

MEDIATION BENEFITS

In mediation, the parties are completely involved in reaching a resolution that is satisfactory to all.

MEDIATION OFFERS:

- Speedier results than the hearing process
- Participants create their own mutually agreeable settlement
- More amicable results
- Sense of personal accomplishment



MEDIATION vs. HEARING

	Alternate Dispute Resolution—Mediation	Ethics Hearing
Voluntary process?	Yes	No
Scheduling?	Faster	Slower
Both parties must appear at the session?	Yes	Perhaps. Call AAR for more information.
Who makes decisions?	Parties	Panel of the REALTORS®
Settlement is fashioned from AAR Code of Ethics?	Not all the time. Parties decide resolution.	Yes
Decisions are known the same day?	Yes	No
Results are confidential?	Yes	Yes
Is legal representation permitted?	Yes	Yes

MEDIATION OF ETHICS DISPUTES

AT THE ARIZONA ASSOCIATION OF REALTORS®



Mediation

A process in which disputing parties work collectively with the aid of an impartial, third-party REALTOR® volunteer in order to resolve a dispute.

www.aaronline.com/resolve-disputes/

The terms REALTOR®, REALTORS®, and REALTOR-ASSOCIATE® are registered collective Membership marks which may only be used by real estate professionals who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its strict Code of Ethics.

04/13

ARIZONA ASSOCIATION OF REALTORS®

255 East Osborn Road, Suite 200 • Phoenix, Arizona 85012
Tel: 602-248-7787 • Toll-free in AZ: 800-426-7274 • Fax: 602-351-2474

www.aaronline.com • blog.aaronline.com
twitter.com/aarsuccess • www.youtube.com/azrealtors
www.flickr.com/photos/aar_eventrewind • www.facebook.com/azrealtors

Learn more online at:
www.aaronline.com/resolve-disputes/



MEDIATION OF ETHICS DISPUTES

AT THE ARIZONA ASSOCIATION OF REALTORS®

What is ethics mediation at

Arizona Association of REALTORS®?

If a party believes a REALTOR®'s conduct to be unethical as set forth in the REALTOR® Code of Ethics, the party may request ethics mediation as an alternative dispute resolution option. AAR offers mediation as a voluntary process which may be requested before or after filing of a formal ethics complaint.

What is the mediation process?

Each party will be given an opportunity to address their position at the mediation conference (meeting). Discussion of positions and possible solution take place at the meeting.

Where is the mediation held and who will be there?

A mediation is usually held at a REALTOR® association close to where the transaction occurred. The parties involved in the dispute, and a mediator, will be present to discuss the complaint and possible solution.

Who are the mediators?

A REALTOR® member specifically trained in mediation is there to facilitate the meeting with the parties. Mediators are effective listeners who encourage open communication and help parties resolve their issues.

What are the benefits of mediation?

Possible results can be any agreement that satisfies the dispute and may include results not available in a formal ethics hearing. The parties involved in the dispute, not a hearing panel, will determine the resolution to the dispute.

What if we can't agree?

If an agreement cannot be negotiated between the parties, a formal ethics complaint may be referred to a hearing.

How do I initiate a mediation session?

Complete and return an Ethics Mediation Request form and include a narrative describing the dispute. Once the request has been submitted to AAR, the offer will be extended to the other party.

Confidentiality

To ensure impartiality and to avoid the possible appearance of bias a Mediation Officer cannot refer concerns regarding the conduct of any party to a mediation to the Grievance Committee, to the state real estate licensing authority, or to any other regulatory body.

The Mediation Process

The Session:

- Parties to the mediation may be accompanied by legal counsel. If it is your intent to have legal counsel present at the meeting, the other parties and AAR staff should be advised of this fact, in writing, at least ten (10) days prior to the meeting.
- Parties to a mediation may withdraw from the process at any time prior to reaching an agreement. The complainant is free to have their dispute considered through the formal ethics complaint process should either party withdraw from mediation prior to reaching an agreement.
- In the event the agreement is not upheld by the terms agreed to by the parties, the dispute may be submitted to the formal ethics complaint process.

Mediation Agreement Options:

- Parties to the mediation may agree to a mutual resolution of the dispute at any time during the meeting. The parties have considerable latitude in fashioning a mutually agreed upon settlement.
- With the mediator's assistance, parties may explore and refine workable solutions. The mediator will help the parties put their agreement in writing. Once the agreement is signed by all parties, then all related claims or suits are also resolved. The mediation agreement becomes binding, and the mediation is concluded.
- If the parties are unable to resolve their dispute, the mediation will be terminated. Any proposed resolutions or offers of settlement that were not accepted will not be introduced as evidence nor considered as part of a formal ethics complaint.