

MEDIATION SERVICES MEMORANDUM

Hankinson Levinger 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. Her biographical information is provided below.

For a full-day mediation, we generally start the day with a short joint meeting involving all the parties and the mediator. During this meeting, the parties have the opportunity to present their views of the case to the mediator. At the request of the parties or the suggestion of the mediator, this joint meeting can be omitted. For half-day mediations, we generally recommend omitting the initial joint meeting in the interest of maximizing the time devoted to negotiation. The remainder of the mediation procedure involves the mediator's engaging in a series of separate caucuses with the parties to discuss the issues in more 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 request of the parties or the suggestion of the mediator, additional joint meetings involving the mediator and the parties may take place as the mediation progresses.

In most cases, we recommend that parties reserve a full day for mediation given the complexity and multiplicity of the issues involved in the mediations that we handle. Devoting a full day to the mediation also signals a seriousness of purpose and can increase the chances for reaching a successful resolution. 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 and half-day mediations. In either case, 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 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.

STANDARD FULL-DAY MEDIATION FEES AND SESSION HOURS

The mediation fee for a full-day mediation is \$5,000.00 for 2 parties and \$6,000.00 for 3-4 parties, 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 full-day 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.

Full-day 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 \$700 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 \$600 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 \$600 per hour.

STANDARD HALF-DAY MEDIATION FEES AND SESSION HOURS

The mediation fee for a half-day mediation is \$3,000.00 for 2 parties and \$3,600.00 for 3-4 parties, 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 half-day 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.

Half-day mediations begin at 9:00 a.m. and end at 1:00 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 1:00 p.m., additional fees are payable at the rate of \$500 per hour from 1:00 p.m. until 6:00 p.m., to be split evenly between or among the parties. After 6:00 p.m., additional fees are payable at the rate of \$700 per hour, to be split evenly between or among the parties. All additional 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 \$600 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 consulting rate of \$600 per hour.

SCHEDULING & CONTACT INFORMATION

Our address and contact information is as follows:

Hankinson Levinger LLP
750 N. St. Paul Street, Suite 1800
Dallas, Texas 75201
Phone: (214) 754-9190
Fax: (214) 754-9140
E-Mail: jtindall@hanklev.com

To schedule a mediation, please call our offices at 214 754-9190 and ask for Jacque Tindall, who will handle all arrangements. When you call, please be prepared to advise us of the case style, the number and names of the parties involved, the parties that will be attending the mediation, whether the mediation session will be a full or half day, 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.

BIOGRAPHICAL INFORMATION

Deborah G. Hankinson

Deborah G. Hankinson practices civil appellate law and engages in an active mediation practice in Dallas, Texas. Having served as a Texas Supreme Court Justice and Justice on the Fifth District Court of Appeals in Dallas, Ms. Hankinson has extensive first-hand experience in the judicial process on a wide range of legal issues. Using this background in combination with the substantial experience she gained as a trial and appellate lawyer at the Dallas law firm of Thompson & Knight, L.L.P., Ms. Hankinson helps parties to move towards effective solutions through the mediation process.

In 1999, the Texas Chapter of the American Board of Trial Advocates honored Judge Hankinson as the Texas Judge of the Year. In 2002, she received the Distinguished Alumni Award for Judicial Service from the SMU Dedman School of Law. She is also a member of The American Law Institute.

Ms. Hankinson earned a Bachelor of Arts degree with distinction from Purdue University in 1973 and a Master of Science degree from The University of Texas at Dallas in 1978. She received her Juris Doctor degree *cum laude* from the Southern Methodist University School of Law in 1983, where she graduated first in her law school class and served as Editor-in-Chief of the *Southwestern Law Journal*. Ms. Hankinson currently serves as a member of the Executive Board for the SMU Dedman School of Law and was a Visiting Professor of Law at the SMU Dedman School of Law in 2002 and 2003.

Thank you for contacting Hankinson Levinger LLP. We look forward to working with you.