

FREQUENTLY ASKED QUESTIONS

SUPREME COURT

Question: What does the Rhode Island Supreme Court do?

Answer: The Rhode Island Supreme Court is our state's court of last resort – the court where final appeals to questions of law and equity in the state's Superior and Family Courts, as well as certain matters appealed from the Rhode Island District and Workers' Compensation Courts. The Rhode Island Supreme Court also has certain supervisory powers over other state courts, the judicial budget, and general advisory responsibility to the legislative and executive branches of state government concerning the constitutionality of legislation.

Question: When does the Rhode Island Supreme Court meet?

Answer: The Supreme Court generally sits en banc (with all five (5) members together) for the first full week of every month, except for the summer months, to hear oral arguments. During oral argument week, the court hears the cases that are scheduled for each day, one after the other. The public is welcome to attend oral arguments in the Rhode Island Supreme Court, located in the Licht Judicial Complex on the 7th Floor at 250 Benefit Street in Providence, Rhode Island. Additional information regarding the scheduling of cases is available by calling the Rhode Island Supreme Court Clerk's Office at (401) 222-3272.

Question: What is an oral argument?

Answer: An oral argument is a discussion of the facts and the points of law that are involved in the case that is on appeal. Before the court hears the oral arguments, the Supreme Court Justices will have carefully reviewed written briefs that are drafted by each side in the case.

In full cases (also known as plenary cases) each side has thirty (30) minutes to verbally argue its position. The side that prevailed in the lower court is referred to as the appellee. The side challenging the lower court decision, known as the appellant, presents its oral argument first. The appellant may reserve ten (10) minutes for rebuttal. Motions, which generally involve fewer legal issues than plenary cases, are argued by each side for ten (10) minutes, and the appellant does not have an opportunity to rebut.

Question: What happens following oral arguments?

Answer: Once oral arguments have concluded, the justices begin the tasks of deciding the cases that they have heard and writing opinions. This process usually takes four

(4) to six (6) weeks. Intensive research, and, frequently, lengthy discussion precedes the opinion writing process.

Between oral arguments and the rendering of opinions, the justices meet in private conferences closed even to their staffs, to discuss the cases and take preliminary votes on the outcome. Cases are discussed by each justice. One justice is randomly assigned to write the opinion. If the proposed author is in the minority, a justice from the majority will be assigned to write the majority opinion. The dissenting justice or justices may then draft dissenting and/or concurring opinions. Draft opinions are circulated privately among the justices, and revisions are made until the justices agree upon final drafts.

Decisions of the court are made public when the court files them with the Clerk's Office of the Supreme Court. The Clerk's Office then shares copies of the decision to the attorneys in the case and makes copies available to the public.

Question: What issues are being considered by the Supreme Court?

Answer: The Rhode Island Supreme Court calendar of upcoming cases, case summaries, published opinions, and other information is available on this website.

Question: Who are the participants in the Supreme Court?

Answer: **Justices:** The five (5) Justices sit at the bench by order of seniority. The Chief Justice sits in the middle and the remaining Justices alternate to the right and left by seniority. When all five (5) justices are present, the newest member of the court sits on the far right as you face the bench.

Clerk: The Clerk of the Supreme Court or an assistant sits at the table directly in front of the bench. It is the responsibility of the clerk to provide the Justices with materials about the cases, to call the docket at the beginning of the session, and to time the length of each attorney's oral argument. As with the Justices, the clerk's duties and time spent in the courtroom during oral arguments represent a relatively small percentage of their work. For instance, the clerk will brief attorneys regarding court procedures, prepare the calendar, oversee the handling and distribution of written decisions on previous cases, oversee statewide attorney licensing, and manage case filings and documents.

Sheriffs: The sheriffs are responsible for maintaining order and for opening and closing each session by calling it to order.

Attorneys: The attorneys who are scheduled to argue sit at tables to the right and left of the lectern. As you face the bench, the appellant usually sits to the left and the appellee to the right. Attorneys speak from the lectern. As is customary in American appellate courts, the attorneys' presentations may be interrupted from time to time by questions from the Justices. The purpose of the questions is to clarify issues for later discussion in conference. If there are many questions,

the Chief Justice may extend additional time to allow an attorney to finish his or her points of argument.

Question: Who are the Rhode Island Supreme Court Justices?

Answer: The Supreme Court consists of a Chief Justice and four (4) Justices. In selecting justices of the Supreme Court, the Judicial Nominating Commission publicly submits three (3) to five (5) names to the Governor. The Governor appoints the Justice from the names received, and the appointee must receive the advice and consent of both the Senate and the House of Representatives. The Justices of the Rhode Island Supreme Court are:

Chief Justice Paul A. Suttell

Appointed to Supreme Court: 2003

Justice Maureen McKenna Goldberg

Appointed to Supreme Court: 1997

Justice Francis X. Flaherty

Appointed to Supreme Court: 2003

Justice William P. Robinson III

Appointed to Supreme Court: 2004

Justice Gilbert V. Indeglia

Appointed to Supreme Court: 2010
