

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: S2/12/03 H2/26/03 H3/20/03

84th General Assembly

# A Bill

Act 1179 of 2003

Regular Session, 2003

SENATE BILL 216

By: Senator Bisbee

By: Representative Thyer

## For An Act To Be Entitled

AN ACT TO AUTHORIZE THE TRIAL AND APPELLATE  
COURTS TO ORDER CERTAIN CASES TO MEDIATION; AND  
FOR OTHER PURPOSES.

## Subtitle

AN ACT TO AUTHORIZE THE TRIAL AND  
APPELLATE COURTS TO ORDER CERTAIN CASES  
TO MEDIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-7-202 is amended to read as follows:  
16-7-202. Duty and authority of the courts.

(a) It is the duty of all trial and appellate courts of this state, and they are hereby vested with the authority, to encourage the settlement of cases and controversies pending before them by ~~advising the reference thereof~~ suggesting the referral of the case or controversy to an appropriate dispute resolution process agreeable to the parties, and, on motion of all the parties, must make such an order of reference and continue the case or controversy pending the outcome of the selected dispute resolution process.

(b) In addition, all circuit and appellate courts of this state are vested with the authority to order any civil, juvenile, probate or domestic relations case or controversy pending before them to mediation.

(c) If a case or controversy is ordered to mediation, the parties may:  
(1) Choose an appropriate mediator from a roster provided by the Arkansas Alternative Dispute Resolution Commission of those mediators who



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1 meet the commission's requirement guidelines for that type of case; or

2 (2) Select a mediator not on the commission's roster, if  
3 approved by the court.

4 (d)(1) A party may move to dispense with the order to mediate for good  
5 cause shown.

6 (2) For purposes of this subsection (d), "good cause shown"  
7 shall include, but not be limited to a party's inability to pay the costs of  
8 mediation.

9 ~~(b)~~(e) All courts are further granted the discretionary  
10 authority to make, at the request of a party, appropriate orders to confirm  
11 and enforce the results produced by such dispute resolution process.

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13 /s/ Bisbee

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16 APPROVED: 4/8/2003  
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