



# NORTH SHORE REALTORS®

North Shore REALTORS® offers Arbitration services through the Massachusetts Association of REALTORS® to brokers for the resolution of business disputes. If an Ethics Complaint is filed with an Arbitration Request the Arbitration Request is processed first. The Code of Ethics requires that REALTORS® file a request for arbitration before litigation.

If there are any questions about proper filing procedure the NSR staff is available to assist either in person (398 Essex St Beverly MA 01915) or by phone at (978) 232-9410.

**Mediation** is offered as a dispute resolution alternative. Mediation is a confidential, non-adversarial process in which a trained neutral facilitator meets with the parties involved in a conflict and helps them reach a mutually acceptable agreement. In essence, mediation is a risk-free resolution process in which the parties have an opportunity to settle their dispute in a timely fashion through assisted negotiation. If voluntary, mutually-agreeable terms are not reached through the mediation process, the parties' right to arbitrate the dispute is preserved.

The ***General Instructions for Filing*** provides timelines and submission process for filing an Arbitration Request. The document also details responding to an Arbitration Request and the Arbitration filing fee of \$500 (five hundred dollars).

The National Association of REALTORS® ***Code of Ethics and Arbitration Manual*** is the governing document for arbitration policies and procedures. The following referenced forms can all be found within. You can download the manual on the NSR website.

***Appendix II to Part Ten - Arbitration Guidelines*** outlines the points of consideration for a Hearing Panel in Arbitration. These guidelines may be helpful when reviewing your Arbitration Request.

The ***Form #A-1 Request and Agreement to Arbitrate*** is the document that needs to be completed and submitted to initiate an Arbitration Request. Attached to the A-1 Form should be a narrative description of the transaction on which the dispute is based as well as the rationale and any evidence of why the filing party should be entitled to the monies in dispute. All references to listing agreements, contracts, or other material should be documented by supplying copies of each with clear demarcation as exhibits (Exhibit A, Exhibit B, and so on). The submission of this form must occur within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence or within 180 days after the conclusion of the transaction, whichever is later.



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## **GENERAL INSTRUCTIONS FOR FILING AND REPLYING TO ARBITRATION**

### **FILING A REQUEST FOR ARBITRATION**

A request for arbitration must include the appropriate form (A-1), be typewritten, and accompanied by the required filing fee. An arbitration request should include a detailed narrative description of the events leading up to the transaction on which the dispute is based and should present the rationale and any evidence as to why the filing party should be entitled to the monies in dispute. All references to listing agreements, contracts, etc. should be documented by supplying copies of same and each should be clearly marked as an exhibit (Exhibit A, Exhibit B, etc.). All arbitration requests must be filed within one hundred eighty (180) days after the closing of the transaction or 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. The Massachusetts Association of REALTORS® processes arbitration requests for North Shore REALTORS®.

### **GRIEVANCE COMMITTEE**

A request for arbitration will be referred to the MAR Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred for a hearing; if not found to constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee together with information advising the complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.

### **RESPONDING TO A REQUEST FOR ARBITRATION**

If there is to be a hearing, respondent will have fifteen (15) days after service of copy of complaint to make reply to it. A response to an arbitration request must include the appropriate form (A-4), be typewritten, and accompanied by the required filing fee. A reply to an arbitration request should state the rationale and any evidence as to why the responding party should be entitled to the monies in dispute. All references to listing agreements, contracts, etc., should be documented by supplying copies of the same and each should be clearly marked as an exhibit (Exhibit A, Exhibit B, etc.). Ten (10) copies of the reply should be submitted to enable the Association to provide one to each complainant and to members of the Hearing Panel.

### **HEARING**

A copy of the reply will be sent to the complainant. The date for hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.

### **ARBITRATION FILING FEE POLICY**

Parties to an arbitration will submit a filing fee of \$500.00 (five hundred dollars). Should the parties successfully settle their business dispute through mediation, each party shall receive a refund of \$450 (four hundred and fifty dollars). In the event the dispute goes forward to an arbitration hearing, the non-prevailing party in the arbitration will forfeit their \$500.00 (five hundred dollar) filing fee and the prevailing party in the arbitration will receive a refund of their \$500.00 (five hundred dollar) filing fee.