



Substitute House Bill No. 6971

Public Act No. 25-35

AN ACT ADOPTING THE CONNECTICUT UNIFORM MEDIATION ACT.

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

Section 1. (NEW) (*Effective October 1, 2025*) Sections 1 to 16, inclusive, of this act may be cited as the "Connecticut Uniform Mediation Act".

Sec. 2. (NEW) (*Effective October 1, 2025*) As used in sections 1 to 16, inclusive, of this act:

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

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

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

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

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

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

(7) "Proceeding" means:

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

(B) A legislative hearing or similar process.

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

(9) "Sign" means:

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

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

Sec. 3. (NEW) (*Effective October 1, 2025*) (a) Except as otherwise provided in subsection (b) or (c) of this section and section 12 of this act, sections 1 to 16, inclusive, of this act apply to a mediation in which:

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

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

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

(b) Sections 1 to 16, inclusive, of this act do not apply to a mediation:

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

(2) Relating to a dispute that is pending under or is part of the processes established by a collective bargaining agreement, except that sections 1 to 16, inclusive, of this act apply to a mediation arising out of a dispute that has been filed with an administrative agency or a court;

(3) Conducted by a judge of the Superior Court or by any Judicial Branch employee who performs mediations in the course of such employee's employment;

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

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

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

(7) Conducted under the auspices of:

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

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

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of the institution.

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

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

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

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

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

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

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

Sec. 5. (NEW) (*Effective October 1, 2025*) (a) A privilege under section 4 of this act may be waived in a record or orally during a proceeding if

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it is expressly waived by all parties to the mediation and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) If a mediation communication is not privileged under subsection (a) or (b) of this section, only the portion of the communication

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necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection (a) or (b) of this section does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose.

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

(b) A mediator may disclose:

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

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

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

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

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

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

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

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

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

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

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

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

(f) Sections 1 to 16, inclusive, of this act do not require that a mediator have a special qualification by background or profession.

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

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

Sec. 10. (NEW) (*Effective October 1, 2025*) An attorney or other

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individual designated by a party may accompany the party to, and participate in, a mediation, provided an accompanying individual who is not an attorney shall not be allowed or authorized to practice law without a license, or attempt to practice law without a license by attempting to provide legal advice to any mediation participant. A waiver of participation given before the mediation may be rescinded.

Sec. 11. (NEW) (*Effective October 1, 2025*) (a) In this section, "Model Law" means the Model Law on International Commercial Conciliation adopted by the United Nations Commission on International Trade Law on June 28, 2002, and recommended by the United Nations General Assembly in a resolution (A/RES/57/18) dated November 19, 2002, and "international commercial mediation" means an international commercial conciliation as defined in Article 1 of the Model Law.

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

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

(d) If the parties to an international commercial mediation agree under Article 1, subsection (7), of the Model Law that the Model Law does not apply, sections 1 to 16, inclusive, of this act apply.

Sec. 12. (NEW) (*Effective October 1, 2025*) Notwithstanding the provisions of sections 1 to 16, inclusive, of this act, any voluntary agreement to enter into mediation in a contested matter before the Probate Court shall be governed by the procedures and administrative

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requirements prescribed in the rules of said court.

Sec. 13. (NEW) (*Effective October 1, 2025*) Sections 1 to 16, inclusive, of this act modify, limit or supersede the federal Electronic Signatures in Global and National Commerce Act, 16 USC 7001 et seq., but sections 1 to 16, inclusive, of this act do not modify, limit or supersede Section 101(c) of said act or authorize electronic delivery of any of the notices described in Section 103(b) of said act.

Sec. 14. (NEW) (*Effective October 1, 2025*) In applying and construing the uniform provisions of sections 1 to 16, inclusive, of this act, consideration should be given to the need to promote uniformity of the law with respect to its subject matter among states that enact such uniform provisions.

Sec. 15. (NEW) (*Effective October 1, 2025*) If any provision of sections 1 to 16, inclusive, of this act, or application of sections 1 to 16, inclusive, of this act, to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections 1 to 16, inclusive, of this act, which can be given effect without the invalid provision or application, and to this end the provisions of sections 1 to 16, inclusive, of this act are severable.

Sec. 16. (NEW) (*Effective October 1, 2025*) (a) Sections 1 to 16, inclusive, of this act govern a mediation pursuant to a referral or an agreement to mediate made on or after October 1, 2025.

(b) On and after October 1, 2026, sections 1 to 16, inclusive, of this act, govern an agreement to mediate whenever made.

Governor's Action:
Approved June 10, 2025