

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7470

BILL NUMBER: HB 1587

DATE PREPARED: Jan 6, 1999

BILL AMENDED:

SUBJECT: Pre-suit mediation.

FISCAL ANALYST: Susan Preble

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill has the following provisions:

- (A) Defines "pre-suit mediation" as mediation conducted: (1) between at least two parties to a civil dispute that is not the subject of a suit filed in a state court or federal court that has primary jurisdiction; and (2) by an individual who is registered as a civil mediator with the Indiana Supreme Court;
- (B) Allows the parties to a pre-suit mediation to select a mediator by mutual agreement and establishes a procedure for the parties to select a mediator if the parties are not able to agree on a mediator;
- (C) Specifies that: (1) pre-suit mediation sessions must be closed to all persons except the parties and the mediator; (2) communications between the parties to a pre-suit mediation are considered confidential; and (3) a mediator may not disclose any information concerning a pre-suit mediation; and
- (D) Provides that a mediator who conducts a pre-suit mediation: (1) is immune from liability in the same manner and to the same extent as the judge of a trial court; and (2) may not be called to testify in a judicial or an administrative proceeding concerning communications made during a pre-suit mediation.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources: