Schedule of LCIA-MIAC Mediation Costs

effective 27 July 2018

For mediations conducted under the LCIA-MIAC Mediation Rules (the Rules).

This schedule of mediation costs (the Schedule), as amended from time to time by the LCIA, forms part of the Rules, and will apply in all future mediations as from its effective date.

1. Administrative charges*

1(i) Registration fee

USD 1,100

The registration fee is the LCIA's charge for processing the Request for Mediation.

The registration fee is payable in advance with the Request for Mediation and is non-refundable.

1(ii) Administration fees

Time spent** by the Secretariat of the LCIA in the administration of the mediation.

Registrar / Deputy Registrar USD 350 per hour
Counsel USD 315 per hour
Case administrators USD 245 per hour
Casework accounting functions USD 210 per hour

1(iii) Expenses

Expenses incurred by the LCIA in connection with the mediation (such as postage, telephone, facsimile, room hire, catering and other support services) will be charged at the cost to the LCIA.

2. Mediator's fees and expenses*

2(i) Fees

Mediators will charge at hourly rates, which may vary according to the circumstances of the case and the qualifications of the Mediator.

The rate will be advised by the Mediator and agreed with the parties prior to the appointment of the Mediator and will generally be at an hourly rate not exceeding USD 630.

2(ii) Expenses

Expenses incurred by the Mediator in connection with the mediation will be charged to the parties at the cost to the Mediator.

2(iii) Time reserved but not used

The Mediator may, at his or her discretion, charge for time reserved but not used at the date of the conclusion of the mediation. The basis for this charge shall be as follows:
(a) if the mediation is concluded 15 days or more before the first day of the time reserved: no charge;

(b) if the mediation is concluded less than 15 days, but more than 5 days before the first day of the time reserved: 50% of time reserved; and

(c) if the mediation is concluded 5 days or less before the first day of the time reserved: 100% of time reserved.

3. Registration fee

3(i) The registration fee shall be paid by the party or parties requesting mediation.

3(ii) A Request for Mediation shall not be registered, and the mediation shall not commence unless and until the registration fee has been paid.

4. The Deposit

4(i) As soon as practicable after commencement of the mediation, the LCIA will request the parties to file a deposit to be held on account of the Mediator’s fees and expenses and the administration fees and expenses (the “Deposit”). The Deposit shall be paid by the parties in equal shares or in such other proportions as they have agreed in writing.

4(ii) In the event that a party fails to pay its share of the Deposit, another party may make a substitute payment to allow the mediation to proceed.

4(iii) A Mediator shall not be appointed and the mediation shall not proceed unless and until the Deposit has been paid in full.

5. The Costs

5(i) The costs of the mediation shall include the Mediator’s fees and expenses, time reserved but not used (if any), and the administrative charges of the LCIA, as set out in this Schedule (the “Costs”).

5(ii) In the event a mediator is not appointed; the mediation does not proceed, and the mediation was commenced pursuant to Article 1.4 or Article 2.5 of the LCIA-MIAC Mediation Rules (the “Rules”), the LCIA’s administration fees and expenses shall be invoiced for immediate payment by the parties in equal shares, or in such other proportions as the parties have agreed in writing.

5(iii) In the event a mediator is not appointed, and the mediation does not proceed, by operation of Article 2.4 of the Rules, the LCIA’s administration fees and expenses shall be invoiced for immediate payment by the party or parties which requested mediation.

5(iv) In the event a mediator is appointed, and the mediation does proceed:

(a) at the conclusion of the mediation, the LCIA shall determine the Costs;

(b) if the Deposit exceeds the Costs, the excess will be reimbursed to the parties in the proportions in which they have contributed to the Costs, or in such other proportions as the parties have agreed in writing; and

(c) if the Costs exceed the Deposit, the shortfall will be invoiced for immediate payment by the parties in such proportions as the parties may have agreed in
writing, or, absent such agreement, in such proportions as the LCIA may determine.

6. **Joint and several liability**

Where a mediation is commenced pursuant to Article 1.4 or Article 2.5, the parties shall be jointly and severally liable for the Mediator's fees and expenses, and the administration fees and expenses, until all such sums have been paid in full.

* Charges may be subject to Value Added Tax at the prevailing rate.

** Minimum unit of time in all cases: 15 minutes.