

**Alternative Dispute Resolution System
Confidentiality of Proceedings and Rules of Conduct
for Parties attending Mediation Hearing**

ACKNOWLEDGEMENT FORM

As ordered by the Oklahoma Supreme Court, all persons attending a proceeding in the Dispute Mediation Program must abide by the following Confidentiality Provisions and Rules of Conduct, and must execute this Acknowledgement Form before attending a mediation proceeding.

Case No: _____ **Case Name:** _____

CONFIDENTIALITY OF PROCEEDINGS – 12 O.S. §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 proceedings 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 proceeding.
- 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.

RULE 10 - RULES OF CONDUCT FOR OUTSIDE PARTIES ATTENDING MEDIATION HEARING

- A.** All persons attending a mediation session shall respect and maintain the total confidentiality of the session.
- B.** When one party in a mediation session requests an assisting party, the following rules must be outlined and agreed to by the assisting party prior to initiating the mediation session:
 - 1.** An assisting party may advise only his/her client. The assisting party shall speak only with the mediator or his/her client and cannot interrogate the opposing party during the mediation session.
 - 2.** The party without an assisting person present must consent to allowing the other person's assisting party in the mediation session, or be given the opportunity to secure his/her own assisting party to be present during the mediation session.
 - 3.** If a party who is without an assisting party refuses to participate in mediation due to the presence of another's assisting party, no mediation session will be conducted.

- C. If a party requests a non-assisting friend or relative to attend the session, attendance shall be allowed only if agreed upon in advance by the other party and is not in violation with program policy. The person may then be in the room but in no way may interrupt, or interfere with proceedings. Such a person shall not be heard nor allowed to display distracting behavior.
- D. If the mediating parties agree, a neutral third party may serve as a resource person for the mediator and the parties. Such a person shall participate only on request and must remain impartial.
- E. Mediation sessions shall not be filmed, taped, or otherwise recorded.
- F. All notes or other writings produced by the mediator or any other person while a mediation is in session shall be collected by the mediator at the end of each session and held in a confidential file until the mediation process is completed. When the mediation process is completed, whether or not an agreement is reached, all notes and other writings produced while a mediation is in session, except the written agreement or memorandum of understanding, shall be destroyed.

ACKNOWLEDGEMENT: By signing below, I acknowledge that I have read and understand the above Confidentiality Provisions and Rules of Conduct for Outside Parties Attending Mediation Hearing, and agree to abide by these rules for this mediation proceeding.

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