



Mediation Procedures

- a. The purpose of mediation is to assist members of the Board and the public to settle disputes swiftly and informally.
- b. If the parties do not settle their dispute at the mediation conference, they shall maintain their right to an arbitration hearing under the rules of the Board, Code of Ethics and Arbitration Manual.
- c. If the parties wish for the mediation session to remain confidential, they must agree in writing. This will ensure that mediators involved in the sessions will not be required to testify or appear in subsequent ethics or arbitration hearings or lawsuits involving the same dispute.
- d. Upon receipt by the Board of a request for arbitration, the Board shall advise the parties of the voluntary mediation process. Each party seeking mediation shall submit a completed arbitration application or response and a copy of the documents shall be given to each party. The Board may also process a mediation request even if no party has filed for arbitration in which case it is not necessary for an arbitration application or response. However, if no arbitration application is filed, the parties will still put a description of their dispute and relevant facts in writing for the benefit of the mediators. All parties will be given copies of these descriptions.
- e. Any party may elect to bypass the mediation conference in which case the matter will be scheduled for an arbitration hearing. If some but not all parties agree to mediation, the parties may agree to mediate with the consenting parties and proceed to arbitrate with the remaining parties.
- f. If the parties elect to submit the dispute to a mediation conference, the Board shall forward copies of the complaint and response (or description) with supporting documentation to the mediator. The Board will select a mediator and set a date and place for the mediation conference.
- g. Once a date for the conference has been determined, there shall be no postponement except at the discretion of the mediator. If any party fails to appear, an arbitration hearing shall be scheduled to hear the dispute between the appropriate parties.
- h. If the parties come to an agreement, they shall execute a Mediation Agreement and Stipulated Arbitration Award or other written agreement reflecting their settlement. The mediator shall forward the form or agreement to the Board.

If the mediation agreement so provides, the Board will cancel any arbitration filed and refund the arbitration filing fees according to the usual procedures. If the parties do not resolve the dispute, the mediator shall advise the Board that mediation was not successful and the Board shall proceed to schedule an arbitration hearing.

- i. By electing mediation, the parties can avoid arbitration where they will have no control over the decision.