

MALIBU ASSOCIATION OF REALTORS®

Mediation Guidelines & Procedures

1. The purpose of mediation is to assist members of MALIBU ASSOCIATION OF REALTORS® (M.A.R.) in settling disputes swiftly and informally.
2. A complainant seeking mediation submits a completed Request for Mediation (M-1) along with a completed Arbitration Complaint (A-1) and supporting documentation. Copies of all documents are forwarded to all named respondent(s).
3. Respondent(s) then have the opportunity both to respond to the arbitration complaint (A-3) and to submit a completed Agreement to Mediate if they are willing to mediate the dispute.
4. Since mediation is voluntary, M.A.R. will only schedule a mediation conference if all named parties agree to mediate. If not all parties agree to mediate, the case will proceed directly to arbitration.
5. A pool of mediators is maintained by M.A.R. Mediators are selected based on the expertise and background required by the pending dispute.
6. If the parties decide on a mediation conference, M.A.R. forwards copies of the complaint (A-1), response (A-2) and supporting documentation to a mediator selected by M.A.R. from the list of unchallenged Mediators. A date and time for the mediation conference is set by M.A.R. M.A.R. will notify the participants in advance of that date. The mediation conference is held virtually or at M.A.R.
7. No third parties or witnesses are permitted at the mediation conference. Parties may be represented by legal counsel.
8. If the parties agree on a settlement figure, they execute a Mediation Agreement and Stipulated Arbitration Award. The mediator then forwards the form to M.A.R. Upon receipt of the form, M.A.R. will cancel the arbitration. If the parties do not resolve the dispute, the mediator advises M.A.R. that mediation was not successful. M.A.R. will then schedule an arbitration hearing.
9. Once a date and time for the mediation conference is determined, no postponement is allowed except at the discretion of the mediator. If any party fails to appear, an arbitration hearing is then scheduled to hear the dispute between the appropriate parties.

10. The mediator will not participate in the arbitration hearing if one is necessary. All parties to a mediation conference and the mediator have an obligation to maintain and protect the confidentiality of the mediation process. M.A.R. does not record the mediation conference.
11. If the parties do not settle their dispute at the mediation conference, an arbitration hearing is set automatically.