

104TH CONGRESS
1ST SESSION

S. 513

To amend chapter 23 of title 28, United States Code, to authorize voluntary alternative dispute resolution programs in Federal courts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7 (legislative day, MARCH 6), 1995

Mr. HEFLIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 23 of title 28, United States Code, to authorize voluntary alternative dispute resolution programs in Federal courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Alternative
5 Dispute Resolution Act of 1995”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) civil litigation in Federal courts has become
9 more complicated, time-consuming, and expensive;

1 (1) by redesignating section 482 as section 483;

2 and

3 (2) by inserting after section 481 the following

4 new section:

5 **“§ 482. Voluntary alternative dispute resolution pro-**
6 **cedures and resolution programs**

7 “(a) Each United States district court may—

8 “(1) encourage litigants in appropriate cases to
9 use voluntary alternative dispute resolution proce-
10 dures, whether offered in the private sector or spon-
11 sored by the court; and

12 “(2) establish such voluntary alternative dispute
13 resolution programs as the court determines appro-
14 priate.

15 “(b) The alternative dispute resolution procedures
16 may include mediation, early neutral evaluation, mini-
17 trials, summary jury or bench trials, and non-binding judi-
18 cial arbitration.

19 “(c) A Federal court may establish appropriate vol-
20 untary alternative dispute resolution procedures and en-
21 courage voluntary use of alternative dispute resolution
22 services offered in the private sector.

23 “(d)(1) This section is intended to supplement and
24 not detract, reduce, or displace other sources of authority

1 for alternative dispute resolution programs in Federal
2 courts.

3 “(2) An alternative dispute resolution program under
4 this section shall not infringe on a litigant’s right to trial
5 de novo and shall impose no penalty on participating
6 litigants.

7 “(3) Nothing in this section is intended to interfere
8 with any alternative dispute resolutions program author-
9 ized under a provision of law other than this section, in-
10 cluding court annexed non-binding arbitration.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of sections for chapter 23 of title 28, United
13 States Code is amended by striking out the item relating
14 to section 482 and inserting in lieu thereof the following:

“482. Voluntary alternative dispute resolution procedures and resolution pro-
grams.

“483. Definitions.”.

○