

## Mediation Fee Schedule<sup>1</sup> Judge Gil Jones, Mediator

The mediation fee is established for a ½ day or full day mediation as follows:

TYPE OF CASE	TIME SLOTS AVAILABLE & Fee per side	
	HALF DAY	FULL DAY
All cases in my office	465	825
Out of office but within 33 <sup>rd</sup> Jud. District	515 #	875
Out of office but contiguous to 33 <sup>rd</sup> Jud. District	625 +	1050
Out of office beyond contiguous counties	625 ++	1050 +

# San Saba \$585 for ½ day

+ plus travel time one way and mileage at state rate (58 cents for 2019). Will advise of time and travel charge upon booking.

++ plus travel time round trip and mileage at state rate (58 cents for 2019). Will advise of time and travel charge upon booking.

The fee stated is for each party. The number of parties is determined by counting all parties represented by the same counsel as one party. If one party is represented by multiple attorneys, that party is still considered as one party. Related parties, even with aligned interests, are considered as separate parties if they have separate counsel. The fee will be invoiced and is due 14 days prior to the mediation as discussed further below.

The stated fee includes the following:

1. Four hours of time for the ½ day and eight hours for the full day session. If a mediation continues beyond the allotted time, the additional time will be charged at \$125 per hour per party and payment is due at the conclusion of the day.
2. Initial arrangements to accept the case and establish a date for the mediation session and limited telephone conferences with the attorneys.
3. Services outside of the actual sessions, such as phone calls, e-mails, faxes, copying, correspondence, a “reasonable” amount of case study and legal research, drafting of settlement agreements (or award letters), and

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<sup>1</sup> Revised January 1, 2019

reports to courts. If extra preparation work is required you will be notified in advance and an agreed amount of additional time will be billed at \$125 per hour per party and is due prior to the start of the mediation session.

#### 4. Post-mediation filing of the Agreement.

When agreed in advance there may be an additional charge to reimburse the mediator for the cost of a mediation facility.

The fee is deemed fully earned even if the mediation takes less time than the stated hours, either because it settles or an impasse is declared.

If a mediation is recessed and continued on another day, then the additional day or half-day fee will be paid in advance of such date. However, if a recess occurs roughly ½-way through the session then the resumption will normally not be charged separately if it is finished within the remaining time.

Some complex or multi-party cases may require more than one mediation session. You may schedule more than one session at the time the initial session is scheduled if you feel such to be necessary. In that event, the Mediation Fee will be based upon the total number of sessions scheduled and will be fully earned at the commencement of the initial session.

A mediation session can be scheduled “out of town” at a mutually convenient location. “Out of town” means in a county not contiguous with one of the counties of Burnet, Blanco, Llano or San Saba in which event the fee is different (see above). Unless otherwise agreed, for extended travel and overnight expenses excluding mileage are passed through at cost to the parties to be divided equally. If it is necessary to spend an additional day traveling to or from the mediation location, the mediation session will be billed as a multiple day session for the total number of days involved in traveling and conducting the mediation session.

The Mediation Fee is typically shared equally by all parties but you may apportion it as you wish. It is acceptable for one party to advance or pay the Mediation Fee on behalf of another party. In court-annexed mediation, the full amount of the Mediation Fee will be reported to the Court; and will be taxed as costs of court, unless the parties agree otherwise.

**Invoicing and Responsibility of Attorneys:** Shortly after a session is booked, an invoice will be sent to each attorney. If the attorney has funds from which to pay the mediation fee then it can be paid online in response to the invoice or by check. Otherwise, the invoice should be forwarded to the client for direct payment. Payment is due 14 days prior to the mediation day.

Each party's attorney shall be responsible for the timely payment of all fees specified herein. The mediator reserves the right to refuse to commence the mediation session if all fees have not been tendered in acceptable form.

All fee payments shall be in the form of credit card via Square at <http://judgegiljones.com/fees-payment/>, cash, cashier's check, insurance company check, corporate check or check drawn on the bank account of a law firm and payable to Judge Gil Jones, Mediator at 1307 2<sup>nd</sup> Street, Ste D, Marble Falls, TX 78654. The Tax ID number is 74-2622672.

My goal as retired judge/mediator is to assist trial lawyers, their clients and the Courts in the prompt, efficient and cost-effective resolution of disputes. The day which has been scheduled for your mediation session has been set aside for you. Rescheduling and cancellation result in delay of resolution, inconvenience to counsel and clients, inactive days for the mediator and increased costs. Each day that is reserved for you reduces my flexibility in accommodating the busy schedules of other trial lawyers, clients and courts and results in lost opportunity for me to assist others in resolving their disputes.

Generally, we are all working within a time frame ordered by the Court or agreed to by the parties in scheduling the mediation session. Rescheduling the session will almost always result in the need to go beyond that time frame. Due to

scheduling conflicts, it is frequently 30 days or longer before another session can be scheduled. In response to these concerns, I have found it necessary to establish the following policies and procedures:

**Re-scheduling and cancellation policy**

We all have to work diligently to find a date when everyone can convene. If necessary, I will intervene with the Court to request additional time under the Order of Referral for Mediation. The attorneys MUST consult with their clients prior to scheduling the mediation to insure that the date is available for them.

The date will be treated as a Court setting. I will not reset the mediation except for what would constitute good cause to postpone a trial. Please carefully consider your advance preparation before selecting a date. Once the date is set, please notify me immediately if you do not think the case will be ready to be mediated on the scheduled date.

If a date has been set, cancelled and reset, and the new date has been cancelled by any party to the mediation, a third mediation date will not be confirmed without prepayment of the full mediation fee from all parties. A date can be held for you temporarily; however, if payment in full is not received ten (10) business days prior to the third confirmed mediation date, the date will be released. In the unlikely event that a third confirmed mediation date is cancelled, the fee will be nonrefundable.

I do not typically charge for administrative expenses in a normal case. I do not charge a rescheduling fee if the case is rescheduled for reasons which would normally delay a trial. However, this excludes a cancellation for "additional discovery."

**Cancellations due to settlement:**

There is also no charge if a case settles prior to mediation, **provided that** I receive notice of the cancellation at least by noon of two business days in advance (e.g. noon of Tuesday for a Thursday mediation). Otherwise, if I receive less notice, a 25% cancellation fee will be charged.

**Cancellations other than due to settlement:**

In the event a case is reset for the convenience of a party, or a party decides to cancel an agreed mediation other than due to settlement, that party may be charged a rescheduling/cancellation fee of an amount up to the full mediation fee for the case. In the event that more than one party is requesting a reset or cancellation, the fee may be divided between all requesting parties. If at least two weeks' notice is given, there will be no charge assessed so please provide as much advance notice as possible.