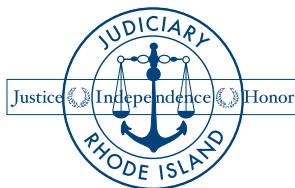


The Supreme Court is a court of last resort and is the final interpreter of state law. The Supreme Court has final jurisdiction over questions of law and equity, supervisory powers over other state courts, and general advisory responsibility to the Legislative and Executive branches of state government concerning the constitutionality of state laws. The Chief Justice of the Supreme Court, Paul A. Suttell, serves as the executive head of the Rhode Island Judiciary.



**Rhode Island Supreme Court**  
Community Outreach and Public Relations  
250 Benefit Street  
Providence, Rhode Island 02903

T 401-222-4580 • F 401-222-8632  
[www.courts.ri.gov](http://www.courts.ri.gov)

AUGUST 2018



# MEDIA GUIDE for REPORTERS



*Rhode Island Judiciary*

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## INTRODUCTION

The Media Guide for Reporters is designed to provide a quick source of basic information for journalists covering the court system. The public and the media, as representatives of the public, have every right to expect the courts and court administration to be open and accessible, and this guide aims to assist that endeavor.

To aid the news media in reporting legal proceedings, the Community Outreach and Public Relations Office, along with representatives from the media, the Rhode Island Bar Association, and the courts, prepared this booklet for journalists with up-to-date information on the judicial process, legal terminology and contacts.

The right to a fair and prompt trial and the right of freedom of the press are fundamental liberties guaranteed by the state and federal constitutions. These basic rights must be vigorously preserved and responsibly practiced according to the highest professional standards.

This guide can be supplemented with additional information from the Rhode Island Judiciary's website, [www.courts.ri.gov](http://www.courts.ri.gov).

## RULES OF MEDIA ACCESS

Since April 22, 1981, the Rhode Island Supreme Court has allowed television and still cameras to photograph most proceedings in state courts.

Under rules issued by the Supreme Court, a trial judge has the "sole and unreviewable discretion" to decide whether to allow the television or print media to photograph any court proceeding. Approval to photograph, record or broadcast a court proceeding must be obtained in advance from the trial judge.

It is presumed that all media personnel covering court proceedings have read and know the content of Supreme Court Rules, Article VII. Media Coverage of Judicial Proceedings. A summary of the rules is as follows:

## COURT PROCEEDINGS

Televising, photographing, or broadcasting are not allowed in courthouse corridors or other portions of the courthouse building. Televising, photographing, or broadcasting within the courtroom are also not allowed during recesses or at any other time when the trial judge is not present and presiding.

## CAMERAS

Pursuant to Supreme Court Rules, Article VII, only one television camera, one still camera, and one audio sound system for radio will be allowed in any trial court proceeding. Pool camera arrangements should be made by the media.

## SOUND AND LIGHT CRITERIA

Only television photographic and audio equipment that does not produce distracting sound or light can be employed. No artificial lighting device of any kind can be used. Only still camera equipment which does not produce distracting sound or light can be used.

## MOVEMENT DURING PROCEEDINGS

The television camera may be installed in, or removed from, the courtroom only when the court is not in session. In addition, such equipment must, at all times, be operated from a fixed position. Still photographers and broadcast media personnel cannot move about the courtroom while proceedings are in session, nor can they engage in any movement that attracts undue attention.

## LOCATION OF EQUIPMENT AND PERSONNEL

Equipment and operating personnel must be located in, and coverage of the proceedings must take place from, an area or areas within the courtroom designated by the trial judge.

## AUDIO

There can be no audio pickup or broadcast of conferences that occur between attorneys and their clients, between co-counsel, or between counsel and the trial judge held at the bench.

## PHOTOGRAPHING JURORS

Prospective jurors cannot be photographed during voir dire. Individual jurors cannot be phototgraphed after empanelment without consent. Also, no close-up pictures may be taken of jurors.

## COURTROOM ACCESS/SEATING/DECORUM

Unless otherwise specified by the Presiding Justice, seating in the courtroom for members of the press is on a first-come, first-served basis. Members of the media are requested to dress appropriately. Pagers and cell phones **MUST** be turned off or placed on vibrate mode.

## COURT RECORDS

Most requests to see a court record need not be in writing; simply ask the clerk for the record by its case number or case name. Custodians of court records are the clerks in the respective courts. Criminal case history data and the criminal calendar are available online at [www.courts.ri.gov](http://www.courts.ri.gov).



## COURT STRUCTURE

Rhode Island has six, state-funded courts constituting a unified court system. The Supreme Court is the court of last review. The Superior Court is the general trial court. The District, Family, and Workers' Compensation Courts and the Traffic Tribunal are trial courts of limited jurisdiction. The Chief Justice of the Supreme Court is the executive head of the judicial system and has authority over the judicial budget. The Chief Justice appoints a State Court Administrator and staff to handle budgetary and administrative tasks. Each individual court also has its own Presiding Justice or Chief Judge and Administrator to handle internal court management.

The Rhode Island Supreme Court sits in Providence at the Licht Judicial Complex. Family and Superior Court judges sit throughout the state at courthouses in Providence, Kent, Newport, and Washington Counties. The District Court sits throughout the state in the Second, Third, Fourth, and Sixth Divisions as shown above.

The Workers' Compensation Court sits in Providence at the Garrahy Judicial Complex. The Traffic Tribunal is located in Cranston, and one judicial officer travels on a weekly basis to cover the courtrooms at the Stedman Government Center in South Kingstown.

## JUDICIAL NOMINATIONS

To become a state judge under the current system in Rhode Island, one must apply to the nine-member Judicial Nominating Commission, which then nominates three to five individuals to fill all court vacancies. The names are submitted to the Governor, who then appoints someone from the list of commission-approved candidates. The Senate then must confirm the Governor’s nominations for lower court judges. Both the Senate and House, sitting in separate sessions, must confirm the Governor’s nominations for Supreme Court justices. The Judiciary is not part of the judicial nominating process.

Judges in Rhode Island have tenure for life, serve full-time, and are barred from practicing law while holding office. Judges can be removed from office for neglecting their duties or gross misconduct.

# SUPREME COURT

## LIGHT JUDICIAL COMPLEX

250 Benefit Street  
Providence, RI 02903  
(401) 222-3274

Chief Justice Paul A. Suttell  
Justice Maureen McKenna Goldberg  
Justice Francis X. Flaherty  
Justice William P. Robinson III  
Justice Gilbert V. Indeglia

## KEY CONTACTS

Community Outreach & Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
State Court Administrator	J. Joseph Baxter	401-222-3263
Deputy State Court Administrator	Gail Valuk, Esquire	401-222-3263
General Counsel	Julie P. Hamil, Esquire	401-222-3266
Supreme Court Clerk	Debra Saunders, Esquire	401-222-3272

## COURT STRUCTURE

The Supreme Court consists of a Chief Justice and four Justices.

## RESPONSIBILITIES

The Supreme Court has final appellate jurisdiction over questions of law and equity, supervisory powers over other state courts, and general advisory responsibility to the legislative and the executive branches concerning constitutional issues. The Supreme Court is also responsible for regulating admission to the Rhode Island Bar and disciplining its members.

The Supreme Court has an administrative office that oversees all personnel matters, fiscal concerns, legal issues, and purchasing functions for the entire state court system. The office also performs a wide range of managerial tasks, including the development and operation of automated information systems for all courts; long-range planning; the collection, analysis, and reporting of information on court caseloads and operations; the development and implementation of management improvement projects in specified areas; and the supervision of facilities.

## PROCESS

The Supreme Court generally sits en banc (with all five members) for four or five days every month, except for the summer months, to hear oral arguments. During oral argument week, the court hears cases that are scheduled for each day, one after the other.

In full cases (also known as plenary cases) each side has thirty minutes to verbally argue its position. The side that prevailed in the lower court is referred to as the respondent. The side challenging the lower court decision, known as the plaintiff, presents its oral argument first. The plaintiff may reserve ten minutes for rebuttal.

Motions, which generally involve fewer legal issues than plenary cases, are argued by each side for ten minutes. The appellant does not have an opportunity to rebut.

Once oral arguments have concluded, the Justices begin the task of deciding the cases and writing opinions. This process usually takes four to six weeks. Intensive research, and, frequently, lengthy discussion precede 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. One Justice is randomly assigned to write the opinion. The dissenting Justice or Justices, if any, may then draft dissenting opinions. Draft opinions are circulated privately among the Justices and revisions are made until the Justices agree upon a final draft.

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 sends copies of the decision to the attorneys in the case and makes copies available to the public. Decisions are now electronically transferred to members of the media.

**APPELLATE MEDIATION PROGRAM**

The Supreme Court Appellate Mediation Program is an alternate dispute resolution procedure that seeks to settle disagreements outside of the courtroom by means other than litigation.

The Appellate Mediation Program was established by Supreme Court provisional rule A in 2003 to divert certain eligible and appropriate civil matters through the mediation process in an attempt to settle the case. Retired justices serve as neutral mediators, at no cost to the state or the parties. The mediator - justice does not render a decision but assists the parties in coming to a mutually agreeable solution by facilitating communication, assisting them in identifying their interests and needs and aiding the negotiation process. The program presently has over a 50 percent resolution rate.

# SUPERIOR COURT

**LICHT JUDICIAL COMPLEX**

Providence County  
250 Benefit Street  
Providence, RI 02903  
(401) 222-3230

**NOEL JUDICIAL COMPLEX**

Kent County  
222 Quaker Lane  
Warwick, RI 02886  
(401) 822-6900

**MCGRATH JUDICIAL COMPLEX**

Washington County  
4800 Tower Hill Road  
Wakefield, RI 02879  
(401) 782-4121

**MURRAY JUDICIAL COMPLEX**

Newport County  
45 Washington Square  
Newport, RI 02840  
(401) 841-8330

**PRESIDING JUSTICE**

Alice Bridget Gibney

**ASSOCIATE JUSTICES: (2 VACANT)**

Robert D. Krause	Kristin E. Rodgers
Melanie Wilk Thunberg	Brian P. Stern
Michael A. Silverstein	Sarah Taft-Carter
Netti C. Vogel	Brian Van Couyghen
Stephen P. Nugent	Luis M. Matos
Susan E. McGuirl	Joseph A. Montalbano
Daniel A. Procaccini	Richard A. Licht
Jeffrey A. Lanphear	Maureen B. Keough
William E. Carnes, Jr.	Melissa A. Long
Bennett R. Gallo	

**MAGISTRATES**

General Magistrate Patricia Lynch Harwood  
Special Magistrate Patrick Burke  
Magistrate John F. McBurney III  
Magistrate John J. Flynn  
Magistrate Richard D. Raspallo

**KEY CONTACTS**

Community Outreach and Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
Administrator	Marisa P. Brown	401-222-3215
Jury Commissioner	Eugene J. McCaffrey, III	401-222-3245

**CLERKS**

Providence County	Henry S. Kinch, Jr.	401-222-3250
Kent County	Nancy Striuli	401-822-6900
Washington County	Danielle Keegan	401-782-4121
Newport County	John Graziano	401-841-8330

**COURT STRUCTURE**

The Presiding Justice of the Superior Court is the administrative judge of the court. The Presiding Justice has responsibility for establishing calendars, assigning judges, appointing a Superior Court Administrator, and making rules for the conduct of the court’s business. The Presiding Justice is assisted by twenty-one Associate Justices as well as five Magistrates.

## RESPONSIBILITIES

Superior Court is the trial court of general jurisdiction in all felony proceedings, in civil matters where the amount in controversy exceeds \$10,000, and in matters of equity. Jurisdiction is concurrent with the District Court as to civil matters with amounts at issue from \$5,000 - \$10,000. The Superior Court also hears appeals on civil and criminal cases from the District Court. Any appeal from a decision rendered in the Superior Court is taken directly to the Supreme Court.

In addition, the Superior Court administers the Court-Annexed Arbitration Program which accelerates the disposition of less complex civil cases. Also administered through the Superior Court is the annual “Settlement or Mediation Week,” held in Providence in December each year during which civil cases may be resolved through mediation.

Other types of appeals and statutory proceedings, such as redevelopment, land condemnation, zoning appeals, and enforcement of arbitrator’s awards, fall under the Superior Court jurisdiction.

## SPECIALTY COURTS

### Business Calendar

The framework of the Superior Court Business Calendar allows quick resolution of disputes and has been praised by Rhode Island corporations for cutting litigation costs and preserving an environment for creating and retaining jobs.

Confidence in an effective, effi-

cient, and predictable process when claims are brought to the Superior Court Business Calendar serves as an incentive for businesses to stay in or relocate to Rhode Island. Both large and small businesses note that the Superior Court Business Calendar sends a message that Rhode Island is interested in crafting a climate that is attractive to prospective new businesses, as well as those already located in the state.

### Drug Court

The mission of the Adult Drug Court is to meet the challenges of substance abuse in the criminal population by providing voluntary, intensive, judicially supervised treatment for non-violent drug offenders as an alternative to incarceration. The Drug Court’s goals are: to reduce the prison population of drug offenders; to reduce substance abuse and crime rate; to reduce the court’s criminal caseload; to reduce recidivism in the criminal population; and to reduce prison costs while addressing the concerns of the community by enhancing neighborhood protection and improving the quality of life for all Rhode Island citizens.

### Gun Court

Rhode Island’s specialized Gun Court is the first of its kind in the nation. This innovative program has reduced the time it takes to dispose of a case after filing from eight months to four months.

## CRIMINAL PROCESS

Criminal prosecutions are brought by an indictment, criminal information, or a complaint. An indictment

is a formal charge brought by a Grand Jury after hearing only the state’s side of the case. Criminal information is similar to an indictment, except it is brought by the Attorney General rather than by a Grand Jury. A complaint is used in less serious criminal cases and is initiated either by a police department or by the Attorney General.

The defendant may admit to the charge by entering a plea of “guilty” or “nolo contendere” (no contest), which has the same effect as a plea of guilty. In either case, there is no trial and the judge may impose a sentence. The defendant may deny the charge by entering a plea of “not guilty.”

When a plea of “not guilty” is entered, the defendant is entitled to a trial by jury of twelve people under the Rhode Island Constitution. If the defendant is financially unable to provide his or her own attorney, the defendant will be represented by a member of the Public Defender’s Office or by a court appointed attorney. The defendant may also represent himself which is known as appearing “pro se.”

### The Criminal Trial Proceeds as Follows:

1. The Assistant Attorney General makes an opening statement outlining to the jury the evidence that will be introduced to prove the State’s case. The defense has the option of giving an opening statement at that time, delaying it until the start of its case, or waiving the statement.
2. Prosecution: The prosecuting attorney then calls witnesses, one by one, in support of the charge.

After direct examination of each witness is completed, the defense lawyer has a right to cross-examine the witness. The cross-examination may be followed by a redirect examination by the prosecutor. When the Attorney General has introduced all of its evidence, the prosecutor announces, “The state rests.”

3. Defense: The defense attorney may, if the defendant wishes, introduce evidence. However, the defendant is not required to do so and may decide to merely say, “The defense rests.” If the defendant does decide to testify or present any witnesses, the prosecutor may cross-examine each person and the defense attorney may follow that with redirect examination.

4. After the defense has rested its case, the Attorney General may introduce evidence in rebuttal explaining or contradicting evidence brought by the defense.

5. When both sides have completed their presentation of evidence, the defense lawyer delivers a final argument or summation to the jury. The prosecution follows with his or her summation.

6. The judge then charges the jury by explaining the law that the jurors are to apply to the facts of the case.

7. Before the jury deliberates, there is usually another step required to eliminate all members of the jury in excess of twelve. Following the judge’s charge to the jury, a foreperson will be named by the judge.

8. The jury then retires to deliberate its verdict. The deliberations are



carried out in the jury room without any intrusion from exterior sources.

9. Sentencing: The trial judge imposes the sentence. Sentencing benchmarks were developed for the Superior Court in 1981 and have been updated as recently as 2017. The benchmarks established a set of consistent sentencing standards thereby reducing the potential for sentencing disparity. While the benchmarks allow for judicial discretion, they also take into consideration the offense, the defendant's criminal history and method of conviction, and violation of previous probation. (A complete list of the benchmarks is available in the Superior Court section of the Judiciary's website at [www.courts.ri.gov](http://www.courts.ri.gov)).

## CIVIL PROCESS

A civil case is one involving a dispute between two or more parties and ordinarily seeks to recover a certain sum of money. The party who brings the suit is the plaintiff. The party against whom the suit is brought is the defendant.

A jury of six (plus two alternates) is selected and sworn and the trial proceeds.

### The Civil Case Proceeds as Follows:

#### CAUSE OF ACTION

- Dispute between (among) parties giving rise to a cause of action.

#### FILING

- Case (complaint) filed in Superior Court Clerk's Office.

- Case number is assigned by a clerk.

#### SERVICE

- Service of summons and complaint upon the defendant(s) by a sheriff, constable, or any individual eighteen years of age or older who is not a party to the action.

#### ANSWER

- The defendant(s) must respond to the complaint (file an answer) within twenty days of date of service.
- If no answer is filed within twenty days, plaintiff may obtain a default judgment against the defendant for the amount claimed in the complaint.

#### DISCOVERY

- Process between the parties during which information is exchanged, including the production of documents, the taking of interrogatories and depositions, and the filing of motions.

#### TRIAL

- The parties present evidence and witnesses to a judge and/or a jury.

#### ENTRY OF JUDGMENT

- The case is resolved either by agreement of the parties through a stipulation, by court order, or by jury verdict.
- An order is entered by the judge disposing of the case.

#### APPEAL

- Either or both parties may appeal the case to a higher court.

#### ENFORCEMENT OF JUDGMENT (if necessary)

- If the defendant(s) does not comply as ordered, the plaintiff may apply to the court for the following:
  - Wage attachment;
  - Citation compelling the defendant(s) to appear in court; and
  - Body attachment may issue if the defendant(s) fails to appear.

## JURY PROCESS

### Jury Selection

Anyone who is a United States citizen, at least eighteen years old, and a resident of the State of Rhode Island can be selected for jury duty. The names of potential jurors are picked randomly from the state's voter registration list, Rhode Island licensed drivers, those with state issued identification cards, those who have filed state income tax returns, and those who have received unemployment compensation. Grand and petit jurors are chosen from the same pool of prospective jurors.

Prospective jurors report to a courthouse where they are questioned by a judge who, after being satisfied that they meet the statutory requirements, administers the oath.

In selecting a jury, judges and the parties' lawyers can question each potential juror to determine whether he or she is related to a party on either side; has an interest in the case; has formed or expressed an opinion about the case; or has a bias toward the case. The aim is to obtain a fair and impartial jury. This process is called *voir dire*. The law also permits counsel for each party to excuse a certain

number of jurors without giving any reason. These are known as peremptory challenges. Other jurors are then drawn to replace those excused until a full jury is seated.

### Petit Jury

The petit jury is the panel from which fourteen jurors are selected for criminal trials (twelve plus two alternates) and from which eight are chosen for civil trials (six plus two alternates). Petit jurors serve for a two-day period in Providence/ Bristol and Kent Counties, unless selected for a trial that may extend beyond two days. In Washington and Newport Counties, petit jurors serve for either one day or the duration of one trial.

Defendants in criminal cases and parties in most civil actions are entitled to a trial by jury. In deciding guilt or innocence, the jury must be unanimous on each charge. After the jury has returned with a verdict, either side may request that individual jurors be polled. In instances where the jury cannot reach a verdict, the jury will be considered "hung" and the case may be retried.

Jurors are not allowed to communicate on any subject with a lawyer, witness, or reporters while a case is on trial. Jurors should refuse to listen if any outsider tries to talk about a case on which he or she is sitting. There are no restrictions on the right of petit jurors to discuss a case after they have been discharged from service.

### Grand Jury

A grand jury sits on either a

countywide or statewide basis and consists of no more than twenty-three, and no less than thirteen people. In presenting a case before the grand jury, the State must set forth the facts related to the alleged offense. The person who is the target of the grand jury investigation is not normally allowed to testify.

After considering the evidence, the grand jurors may vote to issue an indictment, known as a “true bill,” formally charging the suspect with a crime. The indictment is returned to a Superior Court judge in open court. If the grand jury is not convinced by the evidence, it may decide not to return an indictment and instead issue a “no true bill.”

# FAMILY COURT

## GARRAHY JUDICIAL COMPLEX

Providence County  
One Dorrance Plaza  
Providence, RI 02903  
(401) 458-5272

## MCGRATH JUDICIAL COMPLEX

Washington County  
4800 Tower Hill Road  
Wakefield, RI 02879  
(401) 782-4111

**CHIEF JUDGE:** Michael B. Forte

## ASSOCIATE JUSTICES: (1 VACANT)

Stephen J. Capineri  
Laureen A. D’Ambra  
Debra E. DiSegna  
John E. McCann III  
Karen Lynch Bernard  
Patricia K. Asquith  
Sandra A. Lanni  
Rossie L. Harris, Jr.  
Lia N. Stuhlsatz  
Feidlim E. Gill

## NOEL JUDICIAL COMPLEX

Kent County  
222 Quaker Lane  
Warwick, RI 02886  
(401) 822-6725

## MURRAY JUDICIAL COMPLEX

Newport County  
45 Washington Square  
Newport, RI 02840  
(401) 841-8340

## MAGISTRATES: (1 VACANT)

George N. DiMuro  
Jeanne L. Shepard  
Angela M. Paulhus  
Edward H. Newman  
Armando O. Monaco II  
Charles Levesque  
Paul T. Jones, Jr.  
Andrea M. Iannazzi

## KEY CONTACTS

Community Outreach and Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
Chief Judge’s Office		401-458-5300
Administrator	Ron Pagliarini	401-458-5262
Domestic Violence Coordinator	Linda Lynch	401-458-3377
Problem Solving Courts		
Drug Court		
Truancy Calendar		
Mental Health Clinic	Kevin Richard	401-458-5028
CASA	Andrew J. Johnson	401-458-3330

## CLERKS

Providence County	Rhonda Salome	401-458-3200
Kent County	Cheryl Witt	401-822-6725
Washington County	William LaFerriere	401-782-4111
Newport County	Ronald Pirolli	401-841-8340

## COURT STRUCTURE

The Chief Judge is the administrative judge of the court and is responsible for Family Court initiatives, calendars, and making rules of conduct for the court’s business. The Chief Judge is assisted by eleven Associate Justices, one General Magistrate, and eight Magistrates.

## RESPONSIBILITIES

Family Court is charged with assuring that children within its jurisdiction receive care, guidance, and control conducive to their welfare. Additionally, if children are removed from their parents, the court also seeks to secure care equivalent to that which their parents should have provided.

Consistent with these goals, the Family Court has jurisdiction to hear and determine all petitions for divorce, any motions in conjunction with divorce proceedings, and motions relating to the distribution of property, alimony, support, and custody of children. The court hears petitions for separate maintenance and complaints regarding support for parents and children.



The Family Court also has jurisdiction over matters relating to delinquent, wayward, dependent, neglected, abused, mentally deficient, or mentally disordered children. The court also has jurisdiction over adoptions, paternity proceedings, and other matters involving domestic relations and juveniles.

The Family Court also presides over criminal trials for adults accused of child abuse. In these cases a defendant may ask for a jury trial. Appeals from Family Court decisions are taken directly to the Supreme Court.

## JUVENILE PROCESS

### Charges and Arrest

A juvenile who commits an offense that would result in a felony indictment against an adult is charged with delinquency. The law designates a child as wayward if he or she runs away from home without good reason and habitually associates with dissolute, vicious, or immoral persons.

### Waive to Superior Court

A child who is sixteen years or older and who is charged with murder, assault with intent to commit murder, or first degree sexual assault, will be waived into the Superior Court for trial upon motion of the Attorney General as long as a Family Court Associate Justice finds probable cause that the teen committed the offense.

## SPECIALIZED FAMILY COURT PROCESS

### Juvenile Drug Court

To be admitted into the Drug Court program, a juvenile must meet certain eligibility criteria. The Drug Court targets juvenile offenders aged thirteen to seventeen who are charged with alcohol and/or drug offenses. Juveniles with a prior violent adjudication or a pending violent delinquent charge are not eligible for the program. A juvenile must also be highly motivated to change his or her behavior and to engage in intensively supervised and ambitious tasks intended to bring about change. Successful completion of the Drug Court program can result in vacating a juvenile's adjudication or plea on the drug offense and dismissal of the petition(s).

Drug Court cases are heard by a Magistrate.

### Truancy Court

The Truancy Court is a community and school based intervention program.

The Truancy Court assigns a Magistrate to initially hear cases at a local high school or middle school on a weekly basis. Both parents and truants

are summoned before the court which, after a hearing, recommends appropriate intervention measures. The Truancy Court supervises cases on a continuing basis until truancy is no longer an issue.

### Domestic Violence Court

The mission of the Domestic Violence Court is to effectively manage a specialized domestic abuse docket within the overall framework of affording protective orders and services to victims and their families while at the same time ensuring the batterer's accountability and encouraging behavior changes.

## COURT APPOINTED SPECIAL ADVOCATE (CASA)

The Court Appointed Special Advocate Program (CASA) was initiated in 1978 by the Family Court. The program trains volunteer advocates who work with full-time staff attorneys and social workers as a team to represent the best interests of dependent, neglected, and abused children under the jurisdiction of the Family Court.

CASA volunteers investigate the circumstances surrounding a case to which they are assigned by conducting home visits and contacting other service providers involved in the case. The volunteers provide ongoing advocacy for the child and submit written reports to the Family Court with recommendations as to the best interests of the child.

## MEDIA GUIDELINES

### Juvenile Proceedings

Family Court judicial officers conduct trials for juvenile offenders using many of the same procedures the Superior Court uses in trials for adults. However, in Family Court, the trials and hearings are closed to the public.

### Confidentiality

The media may request to cover juvenile proceedings and it is up to the judge's discretion whether to grant permission. However, even with permission, a juvenile's name must be kept confidential.

All police records relating to arrests, detention, and the disposition of juvenile cases are withheld from public inspection.

The disposition of a case or any evidence given in Family Court is not admissible as evidence against the child in any proceeding in any other court. A judicial finding that a child is wayward or delinquent is not considered a conviction in Rhode Island. The juvenile offender is not deemed to have a criminal record.

# DISTRICT COURT

## GARRAHY JUDICIAL COMPLEX

Sixth Division  
One Dorrance Plaza  
Providence, RI 02903  
(401) 458-5400

## NOEL JUDICIAL COMPLEX

Third Division  
222 Quaker Lane  
Warwick, RI 02886  
(401) 822-6750

## MCGRATH JUDICIAL COMPLEX

Fourth Division  
4800 Tower Hill Road  
Wakefield, RI 02879  
(401) 782-4131

## MURRAY JUDICIAL COMPLEX

Second Division  
45 Washington Square  
Newport, RI 02840  
(401) 841-8350

**CHIEF JUDGE:** Jeanne E. LaFazia

**ADMINISTRATIVE JUDGE:** Elaine T. Bucci

## ASSOCIATE JUDGES: (2 VACANT)

Madeline Quirk	Colleen M. Hastings
Pamela Woodcock Pfeiffer	Christine S. Jabour
Mary E. McCaffrey	Stephen M. Isherwood
Anthony Capraro Jr.	James J. Caruolo
J. Terence Houlihan Jr.	Brian A. Goldman

**MAGISTRATES:** Joseph P. Ippolito, Jr., J. Patrick O'Neill

## KEY CONTACTS

Community Outreach and Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
Chief Judges's Office	Jeanne E. LaFazia	401-458-5200
Administrator	Stephen C. Waluk	401-458-5200
Assistant Administrator	Lorraine Alfonso	401-458-5223

## CLERKS

2nd Division (Newport)	Maureen Palazzo	401-841-8350
3rd Division (Kent)	Dawn Bellamy	401-822-6750
4th Division (Washington)	Donna Avella	401-782-4131
6th Division (Providence)	Nicholas Cote	401-458-3446

## COURT STRUCTURE

The Chief Judge of the District Court is responsible for assigning judges, appointing an administrator and establishing calendars in District Court.

The Chief Judge is assisted by thirteen Associate Judges and two Magistrates.

## RESPONSIBILITIES/PROCESS

Most people appearing before a court in Rhode Island initially appear in District Court, which has four different geographic locations around the state - Providence, Warwick, Newport, and Wakefield.

All criminal misdemeanor cases are tried in the District Court if the defendant waives his right to a jury trial. If the defendant asks for a jury trial, the case will be transferred to the Superior Court. The District Court also has jurisdiction over bail hearings in felony cases and over violation hearings in misdemeanor cases.

The District Court presides over civil trials in which the damages sought total up to \$5,000. If the parties agree, the District Court can hear civil suits for damages to a maximum of \$10,000.

Appeals from District Court decisions go to the Superior Court for a trial de novo (anew).

District Court Jurisdiction also includes:

- Small Claims Court for damages up to \$2,500.
- Violations of municipal ordinances and regulations.
- Violations and hearings on involuntary hospitalization under the mental-health, drug-abuse, and alcohol laws.
- Appeals from, and compliance with, subpoenas and rulings of the state tax administrator and several regulatory agencies and boards.
- Violations of state and local housing codes except when a municipal court has been established to handle these matters. Decisions in these areas are subject to review by the Supreme Court only.

# WORKERS' COMPENSATION COURT

## GARRAHY JUDICIAL COMPLEX

One Dorrance Plaza  
Providence, RI 02903  
(401) 458-5000

**CHIEF JUDGE:** Robert M. Ferrieri

## ASSOCIATE JUDGES: (2 VACANT)

Janette A. Bertness	Michael J. Feeney
Dianne M. Connor	Alfredo T. Conte
George T. Salem, Jr.	Steven A. Minicucci
Robert E. Hardman	

## KEY CONTACTS

Community Outreach and Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
Executive Director	John F. McBurney, IV	401-458-5000
Administrator	Nicholas DiFilippo	401-458-5000

## COURT STRUCTURE

The Chief Judge of the Workers' Compensation Court is the administrative chief of the court and is responsible for assigning judges and establishing the calendars. There are nine Associate Judges serving on the court.

## RESPONSIBILITIES

The Workers' Compensation Court has jurisdiction over all disputes between an employer and an employee relating to workers' compensation. The Workers' Compensation Court deals with more than 7,000 petitions each year. More than 70 percent of the disputes are resolved within one month of the date on which they are filed.

The court's jurisdiction includes contested cases involving the rehabilitation of injured employees and claims involving disputes between an employer and its workers' compensation insurer.

Since July 1, 1989, the expenses incurred in the operation of the court are paid through the Workers' Compensation Administrative Fund.

## PROCESS

The basic procedure utilized by the court to address the majority of the claims filed does not vary significantly. Pursuant to the provisions of G.L. 1956 § 28-35-20, the court must conduct a pretrial conference within twenty-one days of the date on which a petition is filed. The initial purpose of the pretrial conference is to attempt to find common ground between the parties to settle the dispute. However, if the matter cannot be resolved, the Judge conducting the pretrial conference will enter a pretrial order addressing the relief sought. This order is effective upon entry and requires immediate compliance. If the parties are dissatisfied with the court's order, they may appeal the matter to the trial level. However, the pretrial order remains binding during the time the trial is ongoing.

Either party has the right to appeal a pretrial order simply by filing a claim for trial within five days. The trial judge can then assign the matter to initial hearing. The initial hearing serves two purposes. First, the court can use the initial hearing to reduce the issues in dispute to a minimum. Uncontested issues can be addressed by stipulation. Second, the initial hearing serves as an ideal scheduling tool. The court can determine the names of the witnesses who will appear and the length of time required for testimony. This allows the court to schedule these matters in the most efficient manner possible and helps to reduce the number of continuances to a minimum.

When the matter is reached for trial, the court conducts a full evidentiary hearing on all the issues raised in the petitions. The trial is a matter of record and the court follows the Rhode Island Rules of Evidence. Following the close of evidence, the trial judge renders a decision. A decree containing the court's findings of fact and orders is entered.

The Workers' Compensation Court is also charged with conducting an intermediate review of any decision which is appealed after a full trial on the merits. Pursuant to G.L. 1956 § 28-35-28, the initial appeal from a trial judge's decree is to the Appellate Division of the Workers' Compensation Court. The Chief Judge of the court is required to appoint appellate panels to hear these appeals.

The Appellate Division will review the record of the proceedings conducted before the trial judge and evaluate all the legal and factual issues presented. The Appellate Division must then issue a decision and decree which will affirm, reverse, or modify the trial court's order. However, great deference is given to the findings of fact made at the trial level and the Appellate Division will review contested factual issues only where it first decides that the trial judge's findings were clearly erroneous. Appeals from the Appellate Division of the Workers' Compensation Court are to the Supreme Court only by a Writ of Certiorari granted by the Supreme Court pursuant to G.L. 1956 § 28-35-29.

# TRAFFIC TRIBUNAL

67 New London Avenue  
Cranston, RI 02920  
(401) 275-2700

**CHIEF MAGISTRATE:** Domenic A. DiSandro III

**ASSOCIATE JUDGES:**

Lillian M. Almeida  
Edward C. Parker

**MAGISTRATES: (1 VACANT)**

William T. Noonan	Joseph A. Abbate
Alan R. Goulart	Erika Kruse Weller

**KEY CONTACTS:**

Community Outreach and Public Relations	Craig N. Berke Kara Picozzi	401-222-4580 401-222-4580
Administrator	Dennis Gerstmeyer	401-275-2815

**COURT STRUCTURE**

The Traffic Tribunal replaced the Administrative Adjudication Court in 1999. As of August 1, 2007, the Traffic Tribunal is headed by a Chief Magistrate appointed to a 10-year term by the Chief Justice of the Supreme Court, with the advice and consent of the Rhode Island Senate. In addition, there are two Associate Judges and five Magistrates. Pursuant to statute, Magistrates will replace the Associate Judges' positions as they become vacant.

**RESPONSIBILITIES**

The Traffic Tribunal is responsible for hearing most traffic cases, distributing and controlling traffic summonses, and maintaining accurate driver accident and violation records. The Traffic Tribunal hears appeals from the Division of Motor Vehicles and the municipal courts as well as certain violations of the Department of Environmental Management. The Tribunal has authority to enforce its own judgments.

**PROCESS**

In order to expedite the disposition of cases, it is the Traffic Tribunal's policy that when a police officer issues a summons for a traffic violation, the officer must designate a date certain for an arraignment. Each department issuing summonses must designate a prosecution officer to

be present in court on arraignment day to prosecute violations. At the arraignment, those cases not disposed of are assigned a trial date. The three-judge appeals panel, established by law, hears cases on Wednesday afternoons. All appeals from the Traffic Tribunal are heard in the District Court.

## JUDICIAL TECHNOLOGY CENTER SUPPORT TO THE MEDIA

**THE ONLINE CRIMINAL INFORMATION SYSTEM AND CASE CALENDAR**

The Rhode Island Judiciary has published one of the first online criminal information systems in the United States. The history of criminal cases as well as the criminal calendar can be accessed via the Judiciary's website at [www.courts.ri.gov](http://www.courts.ri.gov).

**FULFILL MEDIA REQUESTS FOR CUSTOMIZED INFORMATION**

The Judiciary has both administrative functions (those matters that pertain to the administration of the Judiciary) and uniquely judicial functions (those matters that pertain to litigants and their proceedings before the court). Because of these hybrid functions, the Access to Public Records Act applies to judicial bodies "only in respect to their administrative function." R.I.G.L. 38-2-2(4)(i)(T). Section 38-2-5(3) of the Act specifically provides that the act shall not be "deemed in any manner to affect the status of judicial records" as they existed prior to enactment. As such, the judicial records of the court are governed solely by the plenary power of the Judiciary. Because the Judiciary possesses the inherent power to control the conduct of its own proceeding, including the records of those proceedings, it is able to manage the dissemination and voluntary production of information related to its judicial records. Requests for both administrative and Judicial records in electronic form or through a custom report should be made in writing to Craig N. Berke, public information officer, or the Director of the Judicial Technology Center. Once the request has been evaluated, a response will be provided, and if applicable, an estimate of the cost for the production of the information requested.

# LEGAL JARGON

## A

**ab initio** From the beginning; entirely.

**abet** To encourage or incite another to commit a crime.

**action in personam** A suit or proceeding against, or relating to, a specific person, founded on a personal liability.

**action in rem** A suit or proceeding relating to a thing; an action for the recovery of a thing possessed by another.

**ad litem** For the purposes of the lawsuit; a guardian “ad litem” is appointed to prosecute or defend a suit on behalf of an incapacitated person or minor.

**additur** The power of the court to increase the amount of an inadequate jury award.

**affidavit** A written, sworn statement of facts, made voluntarily, usually in support of a motion or request of the court.

**allegation** The assertion, declaration or statement of a party to a lawsuit often made in a pleading or legal document, setting out what the party expects to prove at the trial.

**amicus curiae** A friend of the court; one who is not a party but submits argument or information to the court.

**answer** A legal document by which

the defendant responds to the plaintiff’s allegations of fact and law by denying or confessing them, or by asserting other facts and law.

**appellant** The party appealing a decision or judgment to a higher court.

**appellee** The party against whom an appeal is taken.

**arraignment** In a criminal case, the proceeding in which an accused is brought to the court to hear charges read and to enter a plea.

**arrest** To take into custody; to deprive a person of liberty by legal authority.

**attachment** A remedy by which a party may acquire custody or possession of the property or effects of another party for satisfaction of judgment.

**attorney of record** The attorney whose name appears in the permanent records or files of a case.

## B

**bail** To set at liberty a person arrested or imprisoned, on security (or bail) being taken for his or her appearance in court on a specified day and place.

**bar** Historically, the partition separating the general public from the space occupied by the judges, attorneys, jury and others during a trial. More commonly, the whole body of lawyers qualified to prac-

tice in any jurisdiction. A “case at bar” is a case now under the court’s consideration.

**bench** The place occupied by the judge; more broadly, the court itself.

**bench warrant** Legal papers issued by the court itself, or “from the bench,” for the attachment or arrest of a person.

**binding instruction** An instruction in which the jury is told that if it finds certain conditions to be true, it must find for the plaintiff, or defendant, as the case might be.

**bond** Synonymous with bail and can be in form of cash, property or signature as required by the judge.

**brief** A written or printed document prepared by counsel to file in court, setting forth the facts and law in support of a party’s case.

**burden of proof** The necessity or duty of a party to prove a fact or facts in dispute to a particular standard of certainty.

## C

**caption** The heading or introductory clause in legal papers that states the names of the parties, name of the court and the number of the case.

**certiorari** An original writ or court order commanding judges or officers of lower courts to certify or return records of proceedings in a cause for judicial review. Also used

in review of administrative bodies.

**chambers** The private office or room of a judge.

**change of venue** The removal of a suit begun in one district to another district for trial or from one court to another in the same district. Can also mean jury selected from another county and brought to the original court for trial.

**circumstantial evidence** Evidence of an indirect nature; the process of decision by which court or jury may reason from circumstances known or proved, to establish by inference the principal fact.

**civil action** A lawsuit between or among private parties for declaration, enforcement or protection of a right or for redress or prevention of a wrong.

**codicil** A supplement or an addition to a will.

**common law** Law that derives its authority solely from usages and customs or from the judgments and decrees of courts. Also called “case law” as distinguished from “statutory law.”

**commutation** The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment.

**competency** In the law of evidence, the presence of those characteristics that render a witness legally fit and qualified to give testimony.

**complainant** Synonymous with “plaintiff.”

**complaint** The initial pleading or legal document filed on the part of the complainant in a civil action or by a prosecutor in a criminal action.

**concurrent sentences** Sentences for more than one crime, the time of each to be served simultaneously, rather than successively.

**consecutive sentences** Sentences for more than one crime, to be served in succession rather than simultaneously.

**contempt of court** An act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculated to lessen its authority or dignity such as refusal to obey a court’s order.

**corroborating evidence** Evidence supplementary to that already given and tending to strengthen or confirm it.

**costs** An allowance for expenses in prosecuting or defending a suit; ordinarily does not include attorney fees.

**counterclaim** A claim presented by a defendant against the plaintiff in a civil action.

**court reporter** A person who records and transcribes testimony during court proceedings.

**courts of record** Those courts whose proceedings are permanently recorded and that have the power to fine or imprison for contempt.

**cross-examination** The questioning of a witness in a trial, or in the taking of a deposition, by the party

opposed to the one who produced the witness.

**D**  
**damages** Financial compensation that may be recovered in the courts by someone who has suffered loss, detriment or injury to his or her person, property or rights, through the unlawful act or negligence of another.

**de novo** Anew, afresh; a “trial de novo” is the retrial of a case.

**declaratory judgment** A court’s judgment that declares the rights of the parties or expresses the opinion of the court on a question of law.

**decree** A decision or order of the court; a “final decree” is one that fully and finally disposes of the litigation; an “interlocutory decree” is a provisional or preliminary decree that is not final.

**default** The failure of a party to plead within the time allowed or to appear at trial.

**deposition** The testimony of a witness, not taken in open court, but under oath and pursuant to authority given by law or order of court to take testimony elsewhere; used for discovery of facts in preparation for trial.

**direct evidence** Proof of facts by testimony of witnesses who saw acts done or heard words spoken relating to a matter directly in issue, as distinguished from circumstantial evidence.

**direct examination** The first interrogation of a witness by the party who called the witness.

**directed verdict** An instruction by the judge to the jury to return a specific verdict mandated by the evidence.

**discovery** A proceeding whereby one party to an action may learn of facts known by other parties or witnesses.

**dismissal without prejudice** An order or judgment disposing of an action without a trial of the issues and that permits the complainant to sue again on the same allegations; dismissal “with prejudice” bars the right to bring or maintain an action on the same claim or cause.

**dissent** The explicit disagreement of one or more judges of a court with the decision of the majority.

**domicile** The place where a person has his true and permanent home; a person may have several residences, but only one domicile.

**double jeopardy** More than one prosecution for the same crime, transaction or omission.

**due process** Law in its regular course of administration through the courts of justice; the guarantee of due process requires that every person have the protection of a fair trial.

**E**  
**eminent domain** The lawful power to take private property for public use by the process of condemnation.

**enjoin** To require a person, by order of the court, to perform or to abstain or desist from some act.

**estoppel** The preclusion from alleging or denying facts because a previous action, inaction, allegation or denial indicated that the contrary was true.

**et al.** An abbreviation meaning “and others.”

**et seq.** An abbreviation meaning “and the following.”

**ex parte** By or for one party; done for, in behalf of, or on the application of one party only.

**ex post facto** After the fact; by an act of fact occurring after the previous act or fact and relating to it.

**executor** A person appointed to carry out the directions and requests and to dispose of the property according to a will.

**exhibit** A paper, document or other article produced and exhibited to a court during a trial or hearing.

**expert evidence** Testimony regarding some scientific, technical or professional matter given by experts, i.e., persons qualified to speak authoritatively by reason of their special training, skill or familiarity with the subject.

**enuating circumstances** Circumstances that render a crime less aggravated, heinous or reprehensible than it would otherwise be. Such circumstances may ordinarily be shown to reduce the punishment or damages.

**extradition** The surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.



**F**  
**frivolous claim** When a proponent can present no rational argument based upon the evidence or law in support of that claim or defense.

**G**  
**garnishment** A proceeding whereby a court may order the property, money or credits of a debtor in the possession of a third party (garnishee) applied to the debts of the debtor; garnishee (verb) — to institute garnishment proceedings.

**H**  
**habeas corpus** “You have the body”; in most common usage, a court order directed to the official or person detaining another, commanding him to produce the prisoner or person detained so the court may determine if such person has been denied his liberty without due process of law.

**harmless error** In appellate practice, an error committed by a lower court during a trial, but not prejudicial to the rights of the party and for which the court will not reverse the judgment.

**hearsay** Testimony given by a witness who relates what he has heard said by others, not what he knows personally.

**hostile witness** A witness who is subject to cross-examination by the party who called him or her to testify, because of his or her evident antagonism toward that party as exhibited during direct examination.

**hypothetical question** A combination of facts and circumstances, assumed or proved, stated in such a form as to constitute a coherent state of facts upon which the opinion of an expert can be asked in a trial.

**I**  
**impeachment of witness** An attack on the credibility of a witness by other evidence or the testimony of other witnesses.

**implied contract** A contract in which the promise made by one party is not expressly stated, but may be inferred from conduct or implied in law.

**in camera** In chambers; in private.

**inadmissible evidence** Evidence that, under the established rules of evidence, cannot be admitted or received in evidence.

**indictment** An accusation in writing issued by a grand jury, charging that a person named has done some act, or is guilty of some omission, which by law is a crime.

**information** An accusation of some criminal offense, in the nature of an indictment, but which is presented by a competent public officer such as a district attorney, instead of a grand jury.

**injunction** A mandatory or prohibitive order issued by a court.

**instruction** A direction given by the judge to the jury concerning the law to be applied to the case in hearing.

**inter alia** Among other things or matters.

**interlocutory** Provisional; temporary; not final.

**interrogatories** Written questions from one party and served on an adversary, who must provide written answers under oath; discovery procedure in preparation for trial.

**intervention** A proceeding in a suit or action by which a third person is permitted by the court to make himself a party.

**intestate** (adverb) Without leaving a will (e.g., to die intestate).

**intestate** (noun) One who dies without leaving a will.

**irrelevant evidence** Evidence not relating or applicable to the matter in issue; not supporting the issue.

**J**  
**John Doe** A fictitious name used in law to designate a person unknown.

**judgment** The official decision or decree of the court upon the rights and claims of the parties.

**jurisprudence** The philosophy of law; the science of the principles of law and legal relations.

**jury** A certain number of persons selected according to law, sworn to inquire of certain matters of fact and declare the truth upon evidence before them.

**L**  
**leading question** A question that suggests to the witness the answer desired.

**levy** A seizure; the obtaining of money by legal process through seizure and sale of property.

**lien** An encumbrance upon property, usually as security for a debt or obligation.

**limitation** A certain time allowed by statute in which a lawsuit must be brought (“Statute of Limitations”).

**lis pendens** A pending lawsuit; a notice of lis pendens serves as a warning to all persons that the title to certain property is disputed in a lawsuit.

**litigation** A judicial controversy.

**M**  
**malfeasance** The commission of some act that is prohibited by law (compare “misfeasance”).

**malicious prosecution** A lawsuit instituted with intention of injuring the defendant and without good cause, and which terminates in favor of the person sued.

**mandamus** The name of an order that issues from a court, commanding the performance of a particular act.

**mandate** A judicial order directing the proper officer to enforce a judgment, sentence or decree.

**material evidence** Proof that is relevant and goes to the substantial issues in dispute.

**misdemeanor** An offense less serious than a felony, generally punishable by fine or imprisonment less than one year.

**misfeasance** A misdeed or trespass; the improper performance of some act that a person may lawfully do (compare “malfeasance”).

**mistrial** An erroneous or invalid

trial; a trial whose result cannot stand because of lack of jurisdiction, improper drawing of jurors or disregard of some other fundamental requisite.

**mitigating circumstances** A fact that does not constitute a justification or excuse for an offense but that may be considered as reducing the degree or moral culpability.

**moot** A moot case is one that seeks to determine an abstract question that does not arise upon existing facts and does not need to be decided.

## N

**negligence** The failure to do something that a reasonable person guided by ordinary considerations would do or the doing of something that a reasonable and prudent person would not do.

**no bill** A phrase, endorsed by a grand jury on the indictment, which is equivalent to “not found” or “not a true bill.” It means that, in the opinion of the jury, the evidence was insufficient to warrant the return of a formal charge.

**nolo contendere** A plea sometimes used by defendants in criminal cases, meaning literally “I will not contest it,” but having the same effect as a guilty plea; the plea cannot, however, be used as an admission in other proceedings unless the sentence is more than probation.

**non compos mentis** Not sound of mind; insane.

**notary public** A person authorized by law and specially designated to

administer oaths, certify and authenticate specific documents, and perform other prescribed acts.

**nunc pro tunc** Literally, “now for then”; referring to acts done after the time they should have been done, but given retroactive effect.

## O

**obiter dictum** A statement in a court’s written opinion that is not necessary to the decision of the case, but that is included as a “by the way” remark of the court. (Commonly shortened to “dictum.” Plural: “dicta.”)

**objection** The act of taking exception to some statement or procedure in trial; used to call the court’s attention to improper evidence or procedure.

**of counsel** A phrase commonly applied to an attorney employed to assist in the preparation or management of the case, or its presentation on appeal, but who is not the principal attorney of record.

**opinion evidence** Evidence of what the witness thinks, believes, or infers in regard to a fact in dispute, as distinguished from his or her personal knowledge of the fact.

## P

**panel** A list of jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.

**parole** The conditional release of a

convict from prison before the sentence expires. If conditions are observed, the parolee need not serve the remainder of the sentence.

**parol evidence** Oral or verbal evidence, of the type given by witnesses in court.

**parties** The persons named as plaintiffs and defendants in a lawsuit; or, their counterparts in other legal proceedings.

**peremptory challenge** The challenge that the prosecution or defense may use to reject a specified number of prospective jurors without assigning any cause.

**petition/petition for review** A written address embodying an application or prayer from the person or persons preferring it to the power, body, or person to whom it is presented.

**petit jury** The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case; so called to distinguish it from a grand jury.

**plaintiff** The person who brings an action; the party who complains or sues and is so named on the record.

**pleadings** The documents in which the parties in a suit alternately present written statements of their contentions, each responsive to that which precedes it and each serving to narrow the field of controversy.

**polling the jury** A practice where the jurors are asked individually whether they assented, and still assent, to the verdict.

**power of attorney** An instrument authorizing another to act as one’s agent or attorney.

**precedent** An adjudged case or court decision furnishing an example or authority for an identical or similar later case on a similar question.

**prejudicial error** Synonymous with “reversible error”; an error that warrants the appellate court to reverse the judgment before it.

**preliminary hearing** Synonymous with “preliminary examination”; the hearing given a person charged with a crime by a magistrate or judge to determine whether there is “probable cause” that he or she committed the crime and should be held for trial.

**preponderance of evidence** Greater weight of evidence, or evidence that is more credible and convincing to the mind, not necessarily the greater number of witnesses; the standard of proof usually required in civil actions.

**privity** Direct, mutual or successive legal relationship of one person to another.

**probable cause** A constitutionally prescribed standard of proof; a reasonable ground for belief in the existence of certain facts.

**probate** Specifically, the act or process of proving the validity of a will in court; generally, all matters handled by a probate court.

**probation** In modern criminal administration, allowing a person convicted of an offense to retain his or her liberty under a suspension of sentence, during good behavior, and generally under specified conditions including the supervision or guardianship of a probation officer.

## Q

**quash** To overthrow; vacate; to annul or void (e.g., to quash a summons or indictment).

**quasi judicial** Of a judicial nature; used to describe the actions of public administrative officers who are required to investigate facts and draw conclusions from them as a basis for their official actions.

## R

**reasonable doubt** An accused person is entitled to acquittal if, in the minds of the jury, guilt has not been proved beyond a “reasonable doubt”; that state of the minds of jurors in which they cannot say they feel an abiding conviction as to the truth of the charge.

**rebuttal** The introduction of contrary evidence; the showing that statements of witnesses as to what occurred is not true; the stage of a trial at which such evidence may be introduced.

**recognizance** A recorded obligation entered before a court; to do some act such as to appear in court at a particular time or pay a specified sum in penalty for default.

**redirect** Examination of a witness that follows cross-examination and is exercised by the party who first examined the witness.

**removal, order of** An order by a court directing the transfer of a cause to another court.

**reply** When a case is tried or argued in court; the argument of the plaintiff in answer to that of the

defendant; a pleading in response to an answer.

**rest** A party is said to “rest” or “rest the case” when he or she has presented all the evidence he or she intends to offer.

## S

**state’s evidence** Testimony given by an accomplice or participant in a crime, tending to convict others.

**statute** The written law; legislatively enacted law.

**stay** A stopping or arresting of a judicial proceeding by order of the court.

**stipulation** An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial.

**subpoena** A document to cause a witness to appear and give testimony.

**subpoena duces tecum** A subpoena requiring not only personal appearance but also the production of specified documents or other articles.

**substantive law** The law dealing with rights, duties, and liabilities, as distinguished from procedural law, which regulates legal procedure.

**summary judgment** The termination of a lawsuit, usually before trial, upon the showing that there are no issues of fact in the case and that one party or another is entitled to prevail as a matter of law.

**summons** A court order directing the sheriff or other officer to notify

the named person that an action has been commenced against him or her in court and that he or she is required to appear, on the day named, and answer the complaint in such action.

## T

**testator** One who makes or has made a will.

**testimony** Evidence given by a witness, under oath, as distinguished from evidence derived from writings and other sources.

**tort** An injury or wrong committed, either with or without force, to the person or property of another.

**transcript** The official record of proceedings in a trial or hearing.

**trial de novo** A proceeding in which both issues of law and issues of fact are reconsidered as if the original trial had never taken place.

**true bill** The endorsement made by a grand jury upon a bill of indictment when they find sufficient evidence to warrant a criminal charge.

## U

**ultra vires** Acts beyond lawful authority.

**usury** The charging of more interest for the use of money than the law allows.

## V

**venue** The particular district, city or geographical area in which a

court with jurisdiction may hear and determine a case.

**verdict** The formal decision or finding made by a jury or a judge in a civil or criminal case.

**voir dire** Literally, to speak the truth. The phrase denotes the examination that the court or the attorneys may make of one presented as a witness or juror as to his or her qualifications.

## NOTES