

Dispute Resolution System (DRS)



Berkshire County Board of REALTORS®, Inc. (413) 442-8049
Provided Courtesy of:

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Buyers or sellers who want to resolve differences among themselves or with a REALTOR can take advantage of the Berkshire County Board of REALTORS® endorsed dispute resolution system. This process is administered through our partner, The Berkshire Regional Housing Authority in Pittsfield, MA. The system aids in the settlement of differences between sellers and buyers, and between consumers and real estate practitioners, through mediation rather than costly and time-consuming litigation.

Are You Obligated to Mediate?

When buyers and sellers enter into standard Berkshire County Board of REALTORS® **Purchase and Sale Contract**, there is a clause that obligates both parties to mediation through DRS.

If the parties to a dispute are not parties to a standard Berkshire County Board of REALTORS® purchase and sale agreement, or if this clause was struck before execution, the parties may still voluntarily participate in mediation.

Why do we endorse DRS for home buyers and sellers?

An association's choice to work toward dispute resolution through mediation and arbitration strives to improve understanding between real estate professionals and their clients and to provide an alternative to burdensome and costly legal procedures.

In mediation, the parties work to settle their disputes with the help of an impartial mediator. Parties do not forfeit their legal rights to arbitrate or litigate the dispute if mediation is unsuccessful. If the mediation is successful, the parties sign a legally binding contract agreeing to the terms of the resolution. If the mediation is unsuccessful, sellers, buyers or real estate professionals may then proceed with arbitration or litigation. In arbitration, a third party or parties are usually given the authority to issue a binding decision.

Benefits of DRS Program

- Faster than litigation and less expensive than litigation.
- Discourages litigation of frivolous claims.
- In mediation, parties do not forfeit their legal rights to arbitrate or litigate the dispute if mediation is unsuccessful.
- Parties actively participate in the process and control outcomes.
- Process contributes to long-term goodwill between brokers and their clients and customers.
- Provides a service which brokers and salespeople can offer to their clients and customers.

Program Details:

The program is not used to settle differences between REALTORS® because the NAR Code of Ethics already includes procedures for handling such disputes. It is administered by:

Bradley S. Gordon Esq., Executive Director
Berkshire Regional Housing Authority
150 North Street (Suite 28) - Pittsfield, MA 01201
(413) 443-7138 x 16 - Fax (413) 443-8137

Cost: \$150 per hour split between parties to the dispute

