Rhode Island Office of the Public Defender (the “Public Defender”) in Washington and Newport Counties, the Attorney of the Day Program (the “Program”) is hereby established according to the following terms and conditions:

- The Program shall be staffed by interested attorneys drawn from the roster of attorneys assigned to the District Court indigent defense panels as enumerated in Supreme Court Executive Order 2022-05. Participation in the Program shall be determined according to the Chief Judge’s discretion. A minimum of twelve (12) and a maximum of sixteen (16) attorneys shall be chosen to participate in the Program in each of Washington and Newport Counties. Attorneys shall be permitted to serve in both Counties.
- Program participants shall serve as attorneys of the day in the criminal courtrooms in Washington and Newport Counties from June 1, 2023 until August 31, 2023. Said attorneys shall be available for case assignments from 9:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:00 p.m., Tuesday through Friday, unless released by the presiding judicial officer. Should any eligible matters arise on Mondays, the Public Defender shall handle the cases using attorneys normally assigned to their Superior Court roster. It is anticipated that this schedule will result in a three (3) to four (4) week rotation for Program participants.
- Pursuant to G.L. 1956 § 12-15-9, the Public Defender shall continue to conduct initial defendant financial assessments in all cases to determine whether a given defendant is indigent and eligible for no-cost representation, including in those cases assigned to Program participants. A defendant is considered indigent when he or she meets the requirements of G.L. 1956 § 12-15-8.
- Program participants shall accept no more than five (5) case assignments from the available cases per coverage day, and only those cases containing misdemeanor charge(s). The Public Defender shall retain and defend those cases exhibiting felony charge(s). Any eligible cases remaining after the five

(5) case threshold has been met on a given coverage day shall be assigned to the appropriate indigent defense panel in accordance with standard procedures.

- Once assigned, a case shall remain with the Program participant through disposition.

- Program participants shall be paid five-hundred dollars (\$500.00) per coverage day during the above-mentioned time period. They shall not have any other client's matters scheduled in court during their coverage day(s) unless the presiding judicial officer gives prior approval. If a Program participant is not able to attend a coverage day to which he or she is assigned, he or she must ensure that another Program participant will cover for him or her. The attorney must also notify the appropriate Divisional Clerk of the change in coverage as soon as possible prior to the coverage day in question. If such alternative coverage is unavailable, the attorney must notify the presiding judicial officer no later than forty-eight (48) hours prior so that other arrangements can be made.

- Program participants shall report case progress and be compensated via the Indigent Defense Attorney Portal in the usual course of business, pursuant to the terms of Supreme Court Executive Order 2022-05.

**Entered as an Order of this Court on this 31st day of May 2023.**

**Enter:**  
/s/

**By Order**  
/s/

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**Jeanne E. LaFazia**  
**Chief Judge**

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**Jamie Hainsworth**  
**Administrator**