

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6971

Title: AN ACT ADOPTING THE CONNECTICUT UNIFORM MEDIATION ACT.

Vote Date: 4/10/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2025

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Legal rules on mediation are addressed in more than 2,000 state and federal statutes, and more than 250 of these deal with confidentiality and privileges issues alone. The Uniform Mediation Act (UMA) provides a single comprehensive law governing privileges and confidentiality in mediation. One of the UMA's central purposes is to provide a privilege for the mediation process that assures confidentiality. The Act establishes a confidentiality privilege for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings.

SUBSTITUTE LANGUAGE:

The substitute language includes changes to sections 3(b)(3) to address concerns regarding applicability of the bill to the Judicial Branch, section 10 regarding persons who attend the mediation but are not lawyers and adds a new section 12 carving out the Probate Court from the application of the bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

External Affairs Division, Judicial Branch: The Judicial branch requested several changes be made to this legislation. They asked that all state judges be excluded in line 55 and asked for clarification on "privileged" and "confidential" communications, as the two terms are different under the law. Finally, they asked for it to be clarified whether a non-attorney individual be excluded from being permitted to join a mediation.

Hon. Beverly Streit, Probate Court Administrator: The Probate Court Administrator takes no position on the proposed legislation. She does, however, request that the committee include a carve out for the probate courts and probate proceedings so the private courts can continue to function under their existing mediation process.

NATURE AND SOURCES OF SUPPORT:

Barry Hawkins, Connecticut Bar Association: They submitted testimony in support of this legislation because it clarifies rules surrounding the mediation process, which could help to ensure a fairer mediation process. He estimates nearly 2,500 different statutes exist that govern the mediation process and that this law will help to consolidate them.

Harry Mazadoorian, Esq.: He supports this legislation because it provides certainty and uniformity in the mediation process. He believes that the act promotes the informed use of mediation as a prompt and economical alternative dispute resolution process and fosters active party involvement and self-determination.

Charles Pillsbury, Professor of Law, Quinnipiac Law School: He supports this legislation because it provides certainty, a confidentiality privilege, exceptions to privilege, protections to parties involved in mediation, includes applicability exceptions, and it promotes uniformity.

Nancy Rogers, former Attorney General of Ohio: She supports this legislation because it is widely adopted by other states and organizations throughout the country. She believes that states which have adopted this act see less litigation over the mediation process than states without it. She furthered that the uniformity of the act compared to specific statutes can make the mediation process a much more viable option.

Marc Donald, CEO, Catalyst CT: He supports this legislation because the CT Uniform Mediation Act provides a clear, consistent and comprehensive legal framework for mediation in our state. He stated this is important because it increases clarity and predictability, protection of confidentiality and support for effective mediation practices.

Douglas Mintz, Connecticut Bar Association: He supports this legislation, especially the confidentiality aspect.

Carolyn Kaas, Professor, Quinnipiac University: She supports this legislation because she has seen firsthand just how much it can help to resolve family conflict. She explained that the act also clarifies ethical practice, confidentiality and improves consistency in practice within our state and across state lines.

Charlotte Ejderberg: She supports this legislation because her work would be made much easier by this act. She believes this legislation would provide a structured and supportive framework for families to navigate separation and divorce. This, in turn, would take less of a toll on children involved in family legal matters.

Susan Busby: She supports this legislation because she believes that this could provide a less costly, less adversarial alternative to divorce litigation which in turn is better for families. This also takes up less of the court's time and saves the state resources.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Griffin Olshan

Date: April 1, 2025