



Superior Court
Arbitration Division
 Licht Judicial Complex

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NOTICE

FROM: **Alice B. Gibney, Presiding Justice**

DATE: November, 2013

RE: **CHANGES TO THE RULES OF THE COURT ANNEXED ARBITRATION PROGRAM**

Effective January 1, 2014 pursuant to recently passed legislation changes have been made to the Superior Court Rules Governing the Arbitration of Civil Actions.

Cases currently in the Program or certified before January 1st will be governed by and progress in accordance with the Rules in place on the date the case was certified to Arbitration and in accordance with Rule 7.8 below.

Any cases certified after January 1, 2014 will be governed by the new Rules.

These changes include (i) required arbitration fees, (ii) the timeline and target dates of certain actions within the Program, and (iii) responsibilities of the Arbitrator.

FEES: the following schedule of fees associated with the Court Annexed Arbitration Program will be effective for cases certified after January 1, 2014.

Initial Filing Fee (due from a Plaintiff and a Defendant)	\$100
Plaintiff's Award Fee (due from a Plaintiff and a Defendant)	\$100
Defendant's Award Fee	\$200
Rejection of Award Fee	\$300
Arbitrator's Fee	\$400

RULE CHANGES: changes to the Rules Governing the Arbitration of Civil Actions include the following:

- 1 (a) Book Accounts are exempt from Court Annexed Arbitration
- 1 (b) Any civil action may be submitted to arbitration by agreement provided parties agree in writing that the award shall be binding.
- 2 (a) Parties may file a mutually agreed selection of arbitrator within 30 days of payment of the required initial fees. Once initial fees are paid, if no selection is provided, the court will provide a list of five names from which each party may strike two. The list shall be returned to the Arbitration Office within 15 days. Failure to return the list within 15 days will result in the Court appointing from the approved Arbitrator's List. Thereafter, any substitution must be made only upon written motion to the Court to be heard on the Arbitration Calendar.
- 2 (c) Arbitrators shall be paid at a rate of \$400 per case.

- 2 (f) *Duties of Arbitrators.* In addition to the provisions and duties specifically assigned by these rules, arbitrators shall abide by all administrative directives promulgated by the Presiding Justice to ensure the timely adjudication and conclusion of hearings. This obligation shall include, but not be limited to, reporting the status of pending cases to the arbitration office, on forms provided, every sixty (60) days from their designation or appointment and/or to provide to the Arbitration Office any original dismissal stipulation or settlement agreement which may arise as a result of the Arbitration process.
- 3 (a) Arbitration hearings shall be scheduled by the assigned arbitrator and in no event extend beyond 240 days of appointment/designation exclusive of the arbitrator's time to render an award.
- 3 (k) No transcript or other recording of an arbitration hearing shall be made.
- 3 (l) Any party failing or refusing to participate in arbitration proceedings in good faith and meaningful manner shall be subject to sanctions by the Court on motion of a party which will be heard by the assignment judge.
- 3 (n)(1) A written application for enlargement of time for hearing which shall not exceed 60 days must be filed with the arbitrator and served on opposing parties at the earliest practicable time.
- 4 (a) Post hearing briefs shall be filed with the Arbitrator within ten (10) days after the hearing is concluded.
- 4 (b) Any findings of fact, conclusions of law or opinions supporting an award requested of an arbitrator by a party shall not exceed two pages.
- 4 (c) An award must resolve all issues raised by the pleadings and may exceed \$100,000 however the costs, interest and attorney's fees shall not be computed and/or included in the award.
- 5 (a) Any party not in default who is dissatisfied with an arbitrator's award is entitled to a trial upon filing a written rejection of the award on an approved form within 30 days after the arbitrator's award is filed.
- 5 (b) A party rejecting an arbitration award shall post a filing fee of \$300 with the Arbitration Office.
- 7 (a) In all actions subject to arbitration the court shall designate such actions for arbitration 60 days after filing of the arbitration certificate provided the required initial fees are paid. The designation may coincide with the selection/appointment of the arbitrator, and the court shall set a date not more than 240 days from the designation by which the arbitration hearing must be concluded.
- 7 (b) Within five days of receiving notice that a case has been assigned, the selected/appointed arbitrator shall notify the Arbitration Office and all parties to the matter either electronically or by first class mail that they have received and accepted the designation.
- 7.1(a) Payment schedule – for listing, see “Fees” above
- 7.2 If a party to the arbitration does not comply with the rules stated herein and does not deliver fees to the Arbitration Office when required, the case may be removed from Arbitration and/or sanctions imposed by the Presiding Justice or his/her designee.
- 8 These rules shall apply to cases filed before or after their effective date or cases referred to arbitration by order of the court; provided that the amendments to Rules 1, 2(a), 2(c), 3(a), 3(n)(1), 5(a), 5(b), 7(a), 7(b) and 7.1 shall apply to cases certified to Arbitration after the effective date of the amendments.

All parties and arbitrators in the Program are specifically directed to rule 7.2 relative to sanctions for failure to follow new or previously established requirements of the Court Annexed Arbitration Program.

Thank you for your cooperation.