



## **REALTOR® ASSOCIATION OF PIONEER VALLEY, INC.**

The Western New England Center for Real Estate Services  
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### **Mediation – the winning solution**

*“I support the mediation process as an alternative to a formal arbitration hearing. The RAPV mediators were extremely fair, giving both parties ample opportunity to present their story. They were sensitive, respectful of confidentiality, knowledgeable, easy to talk to, good listeners, careful questioners, and highly professional. I would use the process again and highly recommend it to my real estate colleagues.”*

- Member of the Realtor® Association of Pioneer Valley

*“The mediators were gracious and very understanding. Having been through this mediation process, I feel I made the right decision in not going to arbitration causing more stress and concentrate on business as usual.”*

- Member of the Realtor® Association of Pioneer Valley

REALTORS® take an oath upon installation into membership into the Association of REALTORS® to abide by the NATIONAL ASSOCIATION OF REALTORS®’s Code of Ethics. The Code’s requirement to arbitrate contractual issues, including entitlement to commissions and compensation in cooperative transactions, is one duty of membership. If you have ever gone through an arbitration hearing process you know it can be timely, costly and may damage relationships. There is another choice however – mediation. Arbitration is valuable, but mediation is a simpler and easier process. It is an efficient and economical mechanism to resolve arbitration disputes.

#### **What is mediation?**

Webster tells us it is ‘the act or process of mediating; an impartial intervention between conflicting parties to promote reconciliation, settlement, or compromise.’

#### **Why use mediation? With mediation there is –**

- no cost
- little delay
- a WIN/WIN outcome
- no hearing panel
- use of a neutral/impartial mediator
- clarification of misunderstandings because parties come together and talk
- collaborative, *and*
- the solution is just as binding and enforceable as arbitration

#### **With the arbitration process there is –**

- a \$250 filing fee (only the prevailing party receives it back)
- moderate delay

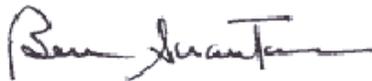
- WIN/LOSE (one party wins, one loses – with mediation BOTH can win)
- potentially adversarial
- may damage relationships

The key features are that both parties decide to enter the process, they can leave the process at any time (at which time a hearing can be convened). The parties have complete control over the outcome. In short the participants accept responsibility for the outcome of their disputes, as opposed to relinquishing that authority to a third party.

As Pat Reilly, a NATIONAL ASSOCIATION OF REALTORS® professional standards trainer says –

*“Mediation is the best alternative because you have more control over the results, a better chance to communicate your story, and it strengthens REALTOR® relationships through mutual gains and satisfaction.”*

For additional information on the mediation process, contact me or Gail Lamirande, Membership Coordinator and Professional Standards Administrator at 785-1328.



Ben Scranton, RCE, e-PRO  
Chief Executive Officer

k/committees/ProStandards/Administrative/MediationLetter

Organized in 1915, the REALTOR® Association of Pioneer Valley (RAPV) is a professional trade organization with more than 1,700 members in the Pioneer Valley of western Massachusetts. RAPV is one of 1,500 local chapters of the National Association of REALTORS®. RAPV covers 68 cities and towns in 3 counties; Franklin, Hampshire and Hampden. The term, REALTOR®, is a registered trademark for use exclusively by members of the National Association of REALTORS®, whose members subscribe to a strict Code of Ethics.

Mission:

To champion private property rights and advocate for our members.