

EXHIBIT "A"

Proposed Tenn. R. App. P. _____

(a) Within five (5) days following receipt of the notice of appeal in all cases appealed to the Court of Appeals, the clerk of the appellate court shall notify the parties or their counsel that, consistent with the requirements of this rule, they may jointly request a suspension of the processing of the appeal for the purpose of engaging in voluntary mediation.

(b) Parties desiring to engage in voluntary mediation shall file a joint stipulation requesting suspension of the appeal with the clerk of the appellate court within fifteen (15) days after the date of the notice provided for in Section (a). Upon the filing of a timely joint stipulation, the time for preparing the transcript or statement of the evidence, the record on appeal, and the briefs shall be suspended for no more than sixty (60) days to enable the parties to mediate their dispute.

(c) If the voluntary mediation is successful, the parties shall file a notice of voluntary dismissal of the appeal in accordance with Tenn. R. App. P. 15(a) within five (5) days following the conclusion of the mediation. The notice of voluntary dismissal shall provide for the taxation of costs. If the voluntary mediation is not successful, the parties shall file a notice with the clerk of the appellate court within five (5) days requesting the resumption of the appeal. If no notice of voluntary dismissal has been filed with the Court of Appeals within sixty (60) days after the filing of the joint stipulation, the appeal shall be returned to the active docket, and the time for preparing the transcript or statement of the evidence, the record on appeal, and the briefs shall begin to run anew.

(d) The parties may voluntarily resolve their disputes in any appeal filed in the Court of Appeals without requesting the suspension of the processing of the appeal be suspended. However, the provisions of this rule providing for the suspension of the processing of the appeal pending voluntary mediation shall not apply (1) appeals required to be expedited by statute, rule, or order of a court, (2) appeals in which the constitutionality of a statute, ordinance, or rule or the constitutionality of an application of a statute, ordinance, or rule is an issue, (3) appeals involving the imposition of criminal contempt sanctions, (4) appeals in cases in which mediation has already been unsuccessful, or (5) appeals granted by permission under Tenn. R. App. P. 9 or Tenn. R. App. P. 10.