

RETURN TO: GREATER BALTIMORE BOARD OF REALTORS®
1954 Greenspring Drive Suite 100
Timonium, MD. 21093
ATTN: Cheryl Alexander
OR EMAIL cheryl@gbbr.org

_____ YES, I DO WANT TO SUBMIT TO VOLUNTARY MEDIATION.

_____ NO, I DO NOT WANT TO SUBMIT TO VOLUNTARY MEDIATION.

NAME _____ DATE _____
(TYPE OR PRINT)

SIGNATURE _____

FIRM _____ PHONE _____

ADDRESS _____

WHERE PARTIES SUCCESSFULLY MEDIATE AN TOHERWISE ARBITRABLE DISPUTE, THEIR ARBITRATION FEES WILL BE REFUNDED.

NOTE: PERSON FILING ARBITRATION REQUEST IS THE COMPLAINANT. PERSON WHOM THE CLAIM IS FILED AGAINST IS THE RESPONDENT.

MEDIATION PROCEDURES

Although no party to an arbitrable matter can be required to submit to mediation and mediation is not intended to be a substitute for the arbitration procedures, mediation can be a useful tool in resolving the conflicts that arise when involving Board members. Mediation can resolve controversy, promote amicable resolution, and reduce the number of cases requiring the more formal and complex arbitration procedures of the Board, thus reducing the time and effort required of Board members serving on the Arbitration Committee.

MEDIATION NOT MANDATORY: It must be understood by all parties that participation in mediation procedures is entirely voluntary. The parties should be offered the opportunity and encouraged to participate in the mediation process in good faith, and, further, encouraged to abide by the determination. The parties to mediation should be aware that they may withdraw from the process at any point prior to reaching an agreement.

Any offers of settlement that were not accepted or any suggested resolution proposed by the Mediation Officer that was not accepted will not be introduced as evidence nor considered in any manner should the matter require arbitration by an Arbitration Hearing Panel. **HOWEVER, IF THE PARTIES AGREE TO 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 SHOULD BE ENCOURAGED TO HAVE THE SETTLEMENT AGREEMENT JUDICIALLY ENFORCED BY A COURT OF COMPETENT JURISDICTION.**

NEED FOR ADEQUATE NOTICE: Although mediation is not binding upon the parties, the need for due process remains. 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 a mediation proceeding. However, since mediation is an attempt to bring the disputing parties together in an informal setting to resolve their differences, every effort should be made to insure that the parties are provided with adequate prior notice (at least ten (10) days) and that the time and location of the proceeding is mutually convenient to all involved. However, this requirement shall not preclude parties to a controversy waiving such notice and agreeing to mediate at any time agreed by all parties.

CONDUCT OF MEDIATION PROCEDURES: If, for any reason, any of the parties (or the Mediation Officer) is unable to participate on the date agreed, the procedures should be rescheduled to the earliest mutually acceptable date. Mediation cannot be successfully conducted without all of the parties present. **Witnesses, if any, should be kept to a minimum. MEDIATION IS NOT A HEARING AND THE MEDIATOR DOES MAKE THE DECISION.**

Realizing that a controversy already exists between the parties, the Mediation Officer should make every effort to encourage a conciliatory atmosphere while ensuring a full exposition of all pertinent facts. The complainant and respondent should be encouraged to appreciate each other's position in the matter and to affect a solution that will eliminate the need for arbitration by the Board's Arbitration Committee. The parties can agree to a mutual resolution of the matter at any time during the mediation procedure. If, following a thorough discussion of all the pertinent facts, the parties are still unable to resolve the matter; the Mediation Officer may, at the Mediation Officer's discretion, and then make a recommendation. The recommendation for resolution can be oral or in writing and will be provided to both parties at the conclusion of the mediation procedure. The parties can agree to the Mediation Officer's proposed resolution at that time.

If neither of the parties desires to give additional consideration to the Mediation Officer's resolution, both parties will be given a specified period of time, not to exceed 48 hours, to consider the resolution and to advise the Mediation Officer of their acceptance or rejection of the resolution. If either of the parties rejects the proposed resolution, the mediation procedure will be deemed concluded and the matter will proceed to arbitration. Any party who does not respond to the Mediation within 72 hours will be deemed to have rejected the suggested resolution. In the event the dispute does proceed to arbitration, the Mediation Officer shall be automatically disqualified from serving on the Hearing Panel which arbitrates the dispute.