

## INFORMATION ON MEDIATION

Mediation can be a useful tool in resolving the conflicts that arise involving Association of REALTORS® members and their clients and customers. The Santa Fe Association of REALTORS® does have Mediation Officers who would be willing to meet with the parties involved to help resolve the controversy and avoid the more formal and complex arbitration procedure, or costly litigation. All parties must be willing and present.

While utilization of mediation procedures is encouraged, no party to an arbitrable matter can be required to submit to, or be bound by, any determination reached through mediation. Please understand that mediation is not required; it is entirely voluntary. We encourage you to participate in good faith. You may withdraw from the process at any point prior to reaching an agreement.

Any offers of settlement that are not accepted or any suggested resolutions proposed by the Mediation Officer that are not accepted will not be introduced as evidence nor considered in any manner should the matter require arbitration by the Board's Professional Standards Committee. 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 will be encouraged to have the settlement agreement judicially enforced by a court of competent jurisdiction.

As with the Grievance and Professional Standards hearings, the need for due process exists with mediation. Generally, there will be no need for the parties to be represented by legal counsel nor for the Board to have legal counsel present at the mediation proceeding. However, since mediation is an attempt to bring the disputing parties together in an informal setting to resolve their differences, every effort is made to ensure that the parties are provided with a minimum of 10 days prior notice and that the time and location of the proceeding is mutually convenient to all involved. This requirement shall not preclude parties to a dispute from waiving such notice and agreeing to mediate at any time agreed by all parties.

(Taken from NAR, Code of Ethics & Arbitration Manual, 1996)

Mediator Officers for the Santa Fe Association of REALTORS® are selected by the Board of Directors and are appointed for a period of two years. Criterion for the selection of Mediators includes the following:

1. Mediators have extensive experience on the Association's Grievance Committee, Professional Standard's Committee and/or Board of Directors.
2. Mediation Officers are thoroughly conversant with the Association's arbitration procedures as well as with the real estate rules and regulations of New Mexico.
3. Mediation Officers are also widely respected for fairness, experience and impartiality.
4. Mediation Officers have received specific and extensive training in Mediation.

The Mediation Officers for Santa Fe Association of REALTORS® are Victoria Murphy, Baro Shalizi, Brooke Tuthill and Robin Zollinger.

## REQUEST FOR MEDIATION

To: Santa Fe Association of REALTORS®  
510 North Guadalupe, Suite E  
Santa Fe, New Mexico 87501

Date: \_\_\_\_\_

CASE:

vs

I (we) \_\_\_\_\_

do hereby request the use of the Santa Fe Association of REALTOR'S® Mediation Service in the above noted dispute.

I (we) understand that Mediation is not required and is only available on a voluntary basis with all parties to the dispute requesting the service.

I (we) acknowledge that the Mediation Service will be held with the Association of REALTORS® acting as friends to both parties involved, and is a strictly informal proceeding.

I (we) further understand that if the Mediation process results in a mutually agreed resolution of the dispute, then no party to an arbitrable matter can be required to submit to, or be bound by, any determination reached through mediation. 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 will be encouraged to have the settlement agreement judicially enforced by a court of competent jurisdiction.

Signed: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email address

Respondent's name, address, phone number and email address

\_\_\_\_\_