

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 97

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, 2023.
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