

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3000

By: Stiles

7 COMMITTEE SUBSTITUTE

8 An Act relating to civil procedure; amending 12 O.S.
9 2011, Section 1805, which relates to the Dispute
10 Resolution Act; requiring mediation program disclose
11 certain information if ordered by the court; and
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1805, is
15 amended to read as follows:

16 Section 1805. A. Any information received by a mediator or a
17 person employed to assist a mediator, through files, reports,
18 interviews, memoranda, case summaries, or notes and work products of
19 the mediator, is privileged and confidential.

20 B. No part of the proceeding shall be considered a matter of
21 public record.

22 C. No mediator, initiating party, or responding party in a
23 mediation proceeding shall be subject to administrative or judicial
24 process requiring disclosure of any matters discussed or shall

1 disclose any information obtained during any part of the mediation
2 proceedings. However, if ordered by the court, a mediation program
3 shall disclose whether or not a party attended a mediation.

4 D. Each mediation session shall be informal. No adjudication
5 sanction or penalty may be made or imposed by the mediator or the
6 program.

7 E. No mediator, employee, or agent of a mediator shall be held
8 liable for civil damages for any statement or decision made in the
9 process of mediating or settling a dispute unless the action of such
10 person was a result of gross negligence with malicious purpose or in
11 a manner exhibiting willful disregard of the rights, safety, or
12 property of any party to the mediation.

13 F. If a party who has participated in mediation brings an
14 action for damages against a mediator arising out of mediation, for
15 purposes of that action, the privilege provided for in subsection A
16 of this section shall be deemed to be waived as to the party
17 bringing the action.

18 SECTION 2. This act shall become effective November 1, 2014.

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