

# FRAN BROCHSTEIN, L L C

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Attorney & Mediator

8978 Kirby Drive  
Houston, TX 77054

*Located at Loop 610 & Kirby – corner of Kirby & West Bellfort  
My office faces the vacant lot that used to be Astroworld*

713.847.6000  
FAX 832.415.0139

CELL 713.805.9591

[www.FamilyLaw4U.com](http://www.FamilyLaw4U.com)  
fran@familylaw4u.com

## **Please review this information immediately!**

Dear Parties and/or Attorneys:

This letter confirms the scheduling of the requested mediation. The mediation will take place at my office located at 8978 Kirby Drive, Houston, TX 77054.

**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. Certainly, 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?** - This also confirms that only the parties (along with their current spouse) and their attorneys will attend the mediation session. Please be advised that no other person will be allowed to attend the mediation or be present during the mediation, without my prior approval.

**How long does mediation last?** – The mediation continues until a settlement is reached or until an impasse is declared by me. If you leave before I declare an impasse, I report that to the Judge.

**Deposit of \$150 MUST be paid to schedule mediation** - Each party is expected to pay their portion (\$150) at the time the mediation is scheduled. The remainder (\$150) should be paid 3 days BEFORE the mediation is scheduled. I have 3 ways of paying: (1) Mail your attorney check or money order to my office address. Please do not mail cash. If payment has not arrived when we meet, then I still expect payment at mediation; (2) There is a night-drop slot by the front door so you can drop off your payment 24 hours a day; or (3) You can also go to my website and use my lawpay link to pay via debit or credit – [www.familylaw4u.com](http://www.familylaw4u.com)

**Mediation Costs** - The fee for a half-day (4 hour) mediation is \$300 per party, I accept cash, debit and credit cards. I also accept attorney checks. **No personal checks accepted.**

My rate after the initial 4 hours is \$75 per hour per party. Payment is expected at the time my professional service is rendered. (For example, for a 6-hour mediation both parties would owe me \$450, 8 hours then \$600 or 12 hours then \$900). I do not invoice - payment is expected immediately. I keep my prices low because I do not have accounts receivable.

**Cancellation Policy** – Since I normally only schedule one mediation per day, if your case settles or mediation is cancelled within 3 days of the mediation, there will be a cancellation fee of \$150. If it settles or is cancelled with less than 24 hours notice, the cancellation fee will be \$300. Normally the party that cancels is responsible for payment. If a case settles, then normally the fee is split by the parties.

**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. Please advise me immediately if there is an ad litem/amicus attorney in your case so that I can notify them of this mediation.

**Texas Attorney General** – If the TX A G is involved, they need to be notified of the mediation. They can appear by phone.

**Interview the Child** – If both parties agree, I can only interview a child over the age of 12. The child will be interviewed alone and a third party must remove the child after I meet with the child. It is not appropriate for the child to remain at the mediation. Interviewing a child usually adds 2 additional hours to the mediation so plan accordingly.

**Food** – Snacks are provided. If you want a salad, sandwich, pizza, Chinese food or BBQ I have restaurants that will deliver. Minimum delivery order is \$25.

**Attached documents** – Attached are (1) Notice and General Rules of Mediation (2) Fran's Suggestions (3) Client Preparation Sheet and (4) Fran's Mediation Checklist.

**PLEASE REVIEW THESE DOCUMENTS IMMEDIATELY!**

Please deliver to me the following information 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.

Please send this Mediation Memorandum to me only for my review at least 2 days before the mediation is scheduled.

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 at least 24 hours ahead of the scheduled mediation. I can accommodate unusual cases, BUT I need advance notice.

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