

**STATE OF RHODE ISLAND
SUPERIOR COURT**

ADMINISTRATIVE ORDER 2026-09
STATE-WIDE MEDICAL MALPRACTICE CALENDAR PROTOCOLS

Beginning October 1, 2026, 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. Medical Malpractice Calendar

The Presiding Justice shall appoint one judge to preside over the med/mal calendar statewide (“Med/Mal Supervising Judge”), and he/she shall:

- A.** Conduct periodic conferences with the attorneys or self-represented parties;
- B.** Monitor the progress of the cases during the fact and expert discovery phases;
- C.** Issue scheduling orders and amendments thereto setting timelines for the completion of fact and expert discovery and mediation; and
- D.** Require the parties to sign a Certificate of Completion, attached hereto as Exhibit A, and a Medical Malpractice Trial Request form, attached hereto as Exhibit B, before the case is assigned to a justice for trial.

II. Status Conferences

- A. Initial Conference.** Within ninety (90) days following the filing of a medical malpractice case, the Plaintiff’s counsel shall contact the clerk assigned to the Med/Mal Supervising Judge to schedule an initial status conference on that calendar.¹ If the Plaintiff has designated the case as “Wrongful Death” or “Personal Injury” in Odyssey, the parties shall advise the Med/Mal Supervising Judge and his/her clerk at the initial conference, so that the clerk can change the designation to “Medical Malpractice.”
- B. Subsequent Conferences.** At the end of any conference, the parties shall schedule the next conference with the Med/Mal Supervising Judge.
- C.** Status Conferences will be held on the 2nd and 4th Monday of each month or such other date established by the Med/Mal Supervising Judge.

¹ The clerk may be contacted by e-mail. (If the identity of the Med/Mal calendar clerk is unknown, please contact the Superior Court Administrator’s office to obtain that information.)

- D. All status conferences on the Med/Mal calendar shall be conducted off the record either in person, by telephone conference, or by WebEx, at the discretion of the Med/Mal Supervising Judge unless the case involves a self-represented litigant, in which event the conferences shall be in person on the record.

III. Scheduling Orders

- A. Prior to the initial status conference, the parties shall submit a proposed scheduling order to the Med/Mal Supervising Judge by e-mail in Word format.
- B. The goal of each scheduling order will be to have a certificate of completion within three (3) years and a trial within four (4) years.
- C. All scheduling Orders and Amended Scheduling Orders will follow the template attached hereto as Exhibit C. The label on the icon of the Word Document shall state a brief name of the case and the C.A. number. The proposed Order will be e-mailed to the Med/Mal Supervising Judge and his/her clerk. The Med/Mal Supervising Judge shall approve and/or amend the proposed order as well as setting the date for the next conference. He/She shall return it to the parties who will then e-file it. Amended Scheduling Orders will indicate the number of the amendment e.g. First Amended Scheduling Order, Second Amended Scheduling Order, and so forth.

IV. Single Justice Assignment

If any party believes the case should be assigned to a single justice prior to the entry of a Certificate of Completion, such request should be made to the Presiding Justice, pursuant to G.L. 1956 § 8-2-4, who will then, if deemed appropriate, make such an assignment.

V. Motions

- A. Motions to establish or amend a scheduling order shall be heard before the Med/Mal Supervising Judge. All other motions shall be placed on the motion calendar of the county where the case was filed.
- B. Once a case is assigned to a trial judge, all motions shall be presented to that judge.

VI. Mediation

No case shall be assigned for trial unless the parties certify that the case has been submitted to non-binding mediation. If the parties cannot agree on a mediator, the Med/Mal Supervising Judge shall select the mediator. If any party believes

mediation would be pointless, then the parties shall confer with the Med/Mal Supervising Judge and, if he/she concurs, the mediation requirement shall be waived.

VII. Certificate of Completion

Once the parties have completed discovery and mediation, they will execute a Certificate of Completion, and the case will be eligible to be assigned to a trial date certain.

VIII. Trial date

- A.** The parties shall not move to assign a medical malpractice case for trial on any Civil Motion Calendar
- B.** After the parties execute the Certificate of Completion, the parties shall fill out the Medical Malpractice Trial Request Form.
- C.** The Medical Malpractice Supervising Judge, in consultation with the Presiding Justice, will then assign a trial judge to the case.
- D.** Once a trial judge is assigned to a case, counsel shall contact that judge's clerk to arrange a conference.

IX. Resolution of a Case Prior to Trial

If a case is resolved, even if dismissal stipulation is not ready for filing, parties shall immediately notify the Med/Mal Supervising Judge and the trial judge if one has been assigned. When the dismissal stipulation is filed, a copy shall be e-mailed to the Med/Mal Supervising Judge and his or her clerk.

/s/

Joseph Montalbano
Presiding Justice

Entered Date: September 30, 2026

EXHIBIT A

STATE OF RHODE ISLAND

SUPERIOR COURT

_____, SC.

Plaintiff(s)

v.

Case No. _____

Defendant(s)

CERTIFICATE OF COMPLETION

This matter is being overseen on the Medical Malpractice Calendar.

The undersigned hereby certify that this case is ready for trial assignment and that no outstanding discovery or expert witness disclosure or deposition will interfere with such assignment. No learned treatises or amendments to pleadings will delay the trial date certain.

The length of the trial is estimated to be _____ days.

Counsel for Plaintiff(s)

Counsel for Defendants(s)

Counsel

Counsel

Entered:

By Order:

EXHIBIT B

MEDICAL MALPRACTICE TRIAL REQUEST TEMPLATE

STATE OF RHODE ISLAND

SUPERIOR COURT

, SC.

Plaintiff

vs.

Defendants.

:
:
:
:
:
:
:

C.A. No.

MEDICAL MALPRACTICE TRIAL REQUEST

Two Month Time Period when available for trial: _____

Certificate of Completion on File: Yes _____ No _____

Estimated Length of Trial:

Brief Description of Case:

Counsel for Plaintiff:

Counsel for Defendant(s): (each lawyer identify client)

Comments:

Agreed to:

Plaintiff,

By [his, her, their, its] Attorneys

Defendant(s)

By [his, her, their, its] Attorneys

EXHIBIT C

STATE OF RHODE ISLAND
, SC.

SUPERIOR COURT

v.

:
:
:

C.A. No.:

SCHEDULING ORDER

By agreement of the parties and with the approval of the Court, it is hereby:

ORDERED, ADJUDGED AND DECREED

1. Fact discovery shall close on .
2. Plaintiff shall serve expert disclosures by .
3. Defendant(s) shall serve their expert disclosures by .
4. Plaintiff may serve a rebuttal expert disclosure by .
5. All expert depositions shall be completed by .
6. Mediation shall be concluded by .
7. The Certificate of Completion shall be filed by .
8. The next status conference will be held on .
7. Within three (3) days after each deadline contained herein, the Plaintiff shall advise the Court and Court Clerk by e-mail whether the deadline has been met.
8. If a case is resolved even if dismissal stipulation is not ready for filing, parties shall immediately notify the Med/Mal Supervising Judge and the trial judge if one has been assigned. When the dismissal stipulation is filed, a copy shall be e-mailed to the Med/Mal Supervising Judge.

9. The deadlines established herein may only be extended by the Court for good cause shown and this Order may only be amended by Order of this Court.

ENTER:

BY ORDER:

Dated:

PRESENTED BY:

CERTIFICATION

I hereby certify that, on this _____ day of _____, _____, I filed and served this document through the electronic filing system.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.
