

Q. Alternative Dispute Resolution

Appendix Q is FDIC’s Statement of Policy regarding its commitment to Alternative Dispute Resolution (“ADR”) for resolving appropriate disputes in a timely and cost efficient manner and to comply with the spirit of the Administrative Dispute Resolution Act of 1996.

1. Statement of Policy on Alternative Dispute Resolution.....Q-3
(December 11, 1996)

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Alternative Dispute Resolution
62 FR 1456

DATE: Friday, January 10, 1997

ACTION: Notice of adoption of policy statement.

SUMMARY: The FDIC has adopted a Statement of Policy to further its commitment to the use of Alternative Dispute Resolution for resolving appropriate disputes in a timely and cost efficient manner and to comply with the spirit of the Administrative Dispute Resolution Act of 1996.

EFFECTIVE DATE: December 11, 1996.

FOR FURTHER INFORMATION CONTACT: Martha W. McClellan, Counsel (202) 736-0512, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The Board of Directors of the FDIC has modified its Statement of Policy on Alternative Dispute Resolution to reflect technical adjustments necessary in light of the reenactment of the Administrative Dispute Resolution Act (Pub. L. 104-320), and to reflect recent FDIC administrative and organizational changes. The text of the revised Policy Statement follows:

Statement of Policy on Alternative Dispute Resolution

The Federal Deposit Insurance Corporation (FDIC) has been and continues to be committed to the use of Alternative Dispute Resolution (ADR) for resolving appropriate disputes in a more timely, less costly manner than litigation or administrative adjudication. The FDIC hereby adopts this policy to reiterate its commitment to ADR, to express its full support for ADR and to set forth a framework for the continuing and expanding use of ADR. The Corporation views ADR not as an end in itself, but rather, as an additional tool to accomplish its business efficiently, economically and productively. To that end, the FDIC believes that its ADR policy should be dynamic and continually developing.

The FDIC fully supports the cost-effective use of ADR, including negotiation, mediation, early neutral evaluation, neutral expert fact-finding, mini-trials and other hybrid forms of ADR in appropriate instances. The purpose of this policy is to use ADR in appropriate instances to resolve disputes at the earliest stage possible, by the fastest and least expensive method possible and at the lowest possible organizational level consistent with applicable delegation of authority.

The Senior Deputy Director (Division of Resolutions and Receiverships) serves as the Dispute Resolution Specialist for the Corporation. In addition, an ADR Steering Committee, composed of the Dispute Resolution Specialist (or his/her designee) and representatives from each Division and Office, was established by the Board of Directors in 1994 to coordinate and encourage appropriate and cost-effective conflict management practices in all aspects of FDIC operations and programs. The Dispute Resolution Specialist, working with the ADR Steering Committee, shall report to the Board of Directors on an annual basis regarding the Corporation's ADR efforts, implementation of this policy, and any revisions or actions necessary.

It is the responsibility of all FDIC employees to implement this policy and to practice and promote cost-effective dispute resolution in FDIC programs and other areas of Corporation operation. All management and employees of the FDIC are hereby directed to take the necessary steps to implement this policy and to cooperate to the fullest extent with the ADR Steering Committee and the Dispute Resolution Specialist (and his/her designee) to promote effective and appropriate use of ADR at the Corporation in furtherance of this policy.

The FDIC welcomes and encourages input on the use of ADR and comment on current and potential uses of ADR from both within and outside the Corporation.

By order of the Board of Directors.

Dated at Washington, DC, the 11th day of December, 1996.

Federal Deposit Insurance Corporation.

Jerry L. Langley
Executive Secretary.

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[TOC](#) [INTRODUCTION](#) [CHAPTER 1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [APPENDICES](#)