

MALIBU ASSOCIATION OF REALTORS®
Guidelines & Procedures

1. The purpose of mediation is to assist members of Malibu Association of REALTORS® (MAR) 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. A copy of all documents is 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 Mediation Conference Agreement if they are willing to mediate the dispute.
4. Since mediation is voluntary, MAR will only schedule a mediation conference if all parties agree to mediation. If all parties do not agree to mediation, MAR will proceed with processing the Arbitration Complaint.
5. A pool of mediators is maintained by MAR. Mediators are selected based on the expertise and background required by the pending dispute. The parties are not permitted to disqualify the mediator.
6. If the parties decide on a mediation conference, MAR forwards copies of the complaint (A-1), response (A-2) and supporting documentation to a Mediator selected by MAR. A date and a place for the mediation conference is set by MAR. MAR will notify the participants in advance of that date. The mediation conference is held at MAR.
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 MAR. Upon receipt of the form, MAR will cancel the arbitration and refund up to \$250 of the arbitration filing fee. If the parties do not resolve the dispute, the Mediator advises MAR that mediation was not successful. MAR will then schedule an arbitration hearing.
9. Once a date and place 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 at 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. MAR does not tape record the mediation conference.
11. If the parties do not settle their dispute at the mediation conference, an arbitration hearing is set automatically.