

**ABSTRACT**

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*Federal Tort Claims Act Administrative Claims: Better Than Third-Party ADR for Resolving Federal Tort Claims*

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Abstract by Peter Hack

This article discusses the Federal Tort Claims Act procedure for dealing with tort claims through an administrative process rather than alternative dispute resolution (ADR) or litigation. The first section of the article outlines the general history of the Federal Tort Claims Act. The author traces the development of resolving tort claims through the original congressional process up to the 1990 amendments giving settlement authority to agency heads. The article next deals with the process for presenting claims. The process requires presentation of the claim at the proper agency as well as certain elements in the claim itself.

The author discusses the ability of various agencies to settle tort claims. Each agency is statutorily permitted to settle claims for under \$25,000. In addition, certain agencies have been delegated authority to settle claims for greater amounts and any agency may seek authority to do so in special cases. The article also demonstrates how state law and governmental liability limitations are relevant. The author then moves to an outline of alternative dispute resolution in general and the aims of the Alternative Dispute Resolution Act passed in 1990. Federal Tort Claim Act administrative claims differ from typical ADR act resolution in that they do not generally involve neutral third parties. The author concludes that the Act provides a streamlined system for resolving the claims and still meets the goals of the ADR act.