

242 63G-7-1004. Special master proceedings.

243 (1) The Executive Appropriations Committee may require a claimant's excess damages
244 claim to be submitted to a special master, as provided in this section, to make a
245 recommendation concerning:

246 (a) the governmental entity's liability for the personal injury claim that forms the basis
247 of the excess damages claim; and

248 (b) the amount of the claimant's damages and excess damages claim.

249 (2) (a) If the Executive Appropriations Committee requires a claimant's excess
250 damages claim to be submitted to a special master under Subsection (1), the Executive
251 Appropriations Committee shall select a special master from a list of three individuals
252 submitted by the claimant.

253 (b) An individual on a list submitted by ~~§~~ → a ← ~~§~~ claimant under Subsection (2)(a):

254 (i) shall be:

255 (A) an attorney licensed to practice law in the state, with experience in personal injury
256 cases;

257 (B) an individual who has retired from serving as a judge of a district court or appellate
258 court in the state; or

259 (C) a trained mediator in the state with experience in mediating personal injury cases;

260 and

261 (ii) may not be related to or affiliated with the claimant or any attorney representing the
262 claimant.

263 (c) The selection and hiring of a special master under this Subsection (2) is not subject
264 to Chapter 6a, Utah Procurement Code.

265 (3) In a special master proceeding under this section, the claimant shall pay the fees
266 and costs of a special master selected under Subsection (2).

267 (4) Within 30 days after the appointment of a special master, the claimant shall provide
268 the special master a written statement that includes:

269 (a) (i) a list of the name and last known address of each health care provider that has
270 provided health care services to the claimant at any time during the period beginning five years
271 before the event giving rise to the claimant's personal injury claim and ending on the date that
272 the claimant submits the written statement;