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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Senators McCaffrey, and Lynch

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-6-2 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 **8-6-2. Rules of practice and procedure.** -- (a) The supreme court, the superior court, the
4 family court, ~~and~~ the district court and the workers' compensation court, by a majority of their
5 members, shall have the power to make rules for regulating practice, procedure, and business
6 therein. The chief magistrate of the traffic tribunal shall have the power to make rules for
7 regulating practice, procedure and business in the traffic tribunal. The rules of the superior,
8 family, district court, workers' compensation court and the traffic tribunal shall be subject to the
9 approval of the supreme court. Such rules, when effective, shall supersede any statutory
10 regulation in conflict therewith.

11 (b) In prescribing such rules, the court shall have regard to the simplification of the
12 system of pleading, practice, and procedure in the courts in which the rules shall apply in order to
13 promote the speedy determination of litigation on the merits; provided, however, that each
14 respective court shall not in the rules of procedure require a party to a civil action to produce
15 either by discovery, motion, to produce or interrogatory an income tax return, W-2 statement, or
16 copies thereof. The rules presently in effect in the courts of the judicial system shall remain and
17 continue in force and effect until revised, amended, repealed, or superseded by rules adopted in
18 accordance with this section.

1 SECTION 2. Section 28-30-12 of the General Laws in Chapter 28-30 entitled "Workers'
2 Compensation Court" is hereby amended to read as follows:

3 **28-30-12. Forms -- Rules of procedure.** -- The workers' compensation court, [with the](#)
4 [approval of the supreme court](#), shall prescribe forms, make suitable orders, and adopt rules of
5 procedure to secure a speedy, efficient, informal, and inexpensive disposition of its proceedings
6 under chapters 29 -- 38 of this title; and in making those orders, the court is not bound by the
7 provisions of the general laws relating to practice. In the absence of those orders, special orders
8 shall be made in each case. The court is authorized to order "last best offer" procedures to apply
9 in its discretion in appropriate cases to encourage resolution of cases. In the event the court orders
10 and implements those procedures in a case, either party's last best offer, if selected by the judge or
11 master, shall be final and binding on the parties.

12 SECTION 3. 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 require the approval of the supreme court of any rules regulating the
2 practice, procedure and business of the workers' compensation court consistent with the
3 procedures in effect for all other courts.

4 This act would take effect upon passage.

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