

2000 SESSION

INTRODUCED

001729836

HOUSE BILL NO. 1394

Offered January 24, 2000

A BILL to amend and reenact §§ 8.01-576.5 and 8.01-576.6 of the Code of Virginia, relating to dispute resolution.

Patron—McDonnell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-576.5 and 8.01-576.6 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-576.5. Referral of disputes to dispute resolution proceedings.

While protecting the right to trial by jury, a court, on its own motion or on motion of one of the parties, may refer any contested civil matter, or selected issues in a civil matter, to a dispute resolution evaluation session in order to encourage the early settlement of disputes through the use of procedures that facilitate (i) open communication between the parties about the issues in the dispute, (ii) full exploration of the range of options to resolve the dispute, (iii) improvement in the relationship between the parties, and (iv) control by the parties over the outcome of the dispute. The court shall set a date for the parties to return to court in accordance with its regular docket and procedure, irrespective of the referral to an evaluation session. The parties shall notify the court, in writing, if the dispute is resolved prior to the return date.

Upon such referral, the parties shall attend one evaluation session ~~unless excused pursuant to § 8.01-576.6. Further participation in a dispute resolution proceeding shall be by consent of all parties.~~ Attorneys for any party may be present during a dispute resolution proceeding.

§ 8.01-576.6. Notice and opportunity to object.

When a court has determined that referral to a dispute resolution evaluation session is appropriate, an order of referral to a neutral or to a dispute resolution program shall be entered and the parties shall be so notified as expeditiously as possible. ~~The court shall excuse the parties from participation in a dispute resolution evaluation session if, within fourteen days after entry of the order, a written statement signed by any party is filed with the court, stating that the dispute resolution process has been explained to the party and he objects to the referral.~~

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HB1394