

Fourth District, Court of Appeal, Division One
Civil Mediation Program
Frequently Asked Questions

What happens after I file my notice of appeal?

The provisions for designating the appellate record, paying the estimated costs of the record, and any other requirements as defined by the California Rules of Court will not be suspended during the mediation process.

What happens if my case is not selected for mediation?

Following a request by the parties for mediation, if the court determines the matter to be ineligible for mediation, the parties are obligated to adhere to the California Rules of Court until final resolution of the matter.

Where do I file my documents?

All filings are to be submitted electronically through the court's Electronic Filing System (EFS). Information on how to file your documents electronically can be found at <https://www.courts.ca.gov/4dca-efile.htm>. Please note, this court does not accept fax filing.

Is mediation mandatory?

No. This court's Civil Mediation Program is voluntary and all parties to the matter must agree to participate.

How are cases selected for the mediation program?

Parties initiate the mediation process by filing a request with the court. This is accomplished by submitting the [Confidential Mediation Request Form](#) through the court's Electronic Filing System (EFS) at <https://www.courts.ca.gov/4dca-efile.htm>. All civil appeals filed in the Court of Appeal, Fourth District, Division One, are eligible for mediation, except for family law, conservatorship, guardianship, and sterilization proceedings, and cases involving self-represented litigants or government agencies. Only cases in which both sides are represented will be considered for mediation.

A civil appeal may be selected for mediation consideration by the Administrative Presiding Justice or a designated Associate Justice. The court's Mediation Coordinator may call the parties to discuss possible interest and suitability of the case for mediation. Mediation would proceed only if all parties to the case agreed to participate.

Final selection of a case for mediation is determined by the Civil Mediator Justice.

Are there any mediation costs?

No. There are no additional costs to the parties for participating in the Civil Mediation Program.

What happens if my case is resolved by mediation?

If a case settles *before* the appellate record has been filed:

Pursuant to California Rules of Court, rule 8.244(a)(3) and (b), if the mediation results in disposition of the appeal and the record has not been filed in the court of appeal, the appellant must immediately file a notice of settlement with the court of appeal. Within 45 days after filing the notice of settlement, the appellant must file an abandonment of the appeal in the superior court.

If the case settles *after* the appellate record has been filed:

Pursuant to California Rules of Court, rule 8.244(a)(3) and (c), if the mediation results in disposition of the appeal and the record has been filed in the court of appeal, the appellant must immediately file a notice of settlement in the court of appeal. Within 45 days after filing the notice of settlement, the appellant must serve and file a request for dismissal in the court of appeal.

What happens if my case is not resolved by mediation?

If mediation proceedings are terminated, the parties are obligated to adhere to the California Rules of Court until final resolution of the matter.

What happens if I decide not to continue with my appeal?

If you decide not to continue with the appeal, you can abandon your appeal at any time prior to the filing of the record in this Court. (Cal. Rules of Court, rule 8.244(b).) To abandon an appeal, you may use Judicial Council [form APP-005](#), Abandonment of Appeal. Please note that the abandonment is filed in the superior court. (Cal. Rules of Court, rule 8.244(b).)

If you wish to end your appeal after the record has been filed in this Court, you must file a request for dismissal in this Court. (Cal. Rules of Court, rule 8.244(c).)