

# United States Court of Appeals for the Federal Circuit

## Order Revising Appellate Mediation Program

Before MICHEL, Chief Judge, NEWMAN, MAYER, LOURIE, RADER, SCHALL, BRYSON, GAJARSA, LINN, DYK, and PROST, Circuit Judges.

PER CURIAM. \* Circuit Judge MAYER dissents.

### ORDER

It is ORDERED, by the court en banc,

(1) The court established an appellate mediation program, effective October 3, 2005, that is monitored by a three-judge committee appointed by the chief judge. The program is administered by the Circuit Mediation Officer. The program is set forth in the Appellate Mediation Program Guidelines, revised on September 18, 2006, available from the clerk's office and the court's web site. The purpose of the program is to help the parties achieve settlement. The revisions make attendance at at least one mediation session mandatory in those cases selected for mediation.

(2) The Circuit Mediation Officer selects cases for mediation, conducts mediation, and assigns pro bono mediators to the cases. The Circuit Mediation Officer may issue scheduling orders, as appropriate, to facilitate mediation. Judges of the court will have no role in, or knowledge of, mediation from the Circuit Mediation Officer or Clerk. The guidelines set forth the procedures for all mediations.

(3) Cases are selected for mediation at any time during the appellate process, but generally as early as possible and only under unusual circumstances after a case has been heard or submitted to a merits panel.

(4) If, following mediation in a case, settlement is reached, then the agreement must be in writing and signed by the parties. The appellant or parties must then file a motion to dismiss or other appropriate motion. If settlement is not achieved, then the case will proceed as if mediation had not been initiated.

(5) The effective date for the Revised Appellate Mediation Program is September 18, 2006.

FOR THE COURT

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Date

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Jan Horbaly  
Clerk

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\* Circuit Judge Moore did not participate.