

# Mediation Resolution

## **TERMS AND CONDITIONS FOR CIVIL/COMMERCIAL MEDIATIONS (BOTH IN PERSON FACE TO FACE AS WELL AS ONLINE)**

Mediation Resolution's comprehensive ADR Service handles all elements of the mediation, leaving the parties and their advisers free to prepare for it, focus on the substantive issues in the case and on negotiating a settlement.

Mediation Resolution's fees will therefore cover:

- All preliminary advice and assistance pertaining to the desired mediation process.
- Assisting the parties in setting up the mediation, whether it is to be conducted on a face to face basis or virtually online.
- Preparing and circulating a draft pre-mediation preparation timetable for the parties to approve.
- If required, advising upon the format and terms of the Mediation Agreement.
- Providing the services of a CEDR Accredited Civil/commercial Mediator (and an Assistant Mediator if required).
- If the mediation is to be conducted virtually online, the provision and management of the platform (ZOOM Pro Account) for it as well as coaching upon its use together with a pre-mediation day practice session for the parties and their legal representatives to participate in.
- The Mediation Day itself (including the Mediator's fees but not any venue expenses which must be paid for directly by the parties).

### **FEE SCHEDULE**

Value of Claim Fee per party\* per 8 hour day of mediation

Up to £20,000	£395.00
£20,000 to £50,000	£495.00
£50,000 to £100,000	£595.00
£100,000 to £200,000	£995.00
£200,000 to £500,000	£1,200.00
£500,000 to £1,000,000	£1,400.00
£1,000,000 to £2,500,000	£1,700.00
£2,500,000 to £5,000,000	£2,000.00
£5,000,000 to £10,000,000	£4,000.00
£10,000.000 plus	£s negotiable

No assessed value

£s negotiable but the mediator's services are likely to be charged on an agreed hourly rate basis to which an agreed cap would be applied.

\* Fees for multi-party disputes are calculated on a 2- party basis plus 20% for each additional party.

If the duration of the mediation exceeds eight hours in any one day, the additional fees payable by each party for each additional hour, or part thereof, will be calculated at an hourly rate equivalent to one tenth of the aggregated daily rate, divided by the number of parties to the mediation.

### **Mediator's Preparation Time**

Charged as set out below. It is essential that the agreed mediation bundle (or any other documents) and the parties' position statements/case summaries are delivered to Mediation Resolution in accordance with the pre-mediation timetable agreed for each case to give the Mediator sufficient time to prepare. Mediation Resolution reserves the right to charge preparation time at higher rates where papers are delivered late; and to charge also for any courier or other administrative charges incurred due to the late delivery of papers.

### **Expenses**

Related expenses such as room hire, the Mediator's travel expenses, etc., are not included in the above rates, and are charged for at cost if paid for by the Mediator and/or Mediation Resolution.

### **VAT**

Mediation Resolution is not registered for VAT and hence such is not payable by the parties.

### **Claim Value**

The value of the claim will be determined by either that of the claim, or any counterclaim should there be one, whichever is the greater. When a claim value falls into two fee bands, the higher band and thus fee will apply.

### **Exceptional Administrative Back-Up**

Occasionally there may be an additional fee (which you will be notified before it is incurred) if exceptional back-up administration is required. Otherwise, all administrative back-up is included in the above fees.

### **Preparation Time**

Each party will be charged for the reading and preparation time (such to include all pre-mediation

day correspondence, verbal communications and meetings, if any, with the parties and/or their legal representatives), spent by the Mediator at an hourly rate which will be one tenth of the aggregated daily rate for the Mediation Day(s) divided by the number of parties to the mediation.

The preparation time will not, without the consent of the parties, exceed:

- 8 hours for claims involving two parties; or
- 12 hours for claims involving three parties or more.

## Payment

As pre-condition to the Mediator conducting it, the fees payable for the Mediation Day(s) must be paid by each party no less than 21 days beforehand. Two, or maybe three, invoices will be issued.

- **The First invoice will cover:**

The fees for the Mediation Day(s) of eight hours duration (see above for rates).

- **Second invoice (such to be paid within 14 days of receipt) will cover:**

All pre-mediation reading/preparation time (as described above), expenses not included in the first invoice (e.g. travel, accommodation, etc.) and any additional fees payable as a consequence of the Mediation Day (or any booked additional Mediation Days) lasting more than eight hours. **However please note** that Mediation Resolution reserves the right to deliver a second invoice to be paid by all parties **prior to the mediation day** for all pre-mediation reading/preparation time (as described above) undertaken up until the day before the date of the second invoice (plus any expenses incurred up until that time) in cases where the duration of such time has been greater than usual, or otherwise when the Mediator in his or her own absolute discretion decides that it is appropriate for Mediation Resolution to deliver a second invoice then.

- **Third invoice (such to be paid within 14 days of receipt) will cover:**

Such will only be delivered when a second invoice was so prior to the Mediation Day. This will relate to the charging of all pre-mediation reading/preparation time (as described above) undertaken by the Mediator, as well as any additional expenses incurred, since the day before the delivery of the second invoice together with any additional fees payable as a consequence of the Mediation Day (or any booked additional Mediation Days) lasting more than eight hours.

## Cancellation

Notice of cancellation must be given **in writing** to Mediation Resolution. If received:

1. More than 21 days before the Mediation was due to take place, Mediation Resolution will only be entitled to be paid for any irrecoverable expenses incurred by it and/or the Mediator.
2. Less than 21 days but more than 7 days before the Mediation was due to take place, Mediation Resolution will be entitled to:

- 25% of the mediation fees; and
  - All the Mediator's reading/preparation time undertaken up until the time the cancellation notice was received; and
  - All expenses already incurred by Mediation Resolution and/or the Mediator.
3. Less than 7 days but more than 24 hours before the Mediation was due to be commenced, Mediation Resolution will be entitled to:
- 50 % of the mediation fees; and
  - All the Mediator's reading/preparation time undertaken up until the time the cancellation Notice was received; and
  - All expenses already incurred by Mediation Resolution and/or the Mediator.
4. Less than 24 hours before the Mediation was due to be commenced, Mediation Resolution will be entitled to:
- 100% of the mediation fees; and
  - All the Mediator's reading/preparation time undertaken up until the time the cancellation notice was received; and
  - All expenses already incurred by Mediation Resolution and/or the Mediator.

### **Face to face and online virtual mediations**

These Terms and Conditions are intended to cover or otherwise relate to both.

### **Complaints**

Mediation Resolution will deal with any complaints pursuant to its written Complaints Procedure a copy of which will be supplied on request by email to [kevinsmyh48@gmail.com](mailto:kevinsmyh48@gmail.com). This complies with the requirements of both the Civil Mediation Council, of which our lead mediator is a member, and the European Code of conduct for Mediators. The latter stipulates thus:

*“Mediation providers should establish and maintain fair and effective complaints and disciplinary mechanisms to deal with disputes concerning mediators or administrators of mediation processes. Mediation providers should subscribe primarily to amicable dispute settlement in their own matters through negotiation and mediation”.*

# **Mediation Resolution**

**Revised and effective from February 2022**

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