

Judicate West (JW) – Frequently Asked Questions (FAQs)

❖ **What are my fees for the arbitration or mediation hearing? Is there a minimum charge?**

Yes, the minimum charge will vary per Neutral but all Neutrals have at least a 2-hour minimum in addition to our Administrative and/or Case Management Fees.

The fee for your matter is dependent on the hourly rate of your agreed upon Neutral. The Neutral charges hourly for hearing or session time plus review, preparation and deliberation time when applicable. Charges for research or drafting rulings are very rare except in complex matters or upon agreement with the parties. Hourly rates can range from \$300-\$800 per hour. We also offer half day and full day rates for mediation. The division of fees and responsibility of each share must be agreed upon before the hearing is scheduled.

In addition to an hourly rate, a refundable retainer may be charged for estimated additional charges including review/preparation and/or deliberation time. Judicate West (**JW**) also charges a standard administrative or case management fee per hearing or session. These fees apply to all types of cases, all types of hearing formats and regardless of the estimated value of the case. Please refer to our fee schedule at www.judicategwest.com/firm/pricing.

❖ **When are the fees due?**

Your administrative, hearing and any retainer fees are due upon receipt of the invoice and no later than 10 days prior to the hearing for matters less than 7 hours and 30 days prior for matters that are 7 hours or more. Prompt payment is necessary to officially lock in your reserved time. Failure to pay timely may result in forfeiture of your reserved hearing date. Any additional charges post hearing are due upon receipt. Please refer to our fee schedule and payment policies at www.judicategwest.com/firm/pricing.

❖ **Do I have the option to pay by credit card?**

Yes, we accept credit cards but only on a limited basis such as when a last minute payment is needed to keep your case on calendar or in other special circumstances. Our standard method of payment is by check so we only offer to accept Visa or MasterCard as a convenience to you and as such, we charge a 2.5% processing fee for this payment method. We have a self-service internet terminal set up in our office where you can log in and pay your invoice by credit card or we can also process your payment by phone.

❖ **What is the postponement/cancellation or continuance policy?**

JW prides itself on remaining reasonable and flexible regarding this area of the industry. These fees are an important part of what makes the ADR process so successful but we DO NOT like assessing these fees. We even go to great lengths to confirm your matter with all parties before these fees become applicable! For matters less than 7 hours, more than 10 calendar days notice of cancellation or continuance is required or the hearing as well as the administrative/case management fees are non-refundable. For matters that are more than 7 hours, more than 30 calendar days notice is required and for matters of 3 days or longer, more than 45 days is required. The cancellation policy is indicated on your confirmation notice. Please refer to our continuance/cancellation policy on our fee schedules at www.judicategwest.com/firm/pricing. Note no charges other than administrative fees and/or case management fees will be due if **JW** is able to fill the vacated time.

❖ **What amenities does Judicate West offer?**

All of our offices have comfortable common areas for waiting to initially meet with your clients. Accommodations include semi private areas with satellite TV and private guest workstations with computers, phones and printers plus wireless internet throughout our offices. You will find lots of snacks, coffee, water, juices, teas and sodas at each of our locations. All offices offer conference rooms with speaker phones, TV/DVD and audio visual hook-ups, easels, conference calling and legal research capabilities. Please call in advance to reserve the audio/visual equipment. We also have available hotel, transportation, restaurant and map information for parties who may be traveling in and it can be viewed on our website at www.judicategwest.com/locations.

❖ **Is the Neutral available to come to my office for hearings or mediation sessions?**

Yes, based on availability, most **JW** Neutrals will travel to your office or any agreed upon location. Please consult a case manager for hourly minimums, travel charges and for additional information as each Neutral is different. Realistically, if the matter is not booked well in advance and for the full day, the selected neutral will likely have another matter booked in our offices and therefore unavailable to travel.

❖ **Does Judicate West send confirmation notices?**

Yes, **JW** does send confirmation notices via mail to all contacted parties and anyone else on the service list that you indicate you would like us to copy. If your case is scheduled within 10 days of the hearing date, we will both fax and mail the notices. We also email the confirmation notices to you if preferred and requested.

❖ **When & where do I send the brief?**

Briefs should be sent in 7 days prior to your hearing if possible. Your confirmation notice will reflect the appropriate office for it to be sent to along with fax and/or email instructions as applicable. This may be the **JW** office that the Neutral is based out of or sometimes to the Neutral directly. If it is less than 7 days or if you are unsure at any time please call us at 1-800-488-8805 or call your case manager directly..

❖ **Should my client attend the mediation?**

Yes! Unless otherwise agreed upon, **it is universally expected that all decision makers should be present** as it will increase the likelihood of a successful mediation.

❖ **Do you have a private office so I can meet with my clients prior to our hearing?**

Yes, **JW** is happy to accommodate your private room requests and can usually arrange to get a room for you prior to and after your hearing. Please contact your **JW** venue a day or two prior to your meeting to verify there will be a room available.

❖ **Can the Arbitrator subpoena a witness and or documents for us?**

Yes, in matters other than tort claims for personal injury and wrongful death, you may forward the completed subpoena forms to your arbitrator. The arbitrator will sign and return them to you for service. In tort claims for personal injury and wrongful death, counsel may subpoena their own witnesses.

❖ **What do you charge for filing motions?**

There is no charge for actually filing a motion with your **JW** Neutral. The moving party should give all counsel statutory requirements for notice and our office will provide the

moving party with a hearing date. Depending on the circumstances, the hearing may be live or telephonic. The moving party will be charged a retainer for reserved time and is responsible for any time spent by the Neutral. The Neutral may adjust the fees as part of the ruling.

❖ **When can we expect our decision / ruling?**

JW is very sensitive about the timeliness of getting an award to the parties. Our objective is to have a written reasoned opinion forwarded to all parties within 30 days following the closing of record (determined by the Neutral), provided all requisite fees have been paid by all parties. When circumstances prevent the final award from being concluded within 30 days, we will contact all parties and do as much as possible to help with managing your client's expectations.

❖ **How can I apply to be on your panel?**

We receive many inquiries from attorneys and judges about being added to our panel as a Neutral. We only add a few Neutrals per year and currently are only looking to Neutrals with existing clients in niche areas of expertise. Please refer to our process and criteria on our website at www.judicategwest.com/firm/neutrals.

❖ **Why can't Judicate West just set up hearings**

Mediation is voluntary and requires cooperation; therefore we cannot with good conscience, set a matter that is likely to fail.

On arbitrations and private judging matters, in the interests of neutrality, **JW** cannot just set hearings. If one party does not cooperate in the process, a court order will be needed, unless **JW** is listed in the contract as the governing body and all necessary attempts to gain cooperation have been implemented to no avail. Even as the governing body, we recommend a court order to expedite the process.

Once we appoint an arbitrator, who then makes the required disclosure and the statutory timelines have passed, only then is the arbitrator empowered to take any action. The arbitrator must then feel fully satisfied that no cooperation is going to be forthcoming from all other parties before they will set a date. Therefore, without a court ordered timeline, this process from start to finish is quite lengthy and frustrating for the cooperative parties.

Further the division of fees and responsibility for each share must always be agreed upon by all parties unless ordered by court before any hearing/session can be scheduled.