

CBA LPRC POSITION REQUEST FORM

The CBA **Alternative Dispute Resolution Section's Law position request** is as follows:

- 1) **Proposed legislative or regulatory concept:** Uniform Mediation Act (UMA)
- 2) **Explanation and rationale for advancing this position:**
The proposed legislation promotes uniformity in mediation as it ascends in popularity and usage. It establishes the integrity of the mediation process as a method of resolving conflict early, as well as the principle of self-determination, which gives final decision making authority to the parties engaged in mediation. Finally, it sets forth clear guidelines safeguarding the confidentiality of mediation proceedings. In this regard, Connecticut currently has two inconsistent statutes controlling the disclosure of communications made during mediation sessions: Conn. Gen. Stat. §46b-53a and Conn. Gen. Stat. §52-235d; and the case law interpreting these statutes is equally vague and unhelpful.
- 3) **Is draft regulation, legislation or proposed bill included?** Yes. The draft legislation includes Section 11 of the UMA regarding International Commercial Mediation, but omits its Appendix A, which is the (United Nations Commission on International Trade Law) UNCITRAL's Model Law on International Commercial Conciliation.
- 4) **What is the date of any legislative hearing, if known?** Not known.
- 5) **Was this position previously approved by the CBA?** No.
If so, when does/did it expire? N/A
- 6) **Is the CBA section or committee seeking to join a previously approved CBA section or committee position?** No.
- 7) **Potential or actual CBA opposition from another CBA section or committee?** Very unlikely. On the contrary, we expect several CBA sections, including the Construction and Family Law Sections, to support it.
- 8) **Strength of section position (including process and results of section vote taken on issue):** At a general meeting of the ADR Section Tues. 9/17/19, the 21 section members present voted unanimously to approve submission of the UMA to the CBA LPRC.
- 9) **Fiscal impact (on the state):** None.
- 10) **Are you seeking "fast-track" approval?**¹ No.

¹ A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.