

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name:** State full name (include any former names used).

Ojetta Rogeriee Thompson

Other names used:

O. Rogeriee Thompson

Ojetta Rogeriee Clifton (husband's surname)

Ojetta Rogeriee Spearman (prior marriage)

2. **Position:** State the position for which you have been nominated.

United States Circuit Judge for the First Circuit

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Rhode Island Superior Court  
250 Benefit Street  
Providence, Rhode Island 02903

Residence: [REDACTED]

4. **Birthplace:** State year and place of birth.

1951; Anderson, South Carolina

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1973 – 1976, Boston University School of Law, Juris Doctorate Degree; June, 1976

1969 – 1973, Brown University, AB Degree, June, 1973

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Employment:

1997 - Present

Rhode Island Superior Court  
250 Benefit Street  
Providence, Rhode Island 02903  
Associate Justice

1988 - 1997

Rhode Island District Court  
1 Dorrance Plaza  
Providence, Rhode Island 02903  
Associate Judge

1984 – 1988

Thompson and Thompson  
Attorneys at Law  
94 Gallatin Street  
Providence, Rhode Island 02906  
Senior Partner

1980 – 1984

O. Rogerie Thompson, Solo Practitioner  
94 Gallatin Street  
Providence, Rhode Island 02906

1980 – 1982

Assistant City Solicitor  
City of Providence  
25 Dorrance Street  
Providence, Rhode Island 02903

1979 – 1980

McKinnon and Fortunato  
1168 Newport Avenue  
Pawtucket, Rhode Island 02861  
Associate

1976 – 1979

Rhode Island Legal Services, Inc.  
56 Pine Street, 4<sup>th</sup> floor,  
Providence, Rhode Island 02903  
Senior Staff Attorney and Family Law Manager  
Legal intern (1974)

1975  
Harvard Legal Aid Bureau  
23 Everett Street  
Cambridge, MA 02138  
law clerk

1973  
Providence Civic Center  
(now Dunkin Donuts Center)  
One LaSalle Square  
Providence, Rhode Island 02903  
cashier

Other Affiliations:

Director, Nellie Mae Education Foundation, Inc.  
1250 Hancock Street, Suite 205 N  
Quincy, Massachusetts 02169-4331

Director, The College Crusade of Rhode Island, Inc.  
(Formerly known as the Rhode Island Children's Crusade)  
134 Thurbers Avenue, Suite #111  
Providence, Rhode Island 02905

Trustee, YMCA of Greater Providence, Inc.  
222 Richmond Street, Suite 302  
Providence, Rhode Island 02903

Trustee, Brown University  
Box 1822, Brown University  
Providence, Rhode Island 02912

Director, Shipwatch Horizontal Property Regime  
7600 Palmetto Drive  
Isle of Palms, South Carolina 29451

President's Leadership Council,  
Rhode Island Save The Bay, Inc.  
100 Save The Bay Drive  
Providence, Rhode Island 02905

Public Advisory Board, Dorcas Place, Inc.  
220 Elmwood Avenue  
Providence, Rhode Island 02907

Member, Butler Hospital Corporation  
345 Blackstone Blvd.  
Providence, Rhode Island 02906

Director and Vice-Chair, Women's Fund of Rhode Island  
One Union Station  
Providence, Rhode Island 02903

Trustee, World Learning Inc.  
Kipling Road, PO Box 676  
Brattleboro, Vermont 05302

President, Roger Williams University American Inns of Court  
Roger Williams University  
Ten Metacom Avenue  
Bristol, Rhode Island 02809

Visiting Committee, The Kennedy School of Government  
79 John F. Kennedy Street  
Cambridge, Massachusetts 02138

Director, YMCA of Greater Providence, Inc.  
222 Richmond Street, Suite 302  
Providence, Rhode Island 02903

Trustee, Save The Bay, Inc.  
100 Save the Bay Drive  
Providence, Rhode Island 02905

Trustee, Bryant College  
(now Bryant University)  
1150 Douglas Pike  
Smithfield, Rhode Island 02917

Director, Hospice Care of Rhode Island, Inc.  
(now Home and Hospice Care of Rhode Island, Inc.)  
169 George Street  
Pawtucket, Rhode Island 02860

Director, Rhode Island Legal Service, Inc.  
56 Pine Street, 4th floor  
Providence, Rhode Island 02903

Distribution Committee  
Citizen's Community Foundation  
c/o Citizen's Bank of Rhode Island

870 Westminster Street  
Providence, Rhode Island 02903

Public Director  
Delta Dental of Rhode Island  
10 Charles Street  
Providence, Rhode Island 02904

Trustee, Rhode Historical Society  
110 Benevolent Street  
Providence, Rhode Island 02906

Director, Rhode Island Women's Center  
P O Box 60330  
Providence, Rhode Island 02906

Director, John Hope Settlement House, Inc.  
7 Thomas Whitten Way  
Providence, Rhode Island 02903

Director, Urban League of Rhode Island  
246 Prarie Avenue  
Providence, Rhode Island 02905

Director, Elmwood Neighborhood Housing Association  
(now The Elmwood Foundation)  
693 Broad Street  
Providence, Rhode Island 02903

Director, Justice Resource Corporation  
943 Park Avenue  
Cranston, Rhode Island 02910

Rhode Island Anti-Drug Coalition  
(I believe RI's is now defunct but Boston chapter address follows)  
715 Albany Street, 580 3rd Floor  
Boston, Massachusetts 02118

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Rhode Island Women's Bar Association, Ada Sawyer award  
Honorary Degree Recipient, Doctor of Humane Letters, Bryant College, 2000  
Honorary Degree Recipient, University of Rhode Island, 1992  
Rhode Island Alpha Chapter of Phi Beta Kappa  
Reginald Heber Smith Community Lawyer Fellowship Program  
Magical Circle Honoree, Big Sisters of Rhode Island  
Samuel H. Johnson, SSSP Foundation Education Award  
Rhode Island Association for Justice, Judicial Merit Award  
Dorcas Place, Deborah Thompson Sustaining Spirit Award  
Women's Center of Rhode Island, Women of Excellence Award  
Scarsdale High School Distinguished Alumni Award  
Honorary Inductee, Alpha Phi Sigma, National Criminal Justice Honor Society  
Urban League of Rhode Island, Marguerite Beaubien Community Service Award  
Kent County Bar Association, Lifetime Award  
Honorary Inductee, Women in Education  
Rhode Island Black Heritage Society, William A. Heathman Award for Law and Justice  
National Association for the Advancement of Colored People, Providence Chapter,  
Thurgood Marshall Award for Contributions to Legal Profession  
National Association for the Advancement of Colored People, Providence Chapter,  
Recognition of Achievement in the Area of Judication (sic)  
Mora E. Brown Hammonds Scholarship Fund Award, Exemplary Model for the Youth of  
RI Community  
Civilian Service Award, RI Minority Police Officer's Association  
Rhode Island Coalition for Affirmative Action, Women Who Make a Difference  
Brown University's 100 Most Distinguished Alumni of the Century  
The Rhode Island Historical Society's History Makers Salute  
Featured Rhode Islander, NBC 10 Biographies  
John Hope Settlement House Community Service Award  
Certificate of Appreciation, Cranston Public Schools, Volunteer Contributions to the  
School System  
WLNE-TV "Freedom Torch Award"  
Proclamation from Hon. Bruce Sundlun, former Rhode Island Governor, in recognition of  
my efforts to protect ethnic and cultural tolerance in RI  
National Association for the Advancement of Colored People, Judicial Achievement  
Award  
Narragansett Indian Tribe, Inducted as Honorary Tribal Member  
Rhode Island Federation of Business and Professional Women, "Woman of the Year"  
Award  
Rhode Island Medical Society, Leadership Contribution to Medical Internship Program  
Rhode Island Working Women, "Woman of the Year"  
Johnson and Wales Graduate School in recognition of outstanding services and  
contributions to the Graduate School

Epsilon Tau Omega Chapter Alpha Kapa Sorority, Soror of the Year  
 Rhode Island Black Heritage Society Achievement Award  
 Rhode Island Black Heritage Society Salute to Inspiration  
 Commanders of the Rite 33 degrees, PHA Orient of Rhode Island , Recognition for  
 Outstanding Achievement in the Rhode Island Community  
 Proclamation from Hon. Joseph R. Paolino, Jr., Providence Rhode Island Mayor naming  
 April 26, 1988 O. Rogeriee Thompson Day in recognition of achievements  
 Federation of Business and Professional Women, Woman of the Year  
 Rhode Island Minority Police Officer's Association, Civilian Service Award  
 Recipient of the "Key To The City" from Greenville, South Carolina  
 Certificate of Commendation from RI Bar Association for participation in the Volunteer  
 Lawyer Program  
 Certificate of Appreciation from Little Rhode Boys' State Program in recognition of my  
 participation  
 Women's Political Caucus, honoree for Contributions and Commitment to Women  
 Certificate of Appreciation, Hon. Kathleen S. Connell, Rhode Island Secretary of State,  
 contributions to the Legal Profession  
 Proclamation from Hon. Richard A. Licht, Rhode Island Lieutenant Governor,  
 recognition of contributions and commitment to Women in the Field of Law  
 Foster Parents Plan of Rhode Island, Certification of Appreciation for contributions to  
 Program  
 Rhode Island Legal Education Partnership, Appreciation for work as Attorney Advisor  
 and Mock Trial Judge

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Chair, Rhode Island Supreme Court Ad Hoc Task Force for the Study of Limited English  
 Speaking Litigants—1993 to date  
 Rhode Island Supreme Court Future of the Courts Committee  
 Rhode Island Supreme Court Permanent Committee on Women and Minorities  
 Rhode Island Supreme Court Committee on Women and the Courts  
 Rhode Island Trial Judges Association  
 State of Rhode Island Judicial Council  
 National Bar Association  
 American Bar Association  
 Member, Rhode Island Bar Association  
 Rhode Island Legal Services Statewide Planning Committee for Civil Legal Services in  
 Rhode Island  
 Rhode Island Bar Association House of Delegates  
 Rhode Island Bar Association Superior Court Bench/Bar Committee  
 Rhode Island Bar Association District Court Bench/Bar Committee  
 Rhode Island Bar Association Committee on Minority Participation  
 Rhode Island Thurgood Marshall Law Society of Rhode Island  
 Rhode Island Women's Bar Association

Rhode Island Coalition of Women Attorneys  
Rhode Island Black Lawyers Association, Secretary 1995  
Attorney General's Task Force on Domestic Violence  
President, Roger Williams University American Inns of Court, 2006  
St. Thomas Moore Society of Rhode Island  
National Association of Women Judges

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Rhode Island Bar, admitted 1976

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Rhode Island courts, 1976

United States District Court for the District of Rhode Island, 1976

United States Court of Appeals for the First Circuit, 1979

Supreme Court of the United States, 1987

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Rhode Island Urban Education Task Force, 2008 to date

Brown University, Trustee Emerita, 2007 to date

Brown University, Commission to Commemorate the History of Slavery in Rhode Island, 2007 to date

Brown University, Fund for the Children of Providence, 2008 to date

Appalachian Mountain Club, 2000 to date

ACLU, Rhode Island Chapter, 1995 to date

Boston University Alumni Association, 1976 to date



University of Connecticut Parent Foundation, 2000 to date  
Sierra Club, 2005 to date  
Rhode Island School of Design Museum, 1990 to date  
National Coalition of 100 Black Women, Inc. Rhode Island Chapter, 2005 to  
2008  
Bryant College Trustee Emerita, 1997 to date  
Bryant College, Ad Hoc Committee to Study Campus Environment, 1998 to 2000  
Chair, Bryant College Sexual Harassment Task Force, 1994  
Theta Psi Omega Chapter of Alpha Kappa Alpha  
National Association for the Advancement of Colored People—lifetime  
membership  
Member, Advisory Committee for the Establishment of URI Center for Feminist  
Studies, 1994 to 1999  
World Affairs Council, Volunteer, 1995 to 1998  
National Association for Female Executives, 1981 to 1987

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Wrote CLE training manual for the Rhode Island Bar Association, Civil Practice in the Rhode Island District Court, in conjunction with CLE Presentation, 1996.

Co-Author of 'The Defense Lawyers Training Manual for Child Welfare Litigation.' Part of training module for defense counsel in Child Welfare Litigation. The module contained a workbook, practice manual and video taped court procedure to be used in conjunction with manual. 1987

Authored a series of articles entitled "You and The Law" published in the community newspaper, 'The Ebenezer Grapevine.' 1980 – 1983.

Not all of these materials are currently available to provide to the Committee.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I twice testified before a Rhode Island General Assembly Legislative Committee, many years ago in support of reforms to the Residential Landlord /Tenant Statute and more recently, in opposition to a bill which would change Rhode Island's judicial tenure law from lifetime appointment to election of judges. No transcripts were made.

I gave public comment while proceeding through the state judicial nominating, confirmation and swearing in proceedings for the Rhode Island District Court in 1987 and 1988 and for the Rhode Island Superior Court in 1997. I gave the Judicial Nominating Commission and Senate Judiciary Committee information about my education, legal experience and background and general qualifications for serving on the State Judiciary. At my swearing in ceremonies I gave thanks to family and friends and spoke about my fervent desire to serve the state with honor and distinction.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have given many speeches and presentations to many groups since leaving law school, have served on numerous panels and discussion groups, and have given

many lectures. I never prepare formal speeches when addressing an audience but rely only on broad outlines of ideas I intend to cover. The following represents my best effort to answer in good faith.

Starting with legal presentations :

June 13, 2008-- Rhode Island Bar Association Annual Meeting—Presenter--Pre-trial Motion Practice—RI Convention Center

May 22, 2008-- Washington County Bar Association—Presenter—View From the Washington County Bench—Spain Restaurant, Narragansett

November 2, 2007-- National Business Institute (NBI)—Presenter—What Civil Court Judges Want You to Know—Radisson Hotel, Warwick

February 17, 2007—Roger Williams University Inn of Courts—Presenter—Police Prosecution in the Courts—Courtyard by Marriot, Providence

January 8, 2007-- Rhode Island Trial Lawyers Association—Presenter—View from the Bench—Civil Practice in Rhode Island—Rhode Island Marriott, Providence

September 13, 2006-- Kent County Bar Association—Presenter—From the Judges—What You Should Know—E. Greenwich

January 25, 2005— Rhode Island Trial Lawyers Association—Presenter—View from the Bench—Rhode Island Marriott, Providence

August 30, 2004--Kent County Bar Association—Presenter—Best and Worse Trial Practices—West Warwick

June 11, 2004-- Rhode Island Bar Association Annual Meeting—Presenter—Civil Law: Civil Law Update—Rhode Island Convention Center

March 25, 2004—Roger Williams University Inn of Courts—Presenter—Racial Issues in the Justice System—RWU campus

June 13, 2003-- Rhode Island Bar Association Annual Meeting—New Lawyer Training Diversity Symposium—Rhode Island Convention Center

February 26, 2003—Rhode Island Bar Association and Supreme Court Committee on Women and Minorities, New Lawyer Training—Practice with a Diverse Clientele—Westin Hotel

February 3, 2003—Rhode Island Bar Association and Supreme Court Committee on Women and Minorities, New Lawyer Training—Ethical Obligations of Practicing Attorneys—Radisson

September 13, 2002—Rhode Island Trial Lawyers Association—Presenter—View From The Bench—Westin Hotel

June 14, 2002-- Rhode Island Bar Association Annual Meeting—New Lawyer Training Diversity Symposium—Rhode Island Convention Center

June 13, 2002—Rhode Island Bar Association Annual Meeting—Media, Ethics & the Law—Rhode Island Convention Center

February 28, 2002—Roger Williams University Inn of Courts—Presenter—Dealing With the Pro-se Adversary—Brown University Faculty Club

January 11, 2002—Rhode Island Bar Association and Supreme Court Committee on Women and Minorities—Presenter—Diversity Symposium—Radisson Airport Hotel

September 21, 2001—Rhode Island Judiciary Fall Judicial Conference—Group Facilitator—Looking Outside: Increasing Public Confidence in the Courts—Hotel Viking

April 2, 2001--Newport Bar Association—Criminal Procedure in the Superior Court—Newport County Court House

July 9—27, 2001—National Judicial College—Group Facilitator, General Jurisdiction Course—Reno, Nevada

January 25, 2001— Rhode Island Bar Association and Supreme Court Committee on Women and Minorities—Presenter—Diversity Symposium—Radisson Airport Hotel

June 8, 2000-- Rhode Island Bar Association Annual Meeting—Presenter—Bias in the Courts—Rhode Island Convention Center

February 28, 2000--Newport Bar Association—Sexual Offender Registration In Rhode Island—Newport County Court House

February 8, 2000—Rhode Island Trial Lawyers Association—View From the Bench—Marriot

February 2, 1999— Rhode Island Trial Lawyers Association—Presenter—View from the Bench—Rhode Island Marriott, Providence

December 10, 1998-- Rhode Island Bar Association Annual Meeting—  
Presenter—Civil Law Practice in Rhode Island—A Practical Skills Seminar—Bar  
Association Headquarters

June 18, 1998-- Rhode Island Bar Association Annual Meeting—Presenter—Bias  
in the Courtroom

January 28, 1998—Rhode Island Trial Lawyers Association—Presenter—View  
from the Bench—Providence Biltmore

June 20, 1997— Rhode Island Bar Association Annual Meeting—Presenter—  
Computers for Increased Productivity

December 5, 1996— Rhode Island Bar Association—Presenter—Civil Law  
Practice in the Rhode Island District Court

November 19, 1996—Roger Williams University Inn of Courts—Presenter—Use  
and Abuse of Demonstrative Evidence—RWU Law School

June 20, 1996-- Rhode Island Bar Association Annual Meeting—Presenter—  
What You Should Know and When You Should Know It—Rhode Island  
Convention Center

June 15, 1995—Rhode Island Bar Association Annual Meeting—Presenter—  
Computer Internet Skills—Rhode Island Convention Center

June 17, 1994— Rhode Island Bar Association and The Advisory Committee on  
Women in the Courts—Presenter—Furthering Awareness of Gender Bias and  
Immigration Consequences of Criminal Convictions—RI Convention Center

March 10, 1994-- Rhode Island Bar Association —Presenter—Civil Law  
Practice—Johnson & Wales Airport Hotel, Warwick

June 10, 1993—Rhode Island Bar Association Annual Meeting—Presenter—The  
Secret of Your Success: The Best and The Worst Trial Tactics As Seen From the  
Bench—Convention Center

December 5, 1992—Rhode Island Supreme Court As Hoc Task Force on Limited  
English Speaking Litigants—Presenter--An Overview of the Criminal Justice  
System—RI College

June 7, 1990-- Rhode Island Bar Association Annual Meeting—Presenter—  
Domestic Relations Training Seminar

September 19, 1987-- Rhode Island Bar Association—Presenter--Family Law  
Updates—Marriot

March 27—March 30, 1984—American Bar Association, National Institute of Trial Advocacy, and Legal Services Corporation—Faculty—The Art and Skills of Trial Advocacy

I have participated in CLE presentations teaching Trial advocacy Skills and Basic Lawyering Skills for National Legal Services, Inc., Rhode Island Legal Services, Inc., and National Institute of Trial Advocacy, however I have discarded those calendars and can no longer produce the specifics. These trainings took place in Albuquerque, New Mexico, Portland Oregon, Seattle Washington, Cleveland Ohio, Des Moines Iowa, and Philadelphia, Pennsylvania and Providence, Rhode Island.

I have addressed many different civic, professional and other associations. Each address was unique and tailored to the organizations referenced below and the occasion. Topics have included education issues from K throughout graduate school, domestic violence and its prevention, self improvement and getting ahead, issues related to minority and women's rights, topics relevant to children and families, balancing career and personal choices, celebration of national and local holidays and historical events, youth empowerment, overcoming personal challenges, African American leadership, voter registration, legal education and court procedures, poverty related issues, etc. I have no prepared texts or existing notes. Such presentations include the following:

The American Baptist Women's Ministries for the State of Rhode Island  
Ameri-Corps Partners in Learning  
Association of Internship Educators  
Bank of America  
Bedenbaugh Family Reunion Celebration  
Black Worker for Justice  
The Black Women's Alliance  
Boy Scout Troop #22, Davisville, RI  
Boy Scout Troop #99, St. Paul's Church, Cranston  
Boys and Girls Club  
Cape Verdean American Reunion  
Caritas House, Inc.  
Casey Family Services, Inc.  
Cathedral of St. John  
City Girls, City Guys, Inc.  
The College Board's New England  
Commanders of the Rite Free Masons  
Commanders of the Rite 33°, P.H.A Orient of Rhode Island  
Dorcas Place  
The Elks, New England Conference  
Epsilon Tau Omega Chapter of Alpha Kappa Alpha Sorority  
Family Court of Rhode Island Explorer Program

Friends of the Jamestown Library  
Girl Scout, Cranston Troop  
Harvard/Pilgrim Health Care of New England (HPHC)  
The International Institute  
John Hope Settlement House  
Justice Assistance Program  
Juvenile Justice Advisory committee  
Law Enforcement Advocacy Program (LEAP)  
Leadership Rhode Island  
Little Rhode Boys State Program  
Mora E. Brown Hammonds Scholarship Fund Committee  
Metropolitan Insurance Company  
NAACP (National Association for the Advancement of Colored People),  
Providence Branch  
National Bar Association  
National Coalition of 100 Black Women, Rhode Island Chapter  
National Education Association  
National Education Consortium for Careers in Law  
National Organization for Women, RI Chapter,  
Nellie Mae Education Foundation  
New England Board of Higher Education (NEBHE)  
National Society for Internships and Experiential Education  
Newport's Martin Luther King Center  
Phoenix House New England  
Providence City Hall  
RI Affirmative Action Professionals  
RI Amyotrophic Lateral Sclerosis Association (ALS)  
RI Association of Colored Women's Club, Inc.  
RI Community Food Bank  
RI Fraud Investigators Association  
Rhode Island Federation of Business and Professional Women  
Rhode Island Association of IRS Workers  
Rhode Island Association for Women in Education  
Rhode Island Black and Brown Fund  
Rhode Island Black Heritage Society  
Rhode Island Business and Professional Women, Inc.  
Rhode Island Children's Crusade  
Rhode Island Coalition of Affirmative Action Professionals  
Rhode Island Coalition Against Domestic Violence  
Rhode Island Commission for Human Rights.  
Rhode Island Department of Corrections  
Rhode Island Legal Education Partnership  
Rhode Island Family Court  
Rhode Island Fund for Community Progress  
Rhode Island Historical Society  
Rhode Island Ministerial Alliance

Rhode Island Minority Police Association  
Rhode Island Select Commission on Race & Police-Community Relations  
Rhode Island Service Alliance  
Rhode Island State House  
Rhode Island Supreme Court  
Rhode Island Women's First Organization  
Rhode Island Women in Higher Education  
Rhode Island Women's Network  
Rhode Island Women's Political Caucus  
Rhode Island Working Women, Inc.  
State of Rhode Island Justice Commission  
Saint James Baptist Church  
Scarsdale High School Alumni Association  
Sexual Assault and Trauma Center  
South County Coalition Against Racism  
Theta Psi Omega Chapter of Alpha Kappa Alpha  
Trinity Youth Group  
Union Baptist Church  
United Way of Southeastern New England  
Urban League of Rhode Island  
URICCE Brown Bag Lunch Series  
Volunteers in Providence Schools  
Women's Center of Rhode Island  
Women's Health Collective  
Women in Transition, Inc.  
World Learning, Inc.  
YMCA  
YWCA of Northern RI  
Youth In Action, Inc.

I am regularly invited to give speeches and because of my belief that the judiciary has an obligation to educate the public about the judicial system and present a positive public image of the court in general, I accept these invitations as time permits. In that spirit I have addressed students at many public and private colleges in and outside the state of Rhode Island including but not limited to following.

Boston University Law School  
765 Commonwealth Avenue  
Boston, MA

- December 1, 1997--Mentoring Reception remarks to new law students--at 62 Bay State Road, #1, Boston, MA
- November, 1996—Stone Moot Court Competition—Presiding Judge--campus



Brown University  
Box 1887  
Providence, RI 02912

- May 1, 2005—Remembering Brown vs. Board of Education—Panelist of Lawyers and Judges—campus
- May 31, 2004--Brown University Center for the Study of Race and Ethnicity in America—Commencement Address—“Celebrating Diversity”—CAMPUS
- May 26, 2003—Department of Ethnic Studies—post graduation ceremony remarks
- April 25, 2003—African American Student Association—career talk
- February 25, 2003—Pembroke Center—Speaker—International Women’s Forum
- October 23, 2002—Guest Lecturer--Attributes of Leadership Class--campus  
May 26, 2002—Phi Beta Kappa speech  
January 24, 2002--Futures Project—panelist—New York City
- February 13, 2002—Pembroke Center—panelist—Professional Women’s Career Presentation—campus
- October 10, 2001—Guest Lecturer—Attributes of Leadership Class
- August 9, 2001-Lecturer—Summer Studies Course on Legal Education
- March 23, 2001—Informal discussion with Women of Color
- February 3, 2001—African American Career Forum—Panelist
- November 14, 2000—Color of Justice Forum—Panelist--campus
- November 8, 2000—Guest Lecturer—Journalism Class
- August 23, 2000 and August 19, 2001--Brown University Summer Studies Course on Legal Education--“The Practice of Law in the U.S.”—my courtroom
- August 3, 2000—Brown Mock Trial—Presiding Justice
- July 3, 2000—Summer Studies Course on Legal Education—Presided over Mock Trial
- February 12, 2000—The Meaning of Race and Blackness in the Americas Contemporary Perspectives—“Race Rights and the Law in the United States and Brazil”—campus
- November 29, 1999—Guest Lecturer—Political Science Class
- September 27, 1999--Brown Public Forum “Justice for All: Affirmative Action and the American Ideal and the Meaning of Race and Blackness in the Americas Perspectives” with Judges Bruce Selya and Joseph Tauro)--campus
- July 26, 1999—Guest Lecturer—Journalism Course
- March 18, 1999--Brown University Center for the Study of Race and Ethnicity in America—“Historical Perspective and Contemporary Trends in the Criminal Justice System: Questions About Race and Race Relations”—held on campus

- March 15, 1999—Phi Beta Kappa—Induction Ceremony, key note—“Personal Reflections on Otherness”—campus
- August 8, 1998—Summer Studies Course on Legal Education—Presided over Mock Trial—my courtroom
- July 28, 1998—Summer Studies Course on Legal Education—Guest Speaker—my court room
- August 18, 1997 Brown University Journalism Course
- July 29, 1997 Brown University Leadership Course “The Essentials of Leadership”
- March 12, 1997—Celebration of Women’s History Month, Women, The Law and The Women's Movement—Panelist—Crystal Room
- May 27, 1995—Brown Graduation Forum—Blacks in Government--Panelist
- March 6, 1995—Brown Forum—Panelist—Career Forum
- October 11, 1991—Women’s Career Forum
- May 27, 1991—Brown Graduation Reunion Forum—15 Years Later
- March 10, 1991—Brown Forum—“Birth of a Nation in hindsight”—Panelist

Bryant University  
1150 Douglas Pike  
Smithfield, RI 02907

- March 26, 2003--College Committee on Sexual Assault—“Third Mock Trial,” Presiding Judge and commentator
- April 31, 2001—Women in Law Forum
- March 27, 2001—Career Forum with Students of Color
- October 27, 1998— College Committee on Sexual Assault—“Second Mock Trial,” Presiding Judge and commentator
- October 17, 1997—Annual Conference RI Academic Support Network for African American, Hispanic, Asian and Native American High School and College Students—Public Service—Panelist
- September 15, 1997--Bryant College Women’s Summit Monday before “Mission Possible or Impossible: Integrating Work and Family”
- February 15, 1995—Forum, The Glass Ceiling: Fact or Fiction —Panelist
- February 15, 1994-- College Committee on Sexual Assault—“Mock Trial,” Presiding Judge and commentator

Community College of Rhode Island

- October 15, 2005—College Fair Career Forum
- November 29, 2001—The Carlotti Colloquium—Panelist--The Indomitable Spirit, the creative process as it relates to law
- February 5, 1997—Career Forum—Opportunities in the Law
- April 1, 1992—Career Forum--Providence Campus

Johnson and Wales University  
8 Abbott Park Place  
Providence, RI 02903

- November 6, 2001--Legal Studies Department, The Johnson and Wales University Distinguished Lecture Series—"Recent RI Events in Criminal Law"--campus
- November 14, 1999—Diversity and the Future "2000" Initiative—"The Spirit Warrior's Dream"—campus
- November 29, 1995—Celebrations, An African Odyssey--Panelist
- February 13, 1992—Guest Lecturer—Careers in Law
- February 16, 1990—Guest Speaker, Distinguished Lecture Series—Women in the Law

Providence College  
549 River Avenue  
Providence, RI 02918

- October 23, 2004—Minority Student Legal Career Forum
- March 20, 2001—RI Bar Association Committee on Minorities in the Bar—Career Forum
- November 18, 2003—Guest Lecturer—"Women, Crime & Justice" class--campus
- May 1, 1998--Program in Black Studies at Providence College First Annual Commencement Banquet -keynote "Recognizing the Many Accomplishments of Scholars of Color"—event held on campus
- October 2, 1997—RICH Public Forum—Whose Life Is It Anyway?: The Right to Choose to Live—or Die—Panelist—campus
- October 18, 1996—Panelist--Substantive Due Process and the Jury System
- April 10, 1996—Guest Lecturer—Political Science Class
- December 12, 1990—Luncheon Guest Speaker—Rhode Island Legal System

Rhode Island College  
600 Mount Pleasant Avenue  
Providence, Rhode Island

- April 16, 1998—Guest Speaker—Minorities in the Law
- February 11, 1993—Guest Speaker--George Wiley Memorial Lecture—"The Family: A Black and White Issue?"

Roger Williams University (Undergraduate School)  
10 Metacom Avenue  
Bristol, RI 02809

- October 15, 2004—Career Forum with Minority Students--Roger Williams University Minority Mentoring Program
- May 7, 2002--RWU Bridge to success Program and RWU Multicultural Affairs Center
- May 1, 2001—Bridges to Success Law Day Program—MLK Center
- February 24, 1993 Guest—RWU Tea at Three Program—“The Life of a Young, Black Woman in America”

Roger Williams Law School  
10 Metacom Avenue  
Bristol, RI 02809

- April 22, 2009--Trial Advocacy Class—Mock Trial
- February 17, 2009—Guest Lecturer--Trial Advocacy Class
- February 27, 2007—Comments to Law School Accreditation Team
- November 18, 2005—Career Day
- April 14, 2004--Thurgood Marshall Memorial Lecture—Panelist--“The Legacy of Brown v. Board of Education”—campus event
- November 2, 2003, Brown University/RWU Mock Trial Invitational—Licht Judicial Complex
- October 20, 2003—Informal discussion with Minority Law Students
- March 14, 2003—Guest Lecturer—Trial Skills Course campus
- June 13, 2002--Law Alumni Association—“Media, Ethics and the Law”—campus event
- June 4, 2002—Guest Lecturer—Criminal Defense Advocacy Skills class
- April 1, 2000--Future of the Judicial System Forum—Panelist
- March 23, 2000--Women’s Law Student Association—Informal Discussion of Women in the Law—campus
- February 29, 2000—RWU’s National Minority Law Student Recruitment Month—“Preparing for a Career in Law” and Q&A—campus
- November 19, 1999—Trial Advocacy Class—Mock Trial
- November 21, 1996—Guest Lecturer—Trial Advocacy Course—“Mock Trial Competition”
- March 9, 1994—Guest Lecturer—Trial Advocacy course

Salve Regina University  
100 Ochre Point Avenue  
Newport, RI 02840

- March 24, 2009—Women’s History Month—“Women Making History Today—campus event
- April 29, 2005—Administration of Justice Department, History of Law Day—“Equal Justice For All”—campus event
- May 25, 2000—Domestic Violence Forum—Panelist
- March 13, 1989—Women’s Resource Center—Career Discussion
- February 27, 1988—Career Forum

Stonehill College  
320 Washington Street  
Easton, Massachusetts

- November 9, 1999—Fear No People Month—“Is There Inequity In Our Judicial System?”--campus

University of Rhode Island  
Kingston, RI 02881

- April 11, 2003—Women of Color Conference—Women of Color in Politics and the Media
- March 4, 2003--URI Women’s Center
- February 19, 2003—The Center for Nonviolence and Peace Studies—“Then and Now: Reflections of Local Civil Rights Activists”—campus
- June 21, 2002--URI Coastal Resources Summer Institute--Graduation Dinner-- International Coastal Leaders in Month Long Seminar—Watch Hill Inn
- February 7, 2001—RI Bar Association Committee on Minorities--Career Forum Minority Students
- October 18, 1997--Rhode Island Academic Support Network,—“Managing Career Choices, Goals and Expectations” held at Bryant University
- April 9, 1997—URI Women of Color Conference “How to be Successful in the Legal Profession”—event held on campus
- October 26, 1996--Rhode Island Partnership for research on Women and Gender—A Campus-Community Collaborative ‘The Impact of Violence on the Community and Violence in Intimate Relationships
- March 26, 1995-- College of Continuing Education—Panelist--educational backgrounds, career achievements and strategies for success for Women
- February 1, 1994—Sexual Assault Date Rape Mock Trial
- November 26, 1991—Seminar on Domestic Violence
- December 13, 1988—Law Related Education Conference

University of Massachusetts at Dartmouth  
285 Old Westport Road  
North Dartmouth, Massachusetts

- April 28, 2005-- The Spotlight Program—Juvenile Law—campus event
- April 1, 2004-- The Spotlight Program—Juvenile Law—campus event
- March 21, 2002--The Spotlight Program—Juvenile Law—campus event
- October 9, 1997--The Spotlight Program—Juvenile Law—campus event
- November 14, 1996-- The Spotlight Program—Juvenile Law—campus event
- March 18, 1993--The Spotlight Program—Juvenile Law—campus event
- December 9, 1993--The Spotlight Program—Juvenile Law—campus event

In addition, I have spoken to numerous classes, assemblies, or student organizations for Law Day and other events at many High Schools, Middle schools and Elementary schools. Such talks have included commencement speeches, discussions of the judicial process, role of courts, career day presentations, women in public service, talks to government classes, and presentations on particular legal topics related to or of interest to youth.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

February 15, 2009; I appeared with two others on a local access television show, "Capital Colors" hosted by State Representative Anastasia Williams and by Peter Wells, owner and editor of local Rhode Island Community newspaper, "The Providence American." The panel discussed current public affairs in general.

October 16, 2006; I appeared on local Fox News, show hosted by Steve Aveson and Former Rhode Island Chief Justice Frank Williams. Show pertained to the opening of the new Kent County Court House where I then worked.

2005, *Portrait of O. Rogeriee Thompson*; Biography Program, WJAR-TV, Cranston, RI

February 1, 2005; I appeared on local television show "Amazing Women" hosted by Deborah Ruggiero. The title of the show was "Amazing Women in the Judiciary--Rendering Justice and Compelling Cases."

March 15, 2001; I appeared on WJAR--Channel 10, Panelist, Public Image and Perception of the Judiciary

February 2, 2000; I appeared on WJAR--Channel 10, Biographies—Brief discussion of my life and career

April 28, 1999--ABC-TV Channel 6—The Truman Taylor Show Roundtable with Truman Taylor and Bob Whitcomb of the Providence Journal editorial pages 10 Orms Street, Providence, Rhode Island, Public Image and Perception of the Judiciary

November 16, 1998, appeared on WJAR--Channel 10, No recollection of the subject matter.

November 19, 1997-- The Truman Taylor Show-- No recollection of the subject matter.

March 27 through April 4, 1997--The Rhode Island Soapbox Cable TV, c/o Mr. and Mrs. Barry Schiller, 76 Sunset Ave., North Providence, RI 02911 Program aired for--International Women's Day Program-- What is the History of this Important Day for Women? How far have we come and how far do we still have to travel on the road to empowerment?

February 22, 1994—Channel 36, Public TV-- No recollection of the subject matter.

May 20, 1993-- Channel 36, Public TV-- No recollection of the subject matter.

August 22, 1980--Channel 12 TV— No recollection of the subject matter.

Newspaper interviews:

February 14, 2008 - Providence Journal

April 9, 2006 - Providence Journal

March 23, 2006 - rezaritesri.com and The Providence American

January 4, 2005 - The Providence Phoenix

November 23, 2004 - Providence Journal

2004, She Shines Magazine

May 18, 2004 - Providence Journal

May 15, 2004 - Providence Journal

April 12, 2004 - Providence Journal

April 4, 2004 - Providence Journal

February 22, 2004 - Providence Journal

February/March 2004 - Destiny Magazine

July 10, 2003 - Providence Journal

February 18, 2003 - Providence Journal

December 5, 2002 - Providence Journal

May 20, 2001- Providence Journal

October 22, 1999 - Newport Daily News

November 16, 1997 - Providence Journal

November 4, 1997 - The Greenville News  
October 19, 1997 - The Providence Sunday Journal

October 14, 1997 - Providence Journal Bulletin

March 1997 - The Rhode Island Monthly Magazine

February 9, 1997 - Providence Journal

February 15, 1996 - Providence Journal

May 16, 1995 - Providence Journal

February 21, 1994 - Providence Journal

February 19, 1992 - Providence Journal

November 4, 1989 - Providence Journal

October 30, 1989 - Providence Journal

July 26, 1991 - National Center on Women & Family Law, Inc.

March 17, 1991 - Providence Journal

August 12, 1990 - Providence Journal

January 21, 1990 - Providence Journal

February 1, 1990 - Providence Journal

April 1, 1990 - Providence Journal

November 4, 1989 - Providence Journal

October 30, 1989 - Providence Journal

May 23 - June 5, 1988 - Ocean State Business Magazine

December, 1987 - Providence Journal

October 11, 1987 - Providence Journal



January 3, 1986 - Providence Journal

July 17, 1983 - Providence Journal

March 3, 1982 - Providence Evening Bulletin

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

1997 – Present

I was appointed Associate Justice, Rhode Island Superior Court by Governor Lincoln Almond.

Superior Court is a court of general jurisdiction and is Rhode Island's highest level trial court. Justices preside over criminal felony proceedings, civil cases with damages above \$10,000.00, matters of general equity, Administrative and District Court appeals. Written decisions are issued at times.

1988 – 1997

I was appointed by Governor Edward DiPrete to be an Associate Judge, Rhode Island District Court.

District Court is a court of limited jurisdiction and is Rhode Island's lower level trial court. Judges preside over misdemeanor criminal proceedings, felony arraignments and bail hearings, civil cases with damages up to ten thousand dollars, housing and eviction matters, administrative appeals, civil commitment proceedings, domestic abuse restraining orders, tax appeals.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? I have presided over hundreds of cases.

i. Of these, approximately what percent were:

jury trials? 40 %; bench trials 60 % [total 100%]

civil proceedings? 60 %; criminal proceedings? 40 % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Because of the volume of cases we handle on a daily basis, written decisions are not routine in our courts. The decisions cited in the attached list account for about 1% of my total work performance over the past 20 years.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. Woodland Manor, III Associates, L.P. v. Reisma, No. PC-89-2447, 2003 WL 1224248 (R.I. Super. Feb. 24, 2003), available at <http://www.courts.ri.gov/superior/pdf/89-2447-5-23-03.pdf>, clarified by No. PC-89-2447, 2003 WL 21297130 (R.I. Super. May 23, 2003).

Suit by developer against the State of Rhode Island Department of Environmental Management alleging an unconstitutional taking of property without just compensation. After a bench trial I entered judgment for the Plaintiff.

Attorney for Plaintiff  
Edward Miggiacomo  
1 Citizens Plaza, 8<sup>th</sup> Floor  
Providence, Rhode Island 02903  
401-274-7200

Attorney for Defendant  
James Lee  
Assistant Attorney General  
150 South Main Street  
Providence, Rhode Island  
401-274-4400

2. State v. Briggs, No. N1-97-0276A (R.I. Super. Jan. 16, 2003), available at <http://www.courts.ri.gov/superior/pdf/97-0276.pdf>, aff'd 886 A.2d 735 (R.I. 2005).

State brought first degree murder charges against the Defendant, Chester Briggs. After jury trial, guilty verdict returned.

Attorney for State  
Stephen Dambruch (former Assistant Attorney General)  
US Attorney's Office  
50 Kennedy Plaza, 8<sup>th</sup> floor  
Providence, Rhode Island  
401-709-5000

Randy White  
Assistant Attorney General  
150 South Main Street  
Providence, Rhode Island  
401-274-4400

Attorney for Defendant  
John F. Cicilline  
381 Atwells Avenue  
Providence, Rhode Island  
401-709-5000

3. State v. Motyka, No. N1-99-0341A (R.I. Super. Jan. 23, 2001), available at <http://www.courts.ri.gov/superior/pdf/99-0341.pdf>, aff'd 893 A.2d 267 (R.I. 2006).

State brought first degree murder and first degree sexual assault charges against the Defendant, Jeremy Motyka. DNA material was primary evidence. After jury trial, guilty verdict returned.

Attorney for State  
Stephen Dambruch (former Assistant Attorney General)  
50 Kennedy Plaza, 8<sup>th</sup> floor  
Providence, Rhode Island  
401-709-5000

Jennifer Sternick (former Assistant Attorney General)  
P.O. box 1172  
Charlestown, RI  
401-364-7399

Attorney for Defendant  
Michael DiLauro  
Assistant Public Defender  
160 Pine Street  
Providence, RI 02903  
401-222-1526

4. State of Rhode Island vs. John Moniz No. NC-98-0098 (R.I. Super. 1998) and Department of Environmental Management v. John & Olivia Moniz, No. PC-98-0221 (R.I. Super. 1998)

Suit against landowners who illegally stored material considered toxic waste, to wit clam shells, on their farm. Consent decree was entered but efforts to enforce the decree lasted years in the courts. The defendants were incarcerated in an effort to force compliance.

Attorneys for the State  
Stephen Dambruch (former Assistant Attorney General)  
50 Kennedy Plaza, 8<sup>th</sup> floor  
Providence, Rhode Island  
401-709-5000

Gary Powers  
RI Department of Environmental Management  
4808 Tower Hill Road  
Wakefield, RI 02879  
401-222-6607

Attorney for the Defendants  
John Kupa  
20 Oakdale Road  
North Kingstown, RI 02852  
401-294-5566

5. Rowey v. Children's Friend and Service, No. PC-98-0136 (R.I. Super. 1999), cert. denied, No. 99-466-M.P. (R.I. Oct. 28, 1999), available at <http://www.courts.ri.gov/supreme/misc-orderspdf/99-466.pdf>. Consolidated with Children's Friend & Service v. St. Paul Fire & Marine, Ins. Co., 893 A.2d 222, 2006 WL 238963, R.I., February 02, 2006 (No. 2004-35-Appeal).

Parents of adopted child brought suit against the adoption agency alleging 'wrongful adoption,' to wit, the agency's failure to disclose substantive information about the child which would have been needed to enter into an informed adoption. I handled two aspects of the case. First, should the birth parents be contacted to seek information relative to the child's background? I ordered parents to be contacted by third party seeking their willingness to participate in the proceeding. Second, in the action by Children's Friend & Service against their insurance carrier, a jury concluded that the agency's policy was in effect at the time and thus, the carrier had a duty to defend the action.

Attorneys for the Plaintiff in Rowey  
Thomas Dickinson  
1315 Atwood Avenue  
Johnston, RI 02919  
401-490-8083

Diane Magee  
572 Main Street  
Warren, RI 02885  
401-245-8550

Deborah Barclay  
600 New London Avenue  
Louis Pasteur Building 57  
Cranston, RI 02920  
401-462-2326

Attorneys for the Defendant in Rowey  
Ronald Langlois  
2 Charles Street, 3<sup>rd</sup> Floor  
Providence, RI 02904  
401-351-9970

Stephen Prignano  
Edwards, Angell, Palmer & Dodge  
2800 Financial Plaza  
Providence, RI 02903  
401-276-6670

Attorney for Mary Moe, biological mother of Lisa Rowey  
Michael Furtado  
Furtado Legal Services  
1 Grove Avenue  
East Providence, RI 02914  
401-228-6080

Attorney for the Plaintiff in Children's Friend & Service  
Matthew Oliveiro  
55 Dorrance Street Suite 400  
Providence, Rhode Island 02903  
401-861-2900

Attorney for the Defendant in Children's Friend and Service  
Thomas Bender  
Hanson Curran, LP  
146 Westminster Street  
Providence, RI 02903  
401-421-2154

6. American Telephone & Telegraph Co. v. Clark, No. A.A. 94-15 (R.I. Dist. Apr. 22 1996); cert. denied, No. 96-253-M.P. (R.I. Apr. 4, 1997).

Telephone company appealed the state's tax levy on intrastate phone calls alleging the tax unconstitutional. State argued the validity of the tax. Court ruled the tax constitutional. RI Supreme Court denied cert indicating its agreement with the court's ruling.

Attorney for the Plaintiff  
Marcia Ippolito  
P/O. Box 1214  
East Greenwich, Rhode Island

7. Pastore v. Samson, 900 A.2d 267, 2006 WL 1652248, R.I., June 16, 2006 (No. 2005-110-MP.)

Plaintiff filed a medical negligence action against the Defendants doctor and hospital. Defendants objected to the production of certain hospital documents alleging privilege under RI's medical peer privilege law and alleging confidentiality under RI's Confidential Health care laws. Court ordered all records produced. Supreme Court upheld in part, reversed in part.

Attorneys for Plaintiff  
Amato Deluca and  
Miriam Weizenbaum  
Deluca and Weizenbaum  
199 North Main Street  
Providence, Rhode Island 02903  
401-453-1500

Attorneys for Defendants  
Michael G. Sarli and  
Matthew D. Rocheleau  
Gidley, Sarli & Marusak, LLP  
One Turks Head Place, Suite 900  
Providence, Rhode Island 02903  
401-274-6644

8. Blue Coast, Inc. vs. Suarez Corporation Industries, No. PC-98-0136 (R.I. Super. 1999)

Rhode Island Corporation filed collection action against out of state Corporation doing business in Rhode Island. Jury returned verdict for Plaintiff. Rhode Island Supreme Court upheld verdict.

Attorney for Plaintiff  
Brian Newberry  
Donavan Hatem, LLP  
2 Seaport Lane, 8<sup>th</sup> floor  
Boston, Massachusetts  
617-406-4500

Attorney for Defendant  
Melissa Horne  
Winograd Shine & Zacks, P.C.  
123 Dyer Street  
Providence, Rhode Island 02903  
401-273-8300

9. Kathy L. Kennedy, Individually and as Representative of the Beneficiaries of the Estate of Jack Kennedy and Robert D. Kennedy, Individually and as Representative of the Beneficiaries of the Estate of Jack Kennedy v. David A. Carcieri, M.D., Women & Infants Hospital, and Ocean State Women's Health, Inc., No P.C.

Medical negligence action filed against defendants arising out of the still born death of plaintiffs' child. Jury returned a verdict for the defendants.

Attorney for Plaintiff  
Phillip M. Weinstein  
99 Wayland Avenue, Suite 200  
Providence, Rhode Island  
401-521-3500

Attorney for Defendant  
David W. Carrol  
Roberts, Carrol, Feldstein, and Pierce  
10 Weybosset Street, 8<sup>th</sup> Floor  
Providence, Rhode Island 02903  
401-521-7000

10. Joel K. Gerstenblatt, Administrator of the Estate of Anthony A. Porter, and Joellyn M. Porter, as natural parent and next friend of Monica M. Porter, a minor Vs. Nordic Lodge, Inc., No. KC-01-563 (R.I. Super. 2001)

Dram shop wrongful death action. Jury returned a verdict for the Defendant.

Attorneys for Plaintiff  
Donna DiDonato  
Decof and Decof  
1 Smith Hill  
Providence, Rhode Island  
401-272-1110

Patrick Barry  
The Packett Building  
155 South Main Street, Suite 304  
Providence, Rhode Island 02903  
401-274-5556

Attorney for Defendant  
John J. Barton  
10 Dorrance Street, Suite 700  
Providence, Rhode Island 02903  
401-273-7171

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. Daponte v. Ocean State Job Lot, Inc., No. WC-02-0646 (R.I. Super. Mar. 3, 2009), available at <http://www.courts.ri.gov/superior/pdf/02-0646.pdf>.

Attorneys for Plaintiff  
Noelle Clapham  
24 Salt Pond Road, Unit A-8  
South Kingstown, Rhode Island 02879  
401-783-3600

Stephen Robinson  
155 South Main Street, 4<sup>th</sup> floor  
Providence, RI 02903  
401-331-6565

Attorney for Defendants  
Joseph Whelan and Meghan Siket  
Hinckley, Allen and Snyder, LLC  
50 Kennedy Plaza Suite 1500  
Providence, Rhode Island 02903  
401-274-0457

2. Quidnessett Country Club, Inc. v. Bd. of Assessment Rev. of the Town of N. Kingstown, No. WC-04-0296 (R.I. Super. Sept. 8, 2008), available at <http://www.courts.ri.gov/superior/pdf/04-0296.pdf>.

Attorneys for Plaintiff  
Brian Spero  
The Beacon Mutual Insurance Company  
One Beacon Center  
Warwick, Rhode Island 02886  
401-825-2725

James W. Ryan  
Partridge Snow and Hahn  
180 South Main Street  
Providence, Rhode Island 02903  
401-861-8200

Attorneys for Defendants  
A. Lauriston Parks



53 Narragansett Avenue  
Jamestown, Rhode Island 02835  
401-423-8900

James H. Reilly  
Kelly, Kelleher, Reilly and Simpson  
146 Westminster Street #500  
Providence, Rhode Island 02903

3. In re Estate of Downes, No. WP-07-0503 (R.I. Super. May 23, 2008), available at <http://www.courts.ri.gov/superior/pdf/07-0503.pdf>.

Attorney for Plaintiff  
Monica Horan  
393 Armistice Blvd.  
Pawtucket, Rhode Island 02861  
401-725-7368

Attorney for Defendants  
John J. Kupa Jr.  
20 Oakdale Road  
North Kingstown, RI 02852  
401-294-5566

4. Daly v. Bd. of Regents for Elementary and Secondary Educ., No. WC-06-0164 (R.I. Super. Jan. 15, 2008), available at <http://www.courts.ri.gov/superior/pdf/06-0164.pdf>, corrected Jan. 15, 2008, available at <http://www.courts.ri.gov/superior/pdf/06-0164c.pdf>.

Attorney for Plaintiff  
John DeCubellis, General Counsel  
National Education Association of Rhode Island  
99 Bald Hill Road  
Cranston, Rhode Island 02920  
401-463-9630

Attorneys for Defendant  
Stephen Robinson  
155 South Main Street, 4<sup>th</sup> floor  
Providence, RI 02903  
401-331-6565

David Reilly  
22 West Main Street  
Wickford, Rhode Island 02852  
401-294-9595

5. Washington Village Country Club v. Island Green Golf, LLC, No. KC-05-0553 (R.I. Super. Aug. 21, 2007), available at [http://www.courts.ri.gov/superior/pdf/05-0553%20Washington%20Village%20Country%20Club%20v.%20Island%20Green%20Golf%20\(MSJ\)21.pdf](http://www.courts.ri.gov/superior/pdf/05-0553%20Washington%20Village%20Country%20Club%20v.%20Island%20Green%20Golf%20(MSJ)21.pdf).

Attorney for Plaintiff  
Jeffrey Brenner  
Nixon, Peabody, LLP  
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Providence, Rhode Island 02903  
401-454-1000

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James Marusak  
Gidley, Sarley and Marusak  
1 Turks Head Plaza Suite 900  
Providence, Rhode Island 02903  
401-274-6644

Michael DeSisto  
211 Angel Street  
P.O. Box 2563  
Providence, Rhode Island 02906  
401-272-4442

6. UAG West Bay AM, LLC v. Cambio, No. KC-05-0061 (R.I. Super. Nov. 21, 2006), available at <http://www.courts.ri.gov/superior/pdf/05-0061.pdf>.

Attorneys for Plaintiff  
Robert Flanders  
Hinckley, Allen & Snyder  
50 Kennedy Plaza, Suite 1500  
Providence, Rhode Island 02903  
401-274-2000

Charles Blackman  
155 South Main Street, Suite 101  
Providence, Rhode Island 02903

Attorneys for Defendants  
Brian LaPlante  
LaPlante, Sowa & Goldman  
67 Cedar Street  
Providence, Rhode Island 02903  
401-273-9200

John Harwood  
McKinnon and Harwood  
1168 Newport Avenue  
Pawtucket, Rhode Island 02861  
401-723-9655

7. Coleman v. Windham Aviation, Inc., No. KC-04-0985 (R.I. Super. Aug. 18, 2005), available at <http://www.courts.ri.gov/superior/pdf/04-0985.pdf>, and No. KC-04-0985 (R.I. Super. Oct. 19, 2006), available at <http://www.courts.ri.gov/superior/pdf/04-0985-10-19-06.pdf>.

Attorneys for Plaintiff  
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61 Weybosset Street  
Providence, Rhode Island 02903  
401-831-2700

Stephen Delsesto  
Shechtman Halperin Savage LLP  
1080 Main Street  
Pawtucket, Rhode Island 02860  
401-272-1400

James Murphy-3<sup>rd</sup> party plaintiff,

Kelly M. Sweeney-3<sup>rd</sup> party plaintiff,  
Hanson Curran LLP  
146 Westminster Street  
Providence, Rhode Island 02903  
401-421-2154

Joseph Scully-3<sup>rd</sup> party defendant,  
Day Pitney LLP  
242 Trumbull Street  
Hartford, Connecticut 06103  
860-275-0135

Attorneys for Defendants  
Matthew Oliverio-defendant,  
55 Dorrance Street Suite 400  
Providence, Rhode Island 02903  
401-861-2900

8. Keane v. Mulligan, No. KC-02-0946 (R.I. Super. Jun. 23, 2005), available at <http://www.courts.ri.gov/superior/pdf/02-0946.pdf>.

Attorneys for Plaintiff  
Hon. William Carnes  
(now) Associate Justice  
Rhode Island Superior Court  
250 Benefit Street  
Providence, Rhode Island 02903  
401-222-3250

Joseph Montalbano  
959 Mineral Spring Avenue  
North Providence, Rhode Island  
401-725-8900

Attorneys for Defendants  
Carol Zangari  
Law Offices of Carol Zangari  
42 Weybosset Street #402  
Providence, Rhode Island 02903  
401-831-1999

Paul Anderson  
49 Weybosset Street  
Providence, Rhode Island 02903  
401-421-8923

9. Mai v. Nolan, Nos. PC-01-0166 and PC-03-5094 (consolidated), 2005 WL 372047 (R.I. Super. Jan 19, 2005), available at <http://www.courts.ri.gov/superior/pdf/01-0166.pdf>.

Attorney for Plaintiff  
David Carroll  
Roberts, Carrol, Feldstein, and Pierce  
10 Weybosset Street, 8<sup>th</sup> Floor  
Providence, Rhode Island 02903  
401-521-7000

Attorney for Defendant  
Bruce McIntyre  
Deputy Chief Legal Counsel  
Rhode Island Department of Health  
3 Capitol Hill  
Providence, Rhode Island 02908  
401-222-2137

10. Abad v. City of Providence, Nos. PC-01-2223 and PC-01-2224 (consolidated) (R.I. Super. Oct. 5, 2004), available at <http://www.courts.ri.gov/superior/pdf/01-2223.pdf>, aff'd sub nom. Arena v. City of Providence, 919 A.2d 379 (R.I. 2007).

Attorney for Plaintiffs  
Joseph Penza Jr.  
Olean and Penza  
530 Greenwich Avenue, Warwick, Rhode Island  
401-737-3700

Attorney for Defendants  
Jeffrey Kasle  
St. Peter and Kasle  
4 Richmond Square  
Providence, Rhode Island 02906  
401-453-4330

- e. Provide a list of all cases in which certiorari was requested or granted.

Neither the Rhode Island Supreme Court nor lower trial courts keep appellate records based upon the identity of the Trial Justice. Thus, having been a Rhode Island Trial Court Judge for over 20 years, I have produced the following list based upon the Westlaw data I have culled, my consultation with the Supreme Court Administrator and my own personal records.

Imperial Cas. and Indem. Co. v. Bellini, 746 A.2d 130, 2000 WL 195081, , R.I., February 16, 2000(No. 98-546-M.P.)

State v. Motyka, 893 A.2d 267, 2006 WL 694641, , R.I., March 21, 2006(No. 2002-403-C.A.)

Pastore v. Samson, 900 A.2d 1067, 2006 WL 1652248, , R.I., June 16, 2006(No. 2005-110-MP.)

State v. Badessa, 869 A.2d 61, 2005 WL 466052, , R.I., March 01, 2005(No. 2004-180-M.P.)

Haydon v. Stamas, 900 A. 2d. 1104, 2006 WL 1689208, , R.I., June 21, 2006(No. 2005-173-Appeal.)C.2004-0239.)

Mortgage Guar. & Title Co. v. Cunha, 745 A.2d 156, 2000 WL 157274, , R.I., February 11, 2000(No. 98-598-M.P.)

Bolton v. Quincy Mut. Fire Ins. Co., 730 A.2d 1079, 1999 WL 415400, , R.I., June 17, 1999(No. 98-399-M.P.)

Zarella v. Minnesota Mutual Life Ins. Co., Not Reported in A.2d, 1999 WL 226223, , R.I.Super., April 14, 1999(No. CIV A 96-2782.)

Daniels v. Andrukiewicz, Not Reported in A.2d, 2002 WL 31867872, , R.I.Super., December 13, 2002(No. PC02-2782.)

Coleman v. Windham Aviation Inc., 2006 WL 3004071, , RI. Super., October 19, 2006 (C.A. No. KC 2004-0985)

State of Rhode Island v. Briggs, 886 A.2d 735, 2005 WL 3287950, , R.I., December 06, 2005(No. 2003-404-C.A.)

American Telephone and Telegraph Company and Tatty Communications of New England, Inc. v. R. Gary Clark, Tax Administrator, No. 96-253 (R.I. 1996) (order denying certiorari).

Maria Hanson v. Board of Review, Department of Employment and Training, No. 96-33 (R.I. 1996) (order denying certiorari).

Stephanie A. Niedzwiadek v. Joseph N. Laliberte, No. 99-170-M.P. (R.I. Sept. 9, 1999) (order denying certiorari)

Joseph L. Rowey, et. al. v. Children's Friend and Service, et. al., No. 99-466-M.P. (R.I. Oct. 28, 1999) (order denying certiorari)

Cardi et al v. Medical Homes of Rhode Island et al., 741 A.2d 278 (R.I. 1999)

Timothy Raiche v. Timothy Scott, No. WC-05-0336, *cert. denied*, No. 08-283-M.P. (R.I. July 16, 2009).

Robert Palmisciano v. Caroline Peck, No. WC-05-0683, *cert. denied*, No. 08-308-M.P. (R.I. May 21, 2009).

Jack Deraismes v. Bruce Ferguson, No. WC-07-0040, *cert. denied*, No. 09-44-M.P. (R.I. Mar. 12, 2009).

Bradley v. Moran, Nos. WC-06-0036 and WC-06-0366 (consolidated) (R.I. Super. Aug. 5, 2009), *cert. granted*, No. 09-235-M.P. (R.I. Sept. 16, 2009).

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Decisions which were affirmed in part and reversed in part:

Pastore v. Samson, 900 A.2d 1067, 2006 WL 1652248, , R.I., June 16, 2006(No. 2005-110-MP.)

Background: Medical malpractice action was brought against hospital and physicians by administratrix of patient's estate. I granted administratrix's motion to compel discovery related to credentialing of defendant physicians.

Holdings: On certiorari review, The Supreme Court, Frank J. Williams, C.J., held that: (1) statutes providing for medical peer-review privilege were subject to strict construction; (2) medical peer-review privilege did not extend to transcript of hearing before hospital committee investigating complaint against physician; (3) report of physicians conducting meeting pertaining to whether defendant physician failed to respond to patient who needed emergency room treatment came within scope of peer-review privilege, although list of physicians who conducted meeting did not; (4) peer-review privilege with respect to information originating with peer-review board did not preclude disclosure of other health care information obtained from original sources; (5) action for corporate negligence against hospital based on claim that hospital negligently credentialed patient's physician did not necessarily abrogate peer-review privilege; (6) trial court was required to determine and redact from documents subject to disclosure order medical information of other individuals; and (7) statute providing that records of board of medical licensure and discipline relating to complaints against a licensed medical practitioner are confidential did not necessarily create statutory privilege against disclosure of such information.

Affirmed in part; reversed in part; remanded.

Imperial Cas. and Indem. Co. v. Bellini, 746 A.2d 130, 2000 WL 195081, , R.I., February 16, 2000(No. 98-546-M.P.)

Liability insurer for judgment debtor's shareholder sought declaratory judgment that the debtor was not an insured. The judgment creditor brought an action against the insurer for reformation of the policy, estoppel or waiver, and bad faith. Cases were consolidated. I denied insurer's motions to dismiss, sever the bad-faith claim, and limit discovery. Insurer petitioned for writ of certiorari. The Supreme Court, Lederberg, J., held that: (1) the insurer was not entitled to dismissal in light of factual issues raised by the pleadings; (2) trial court should have severed bad-faith claim from other claims; and (3) the creditor was entitled to discovery of only some information in the claim file.

Petition granted in part and denied in part.

Providence Journal Co. v. Convention Center Authority, 774 A.2d 40, 2001 WL 699858, 29 Media L. Rep. 2217, , R.I., June 21, 2001(No. 99-320-Appeal.)

Newspaper brought action against Convention Center Authority to obtain disclosure of documents concerning golf tournament and convention center banquet. I entered summary judgment in favor of the Authority. Newspaper appealed. The Supreme Court, Goldberg, J., held that: (1) documents reflecting negotiations that led to the booking of the tournament and banquet were exempt

from disclosure as confidential commercial or financial information, and (2) the final agreements were subject to disclosure with redaction of confidential or privileged financial information. Affirmed in part and reversed in part, and papers remanded.

Arena v. City of Providence, 919 A.2d 379, 2007 WL 1087343, 181 L.R.R.M. (BNA) 3307, R.I., April 12, 2007(No. 2005-207-A.)

Background: Retired members of city's fire department and police department brought action against city and members of city council, challenging city's application of cost-of-living-adjustment (COLA) in city ordinances to police and fire department employees who retired before effective dates of the ordinances, and seeking declaratory judgments, injunctions, and damages. I entered a bifurcated judgment in favor of plaintiffs. Defendants appealed.

Holdings: The Supreme Court, Williams, J., held that:

(1) Superior Court, not interest arbitration panel, had exclusive subject-matter jurisdiction; (2) terms of most recent, expired collective bargaining agreement (CBA) was not basis for determining proper COLA; (3) ordinance in effect at time of retirement governed COLA benefits; (4) plaintiffs had vested interest in lifetime five percent compounded COLA under the ordinance, and (5) Court would apply laches to apply five percent COLA prospectively only.

Affirmed in part; reversed and remanded in part.

Moseley v. Fitzgerald, 773 A.2d 254, 2001 WL 699821, , R.I., June 19, 2001(No. 99-544-Appeal.)

Parents of child injured in bicycle collision with guy wire supporting utility pole brought negligence action against city and telecommunications company. I granted summary judgment for city and company. Parents appealed. The Supreme Court held that: (1) company had duty to correct and warn of dangerous condition, and (2) parents' failure to give required notice to city precluded action against city.

Affirmed in part, vacated in part, and remanded.

Metro Properties, Inc. v. Yatsko, 763 A.2d 617, 2000 WL 1855105, , R.I., December 18, 2000(Nos. 99-353-Appeal.)

Broker for prospective purchaser brought action against vendor's broker to recover commission on theories of breach of contract, unjust enrichment, constructive trust, and fraud after tenant exercised a right of first refusal. Vendor's broker counterclaimed for attorney fees. I entered summary judgment in favor of vendor's broker and awarded attorney fees. Purchaser's broker appealed. The Supreme Court held that: (1) the agreement to share the commission needed to be in writing; (2) even if the agreement did not need to be in writing, the purchaser's broker was not the procuring cause and failed to establish reliance necessary for recovery on the theories of unjust enrichment, constructive trust, and fraud; and (3) the vendor's broker was not entitled to attorney fees.

Affirmed in part and reversed in part.



Levin v. Kilborn, 756 A.2d 169, 2000 WL 800720, , R.I., June 19, 2000(No. 99-1-Appeal.)

Investor brought action against advisor and his employers to recover for securities fraud, breach of fiduciary duty, negligence, and misrepresentation. I dismissed the suit as barred by the statute of limitations. Investor appealed. The Supreme Court, Weisberger, C.J., held that: (1) the one-year statute of limitations on the investor's statutory claims began to run when the investor learned that the investment was worthless, and (2) the statutes of limitations in the Uniform Securities Act (USA) and the Securities Act of 1933 did not apply to the common-law claims.

Affirmed in part, reversed in part, and remanded.

Levin v. Kilborn, 756 A.2d 169, 2000 WL 800720, , R.I., June 19, 2000(No. 99-1-Appeal.)

Investor brought action against advisor and his employers to recover for securities fraud, breach of fiduciary duty, negligence, and misrepresentation. I dismissed the suit as barred by the statute of limitations. Investor appealed. The Supreme Court held that ; 91) the one year statute of limitations on the investor's statutory claims began to run when the investor learned that the investment was worthless, and (2) the statutes of limitations in the Uniform Securities Act (USA) and the Securities Act of 1933 did not apply to the common-law claims.

Affirmed in part, reversed in part, and remanded.

#### Cases reversed and remanded

State v. Badessa, 869 A.2d 61, 2005 WL 466052, , R.I., March 01, 2005(No. 2004-180-M.P.)

Background: Petitioners sought to expunge record of certain prior criminal offenses. I granted petitions over State's objection, and State appealed.

Holding: The Supreme Court held that petitioners who were convicted on subsequent offenses were not "first offenders" entitled to have conviction on prior offense expunged.

Order granting petitions for expungement quashed; remanded.

Mortgage Guar. & Title Co. v. Cunha, 745 A.2d 156, 2000 WL 157274, , R.I., February 11, 2000(No. 98-598-M.P.)

Title insurer brought action against lawyer to recover for negligence and breach of contract in applying for policy. The insurer sought to recover attorney fees paid to settle coverage claim. I ordered insurer to produce correspondence with its attorney for the coverage suit. Insurer's petition for certiorari was granted. The Supreme Court held as a matter of first impression that insurer did not implicitly waive the attorney-client privilege by bringing the claim to recover attorney fees.

Order quashed.

Bolton v. Quincy Mut. Fire Ins. Co., 730 A.2d 1079, 1999 WL 415400, , R.I., June 17, 1999(No. 98-399-M.P.)

Insured brought action against automobile insurer to recover underinsured motorist (UIM) benefits and damages for bad faith refusal to permit settlement of tort case for liability insurance limits. I severed the counts. Insured's petition for certiorari was granted. The Supreme Court held that: (1) insurer has a duty to consider seriously a reasonable offer to settle within the liability policy limits; (2) insurer's mere act of uncovering information that a tort-feasor owns real estate is not sufficient grounds for refusing permission to settle the tort case; and (3) insured was entitled to discovery concerning the carrier's investigation into the tort-feasor's assets and the results of that asset check. Quashed and remanded.

Medeiros v. Cornwall, 911 A.2d 251, 2006 WL 3542987, , R.I., December 11, 2006(No. 2006-32-Appeal.)

Background: Brother sued sibling seeking equal distribution of proceeds of sale in which they both had an interest. Sibling moved for judgment of dismissal and brother moved to amend his complaint. I entered summary judgment for sibling and denied brother's motion to amend his complaint. Brother appealed. The Supreme Court, Flaherty, J., held that trial court abused its discretion in dismissing complaint before ruling on motion to amend. Reversed and remanded.

Johnston v. Poulin, 844 A.2d 707, 2004 WL 602695, , March 29, 2004 (No. 2002-0318-Appeal.)

Background: Plaintiff brought personal injury action against horse owner, alleging horse kicked plaintiff after horse had escaped from owner's property. I granted summary judgment for defendant. Plaintiff appealed.

Holdings: The Supreme Court, Paul A. Suttell, J., held that: (1) as a matter of first impression, an animal is "at large," within meaning of statute making the owner of a horse, bull, boar, ram, or goat strictly liable for damages done by the animal while at large, when it is free, unrestrained, at liberty to follow its own instincts, and not under effective control, and (2) genuine issue of material fact as to whether defendant's horse had been in state of excitability precluded summary judgment. Reversed and remanded.

Martellini v. Little Angels Day Care, Inc., 847 A.2d 838, 2004 WL 527121, , R.I., March 18, 2004(No. 2002-597-Appeal.)

Background: Neighbors brought suit against operators of family day care home, seeking enforcement of restrictive covenant which limited use of properties in subdivision for "single family private residence purposes." I granted summary judgment in favor of operators of family day care home, and neighbors appealed.

Holding: The Supreme Court, Flaherty, J., held that restrictive covenant precluded the operation of family day care home. Reversed, vacated, and remanded with instructions.

Couture v. Pawtucket Credit Union, 765 A.2d 831, 2001 WL 68336, , R.I., January 29, 2001(No. 99-400-Appeal.)

Joint account holders, who added their son's name to joint accounts, brought action to recover funds from accounts that credit union set off against son's unpaid mortgage loan deficiency. I granted summary judgment for account holders, and credit union appealed. The Supreme Court, Flanders, J., held that: (1) credit union had contractual right to setoff; (2) credit union was entitled to hold funds during bankruptcy proceedings and to set off funds against loan deficiency; and (3) credit union's claim for setoff survived son's bankruptcy discharge despite its failure to file proof of claim. Vacated and remanded.

Kiley v. Patterson, 763 A.2d 583, 2000 WL 1911489, , R.I., November 02, 2000(No. 98-46-Appeal.)

Second baseman brought action seeking to recover damages for the injuries she suffered as a result of collision with base runner during recreational softball game. I entered summary judgment for runner, and second baseman appealed. The Supreme Court, Flanders, J. held that: (1) as issue of first impression, duty of care owed by participants in team athletic events to each other is measured not by ordinary negligence standards, but by willfulness or recklessness standards; and (2) material issues of fact as to whether base runner was merely negligent or whether he acted deliberately or in reckless disregard of injuring second baseman precluded summary judgment for runner. Vacated and remanded.

Hargreaves v. Jack, 750 A.2d 430, 2000 WL 582808, , R.I., May 12, 2000(No. 98-563-Appeal.)

Firefighter's widow, individually and in her capacity as administratrix of firefighter's estate, brought wrongful death action against city and superior officers. The widow filed a second complaint against individual police officers at the scene, alleging that they were negligent in their provision of fireground support and security, that this was proximate cause of firefighter's injuries, and that injured-on-duty (IOD) statute violated federal and state constitutional provisions. Police officers removed case to federal court. A federal district court granted officers' motion to dismiss the federal claims, declined to exercise pendent jurisdiction over claims arising under the State Constitution, and remanded state law claims. Both complaints were consolidated, and defendants moved for summary judgment on the wrongful death action and to dismiss the second complaint. I granted both motions, and widow appealed. The Supreme Court, Weisberger, C.J., held that IOD statute, with respect to claim of surviving spouse, is not exclusive remedy, and thus, surviving spouse is not limited to the statutory benefits contained therein, but, rather, may seek additional remedies made available by wrongful death statute. Vacated and remanded.

General Motors Acceptance Corp. v. Johnson, 746 A.2d 122, 2000 WL 195073, 43 UCC Rep.Serv.2d 1034, , R.I., February 16, 2000(No. 98-413-Appeal.)

Secured party brought action against debtor to recover deficiency judgment after repossessing and selling damaged car. I entered summary judgment in favor of secured party. Debtor appealed. The Supreme Court held that summary judgment was precluded by factual issues as to whether secured party sold damaged car in commercially reasonable manner and properly discontinued property insurance. Reversed and remanded.

Allstate Ins. Co. v. Lombardi, 773 A.2d 864, 2001 WL 674143, , R.I., June 12, 2001(No. 98-476-Appeal.)

Judgment creditor, who obtained judgment against insurer, appealed from my order granting summary judgment in favor of judgment-debtor insurer that sought relief from previous judgment. On consolidated appeal, the Supreme Court, Flanders, J., held that: (1) insurer could not obtain relief from judgment merely because Superior Court may have committed legal error; (2) insurer had proper notice of proceeding to confirm arbitration award; (3) insurer's failure to attend hearing on arbitration award was not due to excusable neglect; and (4) creditor's negotiation of check for policy limits did not entitle insurer to relief from judgment. Judgment vacated and remanded.

Lindia v. Nobles, 760 A.2d 1244, 2000 WL 1641159, , R.I., November 01, 2000(No. 99-268-Appeal.)

Plaintiff motorist filed action against defendant motorist and car rental company for injuries arising from automobile accident. I dismissed case with prejudice with respect to car rental company for failure to timely effect service of process. Plaintiff appealed. The Supreme Court held that dismissal for failure to timely effect service of process was without prejudice. Vacated and remanded.

Mitchell v. Mitchell, 756 A.2d 179, 2000 WL 868074, , R.I., June 28, 2000(No. 98-479-Appeal.)

Depositor on certificates of deposit (CDs) and her fellow trustee brought action against co-trustee, the depositor's child, to recover reimbursement and payment on a promissory note after lender foreclosed on the CDs. I entered partial summary judgment in favor of plaintiffs. Child appealed. The Supreme Court, Flanders, J., held that: (1) a rebuttable presumption of intent to make a gift of a joint interest in the CDs was created, and (2) factual questions precluded summary judgment. Vacated and remanded.

Lord v. Major, 729 A.2d 697, 1999 WL 326382, , R.I., May 14, 1999(No. 98-47-Appeal.)

Widow of driver who was killed when he drove into rear of tractor trailer brought wrongful death action against truck driver and trailer owner. I granted summary judgment for defendants. Widow appealed. The Supreme Court held that truck driver might have been at least partially negligent in pulling fully-loaded trailer at 15 miles per hour in passing lane of highway. Vacated and remanded.

Haydon v. Stamas, 900 A. 2d. 1104, 2006 WL 1689208, , R.I., June 21, 2006(No. 2005-173-Appeal.)C.2004-0239.)

Background: Vendor brought action seeking an injunction ordering removal of lis pendens that purchaser, who had signed an agreement to convey land, filed on the land. Purchaser counterclaimed for specific performance and breach of contract. After the parties agreed that action could be decided based on parties' depositions and stipulated facts, I entered judgment for vendor. Purchaser appealed. The Supreme Court, Suttell, J., held that: (1) agreement between vendor and purchaser was an option contract, not a contract for the sale of land, and thus time was of the essence; (2) option contract satisfied the statute of frauds; (3) an expiration provision in an option contract was not impervious to oral modification; and (4) vendor orally waived closing date in option contract. Vacated and remanded.

Hendrick v. Hendrick, 755 A.2d 784, 2000 WL 959927, , R.I., July 10, 2000(Nos. 97-627-Appeal, 98-436-Appeal.)

In a majority shareholder's action for declaratory judgment on the meaning of a reciprocal stock purchase agreement among minority shareholders, a minority shareholder filed counterclaims and cross-claims alleging oppression, seeking a liquidation or a stock buyout, and stating a derivative action. I entered summary judgment against shareholder and dismissed her derivative action. Shareholder appealed. The Supreme Court, Bourcier, J., held that: (1) factual issues precluded summary judgment on shareholder's claims of oppression warranting liquidation or stock buyout; (2) dismissal of the derivative action was proper; but (3) the dismissal should have been without prejudice. Vacated and remanded.

Cardi et al v. Medical Homes of Rhode Island et al., 741 A.2d 278, 1999 WL 1069858, , R.I., October 20, 1999(No. 98-502-M.P.)

Background: The case involves a family dispute over the ownership of stocks. During the discovery phase I granted the defendants' request to take 67 out-of-state depositions. The Plaintiff's filed a petition for certiorari.

Holdings: The Supreme Court held that the discovery order was overly broad in light of the subject matter of the litigation and thus the trial justice abused her discretion in granting same. Vacated and remanded.

Nationwide v. Steele, 747 A.2d 1013, 2000 WL 345744, , R.I., March 17, 2000(No. 98-372-A.)

Background: The defendant, the victim of a violent car-jacking, made a claim with her automobile insurer for injuries sustained during the attack. The insurer filed a declaratory judgment action seeking a declaration that the policy did not apply to injuries inflicted by a pedestrian who had no connection to the operation of an uninsured vehicle. I granted the defendant's motion for summary judgment and the insurer appealed.

Holding: The Supreme Court held that the Defendant's occurrence was not covered by her policy. Vacated and remanded.

General Financial Services v. Abilheira, et al., 762 A.2d 799, 1999 WL 33210896, R.I., November 17, 1999(No. 98-277-Appeal.)

Background: The plaintiff obtained a default judgment against the defendants for noncompliance with discovery orders. Before plaintiff submitted an order embodying the court's ruling, defendants moved to vacate the default and also moved for summary judgment. I granted the defendants' motion to vacate and motion for summary judgment and the plaintiff appealed.

The Supreme Court held:

- (1) Because defendants' motion to vacate was not timely filed nor properly supported by affidavit describing excusable neglect vacating the default judgment was error;
- (2) Because the default judgment was not properly vacated, granting the defendants' motion for summary judgment was improper.
- (3) Case remanded for defendants to file proper affidavit that would allow trial court to consider defendants' motion. Vacated and remanded.

Almado v. Santos et al., 755 A.2d 836, 2000 WL 978681, , R.I., May 11, 2000(No. 98-507-Appeal.)

Background: Plaintiff sustained injuries in a fall down a stairwell. I granted the defendants' motion for summary judgment and the plaintiff appealed.

Holding: The Supreme Court held that the trial justice erred in granting the defendant's motion by passing on the weight and credibility of witnesses. Vacated and remanded.

Smith v. Rhode Island's Only 24 Hour Truck and Auto Plaza, 749 A.2d 590, 2000 WL 345755, , R.I., March 20, 2000(No. 98-506-Appeal.)

Background: Plaintiff filed a breach of contract and declaratory judgment action seeking to recover accrued distributions arising out of a receivership petition. I granted the defendants' motion for summary judgment and the plaintiff appealed.

Holding: The Supreme Court held that because the receivership justice never made a determination regarding any aspect of the accrued distributions that dismissal without prejudice was a more appropriate remedy than summary judgment. Vacated, modified and remanded.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

The Superior Court is a court of record and does not issue unpublished opinions.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

District Court Only:

American Telephone & Telegraph Co. v. Clark, No. A.A. 94-15 (R.I. Dist. Apr. 22 1996); cert. denied, No. 96-253-M.P. (R.I. Apr. 4, 1997).

Superior Court Only:

Louis A. Regnier Associates, Inc. v. R.I. Commission for Human Rights, No. PC-00-3951 (R.I. Super.).

Ide v. Charlestown Planning Commission, No. WC-01-0226 (R.I. Super. Feb. 14, 2003).

Woodland Manor, III Associates, L.P. v. Reisma, No. PC-89-2447, 2003 WL 1224248 (R.I. Super. Feb. 24, 2003), clarified by No. PC-89-2447, 2003 WL 21297130 (R.I. Super. May 23, 2003).

Manglass v. Rhode Island Dep't of Human Services, No. PC-03-0125 (R.I. Super. Oct. 6, 2003).

Coleman v. Windham Aviation, Inc., No. KC-04-0985 (R.I. Super. Jul. 18, 2005) and No. KC-04-0985 (R.I. Super. Oct. 13, 2006).

Sjogren v. City of Warwick Bd. of Pub. Safety, No. KC-03-0027 (R.I. Super. Dec. 6, 2006).

Daly v. R.I. Board of Regents for Elementary and Secondary Educ., No. WC-06-0164 (R.I. Super. Jan. 15, 2008).

South County Sand & Gravel v. Town of South Kingstown, No. WC-96-0444 (R.I. Super. Aug. 14, 2008).

Superior Court and Supreme Court:

State v. Briggs, No. N1-97-0276A (R.I. Super. Jan. 16, 2003), aff'd 886 A.2d 735 (R.I. 2005).

State v. Motyka, No. N1-99-0341A (R.I. Super. Jan. 23, 2001), aff'd 893 A.2d 267 (R.I. 2006).

Abad v. City of Providence, Nos. PC-01-2223 and PC-01-2224 (consolidated) (R.I. Super. Oct. 5, 2004) and Nos. PC-01-2223 and PC-01-2224 (consolidated) (R.I. Super. May 5, 2005), aff'd in part, rev'd in part sub nom. Arena v. City of Providence, 919 A.2d 379 (R.I. 2007).

N & M Properties, LLC v. Town of West Warwick, No. KC-06-0894 (R.I. Super. Apr. 19, 2007), aff'd 964 A.2d 1141 (R.I. 2009).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None; I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In 2007 I sua sponte recused myself from a case involving the Narragansett Indians because of my past association with the tribal government and my personal professional involvement with the particular legal issue which was before the court. I have recused myself from other cases wherein I previously represented one of the litigants.

More recently in 2008 an attorney representing the Defendant in civil damages action, Elizabeth Conklin, MD vs. Harold Arcaro, III, No. WC-2005-729, filed a motion requesting that I recuse myself from hearing the trial because of alleged comments by me in the context of pretrial discussions which she felt demonstrated bias towards her client. The other side objected to the motion and the request and objection were argued on the record. Although I strongly disagreed with her assertions in every respect, particularly her assertion that I harbored bias towards her client whom I had never seen nor met, I granted her motion to avoid any appearance of impropriety and passed the case to a colleague to try. Recently, the Defendant retained new counsel and at the request of the Defendant and his new attorney, I resumed hearing the post trial proceeding after full review, on the record, of the case status and with the consent of all parties.



In August, 2009 I was presiding over an evidentiary proceeding, Joan Moran Kelly vs. Michael Bradley, WC 06-366 wherein the Defendant alleged the Plaintiff had committed a fraud upon the court. At the beginning of the testimonial proceeding and without written notice to the Defendant, the Plaintiff's attorney asked that I recuse myself. He alleged that in an earlier proceeding in the matter occurring two years prior, I had expressed an opinion on the record which suggested I had a predetermined view of the fraud allegation. The Defendant objected. I denied the Plaintiff's motion.

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None

**16. Legal Career: Answer each part separately.**

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

In 1980 I opened my own legal practice as follows: O. Rogeriee Thompson, Attorney and Counselor at Law, 94 Gallatin Street, Providence, Rhode Island 02906. In 1984 my sister, M. LaVonne Thompson, graduated from law school and we became the law firm of Thompson and Thompson, 94 Gallatin Street, Providence, Rhode Island, 02905.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1984 – 1988

Thompson and Thompson  
Attorneys at Law  
94 Gallatin Street  
Providence, Rhode Island 02906  
Senior Partner

1980 – 1984

O. Rogeriee Thompson, Solo Practitioner  
94 Gallatin Street  
Providence, Rhode Island 02906

1980 – 1982

Assistant City Solicitor  
City of Providence  
25 Dorrance Street  
Providence, Rhode Island 02903

1979 – 1980

McKinnon and Fortunato  
1168 Newport Avenue  
Pawtucket, Rhode Island 02861  
Associate

1976 – 1979

Rhode Island Legal Services, Inc.  
56 Pine Street, 4<sup>th</sup> floor,  
Providence, Rhode Island 02903  
Senior Staff Attorney and Family Law Manager

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in an alternative dispute resolution proceeding.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Following my graduation from law school in 1976, I was awarded a Reginald Haber Smith Community Lawyer Fellowship and began work with Rhode Island Legal Services, Inc. At Legal Services, I represented indigent clients in a variety of civil law areas. Eventually, I became the managing attorney of the Family Law Unit. In that capacity, I supervised and trained all lawyers and staff personnel in that unit. I designed and implemented systems to effectuate the qualitative handling of large client caseloads. I was chief litigation counsel for all major domestic and juvenile trials. I acquired experience researching and writing legal briefs and drafting legislation. Finally, part of my job responsibility was to conduct legal training seminars for social agencies and community organizations, primarily in the areas of consumer law, housing and family law.

In 1979 I joined the small law firm of McKinnon and Fortunato, (now known as McKinnon and Harwood). The firm operated a general practice of law handling criminal and civil cases.

As a solo practitioner, I had a general practice primarily handling civil litigation. In approximately 1983 I became tribal counsel for the Narragansett Indian Tribe and a good portion of my practice shifted to Native American Law. In 1984, I formed Thompson and Thompson.

Between 1980 and 1982 I was a part time Assistant City Solicitor for the city of Providence, RI. In that capacity I was responsible for defending the city in civil actions involving claims above \$5,000.00. I also prosecuted District Court misdemeanor crimes. I served as legal advisor to the Providence Human Relations Commission, the city agency responsible for investigating civil rights and discrimination complaints.

Between 1980 and 1991 I did consulting work for the National Legal Services Corporation as a trainer in Basic Lawyering Skills and Advanced Trial Advocacy. I also did program evaluation consultation. During that same time, I also became a volunteer consulting attorney for the National Institute of Trial Advocacy and taught trial skills.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Legal Services, I represented indigent clients in civil law areas including but not limited to consumer, housing, family, probate, tort, bankruptcy, social security, benefits and other administrative law areas. Pursuant to a special United Way grant, I represented parents in child abuse and neglect proceedings. I also represented several non-profit community groups.

At McKinnon, I represented clients in the areas of labor, tort, juvenile, civil rights, family, personal injury and criminal law.

In my solo practice I represented clients in the areas of personal injury, family, juvenile, child abuse and neglect, guardianships, trust and estates, administrative proceedings, small corporations. In approximately 1983 I became tribal counsel for the Narragansett Indian Tribe and a good portion of my practice shifted to Native American Law. In my own firm, Thompson and Thompson, the practice areas continued as described above but we also began to handle real estate and collection work.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

A significant portion of my practice was in litigation. I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 1%  |
| 2. state courts of record:  | 98% |
| 3. other courts:            |     |
| 4. administrative agencies: | 1%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 90% |
| 2. criminal proceedings: | 10% |
| 3.                       |     |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Between 1976 and 1988, I tried cases to verdict, judgment or final decision in Superior, District, Family and Worker's Compensation Court. I also handled Federal Social Security SSI and SSA claims, Rhode Island Department of Motor Vehicle Appeals and Unemployment and TDI appeals. A conservative guess for totals would be 250. I acted as sole counsel in 98% of the cases.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 1%  |
| 2. non-jury: | 99% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any

oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
  - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I have not practiced law for 21 years and have not retained the records which would permit me to fully answer with the specific information requested. However, I am providing a summary, as best I can recall, of cases which I deemed significant.

(1) In 1979 I conducted my first jury trial. I represented a bicyclist who was struck by an automobile. Comparative negligence and damages were the controversy. It is memorable because not only did the jury attribute 100% negligence to the defendant but, following the courts instruction that the jury was not bound by counsels' suggested damage figures, the jury returned a verdict for damages greater than I had requested. Although I do not recall the case name, opposing counsel was David P. Whitman, Hanson and Curran, 146 Westminster Street, Providence, RI, 401-421-2154.

(2) In approximately 1979 I sought, on behalf of a surviving daughter, a restraining order against a Mausoleum Funeral director who refused to honor a funeral contract for internment between the Funeral Company and decedent citing an increase in burial costs since the making of the contract. Prevailing on the merits, the funeral proceeded in a timely fashion without the additional payment of costs. The Superior Court Clerk advises me that the file has been destroyed.

(3) In approximately 1983 I represented two mentally challenged parents in a termination of parental rights case. Because of their cognitive disabilities the state sought to end their parental rights to their 2 sons. I argued that since the right to raise one's family was a fundamental constitutional right the state had a duty to provide extra social services to the family if doing so would keep the family in tact. The family court rejected the argument and granted the states petition. On appeal the Rhode Island Supreme Court sided with the

state's position. In Re: Michael and Joseph. Opposing Counsel, Nicholas Colangelo, 838 Reservoir Avenue, Cranston, RI, 401-942-7663

(4) In approximately 1984, I co-represented with my husband a plaintiff in Federal Court in a claim involving 42 USC 1983 charging the city of Providence with excessive police force. Midway the trial the case settled for the highest settlement figure then paid by the city. Brenton Smith vs. City of Providence and John Francis, Alias, et al. CA 80-416. Attorney for the defendant was Joseph F. Penza, Jr., Olenn and Penza, 530 Greenwich Avenue, Warwick, RI, 401-737-3700

(5) In approximately 1985 I represented a father in a contested child custody proceeding. I had to overcome the lingering "child of tender years" presumption which continued to result in custody decisions favoring mothers of young children. After arguing updated principles of the "best interests of the child" doctrine my client was awarded custody of his two minor children.

(6) In approximately 1985 I moved to intervene on behalf of the Narragansett Indians in a Family Court adoption petition, citing the Tribe's rights to participate and seek relief under the Federal Indian Child Welfare Act. It was the first time this federal law and the rights of federally recognized tribes were brought to the attention of the Rhode Island Family Court and considered.

(7) In another piece of Indian litigation in the same time frame, I represented members of the Narragansett tribal counsel who were being challenged in Superior Court by other tribal members for control of the counsel. Alleging sovereign immunity and the right of tribal self governance, I argued that the Court lacked jurisdiction to hear the dispute. It was the first such assertion in a Rhode Island Court. The court rejected the jurisdictional argument but ruled in favor of my clients on other grounds. In this matter and the above, the current address of the Tribe is: 4375 B South County Trail, Charlestown, Rhode Island. Two persons with whom I previously dealt are Medicine Man Lloyd Wilcox, 401-364-1265 and current Medicine Man In Training and former Tribal Council Person John Brown, 401-491-9459.

(8) In approximately 1985 I represented a poor, mentally challenged mother in a termination of parental rights case. The mother had custody of her son off and on for 13 years caring for him as best she could given her abilities. When the state filed its petition the child was 14 years old and wanted ongoing contact with his mother which would not have been possible if the petition was granted. I convinced the court that since the child was 14 and could only be adopted if he gave written consent, a termination was futile since the child refused to consent if such would bar his contact with his mother. The petition to terminate was denied. In Re: Christopher L., FC #... Opposing Counsel was (The Honorable) Laureen D'Ambra, Rhode Island Family Court, 1 Dorrance Plaza, Providence, Rhode Island 02903, 401-458-5310

(9) In approximately 1986 I represented a couple accused of child abuse. I was able to prove at trial through expert testimony that the discoloration on the child's rear end which

the state alleged to be the product of assault was actually a marking commonly found on African American children.

(10) In approximately 1986 I represented the mother of an adult child in a probate proceeding of her former husband's estate. During the child's minority years, the father had seldom paid the weekly child support figure as ordered by the Family Court. The executor of the estate rejected the mother's claim for support owed. Arguing that the ordered amount became a judgment against the father each week it went unpaid, the RI Supreme Court eventually ordered payment of the arrearage debt from the decedent's estate.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

My most challenging and stimulating legal work as a practicing attorney was with the Narragansett Indian Tribe. As Tribal Counsel I handled every legal issue which arose, from land claim issues to negotiations with the Bureau of Indian Affairs.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have participated in CLE presentations teaching Trial advocacy Skills and Basic Lawyering Skills for National Legal Services, Inc., Rhode Island Legal Services, Inc., and National Institute of Trial Advocacy, however I have discarded those calendars and can no longer produce the specifics. These trainings took place in Albuquerque, New Mexico, Portland Oregon, Seattle Washington, Cleveland Ohio, Des Moines Iowa, and Philadelphia, Pennsylvania and Providence, Rhode Island.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I currently serve on several non-profit Boards and Foundations. If this service does not constitute a conflict of interest, I would like to continue my work with these groups until my terms expire.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when I first assume the position to which I have been nominated would include family members and close personal friends. Other than that, I can think of no other potential conflicts.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In all cases, I will follow the Code of Conduct for United States Judges and applicable statutes, policies and procedures.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.



Since my admission to the bar in 1976, I have served on numerous non-profit and governmental board and committees. Additionally I regularly mentor law and undergraduate students and supervise internships for them throughout the year.

I often preside over mock trial or moot court programs sponsored by Roger Williams Law School Trial Advocacy Program, Bryant University, URI, the Rhode Island Legal and Education Partnership Program, the Community Association Collaborative, the John Hope Settlement House AIDS peer education program, or Brown University Summer Program.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

Our state has no judicial nominating commission for Federal Court vacancies.

I was aware through newspaper accounts of the vacancies in the United States Court of Appeals for the First Circuit and in the United States District Court for the District of Rhode Island. Having an interest in both courts, I sent a letter of interest and resume to Rhode Island Senator Jack Reed with copies to Rhode Island Senator Sheldon Whitehouse in early January, 2009. I asked colleagues who know and work with me to write letters to the Senators Reed and Whitehouse in support of my application. Senator Reed's staff contacted me in late January to set up an interview with the Senator. That interview took place on February 2, 2009. I answered his questions as best I could. At the end of the interview, he indicated that I should also seek an interview with Senator Whitehouse as he would be part of the deliberations. He also told me I would be asked to complete a questionnaire. I met with Senator Whitehouse on March 1, 2009. The next day I received the questionnaire and returned it on March 10, 2009. I was contacted by the White House Counsel's Office on March 20, 2009 and asked if I still had an interest in the First Circuit Court of Appeals. I was then contacted by staff at the Department of Justice who further explained the process and asked that I complete pre-nomination paperwork. I have had subsequent conversations with Department of Justice staff regarding that paperwork and the nominations process. I interviewed with staff from the Department of Justice and White House Counsel's office on May 11, 2009. I also met with Counsel to the President Gregory Craig and members of his staff on June 12, 2009. My nomination was submitted by the President to the Senate on October 6, 2009.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Ojetta Rogerice Thompson, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

10-29-09  
(DATE)

Ojetta Rogerice Thompson  
(NAME)

Susan N. DeLeo  
(NOTARY)

My Commission expires  
on 6-16-13