

Mediation including Virtual Mediations Fees and Policies

Effective May 1, 2020

Rates

Mediations are billed at \$1,800.00 (morning or afternoon) or \$3,600.00 (full day).

Virtual or online mediations during the Covid-19 Crisis \$1,200 (half day) or \$2,400 (full day) which is a 33.3% discount off the traditional mediation charges.

Each party's *pro rata* share of the fee is due five (5) business days before the first session. Payment may be made by check payable to Coast to Coast ADR (Federal ID #47-5308316). Counsel and parties are jointly responsible for payment of all fees.

Scheduling and Cancellations

Parties may book mediations with Coast to Coast ADR in either half-day sessions or full-day sessions.

Coast to Coast ADR, reserves the right to retain 50 percent of the pre-payment if the mediation is cancelled within three (3) days, and to retain 75 percent of the pre-payment if the cancellation is cancelled less than three (3) days of the scheduled mediation. This is largely because the mere fact of a scheduled mediation is itself a settlement-stimulating event, and the mediator's time validly reserved should be compensated.

Charge for Lack of Authority

Parties shall have the principal person with authority to agree to settlement terms present at all mediation sessions. An insurance claims person with authority shall be present for all cases involving liability claims. Any exception to the requirement that principals or insurers with authority be present must be agreed to by all parties and Coast to Coast ADR in advance of the

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mediation. A party failing to meet these obligations will be solely responsible for any consequent cancellation fee. The parties are encouraged to bring draft releases and settlement agreements to complete at the end of the mediation. An agreement reflecting the essential terms shall be completed at the end of the mediation.

Billing for travel time

Travel time is billed *only* for travel outside of Massachusetts in New England or outside of San Diego, Orange or Riverside Counties in California.

Mediation Format

The mediator will speak with all attorneys before agreeing to mediate the dispute. And it's recommended that each attorney provide whatever memorandum and attached material will best present that side's position on liability, damages and other issues so as to expeditiously utilize all the time at the mediation productively.

Parties should be prepared for a Joint Session, all lawyers and parties and attendees together, with an opening by each lawyer focused on the audience in the room, not a jury, explaining the facts as they each see them integral to winning the case and the law as appropriate. Questions may occur regarding the strengths and weaknesses of the other side's case as perceived by each attorney. Then caucuses and "shuttle diplomacy" with possible re-grouping for a second joint session!

Followed by settlement, completing a settlement terms sheet and creating a specific follow-up plan!

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Should the dispute does not settle at the mediation, the mediator will follow-up as long as the parties are willing and it remains of value to them.

Contact Information: Robert H. Flynn

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