

What do I need to provide you as the mediator prior to mediation? Preparation often makes a real difference as to whether a case is resolved at mediation. We won't go so far as to "require" parties to submit a position statement prior to mediation, but we very strongly encourage parties to do so. Position statements are not just an opportunity for you to educate the mediator about your case and position, they provide an opportunity for you to evaluate your case also which can be very helpful for mediation. Additionally, we try to conduct a pre-mediation call with all counsel to gain any insights you feel might help make the mediation more successful.

What should I do to prepare for mediation as counsel? Counsel generally have well established processes to prepare for mediation that work well for them. Things worthy of considering, however, may be: (1) prepare and submit a detailed position statement to us (see our [Mediation Statement Checklist](#)); (2) conferring with your client to set expectations about what is possible at mediation; (3) come up with contingencies for anticipated starting positions in negotiation; (4) discussing with your client what happens if the matter continues after mediation, whether that be trial, hearing or another process; (5) providing your client an estimate of the cost to continue the matter through trial, hearing, or other process; (6) preparing copies of any key documents that may be worth showing the other side during mediation; (7) preparing any witness statements or expert reports that may be persuasive to the other side which can be used during mediation; (8) ensuring that you have supplemented any outstanding discovery responses with the latest information; (9) preparing a draft final settlement agreement to use at the mediation; and (10) confer with opposing counsel about any outstanding issues that might impair the parties' ability to make good use of mediation.

What should I do to prepare for mediation as a party? The most important thing you can do to prepare for mediation as a party is to confer with your counsel. They will guide you about the process, what to expect and what your strategy will be in the mediation.

How do you apportion fees among the parties? We charge a separate mediation fee per "party." A "party" generally means one party and their counsel. All parties represented by the same attorney or firm are generally considered a single "party" for purposes of the mediation fee. In the event one or more parties and their attorneys are aligned such that they do not require a separate room at any time during the mediation, they will also be considered one "party" for purposes of the mediation fee. If separate rooms are required, a separate fee will be charged for each room. For example, if one or more attorneys represent three parties occupying one room, there will be only one mediation fee. If the parties to a mediation require three separate rooms, there will be three separate mediation fees.

What time does mediation start? Full day mediations generally begin at 9:00 am. If you would like to start mediation earlier or later, please [email us](#) to see if we can accommodate your request on the schedule.

Where is your office located? Our offices are located at 1601 Elm Street, Suite 4600, Dallas, Texas 75201. We are located in Santander Tower. Download the [Getting Here & Parking Guide](#) to view a map and get directions from your location.

Is there parking at the building? Parking is available at our offices and is located underneath our building. Enter the parking garage from Elm Street using the ramp at the end of our building down to the garage. Sometimes the entrance is a little hard to see because there are two street parking places immediately in front of it. Once in the garage, there are spots marked on red and white signs for Gray Reed on the B2 Level. If these spaces are full, feel free to park in any unreserved spot. Please bring your parking ticket with you to mediation for full validation. Download the [Getting Here & Parking Guide](#) for more detail.

Is it possible to mediate by video conference? Though the dynamic process of mediating in person is preferred, mediation by video conference has been surprisingly successful. We use Zoom and Teams as video platforms for mediation. See our [Zoom Mediation Guidance](#) available on the Resources page.

Are you willing to mediate off-site and/or outside of normal business hours? We are available to travel for mediation. We are also able to accommodate mediation during unusual hours to assist participants in foreign locations or with difficult schedules. Additional fees may be proposed on an individual basis.

I'm coming from out of town. Can you recommend a hotel? Yes, please email our Case Manager, Monica at mmoreno@grayreed.com, and we will be happy to provide you a list of hotels in the area.

How long does mediation typically last? Though full-day mediation sessions are scheduled to last from 9:00 a.m. to 5:00 p.m., there is no set length of time for a mediation. We make every effort to complete the session within the appointed window but there are occasions where the parties are close to agreement and want to keep working.

Is there a charge for additional time? Full-day mediation consists of approximately two hours of preparation and discussions with counsel and an eight-hour mediation session beginning at 9:00 a.m. on the scheduled day. Mediations that extend beyond the standard session time will be charged hourly based on a standard rate of \$650 per hour and divided among the parties.

Is food provided at mediation? In mediation sessions scheduled for a full day, the Mediator will provide a meal around lunchtime and may provide snacks at various times during the mediation. Though the Mediator tries to cater food from providers that cater to most dietary restrictions, participants with a severely limited diet are encouraged to bring their own meal. The consumption of alcohol during the negotiation process is a bad idea and participants are requested not to do so. In the case of mediation by Zoom, participants are on their own to make decisions for food, but are generally requested to eat so that they can continue to participate in the mediation session effectively.

Do you offer half-day mediation sessions? Half-day mediation sessions are discouraged, but available by special arrangement. Please contact the [Case Manager](#) to make a request.

What is your cancellation policy? The fee for mediation shall be due and payable not less than seven days prior to the mediation session. We have the right to cancel the mediation in the event the full mediation fee has not been received from all participants. Information concerning full payment from all participants is available from the Case Manager. Because of the nature of the mediation process, a mediation can effectively be cancelled by one participant even if the other participants desire to continue. And, unfortunately, this may occur up to the beginning of the mediation session.

When a participant cancels the mediation session with inadequate notice to the mediator to refill the time slot allotted for the mediation session, the mediator is unlikely to be able to refill that session slot and, short of collecting the full or partial fee for the mediation, the Mediator will be without revenue for that slot. Therefore, cancellation or termination of the mediation prior to completion of the mediation session shall be subject to a cancellation fee at the rates set forth in advance by the mediator and this may be as much as the full price of the mediation process or a partial amount. Should the mediator be able to rebook the participants slot for the mediation, the mediator will refund any cancellation or other fee charged the participants for that session. Any outstanding balance which may be owed by any party shall accrue interest at the rate of 1% per month until paid. Click [here](#) to download a copy of the Payment and Cancellation Policy.

What is the dress code for mediation? Everyone has their own opinions about what may be appropriate to wear to mediation. Some insist on a suit. Others are comfortable in casual clothing. With the understanding that a joint session may be called if deemed necessary, generally the participants will have no occasion to see one another. For this reason, participants and counsel are invited to be as comfortable as they need to be in order to meet the needs of a full day mediation. Generally, then, business casual is appropriate for the mediation session.

What if I don't see the answer to my question? Please feel free to email Michael at mkelsheimer@grayreed.com, or our Case Manager, Monica at mmoreno@grayreed.com. We are happy to answer your questions.