

## COMPREHENSIVE FEES



NATIONAL ARBITRATION AND MEDIATION

### ARBITRATIONS (2 PARTIES)

Claim Amount	Initial Administrative Fee	Final Administrative Fee
Less than \$75,000	\$660	\$640
\$75,000 to less than \$150,000	\$1,540	\$1,100
\$150,000 to less than \$300,000	\$2,320	\$1,760
\$300,000 to less than \$500,000	\$3,520	\$3,080
\$500,000 to less than \$1,000,000	\$4,400	\$5,460
\$1,000,000 to less than \$10,000,000	\$6,160	\$6,780
\$10,000,000 and +	\$8,800 plus .008% of the claim amount above \$10,000,000 up to \$52,000	\$11,000
Unspecified Claim Amount	\$6,160	\$6,780
Nonmonetary Claims	\$2,800	\$2,200

Total Administrative Fee (including Initial Fee and Final Fee) is calculated and charged on a per-claim basis for each claim.

Arbitrator Hearing Time will be charged at the designated hourly rate for the NAM arbitrator. Please consult with your NAM Account Executive for the applicable rates.

The Initial Administrative fees shall be paid by the Claimant (the party that files a Demand for Arbitration), thus initiating a claim, when a claim is filed. The Final Administrative fee shall be paid by the Claimant when a hearing is scheduled. Arbitrator Hearing Time shall be paid by the Claimant when the time is incurred and/or reserved.

For Counterclaims, Administrative Fees will be separately calculated and charged to the Respondent based upon the total amount of the counterclaim(s). Upon the filing of a counterclaim, the parties will split the cost of the Arbitrator Hearing Time incurred thereafter on an equal basis.

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The nonmonetary administrative fees apply to any case where a party is requesting non-monetary relief. When a party seeks both monetary damages and non-monetary relief, the higher of the two administrative fees apply.

### **MEDIATIONS**

Fee Type	Fee	Minimum Mediation Conference Time
Administrative Fee	\$500	2 hours

The Mediation Conference Time rate is \$730 per hour. In some circumstances, special administrative and hourly rates apply to certain Specially Designated Hearing Officers who are designated as such on NAM's Hearing Officer roster. Please consult with your NAM Account Executive for the applicable rates.

Actual time in excess of the minimum will be billed when such time is incurred and/or reserved.

The above fees are to be split equally between the parties and are due and payable as follows:

- by the Claimant at the time a Request for Mediation is filed
- by the Respondent at the time a response to the Request for Mediation is filed

### **OTHER FEES (MAY APPLY)**

Fee Type	Fee and Description
Adjournment Fee payable by adjourning party (based on Notice Before Hearing/Conference Date):	
- 0 - 5 Business Days' Notice to NAM	Hourly fees for time reserved for hearing/conference
- 6 - 14 Business Days' Notice to NAM	50% of hourly fees for time reserved for hearing/conference
- 15 + Business Days' Notice to NAM	\$225 flat fee
Withdrawal, Cancellation or Settlement Fee	Initial Administrative Fees are non-refundable. Also, if a hearing/conference has been scheduled and the matter is withdrawn, cancelled or settled and NAM is given notice of such

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	within 14 Business days of the hearing/conference date, hourly fees for time reserved in accordance with the above adjournment fee schedule may be charged.
Out-of-Pocket expenses, if incurred	At cost and without markup
Special Request Fee, if applicable	\$225 per special request payable by party making the request

As applicable, the parties will be responsible for fees relating to Hearing Officer Time for the number of hours expended by the Hearing Officer before NAM is notified that a case has been adjourned/withdrawn/cancelled/settled.

### **TERMS & CONDITIONS**

- This fee sheet shall apply to matters referred to NAM as a result of a **pre-dispute** Arbitration/Mediation contract provision entered into by mutual agreement between non-consumer parties.
- The Administrative fees include case administration, coordination, scheduling and document handling. Initial Administrative fees are non-refundable and are due even if the matter settles, cancels or is withdrawn prior to the service of a reply from the Respondent. The Final Administrative fee is incurred when a hearing is scheduled. If a case is cancelled, settled or withdrawn prior to a hearing having taken place, such fee will be refunded if NAM is notified at least 24 hours before a scheduled hearing date.
- Arbitrator/Mediator time refers to the combination of conference/pre-hearing conference/hearing time, travel time (if required), study and review of written submissions and documents from the parties, research and decision preparation time (as applicable). Arbitrator Hearing Time shall be paid when the time is incurred and/or reserved. To the extent that the Hearing Officer has expended more time than included in the minimum Mediation Conference time, the fees for the excess time is due from the applicable party(ies).
- As part of the Demand for Arbitration, the Claimant may request that the Arbitrator order that all or a portion of the cost of the Arbitration be reimbursed to the Claimant from the Respondent.
- In the event the parties' agreement provides for payment of fees by one or more parties contrary to the fees set forth herein, the NAM Administrator shall determine the fees that shall apply.
- The fees detailed herein are for two-party cases heard in the United States. For cases involving multiple parties or a Tri-Panel of Arbitrators or a foreign hearing officer, please contact NAM for applicable rates.
- The NAM Administrator will make the final determination as to the proper Rules and Procedures and Fee Sheet that shall apply to a matter.

### **PAYMENT TERMS**

- All fees are due and payable by the Claimant when a demand/request is filed and by the Respondent when a demand/request is received. In any event, all such fees must be paid before a hearing/conference is scheduled. All other fees are due within 10 days of invoice date.
- NAM may direct the parties to make interim payments for Arbitrator and Mediator time.

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- Each party is responsible to pay the fees directly to NAM. If, as part of the award, the Arbitrator/Mediator orders that a portion of the cost of the Arbitration/Mediation be reimbursed from one party to the other party, such reimbursement is to be made between/among the parties after NAM has been paid in full and without the involvement of NAM.
- In the event that a party fails or refuses to make payments, NAM may direct the other party to affect a substitute payment to allow the Arbitration/Mediation to proceed (subject to any Award for costs). In such circumstances, the party paying the substitute payment may be entitled to recover that amount from the defaulting party.
- NAM may elect not to commence administration of the claim or not to allow the hearing/conference to proceed or withhold the release of the Arbitrator's decision (as applicable) until all outstanding fees are paid.
- Interest will be charged at a rate of 1.5% per month on balances more than 30 days past due.
- Any questions or concerns regarding invoices should be brought to NAM's attention within 30 days of the receipt of the invoice.

**Fees and costs are effective as of 7/1/2020. All fees are subject to adjustment annually as of July 1<sup>st</sup> of each year.**