

BILL ANALYSIS

H.B. 1083
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It is the practice among the judges in a few of the larger counties to issue automatic orders to mediate in any case where an answer is filed. A confirmation action, especially under the Federal Arbitration Act, is intended to be an expedited proceeding, in that there are very few grounds on which an arbitrator's award can be challenged. Recently, in a case that already proceeded to arbitration, and where a person was successful, the person received an automatic order from a court ordering the person not only to mediate but to send a corporate officer to the mediation, but not a representative with authority. This bill will prevent the courts from using mediation orders to raise the costs and burdens of confirming awards that, under federal law, should be relatively simple to confirm.

H.B. 1083 clarifies that, unless the parties agree, a court may not order mediation if the action is subject to the Federal Arbitration Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1083 amends the Civil Practice and Remedies Code to prohibit a court from ordering a mediation in an action that is subject to the Federal Arbitration Act except as provided by agreement of the parties.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.