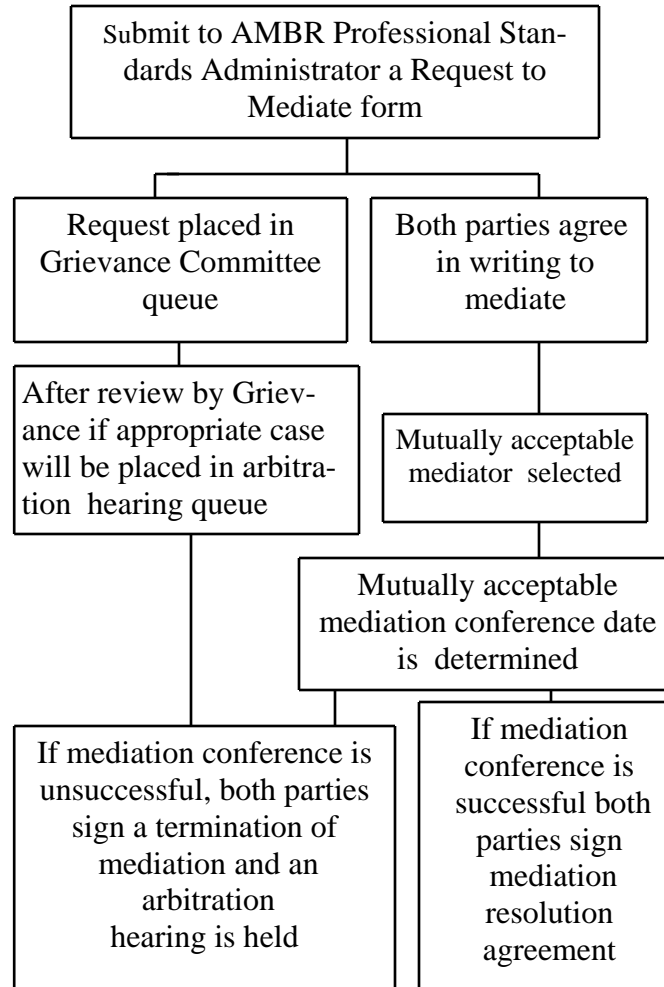


## GROUND RULES

- Any member may initiate mediation.
- All parties must agree in writing to participate in the mediation process.
- No person will serve as a mediator in any dispute if that person has any financial or personal interest in the results.
- Parties at the mediation conference have authority to enter into and sign a binding written agreement to settle the dispute.
- No aspect of the mediation can be introduced as evidence in any arbitration, judicial or other proceeding.
- The mediator can not testify or disclose anything said at the mediation in any proceeding.
- Parties to mediation may file an ethics complaint either prior to a mediation conference or after regardless of language of any settlement agreement.
- REALTORS® within the same office may request mediation under Article 17 with their Principal REALTORS® permission.

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## THE PROCESS



Albuquerque Metropolitan Board of REALTORS®

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Sandra Lubecki, Professional Standards Administrator  
Phone: 505-724-3466 Fax: 505-842-0448



1/2005

## MEDIATION CAN SAVE YOU TIME AND MONEY



### Mediation

In Mediation, a neutral third party assists the disputants in negotiating a mutually acceptable settlement. Mediators do not render decisions but help to facilitate the parties to the dispute to come to their own agreement by clarifying issues and encouraging open discussion of the matter.

*Mediate BEFORE you Arbitrate!*

Albuquerque Metropolitan Board of REALTORS®

Professional Standards  
505-724-3466

[www.ambr.org](http://www.ambr.org)

## Provisions of Article 17 Mediation

Mediation under Article 17 is a voluntary service available to all AMBR & CARNM members and their clients with business disputes which otherwise could be arbitrated.

### ARTICLE 17 MEDIATION BENEFITS

- \* **Voluntary:** Mediation of Article 17 disputes is ALWAYS your choice.
- \* **Rights:** Parties forfeit no rights – if mediation does not produce resolution the parties may still arbitrate.
- \* **Flexibility:** Parties to mediation are free to negotiate a settlement along lines other than money resolution and are not limited to amounts requested.
- \* **Cost:** \$100 per party in mediation will be contributed to AMBR to cover administrative costs. In the event mediation is not successful, the \$100 will be applied towards the arbitration deposit of \$250 per party.
- \* **Approval:** Parties to mediation have the right to approve the mediation officer.

### Benefits Continued

- \* **Confidentiality:** Anything said or any offers made in the mediation process are totally confidential and CANNOT be introduced in any subsequent arbitration or judicial procedures. All notes taken during the mediation hearing, will be destroyed at the end of the session.
- \* **Initiative:** Parties do their own negotiation and determine their own settlement with the assistance of the Mediator.
- \* **Timeliness:** Mediation can be finished in less than 30 days as opposed to nearly 120 days for a request for arbitration. Parties pursuing mediation are placed on the Grievance Committee schedule so that they do not lose any time in the arbitration process should the mediation be unsuccessful.
- \* **Balance:** The mediation process offers a safe environment for the parties to explore common concerns and together seek resolution of the dispute on their own terms.
- \* **Recognition:** Successful resolution of a dispute through mediation can result in recognition of each party's point of view (win/win) whereas in arbitration the resolution usually is win/lose.
- \* **Control:** Any party to the mediation or the

### Benefits Continued

- mediation officer may terminate the mediation at that person's sole discretion at any time.
- \* **Preparation:** The mediation process reduces the need for attorneys, witnesses and documentation.
- \* **Predictability:** Parties reach their own terms or there is no agreement.
- \* **Closure:** Settlement agreements from mediation are legally binding contracts which are enforced in the same manner as an arbitration award – through the courts.



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