



COMMERCIAL DISPUTE RESOLUTION SERVICES

BACKGROUND TO TOKISO COMMERCIAL'S DISPUTE RESOLUTION SERVICES

Tokiso Commercial is a private and independent dispute resolution company. It has a panel of commercial mediators and arbitrators that offer a specialist and high quality dispute resolution services for commercial disputes.

Mediation is one of the fastest and most cost effective means of resolving disputes. Currently up to 95% of cases referred to mediation in Britain are settled through mediation.

Mediation involves a professional and experienced mediator working with the parties and their legal advisors in exploring a negotiated settlement to a dispute which is usually litigated or arbitrated. The mediation process is confidential and without prejudice. The parties must agree to the outcome. If no agreement is reached, the parties still have the option of litigation or arbitration.

Tokiso also offers arbitration services where mediation has not been successful.

TOKISO COMMERCIAL'S PANEL OF MEDIATORS AND ARBITRATORS

Tokiso Commercial's panel of mediators have been trained by the Centre for Effective Dispute Resolution (CEDR), the leading British provider of mediation services. All our panellists have acquired international accreditation through CEDR. Our panel of commercial mediators is available on request.

Tokiso Commercial's panel of arbitrators are a select few individuals who are either senior counsel or retired judges.

STANDARD CONDITIONS OF SERVICE FOR CLIENTS

1. Any party who uses Tokiso Commercial's services must notify Tokiso Commercial, in writing, of its designated fax and/or e-mail address and any change thereto. Any communication sent to a party at that address will be deemed to have been received by that party.
2. Tokiso Commercial will notify enquiring parties of panellists' availability and costs and of these standard conditions of service. The panellist cost per day that Tokiso Commercial quotes excludes Tokiso Commercial's file management fee of R3 000 plus R1 000 for each working day after the first event. Payment is due in advance of the hearing.
3. A panellist is chosen solely on the discretion and, where required, agreement of the parties. Where parties request Tokiso Commercial to recommend a panellist, this principle still applies. On receipt of such a request, Tokiso Commercial will always provide a list of three or more panellists, based on Tokiso Commercial's values, as well as taking into account diversity, availability and needs of the client.
4. Tokiso Commercial will then facilitate agreement between a panellist and the parties on the date, time, place, fee and standard conditions of service.
5. Tokiso Commercial will confirm to all parties, by fax or e-mail at their designated addresses, the date, time, place, panellist and panellists' fee for any event.

6. Tokiso Commercial will coordinate all correspondence between the parties and the panellist, unless agreed otherwise by the parties and the panellist. This includes postponements, cancellations, and submission of documents and agreements.
7. Tokiso Commercial will treat all information as confidential, unless the parties give specific instructions to the contrary.
8. Tokiso Commercial will invoice the parties for the complete cost of the event booked, which will be averaged on 8 hours, unless times and dates on the *process request form* specify otherwise. The parties will be jointly and severally liable (unless otherwise specified by the parties) to pay Tokiso Commercial's invoice before the mediation takes place. Tokiso Commercial may cancel the mediation in the event that payment is not made timeously.
9. Tokiso Commercial may send a consolidated invoice to the parties on the completion of an event if any unforeseen costs or additional hours are incurred during the event.
10. Tokiso Commercial will pay the panellist on behalf of the parties once the event is complete.
11. Tokiso Commercial will make any additional logistical arrangements for the event at the request of the parties.
12. Tokiso Commercial will be guided by the following costs for disbursements (excl. VAT where applicable) –
 - Car travel at R4.00 per kilometre;
 - Economy class airfare;
 - Class B car rental;
 - 3-star hotel accommodation;
 - Venue costs;
 - If Tokiso's venue is used, a cost of R1 000.00 per day will be charged
 - transcriptions – costs on request;
 - Out of town (overnight) allowance of R350 per day.
13. There will be a cancellation fee of 100% of the panellists' full fee if an event is cancelled within three days of its due date of commencement and 50% if it is cancelled within seven days of its commencement. If an event is confirmed in writing and is cancelled outside of the seven day period, an administration fee of R1,000 is due and payable to Tokiso.
14. The panellist may not disclose to any person or in any court any information, knowledge or document that the panellist acquired on a confidential basis or without prejudice in the course of performing his or her functions in the mediation.