1 HOUSE OF REPRESENTATIVES - FLOOR VERSION STATE OF OKLAHOMA 2 1st Session of the 59th Legislature (2023) 3 ENGROSSED SENATE 4 BILL NO. 97 By: Floyd of the Senate 5 and 6 Stinson of the House 7 8 9 An Act relating to the Dispute Resolution Act; amending 12 O.S. 2021, Section 1805, which relates to confidentiality of proceedings; clarifying 10 information not subject to disclosure; and providing an effective date. 11 12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 13 SECTION 1. 12 O.S. 2021, Section 1805, is AMENDATORY 14 amended to read as follows: 15 Section 1805. A. Any information received by a mediator or a 16 person employed to assist a mediator, through files, reports, 17 interviews, memoranda, case summaries, or notes and work products of 18 the mediator, is privileged and confidential. 19 20 B. No part of the proceeding shall be considered a matter of public record. 21 C. No mediator, initiating party, or responding party in a 22 mediation proceeding shall be subject to administrative or judicial 23 24 process requiring disclosure of any matters discussed or shall

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

5 parties.

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- D. Each mediation session shall be informal. No adjudication sanction or penalty may be made or imposed by the mediator or the program.
- E. No mediator, employee, or agent of a mediator shall be held liable for civil damages for any statement or decision made in the process of mediating or settling a dispute unless the action of such person was a result of gross negligence with malicious purpose or in a manner exhibiting willful disregard of the rights, safety, or property of any party to the mediation.
- F. If a party who has participated in mediation brings an action for damages against a mediator arising out of mediation, for purposes of that action the privilege provided for in subsection A of this section shall be deemed to be waived as to the party bringing the action.
- SECTION 2. This act shall become effective November 1, 2023. 20

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated 22 04/11/2023 - DO PASS.

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