

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Klemin

1 A BILL for an Act to provide for mandatory alternative dispute resolution for professional
2 malpractice cases.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Mandatory alternative dispute resolution for professional**
5 **malpractice cases.**

- 6 1. For purposes of this section, "professional malpractice claim" means a claim
7 brought against a professional or other defendant joined in a claim alleging that an
8 injury was suffered by the claimant as a result of professional misconduct.
- 9 2. Notwithstanding section 32-42-03, every professional malpractice claim filed with
10 the district court, except for good cause as determined by the court.
- 11 a. Provide an equitable means for the payment of fees and expenses of the
12 alternative dispute resolution processes; and
- 13 b. Provide that the damages awarded to a party as a result of the alternative
14 dispute resolution process.
- 15 c. Provide that the damages awarded as a result.
- 16 3. The alternative dispute resolution methods provided for under the rules may
17 include arbitration.