

Mediation for the Real Estate Professional

Mediation Process for Mediation between REALTORS® or between REALTORS® and their clients

When parties wish to mediate disputes between REALTORS® or between REALTORS® and their clients they may contact their local Association Executive who will furnish all parties with information on how to invoke mediation procedures at the UND Conflict Resolution Center (CRC).

In cases of request for arbitration the Association Executive shall apply the following procedures:

- (1) Arbitration request received by the Board/Association.
- (2) Association Executive will inquire by phone if the complainant and respondent wish to mediate the dispute prior to consideration by the Board/Association's Grievance Committee. In cases where complainant wishes to mediate a copy of the written request for arbitration will be sent to respondent.
- (3) If both parties agree to mediation, the Association Executive will send complainant and respondents information to the CRC who will contact both parties and schedule mediation time and place.

(continued)



(cont.)

(4)(a) If the mediation conference successfully resolves the dispute: Both parties are required to sign the Mediation Resolution Agreement (Form #A-17). A copy shall be forwarded to the Board/Association by the CRC. The Resolution Agreement should be kept in the file with all pertinent records pertaining to that case.

Both the complainant and respondent should receive a copy of the Resolution Agreement.

(4)(b) If the mediation conference does not successfully resolve the dispute: CRC should advise the Board that the mediation conference has been terminated without resolution of the dispute.

(5) Request for Arbitration will be forwarded to the Board/Association's Grievance Committee for review.

Our Fees: \$75/hour/party

Call us to schedule a mediation orientation to prepare for mediation

**For more information about mediation,
please contact us at (701)-777-3664 or**

Conflict.resolution@und.edu



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of conflict for 20 years*



**Conflict
Resolution
Center**

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What is Mediation?

Mediation is a confidential process where an impartial third person (mediator) helps the participants talk with each other so they can make voluntary decisions about their situation.

Mediators also help participants discuss their differences, increase their clarity and understanding of the situation, hear new information, listen to each other, and identify choices and resources.

Mediation is different from arbitration or litigation because a judge or jury are not making decisions for the participants about their dispute.

Mediators make no decisions for the participants and give no advice. Their role is not to judge or evaluate. They respect participants' abilities, needs, emotions, autonomy, and capacity to make their own choices and decisions.

Mediation can preserve relationships and business reputation into the future.



Mediation is a Service to REALTOR® Members

Mediation is not Mandatory

NDAR Policy:

Although no party to a dispute can be required to submit to mediation and mediation cannot and is not intended to be a substitute for arbitration procedures, mediation can be a useful tool in resolving the conflicts that arise involving Board Members and their clients. Mediation can resolve disputes, promote amicable resolutions, and reduce the number of cases requiring the more formal and complex arbitration procedures

It must be understood by all parties that participation in mediation procedures is entirely voluntary. The parties are offered the opportunity and encouraged to participate in the mediation process in good faith, and, further, encouraged to abide by the determination. The parties to mediation should be aware that they may withdraw from the process at any point prior to reaching an agreement. Any offers of settlement that were not accepted or any suggested resolution proposed (mediators do not propose resolutions or offer advice in the way we practice) that was not accepted will not be introduced as evidence nor considered in any manner should the matter require arbitration by the Professional Standards Committee.

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However, if the parties agree to a settlement of the dispute, and the settlement has been reduced to writing and has been signed by all of the parties, the matter is deemed resolved and cannot be the subject of a subsequent arbitration hearing. In the event either of the parties later fails to abide by the terms of the settlement, the matter may not be arbitrated; instead, the other party should be encouraged to have the settlement agreement judicially enforced by a court of competent jurisdiction.

Should the matter later be brought before an arbitration panel, any offers of settlement or other resolutions proposed during mediation will not be introduced as evidence nor taken into consideration by the panel members.

Why Choose Mediation?

- Cost of litigation is greatly reduced
- Time is saved and convenient
- Relationships are preserved
- Creative problem-solving increases
- Accessible and user-friendly
- Professional Mediators provide excellent service across the state

Talk Works - Choose Mediation