

FEES FOR MEDIATION SERVICES

Mediation fees are calculated per side and cover the cost of one full-day mediation session. A full-day mediation typically starts at 9 AM and continues until concluded. The fee for a full-day mediation covers 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 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. All parties represented by the same law firms/attorneys are considered one party, and those parties represented by other law firms are considered separate parties.

FEES FOR EACH FULL-DAY MEDIATION SESSION

Per Side

| Amount in Controversy | Fee per day <i><u>per side</u></i> |
|--|---------------------------------------|
| Up to \$1,000,000 | \$ 2,500 |
| \$1,000,000 - \$5,000,000 | \$ 3,500 |
| \$5,000,000 - \$10,000,000 | \$ 5,000 |
| <p>For purposes of setting my fee, a side is a party or group of parties represented by the same law firm or firms. Parties with different law firms are considered different sides. In cases involving four or more sides, we will discuss a reduction from our standard per-side rate.</p> <p>Over \$10,000,000 - If more than \$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.</p> | |

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 will be included in the final quoted mediation fee. The mediation fee for a half-day mediation is typically half the amount shown in the chart above and anticipates less pre- and post-mediation activity.

Rescheduling and Cancellation Fee Policy. Counsel must notify us of cancellations as soon as possible. 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.

Payment. Payment in full is due 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 Brown Fox PLLC.