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Title 16 Practice, Procedure, and Courts

Chapter 7 Dispute Resolution

Subchapter 1 — Arkansas Alternative Dispute Resolution Commission

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16-7-101. Purpose.

The purpose of this subchapter is to encourage, promote, and develop voluntary alternative processes throughout the state to resolve disputes, cases, and controversies of all kinds.

History. Acts 1995, No. 673, § 1.

16-7-102. Arkansas Alternative Dispute Resolution Commission established — Terms of members — Meetings — Rules — Quorum.

(a) (1) (A) There is hereby created the Arkansas Alternative Dispute Resolution Commission which shall consist of seven (7) members.

(B) (i) Three (3) members shall be attorneys appointed by the Chief Justice of the Arkansas Supreme Court, one (1) of whom shall have been recommended to the court by the Arkansas Bar Association.

(ii) One (1) member shall be appointed by the Speaker of the House of Representatives.

(iii) One (1) member shall be appointed by the President Pro Tempore of the Senate.

(iv) Two (2) members shall be appointed by the Governor.

(2) All members shall have demonstrated prior interest or involvement in alternative dispute resolution.

(3) At least one (1) commission member shall be an Arkansas resident considered to be a representative of voluntary or nonprofit alternative dispute resolution programs in the State of Arkansas.

(4) Each member shall serve for six (6) years.

(5) If any member dies, resigns, or is otherwise unable to serve prior to the expiration of the term, the appointing entity shall appoint a successor to serve the unexpired portion of the term.

(6) The members of the commission shall elect a chair.

(b) Members of the commission may receive expense reimbursement in accordance with § 25-16-902.

(c) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and such special meetings as the commission determines are necessary.

(d) The commission may issue rules and regulations and shall publish rules for the regulation of its proceedings.

(e) A majority of the commission shall constitute a quorum.

History. Acts 1995, No. 673, §§ 2-5; 1997, No. 250, § 115; 1997, No. 1354, § 34; 2001, No. 1288, § 13.

16-7-103. Staffing.

(a) General staff support, facilities, and operating assistance for the Arkansas Alternative Dispute Resolution Commission shall be provided by the Administrative Office of the Courts from funds appropriated for that purpose by the General Assembly.

(b) The commission shall select a Coordinator of Alternative Dispute Resolution Programs, who shall be an employee of the Administrative Office of the Courts.

(c) Other employees may be added by the commission as are needed to carry out the purposes of this subchapter.

History. Acts 1995, No. 673, § 6.

16-7-104. Powers and duties of commission.

The Arkansas Alternative Dispute Resolution Commission shall have the authority and responsibility to:

- (1) Promote in a systematic manner the appropriate use of alternative dispute resolution;
- (2) Provide education to the courts, other government agencies, and the public on the methods, advantages, and applications of alternative dispute resolution;
- (3) (A) Establish standards and regulations for the certification, professional conduct, discipline, and training of persons who shall be eligible and qualified to serve as compensated mediators, negotiators, conciliators, arbitrators, or other alternative dispute resolution neutrals in and for state and local courts.

(B) However, nothing in this subchapter or in the standards and regulations promulgated by the commission shall in any way prevent the parties to the litigation from utilizing any recognized voluntary or nonprofit program of dispute resolution;
- (4) Develop recommended guidelines, including the types of disputes which may be subject to alternative dispute resolution and standard procedures for mediation, and other forms of alternative dispute resolution;
- (5) Assist state and local courts and governmental and other agencies with the development and implementation of alternative dispute resolution programs;
- (6) Develop standardized forms for use in state and local courts and governmental and other agencies for the reference of cases to alternative dispute resolution and for the purpose of monitoring the use of alternative dispute resolution in the state;
- (7) Establish fees to be levied by the courts and governmental and other agencies and paid by parties utilizing alternative dispute resolution processes;
- (8) Apply for and accept gifts or grants from any public or private source for use in maintaining and improving alternative dispute resolution programs in the state; and
- (9) Collect fees for tuition and registration of educational programs and to assist in maintaining a roster of third-party neutrals.

History. Acts 1995, No. 673, § 7; 1999, No. 602, § 1.