

SUPREME COURT OF RHODE ISLAND

State v. Medical Malpractice Joint Underwriting Ass'n

941 A.2d 219 (R.I. 2008) · Decided February 18, 2008

SUMMARY

The Rhode Island Supreme Court held that the State’s appeal concerning insurance coverage under a lapsed medical malpractice policy was moot because the underlying tort action had ended and no continuing controversy remained. The court also concluded that the case did not qualify for the exception for issues capable of repetition yet evading review and declined to address the standing and coverage issues on the merits.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Goldberg; Flaherty; Goldberg; Robinson; Suttell; Williams
JURISDICTION	Rhode Island
DECIDED	February 18, 2008
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State appealed from a Superior Court judgment denying its complaint for declaratory relief and granting judgment to the Medical Malpractice Joint Underwriting Association. The Supreme Court declined to reach standing and coverage issues and denied the appeal as moot.
STANDARD OF REVIEW	The Supreme Court applied the mootness doctrine de novo as a threshold issue and declined to review otherwise moot issues absent the limited exception for matters of extreme public importance capable of repetition yet evading review.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	State of Rhode Island v. Medical Malpractice Joint Underwriting Association

TOPICS

- mootness
- appellate procedure
- declaratory relief insurance
- insurance coverage
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State's appeal concerning insurance coverage under a lapsed medical malpractice policy was moot after the underlying tort action ended in final judgment for the defendants.
2. Whether the mootness exception for issues of extreme public importance capable of repetition yet evading review applied.

HOLDINGS

1. The appeal was moot because the underlying tort claim had ended, the judgment had been affirmed, and no continuing controversy or stake remained concerning coverage under the JUA policy.
2. The appeal did not qualify for the limited exception allowing review of moot issues of extreme public importance that are capable of repetition yet evade review.

KEY QUOTATIONS

"This Court has consistently held that a case is moot if the original complaint raised a justiciable controversy, but events occurring after the filing have deprived the litigant of a continuing stake in the controversy." (220)

"This Court will 'only consider cases involving issues in dispute; we shall not address moot, abstract, academic, or hypothetical questions.'" (220)

"This case does not fall within this limited exception to the mootness doctrine." (221)

FACTUAL BACKGROUND

The JUA issued Dr. O'Brien an occurrence-based medical malpractice policy for 1993-1994 that did not name the State as an insured. The State sought coverage for an underlying medical-negligence tort action involving Dr. O'Brien, a state employee, but that action ended in final judgment for the defendants and the judgment was affirmed. Later State policies beginning in 1998 named the State and full-time state-employed physicians as insureds, making it unlikely that additional claims would arise under the lapsed JUA policies at issue.

PROCEDURAL HISTORY

The State sought a declaration that the JUA's medical malpractice policy issued to Dr. O'Brien provided coverage to the State for an underlying tort claim. The Superior Court found that the State lacked standing but addressed the merits, ruling that the State was not an intended third-party beneficiary or implied additional insured and that equitable estoppel did not require coverage. The underlying tort action ended with final judgment for the defendants, and that judgment was affirmed; the Supreme Court therefore concluded that the insurance-coverage appeal was moot.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The papers in the case may be returned to the Superior Court.

CASES CITED

- Cicilline v. Almond, 809 A.2d 1101 (R.I. 2002)
- Associated Builders & Contractors of Rhode Island, Inc. v. City of Providence, 754 A.2d 89 (R.I. 2000)
- Morris v. D'Amario, 416 A.2d 137 (R.I. 1980)
- Sullivan v. Chafee, 703 A.2d 748 (R.I. 1997)
- Broadley v. State of Rhode Island, 939 A.2d 1016 (R.I. 2008)

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