

Rule 13. Finalization Settlement Agreement

(a) **Mediation Settlement Agreement.** In the event that the parties reach an agreement resolving all or any issues involved in the appeal, the parties, and counsel, if any, shall sign a Mediated Settlement Agreement setting out the essential terms of all agreements reached in mediation and, if applicable, designating the individual responsible for drafting and filing any additional documents needed to implement the agreement in the district court and the time for completion of that drafting and filing in the district court. The purpose of the Mediated Settlement Agreement is to memorialize the essence of the agreement for the parties, counsel, and the mediator, each of whom shall be given a copy of the signed agreement. Because of the purpose of this agreement, it shall not be filed with the Court of Appeals or the Family Law Appellate Mediation Office.

(b) **Mediator Case Closing Notice.** When the parties reach agreement resolving all issues on appeal and have signed a Mediation Settlement Agreement, or when the mediator has declared mediation concluded without agreement resolving all issues, the mediator shall mail to the parties, or counsel if represented, and file with the Family Law Appellate Mediation Office a completed Mediator Case Closing Notice informing the parties that:

(1) In the event agreement is reached on all issues involved in the appeal, the appeal shall be dismissed when appellant (and respondent if a related appeal is involved) file a Voluntary Dismissal with the Court of Appeals. If appellant (and respondent if a related appeal is involved) fails to voluntarily dismiss the appeal (and any related appeal) within forty-five (45) days of the date of this notice, the Court of Appeals shall issue an order vacating the stay of the appeal, setting a deadline for a completed initial transcript certificate to be filed, and providing that briefing shall proceed under Rule 131.01.

(2) In the event mediation is concluded without a full resolution of all issues, the Court of Appeals shall immediately issue an order vacating the stay of the appeal, setting a deadline for a completed initial transcript certificate to be filed, and providing that briefing shall proceed under Rule 131.01.

(Effective January 1, 2011.)