IMPORTANT MEDIATION INFORMATION FOR APPELLATE COUNSEL

Since 2002, the Court of Appeals has provided represented parties the opportunity to mediate some cases pending on appeal. The program has consistently resulted in settlements in at least 50% of the cases in the program, but you can participate only if you return the attached form and if all parties agree on the type of mediator you desire. Most civil cases in which all parties are represented by counsel are eligible to participate in the mediation program; only termination of parental rights cases, juvenile cases, and cases addressing registration or monitoring of sex offenders are excluded. **All counsel of record must return the Consent to Appellate Mediation form to the Court of Appeals within 15 days after docketing of the appeal before you will be assigned to the program.**

You have three choices of type of mediator: (1) you may choose a current Court of Appeals judge mediator, at no fee. You may not choose, nor may you have any input into which judge is selected as your mediator, as the assignments are strictly on a rotating basis. The judge mediator will have no further involvement in the case, if it does not settle. (2) You may choose to select an Emergency Recall Court of Appeals judge as your mediator, at the per diem amount provided by law, which is presently $400.00, and you may choose the retired judge mediator you want. If you would like to consider using an Emergency Recall Judge, please contact the mediation coordinator for the Court of Appeals to find out which judges are available. Your third option is to hire a private mediator if all parties agree and the parties must pay the private mediator's fee as agreed among the parties. However, all parties must agree on one type of mediator.

If all parties choose to participate, the last Consent to Appellate Mediation Form signed by counsel that is received by the Court will also serve as a Motion for Extension of Time and the appellant will receive a 60-day extension of time to file the appellant's brief. The 60-day extension of time will run from the original due date of appellant's brief. The Court must receive a signed Consent to Appellate Mediation form from at least one attorney from each firm involved in the appeal. If the mediation is not completed within the time allowed by the 60-day extension of time, the parties are responsible for filing with the Court of Appeals a separate motion showing good cause for an extension of time to extend any deadline that would otherwise run while mediation proceeds.

If you need further information, please consult the Court's mediation page on www.nccourts.gov, or email the Mediation Coordinator at mediate@coa.nccourts.org. If you have not heard from a current Court of Appeals judge mediator or from your selected Emergency Recall Court of Appeals judge mediator within 21 days of all parties consenting to mediate, please email the Mediation Coordinator at mediate@coa.nccourts.org.

Mediation Coordinator
N.C. Court of Appeals

NORTH CAROLINA COURT OF APPEALS
CONSENT TO APPELLATE MEDIATION FORM AND
MOTION FOR 60 DAY EXTENSION OF TIME

Case# / Title: COA_____
Please check one of the following regarding your choice of mediator. If you select a current Court of Appeals Judge, please note your preferred format of mediation. **All parties must agree to the same type of mediator (i.e. Court of Appeals Judge, Recalled Judge, or Private Mediator) or the case will NOT be mediated nor will the 60-day extension of time be granted.**

____ **Current Court of Appeals judge-mediator.**-I consent to mediation and request a current Court of Appeals judge-mediator be assigned to serve as the mediator. I prefer to conduct the mediation by: ____ In-person conference; ____ Remote conference (teleconference or video conference); ____ No Preference (either in-person or remote conference).

____ **Emergency Recalled Court of Appeals Judge.** I consent to mediation and will employ an Emergency Recalled Court of Appeals Judge (Recalled Judge) who has been trained in mediation and agree to pay the costs associated with the services of that mediator. (The Court of Appeals Mediation Office has the names and addresses of the Recalled Judges.)

____ **Private Mediator.** I consent to mediation and will employ a private mediator and pay the costs associated with the services of that person. (Appellant must also upload a "Designation of Private Mediator" form.)

____ **I do not consent to mediation.**

_____ _____
Name of attorney Name of Law Firm (if applicable)

_____
Telephone number and e-mail address of attorney

_____
Party Represented

Contingent upon all parties consenting to participate in the Appellate Mediation Process, the last Consent to Appellate Mediation form filed in this appeal will be treated as a motion for extension of time and a 60-day extension of time to file the appellant's brief will be allowed. The 60-day extension of time will run from the original due date of appellant's brief. I certify that I have served a copy of this Consent to Appellate Mediation Form and Motion for 60-day Extension of Time on all other parties to this appeal.

This the ___day of_____, 20_____.

_____
Attorney Signature

For further inquiries concerning the mediation process, contact the Court of Appeals Mediation Office at (919) 831-3600 or by e-mail to mediate@coa.nccourts.org.

This form must be uploaded to your appeal as **Correspondence/Mediation Letter** using the Court's electronic filing website at www.ncappellatecourts.org