

**District of Columbia  
Court of Appeals**

**No. M 229-07**

Before: Washington, Chief Judge; Farrell, Ruiz, Reid, Glickman, Kramer, Fisher,  
Blackburne-Rigsby and Thompson, Associate Judges.

O R D E R  
(FILED FEBRUARY 28, 2007)

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 previous pilot programs, it is

ORDERED that the court will implement an early intervention mandatory appellate mediation program for all appeals filed on or after March 1, 2007, from final orders entered in the Civil Actions Branch of the Civil Division of the Superior Court where all parties are represented by counsel. Cases that meet these initial criteria will be sent to a Senior Judge, after the receipt of a screening statement from all parties, for that judge to determine if the case should be included in the mandatory mediation program. It is

FURTHER ORDERED that participation in this mediation program is mandatory for all selected appeals. Counsel in those appeals will be notified by the Senior Judge assigned as mediator. Upon notification, counsel is required to cooperate with the assigned Senior Judge, provide any and all information requested, and cooperate with scheduling the mediation session. Any requests concerning attendance at the mediation session should be addressed to the assigned Senior Judge for consideration. Counsel is required to have his/her party physically present at the mediation session. In the event the client is a corporation, counsel must secure the presence of a representative with full settlement authority. Additionally, if a non-party is necessary for resolution of the matter, *e.g.*, an insurance company, counsel must secure either the physical presence or availability by telephone of a representative with 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

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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 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 is at the discretion of the assigned Senior Judge. It is

FURTHER ORDERED that the failure of the parties to comply with this order may result in the imposition of sanctions, including dismissal of the appeal.

PER CURIAM