

FRAN BROCHSTEIN

Attorney & Mediator
713-847-6000
713-805-9591 cell
www.familylaw4u.com
fran@familylaw4u.com

Please review this information immediately.
Call me if there are any questions.

Dear Parties and/or Attorneys:

This letter confirms the scheduling of the requested mediation.

Possible conflict - I presently know of no reason why I would not be able to conduct this mediation in a manner other than what you (and your client) would feel is fair, impartial and neutral. If you are aware of any information regarding a potential conflict that I might have, please advise me immediately.

Who is allowed to attend the mediation? – In keeping with the Texas Supreme Court Ethical Guidelines for Mediators, mediation is a private dispute resolution proceeding and no one other than the parties and their attorneys may attend.

If you want anyone else to attend, please let me know when the mediation is being scheduled. Attorneys are welcome to bring any necessary support staff.

No children are allowed. No person will be allowed to attend the mediation or be present during the mediation, without my prior approval.

I reserve the right to ask non-parties to leave the mediation if I feel that their presence is unproductive.

However, if a party does not speak English, they are allowed to bring an interpreter with them. I ask that I be notified in advance that an interpreter will be attending.

If mediating via Zoom, no one (friend, family member, child, etc.) is allowed to be in the room or listening to the mediation.

How long does mediation last? – Most mediations are 4 hours. However, the mediation continues until a settlement is reached or until an impasse is declared by me. I ask that people plan for the mediation to last 6 hours. I have had mediations last 12 hours.

If you walk out before I declare an impasse, I file a report with the court that I was unable to complete the mediation because a party left prior to me declaring an impasse.

Payment – On my website is a list of my mediation rates. Usually most people split the mediation cost 50/50. As a trained neutral, I don't care who pays my fee.

I charge \$400 per party for the first 4 hours.

If we go longer than 4 hours, then my fee is \$100 per party per hour.

The initial payment is due prior to receiving the Zoom link. The parties agree to pay me any additional money owed within 2 hours of the mediation ending.

I don't accept personal checks. I accept – attorney checks, money order, cash or debit/credit card using my Square link on my website.

Cancellation Policy – I have a cancellation fee of \$200 if the mediation cancels within 3 days of the scheduled date. I am willing to consider waiving the cancellation fee if it's a legitimate reason – such as some is too ill to attend. I will not waive the cancellation fee if you determine at the last moment that discovery is not complete or you forgot to include the Office of the Texas Attorney General Child when scheduling the mediation.

Since I normally only schedule one mediation per day, if your case settles or mediation is cancelled, please let me know as soon as possible via text, email or phone call.

One Party May Not Appear – If you think one party may fail to appear, please let me know at the time mediation is scheduled. I will contact the person and encourage them to appear.

Quick Mediation – I am willing to schedule a 2-hour mini-mediation when the parties have reached an agreement ahead of time and the attorneys only need me to prepare a cover sheet for their agreement, have everyone sign and I'll e-file it. The fee is \$200 per party.

Amicus Attorney - If there is an ad litem or amicus attorney appointed in your case, I need that person to be present at the mediation or available by phone. Please advise me immediately if there is an ad litem/amicus attorney in your case so that I can include them in all emails.

Office of the Texas Attorney General – If the TX A G is involved, they need to be notified of the mediation. They can appear by phone and/or they can email me prior to the mediation. Please let the OAG know about the mediation time and date.

Other Necessary Parties – All parties in the litigation must be present and participate in the mediation. Each party must pay their portion of the mediation fee.

Zoom link – Once I am paid by all parties, I send out the Zoom link.

Food – When mediating in person, feel free to bring drinks or snacks to the mediation. If the mediation is on-line, then I encourage people to have food available in case they get hungry.

Clothing – Please dress comfortably for mediation.

Preparation – Please review the forms on my website prior to the mediation.

Agreement to Mediate must be signed - Prior to beginning the mediation each party must acknowledge that they have read the Agreement to Mediate. With Zoom, the parties can just send me a short email that merely states “I read it, I understand it and I agree to it”.

If possible, please email me the following information at least 2 days prior to the mediation:

- 1. The most recent pleading on file in this case; and**
- 2. A Confidential Mediation Memorandum settling forth:**
 - a. Status of discovery (complete, substantially complete, incomplete.) I encourage you to complete any unfinished, minor discovery matters such as exchanging documents, supplement interrogatories, etc.;**
 - b. History of settlement offers since the litigation commenced;**
 - c. Disputed issues of the facts and law;**
 - d. Concise statement of the points which you believe affect your chance of winning at trial; and**
 - e. List of all assets and liabilities**

If you include any confidential information that you do not want to disclose to the other side, please let me know.

If there are allegations of domestic violence or an outstanding protective order, I need to know ahead of time.

I thank you in advance for your cooperation. I will do everything possible to facilitate the settlement of this case on terms acceptable to all concerned. I look forward to working with you to resolve this matter,

Fran Brochstein