

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	Arbitration Hearing
Scheduling?	Faster	Slower
Both parties must appear at the session?	Yes	Yes. A hearing cannot be held without the complainant being present.
Both parties must be present in the same room?	No, not all the time	Yes
Who makes decisions?	Parties	Panel of the REALTORS®
Settlement is fashioned from AAR Code of Ethics?	Not all the time. Parties decide settlement.	Yes
Decisions are known the same day?	Yes	No
Results are confidential?	Yes	Yes
Is legal representation permitted?	Yes	Yes

MEDIATION OF BUSINESS 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.

ARIZONA ASSOCIATION OF REALTORS®

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MEDIATION OF BUSINESS DISPUTES

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What is mediation at the Arizona Association of REALTORS®?

Arizona Association of REALTORS® (AAR) provides mediation as an option to parties involved in arbitration disputes. Parties may voluntarily submit to mediation before filing a formal arbitration request.

What happens at the mediation conference?

Mediation sessions are usually held at a REALTOR® association where the respondent parties are members. Each party will get an opportunity to address their position without the formality of a hearing. Discussion of positions and possible solutions take place.

Who are the mediators?

AAR-appointed mediators are also objective REALTORS® trained to listen, encourage open communication and help the parties to resolve their issues.

What are the benefits of mediation?

Parties are completely involved in determining the outcome of the dispute. Possible results can be any agreement that satisfies the dispute and may include results not available to a formal arbitration request. At an arbitration hearing, the hearing panel determines the outcome, not the parties.

What if we can't agree?

When there is no agreement between the parties, the arbitration may be referred to a hearing. The details of the mediation attempt are confidential and will not be shared as part of the hearing process.

How to initiate a voluntary mediation session.

If an arbitration request has not been filed, complete and return the attached Mediation of a Business Dispute Request form. Once a request has been submitted to AAR the offer will be extended to the other party to mediate the dispute. If the other party agrees to participate with mediation, a date will be selected and a mediation officer will be assigned.

The Mediation Process

The Session:

- Parties to a mediation conference may be accompanied to the session by legal counsel. If it is your intent to have legal counsel present at the mediation session, the REALTOR mediator and AAR staff should be advised of this fact, in writing, at least ten (10) days prior to the mediation session.
- Parties to the 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 arbitration 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 judicially for enforcement.
- If the parties to the Mediation conference are unable to resolve the matter, any offers of settlement that were not accepted or any suggested resolution proposed by the Mediation Officer that was not accepted will not be introduced as evidence nor considered in any manner should the matter require an arbitration hearing.

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, the real estate licensing authority, or to any other regulatory body.

Mediation Agreement Options:

- Parties to the mediation may agree to a mutual resolution of the matter at any time during the mediation conference. The Mediation Officer and the parties have considerable latitude in fashioning a mutually acceptable resolution.

