

**STATE OF RHODE ISLAND**  
**SUPERIOR COURT**

**STATE-WIDE MEDICAL MALPRACTICE SCHEDULING CALENDAR PROTOCOLS**

*Beginning June 26, 2023, the following protocols are hereby established regarding matters on the Medical Malpractice Scheduling Calendar. These protocols supersede any prior protocols issued and will remain in full force and effect until further order of the court.*

- I. Within four months following the filing of the last responsive pleading in a medical malpractice case, the parties shall contact the clerk assigned to the judge handling the Medical Malpractice Scheduling Calendar (med/mal calendar) and schedule a conference on that calendar.<sup>1</sup>**
  
- II. One judge will preside over the med/mal calendar statewide, and he/she shall:**
  - A. Conduct periodic conferences with the attorneys or pro se parties;
  - B. Monitor the progress of the cases during the fact and expert discovery phases;
  - C. Issue scheduling orders setting timelines for the completion of fact and expert discovery;
  - D. Make rulings on certain pretrial motions that impact the scheduling orders issued on the med/mal calendar as set forth below in Section IV; and
  - E. Require the parties to sign a Certificate of Completion before the case receives an assignment for a trial date certain.
  - F. After the parties execute the Certificate of Completion:
    1. For cases pending in Providence County, the med/mal calendar judge will:
      - a. Assign the case to a trial date certain; and
      - b. Offer the parties the opportunity to retain the assigned date certain, but also to select an earlier date to be a “back-up” case to another medical malpractice case of similar length on the trial calendar;
      - c. No case can serve as a “back-up” case unless by agreement of counsel/parties;
      - d. If the “back-up” case does not get reached for trial because the assigned case proceeds to trial, the “back-up” case may proceed to trial on the date previously assigned;

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<sup>1</sup> You may contact the clerk by email. (If you do not know the identity of the med/mal calendar clerk, please contact the Superior Court Administrator’s office to obtain that information.)

- e. Cases on the trial calendar have precedence over “back-up” cases. No attorney seeking a “back-up” assignment may do so if the trial of the case would interfere with the trial of an assigned medical malpractice case where she or he appears as counsel.
2. For cases pending in Kent, Washington and Newport Counties, the med/mal calendar judge will notify the judge presiding over the civil calendar in the county where the case is pending that the case is ready for a trial date certain assignment.
3. After the case has received a trial date certain, the parties may not seek a continuance of the trial date other than for reasons of emergency or undue hardship. The signing of the Certificate of Completion shall bind the parties on matters set forth therein.
4. The parties shall not move to assign a medical malpractice case for trial on any Civil Motion Calendar. (Once the parties sign a Certificate of Completion the med/mal calendar judge or the civil judge sitting in an out-county will give them a trial date certain).

**III. All scheduling conferences on the med/mal calendar shall be conducted either in person, by telephone conference or by WebEx, at the discretion of the judge.**

- A. Where all parties are represented by counsel, the Court may hear the conference off the record, in chambers or by remote means on a Friday morning at a time slot designated by the judge in advance of the conference.
- B. Where any party appears pro se, the date and time of the conference shall be selected by the judge, and the conference shall be heard on the record, either in-person in Court or by WebEx. If the conference is scheduled to be heard by remote means, the pro se litigant will be given the option to appear in-person in Court.

**IV. The following motions shall be filed for hearing on the med/mal calendar and not on the Civil Motion Calendar:**

- A. Any motion that if granted will impact or interfere with the timelines set on a med/mal scheduling order;
- B. Any motion that addresses expert disclosure or expert deposition;
- C. Any dispositive motion based upon a claim that a party failed to disclose expert evidence that will provide the requisite elements of the case (and the alleged lack of care is not so obvious as to be within a layperson’s common knowledge);
- D. Any motion filed after a Certificate of Completion has been executed and/or a trial date has been established where there is a reasonable possibility that if granted, the

order may impact the readiness for trial or interfere with the scheduled trial date;  
and

- E. Any motion to vacate a trial date certain.
- F. All counsel of record shall be responsible for ensuring compliance with these provisions, not just the moving party.
- G. Nothing set forth in subsections (A)-(F) above shall interfere with the discretion of the trial judge after the case has been given a trial date certain to determine pre-trial motions, motions in limine, or other evidentiary issues that may arise pre-trial, during trial or post-trial.

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**Alice Bridget Gibney**  
**Presiding Justice**

**Entered Date: June 21, 2023**