

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: S2/12/03 H2/26/03*

# A Bill

SENATE BILL 216

5 By: Senator Bisbee  
6 *By: Representative Thyer*  
7

## For An Act To Be Entitled

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

### Subtitle

15 AN ACT TO AUTHORIZE THE TRIAL AND  
16 APPELLATE COURTS TO ORDER CERTAIN CASES  
17 TO MEDIATION.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 16-7-202 is amended to read as follows:  
23 16-7-202. Duty and authority of the courts.

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

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

34 (c) If a case or controversy is ordered to mediation, the parties may:

35 (1) Choose an appropriate mediator from a roster provided by the  
36 Arkansas Alternative Dispute Resolution Commission of those mediators who



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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