

SUMMARY OF JOINT STATE GOVERNMENT COMMISSION REPORT OF THE ADVISORY COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION

The Joint State Government Commission serves as the primary agency to provide non-partisan, bicameral research and policy development for the General Assembly of Pennsylvania. Starting in 2005, an advisory committee was appointed to review the status of Alternative Dispute Resolution in Pennsylvania and make recommendations for its more effective use in the Commonwealth. Because of funding and other issues, the report was not issued until June, 2017.

While there were a large number of issues discussed, the Advisory Committee's sole recommendation was to create a statewide office of dispute resolution in Pennsylvania. The goal of the office is to help oversee ADR practice and to spread promising initiatives throughout the State.

The Advisory Committee determined that the expansion of ADR in Pennsylvania has been hindered because of a lack of coordinated leadership and institutional support; other states have benefitted from its widespread use. The establishment of a statewide office would be the foundation of any serious attempt to address the issues relating to ADR.

A central coordinating agency would help oversee ADR practice and spread promising initiatives throughout the state. Among the Commission's most important tasks will be disseminating information to the bar and the public about the kinds of ADR that might be available and the benefits of ADR in the appropriate circumstances.

Certainly, traditional litigation is the best means of dispute resolution in many instances. However, the use of ADR where appropriate will enable the traditional litigation system to be available for the cases that need it.

A major recommendation was for adequate funding to allow the Commission to do its work effectively. The expenses incurred by the Commonwealth to fund the ADR Commission should be more than offset by savings in the trial and appellate courts.

The recommendation of the Advisory Committee was to establish the Commission as an executive agency, because a large number of ADR services take place outside the Courts. The Commission would be governed by a Board of Directors. The recommendation for the Board intended to reflect the types of constituencies whose interests and concerns are likely to be most directly affected by the ADR Commissions' work. Board members would be appointed by the Chief Justice, the Governor, and legislative leaders. Various groups, such as the Pennsylvania Bar Association, law schools, community mediators, judges and others should be represented as Commissioners.

Draft legislation was included in the Advisory Committee report as a starting point for the establishment of the Commission.

Although the Advisory Committee only had one recommendation, the creation of a Commission to govern a Statewide Office of Dispute Resolution, the report had significant appendices to reflect the work that had been done and to provide a resource of the Commission.

This includes reports from six subcommittees:

- Business, Commercial, and Personal Injury Cases
- Community, Juvenile Delinquency, and Corrections
- Family
- Government and Public Policy
- Schools and Education
- Workplace and Health Care.