

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 2005-19

RE: MANDATORY MEDICAL MALPRACTICE MEDIATION

1. The Superior Court hereby implements an experimental Mandatory Mediation Program for medical malpractice cases assigned to the trial calendar in Providence County.
2. Mr. Justice Israel (Retired) will be assigned to conduct mediation sessions on Friday of each week and such other days as his schedule will permit.
3. Mr. Justice Israel will begin the mediations with cases already assigned for trial on a “date certain.”
4. The scheduling Office will mail notices of the date, time and location of the mediation session to each party through counsel at least three weeks before the scheduled session. All parties, as well as counsel, and any other person or persons who may be required to authorize or approve any settlement, should be present in person in accordance with such notice, which will be deemed to be an Order of Court.
5. Counsel for all parties will file a copy of the attached Participant Disclosure Form with Mr. Justice Israel, through the Office of the Superior Court Secretary, at least one week before the scheduled mediation session. A copy of the form will be served on all other parties to the litigation at least one week before the scheduled session.
6. In addition, counsel for each party will file with Mr. Justice Israel, through the Court Secretary’s Office, a **confidential** Case Overview Statement, which will briefly summarize the party’s position on settlement of the pending litigation and the basis for the party’s position in the facts, as disclosed by or known by the party, as well as any legal matters affecting

settlement. The contents of the Statement will **not** be disclosed by the Court nor will it become part of the Court file. All statements made in furtherance of mediation, including but not limited to the history of negotiation, offers and counteroffers, will be confidential.

7. In order for counsel to attend mediation sessions, no medical malpractice cases will be tried on Fridays in any County for the duration of the experimental program unless deemed necessary by the trial judge and approved by the Presiding Justice.
8. In addition to his conducting of mediation sessions, Judge Israel will be available on Fridays, or such other days, as his schedule permits, to hear and consider such other matters in any medical malpractice case as may be submitted to him by agreement of the parties. Otherwise, routine discovery and expert disclosure matters will continue to be heard and disposed of on the Civil Motion Calendar.

This Administrative Order shall become effective on September 23, 2005.

BY ORDER OF;

JOSEPH F. RODGERS, JR.
PRESIDING JUSTICE

DATED: September 23, 2005