

Frequently Asked Questions about the Lancaster County Association of Realtors®

DISPUTE **R**ESOLUTION **S**YSTEM

A Mediation Program for Home Buyers & Sellers

Q: What are the most common issues in mediation?

A: Just as in lawsuits, the most common issues involve matters of property defect, disclosure and communication.

Q: If mediation is elected on an agreement of sale, must we mediate?

A: No. Parties to a dispute are always free to negotiate a solution. If they are unable to do this, mediation offers a “good faith” opportunity to resolve the matter before litigation.

Q: Can I settle the problem without mediation?

A: Typically, yes. Most problems are resolved by direct negotiation, especially with the help of the Realtors®. In those rare instances where agreement is not reached in this way, mediation provides an additional option for resolution.

Q: Who are the mediators?

A: Every approved mediator is either an attorney or a Realtor® or individual with specialized mediation training and experience. No mediator may have a vested interest in the outcome or a conflict of interest with either party.

Q: Can I choose my own mediator?

A: Yes. You and the other party(ies) will receive a list of all mediators who are approved by LCAR. You may strike off any names you choose. A mediator will be assigned from the names remaining on both lists.

Q: If the mediator makes no judgement, what do they do?

A: The mediator provides a safe forum where everyone has the opportunity to be heard. The mediator will help list the issues to be resolved, keep the discussion focused on those issues, help generate and explore options for agreement and assist parties in making agreements that work for them both.

Q: How much will it cost?

A: You will be furnished with the fees charged by each mediator. Generally, the fee for a mediation session is about \$200 - \$300. This fee is split equally between the parties involved in the mediation.

Q: By agreeing to mediation, am I giving up my right to file a lawsuit?

A: No. You are only agreeing to try to resolve the matter before suing.

Q: Do I need an attorney?

A: Although parties to the mediation have the right to be represented by counsel, attorneys do not have to participate in the conference. Parties may consult legal counsel if they have any questions or concerns about mediation.

Q: Does mediation sometimes raise frivolous or trivial matters to be mediated?

A: No. If a situation is of sufficient concern that a party seeks mediation, conceivably they would also consider litigation. Mediation gives an expedient, cost-effective alternative to litigation.

Q: Does the mediation process survive settlement?

A: Yes. Just like litigation, a problem which cannot be resolved through negotiation by the parties can be subject to mediation after settlement.

Q: Am I bound to the results of the mediation?

A: Yes. Once the parties agree on a solution, it will be reduced to writing (typically at the time of the mediation conference), signed by the parties and binding. Unlike arbitration, the mediator does not make a decision, the parties reach an agreement.

Q: Does mediation work?

A: When both parties enter mediation with an open mind and a “good faith” effort to resolve the dispute, mediation will generally be successful.

Q: How long does mediation take?

A: Typically mediations are held within 60 days of the date that the mediator is agreed upon by both parties.

Q: Where are mediations held?

A: Typically mediation is held at the mediator’s office or another neutral sight.

Q: How do I initiate mediation?

A: Contact the Lancaster County Association of Realtors® at 1930 Harrington Drive, Lancaster, PA 17601. Phone (717) 569-4625. Fax (717) 569-5994. E-mail lcar@LCARonline.com