

16-7-202. Duty and authority of the courts.

(a) (1) It is the duty of each trial and appellate court of this state, and each court is hereby vested with the authority, to encourage the settlement of cases and controversies pending before it by suggesting the referral of a case or controversy to an appropriate dispute resolution process agreeable to the parties.

(2) On motion of all the parties, the court must make such an order of reference and continue the case or controversy pending the outcome of the selected dispute resolution process.

(b) In addition, each circuit and appellate court of this state is vested with the authority to order any civil, juvenile, probate, or domestic relations case or controversy pending before it to mediation.

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

(1) Choose an appropriate mediator from a roster provided by the Arkansas Alternative Dispute Resolution Commission of those mediators who meet the commission's requirement guidelines for that type of case; or

(2) Select a mediator not on the commission's roster, if approved by the court.

(d) (1) A party may move to dispense with the order to mediate for good cause shown.

(2) For purposes of this subsection, "good cause shown" shall include, but not be limited to, a party's inability to pay the costs of mediation.

(e) Each court is further granted the discretionary authority to make, at the request of a party, appropriate orders to confirm and enforce the results produced by the dispute resolution process.

History. Acts 1993, No. 641, § 2; 2003, No. 1179, § 1.