

CALIFORNIA LAW REVISION COMMISSION

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NEWS RELEASE
June 22, 2017
For Immediate Release

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Relationship Between Mediation Confidentiality and Attorney Malpractice and Other Misconduct

Request for Public Comment

The California Law Revision Commission seeks public comment on its tentative recommendation on the relationship between mediation confidentiality and attorney malpractice and other misconduct.

The Commission tentatively recommends the creation of a new exception to mediation confidentiality. The proposed new exception is designed to hold attorneys accountable for misconduct in the mediation process, while also allowing attorneys to effectively rebut meritless misconduct claims. The exception would be narrow, with limitations designed to help protect the confidentiality expectations of mediation participants.

Part I of the tentative recommendation summarizes the Commission's research for this study, including the extensive background work requested by the Legislature. Part II explains the Commission's preliminary conclusions, which are the basis for the proposed legislation presented in Part III of the report.

The tentative recommendation is lengthy (158 pp.), but most of it consists of the research findings (Part I). The explanation and presentation of the Commission's proposal (Parts II and III) are relatively short. See pp. 133-48.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-2, Palo Alto, CA 94303-4739. The tentative recommendation is also available on the Commission's website at <www.clrc.ca.gov/K402.html>.

Comments can be in any format. They can be emailed to <bgaal@clrc.ca.gov> or mailed to the address shown above.

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **September 1, 2017**.
