

## Mediation is...

- \* Faster
- \* Successful
- \* Less Expensive
- \* Non-Adversarial

A lawsuit can take anywhere from several months to several years to be decided. As a rule, mediation takes from thirty to sixty days from beginning to end.

Statistics show that mediation is successful 75 percent of the time.

Because parties typically split fees, no one pays an excessive amount.

Litigation focuses on disagreement, and results in win/lose decisions imposed by the judge. Mediation, focuses on agreement, and results in a win/win settlement, reached and agreed upon by the parties themselves.



**Homesellers/Homebuyers  
Dispute Resolution System**

## **MEDIATION PROGRAM**

A fast, easy, and inexpensive  
alternative to litigation.



## Introduction

Thousands of real estate transactions occur in the Wichita area every year without incident. When a dispute does arise, it is often successfully resolved through normal channels of 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 third party, the mediator. The mediator does not offer opinions, pass judgment, or render legally binding decisions. The mediator's only function is to help parties 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 signed, the parties are legally bound to abide by its terms. Settlement is not imposed on the parties. 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.

Mediation is non-adversarial, there are no losing parties, because the parties have been part of the process, and together have agreed on the terms of the settlement.



## Access to Service

DRS mediation can be used by the sellers and buyers in a real estate transaction, as well as brokers, builders, home inspectors, etc. Almost any type of dispute that arises from the transaction can be mediated. Earnest money disputes are excluded, as are complaints against REALTORS®.

## Written Agreement to Mediate

Parties may pre-commit to mediate by signing either a sales contract that contains a mediation clause, or an addendum that is attached to the sales contract. Parties who do not wish to pre-commit to mediation when the sales contract is executed may later agree to submit a dispute to mediation by signing a written Agreement to Mediate after a dispute arises.

## Mediators

RSCK refers the parties to The Counseling & Mediation Center, Inc. (CMC), which provides mediation through state-approved mediators.

## Fees

Fees of **\$175** per party are required to be paid in advance. This fee is due with the request by the complainant, usually the buyer, and five (5) business days before the mediation conference for the responding party, usually the seller.

## Initiating Mediation

If a dispute arises, your broker or licensee can be helpful in resolving conflicts and disputes. If reasonable attempts to negotiate an acceptable solution have been exhausted, call RSCK to request a packet. A party can invoke DRS mediation by submitting the written request included in the packet to CMC. CMC arranges, schedules, and conducts the mediation conference. It is usually scheduled within 30 days, but it must be held within 60 days from the date on which a party's request to initiate mediation is received. The typical conference lasts two hours. A second meeting may occur in some cases.

## Role of Attorney

Although parties to the mediation have the right to be represented by counsel, attorneys do not have to participate in the mediation conference. You may wish to inform your attorney of your intent to mediate. Your attorney can provide advice and counsel.

## Information provided by:

### REALTORS® of South Central Kansas

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Wichita, Kansas 67202

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F: 316.263.2832

[www.sckrealtors.com](http://www.sckrealtors.com)

## Services provided by

### Counseling & Mediation Center

200 West Douglas, Suite 560  
Wichita, KS 67202

P: 316-269-2322

F: 316-269-2448