

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3000

By: Stiles

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

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

23 C. No mediator, initiating party, or responding party in a
24 mediation proceeding shall be subject to administrative or judicial

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

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

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

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

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

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21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
22 PASS, As Amended.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.