

## **RHODE ISLAND ISSUES COVID-19 GUIDELINES AND COURT SYSTEM PROTOCOLS**

May 27, 2020

Recent circumstances unique to the coronavirus health crises have forced many states to review existing guidelines, alter current regulations and adopt new rules. The state of Rhode Island has implemented certain orders and plans in an effort to reopen businesses. Courts in Rhode Island have established protocols and procedures, as outlined below, that will allow its judicial system to continue to operate in a safe environment and efficient manner.

The State of Rhode Island, as other states in the nation, has been impacted by novel coronavirus outbreaks and officials have identified the significant threat from some individuals who may be traveling from New York, which has been recognized as the epicenter of the United States coronavirus crisis.

Rhode Island officials, who were publicly criticized for violating individual constitution rights when stopping cars with New York state license plates, and going door-to-door in search of travelers from New York who, once confronted, were ordered to self-quarantine for 14 days in an effort to stop the spread of the novel coronavirus. In response to public criticisms, Rhode Island subsequently repealed its quarantine order that applied only to those who traveled from New York and later broadened the order to apply to all out-of-state travelers.

On May 8, 2020, **Governor Gina M. Raimondo** signed an executive order officially lifting Rhode Island's stay-at-home order. The **Executive Order** provides the **Rhode Island Department of Health** (RIDOH) the ability to enforce public health guidelines and business regulations by levying fines against individuals or businesses who fail to follow state-mandated restrictions.

The following restrictions remain applicable in Rhode Island:

- Individuals must wear an adequate face covering in public;
- Groups of more than five people are prohibited from gathering;
- Individuals must avoid close personal contact with other people in public; and,
- Healthcare workers should not be going to work if they are sick or experience any symptoms.

Non-essential retail businesses in Rhode Island were also permitted to re-open with certain restrictions and limitations. As of May 18, 2020, restaurants in Rhode Island

were permitted to begin limited outdoor dining in addition to their take-out, delivery and drive-through operations.

The RIDOH requires businesses to develop a written COVID-19 Control Plan outlining workplace protocols imposed to prevent the spread of the virus. Businesses are not required to submit their plans to the RIDOH for approval, but plans must be maintained on their premises and be made available to the RIDOH in the event of an extraction outbreak.

Notably, the Control Plan requires that employers must immediately contact the RIDOH in the instance of a COVID-19 positive testing of an employee.

### **RHODE ISLAND COURT SYSTEM PROCOLS**

The Rhode Island Supreme Judicial Court has continued to hear oral arguments using remote technology. The five justices and the attorneys who argue at hearings in the Supreme Judicial Court will all remain in separate locations, appearing remotely.

The following protocols were established for the Rhode Island Superior Courts to enable counsel the ability to request a remote hearing or conference during the COVID-19 health crisis, in accordance with [Superior Court Administrative Order 2020-05.1](#) and Superior Court Executive Order dated April 28, 2020. All parties are restricted from entering any courtrooms at this time as there are no in-court sessions being held. The judges, clerks and stenographers in Rhode Island are presently using remote technology.

Hearings held remotely are conducted with [WebEx](#) video conferencing and will be recorded by a court reporter. The audio of the hearing may be made available, at the judge's discretion, to the public through [YouTube streaming](#). Attorneys who are involved in a matter on the calendar will be sent a WebEx invitation by the session clerk. Self-represented litigants who have provided the Court with an email address will also be sent a WebEx invitation. Unless the self-represented litigant appears on the WebEx hearing, any matters wherein a litigant is self-represented will be continued to a date when the litigant can attend an in-person court session.

Parties may also request a hearing date for motions that were previously scheduled for hearing on or after March 16, 2020, or which have been filed since March 16, 2020, and not assigned a hearing date. Counsel may schedule a hearing by submitting via electronic mail a completed COVID-19 Hearing and/or Conference Request Form. If a hearing is requested, the Court will determine whether the hearing will be held remotely during the health crisis period or whether it will be given a future in-person hearing date. This form may also be used to waive a hearing and request a motion to be decided on the papers submitted. If a motion is decided on the party submissions without a hearing, the clerk will enter the Court's disposition of the motion on the docket and counsel will receive an electronic notice entitled, "Remote Motion Decided on Papers". Counsel shall

then submit a proposed order through the portal reflecting the disposition of the motion for signature by the judicial officer and the clerk. The COVID-19 Hearing and/or Conference Request Form may also be used by parties to request a court conference to be held remotely during the health crisis period. However, there will be no stenographic record of court conferences when conducted remotely.

All filing deadlines have been continued by Supreme Court orders to May 29, 2020, and the Superior Courts will not grant any motions by 'Rule of Court', pursuant to **Rule of Civil Procedure 7(b)(3)**, unless the order is entered by agreement of the parties. The Court will also not consider unopposed dispositive motions at this time. All unopposed dispositive motions will be scheduled for hearing after May 29, 2020, unless submitted by agreement of counsel.

Litchfield Cavo attorneys are continuously monitoring the complexities, ongoing concerns and legal implications of coronavirus issues and are ready to assist on all COVID-19 related legal matters.

Luana DiSarra Scavone is a partner at Litchfield Cavo LLP and is licensed to practice in Massachusetts and Rhode Island. Luana focuses her practice on the evaluation, preparation and trial of complex commercial litigation in Massachusetts and Rhode Island. Her practice includes general liability, commercial liability, dram shop liability, premise liability, professional liability, product defects and discrimination claims. She also has extensive experience in construction site accidents, catastrophic personal injuries, wrongful death actions, trucking liability, contract disputes and consumer protection violations.

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