

As Reported by the House Judiciary Committee

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Sub. H. B. No. 303

Representative Oelslager

A B I L L

To amend section 149.43, to enact sections 2710.01 to 1
2710.10, and to repeal section 2317.023 of the 2
Revised Code to adopt the Uniform Mediation Act. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 149.43 be amended and sections 4
2710.01, 2710.02, 2710.03, 2710.04, 2710.05, 2710.06, 2710.07, 5
2710.08, 2710.09, and 2710.10 of the Revised Code be enacted to 6
read as follows: 7

Sec. 149.43. (A) As used in this section: 8

(1) "Public record" means records kept by any public office, 9
including, but not limited to, state, county, city, village, 10
township, and school district units, and records pertaining to the 11
delivery of educational services by an alternative school in Ohio 12
kept by a nonprofit or for profit entity operating such 13
alternative school pursuant to section 3313.533 of the Revised 14
Code. "Public record" does not mean any of the following: 15

(a) Medical records; 16

(b) Records pertaining to probation and parole proceedings or 17
to proceedings related to the imposition of community control 18
sanctions and post-release control sanctions; 19

(c) Records pertaining to actions under section 2151.85 and	20
division (C) of section 2919.121 of the Revised Code and to	21
appeals of actions arising under those sections;	22
(d) Records pertaining to adoption proceedings, including the	23
contents of an adoption file maintained by the department of	24
health under section 3705.12 of the Revised Code;	25
(e) Information in a record contained in the putative father	26
registry established by section 3107.062 of the Revised Code,	27
regardless of whether the information is held by the department of	28
job and family services or, pursuant to section 3111.69 of the	29
Revised Code, the office of child support in the department or a	30
child support enforcement agency;	31
(f) Records listed in division (A) of section 3107.42 of the	32
Revised Code or specified in division (A) of section 3107.52 of	33
the Revised Code;	34
(g) Trial preparation records;	35
(h) Confidential law enforcement investigatory records;	36
(i) Records containing information that is confidential under	37
section 2317.023 <u>2710.03</u> or 4112.05 of the Revised Code;	38
(j) DNA records stored in the DNA database pursuant to	39
section 109.573 of the Revised Code;	40
(k) Inmate records released by the department of	41
rehabilitation and correction to the department of youth services	42
or a court of record pursuant to division (E) of section 5120.21	43
of the Revised Code;	44
(l) Records maintained by the department of youth services	45
pertaining to children in its custody released by the department	46
of youth services to the department of rehabilitation and	47
correction pursuant to section 5139.05 of the Revised Code;	48
(m) Intellectual property records;	49

(n) Donor profile records;	50
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	51 52
(p) Peace officer, firefighter, or EMT residential and familial information;	53 54
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	55 56 57
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	58 59
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	60 61 62 63 64
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	65 66 67 68
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	69 70 71 72 73
(v) Records the release of which is prohibited by state or federal law;	74 75
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	76 77 78
(x) Information reported and evaluations conducted pursuant	79

to section 3701.072 of the Revised Code. 80

(2) "Confidential law enforcement investigatory record" means 81
any record that pertains to a law enforcement matter of a 82
criminal, quasi-criminal, civil, or administrative nature, but 83
only to the extent that the release of the record would create a 84
high probability of disclosure of any of the following: 85

(a) The identity of a suspect who has not been charged with 86
the offense to which the record pertains, or of an information 87
source or witness to whom confidentiality has been reasonably 88
promised; 89

(b) Information provided by an information source or witness 90
to whom confidentiality has been reasonably promised, which 91
information would reasonably tend to disclose the source's or 92
witness's identity; 93

(c) Specific confidential investigatory techniques or 94
procedures or specific investigatory work product; 95

(d) Information that would endanger the life or physical 96
safety of law enforcement personnel, a crime victim, a witness, or 97
a confidential information source. 98

(3) "Medical record" means any document or combination of 99
documents, except births, deaths, and the fact of admission to or 100
discharge from a hospital, that pertains to the medical history, 101
diagnosis, prognosis, or medical condition of a patient and that 102
is generated and maintained in the process of medical treatment. 103

(4) "Trial preparation record" means any record that contains 104
information that is specifically compiled in reasonable 105
anticipation of, or in defense of, a civil or criminal action or 106
proceeding, including the independent thought processes and 107
personal trial preparation of an attorney. 108

(5) "Intellectual property record" means a record, other than 109

a financial or administrative record, that is produced or 110
collected by or for faculty or staff of a state institution of 111
higher learning in the conduct of or as a result of study or 112
research on an educational, commercial, scientific, artistic, 113
technical, or scholarly issue, regardless of whether the study or 114
research was sponsored by the institution alone or in conjunction 115
with a governmental body or private concern, and that has not been 116
publicly released, published, or patented. 117

(6) "Donor profile record" means all records about donors or 118
potential donors to a public institution of higher education 119
except the names and reported addresses of the actual donors and 120
the date, amount, and conditions of the actual donation. 121

(7) "Peace officer, firefighter, or EMT residential and 122
familial information" means either of the following: 123

(a) Any information maintained in a personnel record of a 124
peace officer, firefighter, or EMT that discloses any of the 125
following: 126

(i) The address of the actual personal residence of a peace 127
officer, firefighter, or EMT, except for the state or political 128
subdivision in which the peace officer, firefighter, or EMT 129
resides; 130

(ii) Information compiled from referral to or participation 131
in an employee assistance program; 132

(iii) The social security number, the residential telephone 133
number, any bank account, debit card, charge card, or credit card 134
number, or the emergency telephone number of, or any medical 135
information pertaining to, a peace officer, firefighter, or EMT; 136

(iv) The name of any beneficiary of employment benefits, 137
including, but not limited to, life insurance benefits, provided 138
to a peace officer, firefighter, or EMT by the peace officer's, 139
firefighter's, or EMT's employer; 140

(v) The identity and amount of any charitable or employment 141
benefit deduction made by the peace officer's, firefighter's, or 142
EMT's employer from the peace officer's, firefighter's, or EMT's 143
compensation unless the amount of the deduction is required by 144
state or federal law; 145

(vi) The name, the residential address, the name of the 146
employer, the address of the employer, the social security number, 147
the residential telephone number, any bank account, debit card, 148
charge card, or credit card number, or the emergency telephone 149
number of the spouse, a former spouse, or any child of a peace 150
officer, firefighter, or EMT. 151

(b) Any record that identifies a person's occupation as a 152
peace officer, firefighter, or EMT other than statements required 153
to include the disclosure of that fact under the campaign finance 154
law. 155

As used in divisions (A)(7) and (B)(5) of this section, 156
"peace officer" has the same meaning as in section 109.71 of the 157
Revised Code and also includes the superintendent and troopers of 158
the state highway patrol; it does not include the sheriff of a 159
county or a supervisory employee who, in the absence of the 160
sheriff, is authorized to stand in for, exercise the authority of, 161
and perform the duties of the sheriff. 162

As used in divisions (A)(7) and (B)(5) of this section, 163
"firefighter" means any regular, paid or volunteer, member of a 164
lawfully constituted fire department of a municipal corporation, 165
township, fire district, or village. 166

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 167
means EMTs-basic, EMTs-I, and paramedics that provide emergency 168
medical services for a public emergency medical service 169
organization. "Emergency medical service organization," 170
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 171

section 4765.01 of the Revised Code.	172
(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	173 174 175 176 177
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	178 179 180
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	181 182
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	183 184
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	185 186 187 188 189 190
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	191 192
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	193 194
(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records,	195 196 197 198 199 200 201

public offices shall maintain public records in a manner that they 202
can be made available for inspection in accordance with this 203
division. 204

(2) If any person chooses to obtain a copy of a public record 205
in accordance with division (B)(1) of this section, the public 206
office or person responsible for the public record shall permit 207
that person to choose to have the public record duplicated upon 208
paper, upon the same medium upon which the public office or person 209
responsible for the public record keeps it, or upon any other 210
medium upon which the public office or person responsible for the 211
public record determines that it reasonably can be duplicated as 212
an integral part of the normal operations of the public office or 213
person responsible for the public record. When the person seeking 214
the copy makes a choice under this division, the public office or 215
person responsible for the public record shall provide a copy of 216
it in accordance with the choice made by the person seeking the 217
copy. 218

(3) Upon a request made in accordance with division (B)(1) of 219
this section, a public office or person responsible for public 220
records shall transmit a copy of a public record to any person by 221
United States mail within a reasonable period of time after 222
receiving the request for the copy. The public office or person 223
responsible for the public record may require the person making 224
the request to pay in advance the cost of postage and other 225
supplies used in the mailing. 226

Any public office may adopt a policy and procedures that it 227
will follow in transmitting, within a reasonable period of time 228
after receiving a request, copies of public records by United 229
States mail pursuant to this division. A public office that adopts 230
a policy and procedures under this division shall comply with them 231
in performing its duties under this division. 232

In any policy and procedures adopted under this division, a 233

public office may limit the number of records requested by a 234
person that the office will transmit by United States mail to ten 235
per month, unless the person certifies to the office in writing 236
that the person does not intend to use or forward the requested 237
records, or the information contained in them, for commercial 238
purposes. For purposes of this division, "commercial" shall be 239
narrowly construed and does not include reporting or gathering 240
news, reporting or gathering information to assist citizen 241
oversight or understanding of the operation or activities of 242
government, or nonprofit educational research. 243

(4) A public office or person responsible for public records 244
is not required to permit a person who is incarcerated pursuant to 245
a criminal conviction or a juvenile adjudication to inspect or to 246
obtain a copy of any public record concerning a criminal 247
investigation or prosecution or concerning what would be a 248
criminal investigation or prosecution if the subject of the 249
investigation or prosecution were an adult, unless the request to 250
inspect or to obtain a copy of the record is for the purpose of 251
acquiring information that is subject to release as a public 252
record under this section and the judge who imposed the sentence 253
or made the adjudication with respect to the person, or the 254
judge's successor in office, finds that the information sought in 255
the public record is necessary to support what appears to be a 256
justiciable claim of the person. 257

(5) Upon written request made and signed by a journalist on 258
or after December 16, 1999, a public office, or person responsible 259
for public records, having custody of the records of the agency 260
employing a specified peace officer, firefighter, or EMT shall 261
disclose to the journalist the address of the actual personal 262
residence of the peace officer, firefighter or EMT and, if the 263
peace officer's, firefighter's or EMT's spouse, former spouse, or 264
child is employed by a public office, the name and address of the 265

employer of the peace officer's, firefighter's, or EMT's spouse, 266
former spouse, or child. The request shall include the 267
journalist's name and title and the name and address of the 268
journalist's employer and shall state that disclosure of the 269
information sought would be in the public interest. 270

As used in division (B)(5) of this section, "journalist" 271
means a person engaged in, connected with, or employed by any news 272
medium, including a newspaper, magazine, press association, news 273
agency, or wire service, a radio or television station, or a 274
similar medium, for the purpose of gathering, processing, 275
transmitting, compiling, editing, or disseminating information for 276
the general public. 277

(C) If a person allegedly is aggrieved by the failure of a 278
public office to promptly prepare a public record and to make it 279
available to the person for inspection in accordance with division 280
(B) of this section, or if a person who has requested a copy of a 281
public record allegedly is aggrieved by the failure of a public 282
office or the person responsible for the public record to make a 283
copy available to the person allegedly aggrieved in accordance 284
with division (B) of this section, the person allegedly aggrieved 285
may commence a mandamus action to obtain a judgment that orders 286
the public office or the person responsible for the public record 287
to comply with division (B) of this section and that awards 288
reasonable attorney's fees to the person that instituted the 289
mandamus action. The mandamus action may be commenced in the court 290
of common pleas of the county in which division (B) of this 291
section allegedly was not complied with, in the supreme court 292
pursuant to its original jurisdiction under Section 2 of Article 293
IV, Ohio Constitution, or in the court of appeals for the 294
appellate district in which division (B) of this section allegedly 295
was not complied with pursuant to its original jurisdiction under 296
Section 3 of Article IV, Ohio Constitution. 297

(D) Chapter 1347. of the Revised Code does not limit the 298
provisions of this section. 299

(E)(1) The bureau of motor vehicles may adopt rules pursuant 300
to Chapter 119. of the Revised Code to reasonably limit the number 301
of bulk commercial special extraction requests made by a person 302
for the same records or for updated records during a calendar 303
year. The rules may include provisions for charges to be made for 304
bulk commercial special extraction requests for the actual cost of 305
the bureau, plus special extraction costs, plus ten per cent. The 306
bureau may charge for expenses for redacting information, the 307
release of which is prohibited by law. 308

(2) As used in divisions (B)(3) and (E)(1) of this section: 309

(a) "Actual cost" means the cost of depleted supplies, 310
records storage media costs, actual mailing and alternative 311
delivery costs, or other transmitting costs, and any direct 312
equipment operating and maintenance costs, including actual costs 313
paid to private contractors for copying services. 314

(b) "Bulk commercial special extraction request" means a 315
request for copies of a record for information in a format other 316
than the format already available, or information that cannot be 317
extracted without examination of all items in a records series, 318
class of records, or data base by a person who intends to use or 319
forward the copies for surveys, marketing, solicitation, or resale 320
for commercial purposes. "Bulk commercial special extraction 321
request" does not include a request by a person who gives 322
assurance to the bureau that the person making the request does 323
not intend to use or forward the requested copies for surveys, 324
marketing, solicitation, or resale for commercial purposes. 325

(c) "Commercial" means profit-seeking production, buying, or 326
selling of any good, service, or other product. 327

(d) "Special extraction costs" means the cost of the time 328

spent by the lowest paid employee competent to perform the task, 329
the actual amount paid to outside private contractors employed by 330
the bureau, or the actual cost incurred to create computer 331
programs to make the special extraction. "Special extraction 332
costs" include any charges paid to a public agency for computer or 333
records services. 334

(3) For purposes of divisions (E)(1) and (2) of this section, 335
"commercial surveys, marketing, solicitation, or resale" shall be 336
narrowly construed and does not include reporting or gathering 337
news, reporting or gathering information to assist citizen 338
oversight or understanding of the operation or activities of 339
government, or nonprofit educational research. 340

Sec. 2710.01. As used in sections 2710.01 to 2710.10 of the 341
Revised Code: 342

(A) "Mediation" means any process in which a mediator 343
facilitates communication and negotiation between parties to 344
assist them in reaching a voluntary agreement regarding their 345
dispute. 346

(B) "Mediation communication" means a statement, whether 347
oral, in a record, verbal or nonverbal, that occurs during a 348
mediation or is made for purposes of considering, conducting, 349
participating in, initiating, continuing, or reconvening a 350
mediation or retaining a mediator. 351

(C) "Mediator" means an individual who conducts a mediation. 352

(D) "Nonparty participant" means a person, other than a party 353
or mediator, that participates in a mediation. 354

(E) "Mediation party" means a person that participates in a 355
mediation and whose agreement is necessary to resolve the dispute. 356

(F) "Person" means an individual, corporation, business 357
trust, estate, trust, partnership, limited liability company, 358

association, joint venture, agency or instrumentality of the state 359
or of any political subdivision of the state, public corporation, 360
or any other legal or commercial entity. 361

(G) "Proceeding" means either of the following: 362

(1) A judicial, administrative, arbitral, or other 363
adjudicative process, including related pre-hearing and 364
post-hearing motions, conferences, and discovery; 365

(2) A legislative hearing or similar process. 366

(H) "Record" means information that is inscribed on a 367
tangible medium or that is stored in an electronic or other medium 368
and is retrievable in perceivable form. 369

(I) "Sign" means either of the following: 370

(1) To execute or adopt a tangible symbol with the present 371
intent to authenticate a record; 372

(2) To attach or logically associate an electronic symbol, 373
sound, or process to or with a record with the present intent to 374
authenticate a record. 375

Sec. 2710.02. (A) Except as otherwise provided in division 376
(B) or (C) of this section, sections 2710.01 to 2710.10 of the 377
Revised Code apply to a mediation under any of the following 378
circumstances: 379

(1) The mediation parties are required to mediate by statute 380
or court or administrative agency rule or referred to mediation by 381
a court, administrative agency, or arbitrator. 382

(2) The mediation parties and the mediator agree to mediate 383
in a record that demonstrates an expectation that mediation 384
communications will be privileged against disclosure. 385

(3) The mediation parties use as a mediator an individual who 386
holds himself or herself out as a mediator, or the mediation is 387

<u>provided by a person that holds itself out as providing mediation.</u>	388
<u>(B) Sections 2710.01 to 2710.10 of the Revised Code do not</u>	389
<u>apply to a mediation in which any of the following apply:</u>	390
<u>(1) The mediation relates to the establishment, negotiation,</u>	391
<u>administration, or termination of a collective bargaining</u>	392
<u>relationship.</u>	393
<u>(2) The mediation relates to a dispute that is pending under</u>	394
<u>or is part of the processes established by a collective bargaining</u>	395
<u>agreement, except that sections 2710.01 to 2710.10 of the Revised</u>	396
<u>Code apply to a mediation arising out of a dispute that has been</u>	397
<u>filed with an administrative agency or court.</u>	398
<u>(3) The mediation is conducted by a judge or magistrate who</u>	399
<u>might make a ruling on the case.</u>	400
<u>(4) The mediation is conducted under the auspices of either</u>	401
<u>of the following:</u>	402
<u>(a) A primary or secondary school if all the parties are</u>	403
<u>students;</u>	404
<u>(b) A correctional institution for youths if all the parties</u>	405
<u>are residents of that institution.</u>	406
<u>(C) If the parties agree in advance in a signed record, or a</u>	407
<u>record of proceeding reflects agreement by the parties, that all</u>	408
<u>or part of a mediation is not privileged, the privileges under</u>	409
<u>sections 2710.03, 2710.04, and 2710.05 of the Revised Code do not</u>	410
<u>apply to the mediation or part agreed upon. However, sections</u>	411
<u>2710.03, 2710.04, and 2710.05 of the Revised Code do apply to a</u>	412
<u>mediation communication made by a person that has not received</u>	413
<u>actual notice of the agreement before the communication is made.</u>	414
<u>Sec. 2710.03. (A) Except as otherwise provided in section</u>	415
<u>2710.05 of the Revised Code, a mediation communication is</u>	416

privileged as provided in division (B) of this section and is not 417
subject to discovery or admissible in evidence in a proceeding 418
unless waived or precluded as provided in section 2710.04 of the 419
Revised Code. 420

(B) In a proceeding, the following privileges apply: 421

(1) A mediation party may refuse to disclose, and may prevent 422
any other person from disclosing, a mediation communication. 423

(2) A mediator may refuse to disclose a mediation 424
communication. A mediator may prevent any other person from 425
disclosing a mediation communication of the mediator. 426

(3) A nonparty participant may refuse to disclose, and may 427
prevent any other person from disclosing, a mediation 428
communication of the nonparty participant. 429

(C) Evidence or information that is otherwise admissible or 430
subject to discovery does not become inadmissible or protected 431
from discovery solely by reason of its disclosure or use in a 432
mediation. 433

Sec. 2710.04. (A) A privilege under section 2710.03 of the 434
Revised Code may be waived in a record or orally during a 435
proceeding if it is expressly waived by all mediation parties and 436
by whichever of the following is applicable: 437

(1) In the case of the privilege of a mediator, it is 438
expressly waived by the mediator. 439

(2) In the case of the privilege of a nonparty participant, 440
it is expressly waived by the nonparty participant. 441

(B) A person that discloses or makes a representation about a 442
mediation communication that prejudices another person in a 443
proceeding is precluded from asserting a privilege under section 444
2710.03 of the Revised Code, but only to the extent necessary for 445

the person prejudiced to respond to the representation or disclosure.

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(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 2710.03 of the Revised Code.

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Sec. 2710.05. (A) There is no privilege under section 2710.03 of the Revised Code for a mediation communication to which any of the following applies:

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(1) The mediation communication is contained in a written agreement evidenced by a record signed by all parties to the agreement.

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(2) The mediation communication is available to the public under section 149.43 of the Revised Code or made during a session of a mediation that is open, or is required by law to be open, to the public;

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(3) The mediation communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence.

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(4) The mediation communication is intentionally used to plan, attempt to commit, or commit a crime or to conceal an ongoing crime or ongoing criminal activity.

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(5) The mediation communication is sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediator.

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(6) Except as otherwise provided in division (C) of this section, the mediation communication is 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

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mediation. 476

(7) Except as provided in sections 2317.02 and 3109.052 of 477
the Revised Code, the mediation communication is sought or offered 478
to prove or disprove abuse, neglect, abandonment, or exploitation 479
in a proceeding in which a child or adult protective services 480
agency is a party, unless the case is referred by a court to 481
mediation and a public agency participates. 482

(8) The mediation communication is required to be disclosed 483
pursuant to section 2921.22 of the Revised Code. 484

(9) The mediation communication is sought in connection with 485
or offered in any criminal proceeding involving a felony, a 486
delinquent child proceeding based on what would be a felony if 487
committed by an adult, or a proceeding initiated by the state or a 488
child protection agency in which it is alleged that a child is an 489
abused, neglected, or dependent child. 490

(B) There is no privilege under section 2710.03 of the 491
Revised Code if a court, administrative agency, or arbitrator 492
finds, after a hearing in camera, that the party seeking discovery 493
or the proponent of the evidence has shown that the evidence is 494
not otherwise available, that the disclosure is necessary in the 495
particular case to prevent a manifest injustice, and that the 496
mediation communication is sought or offered in either of the 497
following: 498

(1) A court proceeding involving a misdemeanor; 499

(2) Except as otherwise provided in division (C) of this 500
section, a proceeding to prove a claim to rescind or reform or a 501
defense to avoid liability on a contract arising out of the 502
mediation. 503

(C) A mediator may not be compelled to provide evidence of a 504
mediation communication referred to in division (A)(6) or (B)(2) 505

of this section. 506

(D) If a mediation communication is not privileged under 507
division (A) or (B) of this section, only the portion of the 508
communication necessary for the application of the exception from 509
nondisclosure may be admitted. Admission of evidence under 510
division (A) or (B) of this section does not render the evidence, 511
or any other mediation communication, discoverable or admissible 512
for any other purpose. 513

Sec. 2710.06. (A) Except as provided in division (B) of this 514
section and section 3109.052 of the Revised Code, a mediator shall 515
not make a report, assessment, evaluation, recommendation, 516
finding, or other communication regarding a mediation to a court, 517
department, agency, or officer of this state or its political 518
subdivisions that may make a ruling on the dispute that is the 519
subject of the mediation. 520

(B) A mediator may disclose any of the following: 521

(1) Whether the mediation occurred or has terminated, whether 522
a settlement was reached, and attendance; 523

(2) A mediation communication as permitted by section 2710.07 524
of the Revised Code; 525

(3) A mediation communication evidencing abuse, neglect, 526
abandonment, or exploitation of an individual to a public agency 527
responsible for protecting individuals against abuse, neglect, 528
abandonment, or exploitation. 529

(C) A communication made in violation of division (A) of this 530
section shall not be considered by a court, administrative agency, 531
or arbitrator. 532

Sec. 2710.07. Except as provided in sections 121.22 and 533
149.43 of the Revised Code, mediation communications are 534

confidential to the extent agreed by the parties or provided by 535
other sections of the Revised Code or rules adopted under any 536
section of the Revised Code. 537

Sec. 2710.08. (A) Before accepting a mediation, an individual 538
who is requested to serve as a mediator shall do both of the 539
following: 540

(1) Make an inquiry that is reasonable under the 541
circumstances to determine whether there are any known facts that 542
a reasonable individual would consider likely to affect the 543
impartiality of the mediator, including a financial or personal 544
interest in the outcome of the mediation and an existing or past 545
relationship with a mediation party or foreseeable participant in 546
the mediation; 547

(2) Disclose any known fact described in division (A)(1) of 548
this section to the mediation parties as soon as is practical 549
before accepting a mediation. 550

(B) If a mediator learns any fact described in division 551
(A)(1) of this section after accepting a mediation, the mediator 552
shall disclose it to the mediation parties as soon as is 553
practicable. 554

(C) At the request of a mediation party, an individual who is 555
requested to serve as a mediator shall disclose the mediator's 556
qualifications to mediate a dispute. 557

(D) A person that violates division (A), (B), (C), or (G) of 558
this section is precluded from asserting a privilege under section 559
2710.03 of the Revised Code. 560

(E) Divisions (A), (B), (C), and (G) of this section do not 561
apply when the mediation is conducted by a judge who might make a 562
ruling on the case. 563

(F) Sections 2710.01 to 2710.10 of the Revised Code do not 564
require that a mediator have a special qualification by background 565
or profession. 566

(G) A mediator shall be impartial, unless after disclosure of 567
the facts required to be disclosed by divisions (A) and (B) of 568
this section the parties agree otherwise. 569

Sec. 2710.09. An attorney or other individual designated by a 570
party may accompany the party to and participate in a mediation. A 571
waiver of participation given before the mediation may be 572
rescinded. A mediator may withdraw as mediator at any time. 573

Sec. 2710.10. Sections 2710.01 to 2710.10 of the Revised Code 574
may modify, limit, or supersede the federal Electronic Signatures 575
in Global and National Commerce Act, 15 U.S.C. Section 7001 et 576
seq., but sections 2710.01 to 2710.10 of the Revised Code shall 577
not modify, limit, or supersede section 101(c) of that act or 578
authorize electronic delivery of any of the notices described in 579
section 103(b) of that act. 580

Section 2. That existing section 149.43 and section 2317.023 581
of the Revised Code are hereby repealed. 582

Section 3. Sections 2710.01 to 2710.10 of the Revised Code 583
shall be known as the "Uniform Mediation Act." 584

Section 4. Sections 2710.01 to 2710.10 of the Revised Code 585
shall govern a mediation pursuant to a referral or an agreement to 586
mediate made on or after the effective date of this act. 587

Section 5. Sections 1, 2, 3, and 4 of this act shall take 588
effect six months after the effective date of this act. 589

Section 6. In applying and construing sections 2710.01 to 590
2710.10 of the Revised Code, consideration shall be given to the 591
need to promote uniformity of the law with respect to its subject 592
matter among other states that have enacted substantially similar 593
laws. 594

Section 7. If any provision of this act or its application to 595
any person or circumstance is held invalid, the invalidity does 596
not affect other provisions or applications of this act that can 597
be given effect without the invalid provision or application, and 598
to this end the provisions of this act are severable. 599