

**Introduction
to
Arkansas Voluntary Appellate Mediation Pilot Program**

Q. What is the purpose of the Appellate Mediation Program?

A. To attempt to resolve appeals amicably and early in the appellate process, and thereby save the parties time, expense, and uncertainty.

Q. What cases are eligible for mediation?

A. All final civil appeals (including Domestic Relations, Probate, and Workers' Compensation law cases, but excluding juvenile and public service commission cases) filed in the Arkansas Court of Appeals, if all parties are represented by counsel, are eligible for mediation.

Q. How will cases be selected for mediation?

A. If a case meets the threshold requirements for mediation (final civil appeals with counsel on all sides), and all parties agree to participate, then the parties will need to file a joint motion to stay proceedings with the court having jurisdiction over the appeal. [Prior to record on appeal being filed - Circuit Court ----- After record on appeal filed - Court of Appeals]

A copy of the Order Granting Stay, together with a Mediation Case Screening Form from Appellant and any Cross-Appellant, will need to be forwarded by mail or fax to the Mediation Coordinator who will then do a notice of referral and assign a mediator.

Q. How will the mediators be selected?

A. The pilot program coordinator has an approved roster of mediators, consisting of mediators certified by the Arkansas Dispute Resolution Commission as either circuit civil mediators, family mediators, or dependency mediators who also have experience in appellate practice and who have taken specialized appellate mediation training. The mediation coordinator will assign a mediator from that roster. The coordinator will appoint an available mediator timely agreed to by the parties or, if no agreement, select an available mediator from the roster. The coordinator will consider, among other things, the type of case, geographical location of the parties and qualifications of each available appellate mediator.

Q. How will the mediation be conducted?

A. The mediator shall coordinate the time, place, and procedures for the mediation, including the filing of any mediation summaries.

Q. How will mediation affect the appellate time frames?

A. The parties must file a joint motion for stay with the court having jurisdiction over the appeal. Upon the issuance of the stay all appellate deadlines, with the exception of the seven month

deadline,¹ will be tolled for 60 days from the date of the Order Granting Stay or until the mediation is completed and an Order Lifting Stay is entered, whichever occurs first, unless there is an approved extension of time for special circumstances.

Q. What will be the cost of mediation?

A. To the extent resources are available the mediator appointed by the Mediation Coordinator will be paid by the pilot program at a rate of \$225 per hour. A maximum of 8 hours per mediation shall be paid by the pilot program.

Q. What if mediation is not successful?

A. If mediation is unsuccessful, the appeal will proceed in the usual fashion. The court shall not be informed of any of the discussions which occurred in mediation (all such conversations being confidential and privileged), but only that the mediation was unsuccessful.

Q. What happens if mediation is successful?

A. Upon successful completion of a mediation, the court having jurisdiction will dispose of the case as appropriate in that particular case. Disposition of the case might involve dismissal of the appeal, remand to the trial court for approval of a settlement agreement which requires court approval, or entry of a stipulated order called for by the mediation agreement.

Q. Who do I call if I have questions about the mediation program?

A. The mediation coordinator, Jennifer Taylor, can be reached at (501) 682-9400, E-mail jennifer.taylor@arkansas.gov, Fax (501) 682-9410 Also the *Arkansas Voluntary Appellate Mediation Pilot Program Rules* are available for viewing at <http://www.courts.state.us.ar/adr>.

1 THE STAY DOES NOT CHANGE THE FINAL SEVEN MONTH DEADLINE SET BY ARKANSAS RULE OF APPELLATE PROCEDURE - CIVIL 5(b) TO FILE THE RECORD ON APPEAL.