

Subsec. (c). Pub. L. 90-578 designated existing provisions as subsec. (c), and substituted “United States magistrate” for “United States commissioner”, provision for appointment under this chapter rather than after July 10, 1946, provision that the form of the seal be prescribed by the conference rather than the Director, and “without fee” for “without additional fee”.

#### CHANGE OF NAME

“United States magistrate judges” and “United States magistrate judge” substituted for “United States magistrates” and “United States magistrate”, respectively, in subssecs. (a) and (c) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of this title.

### § 639. Definitions

As used in this chapter—

(1) “Conference” shall mean the Judicial Conference of the United States;

(2) “Council” shall mean the Judicial Council of the Circuit;

(3) “Director” shall mean the Director of the Administrative Office of the United States Courts;

(4) “Full-time magistrate judge” shall mean a full-time United States magistrate judge;

(5) “Part-time magistrate judge” shall mean a part-time United States magistrate judge; and

(6) “United States magistrate judge” and “magistrate judge” shall mean both full-time and part-time United States magistrate judges.

(June 25, 1948, ch. 646, 62 Stat. 917; Pub. L. 90-578, title I, § 101, Oct. 17, 1968, 82 Stat. 1114; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 528a (July 10, 1946, ch. 548, 60 Stat. 525).

Provisions of section 528a of title 28, U.S.C., 1940 ed., for furnishing seal is included in section 638 of this title.

Changes were made in phraseology.

#### AMENDMENTS

1968—Pub. L. 90-578 substituted definition provisions for prior requirements obligating the Director to furnish docket books and forms to United States commissioners and, with approval of the chief judge of the district court, a copy of the United States Code, declaring such property to remain United States property, and calling for transmission of such property to successors in office or for its disposal as directed by the Director, now incorporated in section 638(a) and (b) of this title.

#### CHANGE OF NAME

Words “magistrate judge” and “magistrate judges” substituted for “magistrate” and “magistrates”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which

is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of this title.

## CHAPTER 44—ALTERNATIVE DISPUTE RESOLUTION

Sec.

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| 651. | Authorization of alternative dispute resolution. |
| 652. | Jurisdiction.                                    |
| 653. | Neutrals.  |
| 654. | Arbitration.                                     |
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#### AMENDMENTS

1998—Pub. L. 105-315, § 12(b)(1), (2), Oct. 30, 1998, 112 Stat. 2998, substituted “ALTERNATIVE DISPUTE RESOLUTION” for “ARBITRATION” in chapter heading and amended analysis generally, substituting items 651 to 658 for former items 651 “Authorization of arbitration”, 652 “Jurisdiction”, 653 “Powers of arbitrator; arbitration hearing”, 654 “Arbitration award and judgment”, 655 “Trial de novo”, 656 “Certification of arbitrators”, 657 “Compensation of arbitrators”, and 658 “District courts that may authorize arbitration”.

### § 651. Authorization of alternative dispute resolution

(a) DEFINITION.—For purposes of this chapter, an alternative dispute resolution process includes any process or procedure, other than an adjudication by a presiding judge, in which a neutral third party participates to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration as provided in sections 654 through 658.

(b) AUTHORITY.—Each United States district court shall authorize, by local rule adopted under section 2071(a), the use of alternative dispute resolution processes in all civil actions, including adversary proceedings in bankruptcy, in accordance with this chapter, except that the use of arbitration may be authorized only as provided in section 654. Each United States district court shall devise and implement its own alternative dispute resolution program, by local rule adopted under section 2071(a), to encourage and promote the use of alternative dispute resolution in its district.

(c) EXISTING ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—In those courts where an alternative dispute resolution program is in place on the date of the enactment of the Alternative Dispute Resolution Act of 1998, the court shall examine the effectiveness of that program and adopt such improvements to the program as are consistent with the provisions and purposes of this chapter.

(d) ADMINISTRATION OF ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.—Each United States district court shall designate an employee, or a judicial officer, who is knowledgeable in alternative dispute resolution practices and processes to implement, administer, oversee, and evaluate the court’s alternative dispute resolution program. Such person may also be respon-