



Mediation

The Alabama REALTORS® offers mediation to our members and clients who voluntarily wish to mediate with REALTORS®. Here are some basic questions and answers related

What is mediation?

Mediation involves the parties meeting with a neutral/impartial mediator who helps facilitate discussion but who has no authority over the outcome of the meeting. Mediation is an efficient and economical mechanism to resolve disputes.

What is the cost of mediation?

With mediation at the Alabama REALTORS®, there is no cost, little delay, no hearing panel, use of one or two neutral/impartial mediators and the solution is just as binding and enforceable as arbitration.

Once I start mediation, am I stuck with the result?

Both parties decide to enter the process and can leave the process at any time (at which time a hearing can be convened). The parties have complete control over the outcome, as opposed to relinquishing that authority to a third party.

I am not a REALTOR® but have a disagreement with my REALTOR®. Can I go to mediation?

Clients of REALTORS® may utilize mediation services as long as the client(s) agrees to abide by any resulting agreement. For more information about mediation and how to submit a mediation request, read below.

Who is the mediator or mediation officer?

An attorney on staff at the Alabama REALTORS® serves as the mediator. The attorney has been trained in mediating disputes between REALTORS®.

To Pursue Mediation

If you wish to pursue mediation offered by the Alabama REALTORS®, call the Alabama REALTORS® at (334) 262-3808.

Additional Information

- [Mediation Procedures](#)

(1) Advise parties of voluntary mediation option – a) when a party wishes to pursue a grievance against a REALTOR®, or b) upon receipt of an arbitration request or ethics complaint.

(2) Send mediation request form to complainant – When a party wishes to mediate a dispute with a REALTOR®, send to complainant:

- a) *Request for Mediation* form; and
- b) [*Agreement to Mediate*](#) form.

In the email, set a time frame for completed and signed forms to be returned to the Association.

(3) Solicit response from Respondent - Upon receipt of completed forms from complainant, **send to respondent:**

- a) [*Notice of Request for Mediation*](#) form with attached copy of complainant’s completed *Request for Mediation* form; and the
- b) [*Agreement to Mediate*](#) form.

In the email, set a time frame for completed and signed forms to be returned to the Board.

(4) Mediator selection - A [*Mediation Officer Selection*](#) form should be sent to both complainant and respondent. The form should be accompanied by a time frame for the completed and signed form to be returned to the Board.

(5) Assign mediator - Upon receipt of all completed forms, the Association may assign any Mediator not challenged to serve as the Mediation Officer. Send to both complainant and respondent the completed [*Notice of Selection of Mediation Officer*](#) form.

(5) Mediator contacts parties and sets meeting – After notice is sent, the Mediation Officer should contact the complainant and respondent directly to set an acceptable time and location for the mediation conference. Parties should receive at least ten days’ notice once the meeting is set, unless the parties waive such notice. The Mediation Officer should **send to both complainant and Respondent** a letter confirming date, time, and location of conference. An sample letter can be found [here](#).

If any party is unable to attend, the meeting will be rescheduled for the earliest mutually acceptable date.

(6) During the Mediation – The Mediation Officer will encourage a conciliatory atmosphere, encouraging the parties to appreciate the other’s position. The goal is to find a mutually agreeable solution and eliminate the need for arbitration or litigation.

(7) After the Mediation

- a. **If the mediation conference successfully resolves the dispute:**

Mediation Officer should have the parties sign a [*Mediation Resolution Agreement*](#) and forward the signed, original Agreement to the Professional Standards Administrator, as

well as a copy to the parties. The signed, original Agreement should be filed with all pertinent records pertaining to that case. The Agreement binds the parties.

b. If the mediation conference does not successfully resolve the dispute:

i) **Last-ditch Effort** - If the parties are unable to resolve their dispute, the Mediation Officer may recommend an equitable solution either orally or in writing. The recommendation may be provided to both parties at the conclusion of the mediation procedure and should provide a set time not to exceed 48 hours for the parties to respond. Any party who does not respond to the Mediation Officer within seventy-two (72) hours will be considered to have rejected the suggested solution.

ii) **Termination** - If the impasse remains after 72 hours, the Mediation Officer should advise the Professional Standards Administrator that the mediation conference has been terminated without resolution of the dispute by completing and sending the [*Termination of Mediation Conference*](#) form to the Administrator.

iii) **Forward Arbitration** – Following receipt of the Termination and if the parties or a party requests or had requested arbitration, the Request for Arbitration will be forwarded by the Professional Standards Administrator to the Association’s Grievance Committee for review.