

ALABAMA RULES OF APPELLATE MEDIATION

RULE 2.

SCREENING FOR MEDIATION

(a) Content of Forms. Except as provided in Rule 2(e), no forms or notices filed with the appellate mediation office shall contain information relating to the parties' positions regarding settlement or any substantive matter that is the subject of the mediation; the exclusive and sole purposes of forms and notices to be filed in conjunction with the appellate mediation program are to maintain status records and statistics, to ensure orderly compliance with Rule 55, Ala. R. App. P., and to provide a mechanism for returning the case to the ordinary appeal process where mediation has not resolved the case.

(b) Eligible Cases. All civil matters within the jurisdiction of the Supreme Court of Alabama or the Alabama Court of Civil Appeals, where all parties are represented by counsel, shall be eligible for referral to the appellate mediation program.

(c) Pre-screening of Cases. Upon receipt of the docketing statement (Form 24 or 25, Appendix I, Alabama Rules of Appellate Procedure; see Rule 3(e), Alabama Rules of Appellate Procedure), the appellate mediation administrator shall determine whether a case should be sent to appellate mediation. If a case is chosen for mediation, the administrator will promptly furnish a Mediation Case-Screening Form and a Confidential Statement to Enter Mediation (Forms 2 and 3 to these Rules) to the parties.

(1) Mediation Case-Screening Form. The appellant and the appellee shall file a Mediation Case-Screening Form (Form 2 to these Rules), which provides information to supplement the docketing statement, in the court in which the case is pending within 14 days of the date shown on the Mediation Case-Screening Form. The appellant shall attach to the Mediation Case-Screening Form the following:

- (1) a copy of the docketing statement;
- (2) a copy of the complaint and any amendments to the complaint;
- (3) a copy of the order or judgment to be reviewed by the appellate court;
- (4) a copy of the order on any postjudgment motion, if applicable; and
- (5) a copy of the postjudgment motion if it will assist the administrator in determining the nature of the dispute.

(2) Confidential Statement. The appellant and the appellee shall return the Confidential Statement (Form 3 to these Rules) to the appellate mediation office

within 14 days of the date shown on the Confidential Statement. The Confidential Statement, which gives a party the opportunity to request mediation, shall not be served on opposing counsel.

(d) Notice to Clerk (and Court Reporter) to Stay Proceedings on Appeal.

When the Mediation Case-Screening Form and the Confidential Statement are sent to the parties, a Notice to Clerk (and Court Reporter) to Stay Proceedings on Appeal (Form 4 to these Rules), shall be sent to the trial court clerk and, if appropriate, the court reporter, staying the record preparation pending further orders of the court. The court reporter shall, however, notify the appellant of the estimated cost of the transcript within two weeks of the date on the Notice of Stay.

The appellate process, including the times for preparing the clerk's record and the reporter's transcript and for briefing, will be stayed until mediation is completed or terminated. If the mediation reaches an impasse, the case shall be ordered reinstated to the appellate docket and the stay of proceedings lifted.

(e) Exceptions. The confidential statement (Form 3) to be filed with the mediation office may contain information relating to the parties' positions regarding settlement.

(f) Filing of cross- or related appeal not stayed. In a case in which the appellate process has been stayed pursuant to subdivision (d), the filing of a cross-appeal or any appeal related to the stayed case is not stayed.

[Adopted effective January 1, 2004; amended effective January 6, 2004; October 31, 2005; September 18, 2008.]

Note from the reporter of decisions: The order adopting the Alabama Appellate Mediation Rules, effective January 1, 2004, is published in that volume of the *Alabama Reporter* that contains Alabama cases from 858 So.2d.

Note from the reporter of decisions: The order amending the Alabama Rules of Appellate Mediation, effective January 6, 2004, is published in that volume of the *Alabama Reporter* that contains Alabama cases from 862 So.2d.

Note from the reporter of decisions: The order amending Rule 2(a), Rule 5(e), Rule 5(i), and Rule 8 and adopting Rule 2(e) and Rule 2(f) of the Alabama Rules of Appellate Mediation, effective October 31, 2005, is published in that volume of the *Alabama Reporter* that contains Alabama cases from 912 So.2d.

Note from the reporter of decisions: The order amending Rule 1(a), Rule 2(f), Rule 4(h), Rules 5(f)(2), and Rule 6(b) and adopting the Court Comment to Amendment to Rule 6(b) Effective September 15, 2008, effective September 15, 2008, is published in that volume of *Alabama Reporter* that contains Alabama cases from 994 So.2d.