

ALABAMA RULES OF APPELLATE MEDIATION

RULE 6.

COMPLETION OF MEDIATION PROCESS

(a) Mediator's Report. Within seven days of the completion of the mediation, the mediator shall file with the appellate mediation office a Mediator's Report (Form 13 to these Rules). Upon the filing of the Mediator's Report or the expiration of the time allowed for mediation, whichever occurs first, all appellate time requirements shall resume.

(1) No Agreement. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall so indicate in the Mediator's Report, without comment or recommendation.

(2) Agreement. If a partial or final agreement is reached, the mediator shall indicate the fact in the Mediator's Report. Such report shall be signed by all parties and their attorneys.

A. In those cases where a partial agreement is reached, the case will be reinstated on the appellate docket for appellate determination of the remaining issues and the stay of proceedings lifted. All appellate time requirements shall resume.

B. Where the mediation results in resolution of the appeal, dismissal of the appeal will be governed by Rule 42, Alabama Rules of Appellate Procedure. (See Rule 7 of these Rules.)

(b) Evaluations. At the conclusion the of all mediation proceedings in which the mediation office requests evaluations, the mediator shall distribute evaluations to the counsel and parties of record inviting their candid responses about the effectiveness of the appellate mediation program in assisting the parties to resolve their issues on appeal.

The mediator shall distribute evaluations (Forms 14, 15, and 16 to these Rules) at the mediation session and the attorney and parties shall be informed that completion of the evaluations is essential to the program. Evaluations are to be completed by the mediator, the attorneys, and the parties. Counsel and parties are to return evaluations in a sealed envelope to the mediator. The mediator shall return the completed evaluations with the Mediator's Report to the appellate mediation office within seven days of completion of mediation.

[Adopted effective January 1, 2004; amended effective January 6, 2004; September 15, 2008.]

**Court Comment to Amendment to Rule 6(b)
Effective September 15, 2008**

The evaluations have proven helpful in making the appellate mediation program user friendly. The appellate mediation office suggests reducing the number of cases in which evaluations are to be filed from every case sent to an appellate mediator to only the first five cases of any mediator. Thereafter, evaluations will not be required except at the request of the mediation office.

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, 2001, is published in that volume of the *Alabama Reporter* that contains cases from 862 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.