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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE RESOLUTION

No. 160 Session of  
2005

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INTRODUCED BY GREENLEAF, COSTA, LEMMOND, ORIE, EARLL, RAFFERTY,  
O'PAKE, FERLO, ERICKSON, ARMSTRONG, WONDERLING, WASHINGTON  
AND BOSCOLA, SEPTEMBER 19, 2005

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REFERRED TO JUDICIARY, SEPTEMBER 19, 2005

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A CONCURRENT RESOLUTION

1 Directing the Joint State Government Commission to establish a  
2 bipartisan task force with an advisory committee to conduct a  
3 comprehensive review of the current status of alternative  
4 dispute resolution (ADR) services within the panoply of  
5 methods of conflict resolution available in this  
6 Commonwealth, to identify relevant best practices in the  
7 delivery of ADR services locally and nationally and how to  
8 improve conflict resolution in this Commonwealth by  
9 incorporating these best practices, to develop a plan for  
10 educating the citizens of this Commonwealth about conflict  
11 resolution in general and the use of ADR services in  
12 particular, as well as ensuring access to all needed ADR  
13 services, utilizing best practices and to propose legislation  
14 as may be required to implement the proposed plan and advance  
15 the use of innovative conflict resolution methods Statewide  
16 in the civil courts and in schools, businesses, government,  
17 criminal and juvenile justice systems and other community  
18 settings.

19 WHEREAS, Interpersonal and intergroup conflicts occur in  
20 every segment and age group of the population and in every type  
21 of organization in this Commonwealth; and

22 WHEREAS, If not expeditiously resolved through the use of  
23 traditional processes such as negotiation and litigation, these  
24 conflicts frequently result in substantial monetary and  
25 productivity losses as well as emotional distress and even

1 violence; and

2 WHEREAS, While recognizing that litigation and direct  
3 negotiations will always be available as viable methods of  
4 conflict resolution, there are many other ways that individuals  
5 and groups can resolve conflicts in timely, productive and  
6 empowering ways utilizing trained, impartial third parties,  
7 including through ADR services such as mediation, facilitation,  
8 structured dialogue, consensus building, neutral case  
9 evaluation, arbitration and minitrials; and

10 WHEREAS, With increased knowledge and ability to employ a  
11 range of ADR services, the citizens of this Commonwealth may  
12 experience a more peaceful and civil society, resolution of  
13 interpersonal and intergroup conflicts lawfully and peacefully  
14 with greater control over outcome, increased public access to  
15 justice, a more efficient and user-friendly legal system that  
16 reduces burdens on the courts and substantial reduction in the  
17 human and financial costs of interpersonal and intergroup  
18 conflict, including interference with productivity; and

19 WHEREAS, Educating the citizens of this Commonwealth about  
20 how and when to use ADR services and ensuring access to ADR  
21 services requires cooperation and collaboration among State,  
22 county and municipal governmental bodies, the judiciary and the  
23 private sector, including for-profit and nonprofit entities, and  
24 requires legislation to support and advance the use of  
25 innovative conflict resolution methods Statewide, not only in  
26 the civil courts but also in schools, businesses, government,  
27 criminal and juvenile justice systems and other community  
28 settings; therefore be it

29 RESOLVED (the House of Representatives concurring), That the  
30 General Assembly direct the Joint State Government Commission to

1 establish a task force of members of the Senate and members of  
2 the House of Representatives to:

3 (1) Conduct a comprehensive review of the current status  
4 of ADR services within the panoply of methods of conflict  
5 resolution available in this Commonwealth.

6 (2) Identify relevant best practices in the delivery of  
7 ADR services locally and nationally and how to improve  
8 conflict resolution in this Commonwealth by incorporating  
9 these best practices.

10 (3) Develop a plan for educating the citizens of this  
11 Commonwealth about conflict resolution in general and ADR  
12 services in particular and ensure access to needed ADR  
13 services utilizing best practices.

14 (4) Propose legislation as may be required to implement  
15 the proposed plan and advance the use of innovative conflict  
16 resolution methods Statewide, not only in the civil courts  
17 but also in schools, businesses, government, criminal and  
18 juvenile justice systems and other community settings;

19 and be it further

20 RESOLVED, That the President pro tempore of the Senate and  
21 the Speaker of the House of Representatives each appoint two  
22 members of the task force and the Minority Leader of the Senate  
23 and the Minority Leader of the House of Representatives each  
24 appoint two members of the task force; and be it further

25 RESOLVED, That the task force be authorized to create an  
26 advisory committee to assist it, to include representatives of  
27 the principal types of groups likely to contribute useful  
28 information and make recommendations, such as government  
29 officials, judges, lawyers, businesspeople, academics, health  
30 and human services professionals, typical users of ADR services

1 and providers of all types of ADR services from public, private  
2 and nonprofit sectors; and be it further

3       RESOLVED, That the task force report its findings and  
4 recommendations to the General Assembly as soon as possible.