

GAAR Mediation Services

Mediation is offered by the Greater Albuquerque Association of REALTORS® (GAAR) to Association members and members of the public as a timely and low-cost means of facilitating communications between conflicting parties to promote reconciliation, settlement, and/or agreement. It is a confidential, voluntary process with neutral and impartial third-party mediators who facilitate and assist with the negotiations. All parties participate in the mediation conference in the same room, exploring and refining workable solutions to identified issues and interests. Mediation is not an evidentiary or fact-finding process; lawyers and witnesses may attend but are not typically needed because of the non-adversary nature of mediation. Mediators do not render decisions; instead, they assist the parties in coming together to reach their own agreements by clarifying issues and encouraging open discussion of the matter.



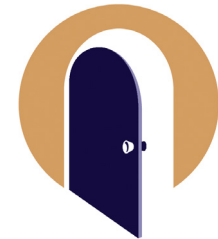
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Information and forms can be
accessed on the GAAR website:

www.gaar.com/about/professional_standards



MEDIATION SERVICES



**Greater Albuquerque Association
of REALTORS®**

In day-to-day transactions, as simple as some may seem, differences can arise. Parties may disagree on a variety of issues, some of which could possibly lead to arbitration and/or litigation. Mediation is a confidential, timely, and relatively inexpensive way to resolve these matters.

REALTOR® Member's and Party's Duty to Mediate

As stated on the REALTORS® Association of New Mexico (RANM) forms, parties to a dispute over real estate matters are obligated to seek resolution through mediation: *“If a dispute arises between the parties relating to this Agreement, the parties agree to submit the dispute to mediation. The parties will jointly appoint a mediator and will share equally the costs of the mediation. If a mediator cannot be agreed on or mediation is unsuccessful, the parties may enforce their rights and obligations under this Agreement in any manner provided by New Mexico law.”*

Initiating Mediation

Anyone may initiate the mediation process by completing and signing a Request for Mediation and an Agreement to Mediate. Parties may choose to file a request to arbitrate along with the mediation request so that if mediation is not successful in finding a mutually acceptable resolution, the arbitration process is moving forward. If parties resolve their dispute prior to an arbitration hearing, they will be reimbursed the arbitration filing fee.

Costs for Mediation Services

Mediations between REALTOR® Members will be offered at no cost to the members. Mediations between members of the public or between member(s) of the public and a REALTOR® Member(s) will be offered at a cost of \$150 per party.

Mediator's Role

A mediator serves as a neutral and impartial third party who facilitates and assists the parties in discussing and clarifying the issues and in considering alternatives to a possible resolution. The mediator maintains control of the mediation process while the parties maintain control of the outcome of the mediation. The mediator is not a third-party decision maker.

Commitment to Confidentiality

Commitment to maintain confidentiality promotes an environment in which the parties can honestly, openly, and fully discuss the issues of the dispute. Parties to the mediation are asked to respect the confidentiality and privacy of the mediation sessions. Parties agree not to disclose any information from the mediation conference without the explicit approval of the other party(ies). No aspect of the mediation may be introduced as evidence in any subsequent proceeding.

Benefits of Mediation

- ◆ Less expensive and more timely than arbitration or litigation;
- ◆ Less adversarial than arbitration or litigation – enables parties to preserve and/or improve on-going relationships;
- ◆ Offers a safe environment for parties to identify issues, explore common interests, and seek resolution of dispute;
- ◆ Voluntary process – both parties come into the mediation on a voluntary basis and may terminate the mediation at any time;
- ◆ Flexible process – allows wider range of outcomes; parties can negotiate resolutions outside limits of an arbitration decision;
- ◆ Parties maintain option of pursuing other processes if mediation does not resolve matter;
- ◆ Successful resolution of a dispute through mediation can result in recognition of each party's point of view;
- ◆ Settlement agreements are considered legally binding, and can be judicially enforced, if necessary;
- ◆ Most disputes are successfully resolved.