

Serial: **217220**

**IN THE SUPREME COURT OF MISSISSIPPI**

**No. 89-R-99027-SCT**

***IN RE: MISSISSIPPI RULES OF  
APPELLATE PROCEDURE***

**ORDER**

Now before the en banc Court is the Motion to Adopt MRAP 50, filed by the Supreme Court of Mississippi's Advisory Committee on Rules.

The Committee moves the Court to adopt a voluntary appellate mediation pilot program as Rule 50 to the Mississippi Rules of Appellate Procedure. After due consideration, we find the motion should be granted in part and denied in part.

IT IS THEREFORE ORDERED that the motion is granted in part and denied in part. The Court adopts Rule 50 as set forth in the attached Exhibit A. The rule shall be effective April 2, 2018.

IT IS FURTHER ORDERED that the Clerk of this Court must spread this order upon the minutes of the Court and send a certified copy to West Publishing Company for publication in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)*, and in the next edition of the *Mississippi Rules of Court*.

SO ORDERED, this the 12th day of February, 2018.

/s/ Michael K. Randolph

MICHAEL K. RANDOLPH,  
PRESIDING JUSTICE  
FOR THE COURT

ALL JUSTICES AGREE.

EXHIBIT A

**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 must notify the parties in eligible civil cases that appellate mediation is available under this Rule. The notification must 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 must 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 must 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 must 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.** Unless otherwise agreed, the parties shall split the costs of mediation.