

CALIFORNIA ASSOCIATION OF REALTORS®

ARBITRATION FORMS
2026

Prepared by the
CALIFORNIA ASSOCIATION OF REALTORS®
Corporate Legal Department
915 L Street, #1460
Sacramento, CA 95814

ARBITRATION AND MEDIATION FORMS

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REQUEST FOR MEDIATION
_____ ASSOCIATION OF REALTORS®

As an alternative to arbitration, the Association has available mediation. Mediation is a dispute resolution process whereby a mediator works with you and the other parties to facilitate a mutually acceptable resolution of your dispute. In comparison to arbitration, mediation is usually less adversarial and less formal and the parties are more directly involved in the decision making process to resolve their dispute. As a general policy, the Association promotes mediation and strongly encourages you to consider using mediation.

While the Association promotes mediation, please be advised of the following. If you are the complainant in the dispute, you still need to file an arbitration complaint with the Association to preserve your right to arbitration. Also, mediation is a voluntary process and a mediation conference can only be scheduled for those parties that agree to mediation. If any party to your dispute does not agree to mediation, arbitration will be necessary to resolve the dispute as it pertains to you and those parties. Finally, if you are unable to reach a mutually acceptable resolution of the dispute through mediation, an arbitration hearing will have to be scheduled.

If you agree to use mediation, please provide the information requested below. If other parties agree to mediation, we will notify you and schedule a mediation conference as appropriate. Thank you.

❑ I agree to mediation in accordance with the Association's mediation guidelines and procedures with the following parties*:

1. _____ (Print/Type Name)
2. _____ (Print/Type Name)
3. _____ (Print/Type Name)
4. _____ (Print/TypeName)

*Use additional sheets if necessary.

I will not be available for a mediation conference on the following dates:
_____.

Date: _____

_____
(Type/Print Your Name)

_____
(Signature)

Please return to:
_____ASSOCIATION OF REALTORS®

Attn: _____

Address:_____

City, State, Zip:_____

Phone (____) _____

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NOTICE OF MEDIATION CONFERENCE
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

TO ALL PARTIES:

Please be advised that the above referenced matter is scheduled for mediation on _____, 20___ at ____, _ m., at the _____Association of REALTORS® located at _____ in the City of _____ before _____, Mediator.

If any party fails to attend the above scheduled mediation conference or this dispute is not mutually resolved, an arbitration hearing will be scheduled in accordance with the rules and procedures used by the Association for arbitration.

If you have any questions regarding this matter, please contact _____ at the_____ Association of REALTORS®, _____, (___)_____
(address) (phone)

Date: _____

_____
(Signature)

_____, Association Executive or Authorized Designee
(Type/Print Name)

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MEDIATION CONFIDENTIALITY AGREEMENT
_____ ASSOCIATION OF REALTORS®

In order to preserve the confidentiality of this mediation, the parties agree that the provisions of the California Evidence Code sections 1119 and 1121 apply to this mediation. The text of these sections is reprinted as follows:

"Evidence Code Section 1119. Written or oral communications during mediation process; admissibility.
Except as otherwise provided in this chapter:

(a) No evidence of anything said or of any admission made for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation is admissible or subject to discovery, and disclosure of the evidence shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(b) No writing, as defined in Section 250, that is prepared for the purpose of, in the course of, or pursuant to a mediation or mediation consultation, is admissible in evidence or subject to discovery, and disclosure of the writing shall not be compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.

(c) All communications, negotiations, or settlement discussions by and between participants in the course of a mediation or mediation consultation shall remain confidential."

"Evidence Code Section 1121. Mediator's reports and findings.
Neither a mediator nor anyone else may submit to a court or other adjudicative body, and a court or other adjudicative body may not consider, any report, assessment, evaluation, recommendation, or finding of any kind by the mediator concerning a mediation conducted by the mediator, other than a report that is mandated by court rule or other law and that states only whether an agreement was reached, unless all parties to the mediation expressly agree otherwise in writing, or orally in accordance with Section 1118."

The parties also agree that the above provisions apply to any arbitration or ethics hearing before any association of REALTORS® or the California Association of REALTORS®.

Agreed to this _____ day of _____, 20 ____

_____	_____
Complainant – Print or Type Name	Respondent – Print or Type Name
_____	_____
Signature	Signature
_____	_____
Complainant – Print or Type Name	Respondent – Print or Type Name
_____	_____
Signature	Signature

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MEDIATION AGREEMENT AND STIPULATED ARBITRATION AWARD
_____ ASSOCIATION OF REALTORS®

This Agreement is entered into by and between the parties listed below with reference to the following facts:

A. The names and addresses of the parties to this Agreement are as follows (attach separate pages if necessary):

_____ Name (Type or Print)	_____ Name (Type or Print)
_____ Street Address	_____ Street Address
_____ City, State, Zip	_____ City, State, Zip
_____ Name (Type or Print)	_____ Name (Type or Print)
_____ Street Address	_____ Street Address
_____ City, State, Zip	_____ City, State, Zip

B. A dispute arose out of the real estate business between the above named parties.

C. On _____, 20____, the parties attended a mediation conference for the purpose of settling any and all claims regarding said dispute.

Now, therefore, in consideration of the mutual promises and conditions set forth herein and intending to be bound thereby, the parties agree as follows:

1. _____ agrees to pay _____ the total sum of _____ dollars ($_____) as full and final settlement of their dispute. Payment will be made according to the following schedule:_____ _____.

2. _____ agrees to accept the total sum indicated in paragraph 1 as the full and final settlement of any and all claims against _____. Upon receipt of full payment of this sum, _____agrees to withdraw and dismiss the Association arbitration case # _____ filed against _____ at the _____ Association of REALTORS®.

3. Other_____

_____

4. The parties agree that this Agreement is admissible and subject to disclosure in any court proceeding to enforce the full performance of this agreement. The parties also hereby stipulate that this Agreement is a binding agreement and is a stipulated arbitration award and shall be construed as a binding arbitration award under Part 3, Title 9 of the California Code of Civil Procedure.

5. In the event it is necessary for any party to obtain judicial confirmation and enforcement of the Agreement and award, the party obtaining such confirmation shall be entitled to recover costs and reasonable attorneys' fees incurred from any party not complying with this Agreement and award.

6. The parties acknowledge that this Agreement is intended to be a full and final settlement of a disputed claim, and is not an admission of liability.

Executed this _____ day of _____, 20 ____ at _____, California.

_____ _____
Complainant - Signature Respondent – Signature

_____ _____
Complainant - Signature Respondent – Signature

The undersigned, as Mediator of the _____ Association of REALTORS®, do attest that I was present during the mediation process and that the above resolution agreement was voluntarily entered into by the parties to the dispute.

Dated: _____

By: _____, MEDIATOR
Signature

_____
Type or Print Name

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NO SETTLEMENT AT MEDIATION
_____ASSOCIATION OF REALTORS®

Mediation Conference Date: _____

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

The undersigned mediator, who was duly appointed to mediate all differences and controversies existing between (complainants), and (respondents) do hereby certify that on the _____ day of_____, at _____ m., in the city of _____, the undersigned proceeded to mediate said controversy.

The undersigned hereby attests that the parties were unable to reach an agreement during the mediation and have instead decided to move forward with the arbitration.

Dated: _____

_____
(Mediator Signature)

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ARBITRATION COMPLAINT CLIENT OF MEMBER _____ ASSOCIATION OF REALTORS®

1. A dispute arising from the real estate business has arisen between me (us) and the person(s) and/or entity(ies) named below (*Note: List all persons you wish to name as respondents. If you want to name a corporate entity as a respondent, you must indicate the corporation's legal name as a separately named respondent*):

RESPONDENT(S):

(1)_____
Name of Responsible Broker (Type or Print)

Name of Firm_____

DRE Number_____

_____
Street Address

_____
City, State, Zip

(2)_____
Name of Agent (Type or Print)

Name of Firm_____

DRE Number_____

_____
Street Address

_____
City, State, Zip

(3)_____
Name of Agent (Type or Print)

Name of Firm_____

DRE Number_____

_____
Street Address

_____
City, State, Zip

(4)_____
Name of Agent (Type or Print)

Name of Firm_____

DRE Number_____

_____
Street Address

_____
City, State, Zip

2. The named respondent(s) owe me the sum of $_____. My claim is predicated upon the statement attached, marked Exhibit "1" and hereby incorporated by reference into this complaint and agreement for arbitration.

3. At the time the facts giving rise to this dispute occurred, I am informed that each respondent was a REALTOR®/REALTOR-ASSOCIATE® member in good standing of the Association.

4. This dispute arises from an agency relationship wherein I was a client of the respondent(s). (*Note: The Association only has jurisdiction to process arbitration complaints involving real estate related disputes between REALTORS®/REALTOR-ASSOCIATES® and their clients. You are a "client" if you had a legal agency relationship with the person(s) you named as respondent(s). Disputes with real estate brokers and agents who did not represent you in a legal agency capacity are not subject to arbitration through the Association.)*

5. To resolve this dispute, I submit to and agree to be bound by binding arbitration through the Association in accordance with the rules and procedures used by the Association for arbitration. Furthermore, I agree to abide by the rules and procedures used by the Association for arbitration and to comply with the arbitration award promptly. By signing this complaint, I understand and agree that this will constitute an arbitration agreement within the meaning of Part 3 Title 9 of the California Code of Civil Procedure. **In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney fees incurred in obtaining such confirmation and enforcement.**

6. I have filed this arbitration complaint, meeting all filing requirements, within one hundred and eighty (180) calendar days after the closing of the transaction, if any, or after the facts and circumstances constituting this arbitrable matter could have been known in the exercise of my reasonable diligence, whichever is later.

I understand there will be a mechanical tape recording of the arbitration hearing. I understand that I may purchase a copy of the tape recording solely for the purpose of requesting a procedural review of the arbitration procedures and hearing by the Association's Board of Directors or an appointed review Panel thereof.

I understand that I may be represented by legal counsel at any time, including at the hearing and any review by the Board of Directors. I further understand and agree that if I intend to have legal representation at a hearing or a review, I must give written notice of my legal representative's name, firm name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. I understand and agree that failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against me.

7. I understand that the nature of these proceedings is confidential and that I have an obligation to maintain and protect the confidentiality of these proceedings and any resulting decision. I hereby agree to do so unless disclosure is authorized by the Association's rules and procedures or required by law.

8. I hereby affirm that the facts and circumstances and the parties in this matter are not related to any contemplated or pending bankruptcy, civil litigation or criminal investigation, including a proceeding before a governmental regulatory agency. If I am unable to make this affirmation, I have attached a written statement describing the pending matter on a separate sheet of paper and have included it with this complaint.

9. I UNDERSTAND THAT BY SUBMITTING THIS DISPUTE TO THE ASSOCIATION FOR ARBITRATION AND AGREEING TO BINDING ARBITRATION THROUGH THE ASSOCIATION, I WAIVE ANY RIGHTS THAT I MAY HAVE TO HAVE THIS DISPUTE HEARD AND DECIDED IN A COURT OF LAW UNLESS THE ASSOCIATION OR ARBITRATORS DECLINE TO HEAR THE DISPUTE AS PROVIDED IN THE RULES AND PROCEDURES USED BY THE ASSOCIATION FOR ARBITRATION.

10. I enclose my check in the sum of $_____ for the arbitration filing fee.

11. I will be represented by an attorney, whose name, address, telephone number, and email address are:

    _____
    _____
    _____
    _____

12. Under the penalties of perjury, I declare that the statements contained herein are true and correct to the best of my knowledge and belief.

Dated:_____

COMPLAINANT(S):

(1)_____
Signature

_____
Name of Complainant (Type or Print)

_____
Street Address

_____
City, State, Zip

_____
Phone email

(2)_____
Signature

_____
Name of Complainant (Type or Print)

_____
Street Address

_____
City, State, Zip

_____
Phone email

Please mail or file response to:

_____ASSOCIATION OF REALTORS®
Attn: _____
Address:_____
City, State, Zip:_____

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CLIENT INFORMATION SHEET ARBITRATION _____ ASSOCIATION OF REALTORS®

Clients of REALTOR® and REALTOR-ASSOCIATE® members of the Association may elect to arbitrate real estate related disputes with these members through the Association arbitration process. However, in order to invoke Association arbitration, the person must be a "client." A "client" is defined as a person who had a legal agency relationship with the REALTOR® or REALTOR-ASSOCIATE® member. Typical situations where this relationship is created are between sellers and their listing broker and buyers and their agent representative.

If you are eligible for arbitration at the Association and elect to file an arbitration complaint with the Association, the arbitration will be processed and conducted according to the rules and procedures used by the Association for arbitration. However, please be advised of the following.

You may have a right to initiate a court action to resolve the dispute. If you elect to use the Association arbitration process, you may be waiving your rights to have this dispute heard and resolved in a court of law. As such, you may want to consult an attorney prior to filing an arbitration complaint with the Association.

If there is a written agreement between you and the REALTOR® or REALTOR-ASSOCIATE® member which contains an arbitration clause that references another arbitration service or provider, such as a listing agreement or buyer-broker agreement, the Association cannot process your arbitration complaint. Instead, you must initiate arbitration according to the terms of the written agreement.

It is strongly recommended that you review the Association's rules and procedures prior to filing an arbitration request. The Association's rules and procedures contain several differences from other arbitration service providers and civil court that should be carefully examined.

Association arbitration is only available to resolve disputes between REALTORS®/REALTOR-ASSOCIATES® members of the Association and their clients. If you have a dispute with a real estate broker or agent who is not a member of the Association or who did not represent you in a legal agency capacity, the Association does not have jurisdiction to process an arbitration complaint against or including such persons. In these situations, it is recommended you consult an attorney to determine the most appropriate course of action to resolve your dispute with that person.

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ARBITRATION COMPLAINT
_____ ASSOCIATION OF REALTORS®

1. A dispute arising from the real estate business has arisen between me (us) and the person(s) and/or entity(ies) named below (*Note: List all persons you wish to name as respondents. If you want to name a corporate entity as a respondent, you must indicate the corporation's legal name as a separately named respondent.*):

RESPONDENT(S):

(1)_____
Name of Responsible Broker (Type or Print)

_____
Name of Firm

_____
DRE Number

_____
Street Address

_____
City, State, Zip

(2)_____
Name of Agent (Type or Print)

_____
Name of Firm

_____
DRE Number

_____
Street Address

_____
City, State, Zip

(3)_____
Name of Agent (Type or Print)

_____
Name of Firm

_____
DRE Number

_____
Street Address

_____
City, State, Zip

(4)_____
Name of Agent (Type or Print)

_____
Name of Firm

_____
DRE Number

_____
Street Address

_____
City, State, Zip

2. The respondent(s) owes me the sum of $_____. My claim is based upon the statement attached to this complaint, marked Exhibit "1", which is hereby incorporated by reference and made part of this complaint.
3. At the time the facts and circumstances giving rise to this dispute occurred, I am informed that each respondent was a:
   REALTOR®/REALTOR-ASSOCIATE® Member of the Association; and/or
   Participant/subscriber of the Association's MLS
4. This dispute is proper for arbitration at the Association as this is a real estate related dispute that arises out of our relationship as REALTORS®/REALTOR-ASSOCIATES® and/or arises from a listing filed with the Association's MLS.
5. I, by becoming and remaining a:
   REALTOR®/REALTOR-ASSOCIATE® Member of the Association; and/or
   Participant/subscriber of the Association's MLS

   have previously agreed to resolve this dispute with the named respondents through binding arbitration using the Association's facilities and its rules and procedures for arbitration. Accordingly, I submit this dispute to arbitration and reaffirm my agreement to bind myself and any firm for which I am the designated broker of record to be bound by arbitration through the Association. Furthermore, I reaffirm my agreement to abide by the Association's rules and procedures for arbitration and to comply with the arbitration award. I understand and agree that this constitutes an arbitration agreement within the meaning of Part 3 Title 9 of the California Code of Civil Procedure.

In the event I or my firm does not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of an arbitration award against me or my firm, I and my firm agree to pay the party obtaining such confirmation their costs and reasonable attorneys' fees incurred in obtaining such confirmation and enforcement. I also understand that if I do not comply with the arbitration award, I may be disciplined by the Association following a "show cause" hearing pursuant to the arbitration enforcement policy.

6. I have filed this arbitration complaint, meeting all filing requirements, within one hundred and eighty (180) calendar days after the closing of the transaction, if any, or after the facts and circumstances constituting this arbitrable matter could have been known in the exercise of my reasonable diligence, whichever is later.
7. I understand there will be a mechanical tape recording of the arbitration hearing. I understand that I may purchase a copy of the tape recording solely for the purpose of requesting a procedural review of the arbitration procedures and hearing by the Association's Board of Directors or an appointed review Panel thereof.
8. I understand that I may be represented by legal counsel at any time, including at the arbitration hearing and any procedural review. I further understand and agree that if I intend to have legal representation, I must give written notice of my legal representative's name, law firm name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. I understand and agree that failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against me.
9. I understand that the nature of these proceedings are confidential and that I have an obligation to maintain and protect the confidentiality of these proceedings and any resulting decision. I hereby agree to do so unless disclosure is authorized by the Association's rules and procedures or required by law.
10. Unless this dispute is between members of the same office, the responsible broker at the time the facts and circumstances giving rise to this dispute occurred must sign as a co-complainant and has signed this complaint.
11. I hereby affirm that the facts and circumstances and the parties in this matter are not related to any pending bankruptcy, civil litigation matter or criminal investigation, including a proceeding before a governmental regulatory agency. If I am unable to make this affirmation, I have attached a written statement describing the pending matter on a separate sheet of paper and have included it with this complaint.
12. I have enclosed my payment in the sum of $_____ for the arbitration filing fee with this complaint.
13. I will be represented by an attorney, whose name, address, telephone number, and email address are:
    _____
    _____
    _____
    _____
14. Under the penalties of perjury, I declare that this arbitration complaint and the statements contained herein are true and correct to the best of my knowledge and belief.

Dated: _____

COMPLAINANT(S):

(1)_____
Signature

Name of Responsible Broker (Type or Print)

DRE Number

Firm

Street Address

City, State, Zip

Phone email

(2)_____
Signature

Name of Agent (Type or Print)

DRE Number

Firm

Street Address

City, State, Zip

Phone email

(3)_____
Signature

Name of Agent (Type or Print)

DRE Number

Firm

Street Address

City, State, Zip

Phone email

(4)_____
Signature

Name of Agent (Type or Print)

DRE Number

Firm

Street Address

City, State, Zip

Phone email

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NOTICE TO RESPONDENT ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

TO: _____

Attached to this notice is a copy of an arbitration complaint filed with this Association which names you and/or others as a respondent. Upon initial review of the complaint, the matter has been referred for hearing before the Professional Standards Committee because it appears the complaint involves a dispute arising out of the real estate business that is within the jurisdiction of the Association's arbitration process. This arbitration will be processed and conducted in accordance with the Association's facilities and according to the rules and procedures used by the Association for arbitration.

Please be advised that you have fifteen (15) calendar days from the date specified below in which to mail or file a response to the arbitration complaint with the Association at the address below. Enclosed is a blank response form (Form A-3) for your use.

Your response must be in writing, signed and dated, and include one (1) original and _____ copies.

Date: _____

_____
Signature
_____, Association Executive or authorized designee
Type/Print

Please mail or file response to:

_____ ASSOCIATION OF REALTORS®

Attn: _____

Street Address _____

City, State, Zip _____

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ARBITRATION RESPONSE
_____ ASSOCIATION OF REALTORS®

Case No. _____ _____ vs. _____
Complainant(s) Respondent(s)

1. At the time the facts and circumstances giving rise to this dispute occurred, I (we) was a:

   ☐ REALTOR®/REALTOR-ASSOCIATE® Member of the Association
   ☐ Participant/subscriber of the Association's MLS

   As such, I have previously agreed to resolve this dispute with the named complainants through binding arbitration using the Association's facilities and its rules and procedures for arbitration. Accordingly, I reaffirm my agreement to bind myself and any firm for which I am the designated broker of record to be bound by arbitration through the Association. Furthermore, I reaffirm my agreement to abide by the Association's rules and procedures for arbitration and to comply with the arbitration award. I understand and agree that this constitutes an arbitration agreement within the meaning of Part 3 Title 9 of the California Code of Civil Procedure. **In the event I or my firm does not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of an arbitration award against me or my firm, I and my firm agree to pay the party obtaining such confirmation their costs and reasonable attorneys' fees incurred in obtaining such confirmation and enforcement. I also understand that if I do not comply with the arbitration award, I may be disciplined by the Association following a "show cause" hearing pursuant to the arbitration enforcement policy.**

2. I acknowledge the existence of a dispute arising out of the real estate business but deny any indebtedness to the complainants as alleged in their complaint. My denial is based upon the statement attached, marked "Exhibit A," which is hereby incorporated by reference and made part of this response. If I object to the Association's jurisdiction to process this matter, I have stated those objections in my Exhibit A and I understand that the hearing Panel for this matter will ultimately rule on such objections.

3. **COUNTERCLAIM (if applicable):** Furthermore, I assert a counterclaim against the following complainant(s):

   _____

   owes me the sum of $_____. My claim is based upon the statement attached, marked "Exhibit B," which is hereby incorporated by reference and made part of this response. I understand that if I claim a person(s) other than the complainant(s) owes me money related to this dispute, I must file a separate arbitration complaint with the Association naming that person(s), assuming such person(s) is subject to the jurisdiction of the Association's arbitration process.

4. I understand there will be a mechanical tape recording of the arbitration hearing. I understand that I may purchase a copy of the tape recording solely for the purpose of requesting a procedural review of the arbitration procedures and hearing by the Association's Board of Directors or an appointed review Panel thereof.

5. I understand that I may be represented by legal counsel at any time, including at the arbitration hearing and any procedural review. I further understand and agree that if I intend to have legal representation, I must give written notice of my legal representative's name, law firm name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. I understand and agree that failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against me.

   I understand that the nature of these proceedings are confidential and that I have an obligation to maintain and protect the confidentiality of these proceedings and any resulting decision. I hereby agree to do so unless disclosure is authorized by the Association's rules and procedures or required by law.

6. I hereby affirm that the facts and circumstances and the parties in this matter are not related to any pending bankruptcy, civil litigation matter or criminal investigation, including a proceeding before a governmental regulatory agency. If I am unable to make this affirmation, I have attached a written statement describing the pending matter on a separate sheet of paper and have included it with this complaint.

7. I will be represented by an attorney, whose name, address, telephone number, and email address are:
   _____
   _____
   _____
   _____

8. Under the penalties of perjury, I declare that this arbitration response and the statements contained herein are true and correct to the best of my knowledge and belief.

Dated: _____

RESPONDENT(S):

(1)_____
Signature of Authorized Person

_____
Name of Respondent Brokerage (Type or Print)

_____
Firm

_____
Street Address

_____
City, State, Zip

_____
Phone email

(2)_____
Name (Type or Print)

_____
Signature

_____
Street Address

_____
City, State, Zip

_____
Phone email

(3)_____
Signature

_____
Name of Responsible Broker (Type or Print)

_____
Firm

_____
Street Address

_____
City, State, Zip

_____
Phone email

(4)_____
Name (Type or Print)

_____
Signature

_____
Street Address

_____
City, State, Zip

_____
Phone email

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AVAILABILITY FOR HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

AVAILABILITY FOR HEARING

The hearing for this case will be scheduled between _____ (date) and _____ (date). Please indicate below the dates during this time period on which you will **NOT** be available for a hearing. The hearing will be set on a date which all parties have indicated is acceptable to them. Once the hearing date is scheduled, it will not be rescheduled unless a valid continuance request is submitted, which requires that the request be for cause. All continuance requests must be in writing, indicate the reason(s) for the request, and include the appropriate continuance fee.

I WILL **NOT** BE AVAILABLE ON THE FOLLOWING DATES:

_____

_____

_____

Consent Deemed

If this form is not returned within fifteen (15) calendar days of the date it was mailed, it will be deemed that you consent to any of the named Panel members or any of the dates within the above mentioned time frame. Once the hearing date is set, it will not be rescheduled unless the person requesting a new date files a written request for a continuance and can demonstrate good cause for granting the continuance. The Association will not consider continuance requests for rescheduling if they are not in writing and set forth the reasons for the request.

Dated: _____

_____
Party's Signature

_____
Party's Name (Type/Print)

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NOTICE OF RIGHT TO CHALLENGE PANEL MEMBER AND REASONS FOR CHALLENGE ARBITRATION _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

This notice is to inform you that the persons on the enclosed lists are eligible to be appointed to serve as panel members on the hearing tribunal for the above-referenced arbitration hearing or review hearing. Please review the lists and determine which potential panel members, if any, you wish to challenge for cause.

☐ I have no objection to any of the potential panel members.

☐ I object to one or more potential panel members for cause and have enclosed on this form or a letter detailing the reasons for the challenge.

I, as a named party to the matter stated above, hereby challenge the qualification of the following person(s) to serve as a Panel member for the following reasons.

Panel Member Challenged:_____

Reason:_____
_____

_____

Panel Member Challenged:_____

Reason:_____
_____

_____

Panel Member Challenged:_____

Reason:_____
_____

_____

*Use additional pages as required to list additional challenges.

Dated:_____

_____
Party's Signature

_____
Party's Name (Type/Print)

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NOTICE OF HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

All parties are hereby notified that the hearing for the above referenced matter has been scheduled for:

Date: _____

Time: _____

Location: _____

_____

_____

_____

The appointed Panel members in this case are:

_____, PRESIDING OFFICER

_____, ARBITRATOR

_____, ARBITRATOR

_____, ALTERNATE

All parties may be represented by legal counsel at any time, including at the arbitration hearing and any procedural review. If a party intends to have legal representation, the party must give written notice of the legal representative's name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. Failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against the party.

Each party is responsible for the attendance of his or her witnesses at the hearing. This includes properly serving subpoenas (if used) and paying all witnesses related costs. Exchange of evidence prior to the hearing is not mandatory but recommended to avoid unnecessary continuances or delays.

The parties may not attempt to discuss the case with any hearing Panel member except during the official hearing.

Dated:_____

_____
Signature

_____, Association Executive or Authorized Designee
Type/Print

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CERTIFICATE OF QUALIFICATION ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

REASONS FOR DISQUALIFICATION:

A member of a Panel shall be disqualified from hearing this case for any of the following reasons:

(A) there is more than one Panel member connected with the same firm, business, partnership or corporation;
(B) a Panel member is related by blood or marriage to either complainant or respondent;
(C) a Panel member is an employer, partner, employee, or in any way associated in business with either complainant or respondent; or
(D) a Panel member is a party to the hearing.

In addition, a member of a hearing Panel should disqualify him or herself if there are facts and circumstances which create a reasonable impression of bias that the member will be in favor or disfavor of one or more of the named parties.

We the undersigned Panel members do hereby certify that (1) we are not disqualified by any reason stated herein from hearing the above case, and (2) we know of no other reason that would prevent us from rendering an impartial decision.

Dated: _____

_____, PRESIDING OFFICER

_____, ARBITRATOR

_____, ARBITRATOR

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OUTLINE OF PROCEDURE FOR HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

In accordance with the rules and procedures used by the Association for arbitration, a Presiding Officer has been selected for the hearing. The Presiding Officer is responsible for conducting the hearing and maintaining its proper decorum. The Presiding Officer can proscribe any procedures for the hearing that are not inconsistent with the Association's rules and procedures for arbitration.

Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to arbitration hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

If the parties have objections or suggestions regarding the procedure to be used for the hearing, they should be made at the commencement of the hearing and the Presiding Officer will rule thereon. Otherwise, the general hearing procedures will be as follows:

1. Each party will be given the opportunity of making an opening statement. If the respondent wishes to wait until conclusion of the complainant's evidence, that will be permitted.

2. Prior to the giving of testimony, all parties and witnesses will be sworn by the Presiding Officer.

3. All parties may present any documents, evidence, or give such testimony they feel is relevant and applicable to the matter being heard. Any objections regarding relevance or appropriateness will be determined by the Presiding Officer. Parties are encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the other party(ies) and to the Association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances. Individuals served subpoenas by personal service must be given fifteen (15) calendar days notice for appearance at the hearing and/or production of books, records documents and other evidence.

4. No testimony will be allowed relating to the character or general reputation of anyone, unless such testimony has a direct bearing on the matter being heard.

5. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.

6. Witnesses, except for those with a vested financial interest in the outcome of the matter, may only be present during the hearing while testifying and will be excused from the hearing room after giving testimony.

7. Members of the hearing Panel may question the parties and their witnesses at any time during the hearing.

8. Upon completion of the presentation of evidence and testimony, each party will be given an opportunity to make a closing statement. Usually, the complainant will be first followed by the respondent.

9. The hearing will be tape recorded by the Association, unless the parties have requested and paid for a court reporter. Copies of the tape(s) will be made available to the parties for purchase but only for the purpose of filing a review with the Association's Board of Directors. **Parties may not tape record the hearing.**

10. The hearing and decision is confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality.

The foregoing is not intended to prevent other procedures being used for the hearing that are otherwise consistent with the Association's rules and procedures for arbitration and acceptable to the hearing Panel. All parties and their attorneys are reminded that the hearing Panel is not bound by formal rules of evidence as may be applied in a court of law. As such, the hearing Panel has broad discretion regarding the evidence and testimony it will allow to be presented. The primary goal of the hearing Panel is to hear all relevant facts and circumstances regarding the matter in order to make a decision that is fair to all parties.

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ACKNOWLEDGEMENT OF RECEIPT OF OUTLINE OF PROCEDURE ARBITRATION _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

I acknowledge having previously received a written statement (Form A-8) containing an outline of the procedures to be used for the above referenced hearing.

☐ I have read the Outline of Procedure, understand it and have no objection to it.

☐ I have read the Outline of Procedure, understand it and object to it. I request the following changes or additions [please specify whether changes are requested by complainant(s) or respondent(s)]:

_____

_____

_____

_____

_____

(Use additional pages if necessary)

Dated: _____

COMPLAINANT(S): **RESPONDENT(S):**

_____ _____
Signature Signature

_____ _____
Signature Signature

IF APPLICABLE:

_____ _____
Attorney for Complainant(s) Attorney for Respondent(s)

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REQUESTED ARBITRATION COSTS
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

I request the following as costs in the above referenced arbitration be awarded to me:

WITNESS FEES:

Name	Fees	Mileage	Subtotal
_____	$_____	$_____	$_____
_____	$_____	$_____	$_____
_____	$_____	$_____	$_____

Total $_____

SERVICE OF SUBPOENAS

Name	Fees	Mileage	Subtotal
_____	$_____	$_____	$_____
_____	$_____	$_____	$_____
_____	$_____	$_____	$_____

Total $_____

ARBITRATION FILING FEES $_____

ATTORNEY FEES (Only if the contract of the parties or statute so provides) $_____

CONTINUANCE FEES $_____

COURT REPORTER COSTS (If applicable) $_____

INTERPRETER/TRANSLATOR COSTS (If applicable) $_____

INTEREST: _____% per annum on $_____ from _____ (Date) to _____ (Date) = $_____

TOTAL AMOUNT REQUESTED $_____

Dated:_____

_____
Signature

_____
Name (Type or Print)

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OTHER ACTION OF HEARING PANEL ARBITRATION _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

In the above arbitration, we, the hearing Panel:

☐ Dismiss the case due to complainant's failure to appear.

☐ Dismiss the case due to complainant's decision to withdraw the complaint.

☐ Dismiss the case due to the complaint not being timely filed.

☐ Grant a continuance of the hearing. All parties have agreed to reschedule the hearing for the following date:

_____, 20__, at ____,__.m.

☐ Grant a continuance of the hearing, because failure to do so would deprive a party of a due process. New hearing is to be rescheduled by Association staff.

☐ Recommend that this matter be dismissed because the legal complexity or magnitude involved.

☐ Other: _____.

We have not made a determination on the merits of the above case.

Dated: _____

Signed: _____, PRESIDING OFFICER

_____, ARBITRATOR

_____, ARBITRATOR

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AWARD OF ARBITRATORS
_____ ASSOCIATION OF REALTORS®

Case No. _____

Complainant(s): _____

vs.

Respondent(s):_____

We, the undersigned hearing Panel, were duly appointed to hear and determine the dispute in the above referenced matter.

On _____, _____, 20 ___, at _____,
(day of the week) (date) (place and address of hearing)

we convened a hearing and proceeded to hear the evidence, proofs, and arguments of the parties to this dispute.

Having heard such evidence, proofs, and arguments, we hereby find and adjudge that:

the Respondent(s) owe the sum of $ _____ to the Complainant(s), which shall be paid within _____ calendar days from the date this award is final.

(**NOTE**: The award will not be final until the period for Directors review has elapsed.)

(Check the applicable box):

☐ Based on a request submitted, costs in the amount of $_____ are awarded to

- ☐ Complainant(s).
- ☐ Respondent(s)

This shall be in addition to the amount awarded.

☐ Each party to bear its own costs.

Dated:_____

_____, PRESIDING OFFICER

_____, ARBITRATOR

_____, ARBITRATOR

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REVIEW AND ENFORCEMENT OF AN ARBITRATION AWARD

Association's Procedural Review

Any party to Association arbitration has the right to request a review of the arbitration award by the Association's Board of Directors or an appointed Director's Review Panel. Either party may file a request for review (Form A-15) within twenty (20) calendar days from the date the award is transmitted to the party. The request must be accompanied by the necessary deposit and filed with the Association. Once a request for review is filed, all other parties will be given notice of the request and provided an opportunity to respond to the request. The review hearing will be scheduled before the Board of Directors or an appointed Director's Review Panel. At the hearing, the Directors will be provided with copies of the request, any responses to the request by other parties, and the arbitration award. Each party may be present at the review hearing and put forth his or her reasons why a new hearing should or should not be ordered.

NOTE: A review by the Association's Board of Directors or appointed Director Review Panel may only be based on alleged procedural deficiencies that occurred in the processing or hearing of the matter that resulted in a lack of due process to the party. The purpose of a review is not to rehear the merits of the case if a party disagrees with the award of the hearing Panel. The Directors only have the power to: (a) affirm the award, or (b) vacate the award and refer it back for a new hearing.

If no request for review is filed or the arbitration award is confirmed by the Directors after a review hearing, the arbitration award is considered final with the Association. If a review hearing has been conducted, all parties will be notified upon final action of the Directors.

"Show Cause" Hearing

In the event the non-prevailing party in an arbitration has not paid the arbitration award to the prevailing party within fifteen (15) days after the deadline set forth in the Award of Arbitrators, the prevailing party may request a "show cause" hearing before the Board of Directors. If a party requests a procedural review, the request for a "show cause" hearing may not be filed until at least fifteen (15) days after the payment of the award is due. The sole purpose of the "show cause" hearing is to determine why the non-prevailing party failed to timely pay the arbitration award. The purpose of a "show cause" hearing is *not* to rehear the merits of the case if the non-prevailing party disagrees with the award of the hearing Panel.

Following the "show cause" hearing, the Directors may: (1) take no action; (2) suspend the non-prevailing party's Association and/or MLS membership until he or she pays the arbitration award to the prevailing party; or (3) set forth a schedule for the payment of the arbitration award to the prevailing party. The Directors may also recommend discipline if the non-prevailing party fails to follow the payment schedule set forth by the Directors. Any suspension of membership recommended by the Directors following a "show cause" hearing will not be imposed until: (1) after the award is confirmed or modified by a court, but only if the award is not paid by the date ordered by the court (or within fifteen (15) days after the court order if the order does not provide a due date); or (2) if no court action is filed, one hundred and one (101) days after the Arbitration Award is finalized.

Court Confirmation, Correction, and Vacation of Award

Any party to an arbitration may petition the court to correct, confirm or vacate the award pursuant to the provisions of the California Code of Civil Procedure section 1280 et seq.

CONFIRMATION OF AN AWARD: A petition for confirmation shall be served and filed not later than four (4) years after the date of service of a signed copy of the award on the party. The court shall confirm the award as made unless it corrects the award, vacates the award or dismisses the petition as provided by law. If an award is confirmed, a judgment shall be entered with all the force and effect of law relating to civil judgments.

CORRECTION OF AN AWARD: A petition to correct an award shall be served and filed not later than 100 days after the date of the service of a signed copy of the award on the petitioner. A court shall correct an award and confirm it as corrected if the court determines that (a) there was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award; (b) the arbitrators exceeded their powers but the award may be corrected without affecting the merits of the decision; or (c) the award is imperfect in a matter of form, not affecting the merits of the controversy.

VACATION OF AN AWARD: A petition for vacation of an award must be served and filed not later than 100 days after the date of service of a signed copy of the award on the party. The court shall vacate the award if it is determined that (a) the award was procured by corruption, fraud or other undue means; (b) there was corruption in any of the arbitrators; (c) the rights of such party were substantially prejudiced by misconduct of a neutral arbitrator; (d) the arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted; (e) the rights of such party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefor or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of the California Code of Civil Procedures section 1280 et seq.; or (f) an arbitrator failed to disqualify him/herself, upon receipt of a timely request, if a judge would have been required to disqualify him/herself if the matter had been heard in court.

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REQUEST FOR DUPLICATION OF RECORDING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

Hearing date: _____

1. As a named party and for the purpose of filing a request for review by the Board of Directors or appointed review Panel or a reply to a request for review, I request duplicate copies of the recording for the above referenced arbitration.

2. I understand and agree that any recordings are to be used solely for preparing a request for review or a reply to a request for review, and any other use of the recordings is a violation of the Association's rules and procedures for arbitration and my agreement to abide by these rules. If the Association determines my request for duplicate recordings is for any purpose other than as agreed upon herein, I understand and agree that the Association may refuse to provide duplicate recordings to me as requested.

3. Upon receiving notice of the review Panel's decision, I agree to destroy any duplicates of the recordings, and any copies made thereto, that I may receive as a result of this request. I also understand that the Association will destroy the original recordings once the arbitration award becomes final with the Association.

4. A duplication fee of $ _____ is required with this request. I have enclosed payment for such duplication fee. I understand and agree that no duplicate recordings will be made or released by the Association without payment of the duplication fee herein.

Dated: _____

_____
Signature

_____
(Print or Type Name)

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REQUEST FOR REVIEW ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

Hearing Date:_____

To the Board of Directors or Appointed Directors' Review Panel:

1. In the above referenced arbitration case, the hearing Panel determined that: _____ owed _____ the amount of _____. I (we) request a review of the hearing Panel's award based on procedural deficiencies that occurred in the processing or hearing of this matter that resulted in me being denied due process. This request is supported by the attached statement, marked Exhibit "A" which is hereby incorporated by reference and made part of this request. I understand that this request will not be processed by the Association without such a supporting written statement.

2. I understand that the sole grounds for requesting a review is limited to allegations of procedural deficiencies which resulted in a lack of due process. As such, I understand that no new evidence regarding the merits of this dispute may be submitted and only those arguments pertaining to allegations of lack of due process will be considered by the review Panel.

3. I understand that I have a right to legal counsel at the review hearing.

4. I understand that the Presiding Officer of the arbitration hearing will provide a verbal summary of the hearing procedures that occurred to the review Panel and that any party or the review Panel may question the Presiding Officer regarding his or her summary of those procedures.

5. I understand that the Board of Directors or appointed Directors' review Panel may only: (a) affirm the award; or (b) order a new hearing in front of a new arbitration hearing Panel.

6. This request is accompanied by a filing fee in the amount of $ _____ . I understand that if the arbitration award is affirmed, the filing fee is nonrefundable and will be retained by the Association.

7. Under the penalties of perjury, I (we) declare to the best of my (our) knowledge and belief that the statements contained in this request for review are true and correct.

Dated: _____

_____ _____
Signature Signature

_____ _____
Name (Type or Print) Name (Type or Print)

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NOTICE OF REQUEST FOR REVIEW ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

TO: _____

This is to inform you that _____ has filed a request for review of the above referenced arbitration award by the Association's Board of Directors or appointed Directors' Review Panel.

Please be advised that you have fifteen (15) calendar days from the date specified below in which to mail or file your response, if any, to the office of the Association at the address below. You also have the right to attend the review hearing. Enclosed is form A-17 for your use in filing a reply.

Your response must be in writing, signed and dated, and include one (1) original and _____ copies.

Dated:_____

_____
Signature
_____, Association Executive or authorized designee
Name (Type/Print)

Please mail or file response to:

_____ASSOCIATION OF REALTORS®

Attn:_____

Address:_____

City, State, Zip:_____

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REPLY TO REQUEST FOR REVIEW ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

To the Board of Directors or Appointed Directors' Review Panel:

1. I (we) reply to the request for review filed in this matter and substantiate such reply in the attached statement, marked "Exhibit A," which is hereby incorporated by reference and made part of this reply.
2. Under the penalties of perjury, I declare that to the best of my knowledge and belief, the statements contained in this reply are true and correct.

Dated: _____

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

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NOTICE OF REVIEW ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

All parties are hereby notified that the hearing for the above referenced matter has been scheduled for:

Date: _____

Time: _____

Location: _____

_____

_____

_____

The appointed review Panel members in this case are:

_____, PRESIDING OFFICER

_____, DIRECTOR

_____, DIRECTOR

All parties may be represented by legal counsel at any time, including at the review hearing. If a party intends to have legal representation, the party must give written notice of the legal representative's name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. Failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against the party.

The parties may not attempt to discuss the case with any review hearing Panel member except during the official hearing.

Dated:_____

_____
Signature

_____, Association Executive or Authorized Designee
Name (Type/Print)

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ACTION UPON REVIEW ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

The request for review of the arbitration award in the above referenced arbitration case came before the Board of Directors or appointed Directors' Review Panel on _____, 20____. Upon consideration of the request:

The award has been:

☐ Affirmed

☐ Referred for a new hearing.

The review filing fee shall be:

☐ Retained by the Association

☐ Returned to the party requesting the review

The above action was adopted by the Board of Directors or appointed Directors' Review Panel on _____, 20 ___.

Date: _____

By: _____
Signature
_____, President or Presiding Officer
Print or Type Name

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RELEASE OF PARTIES FROM DUTY TO ARBITRATE
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

TO EACH OF THE PARTIES IN THE ABOVE REFERENCED ARBITRATION:

In accordance with the rules and procedures of the Association, the undersigned have determined that because of the magnitude of the amount involved, or the legal complexity of the controversy, or upon the advice of legal counsel, the above dispute should not be arbitrated through the Association.

Accordingly, it is ordered that any filing fees paid by the parties shall be returned to them, and they are relieved of their arbitration agreement, and may pursue any claims or rights as deemed necessary or appropriate to resolve this dispute.

Dated: _____

_____, PRESIDING OFFICER

_____, ARBITRATOR

_____, ARBITRATOR

or

Dated:_____

_____, PROFESSIONAL STANDARDS CHAIR

_____, ASSOCIATION LEGAL COUNSEL

ACTION BY THE BOARD OF DIRECTORS:

- ☐ Approved
- ☐ Disapproved and referred back for arbitration

Action Taken:_____, 20_____

_____
(Signature)
_____, ASSOCIATION PRESIDENT
(Type/Print)

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ARBITRATION DISCLOSURE STATEMENT

_____ ASSOCIATION OF REALTORS®

Case #	*[Complainant Party vs. Respondent Party]*

Complainant Legal Counsel:	**Respondent Legal Counsel:**

Disclosure of Proposed Neutral Arbitrator:

Please check the appropriate box

	Yes	No
a) Are you or a member of your extended family a party, a party's spouse or domestic partner, or an officer, director, or trustee of a party?	☐	☐
2. Are you or a member of your extended family, or your former spouse:		
a) A lawyer in the arbitration?	☐	☐
b) The spouse or domestic partner of a lawyer in the arbitration?	☐	☐
c) Currently associated in the private practice of law with a lawyer in the arbitration?	☐	☐
3. Have you or a member of your immediate family had a significant personal relationship with any party, lawyer for a party or any lawyer currently practicing law with an attorney for a party?	☐	☐
4. Are you serving or, within the preceding five (5) years, have you served as a neutral arbitrator in another arbitration involving a party to the current arbitration, a lawyer for a party or other lawyer currently practicing law with an attorney for a party?	☐	☐

*If **yes**, please attach a separate sheet disclosing the following for each such previous case: (1) identification of all parties to the case; (2) identification of all parties' attorneys; (3) identification of the prevailing party; (4) the amount of the award, if any and (5) the date of the arbitration award. It is sufficient to give the name of any party who is not a party to the pending arbitration as "complainant" or "respondent" if the party is an individual and not a business or corporate entity.*

5. Are you serving or, within the preceding five (5) years, have you served as a party-appointed arbitrator in another arbitration for either a party to the current arbitration, a lawyer for a party or other lawyer currently practicing law with an attorney for a party?	☐	☐

*If **yes**, please attach a separate sheet disclosing the following for each such previous case: (1) identification of all parties to the case; (2) identification of all parties' attorneys; (3) identification of the prevailing party; (4) the amount of the award, if any and (5) the date of the arbitration award. It is sufficient to give the name of any party who is not a party to the pending arbitration as "complainant" or "respondent" if the party is an individual and not a business or corporate entity.*

If the combined total of the cases disclosed under (4), and (5) is greater than five, you must provide a summary that states the total number of cases in which you served in each capacity and the number of cases in which the party to the current arbitration or the party represented by the lawyer for a party in the current arbitration was the prevailing party.

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Yes No

6. Are you serving or have you served as a (1) temporary judge under article VI, section 21 of the California Constitution, (2) referee under CCP Sec. 638-639, (3) neutral evaluator, (4) special master, (4) mediator, (5) settlement officer or (6) settlement facilitator in another pending or prior case involving a party or lawyer in the current arbitration or a lawyer who is currently associated in the private practice of law with a lawyer in the arbitration.? ☐ ☐

If you were or will be paid for serving in such a capacity, you must disclose on a separate sheet: (i) the number of pending and prior cases in which you were or will be paid for serving in each capacity for each party, lawyer in the arbitration, or other lawyer currently associated in the private practice of law with a lawyer in the arbitration; and (ii) in each such case in which you rendered a decision as a temporary judge or referee, the date of the decision, the prevailing party, the names of the parties' attorneys, and the amount of monetary damages awarded, if any.

If the total of the cases disclosed under this question is greater than five (5)*, you must also provide a summary that states the number of cases in which you rendered a decision as a temporary judge or referee in which the party to the current arbitration or the party represented by the lawyer in the current arbitration was the prevailing party. (An arbitrator will be deemed to have complied with this requirement with respect to any such services commenced prior to July 1, 2002, if the arbitrator declares in writing that he or she has requested the required information from any dispute resolution provider organization administering those prior services and has disclosed all required information pertaining to those services within his or her knowledge.)*

7. Do you now have or have you had any attorney-client relationship with a party, lawyer for a party or other lawyer currently practicing law with an attorney for a party? ☐ ☐

Attorney-client relationships include the following:

a) A party or an officer, a director, or a trustee of a party is or was your client in your private practice of law or a client of a lawyer with whom you are or were associated in the private practice of law;
b) A lawyer for a party is or was a your client in your private practice of law; and
c) In any other proceeding involving the same issues, you gave advice to a party or a lawyer in the arbitration concerning any matter involved in this arbitration.

8. Do you or a member of your immediate family have or have you had any other professional relationship with a party, lawyer for a party or other lawyer currently practicing law with an attorney for a party? ☐ ☐

Professional relationships include the following:

a) You or a member of your immediate family is or was an employee of or an expert witness or a consultant for a party;
b) You or a member of your immediate family is or was an employee of or an expert witness or a consultant for a lawyer in the arbitration; and
c) You are or were associated in the private practice of law with a lawyer in the arbitration.

9. Do you or a member of your immediate family have a financial interest in a party? ☐ ☐

10. Do you or a member of your immediate family have a financial interest in the subject matter of the arbitration? ☐ ☐

11. Do you or a member of your immediate family have an interest that could be substantially affected by the outcome of the arbitration? ☐ ☐

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	Yes	No
12. Do you or a member of your extended family have personal knowledge of disputed evidentiary facts relevant to the arbitration?	☐	☐

(A person who is likely to be a material witness in the proceeding is deemed to have personal knowledge of disputed evidentiary facts concerning the proceeding.)

13. Are you a member of any organization that practices invidious discrimination on the basis of race, sex, religion, national origin, or sexual orientation?	☐	☐

(Membership in a religious organization, an official military organization of the United States, or a nonprofit youth organization need not be disclosed unless it would interfere with your proper conduct of the proceeding or would cause a person aware of the fact to reasonably entertain a doubt concerning your ability to act impartially.)

14. Are you aware of any other matter that:		
a) Might cause a person aware of the facts to reasonably entertain a doubt that you would be able to be impartial?	☐	☐
b) Leads you to believe there is a substantial doubt as to your capacity to be impartial, including, but not limited to, bias or prejudice toward a party, lawyer, or law firm in the arbitration?	☐	☐
c) Otherwise leads you to believe that your disqualification will further the interests of justice?	☐	☐
15. Is there any reason you might not be able to properly perceive the evidence or properly conduct the proceedings because of a permanent or temporary physical impairment?	☐	☐
16. Do you know of any constraints on your availability that will interfere with your ability to commence or complete the arbitration in a timely manner?	☐	☐
17. Is there any other matter, which if disclosed, could cause a person aware of the facts to reasonably entertain a doubt that you would be able to be impartial?	☐	☐

*If **yes**, please attach a separate sheet disclosing the matter which provides any and all information regarding the matter to the full extent of your knowledge.*

You have ten (10) calendar days from the date at the top of this form to return this completed form and any attachments to _____Association of REALTORS®.

Dated: _____

_____ _____

Proposed Neutral Arbitrator Signature

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO.: ATTORNEY FOR *(Name)*:	
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT:	
CIVIL SUBPOENA **For Personal Appearance at Trial or Hearing**	CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of witness, if known)*:

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make an agreement with the person named in item 2:**

a. Date:	Time:	☐ Dept.:	☐ Div.:	☐ Room:
b. Address:				

2. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
   a. Name of subpoenaing party or attorney: b. Telephone number:

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

. . . . . .
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PERSON ISSUING SUBPOENA)

_____
(TITLE)

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the clerk's office or go to *www.courtinfo.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code, § 54.8.)



PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

PROOF OF SERVICE OF CIVIL SUBPOENA FOR PERSONAL APPEARANCE AT TRIAL OR HEARING

1. I served this *Civil Subpoena for Personal Appearance at Trial or Hearing* by personally delivering a copy to the person served as follows:

   a. Person served *(name)*:

   b. Address where served:

   c. Date of delivery:

   d. Time of delivery:

   e. Witness fees *(check one)*:
      (1) ☐ were offered or demanded and paid. Amount: . . . . . $ _____
      (2) ☐ were not demanded or paid.

   f. Fee for service: . . . . . $ _____

2. I received this subpoena for service on *(date)*:

3. Person serving:
   a. ☐ Not a registered California process server.
   b. ☐ California sheriff or marshal.
   c. ☐ Registered California process server.
   d. ☐ Employee or independent contractor of a registered California process server.
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
   f. ☐ Registered professional photocopier.
   g. ☐ Exempt from registration under Business and Professions Code section 22451.
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR *(Name)*:	
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT:	
CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION	CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of witness, if known):*

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.**
   a. Date: Time: ☐ Dept.: ☐ Div.: ☐ Room:
   b. Address:
2. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, *AND* CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
3. **YOU ARE** *(item a or b must be checked)*:
   a. ☐ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
   b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. **IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**
   a. Name of subpoenaing party or attorney: b. Telephone number:
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(TYPE OR PRINT NAME) (SIGNATURE OF PERSON ISSUING SUBPOENA)

(TITLE)

(Declaration in support of subpoena on reverse)

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-002 [Rev. January 1, 2012]

Code of Civil Procedure, § 1985 et seq.
www.courts.ca.gov

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by *(check one):*

☐ the attached affidavit or ☐ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985,1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner respondent
   ☐ attorney for *(specify):* ☐ other *(specify):*
   in the above-entitled action.

2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form *(specify the exact documents or other things to be produce; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):*

   ☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

   ☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

   ☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME

(SIGNATURE OF ☐ SUBPOENAING PARTY ☐ ATTORNEY FOR SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least *five* days before the date on which you are to appear. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:
   a. Person served *(name):*
   b. Address where served:
   c. Date of delivery:
   d. Time of delivery:
   e. Witness fees *(check one):*
      (1) ☐ were offered or demanded and paid. Amount: . . . . . $ _____
      (2) ☐ were not demanded or paid.
   f. Fee for service: . . . . . $ _____
2. I received this subpoena for service on *(date):*
3. Person serving:
   a. ☐ Not a registered California process server.
   b. ☐ California sheriff or marshal.
   c. ☐ Registered California process server.
   d. ☐ Employee or independent contractor of a registered California process server.
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
   f. ☐ Registered professional photocopier.
   g. ☐ Exempt from registration under Business and Professions Code section 22451.
   h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

_____
(SIGNATURE)

REQUEST FOR "SHOW CAUSE" HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

Hearing Date:_____

To the Board of Directors:

1. In the above referenced arbitration case, the hearing Panel determined that: _____ owed _____ the amount of _____, which was to be paid on or before _____. I (we) request a "show cause" hearing because the non-prevailing party(s) failed to pay the arbitration award by the due date. This request is supported by the attached statement, marked Exhibit "A" which is hereby incorporated by reference and made part of this request. I understand that this request will not be processed by the Association without such a supporting written statement.

2. I understand that the Board of Directors may: (1) take no action; (2) suspend the non-prevailing party's Association and/or MLS membership until he or she pays the arbitration award to the prevailing party; or (3) set forth a schedule for the payment of the arbitration award to the prevailing party. The Directors may also impose discipline if the non-prevailing party fails to follow the payment schedule set forth by the Directors.

3. I understand that any suspension of membership by the Directors following the "show cause" hearing will not be imposed until: (1) after the award is confirmed or modified by a court, but only if the award is not paid by the date ordered by the court (or within fifteen (15) days after the court order if the order does not provide a due date); or (2) if no court action is filed, one hundred and one (101) days after the Arbitration Award was finalized.

4. Under the penalties of perjury, I (we) declare to the best of my (our) knowledge and belief that the statements contained in this request for "show cause" hearing are true and correct.

Dated: _____

_____ _____
Signature Signature

_____ _____
Name (Type or Print) Name (Type or Print)

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NOTICE OF REQUEST FOR "SHOW CAUSE" HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

TO: _____

This is to inform you that _____ has filed a request for "show cause" hearing for the above referenced arbitration award by the Association's Board of Directors.

Please be advised that you have fifteen (15) calendar days from the date specified below in which to mail or file your response, if any, to the office of the Association at the address below. You also have the right to attend the hearing. Enclosed is form A-26 for your use in filing a reply. Please note that the sole purpose of the "show cause" hearing is to determine why you failed to timely pay the arbitration award. The only evidence you can present must relate to your financial ability to pay the award. **The purpose of a "show cause" hearing is not to rehear the merits of the case if you disagree with the award of the hearing Panel.**

Your response must be in writing, signed and dated, and include one (1) original and _____ copies.

Dated:_____

_____
Signature

_____, Association Executive or authorized designee
Name (Type/Print)

Please mail or file response to:

_____ASSOCIATION OF REALTORS®

Attn:_____

Address:_____

City, State, Zip:_____

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REPLY TO REQUEST FOR "SHOW CAUSE" HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

To the Board of Directors or Appointed Directors' Panel:

1. I (we) reply to the request for "show cause" hearing filed in this matter and substantiate such reply in the attached statement, marked "Exhibit A," which is hereby incorporated by reference and made part of this reply.
2. Under the penalties of perjury, I declare that to the best of my knowledge and belief, the statements contained in this reply are true and correct.

Dated: _____

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

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NOTICE OF "SHOW CAUSE" HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

All parties are hereby notified that the hearing for the above referenced matter has been scheduled for:

Date: _____

Time: _____

Location: _____

_____

_____

_____

The appointed Panel members in this case are:

_____, PRESIDING OFFICER

_____, DIRECTOR

_____, DIRECTOR

All parties may be represented by legal counsel at any time, including at the "show cause" hearing. If a party intends to have legal representation, the party must give written notice of the legal representative's name, address and phone number to all parties and the hearing and/or Panel at least fifteen (15) calendar days before the scheduled date of the hearing. Failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against the party.

The parties may not attempt to discuss the case with any hearing Panel member except during the official hearing.

Dated:_____

_____
Signature

_____ , Association Executive or Authorized Designee
Name (Type/Print)

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ACTION UPON "SHOW CAUSE HEARING" ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

A "show cause" hearing in the above referenced arbitration case came before the Board of Directors on _____, 20____. Upon consideration of the request:

- ❑ The Directors choose not to take any action.
- ❑ The Directors hereby suspend the q Association and/or q MLS membership of _____ until he or she pays the arbitration award to the prevailing party.
- ❑ The Directors require _____ to pay the arbitration award to the prevailing party according to the following schedule:

_____

_____

In the event _____ fails to make any payments by the deadlines set forth in this schedule, The Directors hereby order that the q Association and/or q MLS membership of _____ be suspended until he or she pays the arbitration award to the prevailing party.

NOTE: No suspension will be imposed by the Association until: (1) after the award is confirmed or modified by a court, but only if it is not paid by the date ordered by the court (or within fifteen (15) days after the court order if the order does not provide a due date); or (2) if no court action is filed, one hundred and one (101) days after the Arbitration Award was finalized.

The above action was adopted by the Board of Directors on _____, 20 ____.

Date: _____

By: _____
Signature

_____
Name (Type/Print)
President or Presiding Office

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AGREEMENT FOR HEARING BY TWO PANELISTS
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____vs._____
Complainant(s) Respondent(s)

We, the undersigned parties, hereby agree that the arbitration hearing on _____, 20____ will be conducted by only two (2) panelists.

COMPLAINANT(S):

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

RESPONDENT(S):

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

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NOTICE OF ADDITIONAL ATTENDEES FOR HEARING ARBITRATION
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

This notice is to inform the Association and all parties that the following additional attendees will appear at the hearing of the above-referenced case.

As per Association policies and procedures, this notice has been timely submitted to the Association no later than fifteen (15) days prior to the hearing, and the Association will forward it to all parties.

LEGAL COUNSEL:

Name:_____

Firm:_____

Address:_____

Email:_____ **Phone Number:**_____

BROKER REPRESENTATIVE: Name of the broker who will not be present: _____

Name of the Person Representing the Broker: _____

Firm:_____

Address: _____

Phone Number:_____ **Email: _____**

WITNESS(ES): (Note: The list of witnesses only needs to be provided to the other party when the amount in dispute is $50,000 or more. However, you may provide the list of witnesses as a courtesy to the other party even when the amount in dispute is less than $50,000.)

Name: _____ **Name: _____**

INTERPRETER/TRANSLATOR:

Name: _____

Language: _____

Date: _____

_____ _____
Party's Name (Type/Print) Party's Signature

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