

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

February 8, 2022

By: Floyd

An Act relating to the Dispute Resolution Act; amending 12 O.S. 2021, Section 1805, which relates to confidentiality of proceedings; clarifying information not subject to disclosure; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1805, is amended to read as follows:

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

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

C. No mediator, initiating party, or responding party in a mediation proceeding shall be subject to administrative or judicial process requiring disclosure of any matters discussed or shall disclose any information obtained during any part of the mediation proceedings including, but not limited to, mediation scheduling, attendance, participation or discussion of any proposed settlement

1 agreement, items agreed upon or disputed, or the intent of the  
2 parties.

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

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

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

17 SECTION 2. This act shall become effective November 1, 2022.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
19 February 8, 2022 - DO PASS  
20  
21  
22  
23  
24