

## MEDIATION

### Local Rule 33

Under Local Rule 33, all civil and agency cases in which all parties are represented by counsel on appeal will be reviewed by a circuit mediator after the filing of the docketing statements required by Local Rule 3(b). The circuit mediator will determine whether a mediation conference may assist either the court or the parties. Counsel for a party may also request a conference if counsel believes it will be of assistance to the court or the parties. Counsel's participation is required at any scheduled conference. Mediation conferences will generally be conducted by telephone but may be conducted in person at the discretion of a circuit mediator. Conferences may be adjourned from time to time by the circuit mediator. Purposes of the conference include:

- (a) Jurisdictional review;
- (b) Simplification, clarification, and reduction of issues;
- (c) Discussion of settlement; and
- (d) Consideration of any other matter relating to the efficient management and disposition of the appeal.

### Briefing

The time allowed for filing of briefs is not automatically tolled during the mediation proceedings. If the parties wish to pursue, or are engaged in, settlement discussions, counsel for any party may move to suspend the briefing schedule. The circuit mediator, through the clerk, may enter orders which control the course of proceedings and, upon agreement of the parties, dispose of the case.

### Confidentiality

Statements and comments made during mediation conferences and papers or electronic information generated during the process are not included in court files except to the extent disclosed by orders entered under Local Rule 33. Information disclosed in the mediation process shall be kept confidential and shall not be disclosed to the judges deciding the appeal or to any other person outside the mediation program participants. The mediator, attorneys, and other participants in a mediation shall not disclose any statements, documents, or discussions without prior approval of the Standing Panel on Attorney Discipline. Any alleged violations of the confidentiality requirements of Local Rule 33 shall be referred to the Standing Panel on Attorney Discipline for a determination of whether imposition of discipline is warranted.

### Related Links

- [Mediation](#)
- [Rule 33, Appeal Conferences \(with Local Rule\)](#)