



# ANNUAL

*Rhode Island Judiciary*

# REPORT

— 2020 —



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# Letter of Transmittal

## *To the Honorable Members of the General Assembly:*

Our lives are not the same. Yet it is with a sense of satisfaction and pride in our judicial branch employees that we present to you the 2020 Annual Report of the Rhode Island Judiciary, pursuant to G.L. 1956 (2012 Reenactment) § 8-15-7.

The COVID-19 pandemic was unprecedented. Within the Judiciary, it is safe to assume 2020 was the most difficult year of our professional lives. It touched many of us personally. To those of you who have lost family, friends, and employment, we offer sincere condolences. As the coronavirus threatened our lives and livelihoods, so, too, did it threaten to disrupt our system of justice. Schools and businesses shut down but from the very first executive orders and administrative memos to staff, our message was strong and consistent: the Rhode Island state courts would remain open. And they did. Two of our courthouses shut down for an extended period and others shut for just a few days. But the court system was open for business every day of 2020. Sheer necessity fostered the determination, creativity, and ingenuity to make our courthouses safer and more efficient to get the job done in what some have dubbed “combat” conditions.

Amazingly, some innovations and practices that we created to get us through the pandemic will survive and be part of our new business model moving forward. Who knew a year earlier that Zoom would today be part our lexicon? This is a good thing. Remote workplaces and virtual hearings have positive components of a more efficient means of doing business for some case types and staff meetings. These aspects of production will have to be reviewed as we move out of the pandemic.

Added to the challenges brought about by the coronavirus was the social unrest faced here in Rhode Island and throughout our country, leaving us to wonder what impact it would have on our daily lives. The Rhode Island Supreme Court responded to that unrest in 2020, reiterating that our goal must be to achieve a system of justice that is accessible to all and treats all persons equally. It behooves us to re-examine our roles in the criminal justice system. Toward that end, the Judiciary created the Committee on Racial and Ethnic Fairness in the Courts to conduct just such an examination, and its work began in earnest in the closing months of 2020.

In the pages that follow, you will find more information about that committee and its work, as well as caseload summaries and highlights of the programs that we utilize to provide access to justice to the litigants who come through our doors – be they physical or virtual – each day.

Respectfully submitted,

Chief Justice Paul A. Suttell and State Court Administrator J. Joseph Baxter, Jr.





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## I. UPHEAVAL

From the onset of the COVID-19 pandemic in Rhode Island in early March of 2020, the six courts in the state's unified judicial system were forced to pivot quickly from the impact of the virus and to modify their daily business models to stay open to provide access to justice. While the pandemic brought about a 26 percent decline in caseload for 2020, the courts still dealt with more than 133,000 case filings for the year under the most trying of conditions.

A state of emergency does not mean the justice system can cease operating. At best, it can only pause and regroup.

Careful consideration was given as to how to effectively provide the most critical of services to those who needed them in a safe and transparent manner. When determining which services were essential and which matters were urgent, the courts had to address the rights afforded to citizens by constitutional or statutory provisions while also protecting society from the ripple effect that new decisions and policies created. In an incredibly short period of time, courts not only in Rhode Island but across the country had to adjust and innovate, having been thrust abruptly into a virtual world of hearings and meetings using remote technology.

Chief Justice Paul A. Suttell, facing page, and State Court Administrator J. Joseph Baxter, Jr. meet with the news media in May 2020 to discuss pandemic precautions.



Matters involving liberty interests as well as those involving personal and public safety, such as extreme risk protection orders (oftentimes involving mental health issues), domestic violence restraining orders, and child protection orders are but a few of the difficult matters that were and are brought before our courts for timely resolution by many of society's most vulnerable.

Those matters had to be heard and decided. Dealing with those case types and others during a pandemic required creativity, constant communication with stakeholders, and bold steps to implement emergency protocols. A different calculus was used to gauge production during the health crisis. As COVID-19 aggressively evolved and expanded, so, too, did

the Judiciary's approach, remaining dynamic, nimble and subject to constant reevaluation. It was understood that those case types not initially considered essential – such as divorces, evictions and other civil matters – would slowly take on more import as they awaited resolution. Gradually, steps were taken to address those cases that were put on hold.

### **A Brief Timeline of Events**

The federal government declared a public health emergency in the United States on January 31, 2020. By mid-February, Rhode Island court administrators began discussing steps to be taken should the virus appear within the state as was expected. Anticipating the need for

employees to be able to work remotely from home, the Administrative Office of State Courts submitted its first order for additional laptop computers on February 26. Over the following weeks and months, the courts would eventually obtain 410 new laptops to enable employees to do their work from home.

Starting on February 28 and continuing through March 9, the Administrative Office of State Courts issued six memos to employees, addressing international travel, personal and work safety, and the beginning of enhanced cleaning in court facilities and installation of dozens of hand sanitizer dispensers.

By March 10, the first shipment of laptops arrived and more were ordered the next day. Over the course of the next week in mid-March, the Governor closed schools and the courts canceled in-person calendars. As more laptops arrived, preparations began for their distribution and development of policies and procedures for employees to work from home. The lower courts published administrative memos for their staffs over March 18 and 19, and on March 20 attorneys were asked to avoid entering courthouses. By March 23, remote work began in earnest for employees as laptops were received, programmed, and distributed.

On April 1, the Murray Judicial Complex in Newport County and the McGrath Judicial Complex in Washington County were closed to protect staff and the public and to conserve personal protective equipment (PPE) and cleaning materials that were in short supply. Essential matters in those two counties were heard at the Noel Judicial Complex in Kent County until September 8, the day after Labor Day. The Noel Judicial Complex and the Rhode Island Traffic Tribunal were shut for one week in April because of close

contacts with the virus.

As the pandemic worsened in April, each of the lower courts adopted new procedures to handle caseloads and a court-wide requirement for face coverings was implemented on April 20.

On April 21, the Workers' Compensation Court went live with telephonic conferencing to conduct court business and made the phone lines accessible to the public. On April 24, two Superior Court judges held the Judiciary's first remote hearings using the Cisco WebEx videoconferencing platform, the first of what would lead to thousands more such conferences and hearings. Within a week, a training video on the remote technology for judges, attorneys and court users was posted on the Judiciary's website. That same week, the Family Court began live-streaming certain domestic matters on the Internet.

On May 13 and 14, the Supreme Court heard oral arguments remotely for the first time, handling seven appeals. The next day, on May 15, the Chief Justice of the Supreme Court issued a sweeping executive order addressing protocols for the long-term continuity of operations in the unified court system, including provisions for gradual expansion of in-person hearings and making all court hearings, from the Supreme Court to the Traffic Tribunal, accessible to the public via live-stream audio. That comprehensive order remained in effect for the rest of the calendar year and well into 2021.

While some courthouses were closed temporarily, the state's court system remained open and accessible throughout the pandemic, as state law requires.





Superior Court Associate Justice William E. Carnes Jr. presiding over the daily criminal calendar in Providence County.

## II. PANDEMIC RESPONSE, COURT BY COURT

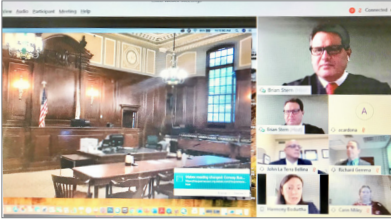
### Superior Court Shifts Gears

For the first two months after the arrival of the pandemic in Rhode Island, the Superior Court restricted in-person hearings to emergency matters, with greatly limited volume and staggered court times to allow for social distancing under formal COVID-19 protocols. From the Superior Court's point of view, the Judiciary's acquisition and implementation of its new case management system and electronic filing system, which began in 2014, enabled the courts to stay current in all counties with filings and calendar events in a way that would not have been possible otherwise. This advanced business practice allowed staff members to work from home during the pandemic, thereby reducing the number of employees needed in the courthouses each day.

Meanwhile, in May and June, judicial

officers, clerks and court reporters began training on the Cisco WebEx videoconferencing system for private conferences with attorneys and public hearings. Several judges handled full calendars remotely from home while several others worked in the courthouses. Most adopted a hybrid system consisting of in-person and remote hearings with the goal of minimizing gatherings for the safety of staff, attorneys, and litigants. More than 3,975 remote hearings and conferences took place in the Superior Court, more than 1,200 of them on the Business Calendar.

But remote technology does not work for all case types, such as critical proceedings taking place in our courthouses, and gradually the Superior Court resumed all civil and criminal calendars with limited volume and staggered start times



Superior Court Associate Justice Brian P. Stern conducts the Superior Court's first remote hearing on April 24, 2020.

to allow for proper social distancing. By June 15, the court was operating 10 criminal and civil calendars statewide. The Facilities, Operations, and Security Department began working with staff on the installation of plexiglass shields in courtrooms to allow for this continuation of in-person matters while ensuring the safety of all court users and personnel. Social distancing signage was installed in courtrooms and public hallways. Clerical offices instituted an appointment schedule to replace what had traditionally been a walk-in system. Calendars were reassigned to the largest courtrooms at separate ends of hallways to keep foot traffic to a minimum in any given area. New calendar protocols allowed litigants and attorneys to schedule matters throughout the day rather than the earlier standard of the extended calendar call at the beginning of the day.

Despite the restrictions and challenges presented by COVID-19, the extraordinary commitment of Superior Court judicial officers and staff allowed a remarkable 105,000 in-person proceedings to take place, minimized backlogs, and kept the court productive as the case data on page 30 of this report shows.

The Statewide Grand Jury resumed in May, just two months after the pandemic's onset in Rhode Island. The Providence County Grand Jury went back to

work in September after a six-month postponement. Throughout the remainder of 2020, both grand juries met at off-site locations with greater capacity for jurors to be safely distanced.

Jury trials remained the biggest challenge throughout 2020. Jury trials were suspended through the summer and by the fall new protocols were in place to ensure everyone's health and safety. The first jury trial was scheduled for late October and 70 jurors reported for service for a criminal trial. The defendant, however, requested a continuance and subsequently entered a plea agreement. As 2020 ended, no jury trials had taken place since March of that year.

#### HIGHLIGHTS TO DATE:



**1,269**

REFERRALS



**100**

DEFENDANTS COMPLETED  
DIVERSION PROGRAM



**391**

ACTIVE PARTICIPANTS



**400**

AWAITING ACCEPTANCE

### Diversion Program

Not to be overshadowed by the disruption in normal business practice, the new Superior Court Diversion Program received 1,269 referrals in 2020, exceeding expectations. One hundred defendants completed the program, 27 were terminated, 391 were actively participating at year's end, and another 400 were waiting acceptance. The program was established in partnership



with the Office of the Attorney General and formalized through the legislative process. Statutes governing the program expanded eligibility criteria and incorporated a more formal court process with direct involvement by judicial officers to ensure greater compliance.

## **Adult Drug Court Program**

The Superior Court's Adult Drug Court Program admitted 72 new participants in 2020 and graduated 59, including some who entered the program in prior years. The program terminated 14 participants, leaving 136 active participants at the end of the year. Since 2006, the Adult Drug Court Program has had an average graduation rate of 74 percent. The recidivism rate of re-arrest of 11.9 percent after one year and 19.4 percent after three years reflect this effective alternative for nonviolent, first-time drug offenders.

The program focuses on treatment while providing defendants an opportunity to have their records cleared if they complete the program. The pandemic brought a decline in the number of referrals to the Drug Court Program from 2019 to 2020, but the program's mission to provide support to a higher risk population remained a priority. During the two-month period when in-person matters were suspended, the Drug Court Program team maintained regular contact with participants as well as with their treatment providers. Staff provided weekly updates to the magistrate in charge of the calendar and addressed immediate concerns. When in-person proceedings resumed in June, court sessions were increased to eliminate the backlog.

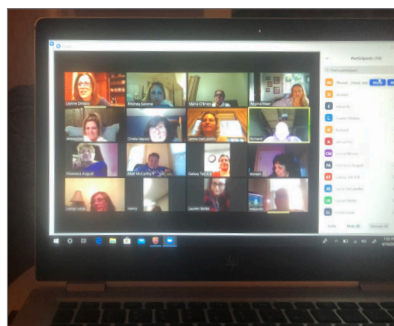
## **Extreme Risk Protection Orders**

In 2020, the Superior Court processed 35 "red flag" extreme risk protection orders:

30 in Providence County, 3 in Kent County, and 2 in Washington County. In every instance, a temporary order to surrender or prevent the purchase of firearms was granted. In 14 of the 35 cases, a one-year order was granted. Hearings on one-year orders were pending on 16 cases and temporary orders on the remaining 5 were allowed to expire.

## **Termination of Probation**

In its fourth full year after a Superior Court rule change, the Probation Termination Calendar allows individuals serving probation in the community to ask the court to end their probation terms early if certain criteria are met. In 2020, 169 such hearings took place, with 112 motions granted, 27 denied and 30 continued.



A Family Court staff meeting held by video conference in April 2020.

## **Family Court Doubles Down on Remote Access**

Within weeks of the imposition of restrictions on in-person hearings, the Family Court had obtained equipment for all judicial officers and staff to use for remote proceedings. It held training sessions and devised policies and practices designed to allow for the efficient and effective handling of the court's business.



The J. Joseph Garrahy Judicial Complex, Providence.

In addition to remote hearings, Family Court instituted a virtual clerk's e-mail address, established a virtual clerk's office, arranged for virtual supervised visitation, conducted remote mediation sessions, provided remote mental health services, remotely maintained contact with children represented by Court Appointed Special Advocates or involved in specialty court programs, and experimented with remote night-court sessions, as well as held its annual Adoption Day celebration virtually. All were designed to eliminate or limit in-person hearings but still maintain services.

While most other court calendars proceeded remotely, the domestic violence calendar continued to have in-person hearings. During the pandemic, the Safe and Secure Baby Calendar resumed after about one month. When it resumed, this calendar was heard via WebEx video-conference. This continued to be the case with potential participants coming into the courthouse for their initial clinical intake with staff. The Family Services Unit continued uninterrupted drug testing throughout the pandemic by scheduled appointments.

Supervised visitations were offered virtually during the height of the pandemic. In-person visits were restored within a few months, with strict adherence

to all Department of Health COVID-19 protocols recommended for in-person visits. Virtual visits were still utilized when a visit was canceled because of illness. The Child Support Office did not lose a beat during the pandemic, with filings at 12,815 and collections up nearly 10 percent from 2019. Most cases were heard remotely.

The Juvenile Clerk's Office transitioned to 95 percent of its calendar being heard remotely during the pandemic, avoiding any backlog. The office continued to take appointments for filings at the counter and steered many processes toward e-mail, such as notices and police petitions.

The Office of the Court Appointed Special Advocate (CASA), represents about 2,200 children who are in the care of the State of Rhode Island. During the height of the pandemic, the number of children that CASA represented dropped as low as 1,973, but the number of new cases continued to increase. CASA was able to provide Chromebook laptops to many children in state care to help with distance learning and virtual visits with siblings.

One of the Family Court's greatest accomplishments was the work in the Domestic Relations Office. The pandemic forced all its calendars to be suspended until the end of April 2020, but the court created a procedure for telephonic conferences and emergency motions. Conferences and restraining orders were heard daily in the courthouse. In the beginning of April, the court started using the new technology for virtual hearings using the WebEx platform. Beginning in May, judicial officers targeted all divorce cases that were at least nine months old for a special remote pre-trial calendar using WebEx. By mid-May, all emergency matters and restraining orders were scheduled on a time-certain calendar

for in-person hearing. The Chief Judge created a night court calendar to address the backlog of uncontested divorces, using remote technology. The court continues to use the technology for remote hearings and calendars to address any COVID-19 restrictions to keep staff and litigants safe. As 2020 ended, there were no backlogs in cases.

## **District Court Makes Changes on the Fly**

Despite all of the disruptions caused by the pandemic, the District Court disposed of 13,636 cases in 2020. The health crisis forced the District Court to operate in a dramatically different manner in 2020 but, like the other courts, it remained open for business throughout the year. Operating under social distance and capacity protocols, high priority criminal matters such as capital offenses, alcohol-related driving offenses, domestic abuse charges, and bail and violation hearings were handled with in-person hearings. The District Court also expanded its use of existing video conferencing communications with the Department of Corrections to significantly reduce the number of defendants who ordinarily would have been transported to courthouses from the prison each day. The newly acquired WebEx video conferencing application was also utilized to conduct pretrial conferences.

Partnering with the Office of the Attorney General, Division of Sheriffs and local police departments, the District Court established a location at the Attorney General's office in Cranston to conduct remote hearings for defendants unable to access a courthouse because of pandemic restrictions. This facility was also made available to individuals seeking domestic restraining orders who were unable to enter a courthouse.

A hybrid system of in-person and remote hearings was used to keep the critically important Mental Health Calendar operating. Some 558 mental health petitions were heard, of which 438 were submitted to the FBI National Instant Criminal Background Check (NICS), which disqualified the individuals from purchasing firearms.

The District Court issued 638 orders to surrender firearms in civil domestic abuse cases. The District Court's Pretrial Services Unit (PTSU), which monitors all conditions of bail that are placed on a defendant by a District Court judge, saw a significant decrease in new criminal filings in 2020 because of the COVID-19 pandemic but the unit still handled 2,815 new cases.



Workers' Compensation Court Administrative Judge Steven A. Minicucci conducting court business via teleconference.

## **A Quick Turnaround in Workers' Compensation Court**

After just one week of down time in March 2020, the Workers' Compensation Court began hearing cases via teleconference with the consent of both parties. As new technological methods became available, the court began conducting hearings via videoconference on platforms such

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## **From March 1, 2020 through the end of the year, the Workers' Compensation Court conducted more than 14,000 virtual hearings.**

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as WebEx. Hailed by practitioners for the quick and nimble implementation, the Court's transition to virtual hearings was largely successful. Throughout the pandemic, the court continued to uphold its statutory duty to hear cases within 21 days of filing. While the Judiciary welcomed a limited number of litigants back to the courtrooms for in-person hearings in the summer of 2020, the court continued to hear most of its cases virtually through the end of the year and into 2021. From March 1, 2020 through the end of the year, the Workers' Compensation Court conducted more than 14,000 virtual hearings.

The Workers' Compensation Court's alternative dispute resolution program continued its growth and success, despite the challenges of the pandemic. With concerns growing about in-person meetings, mediators began to explore new and innovative ways to conduct their mediation sessions. Using all technological means available to them, mediations took place via video and/or teleconference. The statistics show that the mediation program remained steady, with a 92 percent settlement rate.

Likewise, the Workers' Compensation Court Medical Advisory Board continued to meet its statutory expectation to "ensure that every person who suffers a compensable injury with resulting disability should be provided with high quality medical care and the

opportunity to return to gainful employment as soon as possible with minimal dependence on compensation awards." Board meetings were held via video-conference and members were able to conduct the important work of approving Preferred Provider Networks for workers' compensation insurers and vetting medical professionals who apply to perform impartial medical exams on behalf of the court.

### **No Traffic Jam**

With an approximate 30 percent drop in traffic summonses, total violations and summonses disposed during 2020, the Rhode Island Traffic Tribunal nonetheless dealt with nearly 46,000 new summonses and kept up with the caseload. It disposed of over 500 more cases than it took in, involving more than 61,000 violations. This required a change in practice as well for the Traffic Tribunal, which was closed to motorists for an extended period at the beginning of the pandemic. The Tribunal dedicated itself to novel ways of interacting with motorists to resolve traffic violations, including telephone and video communications and doing so in off-peak hours on weekends for more convenient times for motorists to resolve their citations without appearing in court. The results were impressive.

While court calendars were suspended in the pandemic's early days, the Chief Magistrate posted staff at the building's entrance with forms for motorists who attempted to enter the courthouse, allowing them to advise the Tribunal of their specific need or reason for being there and their contact information. Court staff cross referenced the information provided at the entrance with scheduled traffic summons hearings. The Tribunal obtained written authorization from all 39 city and town police departments and the

State Police to allow direct contact by the court with motorists in attempts to settle the summonses.

Ticket violations were screened to seek out those that were uncontested, such as proof of license, registration, inspection, insurance, window tint removal, dismissal on a good driving record, and proof of correction for hands-free Bluetooth devices. Two trained staff members then called motorists and explained that the summons could be addressed without a personal appearance if certain acceptable documentation or proof could be scanned, uploaded or texted to the staff.

Motorists responded enthusiastically to this approach. All uploaded or forwarded documentation was sent to the Chief Magistrate for personal review. Police departments were kept informed monthly so that every summons and disposition could be reconciled. Some 50 to 120 cases were handled this way each day. The Chief Magistrate personally disposed of more than 7,000 cases in which the motorist's presence was not required.



Administrator Dennis Gerstmeyer at the Rhode Island Traffic Tribunal.

Motorists said they were pleased not to lose a day out of work for a traffic violation and were glad to avoid exposure to other people during a pandemic. One member of the staff in particular answered calls and texts from home, seven days a week

from 7 a.m. to 9 p.m., and was able to resolve immediate problems regardless of the hour. When confronted with a more complex issue, she would contact the Chief Magistrate, including nights and weekends. Occasionally they dealt with a motorist who was in the middle of a traffic stop. This service has generated word-of-mouth referrals from one motorist to another. All such examples had no attorney involvement. In matters where the motorist was represented by an attorney, a model template was drafted for stipulations. For example, chemical breath violations were able to be disposed of by stipulation between the prosecution and defense attorney. Hundreds of chemical breath cases were disposed by stipulation requiring no court appearance. When court calendars resumed, the Traffic Tribunal had very little backlog, which consisted of contested cases. Those cases were quickly prioritized by age of case and seriousness of charge and put on a fast track for disposition. The process was so successful that municipal courts that were closed during the pandemic referred their cases to the Tribunal for hearing – Providence, Pawtucket, and East Providence to name a few. This efficient approach continued as 2020 drew to a close, as the Tribunal has endeavored to keep physical appearances to a minimum.





The Supreme Court Committee on Racial and Ethnic Fairness in the Courts at an outdoor meeting.

### III. ACCESS TO JUSTICE AND EFFICIENT COURT SERVICES

#### Racial and Ethnic Fairness in the Courts

As the nation struggled in 2020 with the COVID-19 pandemic and our courts with the difficulties in trying to keep our legal system operating while protecting everyone's safety, so, too, did both the country and the judicial system struggle with a second, equally far-reaching affliction: systemic racism.

As our Supreme Court put it in a June 2020 open letter to member of the Judiciary and the Bar, the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, Rayshard Brooks and others at the hands of law enforcement signaled that “the legal community must face the painful reality that racism continues to infect our system of justice.”

“In the criminal justice system,” the court wrote, “it results in a disproportionate number of people of color in our prisons, either under sentence or awaiting trial for lack of ability to post bail, critically because of greater arrests compared with society at large.”

“Our goal must be to achieve a system of justice that is accessible to all and treats all persons equally. We ought not lose sight of the fact that our courts are largely populated by dedicated attorneys, efficient court personnel, honest jurors, and fair-minded judicial officers. Yet bias does exist, and we all must remain vigilant to recognize it and ensure that it plays no role in our court proceedings.”

To put those words into action, Chief Justice Paul A. Suttell issued in October an Executive Order creating the Racial



and Ethnic Fairness in the Courts Committee consisting of 13 judges and magistrates from all six courts in the state's unified judicial system to assist the courts in ensuring that all defendants, victims, litigants, witnesses and the public are treated equitably and with dignity and respect.

The committee, chaired by then-Superior Court Associate Justice Melissa A. Long, who is Black and who later in 2020 was appointed to the Supreme Court, established a resolute pace of weekly meetings to examine court culture and tackle the issues of race and racial disparity. Three subcommittees laid the groundwork for a productive 2021 in the areas of public engagement to include listening sessions, a review of court data to better understand the demographics of court users, and policy and self-examination to identify areas where changes to judicial policies or procedures are warranted.

"It is not only important that we treat all persons fairly, we must be perceived as treating all persons fairly," says Chief Justice Suttell. "We must continuously strive to earn the trust and confidence of all members of the public."

## **Equal Opportunity in the Workplace**

Records show that the average person employed by the Judiciary has been a member of the workforce for 14 years, and 59 percent of employees have worked for the Judiciary for 10 years or more. While employee retention is a valuable asset, it affects the rate at which the Judiciary can increase minority representation in the workforce.

Despite low turnover rates, the Judiciary has continued to increase employment within underrepresented groups.

Workforce data records show that minority new hires made up 24 percent of the hires between July 1, 2020, and December 31, 2020, while women made up 67 percent, and veterans made up 2 percent. For the first time, 14 percent of the members of court employees identify as minorities.



The Superior Court's Anne-Marie DeCosta at work in the criminal office.

## **Language Access**

In 2020, the Office of Court Interpreters (OCI) provided language services in more than 5,850 events, a one-year reduction of 46 percent, in 30 languages, with the most requested languages being Spanish (over 5,390 cases), Cape Verdean (over 190), Portuguese (over 145), Mandarin (over 40) and Arabic (over 40). The office also provided language services in rare languages such as Kinyarwanda, Nepali, Quechua, Twi, and Yoruba, among others.

When the courts limited operations because of COVID-19, significantly restricting the number of people allowed within the buildings and reducing the number of cases being heard in person, the office had to adapt in order to continue providing services for non-English-speaking court users. The staff began working remotely and quickly adapted to interpreting both over the phone and by the WebEx video conferencing platform. Remote services proved to be an efficient

mode of interpreting that allowed for prompt availability of interpreters for most languages. In-person language services coincided with the resumption of limited in-person hearings; however, most services were still provided remotely.

## **Pandemic Mainstay: Judicial Technology**

With the cancellation of in-person calendars over at least two periods during the pandemic, it is difficult to imagine how the Judiciary would have fared without the support of the Judicial Technology Center and the six years of experience the courts already had since the 2014 implementation of a new case management system and the electronic filing system.



Supreme Court Justice Francis X. Flaherty hearing oral arguments from his chambers.

As has been mentioned earlier in this report, Judicial Technology updated all network security and hardware to support court employees working from home. The department acquired the licensing and equipment to implement WebEx meetings for remote court proceedings, and integrated WebEx with the Judiciary's existing video conferencing infrastructure. At the Chief Justice's directive, it enabled public access to court hearings through Internet streaming.

While the Judiciary's overall caseload for 2020 dropped by about 26 percent, significantly the average number of electronic filings remained about the same as 2019 – in the range of 2,000 to 2,300 a day. Electronic case filing can occur 24 hours a day, 7 days a week, and often does. The number of documents added electronically to the case management system, however, jumped substantially from 2.4 million to 2.9 million, a 21 percent increase, during the pandemic year. The number of registered users in the system climbed by 11 percent in 2020.

Other technology initiatives in 2020 included a system to assist self-represented litigants in Family Court in filing their final divorce judgment forms online, which only then makes their divorce final; a new juror notification and questionnaire system in Kent, Washington, and Newport counties, and preparation for electronic filing in 2021 for the Supreme Court, the last of the six courts to do so.

## **Facilities: More Than Meets the Eye**

Reducing the risk of exposure to COVID-19 was the Facilities, Operations and Security Department's main objective in 2020. The strategy was to implement an enhanced cleaning and disinfection protocol with the goal of ensuring healthy and safe court facilities.

During the beginning stages of the global pandemic and despite the many roadblocks to acquiring personal protective equipment (PPE), the Facilities Department was able to obtain the needed masks, facial shields, goggles, gloves, Tyvek suits, hospital grade disinfectants, electric applicators, clear plexiglass barriers, and other safety supplies. In addition, Facilities installed signage in the form of wall posters and adhesive floor decals throughout all public spaces



A plexiglass-outfitted courtroom in the Murray Judicial Complex, Newport.

advising of social distancing practices and marking the required six-foot recommended distance between parties. Barriers using approximately 1,340 square feet of plexiglass were fabricated for one courtroom at the Licht Judicial Complex in Providence. Other courtrooms and offices across the state were outfitted with permanent as well as portable plexiglass.

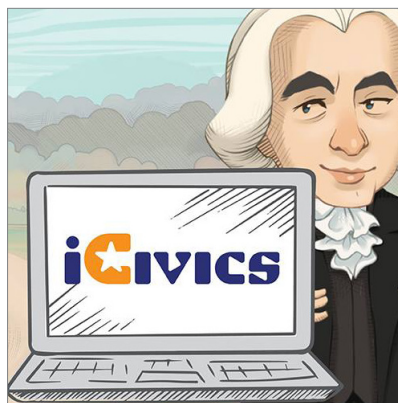
The Construction Division completed several projects in 2020, taking advantage of the reduced foot traffic in the courthouses because of the pandemic. All the public areas at the Rhode Island Traffic Tribunal, McGrath Judicial Complex in South Kingstown and the Murray Judicial Complex in Newport were painted. All the woodwork at the Noel Judicial Complex in Warwick was stripped and stained during this time. Other projects completed included courtroom restoration, installation of security bollards, elevator maintenance, energy efficient lighting installation, security camera upgrades, shooter detection system installations, and heating, ventilation and air conditioning (HVAC) upgrades.

## Virtual Outreach

The Department of Community Outreach and Public Relations was certainly stymied in one of its core missions to reach

out to large groups, especially students, but its affiliation with the national iCivics project showed that virtual civics education continued to thrive during extensive periods of at-home learning. The iCivics program was founded by retired U.S. Supreme Court Justice Sandra Day O'Connor in 2009 as a teaching tool firmly rooted in the digital age, using online video games and competitions to make civics education fun and to inspire life-long civic engagement for each new generation. This format is ideally suited to the type of remote learning that became commonplace in the travails of the pandemic.

The iCivics program now reaches 7.6 million students nationwide, and it heads a coalition that grew from 67 education and policy organizations focused on expanding and improving civics education in the United States in 2018 to 128 such organizations in 2020.



Increased use of iCivics in Rhode Island during the pandemic was certainly evident in the organization's data. Over the last

school year (2020-2021), the number of registered iCivics teachers in Rhode Island increased by 40 percent to 1,832. The project's games have been played more than 232,000 times by Rhode Island

students, and played in 35 of the state's regular and regional school districts; 23 of its 27 charter and other state-operated schools and 40 private schools, the latter an increase of 48 percent. Through March of the 2020-2021 school year, 114,500 Rhode Island students had interacted with iCivics, a one-year increase of 40 percent.

The department also participated in a robust effort to keep the media and public informed about changes in court operations through the use of social media, press releases, and website updates, and assisted the Administrative Office of State Courts with a socially distanced tour for the media to explain measures to safely allow the resumption on June 1 of many in-person hearings that had been suspended temporarily.



Facilities Director Stephen J. Kerr displaying pandemic signage to the news media in May 2020.

## Appellate Mediation

Not surprisingly, the number of mediated cases in the Supreme Court was significantly lower in 2020 than in past years due to the ongoing COVID-19 pandemic. Nonetheless, the Appellate Mediation Program, like so many other judicial programs, was able to adapt and respond to the limitations imposed by the pandemic by instituting virtual mediation using the WebEx video-conferencing platform.

There was a 31 percent decrease in the number of cases that were subject to screening by the Appellate Mediation Program in 2020, from 136 in 2019 to 94 in 2020. Of those cases that were eligible for mediation and were screened, the percentage of cases deemed appropriate for mediation increased from 32 percent to 48 percent. The top four case types eligible for mediation were personal injury, breach of contract, contract damages and civil rights/job discrimination.

The number of cases that were withdrawn or dismissed at some stage in the mediation process decreased to 4 percent. Of those cases that were mediated, the percentage of cases that were settled decreased from 29 percent in 2019 to 21 percent in 2020.

## State Law Library

Public outreach to the legal community was accomplished by the library's innovative ways of extending digital resources to the community during the COVID-19 pandemic. Along with its legal vendors, the library was able to deliver the Lexis-Nexis Remote Access Program, Westlaw digital classes and access via temporary passwords, and Hein-Online's invaluable state statutes database. Our librarians' highly developed skill sets allowed the seamless transition from the library's confines to users' workspaces. This outreach was in addition to the 155 Judiciary users who were also relying on these tools to successfully complete their daily assignments. The law library, both its reference staff and resources, were essential to the success of the Judiciary fulfilling its mission during the pandemic.

In January 2020, the library embarked on its digitization grant project awarded from the Rhode Island Foundation. This grant provided for the digitization of the unique Sixth Division District Court decisions.



State Law Librarian Colleen Hanna was recognized by Rhode Island Lawyers' Weekly as its 2020 Unsung Hero in the law.

The library had amassed a collection of opinions since 1977 that were unique to the Judiciary and it held the only set. The grant rules provided for one year to complete the project and even in the daunting days of COVID-19, the library successfully worked with the vendor to complete the grant.

## Law Clerk Department

With the emergence of the pandemic in March, all law clerks transitioned to working remotely, a practice that continued through the remainder of the year. The law clerks worked on case assignments, connected with judges, and attended hearings all via their laptops. They also became highly proficient at using the Judiciary's Public Portal. This system enabled law clerks to obtain their case materials quickly and remotely, which was invaluable during the pandemic. Law clerks could read, download, and assemble complete files for the judicial officers, all while working safely at home.

During 2020, the law clerks also significantly increased their use of electronic communications with the judges regarding the status of their research

and writing assignments. Enhanced communication between the law clerks and the judicial officers greatly facilitated understanding and the timely completion of assignments. Working remotely also enabled the law clerks to assist one another with their assignments. This greater coordination between Providence and the counties effectively addressed the potential for uneven workload demands.

## Judicial Records Center

During the pandemic, the Judicial Records Center remained open but closed to the public. This allowed the staff to address and complete unfinished projects. Although the Records Center was closed to the public, the staff was able to provide uninterrupted service to the courts, produce the necessary documents requested by attorneys, police departments and the general public by offering curbside pick-up.

The Records Center handled 87,774 requests from all sources and accessed 59,504 hard copy case files. Other highlights include the more than 4,000 background checks conducted for the FBI/NCIC for the issuance of firearms permits and 994 cases that were retrieved for the Sex Offender Community Notification Unit of the Rhode Island Parole Board. More than 6.3 million case files are now stored under the Records Center oversight.

## Domestic Violence Training and Monitoring Unit

In response to the COVID-19 outbreak, the Supreme Court's Domestic Violence Training and Monitoring Unit, working remotely, instructed all state law enforcement agencies to make appointments to safely drop off completed Domestic Violence/Sexual Assault (DV/SA) forms and to pick up blank forms

and/or domestic violence pamphlets. In response to domestic violence during the pandemic, the unit provided resource contact numbers and added a link to the Judiciary's website for the Department of Health's Resource Factsheet for Survivors of Domestic Violence.

As an active member of the DV/SA Law Enforcement Training Curriculum Committee, the unit's director was a trainer for Westerly Police Department's in-service training and was an active participant on the state's Sexual Assault Task Force.

The unit entered information into its database from the state mandated DV/SA forms employing a three-stage process:

1. 6,749 forms reviewed to compare the DV/SA forms to the accompanying police report narratives, ensuring the accuracy of information. Police departments were contacted to verify and/or obtain missing information.
2. Written data from 4,389 DV/SA forms manually entered into the database.
3. 6,901 forms scanned to capture the data from the remaining data fields and to assign each form an identification number and to generate statistics.

## **Mandatory Continuing Legal Education**

Citing the pandemic, the Supreme Court suspended the educational credit and "Bridge the Gap" requirements for the 2020 reporting year for all attorneys and judicial officers. All legal education credits earned in the 2020 reporting year, as well as excess credits set to expire in the 2020 reporting year, would be automatically

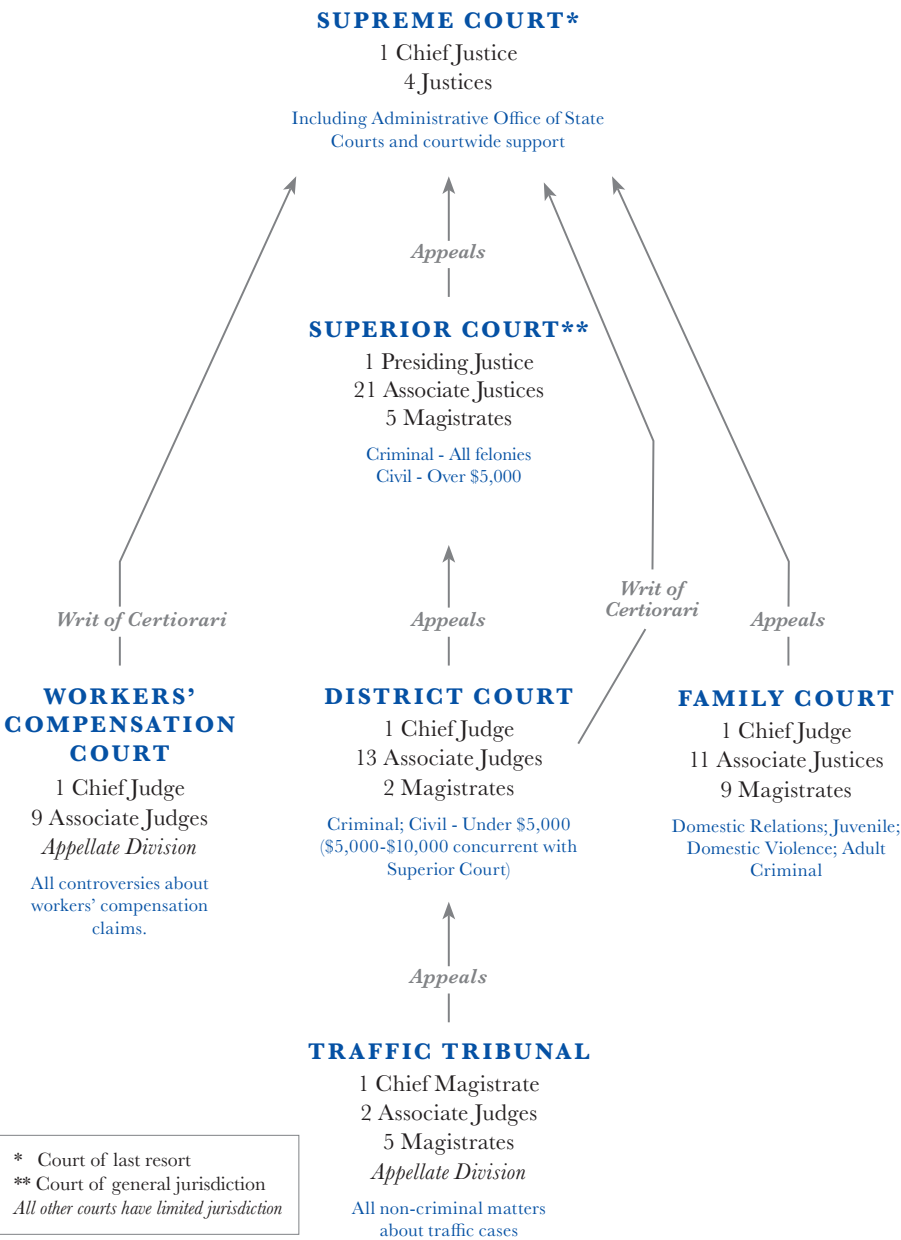
allocated to satisfy legal education requirements for the 2021 reporting year.

The MCLE office guided sponsors through the conversion for the vast majority of their courses to modes of instruction that supported remote learning such as live webinar or video replay. In addition, the MCLE office worked to accommodate sponsor needs with regard to annual and course fee revision and attendance reporting.



# IV. NAVIGATING THE COURT SYSTEM

## Rhode Island Court Structure



## V. COURT GOVERNANCE AND ADMINISTRATION



### CHIEF JUDICIAL OFFICERS

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The chief judicial officers of the six courts in Rhode Island's unified judicial system are, from left, Rhode Island Traffic Tribunal Chief Magistrate Domenic A. DiSandro III, Family Court Chief Judge Michael B. Forte, Superior Court Presiding Justice Alice Bridget Gibney, Supreme Court Chief Justice Paul A. Suttell, District Court Chief Judge Jeanne E. LaFazia, and Workers' Compensation Court Chief Judge Robert M. Ferrieri.



### COURT ADMINISTRATORS

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The administrators of the six courts in Rhode Island's unified judicial system are, from left, Steven C. Waluk (District Court), Dennis Gerstmeier (Rhode Island Traffic Tribunal), J. Joseph Baxter, Jr. (Supreme Court), Marisa P. Brown (Superior Court), Ronald J. Pagliarini (Family Court), and John F. McBurney IV (Workers' Compensation Court).



## SUPREME COURT

With Chief Justice Paul A. Suttell, seated, from left to right, Maureen McKenna Goldberg, William P. Robinson III, Francis X. Flaherty, and Gilbert V. Indeglia.



## SUPERIOR COURT

Bottom, left to right: Stephen P. Nugent, Michael A. Silverstein (retired), Robert D. Krause, Alice Bridget Gibney (Presiding Justice), Melanie Wilk Thunberg, Netti C. Vogel, Susan E. McGuirl. Second row, left to right: Brian Van Couyghen, Kristin E. Rodgers, William E. Carnes, Jr., Jeffrey A. Lanphear, Daniel A. Procaccini, Allen P. Rubine (retired), Bennett R. Gallo (retired), Brian P. Stern, Sarah Taft-Carter. Top, left to right: Richard D. Raspallo, John F. McBurney, III, Patricia Lynch Harwood, Maureen B. Keough, Joseph A. Montalbano, Luis M. Matos, Richard A. Licht, Melissa A. Long, Patrick T. Burke, John J. Flynn. Not pictured: Melissa E. Darigan.



## FAMILY COURT

Bottom, left to right: Karen Lynch Bernard, Debra E. DiSegna, Stephen J. Capineri, Michael B. Forte (Chief Judge) Lauren D'Ambra, John E. McCann III (retired), Patricia K. Asquith.  
 Top, left to right: Paul T. Jones, Jr., Charles J. Levesque, Edward H. Newman, Jeanne L. Shepard, Feidlim Gill, Rossie Lee Harris, Jr., Sandra A. Lanni, Lia N. Stuhlsatz, Richard A. Merola, Angela M. Paulhus, Armando O. Monaco, II, Andrea M. Iannazzi, Alberto Aponte Cardona. Not pictured: Elizabeth Ortiz



## DISTRICT COURT

Bottom, left to right: Anthony Capraro, Jr., Pamela Woodcock Pfeiffer, Elaine T. Bucci, Jeanne E. LaFazia (Chief Judge), Madeline Quirk, Mary E. McCaffrey, Joseph T. Houlihan, Jr.  
 Top: left to right, Joseph P. Ippolito, Jr., Christopher Smith, Brian A. Goldman, Stephen M. Isherwood, Christine S. Jabour, Colleen M. Hastings, James J. Caruolo, Melissa DuBose, J. Patrick O'Neill.





## WORKERS' COMPENSATION COURT

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Bottom, left to right, Robert E. Hardman, Dianne M. Connor, Robert M. Ferrieri (Chief Judge),  
George T. Salem, Jr., Michael J. Feeney.  
Top, left to right, Keith A. Cardoza, Jr., Stephen A. Minicucci, Alfredo T. Conte, Susan P. Fay.



## RHODE ISLAND TRAFFIC TRIBUNAL

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Bottom, left to right, Lillian M. Almeida, Domenic A. DiSandro, III (Chief Magistrate), Edward C. Parker.  
Top, left to right, Erika Kruse Weller, Joseph A. Abbate, William T. Noonan, Alan R. Goulart,  
Michael DiChiro, Jr.

## VI. RECOGNITION

### *Appointed in 2020*

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**Honorable  
Elizabeth Ortiz**  
Associate Justice  
FAMILY COURT



**Honorable  
Steven A. Minicucci**  
Administrative Judge  
WORKERS' COMPENSATION  
COURT

### *Retirements*

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**Honorable  
Francis X. Flaherty**  
Justice  
SUPREME COURT



**Honorable  
Gilbert V. Indeglia**  
Justice  
SUPREME COURT



**Honorable  
Rossie Lee Harris, Jr.**  
Associate Justice  
FAMILY COURT



**Honorable  
Madeline Quirk**  
Associate Judge  
DISTRICT COURT



**Honorable  
Dianne M. Connor**  
Administrative Judge  
WORKERS' COMPENSATION  
COURT



# VI. RECOGNITION

## *In Memoriam*

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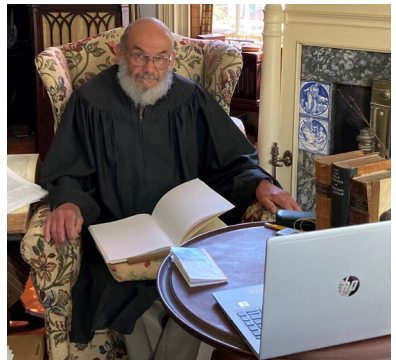


**Honorable  
Howard I. Lipsey**  
Associate Justice (Retired)  
FAMILY COURT



**Honorable  
Edward P. Sowa, Jr.**  
Associate Judge (Retired)  
WORKERS' COMPENSATION  
COURT





# VII. CASELOAD DATA CHARTS

## AT A GLANCE

Judicial Officers	Employees	Facilities
65 Judges (5 Vacancies) 28 Female 6 Minorities	FTE Count 726.3 Authorized 680.6 Average Filled	6 Courthouses (2 Administrative Buildings)
22 Magistrates (1 Vacancy) 6 Female 1 Minority		79 Courtrooms (4 Grand Jury Rooms, 2 Mental Health Courtrooms)



**133,269**  
Total Filings in 2020

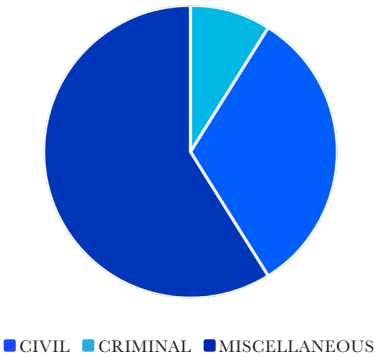


**121,264**  
Total Dispositions in 2020

# SUPREME COURT

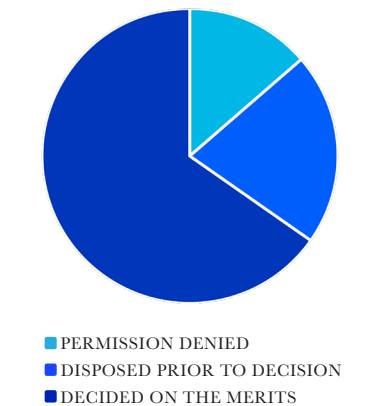
## 2020 Appellate Filings

Criminal	26
Civil	92
Miscellaneous	168
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<b>Total Filed</b>	<b>286</b>

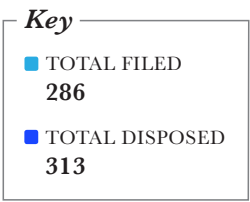
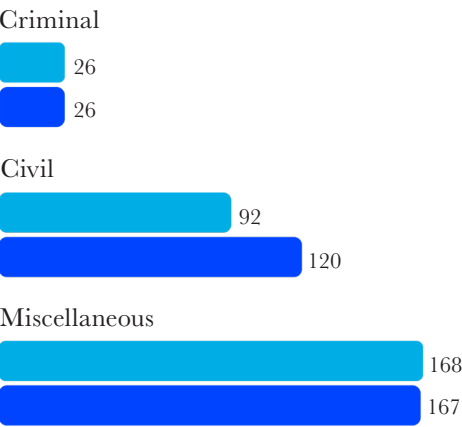


## 2020 Appellate Manner of Disposition

Permission Denied	43
Disposed Prior to Decision	66
Decided on the Merits	204
<hr/>	
<b>Total Disposed</b>	<b>313</b>

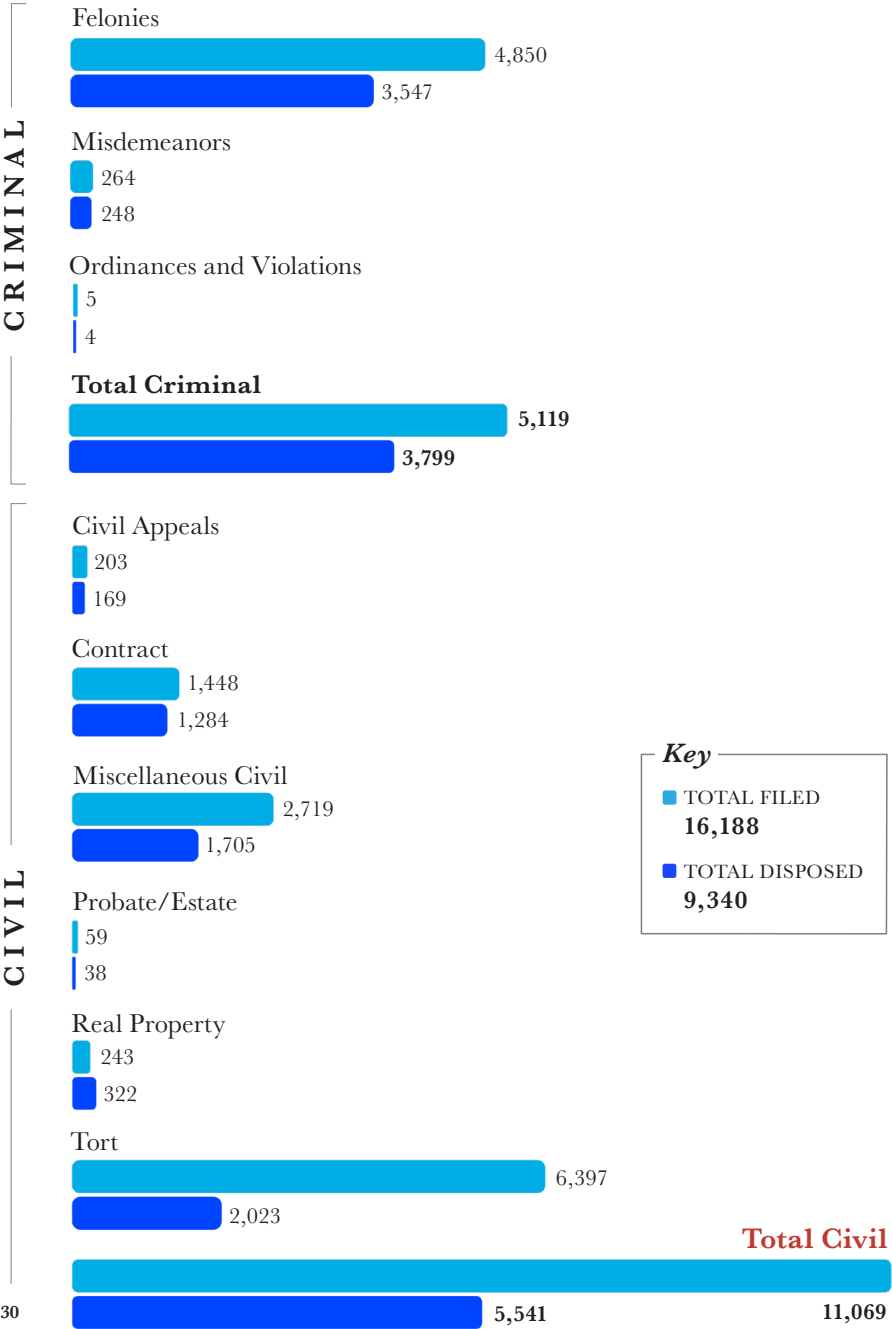


## 2020 Appellate Caseload



# SUPERIOR COURT

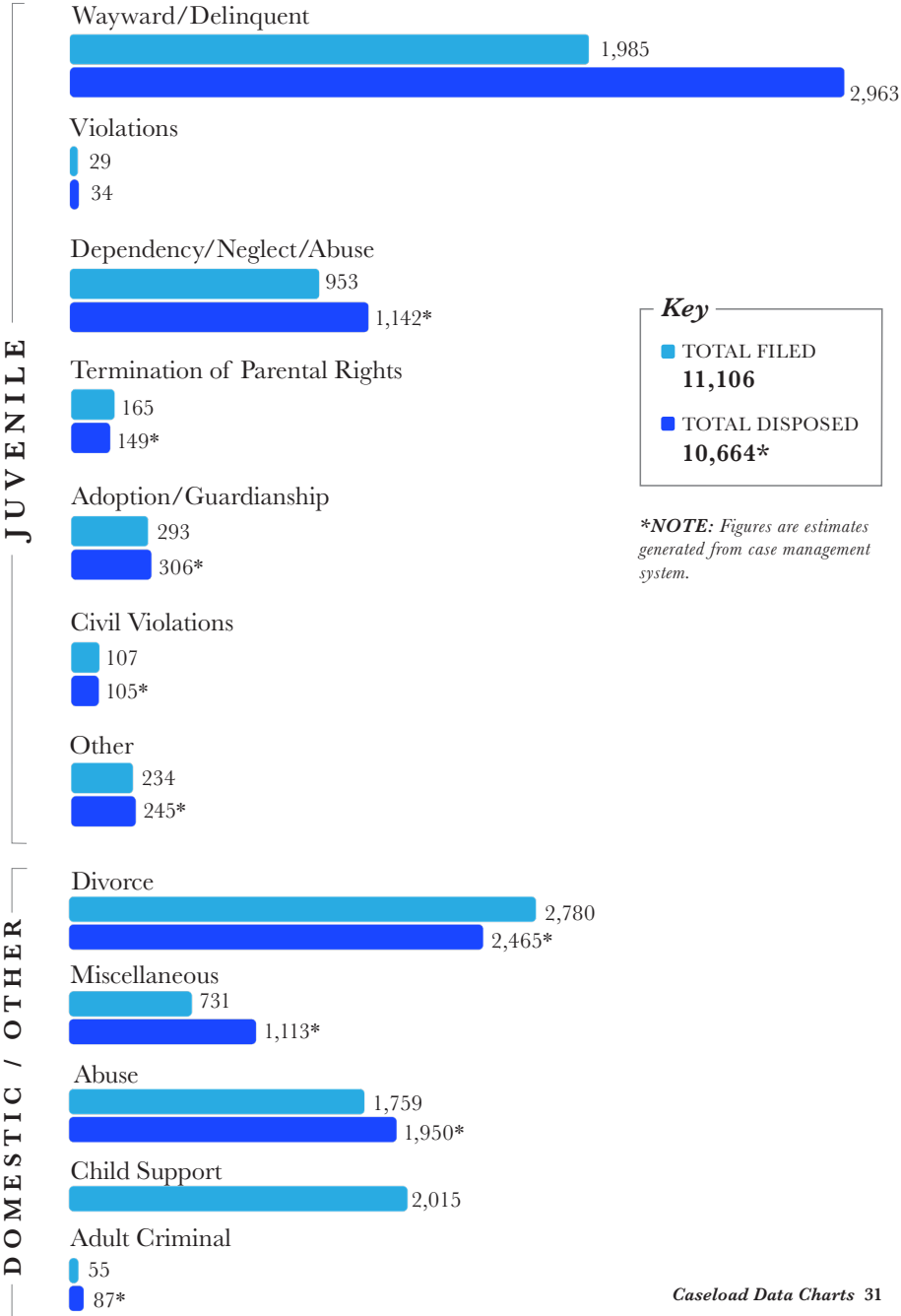
## 2020 Superior Court Caseload





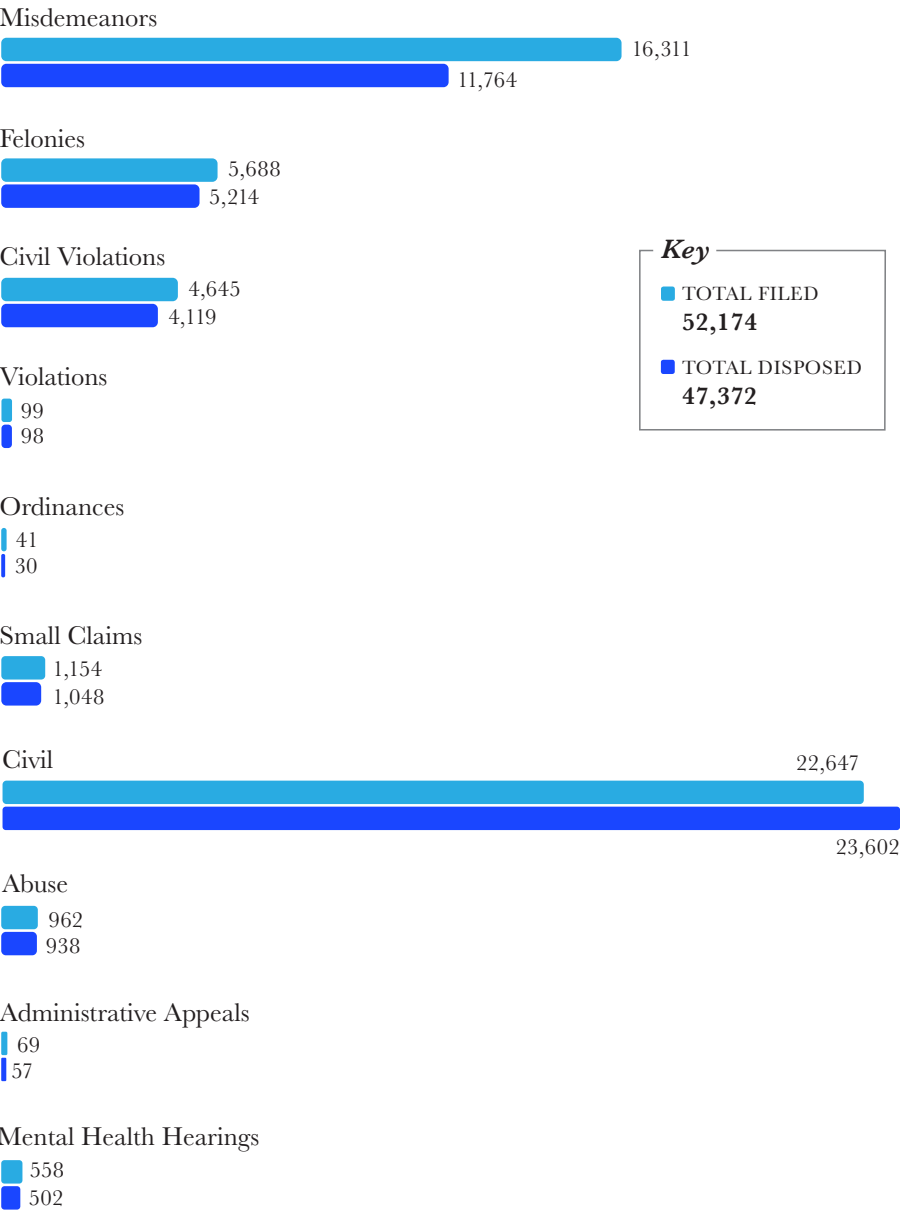
# FAMILY COURT

## 2020 Family Court Caseload



# DISTRICT COURT

## 2020 District Court Caseload



# WORKERS' COMPENSATION COURT

## 2020 Workers' Compensation Caseload

Employee Petitions to Review



Employer Petitions to Review



Lump Sum Settlement



Miscellaneous Petitions



Original Petitions



Petitions for Medical



Petitions to Enforce



**Key**

TOTAL FILED  
7,617

TOTAL DISPOSED  
7,635

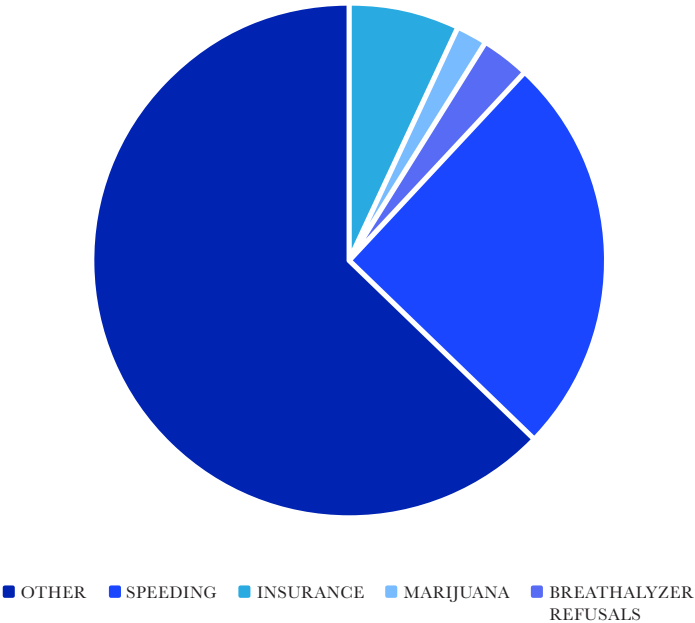
# TRAFFIC TRIBUNAL

## 2020 Rhode Island Traffic Tribunal Caseload

Traffic Tribunal Summonses Issued	45,898
Insurance	4,300
Marijuana	1,175
Breathalyzer	1,931
Speeding	15,490
Other	38,407

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Total Violations	61,303
Total Traffic Tribunal Summonses Disposed	46,405



*NOTE: All figures are estimates generated from the case management system.*

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## **PHOTOGRAPHY CREDITS**

Page 21 – Supreme Court, Holly Hitchcock

Other photography by Craig Berke and Jasmin Chery,  
Office of Community Outreach and Public Relations

Annual Report designed by Jasmin Chery

***Updated November 2021***





## **RHODE ISLAND JUDICIARY**

250 Benefit Street  
Providence, Rhode Island 02903  
(401) 222-3266  
**[www.courts.ri.gov](http://www.courts.ri.gov)**