

State of the Judiciary Address: Building a History of Justice and a Legacy of Independence  
Chief justice Frank J. Williams, Rhode Island Supreme Court  
Message to the Legislature  
March 3, 2005

Thank you.

Speaker Murphy, Majority Leader Fox, Minority Leader Watson, honorable members of the Rhode Island House of Representatives, my esteemed colleagues from the Rhode Island Judiciary: it is an honor and a pleasure to appear before you to deliver my further annual State of the Judiciary.

### Introduction

In 1788, a group of men gathered in Philadelphia to build the framework for the great American experiment. Among the delegates was Alexander Hamilton, who in Federalist Paper 78 stressed the importance of. An independent judiciary. Judges, he said, would require great fortitude to act as the faithful guardians of the courts of justice. Hamilton understood that government would become too weak – or too strong - without an independent judiciary to interpret the laws, decide controversies and enforce individual rights.

Through our state's history, we have endeavored to build within this framework a judiciary which would honor, preserve, and promote what I all the last refuge of democracy.

Now, I know not everyone agrees with my style, some say I am not visible, too vocal, too willful, too impatient. Well, maybe they have a point... but this is who I am. I have never wavered in my commitment to serve with honor or in my belief that the citizens of our state have the right to demand access to our courts and the services we provide.

We have achieved much since I was honored to take the oath of office on February 6, 2001.

These achievements were possible listen and consider our priorities and the hard work of my fellow judges and judicial staff.

At that time, I said the Judiciary needed to concentrate on improving accessibility, technology, infrastructure, education and outreach. The state of the judiciary this year seems an appropriate time to look back over the past four years to measure our accomplishments against those earlier goals. A time for an accounting, a report card of sorts on what we have achieved and the challenges we will face.

We continue to make justice accessible my responding to changes in our population.

- We have expanded mediation to the appellate level with 36% of cases successfully mediated.

- We have instituted problem solving courts for business, litigation, troubled kids, truant students and substance abusers.
- An instructional video, free parking, and a reduced service requirement make jury service less burdensome.
- And we have added six new Spanish speaking interpreters to help non- English speaking litigants, witnesses, and court users.

We have modernized the Judiciary's outdated and inefficient computer system.

- Do you remember when I first came to you asking for help with replacing our antiquated WANG system? Well, thanks to you, the first court switches over to the new system this month and other courts will soon follow. This project will be completed by January 2006.
- Already, criminal information is available through the internet
- On the topic of websites, I took some ribbing about my short lived personal site, but certainly more noteworthy is the award winning judicial website – updated in design and format, making it easier to navigate and read.
- The Judiciary, in concert with the Department of Corrections, and the Department of Administration have worked to expand the use of video conferencing. District Court is already reaping the benefits of this technology and future use should alleviate overcrowding in court cellblocks and reduce security risks and expenses incurred in transporting prisoners from the ACI.
- Modernizing the State Law Library will enable us to cancel some subscriptions – saving \$100,000 a year.

We have made significant strides in reaching school children.

- Our K-12 legal education curriculum called Justice Rules, teams attorneys and judges with teachers and classrooms to build positive relationships with students, to encourage kids to explore career in the Judiciary, and to teach them about the judicial system. Justice Rules now reaches close to 50,000 school children across the state.
- Our Operation Phoenix initiative donated refurbished computers to schools in Woonsocket, Central Falls, and Pawtucket.
- Members of the judicial family donated over 1,5000 books to classrooms and libraries in schools with the greatest need.
- A partnership with Providence College's advanced language department gives students credit for evaluating French and Spanish translations on our judicial website.

We have built community relationships through an ambitious outreach program.

- A new televised Citizens Summit encourages dialogue on judicial issues. Our first program - aired on Channels 36 and 12 – invited parents, teachers, and students to discuss Truancy Court and its benefits for our children.
- The Supreme Court continues to hold sessions in the community traveling to the Portsmouth and Westerly High Schools this past year and sitting at Bryant University in Smithfield next month.
- For the past two years, as part of our efforts to reach the state's fastest growing minority population, our judges have taken calls on Spanish radio.

In the past, court buildings were unfit to accommodate the demands placed upon them. That is changing.

- With full control over all judicial building, including heating, ventilation, and air condition, there is a more efficient regulation of our resources.
- The new Kent County Courthouse is an architectural masterpiece. We anticipate moving in by December this year.
- We are moving forward with plans for a courthouse in Northern Rhode Island. Next year, the certificates of participation will be ready for your review and hopefully approved.
- Although the Garrahy Judicial Complex remains crowded, the staircases are not open, reducing elevator congestion.
- The schematics and elevations for a new Traffic Tribunal have already been approved and groundbreaking should be this June with expected completion in the Fall of 2006. The new facility will be located at the entrance to the John O. Pastore Government Center.

Our courts are busier than ever. In just the last three years, our caseload has jumped 9 percent – 233,000 cases disposed of in 2004 – yet we continue to hold our spending to only 1.3% of the state's entire budget.

And for the third year in a row, we will not request a supplemental budget.

Our requested Fiscal Year 2006 budget is once again frugal – we ask only for a modest increase of \$900,000 to maintain current services.

This legislative session, we mark the implementation of a new budget protocol that safeguards judicial independent. This initiative reflects true separation of powers placing with the Legislative branch rather than the Executive Branch, the authority to allocate funds for the Judiciary.

Unfortunately, the Governor's office failed to comply with the new protocol and adjusted our budget request before passing it to tour, throwing our budget into a \$3.2 million dollar shortfall. We look to you to adjust this appropriately.

Motivated by our desire to draw clear lines separating the three branches of government, we are seeking to transfer some programs out of the Judiciary to the branch of government where they belong.

Simply stated, it is inappropriate for the Judiciary to continue performing some of the functions currently assigned to it. We are asking that the administration of indigent defense, management of witness fees, oversight of the Domestic Violence Unit, and supervision of the Fugitive Task Force be transferred out of the Judicial Branch.

This request means transferring 10 full-time positions and the accompanying funding out of the Judiciary. I know that giving up a multi-million dollar program, 10 jobs, and control over some of the governmental functions may be politically naive. But frankly, I don't care. This is what's right. This is what's honorable. And this is what the citizens deserve.

We continue to cultivate new ways to serve with justice, independence, and honor.

A planned Center for Court innovation will promote programs to improve our courts and to build on the already strong foundations of leadership, community partnerships, efficiency, and accessibility.

Mindful that the success of our judiciary is measured not only by disposition rates but also in real human terms, we are exploring ways to serve effectively and efficiently with compassion.

Among the initiatives being considered, a statewide integrated Domestic Violence Court.

In Family Court, where the judicial tasks are often heartbreaking, we are seeking to appoint two new mediators to handle issues involved child custody and termination of parental rights. Children should never be held hostage by prolonged and hostile litigation.

We will be building on the success of our court interpreter program by requesting two new interpreters- one who speaks Portuguese and Cape Verdean and one who can communicate with members of Rhode Island's growing Southeast Asian community.

We are continuing to implement new programs which take advantage of new technology. Computer links between the Judiciary and law enforcement community will allow victims to access confidential information about their cases.

In the near future, your constituents will be able to watch gavel to gavel coverage of high profile trials from their living rooms. School students can witness trials in their entirety instead of in ten second sound bites.

Drawing on our Judiciary's rich past we are creating a judicial Living History exhibit. This traveling exhibit will feature:

- original settlers,
- the 1718 coroner's inquest into the state's first malpractice case, and
- the 1845 execution papers for the last prisoner hanged in Rhode Island.

Without question, we are grateful for the support that we have received from the General Assembly in the past and we are certainly mindful of the fiscal constraints under which the state operates. We also know that the state benefit package is overdue for adjustment, and of course members of the Judiciary should expect us to contribute to health care insurance premiums along with other state workers.

It is also time to look at salary adjustments for members of the Judiciary. This marks the third straight year without even a cost of living increase. The gulf that separates judicial pay from compensation in the private sector grows larger and larger. When adjusted for economic conditions, Rhode Island jurists are among the lowest paid in the nation – 43<sup>rd</sup>.

With the anticipated abolishment of the Unclassified Pay Plan board, we have created the Judicial Wage Review Committee to examine the issues surrounding judicial compensation. Justice Francis X. Flaherty chairs this committee which is made up of a cross section of prominent Rhode Island citizens. I expect to receive its recommendations shortly.

I began this speech with a historical note, recognizing the continuum of our judicial system and the relatively small amount of time during which it is entrusted to us. Whether we can accomplish what we have undertaken depends on the ongoing collaboration between our three branches of government the support of the public we serve,

Many of you accepted the invitation to our first Legislative Law Day and witnessed firsthand the work we do in the Judiciary. From video conferencing in Superior Court, heartbreaking juvenile cases in Family court, arraignments in District Court, trials in Workers Compensation Court, and even a brief tour of the cell block you saw the challenges we face every day in our court system.

We intend to offer this opportunity biannually. Only by keeping the lines of communication open, can we hope to achieve a better understanding of our joint mission to serve the citizens of our state.

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

As John Quincy Adams said "Standing at this point of time, looking back at that generation which has gone by and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experiences of the past we derive instructive lessons for the future."

Thank you for this opportunity to address you. I look forward to working with you in the future.  
May God Bless you and the State of Rhode Island.