

2.1. CALENDAR. -- (A) The chief judge shall designate a pretrial calendar as necessary to expedite the disposition of cases as outlined in G.L. 1956 § 28-35-20(a). All cases filed with the court, excluding (1) appeals from the Department of Labor and Training, (2) appeals from the Medical Advisory Board, (3) requests for anniversary reviews, (4) petitions for settlement pursuant to G.L. 1956 §§ 28-33-25 and 28-33-25.1, and (5) petitions to determine a controversy involving disputes under the coverage provisions of an insurance policy filed pursuant to G.L. 1956 § 28-30-13, shall be assigned to pretrial conference by the court and placed on the pretrial calendar for a day certain on or before the twenty-first (21st) day from said filing. The court shall notify the petitioner of the date of said assignment.

(B) In the event that a petition is withdrawn without prejudice by stipulation or dismissed without prejudice by the court, said petition shall be referred back to the judge previously assigned to hear the matter if the petition is filed again within one (1) year of the withdrawal or dismissal.

Reporter's Notes. This rule recognizes the expanded jurisdiction of the court following the 1992 Workers' Compensation Reform Legislation (P.L. 1992, Ch. 31). The court is now required to review the decisions of the Medical Advisory Board regarding the discipline of health care providers under G.L. 1956 § 28-30-22(e) and the determinations of the Department of Labor and Training relating to employers' failure to maintain insurance coverage. In such situations, the court's review is focused on the record of the proceedings before the administrative body and a pretrial conference under those circumstances would appear superfluous.

The elimination of the pretrial conference in cases where the court is requested to conduct an anniversary review pursuant to the provisions of G.L. 1956 § 28-33-46 also reflects a practical approach to the statute. Since the anniversary review anticipates the compilation of numerous medical records prior to action by the court, the twenty-one (21) day pretrial conference would be counterproductive.

The provision in this rule that petitions for settlement filed under G.L. 1956 § 28-33-25 need not be assigned for pretrial conference is in compliance with long-standing practice and also recognizes the basic purpose of G.L. 1956 § 28-35-20. Since petitions for settlement are not adversarial, there should be no issues in dispute and, therefore, no necessity for a pretrial conference or pretrial order.

The most recent amendment to this rule reflects the long-standing practice of the court which was implemented to prevent a petitioner from accepting a dismissal without prejudice in order to shift the matter in dispute to another judge of the court.