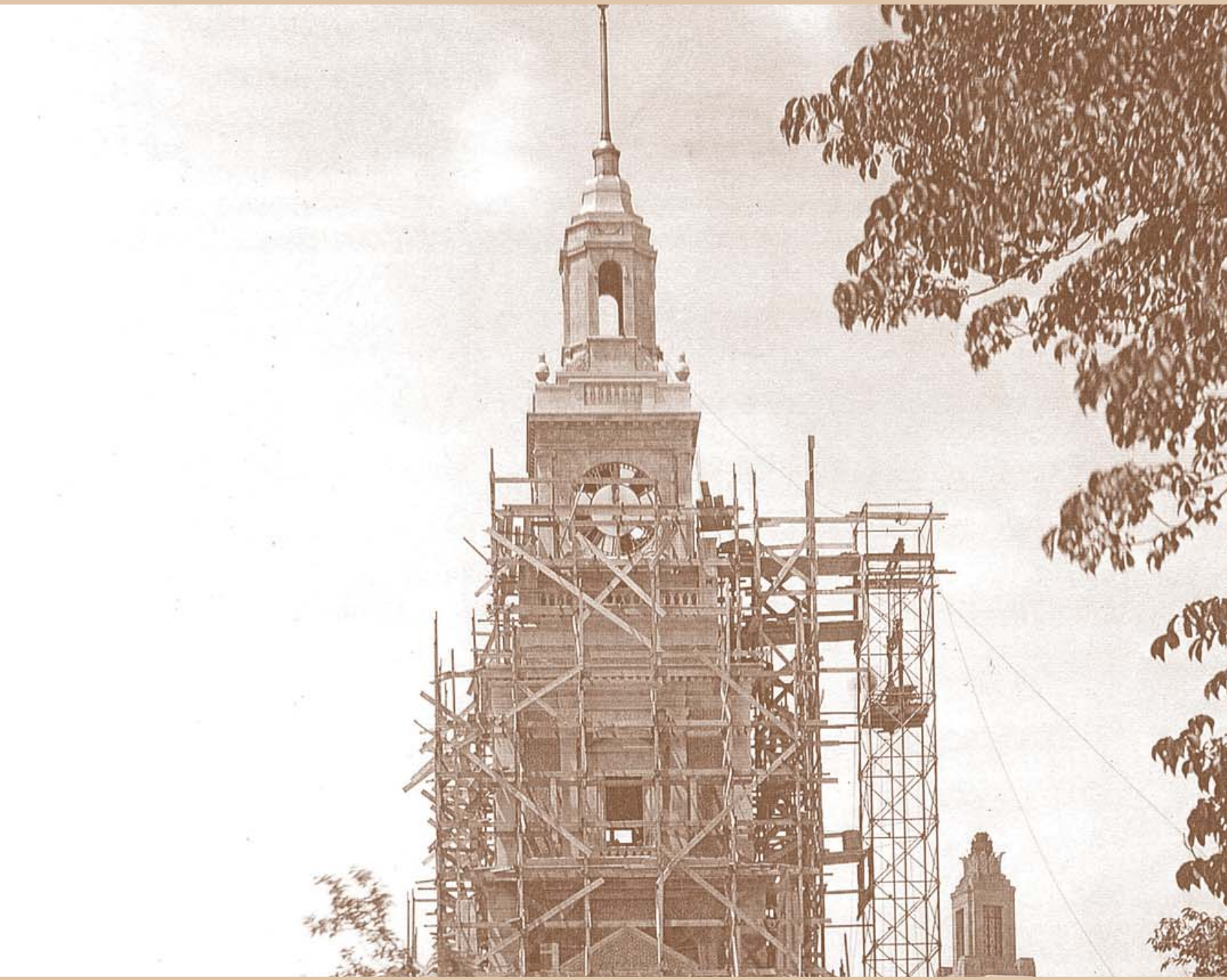
Justice Independence Honor

2004

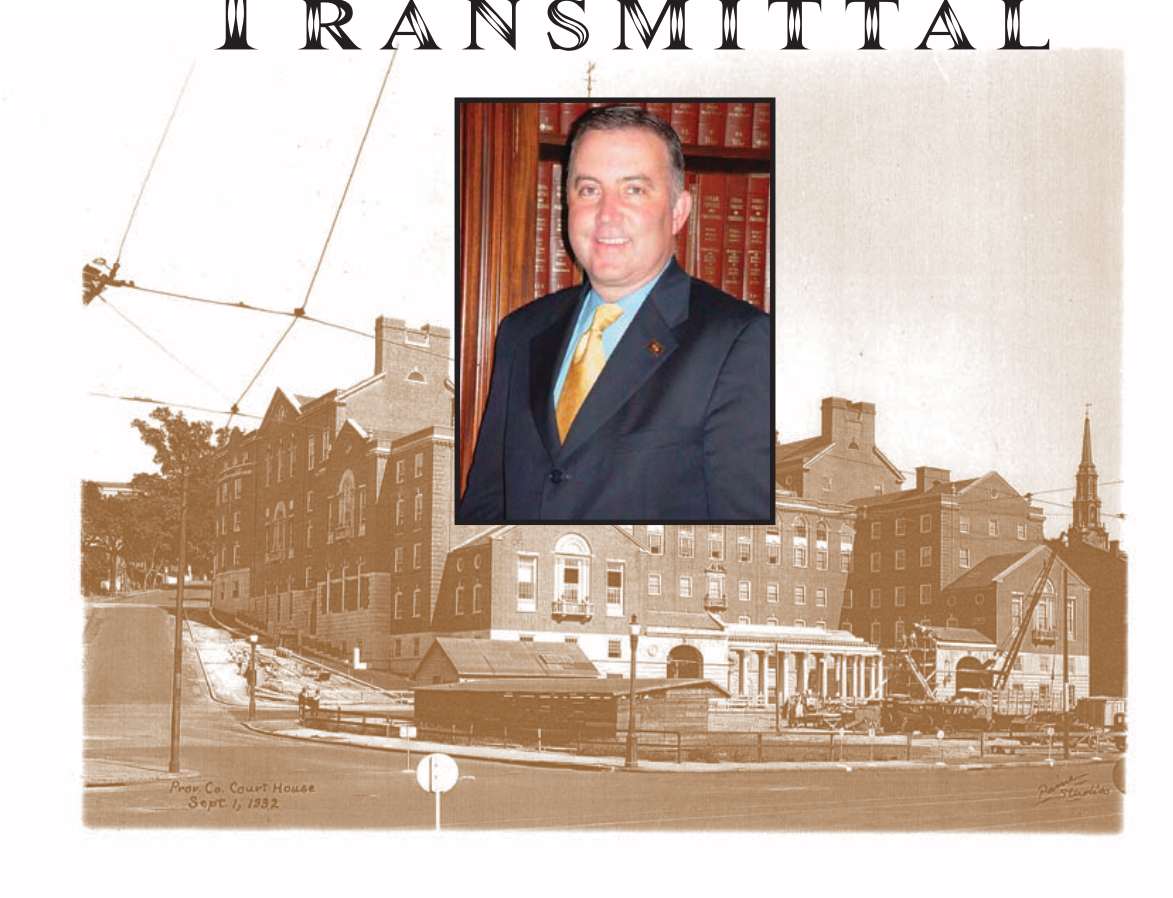
Rhode Island Judiciary Annual Report

Administrative Office of State Courts
250 Benefit Street
Providence, Rhode Island 02903
(401) 222-3266



Building *a history of* Justice *and a* Legacy of Independence

Letter of Transmittal



To the Honorable Members of the General Assembly:

As I near the completion of my first year as State Court Administrator, it is with pleasure and pride that pursuant to G.L. 1956 (1997 Reenactment) § 8-15-7, I submit the Rhode Island Judiciary's 2004 Annual Report.

The Judiciary's accomplishments of 2004 illustrate our devotion to a singular goal – providing accessible and equal justice in Rhode Island.

As you peruse this report, you will find information on the Judiciary's many initiatives and accomplishments. This year, an expanded version of the Annual Report will be available on the Judiciary's website, http://www.courts.ri.gov. The Internet will serve as a bank of statistical data as well as information regarding judicial committees, task forces, and ancillary departments. Utilizing this on-line resource allows the Judiciary to provide a plethora of information in a format easily accessible to everyone.

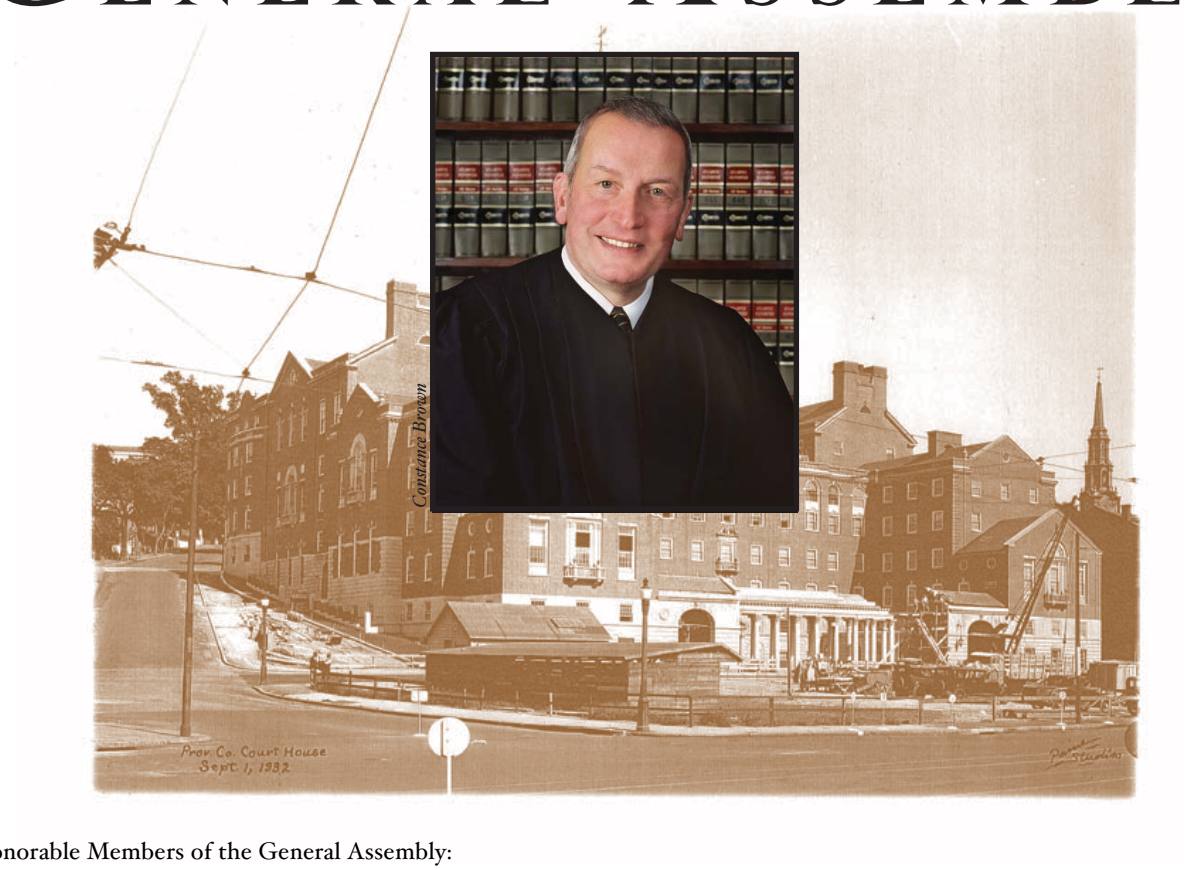
Reflecting upon our accomplishments thus far as we simultaneously advance toward the challenges of tomorrow, the Rhode Island Judiciary remains ever vigilant in its mission of providing justice with independence and accountability.

Yours sincerely,

J. Joseph Baxter, Jr.

State Court Administrator

Letter to the General Assembly



Constance Brown

To the Honorable Members of the General Assembly:

It is with great pride and pleasure that I submit to you the Annual Report on the Rhode Island Judiciary for the year 2004. I have appreciated your support and encouragement over the past four years. Many of the accomplishments highlighted in this report would not have been possible without a productive, working relationship between our two branches of government.

Because of your vote of confidence during the last legislative session, the Judiciary has attained equal footing in this state's governmental structure. The independence of the Judiciary is crucial to a true separation of powers among the three branches of government. By adjusting our budgetary protocol to prohibit the Executive Branch from amending the judicial budget request we have joined 30 other jurisdictions and the federal government in strengthening the government which serves our citizens.

We have maintained a solid track record of fiscal responsibility and accountability. Despite increases in our caseloads as more and more citizens turn to the Judiciary for resolution of disputes we continue to remain frugal and efficient. Our budget represents only 1.3% of all state spending and for the third year in a row, we seek no supplemental appropriation.

Mindful that public trust and confidence are essential for an effective Judiciary, we have continued to reach into the community to educate students and adults and we have continued to add more initiatives to make our courts accessible. Our Justice Rules education program now reaches almost 50,000 students. Spanish speaking interpreters are working in our courts to help limited English speaking litigants. The conversion of the Judiciary's antiquated computer system is moving forward making our courts more user-friendly. These accomplishments highlight our efforts on building all facets of equal justice - technology, diversity, and community ties.

Brick by brick, program by program, person by person, the Judiciary is building a history of justice and a legacy of independence as we continue to bridge our accomplishments of the past with honorable service to Rhode Island's future.

Yours sincerely,

Frank J. Williams

Frank J. Williams
Chief Justice

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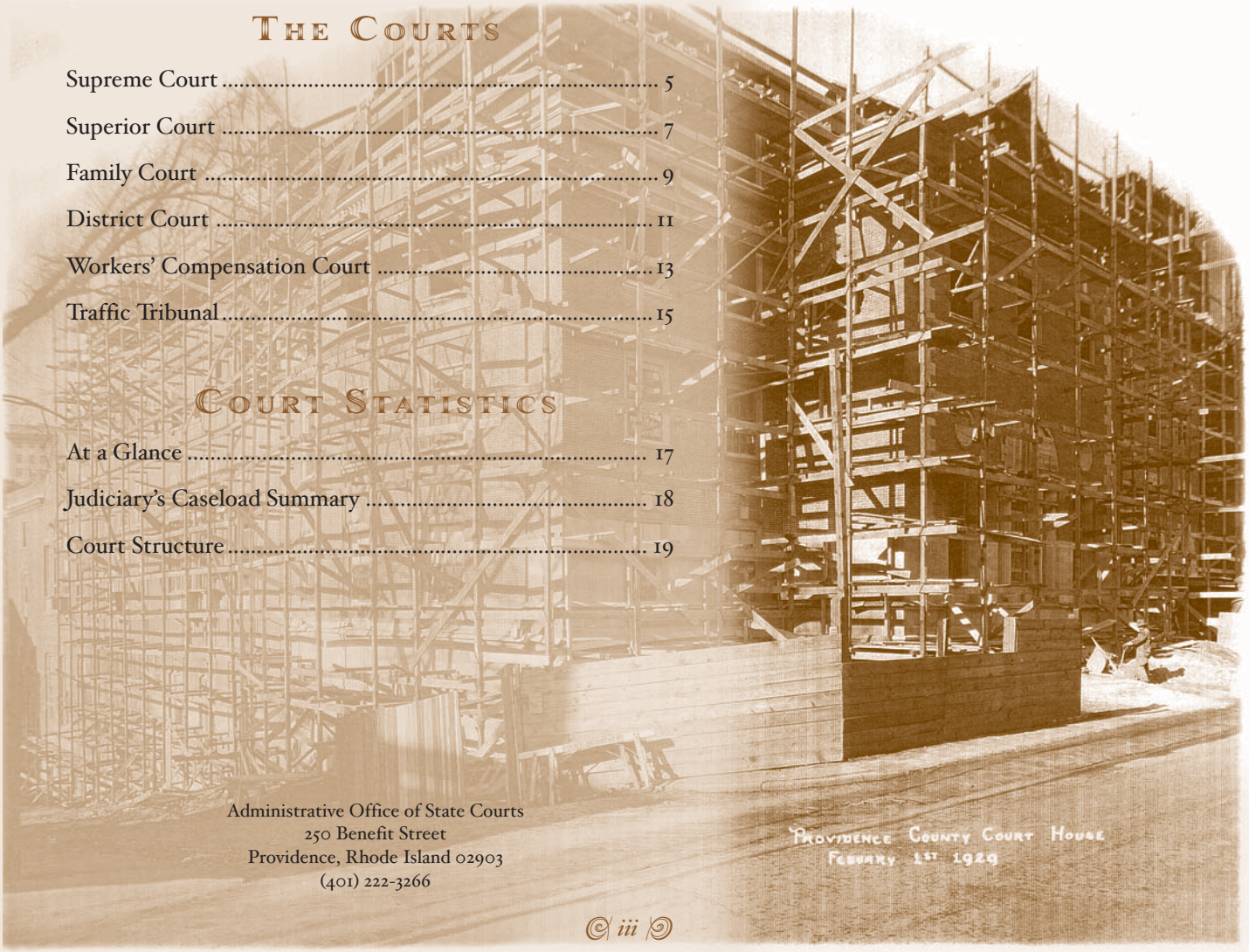

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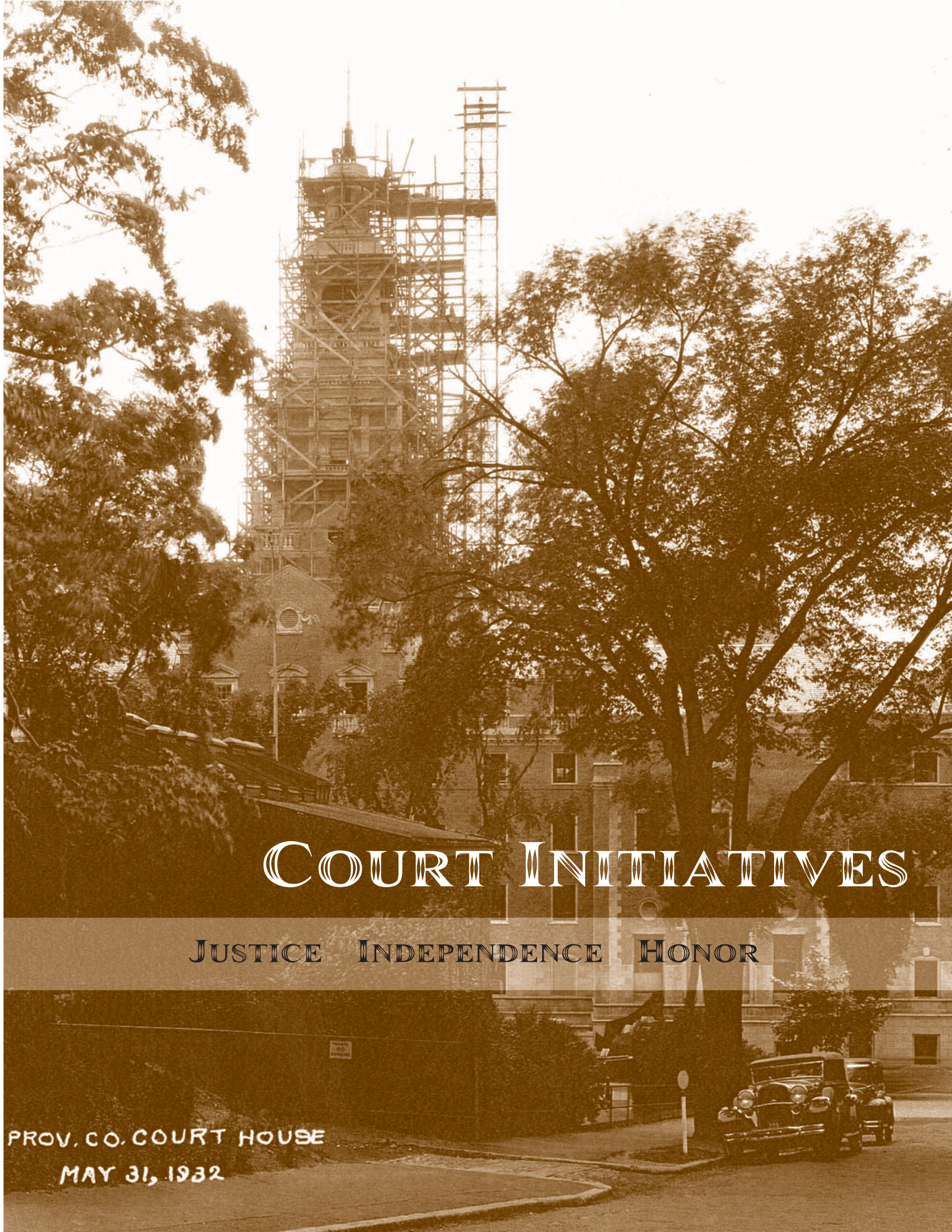


Court Initiatives

Justice Independence Honor

Building Justice

MODERNIZING THE COURTS

Since the enactment of the Rhode Island Constitution in 1843, the ideals of justice have remained the constant compass by which we navigate our judicial system. Yet, even as countless citizens turn to the courts for justice, the courthouses into which they step have gone through many evolutions. Today, we are in the midst of another such evolution – a modernization of court infrastructure which will change the public face of the Judiciary. Courtrooms and courthouses throughout the state are in need of significant upgrade and/or repair. Many facilities have simply outlived their ability to adequately serve the needs of Rhode Island citizens.

We are also working to relieve the congestion at the Providence courthouses by pursuing the tandem goals of reducing the number of people who use the Garrahy Judicial Complex, while making the courts more accessible to those citizens living in the northern part of Rhode Island. Chief Justice Williams has recommended construction of a full service courthouse in the Blackstone Valley and during the 2004 legislative session, the General Assembly apportioned the necessary seed money for this project.

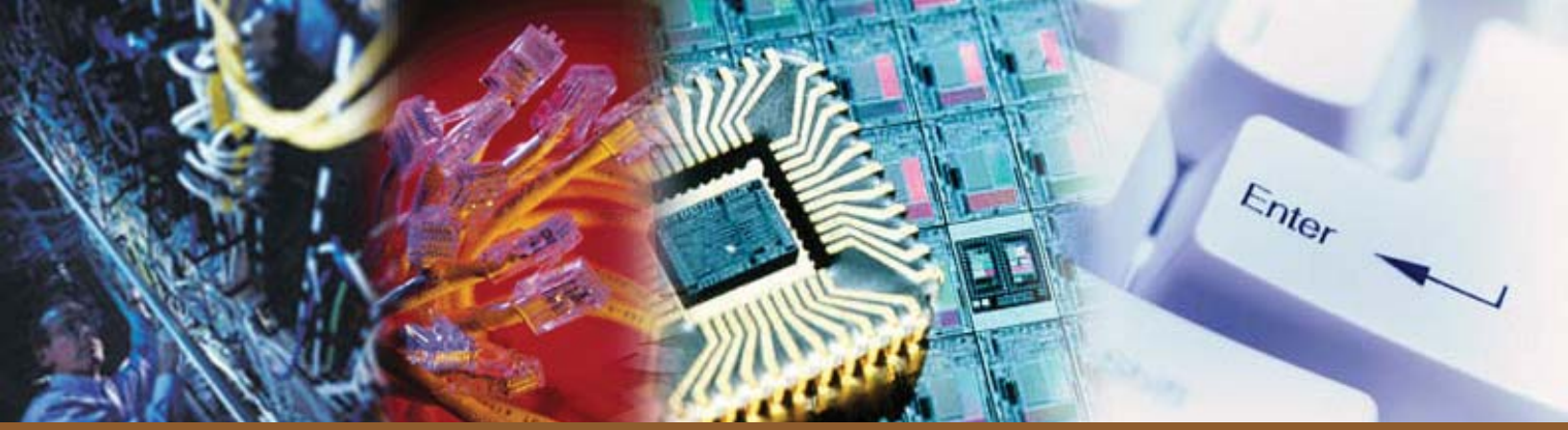
Supreme Court Chief Justice Frank J. Williams and State Court Administrator J. Joseph Baxter, Jr. stand in front of the architectural highlight of the new Kent County Courthouse, the 100 foot glass sail.

Construction continues on the new $52 million Kent County Courthouse with an anticipated completion date by the end of 2005. This new judicial complex is four times the size of the existing courthouse and will incorporate technology, security, and aesthetic concerns. Finally, the schematics and elevations for a new Traffic Tribunal have already been approved and groundbreaking should be this June with expected completion in the fall of 2006. The new facility will be located at the entrance to the John O. Pastore Center.

In March 2004, the Rhode Island Judiciary dedicated a flagpole and monument to those members of the judicial family who served in the armed forces. The Judiciary's new flag was also unveiled during the dedication and is now proudly flanked by both the American and State flags. Members of the Rhode Island National Guard and Marine Corps honored the Judiciary by raising all three flags, playing Taps, and providing a firing detail in memory of the Judiciary's deceased veterans.

Our commitment to maintaining the integrity of the buildings that house our Judiciary mirrors our commitment to preserving justice for the citizens who pass through those courthouse doors.

Men working on the Kent County Courthouse construction site.



Building Technology

OPERATION PHOENIX

The Rhode Island Judiciary recognizes the ongoing demand for a diverse workforce that is technologically literate. These days, it is essential that computer literacy starts in school. To that end, the Rhode Island Judiciary launched its *Operation Phoenix* campaign by donating 79 refurbished computers to schools in Woonsocket, Central Falls, and Pawtucket. The program was designed to donate surplus computer equipment to schools for educational use in the classroom, giving special consideration to communities with the greatest need. Before distribution, all of the computers were carefully refurbished and outfitted with Windows 95, 17-inch monitors, cd drives, keyboards, a mouse, and at least 196 megabytes of memory.

WEBSITE

Our newly designed judicial website is more user-friendly and easier to navigate. Additional features now allow cyber visitors to view video and to hear special audio features. There is also a newly developed kids' page, which will soon be infused with interactive material for teachers, parents, and children.

VIDEO CONFERENCING

In partnership with the Governor's Office and the Department of Corrections, the Rhode Island Judiciary expanded video conferencing within both the Licht and Garrahy Judicial Complexes. This expanded use of video conferencing is designed to increase efficiency, reduce unnecessary prisoner transportation, and make our system more cost effective.

Superior Court Associate Justice Susan McGuirl hears a case of a defendant with the help of video conferencing..

With the enhancement of video conferencing, those criminal matters scheduled in Superior Court, except contested evidentiary hearings, may be considered and resolved through the use of this technology without having to bring the defendant to the courthouse from the Adult Correctional Institutions (ACI). A separate secure video line allows private attorney/client conferences between the courthouse and the ACI.

In response to an increasing problem of overcrowding in cellblocks within the Garrahy Judicial Complex, the District Court has also begun using video conferencing in cases on the cost calendar where defendants are being held at the ACI. Every day, the court conducts between ten and thirty-five video conferences with inmates being held at the ACI. In order to ensure a full and complete understanding of the video proceedings, a bilingual court employee is present during the hearings. The District Court's use of video conferencing has reduced the number of prisoners required to be transported to the Garrahy Judicial Complex, thereby realizing the dual goals of this initiative: alleviating overcrowding in the cellblocks and reducing overall transportation expenses.

Central Falls students enjoy computers donated to their school from the Rhode Island Judiciary through the "Operation Phoenix" program.

Building Diversity

JURY SERVICE

Jury service is the ultimate justice of the people and is a crucial part of our American legal system. Jurors serve as the conscience of the community, delivering fair and impartial verdicts to fellow citizens as they seek justice. The Rhode Island Judiciary is committed to providing information and education to citizens we serve. In an innovative approach to juror education, the Judiciary has produced a video to promote better understanding of jury service. This video includes a brief history on the development of the American jury system, as well as an outline of the jury selection process, the stages in a jury trial, and jury deliberation. This video complements the juror orientation program conducted by the Office of the Jury Commissioner.

Rhode Island jurors being sworn in.

COURT INTERPRETERS

With the inauguration of its first Office of Court Interpreters, the Rhode Island Judiciary continues to move toward a new era of understanding with fullness and accuracy. The swearing in of six full-time Spanish language interpreters marks a long sought milestone for the Judiciary. The Office marks the culmination of lengthy research, curriculum development, and training sprung from the partnership between the Rhode Island Judiciary and the Community College of Rhode Island. Throughout 2004, approximately thirty candidates completed the Community College of Rhode Island certificate in the Bilingual Judicial Interpreter Program. During the training, candidates served as interns in the Superior, Family, District, and Workers' Compensation Courts and the Traffic Tribunal, which allowed them to bridge their academic training and practical application.

Six new Spanish interpreters were sworn in and began the new Office of Court Interpreters.

The final phase of certification was implemented this summer and early fall when the Supreme Court approved implementation of a national proficiency exam administered by Measurement, Incorporated.

The six new interpreters have already made a difference in the court's daily routine, as they are able to quickly explain the judicial procedure and direct litigants to the proper venues. We look forward to increasing the staff in the office and diversifying the number of languages future interpreters will be able to speak.

District Court Associate Judge William Clifton appears on Spanish radio station PODER 1110 AM with hostess Delia Rodriguez.

SPANISH RADIO

We continue to be active with Delia Rodriguez at PODER (Spanish Radio) by enlisting judges across the courts to speak once a month on her radio show. We have also been asked to write a monthly column for *el Latino Expreso.* These forums provide us with an outlet into various Rhode Island communities that were previously untapped.

Building Community Ties

JUSTICE RULES

In the fall of 2003, the Rhode Island Judiciary unveiled its education outreach initiative, *Justice Rules*. During that first year, the program was widely accepted into school districts throughout the state. Now nearing the completion of its second year, the program has already doubled both the number of participating communities and legal partnerships. *Justice Rules* now reaches close to 50,000 school children across the state.

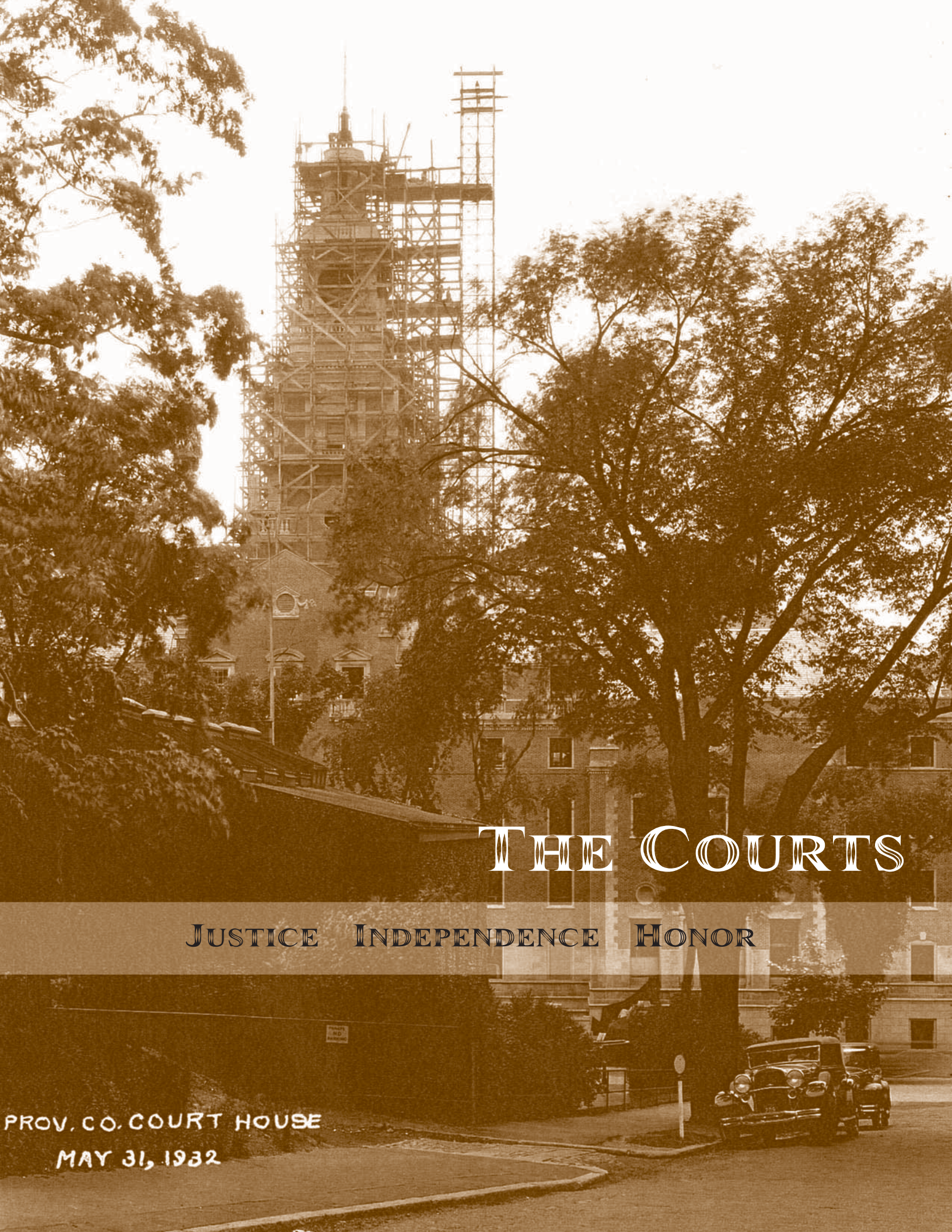
Among the crowning achievements to arise out of 2004 for the *Justice Rules* initiative was *Looking Back on Brown v. The Board of Education*. This video, a collaborative effort between the Judiciary, Hugh B. Bain Middle School, and the Thurgood Marshall Society, marks the 50th anniversary of the United States Supreme Court decision ending school segregation. The video was widely distributed to schools and libraries throughout Rhode Island. Recognizing its efforts to increase diversity awareness and education through the production of this video, the NAACP awarded the Judiciary's Community Outreach/Public Relations Department its coveted Freedom Award.

Providence students welcome used books donated by the Rhode Island Judiciary through the "Off the Shelf" program.

OFF THE SHELF

During December 2004, the Judiciary launched its first annual *Off the Shelf* book drive. In an effort to supplement library offerings in some of the states neediest schools, members of the Judiciary collected and contributed over 1,000 books. Donated to elementary, middle and high schools, these books were received with enthusiasm and appreciation.

Present at the NAACP awards dinner were (l-r): Hilda Rodgers, Regional Director of NAACP; David Cicilline, Mayor of Providence; George Lima; Clifford Montiero, President of NAACP; Carol Anne Costa, Rhode Island Supreme Court; Magistrate Aurendina Veiga; Shelia High King, Esquire; Patrick Kennedy, United States Representative; Associate Justice Edward C. Clifton; and Michael Fontaine, Esquire, President of Thurgood Marshall Law Society.



The Courts

Justice Independence Honor

Supreme Court

Constance Brown

The Honorable Frank J. Williams, Chief Justice *(Center)*
Appointed 12/15/95 to the Superior Court, Chief Justice since 2001
B.A. Boston University, School of Liberal Arts; J.D. Boston University, School of Law;
Masters in Taxation, Bryant College

The Honorable Francis X. Flaherty *(Far left)*
Appointed 5/2/03
B.A. Providence College; J.D. Suffolk University Law School

The Honorable William P. Robinson III *(2nd from right)*
Appointed 9/07/04
B.A. University of Louvain (Belgium);
M.A. (French Literature) University of Rhode Island;
Ph.D. (Romance Languages) University of Connecticut; J.D. Boston College

The Honorable Paul A. Suttell *(2nd from left)*
Appointed 6/29/03
B.A. Northwestern University; J.D. Suffolk University Law School

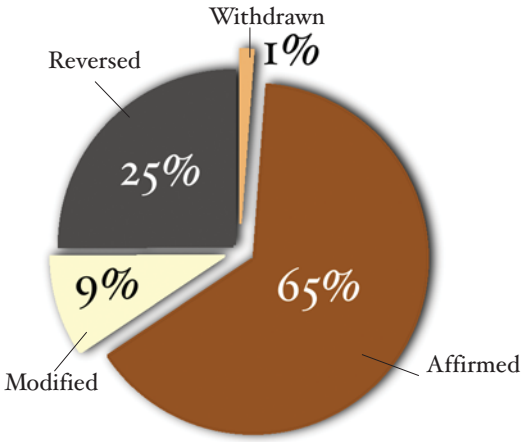
The Honorable Maureen McKenna Goldberg *(Far right)*
Appointed 5/3/97
B.A. Providence College; J.D. Suffolk University Law School

In 2004, the Rhode Island Supreme Court welcomed another new member to its ranks. Upon the resignation of former Justice Robert G. Flanders, William P. Robinson III was appointed the court's newest Justice. His confirmation in early fall allowed the Supreme Court to start the session with a full complement of Justices. His intellect and enthusiasm make him a strong asset to the bench.

The Appellate Mediation Program, instituted in 2003, successfully mediated 36% of appellate cases in the past year. The list of qualified mediators is ever-expanding. The program was instituted with only retired Chief Justice Joseph Weisberger and retired Justice Donald Shea serving as mediators. Now, there are eight retired justices who are serving in this capacity. With its wide acceptance in the legal community, the program has set as its goal successful resolution in 50% of civil appellate cases.

In 2004, the Supreme Court continued its community outreach efforts, *Riding the Circuit,* and holding sessions at Hugh B. Bain Middle School in Cranston and Portsmouth High School in

After Arguments



Portsmouth. Along with the public officials and citizens who attended these sessions, hundreds of school children also took advantage of the visit to learn about the judicial process and the Supreme Court.

In 2004, 394 cases were filed in the Supreme Court. Three of the most notable were the following:

Charles H. Mosby, Jr., et al v. William V. Devine, in his Capacity as Chief of the Rhode Island Bureau of Criminal Identification, and Patrick C. Lynch, in his capacity as Rhode Island Attorney General, No. 01-161 (June 10, 2004)

The plaintiffs, Charles H. Mosby (Mosby) and Steven Golotto (Golotto), applied for permits to carry a concealed weapon. The defendants, the Chief of the Rhode Island Bureau of Criminal Identification and the Rhode Island Attorney General (collectively referred to as the department), denied the plaintiffs' applications and the plaintiffs appealed to the Superior Court. A Superior Court motion justice concluded that an application to carry a concealed weapon was not a "contested case" because a hearing is neither required under the terms of the permitting statute nor under the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Because the review of an application to carry a concealed weapon is not a "contested case," plaintiffs' case was dismissed for lack of subject-matter jurisdiction under the Administrative Procedures Act (APA), chapter 35 of title 42.

Golotto was dismissed from the appeal for failing to tender the required $150.00 appellate filing fee within the time period required by Rule 4(a) of the Supreme Court Rules of Appellate Procedure.

The court concluded that the department's review of Mosby's gun permit application was not a "contested case" because it was not required to provide a hearing before rejecting the application. The department's exercise of its broad discretion to deny an application to carry a concealed weapon under G.L. 1956 § 11-47-18 did not have an impact upon "the right of the people to keep and bear arms" as described in article 1, section 22 of the Rhode Island Constitution. Further, § 11-47-18 does not require a hearing on an individual's application for a gun permit. Because the decision to grant or deny an application to carry a concealed firearm under § 11-47-18 is not a "contested case," the Superior Court lacks subject-matter jurisdiction to review the rejection of Mosby's application pursuant to the APA. The Supreme Court held that the only way to obtain judicial review of the department's rejection of an application filed under § 11-47-18 is to seek a writ of certiorari from the Supreme Court.

2004 Appellate Caseload

	Docketed	Disposed	Pending
Criminal	80	62	123
Civil	174	194	231
Certiorari	87	64	80
Miscellaneous	53	66	43
All Cases	394	386	477

James R. McKinney v. State, No. 02-197 (February 4, 2004)

The Supreme Court reversed the Superior Court hearing justice's decision to reduce defendant's sentence of sixty years, with forty to serve, to twenty-five years to serve, after defendant pled *nolo contendere* to seven counts relating to an armed robbery when he fired shots at two people. The hearing justice incorrectly determined that defendant's sentence was disproportionate and, thus, in violation of the cruel and unusual punishment clauses of the Rhode Island and United States Constitutions. Based on recent United States Supreme Court cases, the Rhode Island Supreme Court held that the constitutions provide a narrow proportionality guarantee and, because defendant's sentence was commensurate to his crimes, the original sentence was constitutional and, thus, upheld. In doing so, the court adopted a test for disproportionality that requires a defendant's sentence to be commensurate to the crime he committed. Only if the sentence is not commensurate to the crimes will defendant's sentence be compared to sentences imposed on similarly situated defendants.

State v. Thomas Martini, No. 03-0387 (November 26, 2004)

The State appeals from the dismissal by the Superior Court of a criminal information filed against the defendant, Thomas Martini. The state argued that a disorderly conduct conviction under G.L. 1956 § 11-45-1 against a family or household member is a crime of domestic violence and is subject to the sentencing enhancements provided in G.L. 1956 § 12-29-5(c). However, pursuant to the provisions of § 11-1-2, the penalty provisions set forth in § 11-45-1 classify disorderly conduct as a petty misdemeanor. The sentencing enhancement provisions of § 12-29-5(c) are limited to persons "convicted of an offense punishable as a misdemeanor." Accordingly, by its terms, § 12-29-5(c) excludes from its provisions offenses that are not punishable as a misdemeanor. The judgment is affirmed.

SUPERIOR COURT

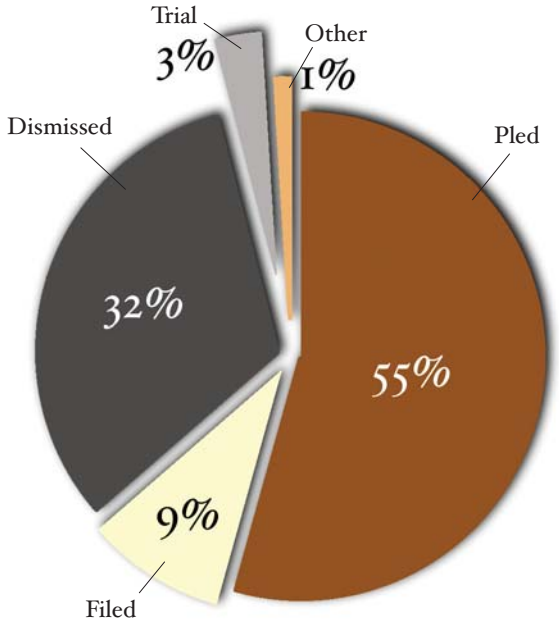
East Greenwich Photo

Row 1 (Bottom) - Left to right: Michael A. Silverstein, Francis J. Darigan Jr., Mark A. Pfeiffer, Melanie Wilk Thunberg, Alice Bridget Gibney, Joseph F. Rodgers, Jr. (Presiding Justice), Robert D. Krause, Vincent A. Ragosta, Patricia A. Hurst, Judith C. Savage, and Stephen J. Fortunato, Jr. Row 2 - Left to right: Gordon M. Smith, Patricia L. Harwood, William J. McAtee, Jeffrey A. Lanphear, Susan E. McGuirl, Stephen P. Nugent, O. Rogeriee Thompson, Netti C. Vogel, Edward C. Clifton, William A. Dimitri, Jr., Gilbert V. Indeglia, Edwin J. Gale, Daniel A. Procaccini, Allen P. Rubine, Joseph A. Keough, and Susan L. Revens.

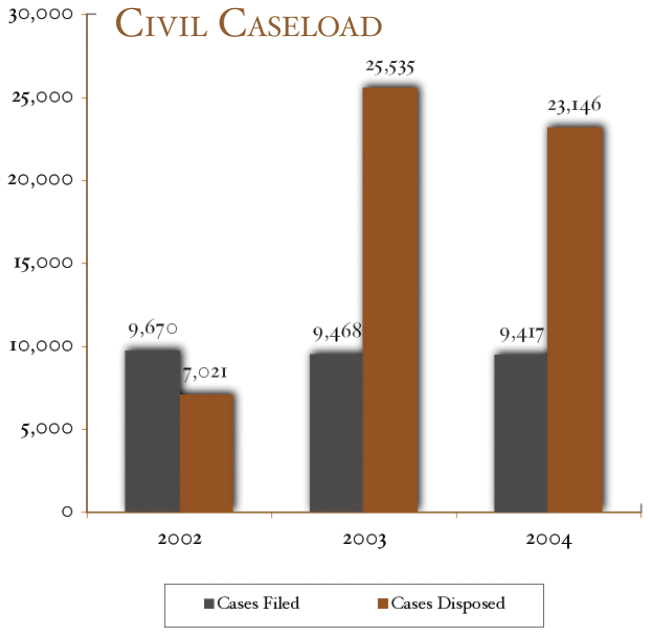
Now in its fourth year, the Superior Court Business Calendar continues to be a highly successful route for more complex business cases. The expeditious manner in which these cases are handled has benefited both the litigants and the business community. In one year, the number of cases assigned to this calendar increased by 13%.

Also in its fourth year of operation, the Rhode Island Adult Drug Court has realized impressive and measurable success in changing the course of many lives that may otherwise have been lost to a lifetime of drug or alcohol addiction. Over 34 participants have successfully graduated after complying with the rigid terms and conditions enumerated in the Adult Drug Court contract which requires a minimum of six months of sobriety/clean drug screens, probation contact, clinical compliance, and faithful court attendance. The average cost for an Adult Drug Court participant to complete the program successfully is approximately $3,600 annually. By comparison, it costs approximately $36,000 per year to house a minimum security prisoner in Rhode Island.

MISDEMEANOR DISPOSITIONS

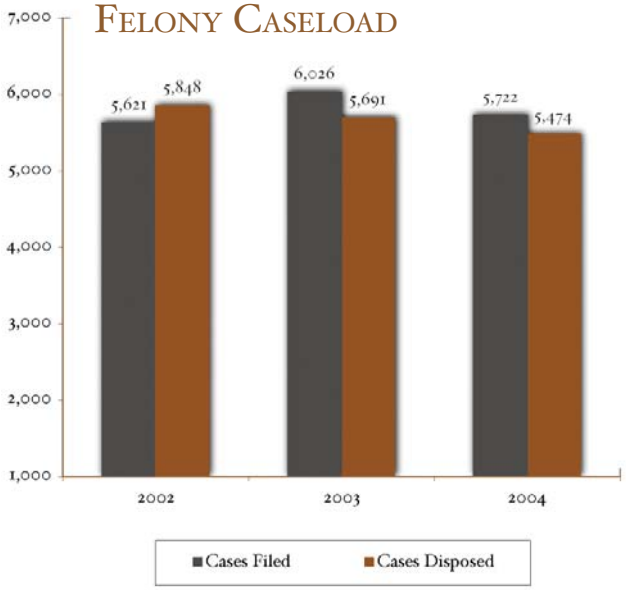


CIVIL CASELOAD



Traditionally, the Superior Court designates one week during the month of December as "settlement week." During this week, lawyers volunteer to serve as mediators on cases in which the parties have agreed to try alternative methods of dispute resolution. Over the past ten years, 3,739 cases have been heard during settlement week and 2,670 have been resolved without trial. In 2004, of the 213 cases

Felony Caseload



participating, 157 have been settled thus far – that is a 74% success rate. And, as parties continue negotiations outside of the courthouse, it is expected that these figures will increase even further in the coming months.

Finally, the court has gone out to bid on its latest outreach initiative – gavel to gavel coverage of high profile trials. The benefit of this type of coverage is far reaching. Not only will citizens be able to follow the trial process in its entirety from their own homes, but these trials can be broadcast in classrooms and used as a valuable teaching tool.

Criminal Caseload

FELONIES					
Providence/Bristol County	2000	2001	2002	2003	2004
Cases Filed	4,180	4,271	4,073	4,567	4,271
Cases Disposed	4,220	4,383	4,233	4,380	4,074
Total Pending Cases	1,619	1,761	1,535	1,683	1,838
% Over 180 Days Old	51%	33%	33%	36%	42%
Kent County					
Cases Filed	671	563	693	705	751
Cases Disposed	581	598	728	649	762
Total Pending Cases	198	195	141	192	193
% Over 180 Days Old	39%	37%	26%	13%	17%
Washington County					
Cases Filed	386	449	489	447	413
Cases Disposed	405	496	482	415	359
Total Pending Cases	132	78	61	103	135
% Over 180 Days Old	21%	17%	23%	15%	13%
Newport County					
Cases Filed	314	311	366	307	287
Cases Disposed	334	343	405	247	279
Total Pending Cases	91	95	66	72	64
% Over 180 Days Old	29%	25%	26%	35%	13%
Statewide					
Cases Filed	5,551	5,594	5,621	6,026	5,722
Cases Disposed	5,540	5,820	5,848	5,691	5,474
Total Pending Cases	2,040	2,129	1,803	2,050	2,230
% Over 180 Days Old	47%	33%	32%	33%	37%

FAMILY COURT

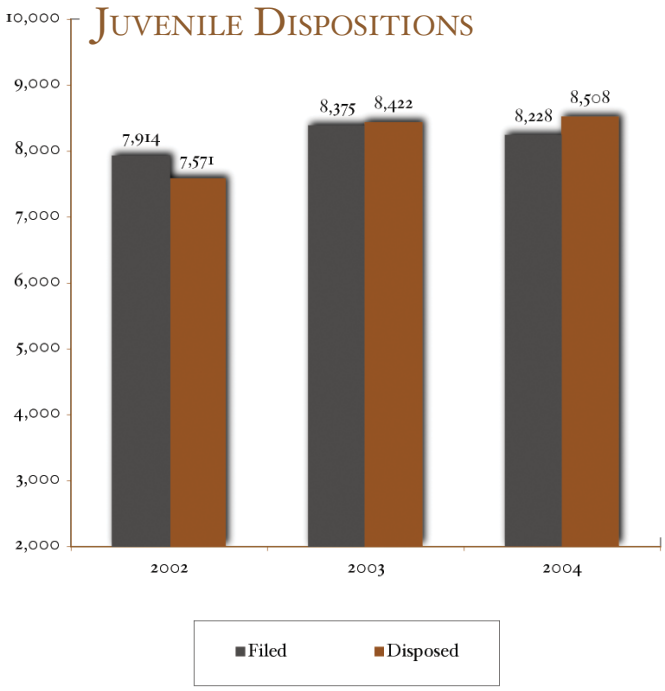
Constance Brown

Row 1 (Bottom) - Left to right: Howard I. Lipsey, Michael B. Forte, Pamela M. Macktaz, Jeremiah S. Jeremiah, Jr. (Chief Judge), Haiganush R. Bedrosian, Raymond E. Shawcross, and Kathleen A. Voccola. Row 2 - Left to right: Laureen D'Ambra, Francis J. Murray, Jr., John A. Mutter, Gilbert T. Rocha, Stephen J. Capineri, and Debra E. DiSegna. Row 3 - Left to right: Edward H. Newman, Jeanne L. Shepard, George N. DiMuro, John J. O'Brien, Jr., Angela M. Paulhus, Thomas Wright, and Patricia K. Asquith.

The Family Court's problem solving courts continue to be exceedingly successful.

Since its creation three years ago, over 20 participants have graduated from the Family Treatment Drug Court. In 2004, the program celebrated the graduation of our first two fathers who successfully completed the program. Also in the past year, two mothers in this specialized court gave birth to drug–free babies.

The Juvenile Drug Court has been equally successful with 389 post-adjudication participants and 505 diversion participants. Since the inaugural session, the program has graduated 176 post-adjudication participants and 261 diversion participants. We are also proud to note that two of the graduates gave birth to drug-free babies.

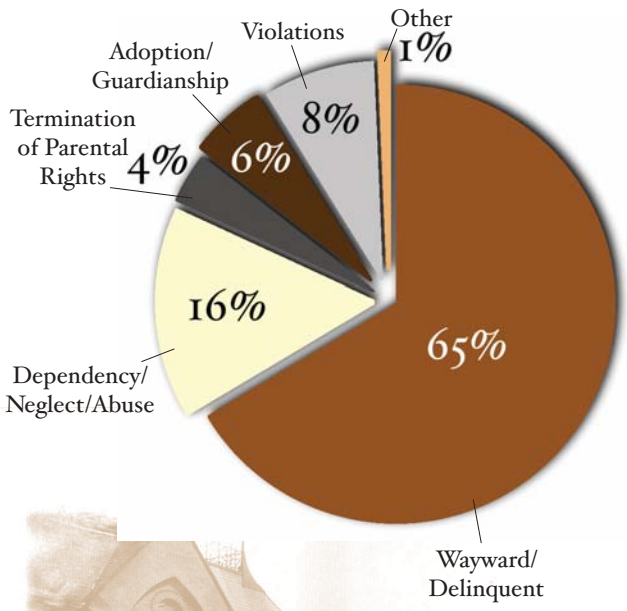


The Truancy Court program is now held in 54 schools in 21 different communities. Since its creation in 1999, over 1,500 children have been given an opportunity to turn their lives around and have a real chance at a successful future. Over the past three years, an average of 66% of the children involved in the program have increased their attendance and an average of 63% have shown an increase in academics

The Domestic Violence Court refers perpetrators to interventions designed to minimize risks of further violence and monitor compliance with court orders. The overall goals of the Domestic Violence Court are to promote victim and family safety and stability by offering meaningful assistance to families and to hold perpetrators responsible for their behavior.

and a
LEGACY OF
INDEPENDENCE

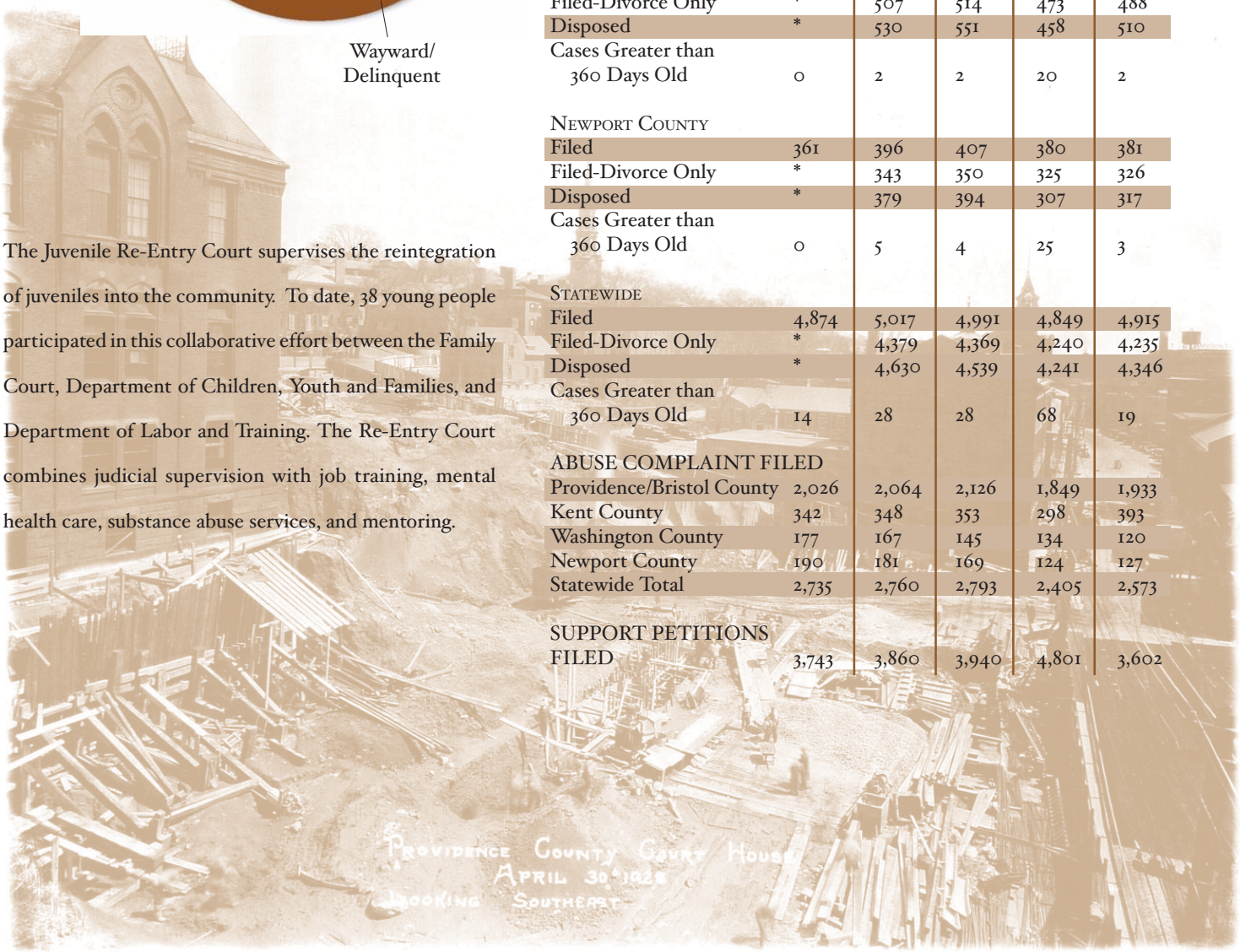
Juvenile Filings by Disposition



The Juvenile Re-Entry Court supervises the reintegration of juveniles into the community. To date, 38 young people participated in this collaborative effort between the Family Court, Department of Children, Youth and Families, and Department of Labor and Training. The Re-Entry Court combines judicial supervision with job training, mental health care, substance abuse services, and mentoring.

Domestic Caseload

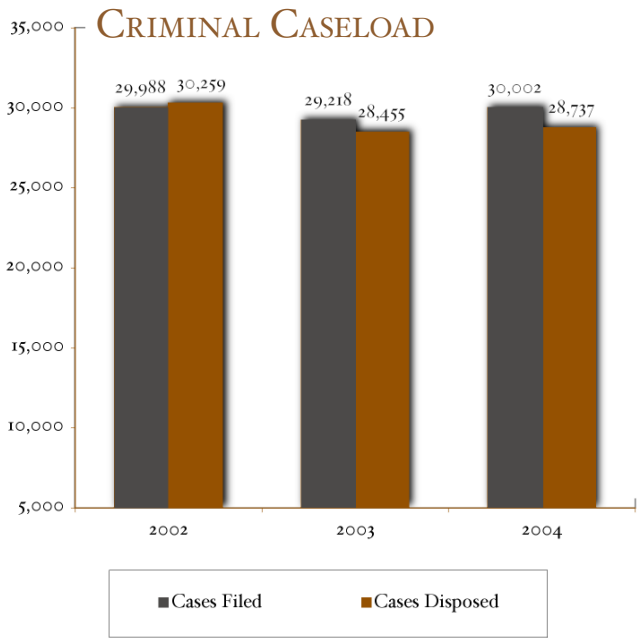
DOMESTIC					
Providence/Bristol County	2000	2001	2002	2003	2004
Filed	3,062	3,172	3,212	3,120	3,158
Filed-Divorce Only	*	2,780	2,788	2,711	2,694
Disposed	*	2,853	2,826	2,783	2,789
Cases Greater than 360 Days Old	14	6	17	11	4
Kent County					
Filed	895	854	791	810	821
Filed-Divorce Only	*	749	717	731	727
Disposed	*	868	768	693	730
Cases Greater than 360 Days Old	0	15	5	12	10
Washington County					
Filed	556	595	581	539	555
Filed-Divorce Only	*	507	514	473	488
Disposed	*	530	551	458	510
Cases Greater than 360 Days Old	0	2	2	20	2
Newport County					
Filed	361	396	407	380	381
Filed-Divorce Only	*	343	350	325	326
Disposed	*	379	394	307	317
Cases Greater than 360 Days Old	0	5	4	25	3
Statewide					
Filed	4,874	5,017	4,991	4,849	4,915
Filed-Divorce Only	*	4,379	4,369	4,240	4,235
Disposed	*	4,630	4,539	4,241	4,346
Cases Greater than 360 Days Old	14	28	28	68	19
ABUSE COMPLAINT FILED					
Providence/Bristol County	2,026	2,064	2,126	1,849	1,933
Kent County	342	348	353	298	393
Washington County	177	167	145	134	120
Newport County	190	181	169	124	127
Statewide Total	2,735	2,760	2,793	2,405	2,573
SUPPORT PETITIONS FILED	3,743	3,860	3,940	4,801	3,602



DISTRICT COURT

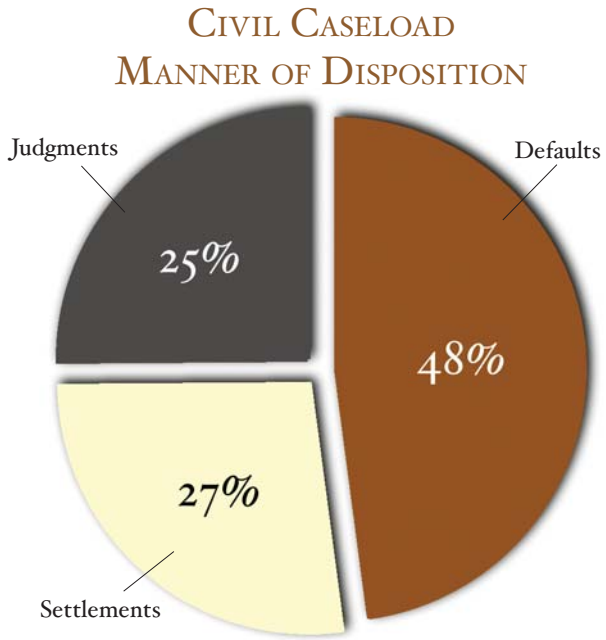
Constance Brown

Row 1 (Bottom) - Left to right: Robert J. Rabill, Patricia D. Moore, Michael A. Higgins, Albert E. DeRobbio (Chief Judge), Robert K. Pirraglia, Stephen P. Erickson, and John M. McLoughlin. Row 2 - Left to right: Joseph P. Ippolito, Jr., Richard A. Gonnella, Elaine T. Bucci, Frank J. Cenerini, Madeline Quirk, Jeanne E. LaFazia, and Christine S. Jabour. Not Pictured: Walter Gorman.



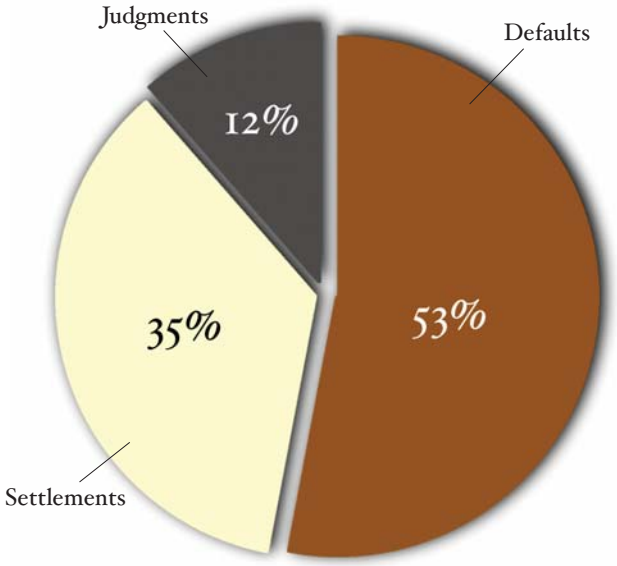
Under the leadership and guidance of Chief Judge Albert DeRobbio, the Rhode Island District Court has continued to build upon its momentum of innovation and change.

An ongoing dedication to providing equal justice and fair treatment for all defendants was the motivation for another procedural change in the District Court. Over the past year, two public defenders were assigned to be present during arraignments in District Court in Providence County. Having public defenders in the courtroom at the time of the arraignment serves a dual purpose. First, it allows indigent defendants to have more immediate access to legal advice and, second, it permits the attorneys to provide the court with personal information about the defendants and their ties to the community. Consequently, the court is better prepared to determine a defendant's ability to remain on bail in the community while awaiting trial. This modification has moved the District Court closer to a true manifestation of equal justice.

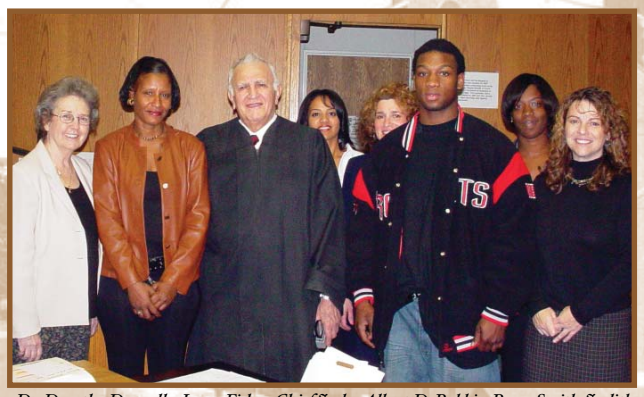


The District Court has also continued to build strong community relations. Its newest innovation, *Changing Lives through Literature*, was developed through a partnership between the District Court Pretrial Services Unit, Bryant University, Rhode Island College, and the University of Rhode Island. *Changing Lives through Literature* is a nationally recognized initiative that offers criminal offenders the opportunity of participating in a literature seminar rather than going to jail. The major goal of the program is to attempt to redirect

Small Claims Manner of Disposition



the lives of convicts through reading literature with a message of self-esteem and self-understanding. Last October, the court graduated its first participants and anticipates that this program will be a long-standing success.



Dr. Dorothy Donnelly, Ivory Fisher, Chief Judge Albert DeRobbio, Rana Smith, Judith Caprio, Esquire, Ernest Baxter, Waleada Brown, and Dr. Terri Hasseler at the graduation of Ivory and Ernest from the Changing Lives through Literature *program.*

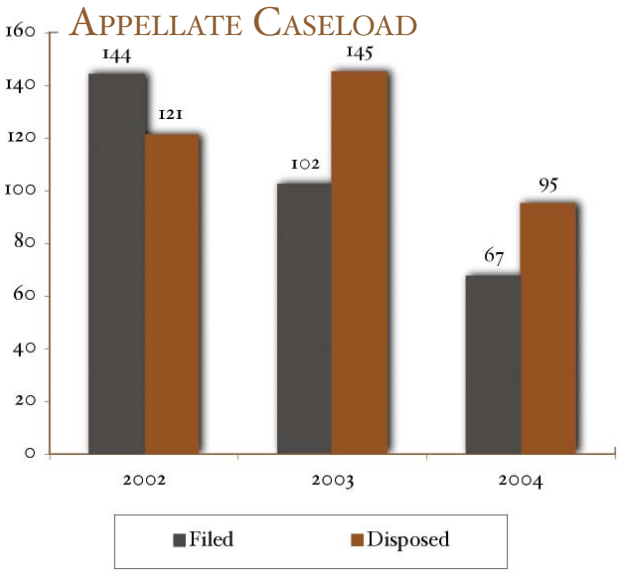
Criminal Caseload

MISDEMEANORS					
Second Division					
Newport County	2000	2001	2002	2003	2004
Cases Filed	2,437	2,760	2,454	2,276	2,518
Cases Disposed	2,597	2,723	2,578	2,229	2,359
Total Pending	609	397	153	152	339
% Over 60 Days Old	*	*	17%	41%	57%
Third Division					
Kent County					
Cases Filed	4,687	4,786	4,879	4,893	4,911
Cases Disposed	5,971	4,858	4,984	4,708	4,633
Total Pending	489	273	197	351	513
% Over 60 Days Old	*	*	16%	32%	47%
Fourth Division					
Washington County					
Cases Filed	3,943	4,508	4,271	4,222	4,296
Cases Disposed	3,800	4,443	4,314	3,940	4,127
Total Pending	529	528	205	450	334
% Over 60 Days Old	*	*	6%	39%	19%
Sixth Division					
Providence/Bristol County					
Cases Filed	16,950	18,298	18,384	17,827	18,277
Cases Disposed	16,481	18,159	18,383	17,578	17,618
Total Pending	2,912	2,622	1,833	1,037	1,043
% Over 60 Days Old	*	*	*	28%	25%
Statewide					
Cases Filed	28,017	30,352	29,988	29,218	30,002
Cases Disposed	28,850	30,183	30,259	28,455	28,737
Total Pending	4,539	3,820	2,388	1,990	2,229
% Over 60 Days Old	*	*	*	32%	34%
MANNER OF DISPOSITION					
Pled	19,632	20,690	21,721	21,643	21,911
Filed	183	166	129	80	80
Dismissed	5,942	7,656	6,441	5,819	6,289
Trials	473	634	760	288	239
Other	2,620	1,036	1,208	625	218
Total	28,850	30,182	30,259	28,455	28,737
% Disposed of Within 60 Days of Filing	83%	88%	89%	88%	88%
STATEWIDE FELONIES					
Filed	6,671	7,197	7,242	7,428	7,170

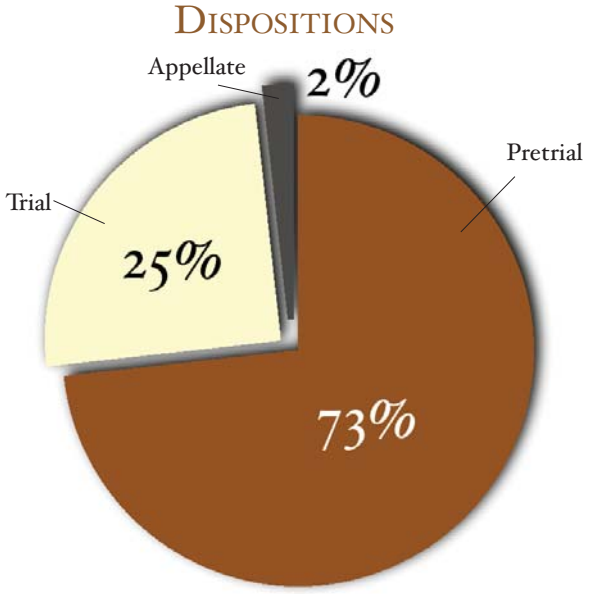
Workers' Compensation Court

Constance Brown

Row 1 (Bottom) - Left to right: Bruce Q. Morin, John Rotondi, Jr., George E. Healy, Jr. (Chief Judge), and Debra L. Olsson. Row 2 - Left to right: George T. Salem, Jr., Edward P. Sowa, Jr., Janette A. Bertness, Dianne M. Connor, and Hugo L. Ricci, Jr.



Under the leadership of its new Chief Judge, George E. Healy, Jr. the Workers' Compensation Court continued to aggressively pursue its efforts to reach out to the clients it serves. Representatives of the court made themselves available to the entire community to explain the judicial process and to reinforce our message that the court and its staff are pledged to serve them.

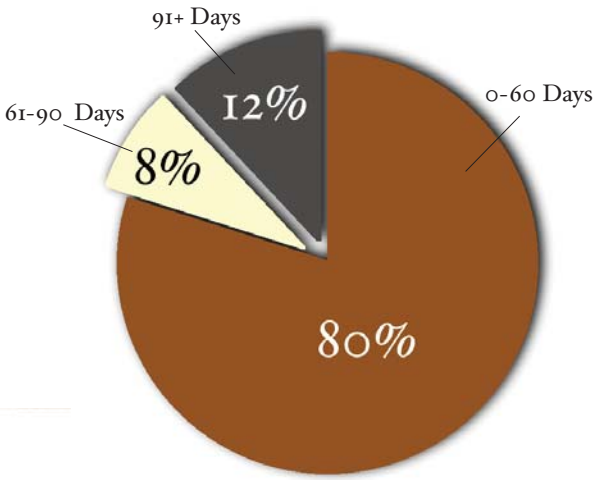


In October 2004, the Workers' Compensation Court co-sponsored the 7th Annual New England Regional Workers' Compensation Educational Conference in Newport, Rhode Island. Nationally recognized compensation experts from throughout the region met to share ideas and to instruct their colleagues in the latest developments in the law and procedures relating to the efficient management of compensation claims. Retired Chief Judge Robert F. Arrigan received a Lifetime Achievement Award from the International Workers' Compensation Foundation, the co-sponsor of the conference, to honor his long service to the compensation system and to recognize the reforms which he spearheaded.

The Medical Advisory Board of the Workers' Compensation Court conducted its 2nd annual seminar for impartial medical examiners. The conference, which drew over fifty healthcare providers of various specialties, has served as a valuable tool to improve communication between the bench, the bar, and the medical community.

and a
LEGACY OF
INDEPENDENCE

DISPOSED AT PRETRIAL



CASELOAD SUMMARY

EMPLOYEE PETITIONS	2000	2001	2002	2003	2004
Original	3,168	3,201	3,076	3,027	2,899
To Review	1,565	2,400	2,178	2,171	2,165
Second Injury	3	1	0	0	0
To Enforce	714	786	929	873	983
Total	5,450	6,388	6,183	6,071	6,047
EMPLOYER PETITIONS					
To Review	1,504	1,678	1,767	1,568	1,646
OTHER					
Lump Sum Settlement	754	713	856	780	669
Hospital/Physician Fees	*	42	70	161	66
Miscellaneous	119	143	106	104	136
Total	873	898	1,032	1,045	871
Total Petitions	7,827	8,964	8,982	8,684	8,564
Total Dispositions	8,018	8,877	9,258	8,775	8,429
Total Pending Caseload	2,519	2,603	2,326	2,233	2,374
Total Cases Pending Trial	1,328	1,188	910	887	995
% Pending Trial More Than 270 Days	41%	40%	29%	29%	32%

The most significant aspect of the court's outreach efforts this past year focused on legal education. In conjunction with the Supreme Court's "*Justice Rules*" program, representatives of the Workers' Compensation Court met with school students to discuss the legal process and the Judiciary's role in the lives of our citizens. Judges and staff also represented the Judiciary at several career days sponsored by local school districts and actively participated in the student mock trial tournament sponsored by the Rhode Island Legal Educational Partnership.

The Partnership recognized Associate Judge Edward P. Sowa, Jr. by awarding him the Justice Anthony Giannini Award to honor his exemplary work to promote legal education for Rhode Island students. Judge Sowa's service to the mock trial tournament moved the partnership to so honor him. His dedication exemplifies the commitment the court has demonstrated to the community.

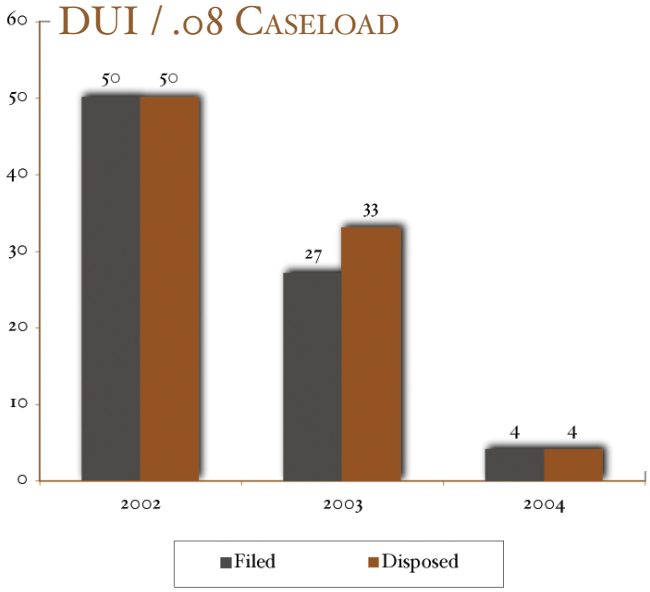
Finally, in 2004 the court also sponsored "bring your child to work day" which allowed the children to see their parents in the work environment and to witness first-hand how the Workers' Compensation Court operates.

PROVIDENCE COUNTY COURT HOUSE
FEBUARY 1ST 1929

Traffic Tribunal

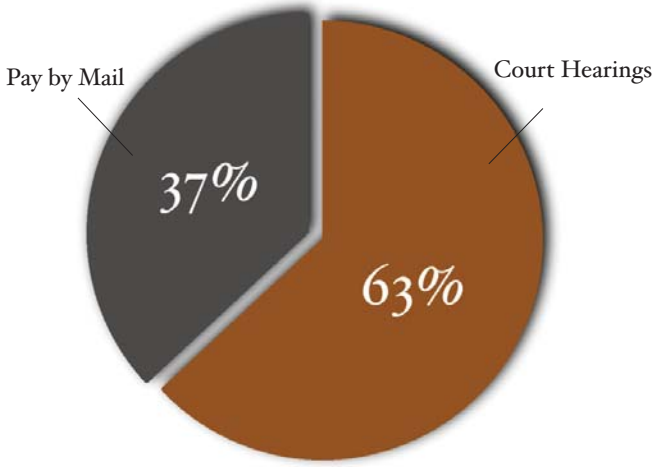
Constance Brown

Row 1 (Bottom) - Left to right: Lillian M. Almeida, Joseph P. Ippolito, Jr., Albert E. DeRobbio (Chief Judge), and Marjorie R. Yashar. Row 2 - Left to right: Aurendina G. Veiga, Albert R. Ciullo, Edward C. Parker, Domenic A. DiSandro III, and William T. Noonan.



Universal summons interface and electronic summonses improve operational efficiency and increase the integrity and accountability of the process. Police officers generating the electronic summons use data validated from the Department of Motor Vehicles (DMV) and the information is automatically inserted into the summons thereby increasing officer safety and reducing the time required to complete a form. Summons data is then electronically sent to the courts by the police departments.

Dispositions

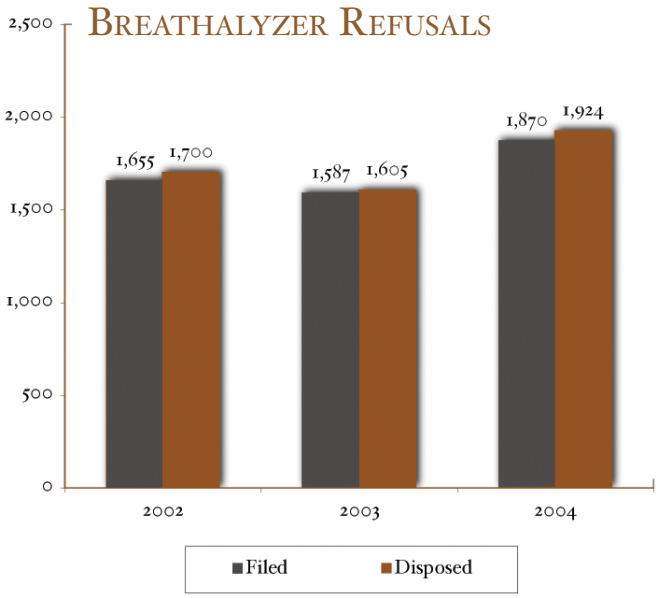


Motorists scheduled to appear before the Traffic Tribunal are now automatically checked for outstanding court warrants. Previously, court employees were required to manually research each motorist scheduled to appear in court. Additionally, the cumbersome nature of the task necessitated the research to be completed days in advance of the court date. The automated process ensures that the most current warrant status information is being utilized.

Computer generated Writ of Execution/Citations were introduced in 2004 and their success has resulted in expanded use at all Traffic Tribunal locations. Motorists who fail to pay court ordered fines and costs are served with a computer generated Writ of Execution/ Citation indicating relevant case information and balances due. Operational efficiency was increased by replacing a procedure that required many hours of manual research.

and a
Legacy of Independence

Traditionally, courts have sent criminal traffic offense dispositions and suspension requests to the DMV via paper transmission. In 2004, the Traffic Tribunal developed an electronic interface to automate this process to provide for the more efficient posting of criminal traffic offense information to the offender's DMV driving record. The interface is substantially complete and the final phase is being completed with the DMV's input.

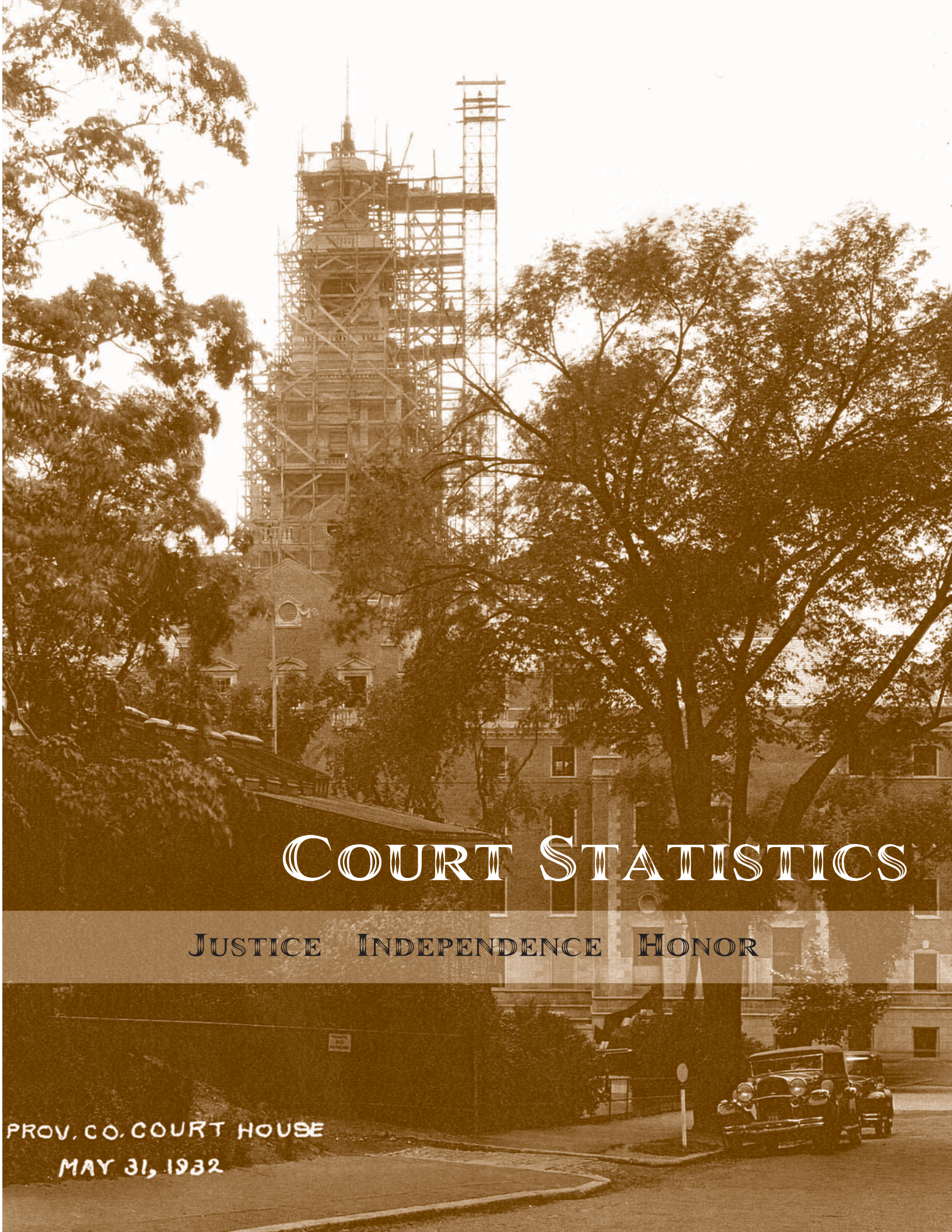


Caseload Summary

	2000	2001	2002	2003	2004
Total Summonses Issued	160,056	152,525	163,390	187,429	203,207
RITT Summonses Issued	88,149	89,727	99,406	101,649	104,667
Total Violations	116,309	128,449	130,576	124,618	130,093
RITT Summonses Disposed	123,673	104,042	102,136	106,371	109,808
BREAKDOWN OF DISPOSED SUMMONSES					
Court Hearings	90,607	66,990	62,824	67,243	69,293
Pay by Mail	33,066	37,052	39,312	39,128	40,515
Total	123,673	104,042	102,136	106,371	109,808
% Disposed of Within 60 Days	**	**	98%	98%	98%
BREATHALYZER REFUSALS					
Filed	1,693	1,633	1,655	1,587	1,870
Disposed1,903	1,678	1,700	1,605	1,924	
%Disposed Within 60 Days	**	**	93%	91%	91%
DUI/.08					
Filed	**	26	50	27	4
Disposed	**	27	50	33	4
% Disposed of Within 60 Days	**	**	88%	79%	100%
INSURANCE					
Filed	9,862	9,539	10,143	10,940	11,516
Disposed	18,014	10,855	10,625	11,572	12,384
% Disposed of Within 60 Days	**	**	94%	94%	93%
APPEALS					
Filed	562	513	565	700	626
Disposed	**	**	426	507	433
Pending	**	**	139	193	193

* *Includes summonses issued to both RITT and Municipal Courts.*
** *Not available.*
NOTE: *Reported pending insurance cases may be higher than actual number due to computer program conversion issues.*

Providence County Court House
November 1st 1928
Looking Northwest.



Court Statistics

Justice Independence Honor

At a Glance

2004 Caseload Year

Hearings/Filings	216,757
Disposed	233,481

Fiscal Year 2005 Budget- Enacted

	All Funds	General Revenue
Supreme Court	$ 25,432,557	$ 22,657,579
Defense of Indigent Persons	$ 2,250,000	$ 2,250,000
Superior Court	$ 18,246,408	$ 17,613,081
Family Court	$ 16,703,687	$ 13,889,510
District Court	$ 8,674,882	$ 8,669,882
Workers' Compensation Court	$ 6,124,172 (restricted receipt)	$ -----
Traffic Tribunal	$ 6,586,787	$ 6,586,787
Total	$ 84,018,493	$ 71,666,839

Judges

66 Judges
(3 Minorities)
(20 Females)
17 Magistrates
(1 Minority)
(8 Female)

Employees

743.5
Full-Time
Equivalent ("FTE")
Positions

Facilities

6 Courthouses
76 Courtrooms
(Including 4 Grand Jury rooms)

Fiscal Year 2004 Receipts - All Funds

	Civil	Criminal/Traffic/Juvenile-Fines/Fees/Costs	Grants
Supreme Court	$ 73,482	$ N/A	$ 38,623
Superior Court	$ 1,313,388	$ 1,852,864	$ 83,693
Family Court	$ 563,334	$ 693	$ 1,848,352
District Court	$ 1,408,981	$ 6,463,280	$ 9,767
Workers' Compensation Court	$ 171,948	$ N/A	$
Traffic Tribunal	$ N/A	$ 13,545,911	$
Total Receipts Generated	$ 3,351,133	$ 21,862,748	$ 1,980,435

Total Receipts Fiscal Year 2004 ..... $ 27,194,316

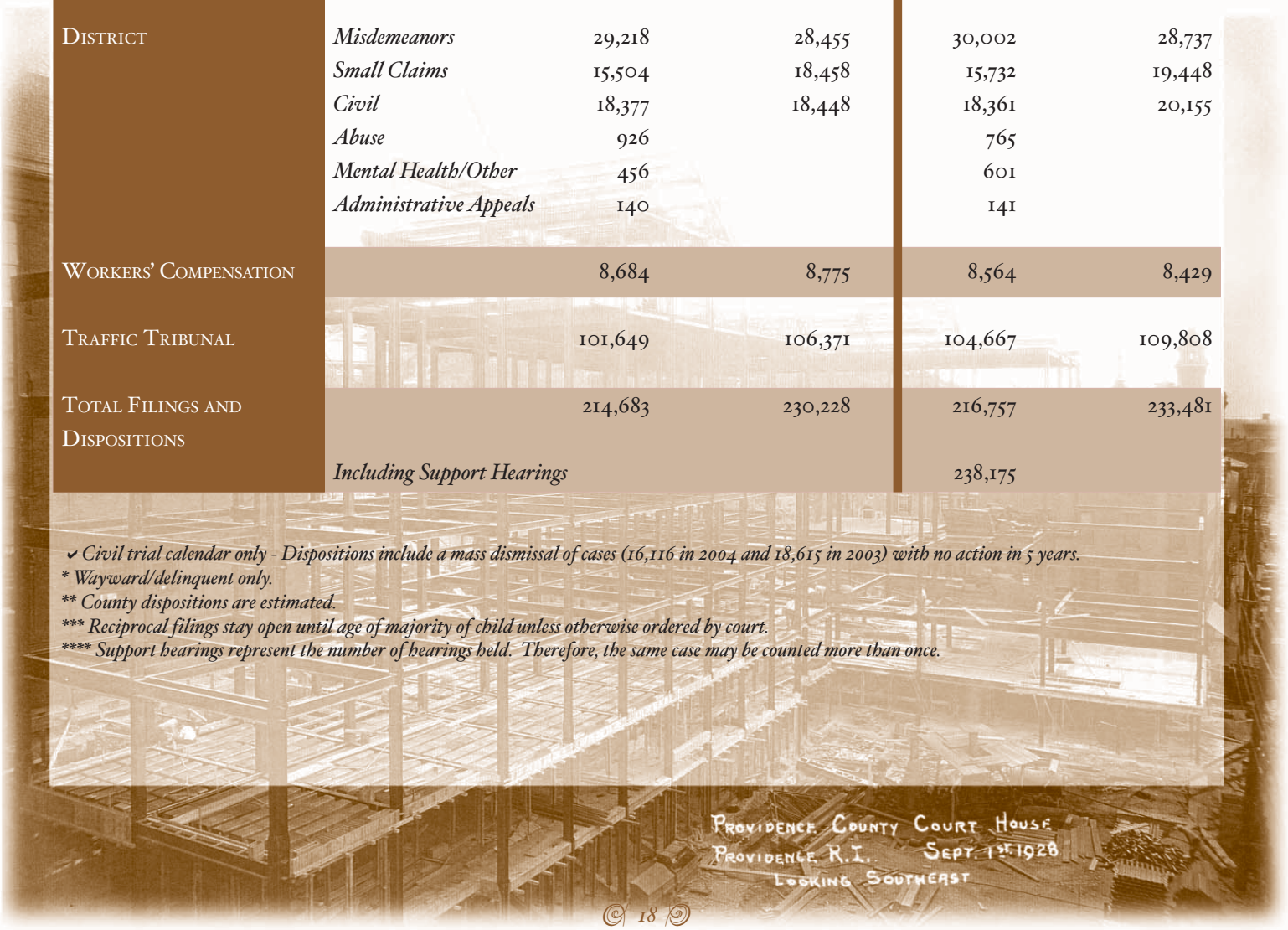
Providence County Court House
April 30 1928
Looking Southeast

Summary

Judiciary's Caseload

Court	Case Type	2003 Filings	2003 Dispositions	2004 Filings	2004 Dispositions
Supreme		673	714	394	336
	Appellate Mediation				50
Superior	*Felonies*	6,026	5,691	5,722	5,474
	Misdemeanors	557	546	270	307
	Civil	9,468	✔ 25,535	9,417	✔ 23,146
Family	*Juvenile*	10,950	*11,019	11,031	*11,239
	Divorce	4,240	4,241	4,235	4,346
	Miscellaneous Petitions	609		680	
	Abuse	2,405	**1,975	2,573	**2,006
	Child Support	***4,801		***3,602	
	Support Related Hearings	****22,706		****21,418	
District	*Misdemeanors*	29,218	28,455	30,002	28,737
	Small Claims	15,504	18,458	15,732	19,448
	Civil	18,377	18,448	18,361	20,155
	Abuse	926		765	
	Mental Health/Other	456		601	
	Administrative Appeals	140		141	
Workers' Compensation		8,684	8,775	8,564	8,429
Traffic Tribunal		101,649	106,371	104,667	109,808
Total Filings and Dispositions		214,683	230,228	216,757	233,481
	Including Support Hearings			238,175	

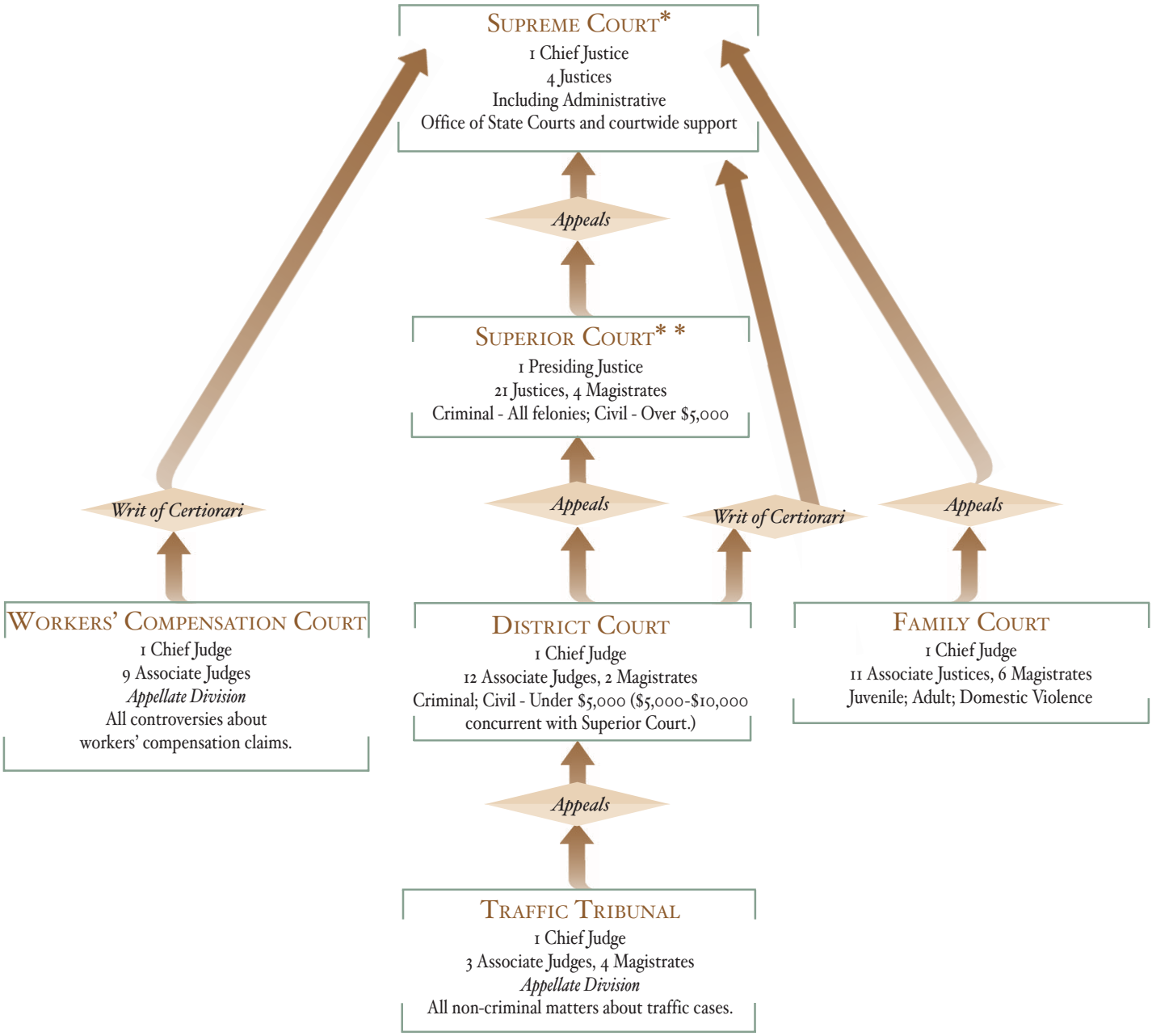
✔ Civil trial calendar only - Dispositions include a mass dismissal of cases (16,116 in 2004 and 18,615 in 2003) with no action in 5 years.
** Wayward/delinquent only.*
*** County dispositions are estimated.*
**** Reciprocal filings stay open until age of majority of child unless otherwise ordered by court.*
***** Support hearings represent the number of hearings held. Therefore, the same case may be counted more than once.*



Court Structure

Administrative Office of State Courts

State Court Administrator ❧ Finance and Budget ❧ Employee Relations ❧ Law Library ❧ Judicial Technology Center ❧ Facilities and Operations ❧ Judicial Records Center ❧ Domestic Violence Training And Monitoring Unit ❧ Rhode Island State Fugitive Task Force ❧ Mandatory Continuing Legal Education ❧ Public Relations/Community Outreach ❧ Law Clerk Department ❧ Judicial Planning Unit ❧ General Counsel ❧ Disciplinary Counsel ❧ Clerk's Office ❧ Appellate Screening ❧ Administrative Assistant to Chief Justice ❧ Interpreter's Office



* Court of last resort

* * Court of general jurisdiction

All other courts have limited jurisdiction.