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FEES FOR MEDIATION SERVICES

Mediation Fees per party are set on a case-by-case basis and covers the cost of one full day mediation session, usually in our offices or by video conference, a working lunch if the mediation is in our offices, pre-mediation preparation time, and appropriate telephone, video, or in person conferences with counsel and/or the parties before and, if necessary, after the mediation session.

Amount of Fees. The amount of the per party Mediation Fee is usually determined by (a) the amount in controversy, which is the aggregate amount of all claims for affirmative relief by claim or counterclaim; (b) the nature of the action, the complexity of the issues, and any special circumstances; and (c) the number of parties – which is usually determined by counting each party or parties represented by the same law firms/attorneys as one party and those parties represented by other law firms as a separate party.

FEE GUIDELINES FOR EACH FULL-DAY MEDIATION SESSION

Per Party

Amount in Controversy	2 parties Fee per day <i>per party</i>	3 or more parties Fee per day <i>per party</i>
Up to \$1,000,000	\$ 3,250	\$ 2,750
\$1,000,000 - \$5,000,000	\$ 4,500	\$ 3,750
\$5,000,000 - \$10,000,000	\$ 5,500	\$ 4,500
Over \$10,000,000 - If over \$10,000,000 is at issue or there are substantial non-monetary issues (injunctive, equitable or declaratory relief, etc.) or other special circumstances, the mediation fee will be determined on a case by case basis.		

Adjustments to Fee Schedule. The fees for mediations on a weekend or out of town will be adjusted for travel costs, travel/overnight time, and the like which is included in the final quoted mediation fees. Because of the nature and magnitude of most cases we mediate, we generally decline half day mediations and typically suggest another mediator whose practice is better suited to that strata of cases. However, in those cases where **both** the mediator and counsel agree in advance that a half day session is appropriate, the Mediation Fee for a half day is \$2,250 *per party* and anticipates more limited pre and post mediation activity.

Rescheduling and Cancellation Fee Policy. We expect counsel will let us know as far in advance as possible of any cancellation or rescheduling needs so we can make the date available to others in a timely fashion. There will be no cancellation fee for mediations cancelled/rescheduled 7 or more business days in advance of the scheduled mediation date. In the event of a cancellation on less than 7 business days' notice, a cancellation fee *may* apply, depending on the circumstances. We are typically reticent in the extreme to apply such a fee, particularly if beyond the control of the parties. Accordingly, our practice is to discuss with counsel whether any such fee is fair and appropriate under the circumstances.

Payment. Payment in full is due upon the scheduling of the mediation and in any event no later than two business days prior to the date of the mediation session. The full Mediation Fee shall be deemed fully earned upon commencement of the initial session. All parties' fee payments shall be in the form of cash, cashier's check, or check drawn on the bank account of (or payment guaranteed by) a law firm, business entity, or insurance company and made payable to Christopher Nolland, Attorney-Mediator.