

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1271

By: Floyd

AS INTRODUCED

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

1 proceedings including, but not limited to, mediation scheduling,  
2 attendance, participation or discussion of any proposed settlement  
3 agreement, items agreed upon or disputed, or the intent of the  
4 parties.

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, 2022.  
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