

## **Mediate, Don't Litigate**

Fast ✧ Inexpensive ✧ Effective

***REALTORS® ENCOURAGE MEDIATION – An Alternative Dispute Resolution Process.***

***REALTORS® make mediation available to all parties in conflict in real estate transactions.***

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### **What is mediation?**

Mediation is a voluntary process which people in dispute can use to reach agreement. With the help of an impartial mediator, they work toward a mutually agreeable solution. The mediator is not a judge – rather an expert in a process that focuses on the issues of conflict and helps defuse the emotions involved.

### **Who should use mediation?**

Anyone involved in a conflict who seeks a fast, inexpensive and effective resolution to the situation.

### **Why use mediation?**

Often parties believe that litigation is their only alternative to resolving disputes; mediation is a better alternative. When conflict can be resolved in a way that all agree to, everyone wins.

### **Does mediation mean giving up the right to arbitrate or litigate?**

No. Mediation does not eliminate other options should people fail to reach agreement – they may still arbitrate or litigate. However, mediation works eight out of 10 times it is used.

### **Why does mediation work so well?**

1. It is fast. In most cases, mediation can be achieved in less than 30 days.
2. It is inexpensive. You will save time, money and emotions compared to other ways of settling disputes.
3. It is effective. People with disputes work together to achieve a solution satisfactory for all involved, and they are more likely to follow through and live up to the agreement. From the beginning, participants are guided through the process in a way that helps eliminate hostility.

### **Are some disputes settled without the parties having to meet?**

Yes. Very often a mediator helps parties reach an agreement simply by talking with them over the telephone. This process is called “conciliation” and is part of the mediation process.

### **When and where do parties meet for mediation?**

The REALTOR® mediation program makes it as easy as possible. In most cases, a mediation can be held within 30 days at a mutually agreed upon location near you. Contact Washington REALTORS® at 1-800-562-6024 for the Dispute Resolution Center (DCR) closest to you. Participating DRCs throughout the state are also listed for your convenience on the Association's Web site at [www.warealtor.com](http://www.warealtor.com).

**Is mediation expensive?**

No. Beginning the process costs nothing. If conciliation settles the dispute, there is no cost to you. If mediation is held, the costs are on a sliding scale based on the amount in dispute and most often are shared by the disputants. Any other costs for services, if needed, are only with the prior approval of the people involved.

**How do you get started?**

Call Washington REALTORS® between 8:30 a.m. and 5:00 p.m., Monday through Friday, to find the cooperating Dispute Resolution Center nearest you. This information is also readily available on our Web site. One you call a local DRC, a counselor will answer your questions, explain how the program works, and begin the intake process. Mediation is confidential.

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**For information on how to contact a Dispute Resolution Center:**

By Telephone:

Call toll free from any telephone in Washington: 1-800-562-6024, 8:30 a.m. to 5:00 p.m., Monday through Friday (leave a message on evenings, weekends or holidays) for information on the Dispute Resolution Center nearest you.

From Our Web Site:

Log on to [www.warealtor.com](http://www.warealtor.com)

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**Tips for a Successful Call**

- If possible, write down pertinent information you wish to share *before* calling.
  - Be prepared to give the name of the real estate agency or company you have worked with.
  - Be prepared to give the name, address and phone numbers of all parties to the dispute which you have contacted.
  - Set aside time for your initial call. A typical first call takes approximately 15 to 20 minutes, and interruptions make it difficult to get the necessary information.
  - Be patient if the line is busy, or leave a detailed voice mail message so your call can be returned promptly.
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**Mediation is:**

- Fast and convenient
- Inexpensive
- Effective
- Voluntary
- Confidential and safe
- Legally Binding
- A “Win-Win” solution

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Information regarding the REALTOR® Mediation Program is available through Washington REALTORS® and is administered by participating local Dispute Resolution Centers around the state. Mediators are trained and certified professionals who understand real estate issues and meet the criteria set by the National Association of REALTORS®.

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The local Dispute Resolution Center is:

**Whatcom Dispute Resolution Center**  
13 Prospect St  
Bellingham, WA 98225  
Phone: 360- 676-0122