

HB 2534 -- ALTERNATIVE DISPUTE RESOLUTION

SPONSOR: Riggs

This bill establishes an alternative dispute resolution process to which a court may refer, by rule or court order, a single case or a category of cases. The parties themselves may enter into a written agreement to resolve their differences through an alternative dispute resolution process and may agree that the provisions of this bill will apply to the process. The process, whether referred by the court or agreed to by the parties, is non-binding unless the parties agree in writing to it being binding. In an action referred to an alternative dispute resolution process, discovery may proceed as in any other action, except that alternative dispute resolution communications will not be admissible as evidence in any proceeding or subject to discovery. Similarly, evidence or information that is otherwise admissible or subject to discovery will not become inadmissible or protected from discovery solely because of its disclosure or use in an alternative dispute resolution process. Any participant in an alternative dispute resolution process has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by that person during or relating to that process.

If the court has not ordered the parties to an alternative dispute resolution process and the parties do not themselves enter into a written agreement to resolve their differences using the process in this bill, the process the parties use will be considered settlement negotiations and will be subject to rules of confidentiality that generally apply to such negotiations.