

## LEGISLATIVE BILL 868

Approved by the Governor March 15, 1994

Introduced by Landis, 46

AN ACT relating to dispute resolution; to amend section 25-2914, Revised Statutes Supplement, 1992; to change provisions relating to confidentiality in matters referred to mediation; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-2914, Revised Statutes Supplement, 1992, be amended to read as follows:

25-2914. ~~All verbal or written information relating to the subject matter of an agreement and transmitted between any party to a dispute and a mediator or the staff of an approved center shall be confidential communications.~~ Any verbal, written, or electronic communication made in or in connection with matters referred to mediation which relates to the controversy or dispute being mediated and agreements resulting from the mediation, whether made to the mediator, the staff of an approved center, a party, or any other person attending the mediation session, shall be confidential. Mediation proceedings shall be regarded as settlement negotiations, and no admission, representation, or statement made in mediation, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery. A mediator shall not be subject to process requiring the disclosure of any matter discussed during mediation proceedings unless all the parties consent to a waiver. Confidential communications and materials are subject to disclosure when all parties agree in writing to waive confidentiality regarding specific verbal, written, or electronic communications relating to the mediation session or the agreement. This section shall not apply if a party brings an action against the mediator or center, if the communication was made in furtherance of a crime or fraud, or if this section conflicts with other legal requirements.

Sec. 2. That original section 25-2914, Revised Statutes Supplement, 1992, is repealed.