

ADMINISTRATIVE ORDER 2025-02*AMENDING ADMINISTRATIVE ORDER 2012-02***RE: PROCEDURE FOR REVIEW OF ORDER OF ADJUDICATION BY A
MAGISTRATE OF THE RHODE ISLAND DISTRICT COURT**

Pursuant to the Rhode Island General Laws § 8-8-16.2 the following procedure is adopted for the Request for Review of a finding of a Magistrate of the Rhode Island District Court.

This order shall govern the proceedings on a Request for Review to the Chief Judge from any Magistrate of the Rhode Island District Court. **This does not pertain to any appeal filed directly to the Superior Court.**

1. A Request for Review from the Chief Judge is not a prerequisite to filing an appeal for a trial de novo in Superior Court. A party can elect to appeal pursuant to Rule 73 and immediately exercise their constitutional right to a jury trial.
2. A Request for Review to the Chief Judge, from a final Judgement or an Order of Conviction as permitted by law from a Magistrate of the Rhode Island District Court shall be heard by the Chief Judge of the Rhode Island District Court or her/his designee. No interlocutory Request for Review will be accepted. A Notice of Request for Review shall be filed in the Clerk's Office of the county in which the case was heard. Failure of the appellant to take any step other than the timely filing of a Notice of Request for Review as prescribed by these rules, does not affect the validity of the Request for Review, but is grounds only for such action as the Chief Judge or her/his designee deems appropriate, which may include dismissal of the Request for Review.
3. Any such Request for Review must be filed within forty-eight (48) hours of an entry of judgment or final order on all civil matters and within five (5) days of entry of judgment/order on criminal matters, consistent with District Court Rules of Procedure.
4. The Request for Review shall specify the party or parties taking said Request for Review and shall designate the judgment, order or decree or part thereof being reviewed and the basis for the Request for Review. No filing fee shall be required. The party taking the Request for Review shall order and pay all costs, if any, incurred for providing a record of all matters contained in the Request for Review.
5. The Clerk shall serve notice of the filing of the Request for Review by mailing a copy thereof to counsel of record to 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 Request for Review shall be filed with the Chief Judge. The Clerk shall note on each copy served the date on which the Request for Review was filed. Failure of the Clerk to serve notice shall not affect the validity of the Request for Review.

6. The Chief Judge of the Rhode Island District Court and/or her/his designee may make such orders for stay, injunction or other such relief from the original orders as are needed for the protection of the rights of the parties until the Request for Review shall be heard and determined.
7. Except where otherwise provided, the original papers and exhibits filed before a 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 the Request for Review to the Chief Judge or her/his designee in all cases.
8. The Chief Judge of the District Court or her/his designee shall make a de novo determination of those portions to which the Request for Review is directed and may accept, reject, or modify, in whole or in part, the judgment, order or decree of the Magistrate. The judge, however, need not formally conduct a new hearing and may consider the record developed before the magistrate, making her/his own determination based on that record whether there is competent evidence upon which the Magistrate's judgment, order or decree rests. The Chief Judge or her/his designee may also, in her/his sole discretion, receive further evidence, recall witnesses or recommit the matter with instructions.
9. Any appeal from the decision of the Chief Judge or her/his designee must be made in accordance with the District Court Rules of Procedure and relevant statutes.

This Administrative Order shall take effect on November 4, 2025, and supersedes and repeals Administrative Order 2012-02 dated August 31, 2012.

Entered as an Order of this Court on this 4th day of November 2025.

Enter:

/s/ Jeanne E. LaFazia
Chief Judge

By Order:

/s/ Jamie Hainsworth
Court Administrator/Administrative Clerk