

State of the Judiciary
Chief Justice Frank J. Williams, Rhode Island Supreme Court
Message to the Legislature
February 13, 2002

INTRODUCTION

Honorable members of our General Assembly, fellow colleagues of the judiciary, distinguished guests, and fellow Rhode Islanders: I thank you all for your kind invitation to stand before you today. It is an honor, and a pleasure to appear before the Rhode Island General Assembly to deliver our first annual State of the Judiciary Address.

When we spoke last, I was newly confirmed, but not yet sworn in as Rhode Island's 50th Chief Justice. At that time, my intent was to open the lines of communication to foster harmony and understanding between our two branches of government while maintaining a positive working relationship that also recognizes our distinct and separate responsibilities.

In my last appearance before this honorable body, I remarked upon the challenging times in which we live where changes often occur more rapidly than our capacity to absorb them. Like many veterans of the armed forces, for example, I had long been concerned that when it came to the domestic threat from rogue nations and violent ideologues, it was never a question of "if"-but "when". Today, I can tell you that it is no consolation to be proven correct.

Were we not at war when 243 United States Marines were murdered in a cowardly truck bomb attack in Lebanon nearly twenty years ago? Where was our outrage and call for action when a young Navy diver was tortured, shot, and left on the tarmac when the commercial jet on which he was a passenger was hijacked by terrorists? If truth be told, global terrorists declared war on America long ago. It has simply taken us far too long to declare war on them.

But there is reason to hope. As a nation, we have taken a stand and made a choice to now be proactive rather than reactive. One choice can make all the difference in the world! Here at home, our choice, our mission, is to become the best judiciary in the nation an institution that is considered proactive not reactive, efficient but effective, accountable while independent, and innovative yet steeped in tradition. The freedom worth fighting for abroad must simultaneously be preserved, and always improved, here at home.

When you honored me with your confirmation last year, I made a commitment to create a legacy of swift and certain justice for all the citizens of Rhode Island while making our courts more secure yet open, accessible, and user-friendly. I also set a goal to educate citizens, teachers, and children about the judicial and democratic processes.

The state of the judiciary over the past year can be summed up in one word transitional - as we move from the old to the new; from being reactive to being proactive; from accepting things the way they are to making them what they should be. For too long the judiciary, as an institution, was far too passive in voicing its need for support from the General Assembly. The spirit of my message for you this afternoon remains simple and straightforward. Our judiciary is working

more effectively and intelligently than ever before. We are undertaking great challenges of innovation and efficiency, in effect doing more and more with proportionately less and less. But we remain in dire need of adequate financing, additional personnel, modern technology, and improved infrastructure and facilities to fulfill our mission.

In 2001, the Rhode Island Judiciary disposed of 207,477 cases. Consider this extraordinary workload for just a moment: that is more than one case for every five citizens of our state. Broken down even further, the disposition number equates to nearly 800 cases each day! And all this on just 1.3% of the state budget!

We have accomplished much with the resources at hand. We have created ten (10) new task forces and committees to address important legal and administrative issues to implement change. We have enlisted the support of platoons of our court employees, and called on the battalions of the members of the Rhode Island Bar and the public to do their parts as well.

But let me be absolutely clear. We cannot do it without your help.

When I assumed office, I knew that there was hardly any area that did not require a high degree of resources and attention. Yet I willingly accepted these challenges with full awareness of the difficulties ahead. I can honestly say that none of it has come as any surprise.

As I stand before you today to ask for your continued support, let me take this opportunity to tell you what the Rhode Island Judiciary has accomplished this past year through the long hours and hard work of our judges, magistrates, and staff.

SECURITY

Given the events of this past year, it seems fitting to begin with the steps we have taken to improve courthouse security. One of the first actions I took as Chief Justice months before the events of 9-11, was to enlist the assistance of the United States Marshals Service to conduct a thorough security review of all of our court facilities. I might add that this was arranged at no cost to the taxpayers of Rhode Island, saving \$50,000. Since last fall we have placed new metal detectors at every courthouse and implemented other procedures designed not only to protect the attorneys, litigants, jurors, and citizens who come to our courts, but also the judges, magistrates, and employees who work there.

I want to praise the Department of Administration for its foresight in coordinating the duties of the different law enforcement departments that address security at our courthouses. Special thanks should be given to all the officers of the Capitol Police, Marshal's Department, and the Sheriff's Departments who have worked to collaborate and coordinate on these new security protocols.

In the coming weeks, x-ray machines will be placed at our courthouses in an effort to further enhance security. All this costs money. But quite simply nothing concerns me more than the safety of all who enter our courts, and I am going to make every effort to ensure that there are no casual ties on my watch. I hope all who pass through our courthouse doors will continue to be

patient and understanding of the need for these efforts.

FACILITIES

When it comes to our facilities, many of you have long known about the state of disrepair facing many of our courtrooms and courthouses. The conditions of some of our facilities, such as the Kent County Courthouse and the Traffic Tribunal, are demeaning to the judicial staff as well as to attorneys, litigants, jurors, and citizens. Upon taking office, I conducted what I called "walkabouts" in an effort to spend time in each of our court facilities, to meet with all our employees and assess both our needs and available resources.

I found that many facilities have simply outlived their ability to serve the needs of the thousands of citizens we serve each day. I would be greatly remiss if I did not pay tribute to the support the courts have received from the General Assembly in this regard. On behalf of all of us in the judiciary we thank you for your genuine support for our endeavors.

Last year, thanks to the Governor and the General Assembly, funding was approved for a new Kent County Courthouse. I want to offer a special thanks to the Kent County delegation for their persistence in seeing this through to fruition. We are working quickly to move this project along, and I am pleased to report that an architect for this program has recently been selected. We remain hopeful that we can open the doors of a new courthouse in the year 2004.

The General Assembly also provided funding for major renovations in the Garrahy Judicial Complex in downtown Providence, which had suffered from the wear and tear of a daily influx of twice as many people as the complex was designed to handle. This project is complete, bringing the state of this courthouse back to one of respectability.

However, Garrahy remains badly overcrowded, serving more than 3,000 citizens each day, even though it was only designed to accommodate 1,500. Quite simply, we need more space. The Family and District Courts currently deal with citizens from Providence and Bristol Counties including the Blackstone Valley and the Northwestern sections of Rhode Island. The workers' Compensation Court encompasses the entire state. A new facility in the northern region of the state would go a long way to easing the crowding, caseloads, long lines, and battles for parking at Garrahy.

Members of the General Assembly are also well aware of the recent census report which showed great increases in the population of Washington County. Here too, with population trends expected to exacerbate this need in the future, the McGrath Judicial Complex in Wakefield is in great need of expansion. Likewise our Traffic Tribunal, which has by far the greatest caseload and services the largest number of our citizens, cries out for a suitable facility not located next to an adult entertainment establishment.

TECHNOLOGY

As I was well aware that our judiciary was in need of an infusion of new technology, it came as no surprise to me to learn that our civil case processing system remains dependent on outdated

WANG technology - a company which, by and large, went out of business a decade ago. Our current civil technology is the equivalent of operating on a manual typewriter.

Quite frankly, we are banking on the fact that the General Assembly, in your wisdom, will provide the needed funding to update this vital technology. Meanwhile, we have had no choice but to take steps to safeguard our civil case processing system by having our experts in the Judicial Technology Center scour the nation for a technician to perform maintenance and to ensure that replacement parts for this antiquated hardware are available should we need them. The impact on court operations from a system failure would result in the shutdown of all civil matters for days or even weeks. We have diverted portions of our already scarce funding to begin the much needed civil conversion. When the funding is available, the migration will be completed quickly and efficiently over the next four years.

One day, we hope to offer court calendars, electronic claim and case filing, as well as other essential services through our court website. The lack of access to such services and information currently requires individuals to lose valuable time, money, and expend effort by physically visiting our courts, adding to the overcrowding we already experience.

Thanks in part to state and federal funding in our criminal case processing system, we have already taken steps to make public records more accessible to the citizens of our state. CourtConnect, which provides online access to public information contained in the Rhode Island Adult Criminal Database, made its debut on our website last summer and has dramatically enhanced access to this public information used by attorneys, employers, law enforcement, media, and others in our state.

EDUCATION AND OUTREACH

As I promised to do throughout my confirmation hearings, this past year I have taken every possible opportunity to educate the public and the media of the vital mission, goals, and accomplishments of the judiciary. I have taken this message to professional organizations, civic groups, schools, and the people.

Just last month we launched Justice Matters, a live interview and viewer call-in television program airing quarterly on Channel 36. This program - the first of its kind in the nation - provides an opportunity to foster understanding of the judiciary, and help us gain important feedback from our citizens on ways we can improve services and make our courts more accessible and user-friendly for the public. On behalf of the judiciary, we would like to thank my co-host Dave Layman and Susan Farmer and her crew at Channel 36 for allowing us this opportunity to be heard.

In the past year we have also taken steps to reach out to the media, recognizing the important role it plays in keeping the public informed and aware of important court related issues. We have even created a task force, which is in the process of developing a Reporter's Guide to the Judiciary, to foster more accurate and comprehensive coverage of court proceedings. However, I will continue to speak out, as I promised at my inauguration, when the judiciary is unfairly attacked and when such attacks are based on misrepresentation of the facts or a misunderstanding

of our judicial process.

But it goes without saying that this task is too great for me alone, so we have taken further steps to expand the judiciary's efforts in outreach and education. Last year we initiated a pilot program in Newport County to reach out to schools and community organizations in an effort to foster increased awareness of the important role of our courts. We also recently established a statewide Judicial Speakers Bureau which will maintain a panel of judges, magistrates, administrators, and other court officials interested in speaking to community audiences on a wide range of court-related topics.

PRACTICE ANDPROCEDURE

Another area we have devoted much attention to throughout this first year was determining how the judiciary does business, and how we might take steps to improve our services, making them more efficient, effective, and user-friendly. Each of our courts has a significant and challenging burden of deciding issues that affect each and every citizen of our state. In this sense, our courts should be no less a priority than any other human service expenditure before the General Assembly. I can tell you as Chief Justice that each and every judge, magistrate, and staff member in our branch of government earnestly accepts this responsibility along with the gravity it requires.

One of my proudest achievements is the establishment last fall of the first statewide Judicial Conference in more than a decade. During this gathering, all of our judges, magistrates, and court administrators joined together to discuss initiatives and ideas that will help our judiciary address the challenges of the twenty-first century such as security, civility, technology, and relations with the media.

This past year we continued our work with the Community College of Rhode Island to develop a curriculum that will provide adequate training for more translators in our courtrooms. Many of our judges and magistrates, on their personal time, also stepped forward to participate in a conversational Spanish course that was offered last summer. These efforts by judges and magistrates to engage in basic dialogue with litigants are well received and help foster feelings of accommodation within the court setting.

Last year steps were taken to revitalize our User-Friendly Courts Committee, asking that issues from parking to jury service and everything in between be considered. Even prior to the expected recommendations of this committee, we have taken significant steps to make our courts more user-friendly. Information kiosks and help desks are already in place, at the Licht and Garrahy courthouses. In the coming weeks kiosks will be staffed at every courthouse in our state. This simple courtesy has already gone a long way in making our, courts less daunting for first time visitors.

Our courts have also made great progress in changing the way we do business. Presiding Justice Joseph F. Rodgers, Jr. of the Superior Court implemented a new Two- Day, One-Trial approach for jurors in our state's busiest trial courts in Providence, Bristol, and Kent Counties. Newport and Washington Counties already have a One-Day, One- Trial protocol. This new initiative in

Providence and Bristol Counties has been welcomed by individuals as well as businesses as it allows people to take part in the jury service process that would otherwise be excused or postponed for personal or other hardship.

Another innovation implemented in Superior Court this past year by Presiding Justice Rodgers was the Business Calendar. This pilot program allows for the speedy consideration of civil actions, including increased use of mediation, affecting jobs and businesses to ensure that these cases move forward smoothly and efficiently to resolution.

In addition to addressing a challenging caseload of juvenile and domestic matters, Family Court Chief Judge Jeremiah S. Jeremiah, Jr. continues to break new ground by creating a Truancy Court program that has gained national attention as one of the eight cluster programs designated by the United States Department of Justice. The program helps to ensure students stay in school rather than start down a path that leads to the Training School and the Adult Correctional Institutions. And like its counterpart in Superior Court, the Family and Juvenile Drug Court continues to have success ensuring that individuals, 162 participants since the program's inception, are receiving needed treatment, counseling, and oversight for their substance abuse problems.

The District Court, under the direction of Chief Judge Albert E. DeRobbio, has established a pilot program in Kent County, creating a partnership with mental health providers and those who come before our courts who may have less need for punishment and more need for treatment. The program thus far has worked considerably well, and I soon expect to announce an effort to examine this initiative further to determine whether it could be implemented elsewhere in our courts.

Meanwhile, Chief Judge DeRobbio continues to do yeoman's work overseeing the work of the Rhode Island Traffic Tribunal, which last year disposed of 14,000 more cases than were filed. Chief Judge DeRobbio and his staff at the Traffic Tribunal also continued work to address the shortcomings of the previous Administrative Adjudication Court, and have now collected more than \$8 million in traffic fines that were previously owed to the taxpayers of our state, \$2,502,658.57 in 2001 alone. We will not stop until every effort is made to collect as much of these account receivables as possible.

Despite the challenge of a marked increase in case filings last year, Chief Judge Robert F. Arrigan and the Workers' Compensation Court continued efficiently and effectively to address disputes between employers and employees. Faced with the challenge of a dramatic increase in filings - 1,100 more cases in 2001 than in 2000 - the judges and staff pulled together and disposed of 859 more cases than they had the previous year for a total of 8,877 cases.

Working in cooperation with our Bar Association, I created a task force to examine the status of alternative dispute resolution - or ADR, methods to settle a case without a trial, in Rhode Island. I am confident that given time we will find that ADR holds tremendous potential to improve conflict resolution and, thus, the quality of life for lawyers, judges, and litigants alike and I look forward to the report of this committee.

While mediation and other forms of ADR might be an appropriate avenue for some, we all know that ensuring access to legal representation is essential to a smoothly running judiciary. Due to the disparity between those who can afford legal services and those who cannot, last year I created an Affordable Legal Services Task Force that will examine the availability of such services and recommend how we can increase access to our courts regardless of the availability to pay.

FY 2003 BUDGET REQUEST

As you can see, we have had an extremely busy year in our new administration. While we have accomplished much, more work remains to be done. While I strongly believe that our taxpayers should always get their money's worth when it comes to court expenditures, it is all too often overlooked that our judiciary contributes to collecting a significant amount of income that goes directly into the general revenue fund. Last year alone the judiciary collected \$20,786,081.98 in general revenue, \$1,000,000 more than in 2000, while other funds compensated victims and aggrieved parties in criminal and civil matters.

We have important jobs to do and vital roles to play. The services we provide affect so many lives and do cost money. Accordingly, I cannot be shy in requesting the support we need to fulfill this important mission. The judiciary's budgetary request for fiscal year 2003 would go far in helping us address our important needs. We have requested a total of approximately \$64.7 million in general revenue funds. This includes a total of \$1,977,129 for new initiatives in fiscal year '03, including needed positions and the continued conversion of our civil case processing system to ensure that we do not suffer a technological breakdown of catastrophic consequences. Recognizing the fiscal constraints on the General Assembly, we have even pared our initial budget request by more than three million.

When you honored me with your confirmation last year, I made a commitment to you and all of our citizens to do the best I can, and work as hard as I can, as long as I serve. I want you to know that this promise will always be kept, regardless of the funding and resources you provide. Our administration has adopted a philosophy of fiscal constraint, right from the start, reorganizing our available resources and staff and eliminating any unnecessary expenditures such as significantly reducing the number of temporary employees and holding each court to their enacted budget. It is within this context that I offer you my assurance that the funding and personnel we request are vital.

I believe we have already begun many initiatives with what we have been given, and again I thank you for all the support you have provided thus far. In 1944 during World War II, House and Garden magazine published a remarkable cover with this Abraham Lincoln quotation, "I like to see a man proud of the place in which he lives. I like to see a man live so that his place will be proud of him." Please join me and all the members of the judiciary in achieving this vision for the people.

In many ways I suppose what all this comes down to is the issue of choice - a choice between being proactive or reactive when it comes to the mission and challenges faced by our judiciary. And let me assure you, I understand the difficult choices each of you must make in these

budgetary matters, and I do not envy the challenges you face.

Yet at the end of the day, one thing is certain. Without your support we cannot succeed, with your support we will not fail.

Thank you very much. May God bless you and all the people of our beloved state.

Frank J. Williams

Chief Justice