

**APPEALS MEDIATION FUNDING**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lane Beattie**

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR THE CONFIDENTIALITY OF MATTERS IN THE APPELLATE MEDIATION OFFICE; PROVIDING GOVERNMENTAL IMMUNITY TO THE CHIEF APPELLATE MEDIATOR AND PROFESSIONAL STAFF WHEN ACTING AS MEDIATORS; APPROPRIATING \$90,050; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**78-2a-6**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-2a-6** is enacted to read:

**78-2a-6. Appellate Mediation Office -- Protected records and information -- Governmental immunity.**

(1) Unless a more restrictive rule of court is adopted pursuant to Subsection 63-2-201(3)(b), information and records relating to any matter on appeal received or generated by the Chief Appellate Mediator or other staff of the Appellate Mediation Office as a result of any party's participation or lack of participation in the settlement program shall be maintained as protected records pursuant to Subsections 63-2-304(17) and (33).

(2) In addition to the access restrictions on protected records provided in Section 63-2-202, the information and records may not be disclosed to judges, staff, or employees of any court of this state.

(3) The Chief Appellate Mediator may disclose statistical and other demographic information as may be necessary and useful to report on the status and to allow supervision and oversight of the Appellate Mediation Office.

28           (4) When acting as mediators, the Chief Appellate Mediator and other professional staff  
29 of the Appellate Mediation Office shall be immune from liability pursuant to Title 63, Chapter 30,  
30 Utah Governmental Immunity Act.

31           (5) Pursuant to Utah Constitution, Article VIII, Section 4, the Supreme Court may exercise  
32 overall supervision of the Appellate Mediation Office as part of the appellate process.

33           Section 2. **Appropriation.**

34           Except as provided in H.B. 4, Appropriations Coordination Act, there is appropriated from  
35 the General Fund for fiscal year 1999-2000, \$90,050 to the Administrative Office of the Courts  
36 for the implementation and administration of the Appellate Mediation Office.

37           Section 3. **Effective date.**

38           This act takes effect on July 1, 1999.

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**Legislative Review Note**

**as of 1-25-99 11:09 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**