

Process Overview

Pre-mediation Preparation

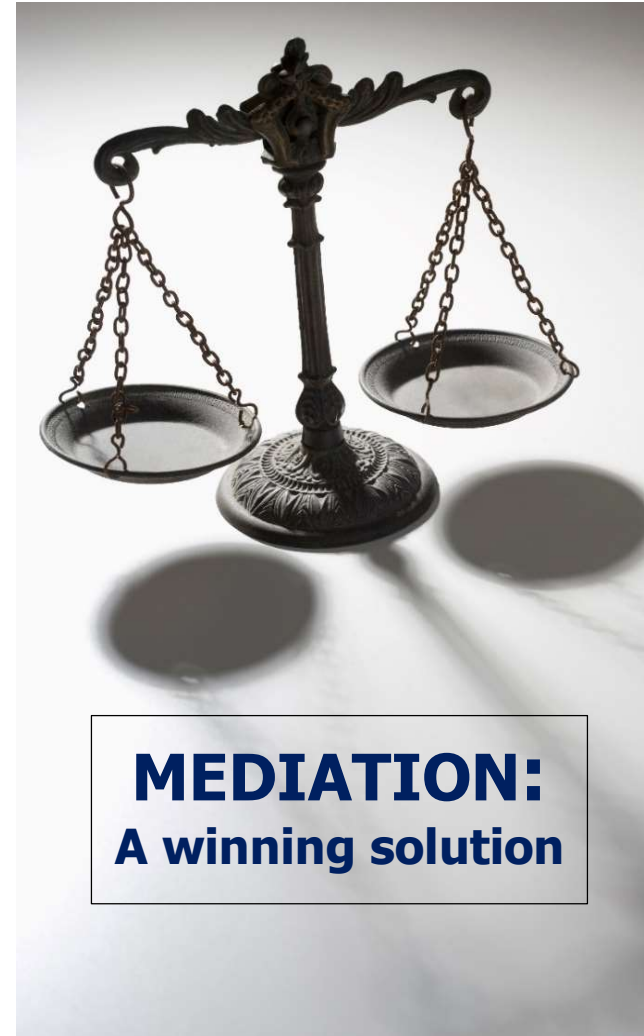
- Prior to session, parties receive an email explaining the mediation process and logistical issues.
- Parties speak with staff by phone to answer questions and address concerns.
- Parties agree to mediate.
- Arrangements are made via letter or telephone. Date and time typically scheduled at the convenience of the parties after a request is received.
- Witnesses and/or attorneys may attend, but this is not necessary because the process is non-adversarial; there are no "Finding of facts."

Mediation can save time and is more amicable, quicker, and easier for resolving business disputes than an ethics or arbitration hearing.



Code of Ethics

NATIONAL ASSOCIATION OF REALTORS®



Even REALTORS® who are committed to high standards of conduct occasionally have honest business disputes with other professionals, clients, or customers.

There is an ongoing need for efficient and economical methods to resolve such disputes.

Ethics and Arbitration hearings are valuable, but mediation is simpler and easier.

What is Mediation?

The use of a third party to support the conversation of people in conflict as they talk about what is important to them, get clearer about the situation and make decisions about what they want to do or not do.

Why Use Mediation?

Mediation

No cost
Quick
Win/win outcome
Collaborative
Maximum range of solutions
Improves relationships
Parties control outcome

Arbitration/Ethics Hearing

High cost
More time-consuming
Win/lose outcome
Adversarial
Result limited
May damage relationships
Panel controls outcome

Key Features

Voluntary/Private Process

- Parties decide to enter the mediation process.
- Parties can leave the mediation process at any time.
- Parties have complete control over the outcome.

Neutral/Impartial Mediator

- Honors the parties' self-determination, and capacity to make decisions.
- Supports the parties' abilities to understand their own and each other's needs.
- Mediates only matters in which he/she remains neutral and impartial.
- Discloses conflicts of interest (parties may agree to continue following disclosure or terminate session).
- Supports parties with negotiations
- Helps parties understand the alternatives to settling.

Confidential Process

- Mediation is a confidential settlement process.
- Neither the mediator nor the parties disclose the communications or conduct of the mediation, unless all parties agree (with limited exceptions, such as risk of harm).
- Ethical violations discovered as a result of participation in the mediation are not reported.
- Settlements discussed in mediation are not admissible future proceedings.
- A mediator is not a witness in ethics/arbitration hearings or in court.

Why Mediation Works

- People closest to the problem are given the chance to resolve the problem
- People have the opportunity to learn more about the situation from each other

