

John R. Maher
John R. Maher Mediation
Portsmouth, NH

Mediation Policies

Payment and Billing Policies

Each party will be billed equally unless other arrangements are agreed upon in writing; however, all fees are the responsibility of each party. A retainer of \$600 per party is due prior to initiation of the mediation process. Fees for multiple party matters are determined upon request. In some instances, Judge Maher charges an hourly rate of \$250 per hour.

Rescheduling/Cancelations

Mediation sessions can be rescheduled or canceled up to 14 days in advance with no penalty. If less than 14 days notice is given, one half of the mediation fee will be charged unless I am able to schedule another session.

Attendance at Mediation Session

To increase the likelihood of success, all parties, attorneys, and anyone else with settlement authority should attend each mediation session and should be prepared to stay for the scheduled time. All parties must agree upon any absence from the session. If an agreement is not reached at the end of the session, the parties may schedule additional time.

Conclusion of Mediation

Participation in mediation is voluntary; however, if any party decides not to participate, every effort should be made to discuss this in person with all other parties and the mediator.

When an agreement is reached, Judge Maher may assist the parties in drafting a settlement. All parties are encouraged to have any settlement agreement independently reviewed by counsel prior to signing it.

Confidentiality

By engaging in mediation, all parties agree that all statements made during the mediation are confidential and privileged settlement. Judge Maher subscribes to and is bound by the Model Standards of Conduct for Mediators: "A mediator shall maintain the confidentiality of all information obtained by the mediator in mediation, unless otherwise agreed o by the parties or required by applicable law." (Standard V, Section A).

After the mediation is terminated, all notes and documents (except for administrative records) are destroyed.

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The Mediation Process

Intake: Unless otherwise agreed upon, all mediations begin with an intake for all parties in advance of the day of mediation. This process allows Judge Maher to discuss the process and begin to learn more about each parties concerns and perspectives.

Opening Session: During the initial session, the parties summarize their positions and interests. At that point, the parties may begin the negotiation process, which will continue until a resolution is reached or until the parties and the mediator agree that private caucuses might be beneficial.

Private Caucuses: At times it is beneficial to break into private caucuses where each party can discuss the dispute and negotiations confidentially with counsel and Judge Maher. In these private sessions, Judge Maher will help the parties consider all other options.

Meals: Coffee and other refreshments are available during the mediation session. If mediation is scheduled to run through lunch, meals will be brought in to allow the mediation to continue without interruption.

Mediation Fees

First four (4) hours: \$1,200 for a two party-mediation split equally between the parties. Fees for multiple party matters are determined upon request. The initial fee includes a review of the pleadings and mediation summaries, an intake to help me better understand your case, and four hours of mediation.

Subsequent hours: All additional mediation hours are billed at \$250 an hour, which is split evenly between parties.

Retainer: Both parties pay a retainer of \$600. Retainer for multiple party matters is determined upon request.

Travel: Travel in excess of two hours roundtrip is billed at the rate of \$100 per hour.

Billing arrangements: Each party or attorney will be billed equally unless other arrangements are made and agreed upon in writing.

Alternative arrangements: Maher Mediation will consider alternative fees (such as a fixed sum, discounted or waived fees) and alternative payment arrangements for worthy cases or disputes. Please call for more information.

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