

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.	
651.	Authorization of alternative dispute resolution.
652.	Jurisdiction.
653.	Neutrals.
654.	Arbitration.
655.	Arbitrators.
656.	Subpoenas.
657.	Arbitration award and judgment.
658.	Compensation of arbitrators and neutrals.

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 responsible for recruiting, screening, and training attorneys to serve as neutrals and arbitrators in the court’s alternative dispute resolution program.

(e) TITLE 9 NOT AFFECTED.—This chapter shall not affect title 9, United States Code.

(f) PROGRAM SUPPORT.—The Federal Judicial Center and the Administrative Office of the United States Courts are authorized to assist the district courts in the establishment and improvement of alternative dispute resolution programs by identifying particular practices employed in successful programs and providing additional assistance as needed and appropriate.

(Added Pub. L. 100-702, title IX, §901(a), Nov. 19, 1988, 102 Stat. 4659; amended Pub. L. 105-315, §3, Oct. 30, 1998, 112 Stat. 2993.)

REFERENCES IN TEXT

The date of the enactment of the Alternative Dispute Resolution Act of 1998, referred to in subsec. (c), is the date of enactment of Pub. L. 105-315, which was approved Oct. 30, 1998.

AMENDMENTS

1998—Pub. L. 105-315 amended section generally, substituting provisions relating to authorization of alternative dispute resolution for provisions relating to authorization of arbitration.

EFFECTIVE DATE

Pub. L. 100-702, title IX, §907, Nov. 19, 1988, 102 Stat. 4664, provided that: “This title and the amendments made by this title [enacting this chapter and provisions set out as notes under this section and section 652 of this title] shall take effect 180 days after the date of enactment of this Act [Nov. 19, 1988].”

Pub. L. 100-702, title IX, §906, Nov. 19, 1988, 102 Stat. 4664, as amended by Pub. L. 103-192, §1(a), Dec. 14, 1993, 107 Stat. 2292, provided that, effective Dec. 31, 1994, this chapter and the item relating to this chapter in the table of chapters at the beginning of part III of this title were repealed, prior to repeal by Pub. L. 103-420, §3(b), Oct. 25, 1994, 108 Stat. 4345.

Pub. L. 103-192, §2, Dec. 14, 1993, 107 Stat. 2292, provided that this chapter and the item relating to this chapter in the table of chapters at the beginning of part III of this title continued on or after Dec. 14, 1993, as if they had not been repealed by section 906 of Pub. L. 100-702, formerly set out above, as such section was in effect on the day before Dec. 14, 1993.

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

Pub. L. 105-315, §2, Oct. 30, 1998, 112 Stat. 2993, provided that: “Congress finds that—

“(1) alternative dispute resolution, when supported by the bench and bar, and utilizing properly trained neutrals in a program adequately administered by the court, has the potential to provide a variety of benefits, including greater satisfaction of the parties, innovative methods of resolving disputes, and greater efficiency in achieving settlements;

“(2) certain forms of alternative dispute resolution, including mediation, early neutral evaluation, minitrials, and voluntary arbitration, may have potential to reduce the large backlog of cases now pending in some Federal courts throughout the United States,