

**Article I.
Supreme Court Rules of Appellate Procedure**

Provisional Rule B

Retired Justice Trial Act

In order to effectuate Section 8-17-1 of the General Laws of the State of Rhode Island entitled “Retired Justice Trial Act” (hereinafter “Retired Judges Program” or “Program”), the following procedures shall be followed:

A. Any retired justice of the supreme court, superior court, family court or retired judge of the district may register his or her name, address, telephone number and email address with the clerk of any trial court for the purpose of receiving referrals for the adjudication of civil trials including domestic relations matters, and the determination of specific issues or questions of fact or law in any civil action or proceeding pending in court. There is no limitation upon the number of courts with which a retired judge may register under this section.

Upon registration with the clerk of any trial court under this section, the retired judge is eligible to receive referrals and submission for that court in accordance with this section for a period of one (1) year, except when such judge has been recalled for service pursuant to G.L. §§ 8-3-8 or 8-3-8.1. Each trial court clerk shall maintain an index of retired judges who have registered with the clerk of that court, and the clerk shall make the index and contact information available to any person upon request. A retired judge may renew his or her registration annually.

B. The parties to any pending civil action or pending proceeding in any trial court may unanimously choose to have the action or proceeding in its entirety referred for adjudication, or to have one or more specific issues or questions of fact or law in the action or proceeding submitted for determination to a retired judge of their choosing who has registered

with the clerk of that court in accordance with section A. Such matters shall be heard without a jury and shall be subject to the same standard of review in accordance with the rules of the court in which the case is pending.

If the parties unanimously choose to have a referral or submission made to a retired judge pursuant to this section, each party to the action or proceeding shall file a stipulation which shall state:

1. that the parties, intervenors, and their counsel desire the case to be heard in accordance with G.L. § 8-17-1 of the General Laws of Rhode Island;

2. the name of the retired judge who has agreed to hear the case;

3. whether the action or proceeding in its entirety is to be referred to and is to be tried, determined and adjudicated by the retired judge or whether a specific issue or question is to be referred to and is to be tried and determined by the retired judge including a listing of the specific issue or issues to be determined;

4. that the parties shall assume the responsibility of providing facilities, equipment, and supplies needed by the retired judge during his or her consideration of the action or proceeding and that the parties will pay all costs arising out of the provision of said facilities, equipment, supplies, travel, and any other costs arising out of the referral of the matter to the retired judge including but not limited to stenographers, stenographic reports, and transcripts;

5. that the parties shall make arrangements for a copy of the entire court file or a copy of the relevant portions thereof agreed to by the parties, to be provided to the retired judge and shall bear all copying and reproduction costs associated therewith;

6. the time within which said proceedings shall take place including the time period within which the retired judge shall render his or her determination or adjudication, but in no

event shall such period exceed one hundred eighty (180) days from the date the stipulation is filed with the clerk;

7. the amount of compensation to be paid by the parties to the retired judge for his or her services and the manner of payment of the compensation.

The stipulation shall be signed by all parties and all counsel and filed with the clerk of the court before whom the action or proceeding is pending.

C. Upon filing of the stipulation, the judge before whom the action or proceeding currently is pending, shall order the submission of the matter to the retired judge in accordance with the stipulation.

D. Upon the entry of the order or referral or submission in accordance with Section C, the retired judge to whom the referral or submission is made, relative to the action or proceeding referred or the issue or question submitted, shall have all of the powers, duties, and authority of an active judge of the court in which the action or proceeding is pending.

E. The court is not required to provide the retired judge with court or other facilities, equipment, or personnel during his or her consideration of the action, proceeding, issue, or question. The retired judge shall not receive any compensation, other than that agreed to by the parties and the retired judge, for his or her services in connections with the case or issues pending, and such participation in the Program does not constitute service after retirement pursuant to the terms of § 8-3-10. The retired judge shall be subject to all provisions of the canons of judicial ethics, and shall comply with the mandatory continuing judicial education requirements set forth in Article VI, Rule 3.2(a) of the Supreme Court Rules.

F. A retired judge to whom a referral is made shall try the case or the matters as described in the stipulation, shall prepare, in writing, his or her findings of fact and conclusions

of law and the basis thereof, shall make a determination on the case in its entirety or on the issues or question submitted as described in the stipulation and shall enter a judgment in the action or proceeding in the same manner and in accordance with the rules of the court in which the case is pending.

G. A written judgment including the retired judge's findings, conclusions, and determinations shall be prepared by counsel for the parties and signed by the retired judge. The retired judge, after signing the judgment or decree shall provide the original to the clerk of the court in which the action or proceeding is pending for entry. The clerk shall make the appropriate docket entries in accordance therewith.

H. Any judgment or decree entered, and any finding of fact, conclusion of law, or determination of an issue or question made by a retired judge in accordance with this section shall have the same force and effect as if it had been entered or made by an active judge of the court, and any appeal from the judgment, finding, conclusion, or determination shall be made as if the judgment had been entered, or the finding, conclusion, or determination had been made, by an active judge of the court.

Entered as an Order of this Court this _____ day of November, 2008.

Williams, C.J.

Goldberg, J.

Flaherty, J.

Suttell, J.

Robinson, J.