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W. Jay Hunston, Jr., Esq.

- Florida Certified Circuit Civil Mediator
- Florida Certified Appellate Mediator
- FINRA Approved Mediator
- Member, AAA Roster of Neutrals
- Florida Approved Arbitrator

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January 1, 2016

Case Name:
Case No.:
Court:
Mediation Date:
Mediation Location:

Dear Sir or Madam:

Thank you for your inquiry regarding my availability to serve as Mediator in the above-referenced case on the date indicated. Although I am also a licensed attorney, the services I am providing in this matter are solely third party neutral services and I will not act as an advocate for any party to this mediation. If I assist in the preparation of a written settlement agreement in connection with the resolution of this matter, each party to the mediation is advised to have such settlement agreement independently reviewed by counsel of that party's choosing before executing any agreement.

This will confirm that I have agreed to act as Mediator in this matter. This will further confirm that I have disclosed to you conflicts or potential conflicts, if any, of which I am aware and you and your clients have waived any such conflicts or potential conflicts which might result from prior knowledge of the parties, their counsel, or this matter. If you are aware of any undisclosed conflicts or potential conflicts, please notify me immediately.

I offer three billing options: hourly, block billing, and per diem. Unless I am notified otherwise, you will be billed on an hourly basis.

My hourly rate is \$350.00 per hour for two party mediations and \$450.00 per hour for mediations with three or more parties, which will be billed at the conclusion of each mediation session. The time billed will include all time spent in mediation sessions (minimum 2.5 hours), time spent if any in preparation for mediation sessions, as well as all other time spent in the mediation process, including separate conferences with each party, conferences in which all parties are present, and any telephone conferences.

If both parties agree, there are two alternative billing options you may select for two party mediations. The first is a three hour block of time in the morning or afternoon for a fixed fee of \$1,000.00. This block rate includes preparation time. If the session runs over, any excess time is billed at the applicable hourly rates. The second is a state-wide rate of \$3,500.00 per day, which includes travel time. If you select one of these alternative billing options, you must notify me immediately to be sure the time is reserved appropriately.

I do not charge for travel within the 15th, 17th and 19th Circuits in Florida, however, I do charge a reduced rate for travel time outside of these Circuits, and for airfare, if required. In addition, I will bill for all costs incurred in this mediation, such as copy costs, food and lodging expenses if overnight stays are required, and other out of pocket costs.

The parties have agreed to be responsible in equal pro rata shares for my services and expenses. Each party must be prepared to pay, at the conclusion of each mediation session, that party's pro rata share of the mediation bill. I accept all major credit cards for payment if that is your preference. If a participating attorney wishes to be billed for his or her client's share of the mediation bill, I will do so, however, I only extend credit to attorneys in this matter, not your clients. Therefore, if payment is not made at the conclusion of the mediation session, I will bill counsel and understand that you will be responsible for paying all amounts billed.

Because of the nature of mediation work, I have established a policy regarding continuances and cancellations. Once I have committed a date and time for your mediation session, it is difficult for me to arrange to provide that time for use by others if cancellation occurs within one week before the date and time set. If the mediation is canceled or continued less than one calendar week before the date and time set, I will charge you for 2.0 hours per half day reserved.

I look forward to assisting you and your clients in resolving this matter through the dispute resolution mechanism of mediation and will plan on attending the scheduled mediation unless continued or canceled at least one week in advance.

Very truly yours,

W. Jay Hunston, Jr.