

1 **SENATE FLOOR VERSION**

2 February 14, 2023

3 **AS AMENED**

4 SENATE BILL NO. 97

By: Floyd of the Senate

and

Stinson of the House

7
8 **[Dispute Resolution Act - confidentiality -
9 effective date]**

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

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

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

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

20 C. No mediator, initiating party, or responding party in a
21 mediation proceeding shall be subject to administrative or judicial
22 process requiring disclosure of any matters discussed or shall
23 disclose any information obtained during any part of the mediation
24 proceedings including but not limited to mediation scheduling,

1 attendance, participation, or discussion of any proposed settlement
2 agreement, items agreed upon or disputed, or the intent of the
3 parties.

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, 2023.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
20 February 14, 2023 - DO PASS AS AMENDED

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