

Mediation Services

Mediation is the preferred dispute resolution of the National Association of REALTORS®. The Sacramento Association of REALTORS® (SAR) has trained some members of the Professional Standards Committee to provide mediation services to association members and their clients.

Mediation is a voluntary process in which disputing parties meet with a neutral third party (the mediator) to create a mutually acceptable resolution of a dispute. Mediators are impartial facilitators of resolution; they do not decide innocence or guilt, give legal advice nor impose a decision on either party.

Mediation is an alternative to adversarial, expensive and time consuming litigation. It is non-adversarial, confidential, informal and inexpensive. Mediation is now widely recognized as a forum of choice for the resolution of conflicts and misunderstandings; it is where the parties control the outcome of a dispute.

If the parties agree upon a resolution of the dispute, the agreement is usually written as a legally binding contract which the parties sign. Parties do not forfeit their legal rights to arbitrate or litigate the dispute if mediation is unsuccessful.

The types of mediation services offered by Yolo AR through SAR include the following:

Mediation Prior to Arbitration: By written agreement of both the complainant and the respondent to mediate prior to hearing of a filed arbitration, SAR'S mediators are used to assist the parties in finding a resolution to the dispute. A successful mediation cancels the need for an arbitration hearing.

A signed resolution of the dispute ensures that the parties will receive \$200 of their \$250 arbitration filing fees back upon the final settlement. (In an arbitration hearing, the panel determines whether either of the parties will be refunded their deposit fee, if requested.)

Ethics mediation: Any party (member of the public, another REALTOR®, or a licensed real estate agent) may request ethics mediation with Yolo AR/SAR members by calling the Association and filling out the appropriate request form. Ethics mediation is an attempt to resolve a dispute before it becomes a written complaint and there is no charge for the service.

Client or REALTOR®/Client Mediation: Yolo AR/SAR also offers buyer/seller mediation to clients of Yolo AR members or between a client and REALTOR® where specified by a contractual agreement such as the listing agreement. These are provided by paid mediators, who may or may not be members of Yolo AR.

There is a charge of \$600 per party. This charge pays for two hours of mediation at \$300/hour. If the mediation goes beyond two hours, additional monies will be owed by each party for the mediator's services. Since the purchase agreement indicates that parties will mediate their disputes, mediation is an excellent avenue for sellers and buyers to try and resolve the dispute if the disputed amount is above the \$10,000 allowed by Small Claims Court.