

Jurisdiction and Overview

The Rhode Island Workers' Compensation Court is charged with the jurisdiction to hear all disputes between an employer and an employee relating to workers' compensation. Prior to 1954, disputes involving workers' compensation were heard in the Rhode Island Superior Court with a direct appeal to the Rhode Island Supreme Court.

In 1954, the General Assembly created the Workers' Compensation Commission with the authority to hear and decide disputes regarding workers' compensation benefits. At that time, the legislature also devised an intermediate appellate process which remains relatively intact to the present time. As the workers' compensation laws were revised and reformed, the Workers' Compensation Commission remained the forum in which disputes arising under the act were litigated. In 1990, however, as part of a sweeping administrative reform of the workers' compensation system, the Workers' Compensation Court was created by the legislature. The Workers' Compensation Court is a member of the Unified Court System established by G.L. 1956 § 8-15-1.

The Workers' Compensation Court is comprised of a Chief Judge and nine Associate Judges. Robert M. Ferrieri was appointed the Chief Judge of the Workers' Compensation Court in June 2016. Currently, the Associate Judges are: Dianne M. Connor, George T. Salem, Jr., Robert E. Hardman, Michael J. Feeney, Alfredo T. Conte, and Steven A. Minicucci.

Since the Court has been given the responsibility to address all disputes which arise between an employer and an employee regarding workers' compensation, it handles a wide variety of cases filed by both sides. The basic procedure utilized by the court to address the majority of the claims filed does not vary significantly. Pursuant to the provisions of G.L. 1956 § 28-35-20, the court must conduct a pretrial conference within twenty-one (21) days of the date on which a petition is filed. The initial purpose of the pretrial conference is to attempt to find common ground between the parties to settle the dispute. However, if the matter cannot be resolved, the judge conducting the pretrial conference will enter a pretrial order addressing the relief sought. This order is effective upon entry and requires immediate compliance. If the parties are dissatisfied with the court's order, they may appeal the matter for trial. However, the pretrial order remains binding during the time the trial is ongoing.

Either party has the right to appeal from a pretrial order simply by filing a claim for trial within five (5) days of the date on which this pretrial order enters. The trial judge will then assign the matter to initial hearing. The initial hearing serves two basic purposes. First, the court can use the initial hearing to reduce the issues in dispute to a minimum. Uncontested matters such as the injured employee's average weekly wage and number of dependents can be addressed by stipulation and the court can mark all exhibits offered by the parties. Secondly, the initial hearing serves as an ideal scheduling tool. The court can determine the names of the witnesses who will appear and the length of time required for testimony. This allows the court to schedule these matters in the most efficient manner possible and helps to reduce the number of continuances to a minimum.

When the matter is reached for trial, the court conducts a full evidentiary hearing on all the issues raised in the petitions. The trial is a matter of record and the court follows the Rhode Island Rules of Evidence as adopted by the Rhode Island Supreme Court in 1985. Following the close of evidence, the trial judge is required to render a decision which responds to the relief sought in the petition. A decree containing the court's findings of fact and orders will thereafter be entered.

The Workers' Compensation Court also has the duty to conduct an intermediate review of any decision which is appealed after a full trial on the merits. Rhode Island General Laws 1956 § 28-35-28 provides for the initial appeal from a trial judge's decree to the Appellate Division of the Workers' Compensation Court. The Chief Judge of the court is required to appoint appellate panels to hear these appeals. The Appellate Division will review the record of the proceedings conducted before the trial judge and evaluate all the legal and factual issues presented to it. They must then issue a decision and decree which will affirm, reverse or modify the trial court's order. However, great deference is given to the findings of fact made at the trial level and the Appellate Division will review contested factual issues only where it first decides that the trial judge's findings were clearly erroneous. Appeals from the Appellate Division of the Workers' Compensation Court to the Rhode Island Supreme Court are only by a Writ of Certiorari granted by the Supreme Court pursuant to G.L. 1956 § 28-35-29.

The Workers' Compensation Court has adopted its own rules of procedure and periodically amended them to address statutory changes which have revised the court's jurisdiction. The rules are published for the use of the bar and the general public. Since July 1, 1989, the expenses incurred in the operation of the court are paid through the Workers' Compensation's Administrative Fund under the provisions of G.L. 1956 § 28-37-1 (b)(3).

In 2000, the general assembly expanded the court's jurisdiction to include contested cases involving the rehabilitation of injured employees. The court was also granted jurisdiction to hear claims involving disputes between an employer and its workers' compensation insurer arising out of the employer's policy of workers' compensation insurance. The court revised its rules of procedure to address these new and unique types of claims.

For many years, Rhode Island has been a national leader in the establishment of specialized courts, which are dedicated to the management of one particular type of case. This allows judges to gain expertise and to focus all of their attention on a specific class of cases. The court is, therefore, better equipped to deal with special litigation and to devote it the attention it deserves. The Rhode Island Workers' Compensation Court is a specialized court which has an important role in the lives of Rhode Island workers who are injured on the job.

The Rhode Island Workers' Compensation Court deals with more than 8,000 petitions each year and has been recognized as a national model for the efficiency with which it handles the cases assigned to it. More than 70% of the disputes are resolved within one month of the date on which they are filed. A deserving worker who is unable to provide income for the family can obtain the benefits to which he or she is entitled as soon as possible after an injury and avoid the financial disaster caused by an unnecessary delay.