



REALTORS® ASSOCIATION OF NEW MEXICO MEDIATION INFORMATION FOR CLIENTS AND CUSTOMERS - 2009

- » **What is Mediation?** Mediation is a process in which one or more neutral third party mediators, who are skilled in negotiating, assist disputing parties to reach an agreement. Mediators do not render a win/lose decision as a judge or an arbitrator. Rather, mediators help you to arrive at a solution that all parties can accept. When everyone has agreed on a solution, all parties sign a written agreement; then the parties are legally bound to abide by its terms.
- » **What Are the Benefits of Mediation?** Mediation can help reduce tension between parties and enable you to preserve a viable, working relationship. In mediation, you retain control over the outcome of the dispute. You decide your own priorities, and on which items you may be willing to compromise in order to achieve your most important goals. The other parties can do the same prioritizing; everyone can come out ahead. In arbitration or litigation, a third party will make the decision for you. Someone will win and someone will lose.
- » **Do I Have to Mediate?** If you have signed an agreement to mediate, you have agreed to make a good faith effort to resolve your dispute. However, in agreeing to mediate both parties also retain the right to pursue other legal remedies. If you cannot reach an agreement, you are free to arbitrate or litigate the dispute as if the mediation never took place.
- » **Is Mediation Confidential?** Mediation sessions are private. Because successful mediation requires open communications, all written and oral communications will be treated as privileged. The parties agree not to admit evidence of settlement discussions in court proceedings or to call the mediator as a witness. The mediator will not disclose anything discussed in mediation to anyone except the parties without their consent unless required to do so by law.
- » **Do I Need An Attorney?** Mediation does not require the assistance of an attorney, but mediators welcome the assistance of the parties' lawyers when needed to explain to their clients their legal rights and obligations, and the effect of any proposed agreement.
- » **How Long Does Mediation Take?** Mediation is faster than litigation. Most mediation sessions can be completed in a day or less. A lawsuit can take anywhere from several months to several years to be decided.
- » **Is Mediation Expensive?** Mediation is considerably less expensive than litigation, and the cost is usually shared by the parties equally.
- » **Where Do I Find a Mediator?** Most communities have professional mediators who will provide this service for a fee. Consult your local telephone directory yellow pages for a listing of mediation services.

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