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*The Administrative Dispute Resolution Act of 1996:
Improving Federal Agency Use of Alternative Dispute Resolution Processes*

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Abstract by Ryann Kathleen Bernard

In 1990, Congress enacted the Administrative Dispute Resolution Act (ADR) to encourage faster and less costly means of resolving disputes with the federal government. The ADR Act gave federal agencies the authority to use alternative dispute resolution methods like mediation, arbitration, mini-trials, partnering, and negotiated rulemaking. Almost all agencies make significant use of these processes. However, the 1990 ADR Act was problematic because of an escape clause for agency heads and its confidentiality requirements did not exempt communications from disclosure under the Freedom of Information Act. The 1996 amendments deal with these problems by eliminating the escape clause provision and attempts to protect communications from disclosure.

The author concludes that the federal government has benefited greatly from using consensual dispute resolution processes, and that 1996 amendments to the ADR Act have the potential to increase the benefits to the federal government and to the public.

