

District of Columbia Court of Appeals

No. M-226-05

Before: Washington, Chief Judge; Terry, Schwelb, Farrell, Ruiz, Reid, Glickman, Kramer and Fisher, Associate Judges.

O R D E R (FILED DECEMBER 29, 2005)

WHEREAS this court continues to investigate the use of alternative dispute resolution (*i.e.*, mediation) for cases on appeal following the limited and favorable experiences of a short summer mandatory mediation program designed for a specific number of civil appeals that were fully briefed, screened and awaiting scheduling on a calendar, it is

ORDERED that this court will implement a one-year early intervention mandatory appellate mediation pilot program for all appeals filed on or after January 2, 2006, from orders entered in the Civil Actions Branch of the Civil Division of the Superior Court and where all parties are represented by counsel. Cases will be randomly selected for inclusion into one of three classes of cases: (1) mediation conducted by a Senior Judge of the District of Columbia Courts; (2) mediation conducted by a mediator from the Multi-Door Resolution Program who has been approved to conduct appellate mediation; and (3) a control group where no mediation will be offered. It is

FURTHER ORDERED that participation in this pilot mediation program is mandatory for all selected appeals and counsel in those selected appeals will be notified by court order. Counsel is required to have his/her party physically present at the mediation session.* In the event that the client is a corporation, counsel must secure the presence of a representative that has full settlement authority. Additionally, if a non-party is necessary for resolution of the matter, e.g. insurance company, counsel must secure either the physical presence or availability by telephone of a representative that has full settlement authority. It is

FURTHER ORDERED that the court expects the mediation session to occur within 45 days after the filing of the notice of appeal and that counsel will give the scheduling and attending of these mediation sessions priority. It is

FURTHER ORDERED that the parties in those cases selected for mediation must comply with the court rules regarding the preparation of transcript; however, the court will not issue a briefing order in an appeal designated for mediation as long as the parties

M-226-05

schedule their initial mediation session within the guidelines provided by this order and continue to mediate in good faith. The decision whether briefing should be stayed beyond the initial mediation session will be determined by the assigned mediator.

PER CURIAM

* Notwithstanding the provisions of D.C. App. R. 14, the court has determined that parties participating in this pilot program must comply with this order.