

**At a Stated Term of the United States Court of Appeals for the
Second Circuit, held at the Thurgood Marshall United States Courthouse,
40 Foley Square, in the City of New York, on the 3rd day of April, Two
Thousand Fifteen,**

PRESENT: Robert A. Katzmann,
Chief Judge
Dennis Jacobs
José A. Cabranes
Rosemary S. Pooler
Reena Raggi
Richard C. Wesley
Peter W. Hall
Debra A. Livingston
Gerard E. Lynch
Denny Chin
Raymond J. Lohier, Jr.
Susan L. Carney
Christopher F. Droney,
Circuit Judges

IT IS HEREBY ORDERED that the Local Rules of the United States Court of Appeals for the Second Circuit, following the 30-day public comment period prescribed by 28 U.S.C. § 2071(b) and Fed. R. App. P. 47(a)(1), are amended as follows, effective immediately:

Local Rule 33.1 Civil Appeals Mediation Program [Management Plan]

(a) **Scope of Plan.** The Civil Appeals Mediation Program [Management Plan] (CAMP) applies to all civil [appeals, petitioners for review, and applications for enforcements. But CAMP does not apply to] cases except proceedings in which at least one party appears pro se, matters initially placed on the court's Non-Argument Calendar, petitions for writs of mandamus or prohibition, and habeas corpus cases and proceedings under 28 U.S.C. § 2255 [, unless the court orders otherwise].

(b) **[Office of Staff Counsel.** Upon docketing a case, the clerk refers a CAMP-eligible case to the Office of Staff Counsel for review.] **Referral to Circuit Mediation.** When a case within CAMP's scope is docketed, the clerk refers it to the Circuit Mediation Office for review. At any time during the pendency of a case, including one outside CAMP's scope, a party may request referral to the Circuit Mediation Office or the court may so order. [Staff counsel] The Circuit Mediation Office may recommend to the clerk the entry of orders governing the case.

(c) Mediators. The court employs mediators and may appoint attorneys to serve as volunteer mediators. Mediator disqualification is governed by the Code of Conduct for Judicial Employees.

([c]d) CAMP Conference. The court [Staff counsel] may direct counsel for the parties to participate in a conference to explore the possibility of settlement, narrow the issues, and discuss any matters that may expedite disposition of the appeal.

(1) Counsel's Participation. Before a CAMP conference, counsel must consult with the client and obtain as much authority as feasible to settle the case [, and] . At the conference, counsel must be prepared to discuss in depth the legal, factual and procedural issues in the case.

(2) Client Participation. [Counsel should participate in a conference without the client, unless staff counsel permits or requests otherwise. During the conference, the client must be available by telephone.] A mediator may require a client to participate in a conference in person or by telephone.

(3) Conference Location. [At the discretion of staff counsel, the] A mediator may hold a conference [may be held] in person at the [offices of staff counsel,] Circuit Mediation Office or at another location, or [may be conducted] by telephone or video.

(4) Survey. After the conclusion of a CAMP proceeding, [counsel for] each party must complete the anonymous Post-Conference Survey and submit it electronically to this court's Director of Legal Affairs.

[(d) Referral to CAMP. At any time during the pendency of any case (including those not within CAMP's scope as described in (a)), the parties may request or the court may determine to refer the case to CAMP for any purpose consistent with this rule.]

* * * * *

FOR THE COURT



Catherine O'Hagan Wolfe
Clerk of Court

New York, NY

[] – material deleted

Underline – material added