

Mediation Resolution

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

Mediation Resolution's comprehensive ADR Service handles all elements of an intended 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

<u>AMOUNT CLAIMED</u>	<u>FEE PER PARTY TO INCLUDE UP TO 4 HOURS READING/PREPARATION</u>	<u>LENGTH OF MEDIATION SESSION</u>
£25,000 or less	£300.00*	4 hours
Between £25,000 & £50,000	£450.00*	4 hours

* 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 four hours in any one day and both parties and the Mediator agreed that the mediation should continue, 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.

Expenses

Related expenses such as room hire, the Mediator's travel expenses, etc., are not included in the above rates, and are charged 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.

Preparation Time Exceeding 4 hours

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.

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. One, or maybe two, invoices will be issued.

- **The First invoice will cover:**

The fees for the Mediation Day(s) of four hours duration + reading/preparation up to 4 hours in duration (see above for rates).

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

Any additional time exceeding 4 hours devoted to reading/preparation and/or the mediation session itself.

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 exceeding 4 hours 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 exceeding 4 hours 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 exceeding 4 hours 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. 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 January 2024
© Mediation Resolution 2024

