

## U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

**Web Site(s):** [www.ca1.uscourts.gov/camp.htm](http://www.ca1.uscourts.gov/camp.htm)  
[www.ca1.uscourts.gov/files/rules/rules.pdf](http://www.ca1.uscourts.gov/files/rules/rules.pdf)  
**Contact Person:** Neil Lynch  
**Title:** Settlement Counsel

**Description of Program:**

Civil Appeals Management Program: This program involves a pre-argument mediation conference for any civil case (with exceptions). Parties who are not eligible may not request mediation. An active circuit judge oversees the program and assigns cases to the settlement counsel who conducts the mediation conferences. Most conferences are held in person.

**Relevant Rule(s):**

FRAP 33 and First Circuit Rule 33 govern the program.

## U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

**Web Site(s):** [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov)  
**Contact Person:** Frank J. Scardilli  
**Title:** Senior Staff Counsel

**Description of Program:**

Civil Appeals Management Plan (CAMP): The Office of Staff Counsel conducts a conference, also referred to as mediation. Every civil case is eligible (with exceptions). The client is not required to appear but must be available by phone. Normally the client is not at the initial conference. Immigration cases are a significant portion of cases.

**Relevant Rule(s):**

FRAP 33, CR 5D

## U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

**Web Site(s):** [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)  
[www.ca3.uscourts.gov/medhome.htm](http://www.ca3.uscourts.gov/medhome.htm)  
**Contact Person:** Joseph A. Torregrossa  
**Title:** Director, Appellate Mediation Program

**Description of Program:**

The director manages the program, a separate unit of the court. Senior circuit and senior district judges are mediators for about 10% of the cases; the program director and staff mediation attorney mediate the rest. In some cases the mediation office may request pro bono counsel for the purpose of mediation only. In-person mediations are encouraged. Attorneys must submit to the mediator a confidential position paper before mediation. If there is no settlement, the director destroys all mediation files for the case. If there is a settlement, the mediation is not confidential unless parties agree otherwise.

**Relevant Rule(s):**

FRAP 33 and Third Circuit Rule 33.0.

## U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

**Web Site(s):** [www.ca4.uscourts.gov/mediation.htm](http://www.ca4.uscourts.gov/mediation.htm)  
[www.ca4.uscourts.gov/mediation/istaff2.htm](http://www.ca4.uscourts.gov/mediation/istaff2.htm)  
**Contact Person:** William T. Howell  
**Title:** Chief Mediator

**Description of Program:**

The Office of the Circuit Mediator reviews all eligible cases. The mediation conference is conducted by one of the four circuit mediators. Most of mediation conferences are done by phone. Clients are not required to participate in initial sessions; counsel are not expected to have absolute settlement authority.

**Relevant Rule(s):**

FRAP 33 and Fourth Circuit Rule 33.

## U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

**Web Site(s):** [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov)  
[www.ca5.uscourts.gov/acap.aspx](http://www.ca5.uscourts.gov/acap.aspx)  
[www.ca5.uscourts.gov/clerk/docs/order.pdf](http://www.ca5.uscourts.gov/clerk/docs/order.pdf)

**Contact Person:** Joseph St. Amant  
**Title:** Appellate Conference Attorney

**Description of Program:**

Appellate Conference Program: The Senior Conference Attorney manages the program under the direction of the court. One of the judges has been appointed proctor for the conference program, but has no access to confidential information about conference proceedings. The five conference attorneys are all experienced lawyers who come from a wide variety of backgrounds. Parties can request inclusion. Most conferences take place by phone.

**Relevant Rule(s):**

Federal Rules of Appellate Procedure, Rule 33 and the General Order Governing the Appellate Conference Program Effective March 27, 2000 (the "General Order").

## U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT

**Web Site(s):** [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)  
[www.ca6.uscourts.gov/internet/mediation/index.htm](http://www.ca6.uscourts.gov/internet/mediation/index.htm)  
**Contact Person:** Robert Rack  
**Title:** Chief Circuit Mediator

**Description of Program:**

Mediation Program: The court selects mediators with training. The mediation office provides in-house training. Over 90% of conferences are held by phone. Attorneys must submit a Mediation Background Information form.

**Relevant Rule(s):**

FRAP Rule 33; Rule 33, Rules of the 6th Circuit

## U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

**Web Site(s):** [www.ca7.uscourts.gov](http://www.ca7.uscourts.gov)  
[www.ca7.uscourts.gov/conf\\_aty/](http://www.ca7.uscourts.gov/conf_aty/)  
**Contact Person:** Joel N. Shapiro  
**Title:** Senior Conference Attorney

**Description of Program:**

Settlement Conference Program: The Settlement Conference Office schedules mediation conferences. Three full-time conference attorneys conduct the conferences. The program is supervised by the chief judge and a circuit executive. The court selects conference attorneys who are experienced and have been civil litigators in private practice. Cases are set for mediation based on the nature of the dispute; usually issues of policy or statutory construction are less likely to be mediated.

**Relevant Rule(s):**

FRAP 33 and Seventh Circuit Rule 33

## U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT

**Web Site(s):** [www.ca8.uscourts.gov/index.html](http://www.ca8.uscourts.gov/index.html)  
[www.ca8.uscourts.gov/newrules/coa/IOP-complete.pdf](http://www.ca8.uscourts.gov/newrules/coa/IOP-complete.pdf) (Go to subsection I.C.2, "Prehearing Conference Program")

**Contact Person:** John Martin  
**Title:** Director, Settlement Program

**Description of Program:**

Settlement Program: The director reviews cases and reports to the chief judge and the court through the judge committee. The director is the sole mediator for the court at all conferences, but a senior district judge may mediate cases (although this provision hasn't been used in years). Participation in the program is voluntary. The director looks for cases where parties show an interest in settling.

**Relevant Rule(s):**

FRAP 33 and Eighth Circuit Rules 3B and 33A.

## U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

**Web Site(s):** [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov)  
**Contact Person:** Claudia L. Bernard  
**Title:** Chief Circuit Mediator

**Description of Program:**

Settlement Program: The chief circuit mediator manages the program and the circuit mediators and reports to the chief circuit judge. Circuit mediators review eligible cases and select those with settlement potential. In exceptional circumstances, the circuit mediator may refer a case to a judge or to another circuit mediator for mediation. An assessment conference is held to determine whether a mediation conference should be scheduled. Parties may have to submit mediation statements. If there is no settlement, the mediator works to develop a plan for disposition of the case.

**Relevant Rule(s):**

FRAP 33 and Ninth Circuit Rules 3-4, 15-2, and 33-1.

## U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT

**Web Site(s):** [www.ck10.uscourts.gov/cmo/index.php](http://www.ck10.uscourts.gov/cmo/index.php)

**Contact Person:** David Aemmer

**Title:** Chief Circuit Mediator

**Description of Program:**

Circuit Mediation Program: The Circuit Mediation Office consists of three circuit mediators and one conference administrator. The chief circuit mediator reports to the chief judge. The circuit mediators are experienced attorneys with mediation skills. Settlement conferences (mediations) are held with a circuit mediator. 95% of the settlement conferences are conducted over the phone.

**Relevant Rule(s):**

FRAP 33 and Tenth Circuit Rule 33

## U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

**Web Site(s):** [www.ca11.uscourts.gov/offices/mediation.php](http://www.ca11.uscourts.gov/offices/mediation.php)

**Contact Person:** Lowell L. Garrett

**Title:** Chief Circuit Mediator

**Description of Program:**

Appellate Mediation Program (The Kinnard Mediation Center): There are six circuit mediators who are court employees. The chief circuit mediator manages the mediation program. Upon agreement of all parties and at their expense, they may employ a private mediator, although this is not frequently used. The private mediator must follow the court's mediation procedures. Attorneys are required to submit a Confidential Mediation Statement.

**Relevant Rule(s):**

FRAP 33 and Eleventh Circuit Rule 33-1.

## U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT

**Web Site(s):** [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov)  
**Contact Person:** Nancy Stanley  
**Title:** Chief Mediator

**Description of Program:**

Appellate Mediation Program: The Legal Division of the Clerk's Office, working with the director of dispute resolution in the Office of the Circuit Executive, refers cases to the program. The program is managed by the Director of Dispute Resolution who trains and oversees mediators and sometimes mediates or co-mediates. Mediators are volunteer attorneys who are selected and trained. The director assigns mediators based on experience, expertise, etc.

## U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**Web Site(s):**            [www.fedcir.gov/index.html](http://www.fedcir.gov/index.html)  
                                 [www.fedcir.gov/#mediation](http://www.fedcir.gov/#mediation)

**Description of Program:**

The court's Circuit Mediation Office consists of the circuit mediation officer (who administers the program) and support staff. The court maintains a roster of experienced mediators and accepts applications for mediators to be put on the roster. Private mediators must not be actively practicing law and are not paid. A three-judge committee oversees and monitors the program. Both parties must agree to participate in the program and parties can jointly request inclusion in the program.

**Relevant Rule(s):**

FRAP 33, CR 33