

Mediation

Although the majority of real estate transactions close without incident, there is a possibility that a problem or dispute could occur. When that happens, it is usually successfully resolved by the parties through normal communication and negotiation. In the past, when negotiations failed, parties took their case to court. ***Today, they are taking their disputes to mediation.***

What Is Mediation?

Mediation is a process in which disputing parties attempt to resolve their disagreements with the help of an impartial, trained neutral third party... the mediator. The mediator does not pass judgment or render legally binding decisions. The mediator's function is to help the parties open communication, identify their differences, and reach agreement on how to resolve them.

When the disputing parties have reached a mutually acceptable solution, they sign a written agreement which outlines the terms of the settlement. Once the agreement is signed, parties are legally bound to abide by its terms. If the parties cannot reach a mutually agreeable settlement, they are free to arbitrate or litigate their dispute as if the mediation never took place.

In addition to being easier, faster and less expensive than litigation, mediation is non-adversarial. Decisions rendered by an arbitrator or judge usually determine a winning and losing party. In mediation, the parties have retained control of the outcome of the process and together have fashioned the terms of the settlement.

Maryland REALTORS®, Inc. DISPUTE RESOLUTION SYSTEM (DRS) - Mediation

Access to Service

Mediation can be used by any of the parties to a real estate transaction ... sellers, buyers, brokers, builders, home inspectors, etc.

Procedural Guidelines

Procedural Guidelines have been established to insure uniformity and consistency in the process. Procedural guidelines are available upon request by calling **Maryland REALTORS® (MR) Mediation Service Provider.**

O.M. Services: 888-412-6720

You will be requested to provide your name and address and information will be mailed to you within 24 hours. Any questions you should have regarding the procedures should be directed to O.M. Services.

Written Agreement

Parties who decide to submit potential disputes to mediation sign a written

Agreement to Mediate. Parties can sign this agreement either before or after a dispute arises.

Mediators

DRS mediators are experienced and qualified who have completed an intensive training program. Mediators are selected based on considerations such as firm affiliation, location, expertise in area of dispute, and availability.

Role of Attorney

Although parties have the right to be represented by counsel, attorneys do not have to participate.