

Alabama Appellate Mediation, Five Years Later

By *Rebecca Oates and Celeste Wallner Sabel*

When the Alabama Appellate Mediation Program began in January 2004, many, including some of us responsible for implementing the program, had doubts about whether such a program could work. What party or attorney would want to mediate a decided case—a case with a judgment? Fortunately for litigants, there were those who had faith that such a program would work—**Justice Champ Lyons, Justice Thomas Woodall, Justice Bernard Harwood** (retired), **Judge Sharon Yates**, and **Judy Keegan**, just to name a few. Thanks to them and to the mediators and attorneys involved, the appellate mediation program has been *very* successful. Over 50 percent of the cases referred to appellate mediation in Alabama’s supreme court and court of civil appeals since the beginning of the program in 2004 have settled.



Gary Canner, appellate mediation trainer

Those of us looking at appellate mediation before the program was developed were advised that an appellate mediation program would not work without the complete support of the courts involved. We thank the supreme court and the court of civil appeals for being proponents of the program; for providing strict confidentiality for the mediated cases; and, when necessary, for imposing sanctions when parties (or, more often, their lawyers) fail to comply with orders of the mediation office.

Of interest to practitioners may be the settlement results in cases in which both parties did not agree to mediation. Below are charts for each court, indicating the percentage of cases which settled or not, in relation to whether one or both parties did nor did not think mediation would be productive. As you can see, the results have little to do with whether both parties did or did not think mediation would work. ▲▼▲

Party Responses to Referred Mediations With A Resolution For Mediation in the Supreme Court of Alabama

Terminated between 10/01/2007 and 10/05/2008

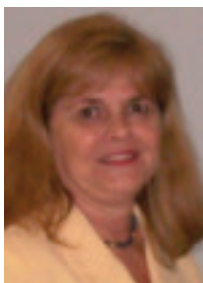
Resolution	Both Sides Agree to Mediation	Appellant-Yes Appellee-No	Appellant-No Appellee-Yes	Neither Side Wants to Mediate
Full	53%	36%	19%	50%
None	46%	50%	59%	39%

Party Responses to Referred Mediations With A Resolution For Mediation in the Alabama Court of Civil Appeals

Terminated between 10/01/2007 and 10/05/2008

Resolution	Both Sides Agree to Mediation	Appellant-Yes Appellee-No	Appellant-No Appellee-Yes	Neither Side Wants to Mediate
Full	46%	50%	52%	21%
None	50%	44%	44%	71%

For more information about appellate mediation in Alabama, go to <http://www.judicial.state.al.us/>.



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