

2012 -- H 7835

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - GENERAL POWERS OF SUPREME
AND SUPERIOR COURTS

Introduced By: Representatives Lally, and O'Neill

Date Introduced: February 28, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-6-5 of the General Laws in Chapter 8-6 entitled "General Powers
2 of Supreme and Superior Courts" is hereby amended to read as follows:
3 **8-6-5. Arbitration of civil actions.** -- The presiding justice of the superior court may
4 promulgate rules and regulations providing for compulsory and/or noncompulsory nonbinding
5 arbitration of such category or categories of civil actions filed in or appealed to the superior court
6 as he or she shall determine. The matter shall be heard by a single arbitrator who shall be selected
7 by mutual agreement of the plaintiff(s) and defendant(s). If after thirty (30) days the plaintiff(s)
8 and defendant(s) are unable to agree upon the selection of an arbitrator, a justice of the superior
9 court shall select the arbitrator upon request in writing from either party. The costs of arbitration
10 shall be borne by the Rhode Island state court system and a reasonable cost of the arbitration not
11 to exceed ~~three hundred dollars (\$300)~~ five hundred dollars (\$500) per case may be assessed and
12 apportioned to each of the parties by the superior court pursuant to rules and regulations
13 promulgated or modified by the presiding justice of the superior court consistent with section 8-6-
14 6. The assessed costs received from the parties shall be deposited into the general fund. Any party
15 dissatisfied with the decision of the arbitrator may demand a trial by jury if one was timely
16 claimed in the complaint or answer, or a trial by judge if no jury trial was claimed. The decision
17 of the arbitrator shall not be admissible at the trial. The court may require a party who rejects an
18 arbitrator's award and demands a trial to post a ~~two hundred dollar (\$200)~~ four hundred dollar

1 (\$400) filing fee. The filing fee shall be posted with the superior court ~~clerk~~ arbitration office and
2 deposited into an arbitration fund restricted receipt account established under the control of the
3 state court director of finance. The arbitration funds shall not be subject to the indirect cost
4 recoveries provisions set forth in section 35-4-27. If more than one party rejects the arbitrator's
5 award and demands a trial, the filing fee first received in the arbitration office shall ~~be~~
6 ~~apportioned amongst them~~ designate the party rejecting the award. Should the verdict at trial be
7 more favorable to the party than the arbitrator's award, the filing fee shall be reimbursed to that
8 party. Should the verdict be equal to or less favorable to the party than the arbitrator's award, the
9 filing fee posted shall be forfeited as a sanction. If forfeited as a sanction the fee shall remain
10 available for program expenses from the arbitration fund restricted receipt account. The presiding
11 justice of the superior court shall be authorized to retain the services of qualified arbitrators and to
12 direct payment for such services and other related expenses from the arbitration fund restricted
13 receipt account and may appoint an administrator of the arbitration program for a ten (10) year
14 term and until a successor is appointed and qualified.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would increase the filing fees in the Superior court arbitration program and
- 2 would make minor changes to the process.
- 3 This act would take effect upon passage.

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