



DISPUTE RESOLUTION SYSTEM (DRS) MEDIATION / ARBITRATION



BUYER-SELLER INFORMATION PACKET

When a dispute arises - The Buyer and Seller have agreed to mediate any dispute or claim arising out of or relating to the Arizona Association of REALTORS® (“AAR”) Residential Resale Real Estate Purchase Contract (“RPC”) in accordance with the REALTORS® Dispute Resolution System (see Section 7c of the RPC), or as otherwise agreed. All mediation costs shall be paid equally by the parties.

Residential Resale Real Estate Purchase Contract >>

- 7c. 286. **Alternative Dispute Resolution (“ADR”)**: Buyer and Seller agree to mediate any dispute or claim arising out of or relating to this
287. Contract in accordance with the REALTORS® Dispute Resolution System, or as otherwise agreed. All mediation costs shall be paid
288. equally by the parties. In the event that mediation does not resolve all disputes or claims, the unresolved disputes or claims shall be
289. submitted for binding arbitration. In such event, the parties shall agree upon an arbitrator and cooperate in the scheduling of an
290. arbitration hearing. If the parties are unable to agree on an arbitrator, the dispute shall be submitted to the American Arbitration
291. Association (“AAA”) in accordance with the AAA Arbitration Rules for the Real Estate Industry. The decision of the arbitrator shall be
292. final and nonappealable. Judgment on the award rendered by the arbitrator may be entered in any court of competent jurisdiction.
293. Notwithstanding the foregoing, either party may opt out of binding arbitration within thirty (30) days after the conclusion of the
294. mediation conference by notice to the other and in such event either party shall have the right to resort to court action.

When mediation is not successful - In the event that mediation does not resolve all disputes or claims, according to the RPC, the unresolved disputes or claims shall be submitted for binding arbitration.

(NOTE: Either party may opt out of binding arbitration within thirty (30) days after the conclusion of the mediation conference by notice to the other. In such event, either party shall have the right to resort to court action).

Benefits of the DRS Program

- Faster than litigation
- Less expensive than litigation
- In mediation, parties do not forfeit their legal rights to arbitrate or litigate if mediation is unsuccessful
- Parties actively participate in the process
- In mediation, the parties control the outcome

DISPUTE RESOLUTION SYSTEM RULES AND PROCEDURES

1. Agreement of Parties

These DRS Rules and Procedures shall apply when the parties have agreed in writing to mediation under the Dispute Resolution System (DRS) Program. By mutual written agreement of all parties to the claim, any specific provision of these DRS Rules and Procedures pertaining to mediation may be modified.

2. Initiation of Mediation

Any party may initiate mediation by completing, signing and mailing the original Request to Initiate Mediation/Arbitration form to the mediator and copies to AAR and all other parties. The form shall contain or be accompanied by the following information, to the extent known or readily available:

- a. A fully executed copy of the agreement containing the mediation clause, or in the absence of a contract clause or other such written agreement, a written request.
- b. The names, addresses and telephone numbers of the parties to the case, including the name of every insurance company known to have received notice of the dispute or claim and the corresponding insurance company file or claim number
- c. Nature and amount of the claim (brief statement of the facts that give rise to the claim, the damages of relief sought)
- d. Preferred place and time of hearing.

3. Selection of Mediator

No person shall serve as mediator in any dispute if that person has any financial or personal interest in the results of the mediation unless, after full disclosure, the parties have given their written consent.

4. Time and place of Mediation Conference

Within ten (10) days of appointment, the mediator and the parties shall set the date, time and place of the mediation conference provided, however, such date shall not be more than sixty (60) days from the date of receipt of the DRS Request to Initiate Mediation/Arbitration form, and shall allow for not less than twenty (20) days advance notice of the conference, which notice shall be given by the mediation vendor to all parties.

5. Conduct of Mediation Conferences

At the mediation conference, the parties will be expected to produce all information reasonably required for the mediator to understand the issue presented. Such information will usually include relevant written materials and a description of any witnesses and what each could testify to. For more complex cases, the mediator may ask the parties for written materials or information in advance of the mediation conference.

At the mediation conference, the mediator will conduct an orderly settlement negotiation. Parties at the mediation conference shall have authority to enter into and sign a binding written agreement to settle the dispute. The mediator will be impartial in such proceedings and has no authority to force the parties to agree to a settlement.

6. Representation by Legal Counsel

Any party may be accompanied by and represented at the conference by legal counsel. In the interest of fairness, however, a party who intends to be represented by legal counsel shall notify the mediator and other parties of such intent at least ten days in advance of the conference.

7. Confidentiality

No aspect of the mediation shall be relied upon or introduced as evidence in any arbitration, judicial or other proceeding, including but not limited to:

- a. Views expressed or suggestions made by a party with respect to a possible settlement of the dispute
- b. Admissions made in the course of the mediation
- c. Proposals made or views expressed by the mediator or the response of any party thereto

8. Mediated Settlement

The mediated settlement must be reduced to writing by the mediator, then dated and signed at the mediation conference by all parties agreeing to its terms, but in no event shall the settlement be signed later than ten days after the conclusion of the mediation conference.

9. Judicial Proceedings and Immunity

Neither AAR, the mediator, nor the NATIONAL ASSOCIATION OF REALTORS® or any of its member boards, shall be deemed “necessary parties” in any judicial proceedings relating to mediation under these DRS Rules and Procedures or liable to any party for any act, error or omission in connection with any service or the operation of the Dispute Resolution System.

10. Mediation Fees

Mediation fees shall be in accordance with the published fee schedule.

STEPS TO INITIATE MEDIATION

Call your broker or sales agent - Your broker or sales agent can be instrumental in resolving conflicts and disputes. Talk with your broker or sales agent before you initiate mediation proceedings.

Consult your attorney - You may want to inform your attorney of your intent to initiate mediation under the DRS Rules. Your attorney will be able to provide you with advice and counsel — and may be able to help you resolve the dispute without having to proceed to mediation.

Initiating mediation - When all attempts to negotiate a settlement have failed, you should proceed as follows:

- **Choose a Mediator**

You may select a mediator from the list on pages 9 through 16. For assistance, contact your sales agent or broker. If your dispute is with the sales agent or broker, call the Arizona Association of REALTORS® at 602-248-7787 as the process is different.

- **Initiate Mediation**

1. Complete and sign the Request to Initiate Mediation/Arbitration form on page 8.
2. Mail or fax the original form and required attachments to the mediation provider.
3. Mail a copy of the form and its attachments to:
 - a. The Arizona Association of REALTORS®
 - b. Your attorney (if any).
 - c. The other parties

Upon receipt of your request, the mediator will contact all parties named and will schedule the mediation conference in accordance with DRS Rules and Procedures.

STEPS TO INITIATE ARBITRATION

- **Choose an Arbitrator**

Should mediation of your dispute not be successful, you have the option to continue to arbitration unless one of the parties opts out. There may be an arbitrator in your area. Contact the arbitrator from the list on pages 9 through 16, and ask if they provide arbitration services. You may also contact the American Arbitration Association through their website at www.adr.org or call the local office at 602-734-9333. For assistance, contact your sales agent or broker. If your dispute is with the sales agent or broker, call the Arizona Association of REALTORS® at 602-248-7787.

- **Initiate Arbitration**

1. Complete and sign the Request to Initiate Mediation/Arbitration form on page 8.
2. Mail the original form and required attachments to the arbitrator.
3. Mail a copy of the form and its attachments to:
 - a. The Arizona Association of REALTORS®
 - b. Your attorney (if any).
 - c. The other parties.

Upon receipt of your request, the arbitrator will contact all parties named and will schedule the arbitration hearing. If arbitration is going to be initiated with the American Arbitration Association, please contact the local office at 602-734-9333 or visit their website at www.adr.org.

SPECIAL NOTE:

Many of the mediation providers listed in this packet also provide arbitration services. If the parties have attempted a mediation and failed and are proceeding to arbitration, the mediation provider may choose not to provide arbitration services to parties with whom they have attempted to mediate. If your mediation conference is not successful, please be sure to ask your mediation provider if they will arbitrate the matter for you or if you should select another arbitrator.

FREQUENTLY ASKED QUESTIONS

Q: What is mediation?

A: Mediation is a non-adversarial process that brings disputing parties together with a neutral, unbiased third party (mediator) who assists the parties in reaching a mutually agreeable settlement of the dispute. The mediator does not render decisions or impose sanctions. Settlement terms reached and agreed to by the parties during the mediation become binding when parties sign a written settlement agreement.

Q: How does mediation differ from arbitration?

A: An arbitrator has the authority to render a binding decision, similar to a judge in a court of law. The parties, therefore, forfeit their right to have their dispute tried in a court of law. Mediators, on the other hand, have no authority to render a decision but merely assist the parties to arrive at a mutually agreeable solution. If the parties fail to reach a settlement, they are free to pursue other forms of dispute resolution including arbitration and litigation. In successful mediations all parties have a part in working out the terms of the eventual settlement and must agree to the final outcome for it to be enforceable.

Q: If a party signs a contract or an addendum that contains a mediation clause, is the party required to mediate if a dispute arises?

A: Yes. The signed agreement to mediate is binding and parties must submit the dispute to mediation. The agreement to mediate does not bind the parties to results that might be achieved during mediation, and parties retain the right to go to court in the event that mediation is unsuccessful. If a settlement is reached during mediation it becomes binding only when it is put into writing and signed by all the parties. Once the parties have signed a written settlement agreement, they are legally bound to abide by its terms and cannot subsequently litigate the dispute.

Q: Who are the mediators?

A: DRS mediators are licensed attorneys who have absolutely no personal interest in the outcome of the mediation.

Q: Do the parties involved in a dispute have the option of choosing the mediator who will mediate their dispute?

A: Yes.

Q: What types of disputes can be mediated?

A: Almost any type of dispute between or among buyers, sellers, brokers and other parties to a real estate transaction can and should be mediated. These include: disputes over earnest money deposits, e.g., who gets the deposit if the sale falls through; cost of repairs to property when there is a question of possible negligence or failure to disclose a known defect, e.g., a defective roof or termite infestation; claims for damages when there is a charge of possible misrepresentation concerning the condition of the property, e.g., central air conditioning was never connected to the new addition on the house.

Q: Are there any types of disputes that can't be mediated under DRS?

A: Yes. Disputes that cannot or should not be mediated under the DRS Mediation Rules include: disputes that involve extremely complex legal issues or allegations of criminal misconduct, violations of a state's real estate license laws, disputes and controversies including disputes between REALTORS® that are subject to arbitration or hearing before a Professional Standards panel, and disputes that are not directly connected to a real estate transaction.

Q: Who pays for the mediation?

A: Parties are free to negotiate their own arrangements. In most cases, parties split mediation fees equally.

Q: How much does mediation cost?

A: The cost of mediation varies depending on the size of the claim, the complexity of the issues, and the mediator. Fees are established by the mediator and can range anywhere from \$50 to \$1,500. It is important to note that because the fee is usually split among the parties, no party pays an excessive amount.

Q: How long does the whole process take?

A: Under the DRS Rules, the mediation conference must be held within sixty (60) days from the date on which the mediator receives the “Request to Initiate Mediation/Arbitration form” from the party initiating mediation. Most mediation conferences, however, are scheduled and conducted within 30 days. The typical mediation conference lasts from between 1 to 4 hours, and a second conference is rarely needed.

Q: Can parties be represented by legal counsel?

A: Yes. DRS Rules and Procedures state that any party may be represented by legal counsel. If a dispute involves a small sum and does not raise complex issues, parties may choose not to be represented by legal counsel which means that a party does not have to pay the attorney to attend the mediation conference. The Rules and Procedures also state that all parties must be notified, in advance of the mediation conference, of another party's intention to be represented by legal counsel.

Q: Can commission disputes between REALTORS® be mediated under DRS?

A: No. Disputes that are normally arbitrated under Article 14 of the REALTOR® Code of Ethics are specifically excluded from mediation under the DRS Rules. However, these disputes may be mediated through the REALTOR® Mediation program (see: <http://www.aaronline.com/Disputes/Mediation.aspx>)

Q: Can DRS be used to resolve disputes for commercial real estate transactions?

A: Yes. Provided all parties in the dispute agree to mediate the dispute under the DRS Rules and Procedures.

AAR - REQUEST TO INITIATE MEDIATION/ARBITRATION

Date: _____ ☐ Mediation ☐ Arbitration

Mediator/Arbitrator Information:

Name: _____

Phone: _____ Email: _____

Participant #1 (Party requesting mediation/arbitration):

Name: _____ ☐ Buyer ☐ Seller

Address: _____

Phone: _____ Email: _____

Legal counsel (if any): Name/address/contact phone number/email address

Participant #2 (Other party to be included in mediation/arbitration):

Name: _____ ☐ Buyer ☐ Seller

Address: _____

Phone: _____ Email: _____

Legal Counsel (if any): Name/address/contact phone number/email address

Participant #3 (Other party to be included in mediation/arbitration):

Name: _____ ☐ Buyer ☐ Seller

Address: _____

Phone: _____ Email: _____

Legal counsel (if any): Name/address/contact phone number/email address

Briefly describe your claim: _____

Amount of money involved: \$ _____

Court Proceedings: The standard Arizona Association of REALTORS® Residential Resale Real Estate Purchase Contract, at Section 7c, requires mediation before resorting to arbitration and most court proceedings. However, if any formal court proceedings have been filed in this matter, provide:

Name of party who commenced court proceedings: _____

Court case #: _____

Name/address/contact phone number/email address of legal counsel, if any:

*** Please mail copies of this form to:

1. Your chosen Mediator/Arbitrator
2. Arizona Assoc. of REALTORS® attn: Dispute Resolution System Liaison
255 E. Osborn Road, Suite 200, Phoenix, AZ 85012

**Arizona Association of REALTORS®
DRS Mediators/Arbitrators**

Phoenix Metro Area

Timothy P. Burr, Esq.

3104 East Camelback Road, #712, Phoenix 85016

602-402-0623

Email: tburr@tburrlaw.com

Website: tburrlaw.com

BIO:

Timothy P. Burr is a full time member of the faculty at Arizona State University College of Law where he serves as Director of the Foreclosure Mediation Unit of the Lodestar Dispute Resolution Program. He maintains a limited private practice focusing in the area of real estate law and conducting mediations and arbitrations. He has extensive experience representing buyers, sellers, developers, investors, lenders and business owners in a wide variety of real estate, financing and commercial engagements. Mr. Burr completed his initial Alternative Dispute Resolution training at the Straus Institute for Dispute Resolution, ranked as the number one dispute resolution program in the country by U.S. News and World Report. He has participated in further ADR training courses including attending the Advanced Commercial Mediation Institute. In addition to serving as a court appointed arbitrator in numerous cases, he is a member of the American Arbitration Association Commercial Mediation and Commercial Arbitration Panels, has served on the State Bar of Arizona legal fee arbitration panel, and is a volunteer mediator for the Office of the Arizona Attorney General and the Maricopa County Justice Court. In addition to Mr. Burr's law firm experience with Jennings Strouss and Fennemore Craig, several of the oldest, largest and most distinguished law firms in Arizona, he has worked for a publicly traded real estate and hotel company, a developer of master planned communities and prior to attending law school as a real estate consultant at two Big Six accounting firms. He is a member of the Board of Directors of the Association for Conflict Resolution and a former member of the Board of Trustees of the Maricopa County Bar Foundation. Mr. Burr received a law degree from Pepperdine University School of Law and an economics degree from Arizona State University.

FEE: \$300.00 per hour

Christopher J. Charles

Davis Miles, PLLC

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480-733-6800

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Website: www.davismiles.com

BIO:

Christopher obtained his B.A. in finance from the W.P. Carey School of Business, Arizona State University. Following business school, he obtained his Juris Doctor from the University of San Diego School of Law. While at USD, Christopher served as Associate Editor of the *University of San Diego International Law Journal*.

Mr. Charles is a former AAR Hotline Attorney. Prior to joining Davis Miles, PLLC, Mr. Charles practiced real estate law with the Combs Law Group, P.C. for nearly four years where he served as Chair of the Litigation Department. Aside from representing REALTORS® and homeowners in legal disputes, Christopher also serves as Judge *Pro Tem* for the Arizona Superior Court, Maricopa County. Christopher's legal career has focused on real estate and commercial litigation. Today, he represents Arizona's real estate brokers and agents in disputes ranging from breach of contract to professional licensing issues. Christopher also provides legal representation to real property owners and builders, including foreclosures, loan modifications, landlord tenant issues, zoning issues, misrepresentation claims, title issues and disputes with the Registrar of Contractors.

Christopher is licensed to practice law in the Arizona State Courts and the United States District Court, District of Arizona. Christopher is a member of the State Bar of Arizona Civil Jury Instructions Committee and co-chair of the forcible entry and detainer sub-committee. He is also a member of the State Bar of Arizona Real Property Section. He serves his community as a member of the Phoenix Salvation Army Advisory Board.

FEE: \$275.00 per hour

Deposit: 2 hours - \$550.00

Chris A. Combs

2200 E. Camelback Rd., Suite 221, Phoenix, AZ 85016

602-957-9810**Email:** chris@combslawgroup.com**Website:** www.combslawgroup.com**BIO:**

Chris graduated from Arizona State University with a B.S. in Political Science with honors. He received his Juris Doctor, with honors, from the University of Arizona where he was a member of the Law Review. After law school, Chris was a Captain, Judge Advocate Division, U.S. Marine Corps.

Chris served as President of the Maricopa County Bar Association and as President of the Phoenix Symphony Council. He is a State Bar of Arizona certified real estate specialist and an Arizona licensed real estate broker.

He writes a regular column for the Arizona Republic and the Arizona REALTOR® Digest. Chris is a former member of the Pittsburgh Pirates minor league baseball organization.

FEE: \$425.00 per hour**Deposit:** \$1,000.00**Adam B. Decker, Esq.**

Finter Decker, PLLC

1640 S. Stapley Drive, #127, Mesa, AZ 85204

480-779-6262**Fax:** 480-779-6265**Email:** adam@finterdecker.com**Website:** www.finterdecker.com**BIO:**

Adam Decker, Esq. is a skilled real estate, commercial litigation, and construction law attorney. His clients range from individuals and closely held businesses to large companies. Adam has served as an AAR Legal Hotline attorney. He has represented his clients in a variety of real estate disputes, including commission disputes, licensing issues before the Arizona Department of Real Estate, buyer/seller disclosure disputes, breach of residential/commercial purchase contract claims, advertising regulations, title disputes, and landlord/tenant disputes to name a few. Adam also serves as a Judge *Pro Tem* for the Arizona Superior Court in Maricopa County on the civil docket. Further, as an adjunct to his responsibilities as a Judge *Pro Tem*, he serves as a settlement judge for the Alternative Dispute Resolution (ADR) office of the Superior Court. Also, Adam is "AV rated", the highest rating given through Martindale Hubble's® Peer Review Ratings System. That rating comes from a survey of fellow attorneys and judges. Adam is pleased to enjoy this positive reputation.

FEE: \$175.00 per hour**Travel:** .40 per mile**Aaron M. Finter, Esq.**

Finter Decker, PLLC

1640 S. Stapley Drive, #127, Mesa, AZ 85204

480-779-6262**Fax:** 480-779-6265**Email:** aaron@finterdecker.com**Website:** www.finterdecker.com**BIO:**

Aaron received his law degree from the Washburn University School of Law, where he graduated with honors. He began his practice of law with a large firm in St. Louis, Missouri. After relocating to Arizona in 2003, Aaron focused his practice on real estate and commercial litigation matters. Aaron has represented homeowners, real estate professionals, title companies, lenders, landlords, tenants and contractors. Aaron has assisted clients in cases dealing with residential/commercial purchase contracts, residential/commercial leases, licensing issues, land subdivision, title issues, property taxes, construction defects and mechanic's liens. Aaron is a member of the State Bar of Arizona. He has also been licensed to practice before the Kansas State Bar, the United States District Court, District of Kansas, Missouri State Bar, and United States District Court, Eastern District of Missouri. Additionally, Aaron holds an active real estate license in Arizona, and is a member of the Southeast Valley Regional Assoc. of REALTORS®. Aaron presently has the privilege of serving on the board of the Phoenix chapter of a national non-profit legal society.

FEE: \$175.00 per hour**Travel:** .40 per mile

Renee B. Gerstman

Jaburg & Wilk, P.C.

3200 N. Central Ave., Suite 2000, Phoenix, AZ 85012

Email: rbg@jaburgwilk.com**602-248-1049****Fax:** 602-248-0522**Website:** www.jaburgwilk.com**BIO:**

Renee is an AV-rated Attorney with the law firm of Jaburg & Wilk, P.C. with over 26 years of experience in real estate, construction, business transactions, shareholder and partnership documents and disputes, business disputes, contracts and collections. Her real estate experience includes litigation of residential and commercial property rights and title matters, deficiency actions, negotiation and drafting of purchase and sale agreements, real-estate related documents and review of lending documents. She is a certified Mediator and is on the American Arbitration Association roster of commercial neutrals. She regularly arbitrates and mediates business and real estate disputes including complex commercial litigation involving mergers, contracts, statutory analysis, shareholder disputes and corporate matters. In addition, Renee has chaired the Fee Arbitration Committee of the State Bar of Arizona and is presently serving on the Executive Board of the ADR Section of the State Bar of Arizona. She is a fellow with the Litigation Counsel of America. Renee obtained her B.A. degree *cum laude* from Barnard College of Columbia University and her J.D. from Northeastern University School of Law.

FEE: \$300.00 per hour**Alona M. Gottfried, Esq.**

8160 E. Butherus Dr., Suite 7, Scottsdale 85260

Email: alona@sglawaz.com**480-998-1500****Website:** www.azmediator.com**BIO:**

Alona M. Gottfried is a Mediator and an Attorney with the law firm of Simmons & Gottfried, PLLC. She is experienced at facilitating resolutions to conflict. A native of Arizona, Ms. Gottfried obtained her bachelor's degree in psychology from Arizona State University (Summa Cum Laude; Phi Beta Kappa) and her law degree from the College of Law at Arizona State University (Cum Laude). She has received advanced mediation training at Pepperdine School of Law's prestigious Straus Institute for Dispute Resolution and has served as an executive officer of the Arizona Dispute Resolution Association. Ms. Gottfried has also taught mediation to new and experienced Mediators across the state.

FEE: \$250.00 per hour**Aaron M. Green**

2200 E. Camelback Rd., Suite 221, Phoenix 85016

Email: aaron@combslawgroup.com**602-957-9810****Website:** www.combslawgroup.com**BIO:**

Aaron is an Arizona native born in Tucson. He obtained his Bachelor of Arts in Political Science at the University of Arizona in 1996. Aaron earned his Juris Doctor from Arizona State University, College of Law. During law school, Aaron served as an Associate Articles Editor for the Arizona State Law Journal. Aaron is a former licensed Mortgage Broker in both Arizona and California.

FEE: \$275.00 per hour**Deposit:** 2 hours - \$550.00**Frank Hanna, Esq.**

16220 East Balsam Drive, Fountain Hills 85268

Email: fhanna@compuserve.com**480-816-0568****Website:** www.mediation-agency.com**BIO:**

Frank Hanna is a native of Ireland and has been a practicing lawyer for over thirty years, specializing in commercial, injury, employment and real estate matters. Recently he has assisted the EEOC and the attorney general's office in mediation of diverse matters as well as working in private practice. His training in mediation was at Harvard Law School and he has mediated many complex cases over the past 10 years. He is also a teacher of mediation and is certified by the Arizona Dispute Resolution Association as a teaching resource.

FEE: \$210.00 per hour**Travel:** .40 per mile**Preparation Time:** 2-hour minimum

Mr. Paul Jozef, Esq.

Center for Complete Communication
1401 E. Alice Avenue, Phoenix, AZ 85020

Email: Paul@CenterForCC.com

602-674-0130

Website: www.CenterForCC.com

BIO:

Paul is a full time mediator and certified communications trainer who has successfully resolved hundreds of real estate and business disputes including those involving earnest money, misrepresentation, non-disclosure, home defects, financing, construction issues and various forms of breach of contract. Paul uses expertise in law and communications to help parties clarify issues, be heard and understood, and find mutually satisfying solutions. Paul practiced law for over eleven years, handling real estate transactions, business transactions and civil litigation. He left his law practice and in 1999 founded the Center for Complete Communication, where he conducts mediations and provides training in communication and conflict resolution. Paul has provided hundreds of communication and conflict resolution trainings to mediators, attorneys, parents, teachers, doctors, homeowner's associations, business professionals, counselors, psychologists and social workers. Paul graduated Cum Laude with a law degree from the University of Wisconsin, with an emphasis on real estate studies. His undergraduate degree in Economics is also from the University of Wisconsin. He received years of communication and mediation training from the International Center for Nonviolent Communication and was certified as a Nonviolent Communication trainer in 2003.

FEE: \$175.00 per hour

Deposit: \$175.00

Marc Kalish, Esq.

3219 E. Camelback Rd., PMB 437, Phoenix 85018

Email: marckalish@cox.net

602-956-3608

Website: www.arizonamediator.com

BIO:

Marc is a general civil litigation attorney with extensive state and federal trial and appellate court experience. From 1987 to 2005 Marc has served as Judge Pro Tempore of the Maricopa County Superior Court, Civil Division, including a full-time paid position for ten months in 1999. Marc is a neutral mediator with experience mediating and arbitrating numerous personal injury and commercial disputes including those involving construction defects, homeowner associations, real estate-related matters, and breach of contract claims.

FEE: \$300.00 per hour

Deposit: 2-hours required from each party

Amy Lieberman, Esq.

Insight Employment Mediation
8149 North 87th Place, Scottsdale 85258

Email: amy@insightemployment.com

480-246-3366

Fax: 480-246-3209

Website: www.insightemployment.com

BIO:

Amy is a full-time mediator and arbitrator who has successfully resolved many cases under AAR's Dispute Resolution System. She serves as an instructor for the Phoenix Association of REALTORS®, teaching mediation and conflict resolution skills to REALTORS®. Her practice is devoted to "alternative dispute resolution" of real estate, contract and employment disputes. Amy is an approved mediator and arbitrator for numerous organizations, including the American Arbitration Association and the U.S. Equal Employment Opportunity Commission. She served as a judge pro tem for the Superior Court, and is a past chair of the State Bar ADR Committee. Amy has repeatedly been listed in the Best Lawyers in Arizona, and Southwest Super Lawyers in ADR, and is the author of the book, Mediation Success: Get it Out, Get it Over, Get Back to Business.

FEE: \$350.00 per hour

Deposit: \$350.00

Richard V. Mack

Mack, Drucker & Watson, PLC
3200 N. Central Ave., Suite 1200, Phoenix 85012

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602-778-9900

Website: www.mackdruckerwatson.com

BIO:

Richard V. Mack is a shareholder at Mack, Drucker & Watson, PLC. He is a State Bar of Arizona Board Certified Real Estate Specialist and AV rated by Martindale Hubbell. Mr. Mack practices commercial litigation with an emphasis on real estate litigation. He is admitted to practice in the state and federal courts of Arizona and before the 9th Circuit Court of Appeals. Mr. Mack received his Juris Doctor from the University of Arizona where he was on the Dean's List.

Mr. Mack is recognized as a Southwest Super Lawyer and was named a sustaining member of Arizona's Finest Lawyers in 2010. Mr. Mack has defended real estate agents and brokerage firms in over 1000 civil litigations in every county in the State of Arizona.

FEE: \$225.00 per hour

Adam D. Martinez

Combs Law Group
2200 E. Camelback Rd., Suite 221, Phoenix 85016

Email: adam@combslawgroup.com

602-957-9810

Website: www.combslawgroup.com

BIO:

Adam D. Martinez is a real estate litigation attorney at Combs Law Group, P.C., a specialized boutique real estate law firm. Adam has extensive experience as an AAR Hotline attorney where he has provided hundreds of hours of legal advice regarding contract interpretation and other real estate related issues. Adam regularly speaks and writes on real estate legal issues. His writings can be found in various publications including, the Arizona Real Estate Law Journal, the Arizona Attorney Magazine and the AAR REALTOR® Digest. In addition to his legal practice, Adam is also certified by the Arizona Department of Real Estate as a real estate course instructor, and regularly teaches classes in contracts, disclosure, and other subjects to real estate professionals.

FEE: \$275.00 per hour

Deposit: 2 hours - \$550.00

Judge Bruce Meyerson (Ret.)

3101 N. Central Ave., Suite 840, Phoenix 85012

Email: bruce@brucemeyerson.com

602-277-4585

Fax: 602-254-0656

Website: www.brucemeyerson.com

BIO:

Judge Meyerson is a full-time mediator and arbitrator in Phoenix and has successfully resolved over 3000 cases in mediation and arbitration. Before entering private practice, he was a judge on the Arizona Court of Appeals and served as the general counsel of Arizona State University. He has a diverse mediation practice in all aspects of civil, commercial and real estate disputes. He teaches mediation, arbitration and alternative dispute resolution at the Arizona State University College of Law. He writes and trains extensively on the subject of alternative dispute resolution; he has been selected by the Arizona Court of Appeals and the Maricopa, Pima and Coconino County Superior Courts to train their judges in mediation skills. He is a past chair of the American Bar Association Section of Dispute Resolution, the world's largest organization of dispute resolution professionals.

FEE: \$200.00 per hour (when parties are not represented by counsel.)

Leah Pallin-Hill

Mediation and Arbitrations Services, PLLC
2375 E. Camelback Rd., Suite 600, Phoenix 85016

Email: leahpallinhill@aol.com

602-387-5323

Website: www.leahpallinhill.com or
www.divorcemediationarizona.com

BIO:

Leah Pallin-Hill left the Maricopa County bench in May 2002, where she was a commissioner and a judge pro tem for five years, to open her office, Mediation and Arbitration Services, PLLC. Leah is committed to ADR and has had over 150 hours of mediation training including Mediating the Litigated Case, Mediating Construction Disputes and Advanced Family Mediation at the Pepperdine College of Law.

Leah has settled over 1300 cases both at the court and in private practice and has a 97% settlement rate. She is a member of the State Bar Executive Council of the Family Section and a former member of the Executive Council of the Alternative Dispute Resolution Section. Leah speaks frequently at seminars about Alternative Dispute Resolution. Immediately prior to appointment to the bench in 1997, Leah was a general civil litigator at the law firm of Gallagher and Kennedy. She graduated cum laude from both Brooklyn College and the Arizona State University College of Law and was a law clerk for former Vice Chief Judge Eino Jacobson at the Arizona Court of Appeals and former Chief Justice Stanley Feldman at the Arizona Supreme Court.

FEE: \$375.00 per hour (but will adjust if parties have financial challenges.)

Deposit: \$750.00 each (of two hours from each side prior to the appointment)

Bruna E. Pedrini, Esq.

Fennemore Craig, PC

3003 N. Central Ave., Suite 2600, Phoenix 85012

602-916-5487**Fax:** 602-916-5687**Email:** bpedrini@fclaw.com**BIO:**

Ms. Pedrini practices in the areas of employment, fair housing, the Americans with Disabilities Act, public accommodations, accessibility construction, alternative dispute resolution and school law. For more than 15 years, she has represented a wide range of clients in sexual harassment, employment, retaliation, fair housing, disability and accessibility complaints from the Equal Employment Opportunity Commission, the U.S. Department of Justice, Arizona Attorney General's Office, the U.S. Department of Housing and Urban Development, the U.S. Department of Education Office of Civil Rights, and other regulatory agencies. Ms. Pedrini served as the chief counsel of the Civil Rights and Conflict Resolution Section for the state Attorney General's Office, serving with both Grant Woods and Janet Napolitano. Ms. Pedrini also counsels employers on employee discipline, accommodation of disabled individuals, leaves of absence, workplace violence, and other human resource policies and procedures. She has conducted compliance reviews of employee handbooks and human resources and EEO investigations, as well as provided trainings on various topics to managers and employees. She has served as a mediator and facilitator for more than 15 years and provides specialized mediation trainings for private sector, schools, and governmental clients. Ms. Pedrini also represents schools in discrimination complaints and Lau reviews, and has worked on disciplinary and truancy issues. Additionally, she has represented students in disciplinary and expulsion proceedings and conducted mediations under the IDEA. She also worked with the U.S. Department of Justice, the U.S. Department of Education Office of Civil Rights, and the National Association of Attorneys General to develop anti-discrimination policy manuals for schools, and was awarded the National Impact Award by the National Association of Attorney General for her work with NAAG and MTV on the Listening Conference on School Violence.

FEE: \$200.00 per hour (2 hour minimum)**Ari Ramras, Esq.**

Ramras Legal, PLC

5090 N. 40th St., Suite 165, Phoenix 85018

602-734-0179**Fax:** 602-445-9358**Email:** ari@ramraslegal.com**Website:** www.ramraslegal.com**BIO:**

Ari is a Judge Pro Tem for the Maricopa County Superior Court and is Certified as a Real Estate Law Specialist by the State Bar of Arizona Board of Legal Specialization. He is a member of the Real Property and Alternative Dispute Sections of the State Bar. He has a business degree from the University of Michigan Business School and a law degree from the University of Arizona College of Law. He received mediation training at the Program on Negotiation (PON) at Harvard Law School. He has litigated in federal district and appellate courts and at every level of state court, including the Arizona Supreme Court. He has also given seminars on escrow law and mediation.

FEE: \$295.00 per hour**Deposit:** 2 hours per party**Oliver Ross, J.D., Ph.D.**

Out-of-Court Solutions

8350 E. Raintree Dr. Suite A-205, Scottsdale 85260

602-404-1500**Fax:** 1-866-929-1985**Email:** oliver.ross@outofcourtsolutions.com**Website:** www.outofcourtsolutions.com**BIO:**

Oliver Ross, JD*, PhD founded Out-of-Court Solutions Inc. in 1995 and has since mediated over 1200 divorce, eldercare, family, prenuptial and workplace disputes. He also originated the Situational™ approach to mediation, an advanced method for mediating disputes quickly, caringly, and inexpensively. Dr. Ross is a select member of the Maricopa Superior Court Family Mediation roster. He is also an approved mediator for the U.S. Equal Employment Opportunity Commission and the Arizona Association of REALTORS®. Oliver is uniquely qualified as a mediator. He was a trial attorney for nineteen years and is still licensed to practice law in *California only; he operated a family-owned business for five years, and earned a Master's degree in clinical psychology in 1992 and a Doctorate in behavioral psychology in 1994. Oliver has achieved the prominent status of Advanced Practitioner Member of the National Association for Conflict Resolution in divorce, family and workplace matters, and from 2005-2006 was president of the Arizona chapter. Oliver has conducted numerous workshops and conflict resolution trainings for business enterprises, nonprofit organizations, and governmental agencies. Dr. Ross's book, *Situational Mediation: Sensible Conflict Resolution* has received wide acclaim.

FEE: \$340.00 per hour**Deposit:** \$340.00

Benjamin A. Skinner

Jackson White – Attorneys at Law
40 N. Center St., Suite 200, Mesa 85201
Email: bskinner@jacksonwhitelaw.com

480-464-1111
Website: www.jacksonwhitelaw.com

BIO:

Benjamin is an Arizona native raised in Mesa where he obtained extensive experience in the construction industry. He earned his Bachelor of Science degree at Arizona State University with heavy emphasis in Biology and Chemistry. Benjamin received his Juris Doctor from the University of Nevada, Las Vegas. During law school, he completed a judicial externship with the Honorable Michelle Leavitt in Clark County District Court.

FEE: \$275.00 per hour

Deposit: 2 hours - \$550.00

Amy Urness

Bar Urness, PLC
14901 N. Scottsdale Rd., Suite 302, Scottsdale 85254
Email: amy@barurness.com

480-718-5803 **Fax:** 480-718-5809

BIO: Amy M. Urness is a founding partner of Bar Urness, PLC. Prior to founding Bar Urness, Ms. Urness practiced at a civil and commercial litigation firm in Phoenix, Arizona. Her practice focuses primarily on family law issues and litigation. Ms. Urness earned her J.D. from California Western School of Law in San Diego, California. While attending law school, Ms. Urness externed for the Honorable Judge John C. Rea of the Maricopa County Superior Court Family Division and interned at a family law firm in San Diego, California.

FEE: \$225.00 per hour

Deposit: 2 hours - \$450.00

Phoenix School of Law**Mediation Clinic**

4041 N. Central Ave., Suite 100, Phoenix 85012
mediationclinic@phoenixlaw.com

602-464-7810

Tucson/Southern Arizona**Marian C. Abram, Esq.**

Karp & Weiss, PC
3060 North Swan Road, Tucson 85712
Email: mabram@karpweiss.com

520-325-4200

BIO:

An energetic, practical and results-oriented attorney. Extensive real estate/business transaction, litigation management and corporate generalist experience. Organized, efficient and able to coordinate multiple projects to meeting overlapping deadlines. Pro-active and self-actualized professional. Decisive team player with effective interpersonal and communication skills. Detail-oriented with strong decision-making and problem solving skills. Committed to professional ethics and integrity.

FEE: **Residential real estate disputes - Fee:** \$250.00 per hour (3-hour minimum)

Complex commercial lease or sale, land, income, or investment property disputes - Fee: \$275.00 per hour (4-hour minimum)

Suzanne L. Brei, Esq.

Brei Dispute Resolutions
4574 N. First Avenue, Suite 150, Tucson 85718
Email: suzanne@breidr.com

520-230-0960

BIO:

Suzanne Brei litigates, arbitrates and mediates cases in Arizona and California that involve disputes regarding complex, multi-party construction defect, real estate, professional malpractice, and general commercial litigation. Ms. Brei has represented agents, brokers, buyers, sellers, contractors, materials suppliers, subcontractors, individuals and other businesses. She serves as a judge *pro tem* for the Pima County Superior Court and, in that capacity, presides over

settlement conferences. Ms. Brei has over 15 years of experience in mediations, and arbitrations. She received her law degree from California Western School of Law and an English degree, *cum laude*, from the University of Alaska.
FEE: \$280.00 per hour

Jeffrey Minker, Esq.

860 W. Ina Rd., Tucson 85704-4405

520-797-7800

Email: jminker@dakotacom.net

BIO:

Jeffrey serves exclusively in mediation and arbitration since 1996. Prior to 1996, Jeffrey had 30 years of experience as a civil and criminal trial lawyer. Jeffrey served as a Judge Pro-Tempore in Pima County, Arizona since 1984 presiding over approximately 30 trials. As of December 2009, he has been a settlement judge, private mediator or arbitrator in over 1,500 cases and have a successful settlement rate over 95% in mediation. The mediations have involved areas of law including: securities (\$10,000,000 loss), security class actions (\$21,000,000 cash settlement), contracts (\$1,800,000), products liability, employment termination (\$600,000 settlement), real estate, construction defects (\$8,000,000 settlement), discrimination, sexual harassment (\$1,000,000 settlement), medical malpractice (\$4,000,000 settlement), dental malpractice (\$250,000 settlement, legal malpractice (\$16,000,000 claim), accounting malpractice, personal injury claims (\$4,500,000 settlement), insurance bad faith (underlying legal malpractice case) (\$5,500,000 settlement) and divorce cases (assets of \$25,000,000 to \$50,000,000--settled after six years of litigation and \$2,000,000 in attorney fees), and a dispute over family assets (\$19,000,000 settlement).

FEE: \$350.00 per hour (3 hour minimum)

Our Family Services

Community Mediation Program

3830 E. Bellevue St., Tucson 85716

520-323-1708, Ext. 504

www.ourfamilyservices.org

FEES:

\$50.00 per party non-refundable filing fee to be paid at time of request **and**

\$150 per party due on the date of the mediation for a total of \$200.00 per party which includes up to three (3) hours mediation time.

\$50.00 per hour additional mediation time per party

\$25.00 reschedule fee charged to party requesting new appointment.

Better Business Bureau of Tucson

434 S. Williams Blvd, Suite 102, Tucson 85711

520-888-5353, Ext. 106

FEES:

\$50.00 processing fee to be paid at time of request.

\$50.00 per party includes up to two (2) hours of mediation time.

\$20.00 per ½ hour thereafter per party, prorated at 15-minute increments.

Flagstaff/Northern Arizona

The Honorable Timothy G. Shaffer

117 E. Gurley St., Ste 121, Prescott 86301

928-778-4653

Email: shaffert95@yahoo.com

FEE: \$150.00 per hour (2 hour minimum)

Deposit: \$300.00 deposit split between parties