



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

August 25, 2015

TO INTERESTED PARTIES

Re: Notice of Proposed Rulemaking Hearing (OAR Chapter 137 Division 005)

Department of Justice Rulemaking Notice

Caption: Adopts Attorney General's Model Rules On Mediation Confidentiality To Implement 2015 Legislation.

Summary: This rulemaking action implements 2015 legislation. Before 2015, to obtain confidentiality in mediations involving state agencies and private parties, agencies were required to go through formal rulemaking to adopt mediation confidentiality rules developed by the Attorney General. 2015 legislation changes the process. The Attorney General now must promulgate mediation confidentiality rules through formal rulemaking and agencies may adopt the rules by reference without formal rulemaking. This rulemaking action adopts Attorney General Model Mediation Confidentiality Rules. It also amends OAR 137-005-0050, an existing Attorney General Model Rule, to specify the new process for agencies to adopt mediation confidentiality rules and to clarify certain provisions concerning mediation confidentiality. The Attorney General had adopted temporary rules to implement the 2015 legislation. For ease of reference, the attached proposed rules show edits to the temporary rules.

Attachments: Attached are copies of:

1. The Notice of Proposed Rulemaking Hearing;
2. The Statement of Need and Fiscal Impact;
3. The Proposed rules (new language **underlined in bold**, deleted language italicized and in [*brackets*]).

Website: www.doj.state.or.us/adr/pages/rules.aspx

How to Comment: You may comment on the proposed rules by sending written comments by October 22, 2015 at 5:00 p.m. to:

Carol Riches, Rules Coordinator, Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Or via email to Carol.Riches@state.or.us

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Rulemaking Hearing: you may also provide oral or written comments at the rulemaking hearing, which will take place as follows:

DATE: October 22, 2015

TIME: 9:00 a.m.

PLACE: Department of Justice, Redwood Conference Room
1215 State Street NE
Salem, OR 97301

Sincerely,



Amy E. Alpaugh
Assistant Attorney General
Chief Counsel's Office Section

AEA:bw1/6740631-v1

Enclosures