

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 2009-26

**RE: GENERAL PROVISIONS CONCERNING DISCOVERY AND  
DISCLOSURE IN MEDICAL MALPRACTICE CASES IN ALL COUNTIES**

1. Discovery Conference: No later than the first anniversary of the commencement of a medical malpractice action, counsel for the parties shall file a joint motion for a discovery conference with the Motion Calendar Judge. The following information is to be contained in the motion:
  - (a) A statement as to the status of written discovery and fact/witness depositions;
  - (b) A proposed plan and schedule for expert disclosure, including a time frame for expert depositions;
  - (c) Any proposed limitations to be placed on discovery;
  - (d) Any other proposed discovery and/or expert disclosure issues the parties wish to address.
  
2. Disclosure Order: In Providence County, medical malpractice discovery conferences shall be set down for hearing on any Thursday at 2:00 p.m. on the Motion Calendar; in the other counties, such conferences shall be set down for hearing at 2:00 p.m. on that county's designated motion day. After such conference has been conducted, the Court shall issue an order establishing the following:
  - (a) Schedule for fact discovery and expert disclosure;
  - (b) Deadline for completion of expert depositions.
  
3. Disclosure Order by Agreement: If counsel for the parties can agree upon the terms of a proposed order encompassing the above, then they may file the proposed order with the motion and the matter will be placed upon the Motion Calendar for formal approval without the need for a judicial conference.
  
4. Mandatory Mediation: No case shall be assigned to the continuous trial calendar unless the parties and the Court have completed expert depositions and a mandatory mediation pursuant to Superior Court Administrative Order 2009-25 at which all parties and representatives should be present. Counsel for the parties shall contact the case scheduling office within 30 days after the ordered deadline for completion of expert depositions and the completion of mediation so that the Court may consider assignment to the appropriate continuous trial calendar. After completion of expert depositions and completion of mediation, any party may move for assignment to the continuous trial calendar.

This Administrative Order shall become effective on \_\_\_\_\_, 2009.

**BY ORDER OF:**

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**ALICE B. GIBNEY  
PRESIDING JUSTICE**

Dated: \_\_\_\_\_, 2009.