

# Rhode Island Federal Courts

## *A History*

The very first U.S. Supreme Court decision was *West v. Barnes*, a federal court case from Rhode Island. That case involved no less than three Rhode Island judges and had more twists and turns than a Grand Prix race course. It represents just one superb example of the fertile and fascinating history of the federal courts in the Ocean State.

BY IRA COHEN

PHOTO BY CHIEF JUDGE HON. WILLIAM E. SMITH, CHIEF JUDGE, U.S. DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

As this year's Federal Bar Association (FBA) Annual Meeting and Convention is scheduled to take place in Providence, R.I., it stands to reason that it would be appropriate for us to familiarize ourselves with at least a rudimentary knowledge of the unique background and rich judicial pedigree of the federal District Court in our host state.

As the official song of the State of Rhode Island serenades us:

The skyline piercing Providence  
The State House dome so rare  
Residents who speak their minds

No longer unaware  
Roger Williams would be proud to see his colony,  
so don't sell short this precious port  
Rhode Island's it for Me.  
Rhode Island, oh Rhode Island  
Surrounded by the sea  
Some people roam the earth for home;  
Rhode Island's it for Me.<sup>1</sup>

### **The Federal Court in Rhode Island**

The U.S. District Court for the District of Rhode Island was established on June 23, 1790. The court has original jurisdiction over civil and criminal proceedings filed within its jurisdiction, which comprises the entire state. Appeals from this trial-level court are properly taken to the U.S. Court of Appeals for the First Circuit,<sup>2</sup> with its main courthouse in Boston.

The Rhode Island U.S. District Court has been in



Providence since 1790. Historically, however, there has been only one other authorized place in which to hold court in this district, namely, Newport, where court was held from 1790–1912.<sup>3</sup> Hon. David A. DiMarzio serves as the court's clerk and Peter F. Neronha as the U.S. attorney for the District of Rhode Island. It shares a federal public defender office with Massachusetts and New Hampshire.

The U.S. magistrate judges for this district hold court in the same building. The present panel includes Hon. Lincoln D. Almond, Hon. Patricia A. Sullivan, Hon. Robert W. Lovegreen (senior magistrate), and Hon. Robert Hagopian (senior magistrate).

### **Legislative History**

In 1790, Congress authorized Rhode Island as a single judicial district and authorized one judgeship for the court; Congress assigned the court to the so-called Eastern Circuit.<sup>4</sup> Subsequently, by the Judiciary Act of 1801, Congress reor-

ganized the federal courts into six circuits and assigned the District of Rhode Island to the first, along with Maine, Massachusetts, and New Hampshire.<sup>5</sup> A little more than a year later, Congress repealed the Judiciary Act of 1801; however, although Maine was removed, the circuit assignment remained the same for Rhode Island.<sup>6</sup>

The next major change would take more than 100 years.<sup>7</sup> In 1915, Puerto Rico was added to the First Circuit.<sup>8</sup> More than 50 years later, in 1966, one additional judgeship was authorized.<sup>9</sup> Still later, in 1984, yet one more additional judgeship was allowed by Congress.<sup>10</sup>

On April 30, 1790, the first U.S. Congress established a federal death penalty (for the crimes of treason, counterfeiting of federal records, murder, disfigurement, and robbery). Decades later, in 1833, and in response to the public perception and outcry to the effect that public hangings were cruel, Rhode Island became the first state to enact a law providing for private hangings, while abolishing those of the public

variety. Later, in 1852, Rhode Island became the first state to outlaw the death penalty for all crimes, including treason.

### The Architectural and Structural History of the Courthouses

The U.S. Custom House and Post Office was completed in 1857. The district court met there until 1908, as did the U.S. Circuit Court for the District of Rhode Island. Renamed the John E. Fogarty Federal Building in 1968, the Rhode Island courts still use the edifice today, which is now known as the John E. Fogarty Judicial Annex.

In contrast, the U.S. Post Office, Courthouse, and Custom House, is located between Fulton and Washington Streets on the northeast end of Kennedy Plaza (formerly known as Exchange Place)—opposite the City Hall building. Construction on the new courthouse, a classical Beaux Arts-style building, began around 1904 and finished in just four years in 1908. The architectural firm behind the project was local firm Clarke & Howe and the general contractor was Horton & Hemenway of Boston. In front of the five-floor, 50-foot-high federal building graciously sits the aptly named sculpture “America and Providence,” created by J. Massey Rhind. The (easily pronounced) Woonasquatucket River borders the building site on the North. Constructed of brick, steel, granite, woods from Mexico and the Midwest, marble from New Hampshire, Tennessee, Vermont, and Italy, and Indiana limestone, at a total cost of \$1.3 million, the building today is registered as a National Historic Landmark.

The U.S. Circuit Court for the District of Rhode Island also met there until that particular court was abolished in 1912. In 1961, the edifice was renamed the Providence Federal Building and Courthouse. Originally built as offices for postal, customs, and federal courts, the U.S. District Court currently has exclusive use of the building. For example, the U.S. Bankruptcy Court for the District of Rhode Island has its own separate quarters.<sup>11</sup>

### Modern Press of Business

Case filings in this district, according to the government’s own statistics, have fluctuated wildly over the years. For example, in 2007, only 746 cases were filed, while in 2008, there were 1,405 new cases filed. In 2010, 1,320 new cases were filed, while in 2012, that number decreased to 1,168. In 2012, there were a total of 4,093 cases, with 794 terminations, leaving 3,299 cases pending. The median time for a criminal case was 7.3 months, while, for a civil action the figure was 11.4 months. Three-year civil cases represented 41 percent of the total remaining cases, with a five-year high.

In 2013, the case filing figure was 1,283, with a total of 4,447 cases, 1,750 terminations, and 2,697 remaining cases. The median time for a criminal case was shaved down to 7.2 months, but the median time for civil cases precipitously climbed to 32.9 months, with 40.9 percent of the remaining civil cases lasting three years. Trials per post decreased to 9, from a previous high of 14 in 2007.

Over a five-year period, therefore, it is fair to say that the starting caseload, number of cases filed, and total cases filed have all increased significantly. The number of cases terminated has swung rather like a pendulum. (2007—730; 2008—582; 2009—691; 2010—834; 2011—1,025; and 2012—794). The median time for disposition of a civil case, on the other hand, has skyrocketed. At the same time, the number of trials per post has decreased.

### Notable Cases

**The First U.S. Supreme Court Decision:** *West v. Barnes*, 2 U.S. 401 (1791) (see discussion, below).

**The “Survivor Case”:** *Hatch v. USA*, 1:2009-cv-00144 (Judge Smith)

**The “Nightclub Fire Case”:** *Gray v. Derderian*, 1-04CV-0312L (Judge Lagueux)

**The “Microsoft Piracy Case”:** *Uniloc USA, Inc., et al v. Microsoft Corp., et al.*, 1:03-cv-00440-S-DLM ( Judge Smith)

## The Jurists of the U.S. District Court for the District of Rhode Island

Next year, 2015, the court will celebrate its 225th anniversary. Over more than two centuries, however, a total of only 23 judges have served on this bench. At the present time, Congress has authorized three judge-ships for this district. Counting the three active judges and one senior judge, there are four in all. The current chief judge is Hon. William E. Smith (2013 to the present time).<sup>12</sup> As they say at the old ballpark, “You can’t tell the players without a scorecard,” so here is a rundown of the court’s roster, from the beginning and to the present time. At present, the court has no vacancies, as all three active judicial posts are filled.

### U.S. District Judges

- **HON. HENRY MARCHANT** (1741–1796) sat from 1790–96. He attended the College of Philadelphia (now the University of Pennsylvania) and then became a lawyer by “reading the law.”<sup>13</sup> Prior to ascending the federal bench, Judge Marchant was a state representative, a delegate to the Continental Congress, and attorney general for the State of Rhode Island. He was appointed by President George Washington. Judge Marchant died while in office.
- **HON. BENJAMIN BOURNE** (1755–1808) sat from 1796–1801. He received his bachelor’s degree (1775) and master’s degree (1778) from Harvard College. He read the law and later served as a private attorney, U.S. representative from Rhode Island, and a justice of the peace, in Providence and held various positions in the Rhode Island General Assembly. Originally appointed by President Washington, he later was appointed by President John Adams to the U.S. Circuit Court for the First Circuit in 1801. In 1802, that court was abolished, and Judge Bourne’s service was thereby abruptly terminated.
- **HON. DAVID LEONARD BARNES** (1760–1812) sat from 1801–12. He graduated from Harvard College and then read the law. Prior to his appointment, by President Thomas Jefferson, Judge Barnes was in private practice, first in Taunton, Mass., and, later in Providence. (See discussion below regarding the first U.S. Supreme Court case.) He died while in office.
- **HON. DAVID HOWELL** (1747–1824) sat from 1812–24. After graduating from

**The “High School Prayer Banner Case”:** *Ahlquist v. Cranston*, 2012-1-11-cv-0138L (Judge Lagoux)

## The First U.S. Supreme Court Case or “The Tale of Three Rhode Island Judges”

As mentioned above, the very first U.S. Supreme Court decision was *West v. Barnes*, a case originating from the District of Rhode Island. The case is of scholarly and legal interest for a number of other reasons as well.

The Supreme Court of that time consisted of Chief Justice John Jay and Associate Justices James Wilson, William Cushing, John Blair, John Rutledge, and James Iredell. The Court sat not in Washington, D.C., but rather in Philadelphia. The court reporter was one Alexander Dallas.

In September 1789, a number of the justices, including the Chief Justice, were appointed. The first term ever of the U.S. Supreme Court actually was held in February 1790, but there was no adjudicating to be done. The form of seals for the Supreme and circuit courts was decided, as well as the requirements for bar admission.

In the August Term of 1790, Justice Iredell was appointed. Again, no cases

the College of New Jersey (now Princeton University), he earned a Master of Arts from Rhode Island College (now Brown University). He served as a professor there for a phenomenal 58 years, from 1766–1824. Prior to his appointment by President James Madison, Judge Howell was in private practice, a justice of the peace, a justice of the Rhode Island Court of Common Pleas, a delegate to the Continental Congress, an associate justice of the Supreme Court of Rhode Island, and Rhode Island attorney general. He died while in office.

- **HON. JOHN PITMAN** (1785–1864) sat from 1824–64. He graduated from Rhode Island College and then read the law both in New Hampshire and New York. Prior to his appointment by President James Monroe, he served as a private attorney in New York City, Kentucky, Providence, Salem, Mass., and Portsmouth, N.H. He also was the U.S. attorney for the District of Rhode Island (1821–24). He died while in office.
- **HON. JONATHAN RUSSELL BULLOCK** (1815–1899) sat from 1865–69. He earned his undergraduate degree from Brown University and then read the law. Prior to ascending the bench, after his appointment by President Abraham Lincoln, he was in private practice in Illinois and Rhode Island, as well as a state representative for Rhode Island, the attorney general for the State of Rhode Island, and a justice of the Rhode Island Supreme Court. He resigned from office.
- **HON. JOHN POWER KNOWLES** (1808–1887) sat from 1869–81. He received his Bachelor of Arts from Brown University and his Bachelor of Laws from Harvard Law School. Prior to his appointment by President Ulysses S. Grant, he served in private practice, as a state representative for Rhode Island, as a court reporter for the Supreme Court of Rhode Island, and as the city solicitor for Providence. He retired from office.
- **HON. LEBARON BRADFORD COLT** (1846–1924) sat from 1881–84. He graduated from Yale College (Bachelor of Arts) and Columbia Law School (Bachelor of Laws). Prior to his appointment by President James A. Garfield in 1881, he was in private practice in both Illinois and Rhode Island and a state representative from Rhode Island. In 1884, President Chester A. Arthur appointed Judge Colt to the Circuit Court for the First Circuit, and, later, in 1891, he was reassigned to the U.S. Court of Appeals for the First Circuit, where he served until he resigned from

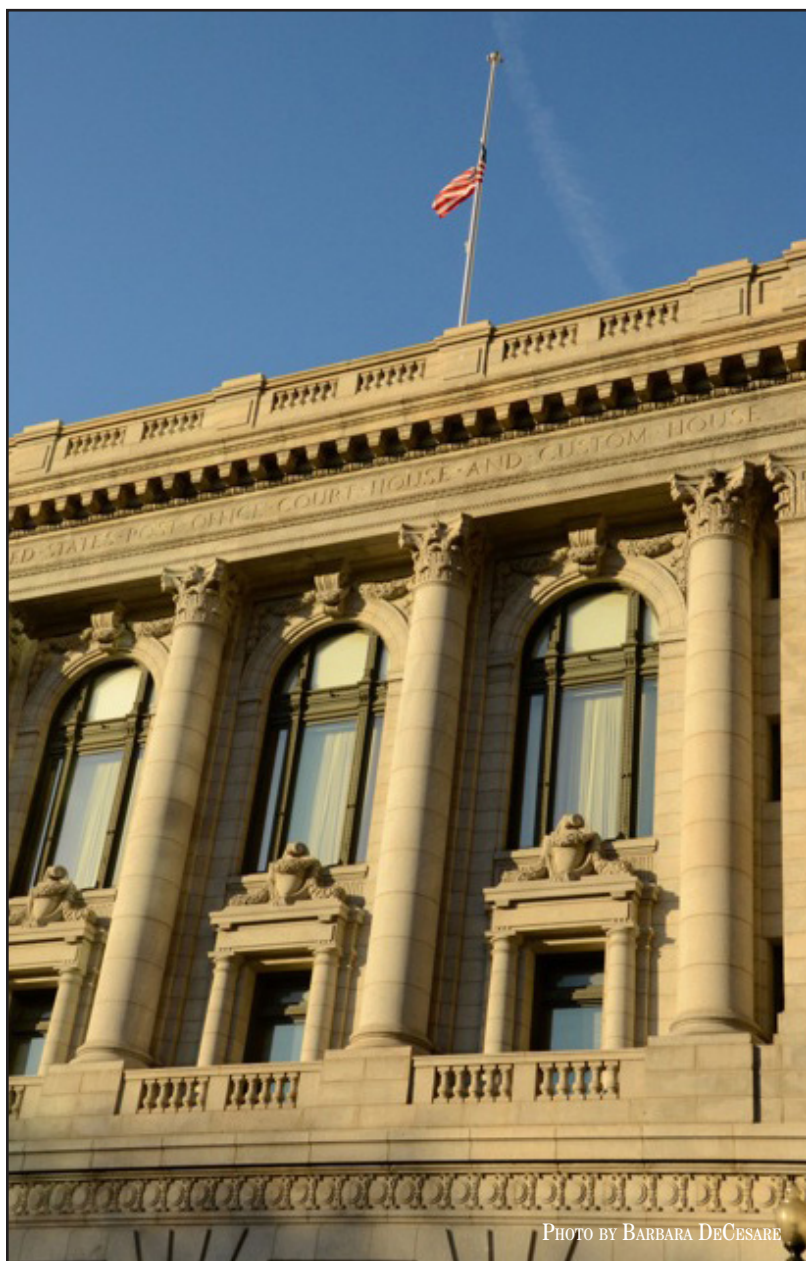


PHOTO BY BARBARA DeCESARE

were heard. Later, in the February Term of 1791, the various counsellors and attorneys took their oaths and, thereupon, the Court adjourned *sine die*.<sup>16</sup>

*West v. Barnes* also was the first case to be heard by the high tribunal in oral argument. The case was argued to the Court on Aug. 2, 1791 and, owing to the very light press of official business, decided just a day later, on Aug. 3, 1791.

The Court's unanimous decision therein was predicated upon purely procedural grounds, holding that a writ of error (i.e., an appeal) must be issued within 10 days by the clerk of the Supreme Court, as required by the federal statute, and not by a lower court, such as the one in Rhode Island.

The salient facts are simple enough. William West, the losing petitioner, was well known in those parts of the country. Aside from being a farmer, he had been a Revolutionary War Militia general, a leader of antifederalists, and a judge from Scituate, R.I.<sup>17</sup> Following a failed business deal, West was in debt on the mortgage and in danger of losing his farm. Owing to his war-time service, the state allowed West to conduct a lottery to help him pay off the debt and, consequently, he paid it off, but in paper currency. However, the heir of the farm's mortgage holder, one David Leonard Barnes, a well-known attorney,

office in 1913. Later, he was a U.S. senator from Rhode Island (1913–24).

- **HON. GEORGE MOULTON CARPENTER** (1844–1896) sat from 1884–96. He graduated from Brown University in 1864. Prior to his appointment by President Chester A. Arthur, Judge Carpenter was a newspaper reporter, in private law practice, and an associate justice of the Rhode Island Supreme Court. He died while in office.
- **HON. ARTHUR LEWIS BROWN** (1854–1928) sat from 1896–27. He received his Bachelor of Arts from Brown University and his Bachelor of Laws from the Boston University School of Law. Prior to his appointment by President Grover Cleveland, he was in private practice in Providence. He retired from office.
- **HON. IRA LLOYD LETTS** (1889–1947) sat from 1927–35. He earned both a Bachelor of Philosophy and Master of Arts from Brown University and a Bachelor of Laws from Columbia Law School. Prior to his appointment by President Calvin Coolidge, he was in private practice in Providence and, later, served as an assistant attorney general for the U.S. Department of Justice. He resigned from office.
- **HON. JOHN CHRISTOPHER MAHONEY** (1882–1952) sat from 1935–40. He graduated from Brown University (B.A.) and Harvard Law School (LL.B.). Prior to his appointment by President Franklin D. Roosevelt, he was in private practice in Providence, an assistant U.S. attorney for the District of Rhode Island, and a city solicitor for Providence. In 1940, President Roosevelt nominated Judge Mahoney for the U.S. Court of Appeals for the First Circuit, where he sat until his death in 1952.
- **HON. JOHN PATRICK HARTIGAN** (1887–1968) sat from 1940–51. He earned his Bachelor of Arts from Brown University, his Master of Arts from Columbia University, and his Bachelor of Laws from Columbia Law School. Prior to his appointment by President Franklin D. Roosevelt, Judge Hartigan was in private practice, served in the U.S. Army, and was attorney general for the State of Rhode Island. In 1951, President Harry S. Truman nominated him for the U.S. Court of Appeals for the First Circuit, where he sat until 1968, when he died in office.
- **HON. EDWARD LAWRENCE LEAHY** (1886–1953) sat from 1951–53. He received his Bachelor of Laws from Georgetown College Law School (now Georgetown University Law School). Prior to his appointment by President Harry S.



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argued that gold or silver payment was required under Rhode Island law. In time, Barnes took West to federal court based upon diversity of citizenship jurisdiction. The federal court that heard the case was the circuit court in Rhode Island, and, in June 1791, the parties appeared before Chief Justice John Jay, Associate Justice William Cushing, and the first Rhode Island District Judge, the Hon. Henry Marchant (*see* discussion, above).<sup>18</sup> West, a non-lawyer, chose to represent himself and he did so, quite unsuccessfully; the circuit court ruled against him.

In a vain effort to comply with the rules and statutes, West tried to appeal to the U.S. Supreme Court by securing a writ from the clerk of the circuit court in Rhode Island.<sup>19</sup> West then hired William Bradford, Jr., the attorney general of the State of Pennsylvania, to represent him before the U.S. Supreme Court.<sup>20</sup> Bradford fared no better than the *pro se* West had done before the circuit court. That was principally because Barnes swooped down on the procedural issue—the controlling federal statute was clear that the writ of error for the appeal had to be signed by the clerk of the U.S. Supreme Court, would have required West, or his counsel, to travel all the way from Rhode Island to Philadelphia in only 10 days, not an easy feat in those times.<sup>21</sup> Consequently, West literally lost the farm.

Although it appears that all of the justices hearing the case wrote opinions (many referring to English law, Lord Coke, and William Blackstone), only a succinct summary was published in the official court reporter, to be found at 2 U.S. 401(2 Dall.) (1791) (the text of which is reproduced below).<sup>22</sup> Several of the justices were said to be sympathetic to West's plight but, in the final analysis, were unwilling to rewrite the statute, opining that it was a matter for Congress.<sup>23</sup> In fact, it seems that Justice Iredell was so perturbed by the situation and result that he asked President George Washington to change the law; indeed, it was amended a year later, in 1792.<sup>24</sup>

But what happened to poor Judge West and his family? They did not start a legal publishing company. Barnes ultimately won his lawsuit to eject West from the farm but was not successful in actually ejecting the West family for many, many years, as the litigation, in true Dickensian fashion<sup>25</sup> continued long after West's death and flourished up to as late as 1820.

As for David Leonard Barnes, the astute 31-year-old lawyer who took that first case all the way up to the U.S. Supreme Court, he became the Hon. David Leonard Barnes, the third federal judge for the District of Rhode Island, appointed by President Thomas Jefferson in 1801 (*see* discussion, above). So, in the words of the late, great radio host/commentator, Paul Harvey: “[A]nd now you know ... the rest of the story.”

## Practicing Law Before this Court

This court allows for general admission, *pro hac vice* admission, and law student counsel admission. In order to practice before the bar of this court, one must be a member in good standing of the Bar of the Supreme Court of Rhode Island, be of good moral character and either have completed the Course of Instruction on Federal Practice and Procedure given by the court's board of bar admissions or have had at least five years of experience in practicing before federal courts and certify that he or she has read and understands the Local Rules of Court.

## For Further Reading

Durfee, Thomas, *GLEANINGS FROM THE JUDICIAL HISTORY OF RHODE ISLAND* (Gale, Making of Modern Law (MOML), 2010).

Eaton, Amasa Mason, *THE DEVELOPMENT OF THE JUDICIAL SYSTEM IN RHODE ISLAND* (Nabu Press, 2012).

Graham, D. Kurt, *TO BRING LAW HOME, THE FEDERAL JUDICIARY IN EARLY NATIONAL RHODE ISLAND* (Northern Illinois University Press, 2010).

Federal Judicial Center, Rhode Island District Court. ©

Truman, he was in private practice in Bristol, R.I., and, later, served as a judge of the Bristol Probate Court, a state representative, and a U.S. senator from Rhode Island. He died while in office.

- **HON. WILLIAM EDWARD DAY** (1901–1985) sat from 1953–85. He graduated from Brown University (Ph.B.) and Harvard Law School (LL.B.). Prior to his appointment by President Dwight D. Eisenhower, he was in private practice and served as clerk for the Rhode Island District Court, first assistant attorney general of Rhode Island, and city solicitor for Cranston, R.I. Judge Day was chief judge of the court from 1966–71. Assuming senior status in 1976, he died while in office.
- **HON. RAYMOND JAMES PETTINE** (1912–2003) sat from 1966–2003<sup>14</sup> and was succeeded, in his seat, by Judges Selya, Torres, and McConnell, respectively. He received his Bachelor of Laws and Master of Laws from Boston University School of Law. Prior to his appointment by President Lyndon B. Johnson, he was in the U.S. Army and, later, in private practice in Providence, as well as having served as an assistant attorney general for the State of Rhode Island and U.S. attorney for the District of Rhode Island. Judge Pettine was chief judge from 1971–82 and took senior status in 1982. He died while in office.
- **HON. FRANCIS JOSEPH BOYLE** (1927–2006) sat from 1977–2006. He graduated from Boston College School of Law (J.D.). Prior to his appointment by President Jimmy Carter, he was in the U.S. Navy and then in private practice in Pawtucket, R.I., and Newport. Judge Boyle was chief judge from 1982–92. Assuming senior status in 1992, he died while in office.
- **HON. BRUCE MARSHALL SELYA** (b. 1934) sat from 1982–86. He earned his Bachelor of Arts from Harvard University and his Bachelor of Law from Harvard Law School. Prior to his appointment by President Ronald Reagan, he served as law clerk to Hon. Edward Day (*see above*) and, later, was in private practice in Providence. He also sat as a judge in the Lincoln, R.I., probate court (1965–72). In 1986, Judge Selya was appointed, again by President Reagan, to the U.S. Court of Appeals for the First Circuit. He later served on the Judicial Panel on Multidistrict Litigation (2000–04) and the U.S. Foreign Intelligence Surveillance Court of Review (2004–08), where he served as chief judge from 2008. He assumed senior status in 2006. Judge Selya has acquired a well-deserved reputation for his unique and refreshing



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## Endnotes

<sup>1</sup>“Rhode Island’s It for Me,” lyrics by Charlie Hall; music by Maria Day; arranged by Kathryn Chester.

<sup>2</sup>Except for patent claims and claims against the U.S. government under the Tucker Act, which are appealed to the U.S. Court of Appeals for the Federal Circuit.

<sup>3</sup>Newport, in the mid-19<sup>th</sup> century, was a popular haunt for high society. American Author Mark Twain, in his autobiography, wryly observed: “Newport, Rhode Island, that breeding place—that stud farm, so to speak—of aristocracy; aristocracy of the American type.”

<sup>4</sup>June 23, 1790, 1 Stat. 128.

<sup>5</sup>Feb. 13, 1801, 2 Stat. 89.

<sup>6</sup>April 29, 1802, 2 Stat. 156. In 1820, Maine was returned to the First Circuit, and the alignment with Rhode Island was again preserved. 3 Stat. 554. Subsequently, in 1915, Puerto Rico was added to the First Circuit. 38 Stat. 803.

<sup>7</sup>Between 1869–1911, legislation authorized three judgeships in the First Circuit: (1) April 10, 1869, 16 Stat. 44; (2) March 3, 1891, 26 Stat. 826; and (3) Jan. 21, 1905, 33 Stat. 611. The judges of the First Circuit during that period were as follows: Hon. George Foster Shepley (1869–1878); Hon. John Lowell (1878–1884); Hon. LeBaron Bradford Colt (1892–1911); Hon. William LeBaron Putnam (1892–1911); Hon. Francis Cabot Lowell (1905–1911); and Hon. William Schofield (1911).

<sup>8</sup>38 Stat. 803.

<sup>9</sup>March 18, 1966, 80 Stat. 75.

<sup>10</sup>July 10, 1984, 98 Stat. 333.

<sup>11</sup>It is noteworthy that Hon. Arthur N. Votolato, U.S. bankruptcy judge, retired in 2012 after 44 years on the bankruptcy bench. Judge Votolato was, for more than four decades, the first, and only, bankruptcy judge in Rhode Island, not to mention that he was the longest continuously serving bankruptcy judge in U.S. history.

<sup>12</sup>The current roster of federal district judges in the District of Rhode Island is as follows: Chief Judge, Hon. William E. Smith (2002–present)(Chief Judge, 2013–present) (appointed by Pres. G.W. Bush); District Judges: Hon. Mary M. Lisi (1994–present)(former chief judge, 2006–2013)(appointed by Pres. Clinton); Hon. John J. McConnell, Jr. (2011–present)(appointed by Pres. Obama); and Senior Judge: Hon. Ronald R. Lagueux (active:1986–2001; senior; 2001–present; former chief judge: 1992–1999)(appointed by Pres. Reagan).

<sup>13</sup>“Reading the law.” There were no law schools in the United States prior to 1773. It was, thus, quite commonplace, until the 1890s, for individuals to enter the legal profession by serving as an apprentice to, and studying under, an experienced lawyer. Among other things, classical legal works, such as Blackstone’s *Commentaries on the Laws of England* and Coke’s *Institutes of the Lawes of England* were stressed. A small number of states still allow this method of entering legal practice (but, notably, Rhode Island is not one of them).

<sup>14</sup>This was the second judgeship seat, authorized in 1966.

<sup>15</sup>This was the third judgeship seat, authorized in 1984.

<sup>16</sup>Without date (without fixing a new or continued date).

<sup>17</sup>James R. Perry, *The Documentary History of the Supreme Court of the*

judicial writing style, replete with flowery prose and an unparalleled mastery of English vocabulary.

- **HON. RONALD RENE LAGUEUX** (b. 1931) has been on the bench since 1986<sup>15</sup> and was succeeded, on active duty, by Judge Smith. He received his Bachelor of Arts from Bowdoin College and his Bachelor of Laws from Harvard Law School. Prior to his appointment, Judge Lagueux was in private practice in Providence and, later, an associate justice of the Supreme Court of Rhode Island (1968–86). He served as chief judge of the district court from 1992–99 and assumed senior status in 2001.
- **HON. ERNEST C. TORRES** (b. 1941) sat from 1987–2011. He graduated from Dartmouth College and Duke University Law School. Prior to his appointment, by President Reagan, he was in private practice in Providence and, later, an associate justice of the Rhode Island Superior Court. Judge Torres served as chief judge of the court from 1999–2006 and assumed senior status in 2006. He retired in 2011.
- **HON. MARY M. LISI** (b. 1950) has been on the bench since 1994. She graduated from the University of Rhode Island and Temple University Law School. Prior to receiving her appointment by President William J. Clinton, she had been in private practice, as well as having served as an assistant public defender for the Rhode Island Public Defender’s Office, an assistant child advocate for the Rhode Island Family Court, and chief disciplinary counsel of the Supreme Court of Rhode Island. Judge Lisi served as chief judge of the district court from 2006–13.
- **HON. WILLIAM E. SMITH** (b. 1959) has been on the bench since 2002. He received his undergraduate and law degrees from Georgetown University and Georgetown University Law Center, respectively. Prior to his appointment by President George W. Bush, he was in private practice in Providence, as well as having served as a part-time judge in West Warwick, R.I., Municipal Court, and on the adjunct faculty of Providence College. He has been the court’s chief judge since 2013.
- **HON. JOHN JAMES MCCONNELL, JR.** (b. 1958) joined the bench in 2011. He graduated from Brown University and Case Western Reserve University School of Law. Prior to his appointment by President Barack Obama, he served as law clerk to Hon. Donald F. Shea, Supreme Court of Rhode Island (1983–84) and, then, was in private practice in Providence.

*United States*, 1789-1800, Vol. 6, *West v. Barnes*, at pp. 3-27.

<sup>18</sup>*Id.*

<sup>19</sup>*Id.*

<sup>20</sup>*Id.*

<sup>21</sup>*Id.*

<sup>22</sup>Dallas' reports covered not only the U.S. Supreme Court, but also both the state and federal courts, at all levels, located in Philadelphia.

<sup>23</sup>*See Perry, supra.*

<sup>24</sup>Christopher M. Tomlins, *The United States Supreme Court: The Pursuit of Justice* (Houghton Mifflin Harcourt Co., 2005).

<sup>25</sup>*See* Charles Dickens, BLEAK HOUSE (1852 – 53) for a lengthy and biting narrative of the legendary (fictional) interminable and insufferable lawsuit captioned *Jarndyce v. Jarndyce*.

*West v. Barnes*, 2 U.S. ( 2 Dall.) 401 (1791)

Argued: Aug. 2, 1791

Decided: Aug. 3, 1791

On the first day of the term, Bradford presented to the court, a writ, purporting to be a writ of error, issued out of the office of the clerk of the circuit court for Rhode Island district, directed to that court, and commanding a return of the judgment and proceedings rendered by them in this cause: And thereupon he moved for a rule, that the defendant rejoin to the errors assigned in this cause.

Barnes, one of the defendants, (a counsellor of the court) objected to the validity of the writ, that it had issued out of the wrong office: and, after argument,

THE COURT were unanimously of opinion, That writs of error to remove causes to this court from inferior courts, can regularly issue only from the clerk's office of the court.

Motion refused.

## U.S. Magistrate Judges

- Hon. Jacob Hagopian, a senior federal magistrate judge, has been on the bench since 1971. He graduated from George Washington University (B.A.) and Georgetown University Law Center (J.D.) He is admitted to practice law both in Virginia and Rhode Island. Judge Hagopian served in the U.S. Army from 1944 – 1970 and then served as an appellate judge with the U.S. Court of Military Review (1967 – 70). He taught courses at the Roger William University School of Law for 17 years and at Suffolk University, American University, and the U.S. Naval War College. Technically retired, he was recalled to federal bench duty in 1995.
- Hon. Robert W. Lovegreen joined the bench in 1993. Magistrate Judge Lovegreen is a graduate of Brown University and the University of Virginia Law School. He was admitted to practice in both Massachusetts and Rhode Island. Prior to his appointment, he was a law clerk to Associate Justice William Powers of the Rhode Island Supreme Court. Later, he was in private practice in Providence. He retired in 2004 but continues to serve as a recalled magistrate.
- Hon. Timothy M. Boudewyns sat on the bench from 1993 to 1997. He was admitted to the bar in 1974, after graduating from California State University at Sacramento (B.A.) and the University of Kansas (J.D.) He died in November 1997.
- Hon. David Martin sat on the bench from 1998 to 2012. Magistrate Judge Martin graduated from the University of Rhode Island (B.A.) and the University of Virginia School of Law (J.D.). Prior to his appointment, he was an assistant public defender for the State of Rhode Island and then was in private practice. He also served in the U.S. Army Reserve for 26 years, ultimately retiring with the rank of colonel.
- Hon. Lincoln Almond has been on the bench since Sept. 10, 2004. Magistrate Judge Almond is a graduate of the University of Rhode Island (B.S.) and the University of Connecticut Law School (J.D.). He is a member of the bars of both Connecticut and Rhode Island. Prior to his appointment, he was in private practice in Providence.
- Hon. Patricia A. Sullivan, the first female magistrate judge in the State of Rhode Island, has been on the bench since Oct. 1, 2010. She graduated from Wellesley College (B.A.) and Georgetown University Law School (J.D.). Prior to her appointment, she was in private practice. She has served as a member of the adjunct faculty of Roger Williams University School of Law. ©