

# HAMON FAMILY LAW

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*Certified Specialist in Family Law  
by the Law Society of Upper Canada*

February 27, 2018

Mediation candidate/referring lawyer

Greetings:

**Re: Mediation**

I am writing to indicate that I would be willing to offer mediation services in this case.

I would like to explain briefly the service I would offer. I would be retained by both parties, and my goal will be to help them arrive at a voluntary agreement on those issues that they wish to submit to mediation. My experience and that of my colleagues indicates that when a solution is reached by the parties themselves, they are more likely to carry it out in practice.

I would be prepared to offer either open or closed mediation<sup>1</sup>, depending on the wishes of both parties. In either case, if the parties reach an agreement on all issues sent to mediation, I would prepare a Memorandum of Understanding outlining the agreement reached. Additionally, as a lawyer, I am prepared to offer drafting a separation agreement based on DivorceMate's neutral separation agreement model: *the choice is yours*.

**If the parties select open mediation....** and they do not reach agreement on one or more issues, I would prepare a Memorandum of Understanding on those issues that were not resolved. This report could be submitted to court and, if necessary, I could be called as a witness by either party to testify about the report.

**Most clients select closed mediation....** If closed mediation is selected and the parties do not reach agreement on one or more issues, I would prepare a Memorandum of Understanding on those issues that were resolved and a statement specifying which issues were not resolved. There would be no report and I would not be called as a witness in a court proceeding.

Please find attached my curriculum vitae and a copy of the general procedure that I use in mediation. If I am retained I would hold a short initial meeting either by phone, Skype or in person with both counsel to clarify the issues to be mediated and whether open or closed mediation is desired, and to determine the specific procedure that would be most helpful given the issues to be mediated and the circumstances of the particular case. To that end, I have attached a draft letter of retainer and mediation agreement for your review prior to our meeting.

Alternatively, I am also prepared to act as a mediator lawyer retained by both parties even though one or the other be unrepresented. Please be advised that in this scenario, I will be proactive in offering legal information (not advice) regarding any issue that is on or off the table. This presentation will be to the view of providing full family law information to ensure, as best as possible, that an agreement be fully binding in what it entails and what it does not.

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<sup>1</sup> "Closed mediation" details that anything discussed during the mediation is privileged and confidential; "open mediation" means that any information divulged is available for use outside of the mediation.

My professional fee is \$350.00 per hour for the initial consultation, interviews, email/telephone conferences, preparing a Memorandum of Understanding and/or a report. In the Renfrew/Hastings county, I can reduce my fee to \$300 an hour. An additional fee is required for preparation for court and attendance as an expert witness, should this be necessary.

With respect to payment of my fees, my policy is that both spouses share the cost equitably (not necessarily equally), if possible, because I want to ensure that both of them perceive me as objective and impartial. I ask for a retainer in the amount of \$2,000.00 before beginning and a refresher when the retainer is depleted.

I am looking forward to assisting both clients in arriving at a satisfactory resolution of the issues submitted to mediation.

Yours truly,



Joseph P. Hamon B.A. LL.B. FMC Cert. CFM CFL.  
Family Law Mediator · Collaborative Family Lawyer  
JPH/s

cc. curriculum vitae of Joseph P Hamon

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