

## **MEDIATION OVERVIEW**

Hankinson LLP offers a sophisticated civil appellate law practice and an equally advanced mediation practice. We handle mediations that involve complex issues, including complicated business and contractual disputes, mass tort situations, and sensitive employment law matters. In many instances, high dollar stakes or cutting edge situations are involved. We bring extensive judicial and litigation experience, highly focused attention, and creative problem solving to every mediation in which we are involved with the objective of facilitating a mutually acceptable settlement.

### **THE MEDIATION PROCEDURE**

Mediation is a form of alternative dispute resolution that uses a neutral third party mediator to help parties resolve a pending controversy and reach settlement. Mediation is nonbinding. The parties have complete control over the content and form of any settlement reached.

All communications that take place in the mediation are confidential and are not subject to disclosure to a court or other authority. However, the settlement itself is not confidential unless the parties negotiate otherwise.

Mediations are handled by Deborah Hankinson. They begin at 9:00 a.m. and end at 6:00 p.m.

The mediation procedure involves the mediator's engaging in a series of separate caucuses with the parties to discuss the issues in detail, identify potential areas of compromise, and move the parties towards settlement. The mediator will not disclose information identified as confidential in the caucuses to any other party without prior permission. At the suggestion of the mediator, or the request of the parties, joint meetings involving the mediator and the parties may take place as the mediation progresses.

We expect all parties involved in the mediation to participate in good faith. To further optimize our session, parties attending the mediation are expected to have full authority to settle without having to contact any person not present.

In some instances, the parties will make substantial progress during the formal mediation session, but will not reach settlement. Under these circumstances, we remain available to consult with the mediating parties in the weeks and months following the session in an effort to continue working towards a settlement.

### **FEE SCHEDULE**

We offer full-day mediations. Our fees include preparation for the mediation, including the review of a reasonable amount of written material submitted by the parties before the mediation begins, time spent with the parties during the mediation, lunch for all participants, and

reasonable copying, fax, and phone charges. In rare instances, we will charge a party an additional amount for reimbursement for extensive copying, fax, or phone charges. We also charge for the mediator's travel expenses and travel time when the mediator is asked to travel outside Dallas County to conduct a mediation.

For certain particularly large or complex matters, it sometimes becomes necessary for us to review a more substantial number of documents to be as effective as possible. Under these circumstances, we will charge an additional Materials Review Fee.

### **MEDIATION FEES AND SESSION HOURS**

The mediation fee for a mediation is \$6,000.00, to be split evenly between or among the parties (unless we are advised in writing at least 72 hours in advance of a different division of the mediation fee). The applicable fee is due and payable before the mediation begins. If we have not received your share of the fees before the date of the mediation, we ask that you please bring a check with you to the mediation.

Mediations begin at 9:00 a.m. and end at 6:00 p.m. We ask that the parties arrive at our offices at 8:45 so that any outstanding administrative issues can be handled before the mediation begins. If the mediation extends beyond 6:00 p.m., additional fees are payable at the rate of \$750 per hour, to be split evenly between or among the parties. After-hours fees are due and payable at the conclusion of the mediation session, or as soon thereafter as practicable.

If applicable, our Materials Review Fee is billed at \$750 per hour.

In the event that settlement is not reached at the mediation, we remain available to assist the parties in working towards a mutually agreeable settlement in the weeks and months following the mediation. Our post-mediation consulting fees are billed at our standard rate of \$750 per hour.

### **SCHEDULING & CONTACT INFORMATION**

Our address and contact information is as follows:

Hankinson LLP  
750 N. St. Paul Street, Suite 1800  
Dallas, Texas 75201  
Phone: (214) 754-9190  
Fax: (214) 754-9140  
E-Mail: [kthompson@hankinsonlaw.com](mailto:kthompson@hankinsonlaw.com)

To schedule mediation, please call our offices at (214) 754-9190 and ask for Kristy Thompson, who will handle all arrangements. When you call, please be prepared to advise us of the case

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style, the number and names of the parties involved, the parties that will be attending the mediation, and a general statement of the type of lawsuit or matter involved.

On occasion, we are asked to “hold” a date or dates pending confirmation. In most cases, we are happy to do so for a period of 72 hours, at which point we will open the date up to reservation by others.

We reserve the right to charge a reasonable fee should one or more of the parties cancel or postpone a mediation session within 7 days of the scheduled mediation date, or if substantial time has been spent preparing for a cancelled or postponed mediation. We will discuss the circumstances of the cancellation or postponement with the parties before a fee is applied.