



SUMMARY

INTRODUCTION & EARLY HISTORY

The U.S. Sixth Circuit Court of Appeals' Mediation Program was established in 1981 to alleviate the court's overloaded docket and offer a faster, more flexible resolution method.

Initially, the program faced skepticism, but over time, it gained trust and became a vital part of the appellate process.

The program was inspired by successful mediation models from the Second and Seventh Circuit Courts of Appeals.

PROGRAM STRUCTURE & FUNCTION

The Mediation Program aims to facilitate settlements, reduce caseloads, and address procedural matters, helping to narrow substantive issues on appeal.

It employs experienced attorney-mediators who use an interest-based approach, focusing on underlying interests rather than positional bargaining.

Mediation is typically conducted via telephone or videoconference due to the geographical spread of the Sixth Circuit's jurisdiction.

GROWTH & SUCCESS

The program has grown significantly since 1990, serving as a model for other federal circuits.

It has been updated to incorporate new technologies and procedures, such as videoconferencing and enhanced confidentiality measures.

The program's success is measured not only by settlement rates but also by its ability to clarify issues and reduce judicial involvement.

IMPACT & NOTABLE CASES

The Mediation Program has processed over 30,000 appeals, covering a wide range of case types.

It played a crucial role in resolving significant cases, such as the Tennessee prison overcrowding dispute and the posthumous awarding of the Medal of Honor to Lt. Garlin Conner.

The program's involvement in high-profile cases demonstrates its ability to provide solutions beyond judicial relief.

FUTURE & TECHNOLOGICAL INTEGRATION

The program is exploring the integration of artificial intelligence and other technologies to enhance mediation processes.

It remains committed to adapting to changes in the mediation landscape while maintaining its core values and principles.

COMMITMENT

The Sixth Circuit's Mediation Program has a long-standing commitment to promoting mediation as a legitimate form of dispute resolution, evolving with experience and leveraging technology to improve its effectiveness.

EXPLORING SETTLEMENT SINCE 1981



MEDIATION TIMELINE

Establishment

1981

Chief Judge George Edwards established the U.S. Sixth Circuit Court of Appeals Mediation Program and hired Chief Circuit Mediator Bob Rack.

1

HISTORY OF MEDIATION PROGRAM

2

Confidentiality

1984

Judges ceased conducting pre-argument conferences. 6 Cir. R. 18 was amended to enhance confidentiality. Sanctions were included for non-compliance.

Key Case – TN

1991

Mediation Program played a key role in settling two Tennessee prison overcrowding lawsuits.

3

4

Rule 33

1998

6 Cir. R. 18 was rearranged and renumbered to 6 Cir. R. 33.

Expansion

2002

Number of mediator positions in the Sixth Circuit increased; mediation programs expanded in other courts of appeals.

5

6

Privileges

2003

The Sixth Circuit affirmed a broad privilege for communications made during settlement negotiations in *Goodyear Tire & Rubber Co. v. Chiles Power Supply, Inc.*

Key Case– KY

2014

Mediation Program was pivotal in settling the Garlin Conner case, which led to the Medal of Honor being awarded posthumously. The success was followed by a thank you call from the White House.

7

8

Leadership

2021

Chief Circuit Mediator Paul Calico retired after 11 years. Catherine Geyer was appointed as successor.

Key Case – OH

2022

Chief Judge Sutton offered the services of the Sixth Circuit mediators to the Ohio Redistricting Commission, resulting in a partial resolution.

9

10

Recognition

2024

Attorneys report that some appeals are filed specifically to access the Mediation Program, highlighting its perceived value and effectiveness.



SCAN
TO
LEARN
MORE