

RULE 50. APPELLATE MEDIATION

(a) Notice. Upon either receipt of the copy of the notice of appeal transmitted by the clerk of the trial court under Rule 3(d) or entry of the order granting permission to appeal under Rule 5(d), the clerk of the Supreme Court shall notify the parties in civil, non-post-conviction cases that appellate mediation is available under this Rule. The notification shall include contact information for the appellate mediation coordinator designated by the Alternative Dispute Resolution Section of the Mississippi Bar.

(b) Participation. Participation in appellate mediation is voluntary.

(c) Eligibility. *(1) Eligible Cases.* Except as provided in paragraph (c)(2), any appeal from a final or interlocutory order in a civil case may be mediated if all parties consent and are represented by counsel.

(2) Ineligible Cases. Appellate mediation is unavailable for criminal cases or civil cases involving utility rates, annexations, bond issues, election contests, the Mississippi Public Service Commission, the Mississippi Uniform Post-Conviction Collateral Relief Act, or a ruling that a statute is unconstitutional.

(d) Procedure. *(1) Selection of a Mediator.* If the parties agree to mediate, they must first either agree on and retain a mediator or contact the appellate mediation coordinator designated by the Alternative Dispute Resolution Section of The Mississippi Bar for assistance in selecting a mediator.

(2) Joint Motion for Stay. Upon agreement to mediate, the parties shall file a joint motion to stay the appeal. Parties may also agree—without supersedeas bond or other security—to stay execution of a money judgment or enforcement of an order or injunction while the case is being mediated. If the joint motion is filed within 90 days of the filing of the notice of appeal, a 90-day stay shall be granted. If the joint motion is filed thereafter, a stay may be granted in either appellate court's discretion.

(3) Effect of Stay. The appellate process—including preparing and filing the court reporter’s transcript, the clerk’s record, and briefs—will be stayed according to the terms of the order.

(4) Matters Not Stayed. The time for filing a notice of appeal or notice of cross-appeal is not stayed.

(e) Settlement. If a full and final settlement is reached, the parties shall file a joint motion to dismiss the appeal.

(f) Impasse. If mediation reaches an impasse, any party may move to have the stay lifted immediately.

(g) Extensions. If good cause for additional time is shown, the parties may jointly move to extend the stay before it expires.

(h) Resumption of Deadlines. The stay lifts upon the expiration date set forth in the order granting or extending the stay, and all appellate duties and deadlines will resume. Within 7 days after the stay expires or is lifted, the appellant must make satisfactory arrangements with the court reporter and trial court clerk for preparation of the transcript and record on appeal.

(i) Fees and Expenses. The parties and the mediator shall make arrangements for payment of the mediator’s fees and expenses.