

ALABAMA EXECUTIVE ORDER NUMBER 42

Encourages state agencies to allow the use of mediation to resolve disputes among parties...

WHEREAS, alternative dispute resolution (ADR) offers a number of voluntary procedures which, when properly employed, commonly result in more timely, less costly dispute resolution than traditional litigation; and

WHEREAS, in an effort to continue to seek to improve the quality of the judicial system, many government agencies across the nation have called for the development and implementation of appropriate alternative methods of dispute resolution, particularly mediation; and

WHEREAS, in Alabama effective alternatives for resolving conflicts are desirable and mediation is a voluntary process in which a neutral third party, the mediator, assists disputing parties in reaching a mutually acceptable agreement regarding their dispute by conducting sessions intended to identify pertinent issues, clarify any misunderstandings, and seriously explore the possibility of settlement among the parties -- the mediator does not render any decision or impose a solution on any party, but facilitates discussions among the parties to assist them in resolving, by consensus, their dispute; and

WHEREAS, mediation offers many advantages to state agencies in securing timely and cost effective resolution of disputes governed by the Alabama Administrative Procedure Act, while at all times preserving the sovereign immunity of the State of Alabama; and

WHEREAS, the Alabama Legislature has favored mediation, having passed the Alabama Mediation Act, which became effective on May 17, 1996 and is now codified at Section 6-6-20, Code of Alabama, 1975.

NOW THEREFORE, I, Fob James, Jr., by virtue of the authority vested in me by the Constitution and laws of the United States of America and the State of Alabama, as Governor of the Great State of Alabama, for these reasons and for other good and valid considerations, do hereby encourage state agencies to study, develop and implement appropriate procedures within their agencies to allow, upon agreement and after all sovereign, discretionary, and qualified immunity issues are resolved, the use of mediation to resolve disputes among parties, whether involving other state agencies, their agents, servants, employees, or other third parties.

BE IT FURTHER ORDERED, that this order shall be in effect until altered or amended by the Governor of the State of Alabama in subsequent executive orders on this subject.

DONE AND ORDERED this 18th day of March, 1998

Fob James, Jr.
Governor

Attested:
Jim Bennet
Secretary of State