

COURTROOM 4 PROTOCOLS

October 12, 2021

Pursuant to Superior Court Administrative Orders 2020-08 and 2020-12 (Administrative Orders), the following protocols are being issued to provide for the operation of Superior Court Courtroom 4 PreTrial and Trial Calendar business, while also safeguarding court users and court personnel. These new directives take effect Tuesday October 12, 2021 and the Courtroom 4 protocol issued on March 1, 2021, will thereafter be rescinded.

SUMMARY OF ALL SCHEDULING MATTERS, CIVIL & CRIMINAL MATTERS:

Daily Schedule:

Disposition & Frye Calendar: Monday-Thursday, 9:30-10:30 AM. Special exceptions, upon approval, may be granted as set forth below.

Pre-Trial Calendar & Miscellaneous Calendar: Monday-Thursday, 10:30 AM

Arbitration Calendar: Every Friday, but decided on the papers without in-court appearance of any parties.

Trespass and Ejection Calendar: Every Friday at 9:30 AM.

Civil Control Calendar: Every Friday immediately after the call of the Trespass and Ejection calendar at 9:30 AM, except the one Friday per month designated as a Civil Trial Calendar Call.

Civil Trial Calendar Call: The designated one Friday per month, as scheduled, at 11:00 AM. Counsel for Civil Trial Calendar calls should not be present prior to 10:45 AM.

Criminal Trial Calendar Call: The designated one Friday per month, called immediately after the call of the Trespass and Ejection calendar at 9:30 AM.

I. CRIMINAL MATTERS:

Pre-trial Conferences:

- A.) In continuing efforts to moderate the number of people in the hallways and courtroom 4 at any one time, attorneys who only have pretrials shall not appear before 10:15 AM. Conferences will occur in-person, daily after the call of the pretrial calendar. Defendants represented by counsel shall not report to the Courthouse for pretrial conferences unless directed on a case by case basis, by notice, subpoena or by direction of the Court. Pro Se Defendants shall report to the courthouse, on their scheduled date and time. Attorneys should have had at least one meaningful, substantive discussion prior to conferencing with the Court.
- B.) If the parties agree to a continuance, they shall notify the clerk prior to the calendar call by email to Courtroom4@courts.ri.gov, with the agreed upon date. Do NOT use the clerk's own email address. The Clerk will issue the date unless the Court had

otherwise closed off particular dates. Counsel should not appear in-person to simply ask for a new date unless such request is opposed.

- 1.) Counsel shall NOT include the Courtroom 4 clerk, or the Court, on a series of email correspondence between the parties trying to reach agreement on a new date, until such time that a date is agreed upon. Should a requested date be unavailable for any reason by the Court, both parties will be notified so that a new date can be assigned. No criminal pretrial matters should be scheduled on a Friday without Court approval.
- 2.) Notwithstanding any of the foregoing information regarding continuances, no case that has a 2019 date or older shall be continued by agreement, or through the Clerk, without updating the Court as to the status of the matter. That update may be done by email, or by Court appearance.
- 3.) The parties to any pretrial may request an in-person conference with the Court anytime between the 8:45 – 9:20 AM block of time, for those matters on that day’s criminal calendar. All conferences shall conclude by 9:25 so as not to delay the call of the calendar at 9:30 AM.

C.) Remote Conferences- Counsel may request a remote conference due to illness, or other personal consideration of a confidential nature, by emailing Courtroom4@courts.ri.gov in advance of the requested calendar that the matter appears on. Remote conferences will be assigned for a day and time as the Court’s schedule permits.

Counsel must provide the following information with the request:

1. Names and email addresses of all counsel who are required for the conference.
2. Case name and number.

II. Frye Hearings: Frye Hearings may be scheduled upon request of the parties or at the Court’s direction. Frye hearings will be conducted Monday -Thursday from 9:30 AM - 10:30 PM, during the Disposition calendar.

III. Dispositions: Dispositions are conducted in person in Courtroom 4. Counsel must notify the Court via e-mail at Courtroom4@courts.ri.gov if circumstances have changed regarding any previously scheduled Disposition which would prevent the matter from going forward. Dispositions shall be heard Monday -Thursday from 9:30 AM-10:30 AM, with special exceptions granted by the Court.

A.) If the parties reach an agreed upon, proposed Disposition, they shall contact the clerk via e-mail at Courtroom4@courts.ri.gov to assign the case to the Disposition Calendar on their agreed-upon date, subject to Court scheduling approval. Counsel are required to inform the Court ahead of time should the proposed Disposition contain any provisions or considerations that are not within the normal/expected range for the type of charge(s) for which the defendant is entering a plea.

- B.) The Court, until further notice, shall limit scheduled Dispositions to 20 cases per day. (Scheduled Frye Hearings shall not be included in the 20-case limit.) The parties may submit proposed dates for Dispositions for any case, whether scheduled or not. Parties who wish to dispose of a case on the same day that is on the pretrial calendar, may appear at the 9:30 hour, but Dispositions that were previously scheduled shall take priority. Counsel are urged to utilize a different date for disposition, but if circumstances are such that a same-day disposition is beneficial, counsel should make every effort to contact the clerk ahead of time to add the matter to the Disposition calendar.
- C.) As attorneys are permitted to freely choose a Disposition date, they are required to appear on the requested/scheduled Disposition date before 9:30 and may not call Dispositions “ready subject.” Counsel shall submit completed Disposition paperwork to the Courtroom 4 Clerk before the Judge takes the bench. With prior approval, other disposition times may be granted by the Court, in the Court’s sole discretion.
- D.) ALL paperwork for Dispositions agreed upon by the State and Defense must be submitted to the Courtroom 4 clerk, FULLY completed, and copied, PRIOR to the Judge taking the bench. Defense attorneys are reminded to have ALL forms appropriate to their client’s Disposition fully executed, including an affidavit of surrender of firearms for domestic cases, special conditions of probation, waivers, etc. Executions of No Contact Orders may be signed in-Court if not supplied by the State prior to the Disposition taking place.

II. CIVIL CASES:

- A.) Control Calendar: The Court shall conduct in-person control calendar calls, and conferences as requested. Opposing counsel shall confer about the case and shall take one of the following actions:
- B.) Counsel are encouraged to discuss potential resolutions in their pending cases. If the parties reach a resolution, they must advise the Court by email to Courtroom4@courts.ri.gov and file a dismissal stipulation.
- C.) If, after meaningful discussions, the parties determine that they require a conference with the Court, the parties may request an in-person conference to discuss potential resolution or other issues that require timely assistance from the Court. Those conferences may occur immediately after the conclusion of the calendar call.
- D.) The parties to any control calendar or trial calendar call may request an in-person conference with the Court anytime between the 8:45 – 9:15 AM, for those matters on that day’s calendar. Any conferences conducted before 9:30 AM shall conclude by 9:25 so as not to delay the call of the calendar at 9:30 AM.
- E.) Remote Conferences- Counsel may request a remote conference due to illness, or other personal consideration of a confidential nature, by emailing Courtroom4@courts.ri.gov in

advance of the requested calendar that the matter appears on. Remote conferences will be assigned a day and time as the Court's schedule permits.

Counsel must provide the following information with the request:

1. Names and email addresses of all counsel who are required for the conference.
2. Case name and number.

III. TRIALS - CRIMINAL AND CIVIL:

- A. Trial Calendar Calls (TCCs):** Trial calendar calls (TCC) shall be conducted in-person. Counsel should be prepared to report to the Court that discovery is complete, and if not complete what the status of discovery is, the number of expected days for trial, and what date by which counsel will be ready on or after. In criminal cases, the Attorney General shall have had recent contact with the complaining witness prior to the trial calendar call. The parties may contact the clerk at Courtroom4@courts.ri.gov to request a conference to discuss the status of their case and any potential resolution.
- B. Pre-trial Motions:** For cases that are ready for trial, counsel may contact the Court by email to discuss assigning matters to a trial judge to address any pre-trial motions that may help streamline the case or potentially lead to an agreed upon resolution.
- C. Bench Trials:** If the parties wish to explore the option of a bench trial, the parties may contact the clerk at Courtroom4@courts.ri.gov if they would like to discuss with the Court a potential bench trial.
- D. Date Certain requests:** Either side in any matter may request a date certain trial, provided special circumstances exist necessitating the granting of a date certain, such as the travel of out-of-state parties or witnesses, or the inclusion of any expert witnesses, or anything else the Court is satisfied would better require a date certain.

IV. ARBITRATION CALENDAR

Matters scheduled on the Arbitration Calendar shall be decided on the papers. If the parties wish to conference a particular matter, they may contact the court ahead of time to request a conference, or an in-person court appearance.

V. TRESPASS AND EJECTMENT CALENDAR

Matters scheduled on the Trespass & Ejectment calendar shall be every Friday, promptly at 9:30 AM, and in-person.

VI. MEDIATION

By agreement, the parties may request to be sent to a judge for mediation prior to trial. Any matter already assigned to a date certain trial may be removed from the date certain trial under the Court's discretion, and if on the "ready on or after" trial list may be removed from such list. Mediations may be granted provided the parties have agreed to participate in a mediation and the mediation form is completed and filed.