
MEDIATOR CONFIDENTIALITY ACT

Division 3

Mediator May Not Be Compelled to Testify Or Provide Documents

Effective date: The act which added this division became effective May 16, 2008.

§ 6-6-25. Definitions: legislative findings; compelled testimony, etc. mediators.

- (a) For the purpose of this section, the following words shall have the following meanings:
 - (1) **Mediation.** A process in which a mediator acts to encourage and facilitate the resolution of a dispute without imposing a settlement.
 - (2) **Mediator.** A neutral third party conducting a mediation, including any co-mediators, employees, agents, or independent contractors of the mediator or co-mediator, and any person attending or observing the mediation for purpose of training.
- (b) The Legislature finds that it is desirable to encourage public confidence in the use of alternative methods of dispute resolution by preventing a mediator from being compelled to testify or produce documents about a mediation.
- (c) Except as otherwise permitted by the Alabama Civil Court Mediation Rules, a mediator may not be compelled in any adversary proceeding or judicial forum, including, but not limited to, a hearing on sanctions brought by one party against another party, to divulge the contents of documents received, viewed, or drafted during mediation or the fact that such documents exist, nor may the mediator be otherwise compelled to testify in regard to statements made, actions taken, or positions stated by a party during the mediation. (Acts 2008 No.387, §1,2,3)