

## GLOSSARY OF TERMS

**CAUCUSES** are meetings in which a mediator talks with the parties individually to discuss the issues.

**CLAIMANTS** are filing parties, also known as plaintiffs.

**CONFIDENTIALITY.** Information disclosed to the mediator by the parties or witnesses in the course of the mediation will not be divulged by the mediator. All documents received by the mediator while serving in that capacity is confidential. The mediator will not be compelled to produce such records or to testify in regard to the mediation in any adversarial proceeding or court.

**COUNTERCLAIMS** are counter demands made by a respondent in his or her favor against a claimant. They are not mere answers or denials of the claimant's allegation.

**DEPOSITS.** Each party will pay their portion of the mediator's fees, payable to the mediator, prior to the beginning of the mediation conference. The mediator will submit an accounting of estimated costs to each party. Subsequent bills will be paid promptly by the parties directly to the mediator. (see filing fees.)

**END OF MEDIATION.** The mediation will end when: (a) settlement agreement is signed by the parties; (b) the mediator determines that further efforts at mediation are no longer productive; or (c) the party or parties declare (s) in writing that the mediation has ended.

**EXPENSES.** All witness, other fees and expenses will be paid by the party requiring such services. Costs of any proofs or expert advice produced at the request of the mediator will be borne equally by the parties unless they agree otherwise.

**EXCLUSION OF LIABILITY.** Neither the Santa Clara County Association of REALTORS® or the mediator will be a necessary party in judicial proceedings relating to the mediation. Neither the Santa Clara County Association of REALTORS® nor the mediator (s) will be liable to any party for any act or omission in connection with any mediation conducted under these rules.

**FILING FEES.** The two hundred dollar (\$200.00) non-refundable filing fee (payment equally shared by all the parties) must be payable to the Santa Clara County Association of REALTORS® prior to the appointment of a mediator. (see deposits paid to mediator)

**MEDIATION** is process in which a neutral assists the parties in reaching their own settlement but does not have the authority to make a binding decision.

**NEGOTIATION** is a process in which disputants communicate their differences to one another and with this knowledge, try to resolve them.

**PARTIES** are the disputants.

**REFUNDS.** Once the parties agree to submit their dispute to mediation, no refund of the filing fee will be made.

**RESPONDENTS** are responding parties, also known as the defendants.

**SETTLEMENT.** When the parties reach an agreement, they should reduce the terms in writing. If any or all of the issues remain unresolved, the parties may submit to arbitration.