

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, Sc.

SUPERIOR COURT

**ADMINISTRATIVE ORDER NO. 2008-03**

**RE: *ASSIGNMENT OF APPLICATIONS FOR COURT APPROVAL OF TRANSFER OF STRUCTURED SETTLEMENT PROCEEDS TO PRESIDING JUSTICE***

Effective March 3, 2008, any application for court approval of transfer of structured settlement proceeds shall be assigned for hearing before the Presiding Justice of the Superior Court. Applications filed in a county other than Providence, in accordance with the provisions of R.I.G.L. § 27-9.3-4, shall be transferred to Providence for hearing. Any application must be filed with the following uniform case caption:

**“Application for Court Approval of Transfer of Structured Settlement Proceeds By and Between**

**(Insert Name of Payee)**

**and**

**M.P. No.**

**(Insert Name of Transferee)”**

In accordance with the provisions of the State Structured Settlement Protection Act, R.I.G.L. § 27-9.3-1 et seq., as well as federal tax rules designed to encourage the use of structured settlements, court approval will be predicated upon the following findings:

1. The transferee has made the required disclosures to the payee in accordance with the provisions of R.I.G.L. § 27-9.3-3;
2. The transferee has filed with the Court and served on all interested parties at least twenty (20) days prior to hearing the application, transfer agreement, disclosure statement required under R.I.G.L. § 27-9.3-3, listing of payee’s dependents and ages and notice of the right to respond to the application and hearing date as particularized in R.I.G.L. § 27-9.3-6;
3. The transfer serves the best interests of the payee and the payee’s dependents;
4. The payee has been advised in writing by the transferee to seek independent professional advice regarding the proposed transfer, and has either received such advice or has knowingly and in writing waived that advice, and
5. The transfer will not contravene the provisions of any applicable statute or the order of any court or other government authority.

No application filed after March 3, 2008 will be assigned for hearing unless it is filed in accordance with § § 27-9.3.-3 and 27-9.3-6 (see paragraphs 1 and 2 above) and is accompanied by:

- A. The attached “Application for Court Approval of Transfer of Structured Settlement Proceeds” cover sheet;
- B. A request to the court clerk, with appropriate case number, that the court file from the original personal injury case underlying the structured settlement accompany the application;
- C. A request to the court clerk, with appropriate case numbers, that the court files from any prior transfer applications filed in the Rhode Island Superior Court accompany the application, and
- D. A listing, with appropriate case numbers, docket sheets and orders of every prior transfer application filed with the courts of any other jurisdiction.

Applications filed before March 3, 2008 shall be heard before the Presiding Justice of the Superior Court, or his designee, on Thursdays at 2:00 p.m. commencing Thursday, March 27, 2008. The clerk for the Presiding Justice shall schedule no more than four applications per Thursday. Prior to the hearing, counsel for transferee shall file, no later than 72 hours before the hearing, the attached “**Application for Court Approval of Transfer of Structured Settlement Proceeds**” cover sheet.

Those applications filed after March 3, 2008 shall, upon motion, be assigned to be heard on Thursdays at 2:00 p.m. before the Presiding Justice, or his designee. The clerk for the Presiding Justice shall assign no more than four applications per Thursday for hearing, commencing Thursday, April 24, 2008.

**BY ORDER OF,**

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**JOSEPH F. RODGERS, JR.**  
**PRESIDING JUSTICE**

**ATTACHMENT**

**DATED: February 28, 2008**

**COVER SHEET**

**APPLICATION FOR COURT APPROVAL OF  
TRANSFER OF STRUCTURED SETTLEMENT PROCEEDS**

Case Name: \_\_\_\_\_ C.A. No.: \_\_\_\_\_

Terms of Proposed Transfer: \_\_\_\_\_

Aggregate Amount of Purchased Payments: \_\_\_\_\_

Discounted Present Value of Aggregate Payments:

\$ \_\_\_\_\_ at \_\_\_\_\_ % interest

Gross Amount Payable to Seller: \$ \_\_\_\_\_

Itemization of Attorneys' Fees and Expenses to be Deducted from Purchase Price:

Item: \_\_\_\_\_ \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

Net Amount Payable to Seller: \$ \_\_\_\_\_

Effective Annual Discount Rate: \_\_\_\_\_ %

Net Amount = \_\_\_\_\_ % of Estimated Current Value of Payments

Effective Interest Rate to be Paid by Seller: \_\_\_\_\_ %

Original Personal Injury Case underlying Structured Settlement:

C.A. No.: \_\_\_\_\_

Nature of Injury: \_\_\_\_\_

Amount and Terms of Structured Settlement: \_\_\_\_\_

Purpose of Structured Settlement: \_\_\_\_\_

Summary of Prior Applications for Court Approval of Transfer of Structured Settlement Proceeds (in Rhode Island and any other jurisdictions) including case number, terms of proposed transfer (see page 1 of this Cover Sheet), disposition (granted or denied) and date of disposition

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