

## COMPREHENSIVE FEES



### **ARBITRATIONS (2 PARTIES)**

| Claim Amount              | Initial Administrative Fee   | Final Administrative Fee | Minimum Arbitrator Hearing Time |
|---------------------------|--|--------------------------|---------------------------------|
| Up to \$10,000            | \$575  | \$0                      | 1 hour                          |
| > \$10,000-\$30,000       | \$700  | \$300                    | 1 hour                          |
| >\$30,000-\$75,000        | \$700  | \$540                    | 2 hours                         |
| >\$75,001-\$150,000       | \$1,400  | \$1,000                  | 4 hours                         |
| >\$150,000-\$300,000      | \$2,120  | \$1,600                  | 4 hours                         |
| >\$300,000-\$500,000      | \$3,200  | \$2,800                  | 6 hours                         |
| >\$500,000-\$1,000,000    | \$4,500  | \$4,500                  | 8 hours                         |
| >\$1,000,001-\$10,000,000 | \$5,900  | \$5,900                  | 12 hours                        |
| \$10,000,000+             | \$8,000 plus .008% of<br>the claim amount above<br>\$10,000,000 up to \$52,000 | \$8,000                  | 16 hours                        |
| Unspecified Claim Amount  | \$5,900  | \$5,900                  | 12 hours                        |

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

A minimum number of hours of Arbitrator Hearing Time will be charged based on the claim amount. Actual time in excess of the minimum will be billed when such time is incurred and/or reserved. The rate is \$680 per hour with the exception of a few Hearing Officers who are designated as such on NAM's Hearing Officer Roster. Please contact NAM for such rates.

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

For Counterclaims, an Administrative Fee and Arbitration Hearing Time will be separately calculated and charged to the Respondent based upon the total amount of the counterclaim(s). For time spent in excess of the combined hours allotted for the original claim(s) and the counterclaim(s), the parties will split the cost of the additional time on an equal basis.

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### **MEDIATIONS**

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

The Mediation Conference Time rate is \$680 per hour with the exception of a few Hearing Officers who are designated as such on NAM's Hearing Officer Roster. Please contact NAM for such 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 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. |
| Translator Fee  | \$250 Per hour payable by party requesting translation   |
| 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  |

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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 to resolve business matters.
- 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). To the extent that the Hearing Officer has expended more time than included in the minimum Arbitrator Hearing/Mediator 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.
- To the extent that additional Arbitrator/Mediator time is required, NAM may direct the parties to make interim payments.
- 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.

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- 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 7/1/18. All fees are subject to adjustment annually as of July 1<sup>st</sup> of each year.**