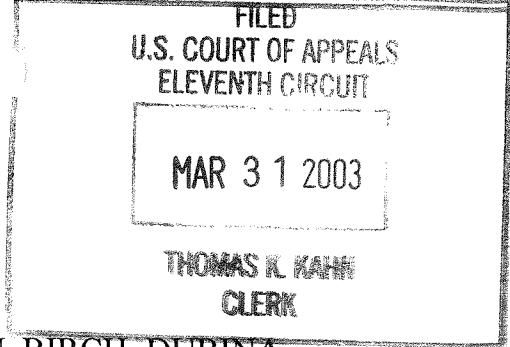


U.S. COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

GENERAL ORDER 29



Before: EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT, HULL, MARCUS, and WILSON, Circuit Judges.

Pursuant to 28 U.S.C. § 2071(e), it is hereby ordered that Eleventh Circuit Rules 33-1(c)(3) and 33-1(d) are amended as indicated below (with text to be added shown bold and underlined, and text to be deleted stricken) to take effect April 1, 2003.

11th Cir. R. 33-1 Kinnard Mediation Center.

* * * *

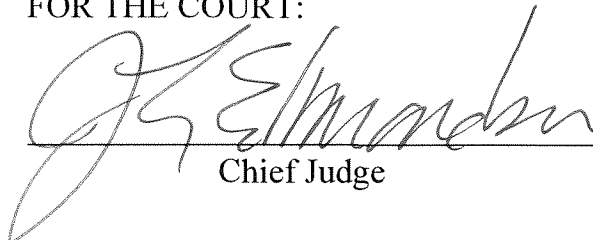
(c) Mediation.

* * * *

(3) Statements and comments made during the mediation and ~~any~~ subsequent communications related thereto shall be confidential and ~~Such communications~~ shall not be disclosed by ~~counsel any party or participant in the mediation~~ in motions, briefs, or argument to the court and shall not be disclosed by the Kinnard Mediation Center to the Eleventh Circuit Court of Appeals or to any court or adjudicative body that might address the appeal's merits, except as necessary for enforcement of Rule 33-1 under paragraph (f)(2), nor shall such communications be disclosed to anyone not involved in the mediation or otherwise not entitled to be kept informed about the mediation by reason of a position or relationship with a party unless the written consent of each mediation participant is obtained. Counsel's motions, briefs, or argument to the court shall not contain any reference to the Kinnard Mediation Center.

(d) Confidential Mediation Statement. The court requires, except as waived by the circuit mediator, that ~~C~~counsel in appeals selected for mediation ~~are encouraged to send a confidential mediation statement assessing the appeal to the Kinnard Mediation Center before the mediation~~. The Kinnard Mediation Center will not share the confidential mediation statement with the other side, and it will not become part of the court file.

FOR THE COURT:


Chief Judge

Dated: March 31, 2003