



General Assembly

January Session, 2025

Raised Bill No. 6971

LCO No. 4623



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT ADOPTING THE CONNECTICUT UNIFORM MEDIATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2025*) Sections 1 to 15, inclusive,
2 of this act may be cited as the "Connecticut Uniform Mediation Act".

3 Sec. 2. (NEW) (*Effective October 1, 2025*) As used in sections 1 to 15,
4 inclusive, of this act:

5 (1) "Mediation" means a process in which a mediator facilitates
6 communication and negotiation between parties to assist them in
7 reaching a voluntary agreement regarding their dispute.

8 (2) "Mediation communication" means a statement, whether oral or
9 in a record or verbal or nonverbal, that occurs during a mediation or is
10 made for purposes of considering, conducting, participating in,
11 initiating, continuing or reconvening a mediation or retaining a
12 mediator.

13 (3) "Mediator" means an individual who conducts a mediation.

14 (4) "Nonparty participant" means a person, other than a party or
15 mediator, that participates in a mediation.

16 (5) "Mediation party" means a person that participates in a mediation
17 and whose agreement is necessary to resolve the dispute.

18 (6) "Person" means an individual, corporation, business trust, estate,
19 trust, partnership, limited liability company, association, joint venture,
20 government; governmental subdivision, agency, or instrumentality;
21 public corporation or any other legal or commercial entity.

22 (7) "Proceeding" means:

23 (A) A judicial, administrative, arbitral or other adjudicative process,
24 including related prehearing and posthearing motions, conferences and
25 discovery; or

26 (B) A legislative hearing or similar process.

27 (8) "Record" means information that is inscribed on a tangible
28 medium or that is stored in an electronic or other medium and is
29 retrievable in perceivable form.

30 (9) "Sign" means:

31 (A) To execute or adopt a tangible symbol with the present intent to
32 authenticate a record; or

33 (B) To attach or logically associate an electronic symbol, sound or
34 process to or with a record with the present intent to authenticate a
35 record.

36 Sec. 3. (NEW) (*Effective October 1, 2025*) (a) Except as otherwise
37 provided in subsection (b) or (c) of this section, sections 1 to 15,
38 inclusive, of this act apply to a mediation in which:

39 (1) The mediation parties are required to mediate by statute or court
40 or administrative agency rule or referred to mediation by a court,

41 administrative agency or arbitrator;

42 (2) The mediation parties and the mediator agree to mediate in a
43 record that demonstrates an expectation that mediation
44 communications will be privileged against disclosure; or

45 (3) The mediation parties use as a mediator an individual who holds
46 himself or herself out as a mediator or the mediation is provided by a
47 person that holds itself out as providing mediation.

48 (b) Sections 1 to 15, inclusive, of this act do not apply to a mediation:

49 (1) Relating to the establishment, negotiation, administration or
50 termination of a collective bargaining relationship;

51 (2) Relating to a dispute that is pending under or is part of the
52 processes established by a collective bargaining agreement, except that
53 sections 1 to 15, inclusive, of this act apply to a mediation arising out of
54 a dispute that has been filed with an administrative agency or a court;

55 (3) Conducted by a judge who might make a ruling on the case, or by
56 a Judicial Branch employee who performs mediations in the course of
57 such employee's employment;

58 (4) Arising from a proceeding governed by chapter 48, 68, 113 or 166
59 of the general statutes;

60 (5) Commenced prior to October 1, 2025, which is subject to the
61 provisions of section 52-235d of the general statutes;

62 (6) Commenced prior to October 1, 2025, which is administered under
63 the auspices of section 46b-53a of the general statutes; or

64 (7) Conducted under the auspices of:

65 (A) A primary or secondary school if all the parties are students; or

66 (B) A correctional institution for youths if all the parties are residents

67 of the institution.

68 (c) If the parties agree in advance in a signed record, or a record of
69 proceeding reflects agreement by the parties, that all or part of a
70 mediation is not privileged, the privileges under sections 4 to 6,
71 inclusive, of this act, do not apply to the mediation or part agreed upon,
72 except that sections 4 to 6, inclusive, of this act apply to a mediation
73 communication made by a person that has not received actual notice of
74 the agreement before the communication is made.

75 Sec. 4. (NEW) (*Effective October 1, 2025*) (a) Except as otherwise
76 provided in section 6 of this act, a mediation communication is
77 privileged as provided in subsection (b) of this section and is not subject
78 to discovery or admissible in evidence in a proceeding unless waived or
79 precluded as provided by section 5 of this act.

80 (b) In a proceeding, the following privileges apply:

81 (1) A mediation party may refuse to disclose, and may prevent any
82 other person from disclosing, a mediation communication.

83 (2) A mediator may refuse to disclose a mediation communication,
84 and may prevent any other person from disclosing a mediation
85 communication of the mediator.

86 (3) A nonparty participant may refuse to disclose, and may prevent
87 any other person from disclosing, a mediation communication of the
88 nonparty participant.

89 (c) Evidence or information that is otherwise admissible or subject to
90 discovery does not become inadmissible or protected from discovery
91 solely by reason of its disclosure or use in a mediation.

92 Sec. 5. (NEW) (*Effective October 1, 2025*) (a) A privilege under section
93 4 of this act may be waived in a record or orally during a proceeding if
94 it is expressly waived by all parties to the mediation and:

95 (1) In the case of the privilege of a mediator, it is expressly waived by
96 the mediator; and

97 (2) In the case of the privilege of a nonparty participant, it is expressly
98 waived by the nonparty participant.

99 (b) A person that discloses or makes a representation about a
100 mediation communication which prejudices another person in a
101 proceeding is precluded from asserting a privilege under section 4 of
102 this act, but only to the extent necessary for the person prejudiced to
103 respond to the representation or disclosure.

104 (c) A person that intentionally uses a mediation to plan, attempt to
105 commit or commit a crime, or to conceal an ongoing crime or ongoing
106 criminal activity is precluded from asserting a privilege under section 4
107 of this act.

108 Sec. 6. (NEW) (*Effective October 1, 2025*) (a) There is no privilege under
109 section 4 of this act for a mediation communication that is:

110 (1) In an agreement evidenced by a record signed by all parties to the
111 agreement;

112 (2) Available to the public under the Freedom of Information Act, as
113 defined in section 1-200 of the general statutes, or made during a session
114 of a mediation which is open, or is required by law to be open, to the
115 public;

116 (3) A threat or statement of a plan to inflict bodily injury or commit a
117 crime of violence;

118 (4) Intentionally used to plan a crime, attempt to commit or commit a
119 crime, or to conceal an ongoing crime or ongoing criminal activity;

120 (5) Sought or offered to prove or disprove a claim or complaint of
121 professional misconduct or malpractice filed against a mediator;

122 (6) Except as otherwise provided in subsection (c) of this section,
123 sought or offered to prove or disprove a claim or complaint of
124 professional misconduct or malpractice filed against a mediation party,
125 nonparty participant, or representative of a party based on conduct
126 occurring during a mediation; or

127 (7) Sought or offered to prove or disprove abuse, neglect,
128 abandonment or exploitation in a proceeding in which a child or adult
129 protective services agency is a party, unless the proceeding is referred
130 by a court to mediation and the child or adult protective services agency
131 participates in the mediation.

132 (b) There is no privilege under section 4 of this act if a court,
133 administrative agency or arbitrator finds, after a hearing in camera, that
134 the party seeking discovery or the proponent of the evidence has shown
135 that the evidence is not otherwise available, that there is a need for the
136 evidence that substantially outweighs the interest in protecting
137 confidentiality, and that the mediation communication is sought or
138 offered in:

139 (1) A court proceeding involving a felony or misdemeanor; or

140 (2) Except as otherwise provided in subsection (c) of this section, a
141 proceeding to prove a claim to rescind or reform or a defense to avoid
142 liability on a contract arising out of the mediation.

143 (c) A mediator may not be compelled to provide evidence of a
144 mediation communication referred to in subdivision (6) of subsection
145 (a) of this section or subdivision (2) of subsection (b) of this section.

146 (d) If a mediation communication is not privileged under subsection
147 (a) or (b) of this section, only the portion of the communication
148 necessary for the application of the exception from nondisclosure may
149 be admitted. Admission of evidence under subsection (a) or (b) of this
150 section does not render the evidence, or any other mediation
151 communication, discoverable or admissible for any other purpose.

152 Sec. 7. (NEW) (*Effective October 1, 2025*) (a) Except as required in
153 subsection (b) of this section, a mediator may not make a report,
154 assessment, evaluation, recommendation, finding or other
155 communication regarding a mediation to a court, administrative agency
156 or other authority that may make a ruling on the dispute that is the
157 subject of the mediation.

158 (b) A mediator may disclose:

159 (1) Whether the mediation occurred or has terminated, whether a
160 settlement was reached, and attendance;

161 (2) A mediation communication as permitted under section 6 of this
162 act; or

163 (3) A mediation communication evidencing abuse, neglect,
164 abandonment or exploitation of an individual to a public agency
165 responsible for protecting individuals against such mistreatment.

166 (c) A communication made in violation of subsection (a) of this
167 section may not be considered by a court, administrative agency or
168 arbitrator.

169 Sec. 8. (NEW) (*Effective October 1, 2025*) Unless subject to the Freedom
170 of Information Act, as defined in section 1-200 of the general statutes,
171 mediation communications are confidential to the extent agreed by the
172 parties or provided by other law or rule of this state.

173 Sec. 9. (NEW) (*Effective October 1, 2025*) (a) Before accepting a
174 mediation, an individual who is requested to serve as a mediator shall:

175 (1) Make an inquiry that is reasonable under the circumstances to
176 determine whether there are any known facts that a reasonable
177 individual would consider likely to affect the impartiality of the
178 mediator, including a financial or personal interest in the outcome of the
179 mediation and an existing or past relationship with a mediation party
180 or foreseeable participant in the mediation; and

181 (2) Disclose any such known fact to the mediation parties as soon as
182 is practical before accepting a mediation.

183 (b) If a mediator learns any fact described in subdivision (1) of
184 subsection (a) of this section after accepting a mediation, the mediator
185 shall disclose it as soon as is practicable.

186 (c) At the request of a mediation party, an individual who is
187 requested to serve as a mediator shall disclose the mediator's
188 qualifications to mediate a dispute.

189 (d) A person that violates subsection (a), (b) or (g) of this section is
190 precluded by the violation from asserting a privilege under section 4 of
191 this act.

192 (e) Subsections (a), (b), (c) and (g) of this section do not apply to a
193 judge acting as a mediator.

194 (f) Sections 1 to 15, inclusive, of this act do not require that a mediator
195 have a special qualification by background or profession.

196 (g) A mediator must be impartial, unless after disclosure of the facts
197 required in subsections (a) and (b) of this section to be disclosed, the
198 parties agree otherwise.

199 (h) Mediation is deemed to have commenced when the referral or
200 agreement to mediate is made.

201 Sec. 10. (NEW) (*Effective October 1, 2025*) An attorney or other
202 individual designated by a party may accompany the party to and
203 participate in a mediation. A waiver of participation given before the
204 mediation may be rescinded.

205 Sec. 11. (NEW) (*Effective October 1, 2025*) (a) In this section, "Model
206 Law" means the Model Law on International Commercial Conciliation
207 adopted by the United Nations Commission on International Trade Law
208 on June 28, 2002, and recommended by the United Nations General

209 Assembly in a resolution (A/RES/57/18) dated November 19, 2002, and
210 "international commercial mediation" means an international
211 commercial conciliation as defined in Article 1 of the Model Law.

212 (b) Except as otherwise provided in subsections (c) and (d) of this
213 section, if a mediation is an international commercial mediation, the
214 mediation is governed by the Model Law.

215 (c) Unless the parties agree in accordance with subsection (c) of
216 section 3 of this act that all or part of an international commercial
217 mediation is not privileged, sections 4, 5 and 6 of this act and any
218 applicable definitions in section 2 of this act also apply to the mediation
219 and nothing in Article 10 of the Model Law derogates from sections 4, 5
220 and 6 of this act.

221 (d) If the parties to an international commercial mediation agree
222 under Article 1, subsection (7), of the Model Law that the Model Law
223 does not apply, sections 1 to 15, inclusive, of this act apply.

224 Sec. 12. (NEW) (*Effective October 1, 2025*) Sections 1 to 15, inclusive, of
225 this act modify, limit or supersede the federal Electronic Signatures in
226 Global and National Commerce Act, 15 USC 7001 et seq., but sections 1
227 to 15, inclusive, of this act do not modify, limit or supersede Section
228 101(c) of said act or authorize electronic delivery of any of the notices
229 described in Section 103(b) of said act.

230 Sec. 13. (NEW) (*Effective October 1, 2025*) In applying and construing
231 the uniform provisions of sections 1 to 15, inclusive, of this act,
232 consideration should be given to the need to promote uniformity of the
233 law with respect to its subject matter among states that enact such
234 uniform provisions.

235 Sec. 14. (NEW) (*Effective October 1, 2025*) If any provision of sections
236 1 to 15, inclusive, of this act, or application of sections 1 to 15, inclusive,
237 of this act, to any person or circumstance is held invalid, the invalidity
238 does not affect other provisions or applications of sections 1 to 15,

239 inclusive, of this act, which can be given effect without the invalid
240 provision or application, and to this end the provisions of sections 1 to
241 15, inclusive, of this act are severable.

242 Sec. 15. (NEW) (*Effective October 1, 2025*) (a) Sections 1 to 15, inclusive,
243 of this act govern a mediation pursuant to a referral or an agreement to
244 mediate made on or after October 1, 2025.

245 (b) On and after October 1, 2026, sections 1 to 15, inclusive, of this act,
246 govern an agreement to mediate whenever made.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2025</i>	New section
Sec. 2	<i>October 1, 2025</i>	New section
Sec. 3	<i>October 1, 2025</i>	New section
Sec. 4	<i>October 1, 2025</i>	New section
Sec. 5	<i>October 1, 2025</i>	New section
Sec. 6	<i>October 1, 2025</i>	New section
Sec. 7	<i>October 1, 2025</i>	New section
Sec. 8	<i>October 1, 2025</i>	New section
Sec. 9	<i>October 1, 2025</i>	New section
Sec. 10	<i>October 1, 2025</i>	New section
Sec. 11	<i>October 1, 2025</i>	New section
Sec. 12	<i>October 1, 2025</i>	New section
Sec. 13	<i>October 1, 2025</i>	New section
Sec. 14	<i>October 1, 2025</i>	New section
Sec. 15	<i>October 1, 2025</i>	New section

Statement of Purpose:

To adopt the Connecticut Uniform Mediation Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]