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FEES FOR MEDIATION SERVICES

General. The Mediation Fee is set on a case-by-case basis and covers the cost of one full day mediation session, in person or by video conference, a working lunch if the mediation is in person, pre-mediation preparation time, and reasonable telephone, video, or in person conferences with counsel and/or the parties before and, if necessary, after the mediation session. *I do not surcharge for additional time incurred after normal business hours on the day of the mediation – the quoted fee is “all in” for my time on the day of mediation.* If an additional mediation session is scheduled there will be a further mediation fee. Given the nature of my practice, I decline half-day mediations and typically suggest another mediator for such cases.

Amount of Mediation Fee. The amount of the Mediation Fee is determined by (a) the amount in controversy, which is the aggregate amount of all claims for affirmative relief by claim, counterclaim, or demand; (b) the nature of the action, the complexity of the legal and factual issues, and any special circumstances or party dynamics; and (c) the number of “sides” – determined by counting each party or parties represented by the same lawyers as one “side” and parties represented by different firms or lawyers as a separate side.

BASE FEE GUIDELINES FOR EACH FULL-DAY MEDIATION SESSION *Per Side*

Amount in Controversy	<i>Fee Per Day Per Side</i>
Up to \$1,000,000	\$ 3,750 per side
\$1,000,000 - \$5,000,000	\$ 4,750 per side
\$5,000,000 - \$10,000,000	\$ 5,750 per side
Over \$10,000,000	Determined on a case-by-case basis
When over \$10,000,000 is in controversy or there are substantial non-monetary issues (injunctive, equitable or declaratory relief, etc.) or other relevant circumstances, such as extensive pre-mediation preparation or post-mediation activities, etc., the mediation fee is determined on a case-by-case basis. When 4 or more sides are involved the mediation fee per side is typically adjusted and/or reallocated.	

Adjustments to Base Fee Guidelines. The fee for weekend or out of town mediations is adjusted for travel costs, travel/overnight time, and the like which is included in the quoted mediation fee. The Mediation Fee may also be reallocated or adjusted based on other mediation dynamics and the nature and roles of the parties.

Cancellation Fee Policy. Counsel should provide as much advance notice as possible of the need to cancel or reschedule the mediation to allow the date to be timely made available to others and optimize the chances of rebooking the date. There are no cancellation fees for mediations cancelled 7 or more business days in advance of the mediation date. In the event of a cancellation on less than 7 business days’ notice, a cancellation fee in the amount of 50% of the total mediation fee *may* apply. I am extremely reluctant to and rarely invoke a cancellation fee, especially if due to circumstances beyond the parties’ control or other good cause. My 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 no later than three (3) business days prior to the mediation session. The full Mediation Fee shall be deemed earned upon commencement of the initial session. Mediation fee payments shall be made by cashier’s check, wire transfer, or check issued by a law firm, business entity, or insurance company and made payable to Christopher Nolland, Attorney-Mediator.