

# **MEDIATION POLICIES AND PROCEDURES**

*(Please review carefully)*

**WHO MUST ATTEND:** To reach final agreement, all parties must be present unless all Parties have agreed to on-line mediation, video mediation or shuttle mediation. All attendees should clear their calendars for the entire session to eliminate interruptions.

**INFORMATION EXCHANGE/EXPERTS:** All relevant information must be exchanged by the Parties in advance of the mediation session to assist all parties in making realistic, informed settlement decisions. Although witnesses are not typically a part of the mediation process, if expert opinion is essential to reach resolution, please decide through our office for the scheduling of your witnesses.

**BRIEFS:** Participants should be prepared to come with an open mind, ready to analyze new information; not simply to argue their position. Submission of briefs is encouraged. Submissions should be no more than five (5) pages (not including exhibits). Briefs should be submitted directly to Mr. Abron at least five business days in advance to guarantee that he receives them in time to adequately prepare. Alternatively, you may mail, deliver or overnight briefs directly to our offices. Please include strategic insights about your position, information about perceived obstacles to settlement, and information on prior settlement discussions. Time spent reading the briefs will be counted as mediation time.

**FEES/PAYMENT:** Our policy is payment of a two (2) hour minimum fee in advance of the mediation session. **All Parties will be charged at least the two hour minimum fee regardless of the length of the mediation session.** A retainer for an additional two hours will be collected from each Party. Any unused portion of the retainer will be refunded within five business days after the last session. Any additional balance is due within thirty (30) days of the end of mediation. Late fees will be assessed on all unpaid balances at the rate of 1½% per month commencing after the initial 30-day grace period has ended. The Mediator is entitled to full compensation for all time spent on the case, including preparation, telephone time, and travel to mediation sessions beyond a 25-mile radius of Farmington Hills, Michigan. This includes any time spent (telephonically or otherwise) after a mediation session in connection with the case. Checks should be made payable to Domestic Mediation, LLC. Payment may also be made through our website.

**RESCHEDULING:** There is no charge for cancellations made five (5) business days or longer from the original date of the mediation. A total of fifty percent (50%) of the deposit will be forfeited if the meeting is cancelled by any Party to the dispute within four (4) business days of the meeting. No forfeiture of deposit shall occur if the meeting is mutually rescheduled by all parties to the dispute within five (5) business days of the original date of the meeting and the new meeting date is within thirty (30) business days of the original date of the meeting.

**CONFIDENTIALITY:** All statements made during mediation are confidential. All Parties will agree that any statements made, or information disclosed to the Mediator is confidential and that disclosure cannot be compelled.

**AT THE MEDIATION:** The mediation will begin with a joint session involving all participants. Please be prepared to summarize your viewpoint and hear other perspectives. The goal is not to prove your case, but to clarify your views for the other Party while educating the Mediator. Later in the session, the Mediator may use private caucuses with each Party. In caucus, information can be discussed and creative solutions explored which may assist in working toward a resolution. The Mediator will help each Party confidentially evaluate their realistic options for resolution. Once negotiations generate an option which all sides feel is acceptable, the Mediator will draft a summary of the agreed upon terms.