

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 2009-25

RE: MANDATORY MEDICAL MALPRACTICE MEDIATION

1. The Superior Court hereby implements a Mandatory Mediation Program for medical malpractice cases assigned to the continuous trial calendar in all counties.
2. Mr. Justice Rubine will be assigned to conduct mediation sessions in Providence on such Fridays and/or such other days as his schedule will permit.
3. Mr. Justice Rubine will begin mediations with cases already assigned for trial on a date certain. When such a date certain trial has been set by any Justice of this Court, it is the responsibility of counsel in such case to notify the Scheduling Office in Providence County of such assignment.
4. The Scheduling Office will mail notice 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 an Order of Court.
5. Counsel for all parties will complete and file the attached Participant Disclosure Form 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, and shall so certify on the form as filed with the Court.
6. In addition, counsel for each party shall file with Mr. Justice Rubine, a **confidential** case overview statement at least one week prior to the scheduled mediation, which statement will briefly summarize the party's position both with regard to 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. The statement need not be served upon opposing parties or counsel. 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 program, unless deemed necessary by the trial justice, and approved by the Presiding Justice.
8. In addition to mediation sessions, Judge Rubine will be available on Fridays, or such other days as his schedule permits, to hear and consider such other matters in any medical malpractice cases, as may be submitted to him by agreement of the parties. An omnibus assignment form should be presented to Judge Rubine's clerk, indicating that the submission is made by agreement by the parties, and Judge Rubine may request submission of memorandum as to such submission. Otherwise, routine discovery and expert disclosure matters will continue to be heard and disposed of on the Civil Motion Calendar in the county in which the case is pending.

This Administrative Order shall become effective on October 22, 2009.

BY ORDER OF:

**ALICE B. GIBNEY
PRESIDING JUSTICE**

Dated: October 22, 2009

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC.

SUPERIOR COURT

**RE: PARTICIPANT DISCLOSURE FORM (TO BE MAILED OR DELIVERED
TO JUDGE RUBINE C/O SUPERIOR COURT SECRETARY'S OFFICE
ONE WEEK BEFORE SCHEDULED MEDIATION)**

Case Name and Number: _____

Mediation Date: _____

Counsel for Plaintiff(s): _____

Counsel for Defendant(s): _____

Name of Defendant's Insurance Carrier: _____

Name of Adjuster: _____

Counsel for any Third Parties: _____

Nature of Claim/Plaintiff's injuries: _____

Name, Credentials and Summary of each expert's expected testimony (attach
additional sheets as necessary):

Date Assigned to Continuous Trial Calendar: _____

Date certain assignment (if any): _____

Motions *in limine* (if any): or other pending motions: _____

Expected length of trial: _____

Counsel for
Defendant/Plaintiff

Certification to Opposing Counsel: _____
