Supreme Court

Appellate Mediation Program

Licht Judicial Complex
250 Benefit Street
Providence, RI 02903

Mediation Statement

Instructions: This is a two-part form. Part I determines the appropriateness of your case for mediation. Part II contains confidential information about your case to assist the mediator in finding a resolution. Part II also contains an authorization to mediate.

1. Pursuant to Supreme Court Rule 35, if a case is eligible for participation in the Supreme Court Appellate Mediation Program, a Notice of Eligibility will be sent to all parties. If a case is not eligible for mediation pursuant to Rule 35, parties will receive a notice of ineligibility and the case will proceed in accordance with the Supreme Court Rules of Appellate Procedure.

    a. Eligible cases generally include all civil cases that have been appealed from a trial court.

    b. The following case types are not eligible for participation in the program: (a) applications for post-conviction relief; (b) petitions for habeas corpus; (c) cases brought by prisoners in the custody of the Department of Corrections; (d) cases in which one (1) or more parties are not represented by an attorney (unless the case is specifically included at the direction of the Supreme Court or by order of a mediator justice); (e) appeals from the Family Court; (f) juvenile cases; (g) petitions for extraordinary relief, including all prerogative writs (except that prerogative writs brought originally in the Supreme Court may be assigned to the program by order of the Court at the time the writ is issued); and (h) all criminal cases (including cases on review from traffic tribunals of the state or municipalities and adjudications of offenses by municipal courts).

2. All parties to eligible cases will be required to complete this Mediation Statement, comprised of Parts I and II, within **twenty (20) days** from the date of the Notice of Eligibility.

3. All parties must electronically file the Part I of the Mediation Statement (case information form) with the Appellate Mediation Program and simultaneously send a copy to all opposing attorneys through eFileRI. Filing instructions are located at the end of the Part I form.

4. All parties must electronically file Part II of the Mediation Statement (confidential statement and authorization). **Do not send a copy of Part II to any opposing attorneys**. Filing instructions are located at the end of the Part II form.

   Fully complete Part II inclusive of the confidentiality and negotiation authorization section. Attach copies of the relevant orders, memoranda, and opinions from which this appeal has been taken. If you are the appellant(s) or cross-appellant(s), you are required to attach copies of the trial court's written decision(s) or order(s). While Part I is shared with the attorneys, Part II provides parties with an opportunity to inform only the mediator of additional information that could lead to a resolution. Candor and honesty are strongly encouraged.

5. If after submission of the Mediation Statement, your case is determined not to be appropriate for mediation, the parties will be notified by the Appellate Mediation Program and the case will proceed in accordance with the Supreme Court Rules of Appellate Procedure.

6. If, after submission of your statements, your case is deemed appropriate for mediation, the Appellate Mediation Program will send notice of the scheduled session to all parties along with instructions on submitting a confidential memorandum to the mediator. Please make every effort to have attorneys and clients available on the assigned date and time. **Mediation sessions are only allowed to be rescheduled once for good cause**. **A request to reschedule must be made at least seven (7) days before the session**.

7. To adequately prepare for mediation, attorneys should become fully aware of the client's interests, goals, and needs and acquire appropriate authority to participate in the mediation conference and the potential settlement. Attorneys should further educate the client regarding the mediation process and the possible outcomes. We strongly suggest that you refer to the Appellate Mediation Program's "Mediation Tip Sheets" for attorneys and clients in preparation for your session.

8. **Please note that, even if your case proceeds to mediation, the Appellate Rules of Procedure are not suspended; only the time within which to order the transcript and transmit the record is extended.** Should you need additional time, the recommended course of action is to file a motion with the Court for an extension.

9. If you have any questions, please contact us at the following:
   Email: AMP@courts.ri.gov
   Telephone: (401) 222-8661
   www.courts.ri.gov

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Part I: Mediation Information

Name of case:	Trial court case number:
Name of person filing this statement:	Date appeal filed:
Attorney for: (Name of party)	Filing status: (Check all that apply) ☐ Pro Se ☐ Appellant ☐ Cross-Appellant ☐ Appellee ☐ Cross-Appellee ☐ Other:
Address:	

Telephone:	Facsimile:	Email:	Rhode Island bar number:

Case type:

☐ Agency Appeal	☐ Employment	☐ Miscellaneous
☐ Business Organization	☐ Personal Injury	☐ Other Civil Action
☐ Contract	☐ Personal Property	☐ Other Probate Appeal
	☐ Will	☐ Other:

Indicate if this appeal involves any of the following: (Please check all that apply.)

☐ Application for post-conviction relief	☐ Juvenile case
☐ Petition for habeas corpus	☐ Appeal from Family Court
☐ Case brought by a prisoner in the custody of the Department of Corrections	☐ Pro se representation
☐ Criminal case (including cases on review from municipal or traffic court)	☐ Not a trial court appeal
☐ Petition for extraordinary relief (including prerogative writs)	

Does this appeal involve any of the following:

☐ Final judgment has not been entered	☐ Multiple parties
☐ State or federal constitutional interpretation	☐ Inconsistency in decisions of Supreme Court
☐ Validity of state statute, ordinance, or agency requirement	☐ Motions to file amicus briefs (if known)
☐ Motions to intervene (if known)	☐ Motion(s) to stay appeal pending resolution of related case
☐ Issue of first impression	☐ Other procedural complexity:

Has this case or a related case been before the Supreme Court previously:

☐ No ☐ Yes, Case Name and No.

State any other factors affecting the appropriateness of this case for mediation:

Please describe the underlying facts that gave rise to the initial dispute:

Description of physical injury, monetary, or any other damages upon which the claim for compensation or equitable action is based:

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Part I: Mediation Information - *Continued*

Out-of-pocket expenses, if any, upon which the claim is based:
Briefly describe the judgment or ruling appealed:
Major points of error or issues that are the focus of the appeal:
History of settlement negotiations, if any (Please include a listing of all demands and counteroffers):

Please list names and addresses of all other attorneys involved in this matter:	**Party represented:**

Are you court excused at any time during the next three (3) months:

☐ No ☐ Yes, on the following dates:

Signature:	Date:

Filing Instructions for Part I:

1. In eFileRI, choose "File into Existing Case."
2. Select "Case Number" and enter the mediation case number.
3. Click "Search."
4. Under "Actions", select "File Into Case."
5. Under "Filings," select "EFileAndServe" from the dropdown menu.
6. Choose filing code "Appellant Files Mediation Form" or "Appellee Files Mediation Form."
7. Type in "Appellant XX's Part I" or "Appellee XX's Part I" in the "Filing Description" box.
8. Enter "Client Reference Number."
9. Upload a copy of Part I of the Mediation Statement in the "Lead Document" box.
10. Select "Public" or "Confidential" under the "Security" dropdown, click "Save Changes."
11. Under "Service Contacts," select the checkboxes for all opposing attorneys and send a copy of Part I only of the Mediation Statement. If there are no service contacts, enter email addresses for all opposing attorneys in the "Courtesy Copies" box.
12. Click "Save Changes" and continue to file Part I.

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Part II: Confidential Mediation Statement and Authorization

This form is for the use of the mediator only – Do not Send Copies to Opposing Attorneys

Case name:	Trial court case number:
Name of attorney filing this statement:	Attorney for: (Name of party)

Please describe why past efforts to resolve this dispute have been unsuccessful:
Please list important factors affecting your client's chances for success on appeal:
Other than winning on appeal, what are your client's top priorities and interests:
Other than winning on appeal, what would be some possible creative solutions to this case:
Please provide a list of potential or acceptable outcomes to the mediation session:
Please discuss any other related issues or relevant information that would assist the mediator in helping to resolve this case:

Lowest acceptable monetary settlement value:	Highest acceptable monetary settlement value:

Attach a copy of the relevant order(s), memoranda, and opinions from which this appeal has been taken to assist in the mediator's understanding of this matter. If you are the appellant(s) or cross-appellant(s), you are required to attach a copy of the trial court's written decision(s) or order(s). **Attorneys may submit additional sheets as necessary to supplement this form.**

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Part II: Confidential Mediation Statement and Authorization - *Continued*

Confidentiality Requirement and Negotiation Authorization

I hereby agree that any and all documents submitted, and statements made in furtherance of mediation, including, but not limited to, the content of this mediation information form, mediation statement and any attachments thereto, and any relevant memoranda or supporting documentation relied upon during the course of the mediation session by attorneys, any party, or the mediator shall remain confidential. My client(s) further agree(s) not to subpoena or otherwise subject the mediator, staff members, or records of the Appellate Mediation Program to any court proceedings, lawsuits, or other legal actions related to the mediation process or any outcome.

My client(s) agree to participate in mediation, and I am authorized to participate and negotiate on behalf of my client(s) with full authority to make and/or accept offers. If I am not so authorized at the time of mediation, I will arrange to have my client(s) or authorized representative(s) available in person or by telephone at the time of the mediation session.

I understand, and my client(s) have been informed that, even if this case proceeds to mediation, the case is subject to all applicable time limitations and requirements as set forth in the Rhode Island Supreme Court Rules of Appellate Procedure, absent an Order from the Court. If an agreement is reached, attorneys will promptly file the appropriate documentation with the Court to withdraw the appeal. Any agreement reached during mediation will have the full force and effect of a contract. I understand, and my client(s) have been informed that, failure to abide by the above requirements and/or Rule 35 may result in sanctions.

I certify that a copy of the foregoing confidential mediation statement was executed truthfully and accurately to the best of my knowledge and a copy provided to the Appellate Mediation Program.

Print name:	Attorney for:
Case name:	Case number:
Signature:	Date:

Filing Instructions for Part II:

1. In eFileRI, choose “File into Existing Case.”
2. Select “Case Number” and enter the mediation case number.
3. Click “Search.”
4. Under “Actions,” select “File Into Case.”
5. Under “Filings,” select “EFile” from the dropdown menu.
6. Choose filing code “Appellant Files Mediation Form” or “Appellee Files Mediation Form.”
7. Type in “Appellant XX’s Part II” or “Appellee XX’s Part II” in the “Filing Description” box.
8. Enter “Client Reference Number.”
9. Upload a copy of Part II of the Mediation Statement (and any attachments) in the “Lead Document” box.
10. **Do not** send a copy of Part II of the Mediation Statement to opposing attorneys.
11. Select “Public” or “Confidential” under the “Security” dropdown for this document.
12. Click “Save Changes” and continue to file Part II.