

## **1. Introduction**

This 12 King's Bench Walk Early Neutral Evaluation Agreement shall apply to any dispute which the parties have agreed should be decided pursuant to this Agreement.

## **2. Appointment of evaluator**

If a dispute has arisen and the parties have agreed that it should be referred to an evaluator under this Agreement, the parties shall identify the specific dispute to be referred and, in consultation with the 12 King's Bench Walk ADR team, agree upon the evaluator to be appointed, whereupon the dispute shall stand referred to Early Neutral Evaluation.

## **3. The evaluator's fees**

The evaluator's fees shall be charged in accordance with and on the terms of the 12 King's Bench Walk Early Neutral Evaluation pricing structure current at the date of the signing of this Agreement.

## **4. Procedure**

- (1) Within 28 days of the parties having agreed upon the evaluator to be appointed and the intended evaluator having agreed to act, the parties shall send to the evaluator a letter setting out the dispute for determination by the evaluator's decision. The letter should be accompanied by all relevant documents upon which each party relies.
- (2) If, upon consideration of the documents submitted to the evaluator, it appears to the evaluator that further evidence or information is required from one or more of the parties in order to decide any dispute, the evaluator shall make a written request of the party or parties accordingly. In making any such request, the evaluator shall inform the party or parties of whom the request is made that such further evidence or information should be served upon all parties and the evaluator by such date as the evaluator directs.

- (3) Following consideration of the documents submitted to the evaluator, including further evidence or information under (2) if arising, the evaluator shall send to each of the parties a decision setting out the evaluator's decision in relation to the dispute.
- (4) The decision is not binding on the parties.

## **5. Payment of the evaluator's fees**

Each party to the Early Neutral Evaluation is liable for all of the evaluator's fees. These must be paid to the evaluator within 14 days of receipt of a final invoice from the evaluator.

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The parties in [ ] v. [ ] agree that their dispute shall be referred to and governed by this 12 King's Bench Walk Early Neutral Evaluation Agreement.

The parties' representatives are: [with addresses, names, references, emails, telephones etc.]

Signatures on behalf of each party [with names, position and dates]

The evaluator:

Signed by the evaluator [with date]