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Real estate professionals as intermediaries: Conceptualizing the third party role

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Real Estate Professionals as Intermediaries:
Conceptualizing the Third Party Role

by

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B. A. The University of Montana, 1995

presented in partial fulfillment of the requirements
for the degree of Master of Arts

The University of Montana

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Abstract

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The purpose of this thesis is to describe how third parties conceptualize and enact the third party role in general, and in terms of neutrality, impartiality, and confidentiality. Using qualitative research methods, real estate professionals are used as subjects for better understanding the third party role. Real estate brokers' descriptions about their role are compared with the mediators' role to offer alternative views of the intermediary process.

Qualitative methods are useful when discovering and extending theories by offering subjects the opportunity to describe their perceptions. For this research, an interview guide was created and a total of 15 real estate brokers were interviewed. Each interview was taped, transcribed, and coded, using constant comparison methods to discover categories for the three research questions. Within each question, the phenomenon found from the transcripts were analyzed, producing potential categories for future research about the third party role.

Mediator and realtor roles are compared and extended to implications for other intermediaries. Both chapters six and seven offer suggestions for realtors and other intermediaries. Some suggestions involve broadening the educational requirements in areas such as conflict and anger management, mentoring programs, and ethics. Further suggestions for all third parties' roles in preventing conflict and engaging in limited intervention are offered.
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Chapter 1
STATEMENT OF RESEARCH PROBLEM

Acting as an informal third party between two disputants during a conflict is a role we frequently assume, whether it be among friends, or within a professional context. Conflict is a part of life, and the way an intermediary conceptualizes his or her role as a third party during a dispute may have important consequences for understanding how to enact the intermediary role more effectively.

A pilot study was recently conducted to better understand the intermediary role taken by realtors in a Montana community (Phillips, 1996). The purpose of the study was to determine the type of conflicts real estate professionals are confronted with, and the methods they used to find solutions. It was found that real estate brokers serve as intermediaries between buyers, sellers and others having a vested interest in the property. As third parties between two opposing sides, realtors strive to appear neutral and impartial, while deciding what information should be disclosed to others.

The goal of this research is to discover how realtors view their role as a third party between buyers, sellers, and others having emotional and financial interests in selling and buying property. Real estate brokers are used as subjects for comparison in this research because of the frequency for which they are placed in a third party position. Juxtaposing mediation theory with how real estate agents conceptualize their intermediary role may provide new ways to view neutrality, impartiality, and confidentiality.

The amount of research conducted on third party intervention does not reflect the frequency for which people assume this role. In chapter two, research on third party intervention will be provided along with the implications for trained verses untrained intermediaries. Overall, this research has contributed to the implications when assuming the role of a third party between two disputants.
The mediation process has been widely researched by various professionals who have discovered methods to structure and enact the intermediary role. Educational backgrounds of mediators, the mediation process, and the conceptual issues offered by professional mediators will be provided.

In the final section of the literature review, real estate professionals role designations, educational background information, protocol, and examples of realtor informational sources will be provided.

Mediators and Real Estate Professionals

Psychologists, social workers, lawyers, and political scientists all came to the realization that the traditional practice models of their separate disciplines were inadequate to resolve conflicts. "Mediation requires a different thinking frame that cuts across the lines of the traditional established disciplines (Benjamin, 1990, p. 93)."

"Increasingly, however, given today's economic, political, and social realities, executives, managers, organization development (OD) consultants, human resource (HR) personnel, conflict management systems designers, and attorneys are seeking more creative and improved methods to manage conflict. They are being asked to devise processes that constructively draw conflict to the surface and channel it: these are the sluices and viaducts of effective conflict management (Constantine and Merchant, 1996, p. xiii)."

Folberg and Taylor (1984) list several assumptions about mediation that form the basis for why realtors can be compared with mediators. Mediators assume "that both participants in a mediation session wish for the conflicts between them to be resolved". This is frequently true when the participants view the process voluntarily as opposed to "court-mandated" mediations. The participants must believe that the mediator will lead them through the mediation process because they have the expertise about conflict to understand the best methods for conducting a mediation session. "Trained mediators can assist the process better than ad hoc mediators who have not had the benefit of special education and experience, particularly when the issues have substantial impact" (Folder
3.

Both mediators and real estate professionals share many conceptual ways of working. Both are obligated to conduct their work in a fair and ethical manner. Neutrality, impartiality, and confidentiality are considered important in both professions. Realtors and mediators are perceived to be the professionals in charge of the process; when things go wrong, they are a source to blame by the clients. Like mediation, for a real estate professional to succeed in closing a deal, both parties must share in the desire to resolve the conflicts. When the clients enter into a negotiation process they are assumed to be doing so in good faith with the goal of closing the deal. Both realtors and mediators realize that when parties enter into the process of negotiating a settlement, the results frequently depend on the willingness of the parties to find an optimal agreement.

Realtors, like mediators, function best when it is understood that they are allowed to act as the expert of the process, and both professions require special training in particular areas of their fields. Realtors can apply for special licenses such as; residential, commercial, recreational, and agricultural designations. Disputes regarding "use of natural resources, business mergers, or divorce and custody should be brought to trained mediators rather than well-intentioned but untrained friends or volunteers" (Folberg & Taylor, 1984, p. 15).

Qualitative Methods

Qualitative methods are used for this study because the nature of the information to be gathered demands more descriptive and interpretive methods. Qualitative analysis is preferred when trying to understand phenomenon because it allows the participants to elaborate in areas felt important. In addition, qualitative methods are better for providing subjects with the opportunity to describe feelings while allowing the researcher to extract meanings from the dialogue.

An interview guide was used to understand how realtors conceptualize their role as
intermediaries. The guide was generated from Walton's (1969) methods for describing ideal third party qualities. The personal and situational attributes include:

1) Being comfortable confronting personal encounters with others
2) Having a high level of energy during encounters
3) An ability to appropriately alter ones mood for the situation
4) Analyzing and understanding past events of each side while showing emotional concern for each person
5) Not to suppress feelings and intentions, but instead to act on them.

Walton's situational attributes included:

1) Having a high professional expertise regarding social processes
2) Having low power over the fate of the principals
3) Having high control over confrontation setting and processes
4) Possessing a moderate level of knowledge about the principals, issues, and background factors
5) Being neutral with respect to substantive outcomes and personal relationships
(Walton, 1969, p.134)

The purpose of this study is to better understand how intermediaries view their role by comparing and contrasting the role of a realtor with that of a mediator. Using the interview as the speech event, the primary questions for this study consist of the following:

1) How is the third party role conceptualized by those who frequently assume it?
2) How are neutrality, impartiality, and confidentiality conceptualized by an intermediary?
3) How does an intermediary remain neutral, impartial, and hold confidential facts for either side when assuming the third party position during conflicting situations?

This research project is designed to extend existing theoretical concepts about the
intermediary role in addition to further developing how the role is conceptualized. Mediation theory will be extended by studying how third parties conceptualize their role as intermediaries in addition to looking at factors of neutrality, impartiality, and confidentiality. Both trained mediators and untrained intermediaries have agendas for separate meetings with both sides, however the rationale behind the strategies of intervention are different depending on the particular scenario. Combining how real estate agents conceptualize their role with that of a mediator's role may provide insight into more effective ways for professional intermediaries to function. In addition, what is learned from this study could transfer into new ways to view the third party role for those concerned with managing interpersonal communication conflicts confronted in the normal course of life.
Chapter 2
LITERATURE REVIEW

The first section in this chapter provides a review of the research and theory of third party intervention. Following that will be a discussion and literature review of the mediation process with an emphasis on the role of the mediator. The last section of this chapter consists of background information about real estate professionals.

Fisher and Ury (1981) advanced negotiation theory and techniques in their book *Getting to Yes: Negotiating agreements without giving in*. This book was significant because it was accessible to both scholars and lay persons wishing to understand how to negotiate without being trapped into an adversarial, or coalition forming position. Prior to the time this book was released, very few publications existed about how to use fair and equitable negotiation techniques.

When this book was published, our country was inundated by lawsuits involving accident victims and people seeking restitution for various reasons. In addition to lawsuits, divorce laws were reformed in the late 1960s and early 1970s resulting in crowded court dockets. Divorce settlements, small claims, and accidental injury suits, were felt to be best handled within the court systems (Benjamin, 1990, p. 92).

It would seem that two forces were in operation during the 1970s; on the one hand there was a growing body of legal and mental health practitioners who advocated an adversarial approach. At the same time, another group of legal and mental health practitioners realized that the real problems were not being addressed through lawsuits and litigious procedures; and as a result, these professionals gradually broke away from adversarial methods for solving human problems by using more collaborative, information exchanging techniques. Taking a neutral position, Fisher and Ury wrote about "principled negotiations", and in the introduction, they stated that "Unlike almost all other strategies, if the other side learns this one, it does not become more difficult to use; it becomes easier. If they read this book, all the better (xiii)."
Third Party Intervention

The similarities between mediation and third party intervention are many, as explained previously when discussing the correlations between realtors and mediators. "Most mediation efforts are made in less formal everyday settings by people who are called into the dispute or intrude of their own accord (Sheppard, Jones, & Roth, 1989, p.166)." In a paper about "informal thirdpartyship", a distinction was made between the relationships and rules used by an informal verses a formal third party. Examples of relationships include; parents between siblings, managers between co-workers, and friends between other friends. During an informal third party intervention, the relationship of the participants' usually extend beyond the intervention, and the intermediary is frequently part of the dispute. Because the interventionist has not received special training, they are not constrained by formal procedures and expectations as found in the role of a professional mediator (Sheppard, Jones, & Roth, 1989, p.166).

"Semi-professional" third party intervention was studied by taking a multidimensional approach to compare the applicability of different ways to setup and analyze managerial third party interventions. Pinkley, Brittain, Meale, and Northcraft (1995) drew from previously created topologies (Sheppard, 1983; Karambayya & Brett, 1989; Carnevale, 1986; Kolb, 1987) to discover the best methods for future study when looking at the role of a third party.

Pinkley et al (1995), verified that little research on third party managerial intervention has been conducted in the past, and when it has been done, the methods for gathering data has been through self-reports. Furthermore, most studies involving third party intervention strategies have been conducted on legitimate intermediaries. The research in this area until recently has not reflected the frequency that people are placed into the intermediary position (Sheppard et al, 1989, p.400).

Sheppard et al (1989) found that the authority and the time an informal third party has, affects how the conflict is handled. When third parties have more authority over
disputants but little time, they are less likely to emphasize using mediation or therapeutic approaches to disputants. Further, if disputes were complex and important, and the disputants were interdependent, an emphasis on diagnosis and clarification was used resulting in satisfaction and commitment to a solution by the disputants (Sheppard et al, 1989, p.177). Informal third parties who had time and a more authoritative position, were more concerned about gathering data, while emphasizing ways to produce fair and balanced settlements.

Less authoritative intermediaries, like parents and friends, were less likely to be concerned about fairness when they saw personality clashes at the heart of the dispute (Sheppard et al, 1989, p.179). In these situations, the third party would impose solutions, especially when time was limited for working out the problems.

Van de Vliert (1981) used coalition and role conflict theories to better understand those factors and consequences of taking sides as a third party during a dispute. Coalition theories consist of the "minimal winning theory" (Caplow, 1956; Gamson, 1961, 1964; Riker, 1962), which discusses the relative strengths of the parties in terms of outcome. The stronger the intermediary feels among the two sides minimizes the occurrence of siding with either party. "Anticompetitive theory" assumes maintaining social bonds as more important over win-lose competition (Bond & Vinacke, 1961; Gamson, 1964; Uesugi & Vinacke, 1963). In this theory, the third party will choose to coalesce with the more reasonable party. "Minimal range theory" (De Swaan, 1973; Lawler & Youngs, 1975; Levierson, 1970) states that third parties will side with the disputant perceived more like the intermediary (Van de Vliert, 1981). The evaluation theory (Simmons, 1969) considers how the intermediary is perceived by the parties to determine how a third party enacts his or her role, dependent on positive or negative sanctions from either side. All theories used for Van de Vliert's (1981) study combined the behavioral expectations of both sides, with the perceptions of the intermediary.

A survey taken from school superintendents, industrial managers, accountants and
mayors was conducted, where each participant was asked to explain the details of conflict situations where respondents functioned as intermediaries between two disputants. Van de Vliert (1981) discovered third parties often feel pressured to make a choice between the two sides. Each party's agenda included winning the intermediary over to their own side in an attempt to "inflict a loss on the opponent" (Van de Vliert, 1981, p.502). Intermediaries were less inclined to find ways to resolve the conflict or take a middle ground position to the dispute. Instead, by choosing sides, the conflicts became escalated thus reaffirming coalition theory and role conflict theories.

De-escalating reactions would include choosing a neutral position, but these reactions are not normally used without promoting them through "enlightenment, education, and training for conflicts in which third parties do not choose strategic escalation" (Van de Vliert, 1981, p.516). In summary, it was proposed that if third parties became more aware of using a combination of positive and negative sanction power to prevent coalition formation, "compromise, avoidance, and conflict resolution" become viable alternatives instead of taking sides (Van de Vliert, 1981, p.515).

Intermediaries often lack the training as third party interventionists. As a result, intermediaries will often take sides with one of the participants to the conflict. Factors affecting more successful outcomes include possessing the authority over disputants and the time to diagnose and clarify the problem. Real estate professionals are considered experts who possess the authority to negotiate property transactions, but are not always able to completely diagnose and clarify problems due to time constraints.

Van de Vliert (1989) explained "siding" to be a natural result to third party involvement, but by taking sides, the conflict becomes escalated. In addition to taking sides, the intermediary contributes to a formation of two separate coalitions; the side not taken against the newly formed coalition. When real estate agents are hired by a buyer or a seller, they represent their client, yet must remain neutral and impartial to their client for ethical and professional reasons. Ethically, a realtor must learn all he or she can
about their client for the sake of doing the best job for them. The laws of disclosure limit how much confidentiality they are able to maintain for their clients, which may influence the professional relationship.

Walton (1969) listed particular personal attributes that third parties should possess for optimal success when functioning as an intermediary. These include: being comfortable confronting personal encounters with others; having a high level of energy during encounters; an ability to appropriately alter ones mood for the situation; analyzing and understanding past events of each side while showing emotional concern for each person, and finally; not to suppress feelings and intention, but instead, to act on them. (Walton, 1969, p.142). In addition, situational attributes include: having a high professional expertise regarding social processes; low power over the fate of the principals; high control over confrontation setting and processes; a moderate knowledge about the principals, issues, and background factors, and; neutrality with respect to substantive outcomes and personal relationships (Walton, 1969, p.134).

Personality attributes contributing to successful intermediaries were provided by Walton. The ability to be confrontive, flexible, energetic, and analytic were proposed as traits to effectively function as a third party intermediary. By the very nature of a sales oriented occupation, realtors must possess these qualities in order to succeed.

Situational factors affecting intermediaries ability to successfully negotiate are influenced by the knowledge about the conflict, the ability to remain neutral and professional, while having little power over the eventual outcome. The protocol whereby negotiations are primarily carried out between agents seems to place constraints on how much a realtor will know about the other agent's client.

None of the studies on third party intervention examine neutrality, impartiality, or confidentiality in ways to understand how the intermediary conceptualizes these elements when in the third party position. The research on third party intervention examines role relationships, offering theoretical and practical perspectives for the intermediary role.
Studies about mediator intervention have received considerable attention by professionals who assume the professional intermediary role. In the next section, mediation intervention will be offered through the roles, requirements, and process of this form of third party intervention.

Mediator Intervention

Debra Kolb (1982) began her book "The Mediators" with a chapter titled "The second oldest profession". In this introduction, she explained that "mediation is an art with as many theories, philosophies, and approaches as there are mediators" (Kolb, 1982, p.3). Each case presents a different scenario with individual personalities, circumstances, and events. Over time mediation practitioners have attempted to formulate theories pertaining to the best tactics to use (Benjamin, 1995; Wall & Dewhurst, 1991; Tidwell, 1994), and the best formulas for success (Carnevale, Conlon, Hanish & Harris, 1989; Donohue, Allen & Burrell, 1988; Bush & Folger, 1995). Prior to working as a professional mediator, certain requirements must be fulfilled to function as a competent, skilled and sensitive communicator (Moore, 1996; Pruitt, McGillicuddy, Welton, & Fry, 1989; Gentry, 1994).

Educational Requirements

Mediation is generally described as "an informal process in which a neutral third party with no power to impose a resolution helps the disputing parties to reach a mutually acceptable settlement" (Bush & Folger, 1995). Over the past 25 years, mental health and legal professionals have contributed both theory and research about the mediation process, yet the debate continues about standardized testing procedures to qualify mediators as designated professionals.

In some states, requirements must be met for mediators to be recognized as legitimate professionals, however, the controversy continues about whether mediators should be
required to obtain a license to practice this form of intervention. Most training programs are limited to federal or state mediators, or found within a particular job description such as managers, human relations counselors, or state attorneys, who specialize in alternative dispute resolution methods (Kolb, 1983). Other volunteer training programs are held for community mediators to handle neighborhood disputes, landlord tenant disputes, and to help implement training for school mediation programs.

Certification for mediators has been a concern for both those in the public and private sectors. On the one hand, advocates for mandatory testing pertain to special areas of interest, such as; divorce mediation, child and custody mediation, and victim-offender mediation. The nature of these conflicts are argued as separate scenarios requiring certain standards of expertise. On the other hand, by stipulating specific educational requirements, many qualified and talented individuals become no longer able to serve as volunteers in the estimated 250 volunteer agencies across the nation (Pruitt, McGillicuddy, Welton, & Fry, 1989).

With any emerging professional practice, there comes a time when licensing and regulatory requirements become established to designate indoctrination of each specialist into the group. Gentry (1994) reviewed the activities relating to the certification of mediators since the early 1980s. Representatives from organizations and special interest groups met to decide on the methods and the criteria for testing mediators. It was hoped that by establishing testing methods and educational criteria to qualify the candidate as a professional mediator, inexperienced and educationally unqualified individuals become unable to serve as professional mediators. In this way, only those who are capable of passing the exam in addition to possessing the educational background become eligible to function as mediators thereby advancing the profession as a separate entity. The main results from the meetings were in advocating mandatory testing for all but those who function as volunteer mediators, stipulating that volunteers undergo adequate training (Gentry, 1994).
Formal training programs for mediators often consist of 32-40 hours of classroom instruction followed by at least one year serving as an apprentice with an experienced mediator. New mediators spend time with his or her "mentor" observing them work. The relationship between the mentor and the new mediator gradually changes to a co-mediation which includes supervision and practical experience with the mentor. The mentor-ship plan is a critical aspect for learning how to communicate appropriately with parties in conflict, and has become an acceptable way to learn the profession (Moore, 1996).

Mediator Types

There are different forms of mediators such as social network mediators, authoritative mediators, and independent mediators. Social network mediators might be trusted friends, relatives, or business associates that are known and respected by the group. These mediators are generally "concerned with promoting stable long-term relationships" among the group, but may not always be impartial (Moore, 1996, p.43).

Authoritative mediators are those having the power to "influence the outcome of a dispute". This category of mediator is generally an elected position, and may exercise legitimate power over either side if needed to bring about collaboration by the disputants (Moore, 1996, p. 43).

Independent mediators are not known by the disputing parties, and therefore, are better able to maintain a neutral and impartial position between the two sides. Impartiality and neutrality does not mean a lack of opinion, but rather a separating from personal opinion by the intermediary. To be neutral and impartial means to remove personal bias about the individuals and outcome while also "helping the parties make their own decision without unduly favoring one of them" (Moore, 1996, p. 52).

Independent mediators will be the type of mediator referred to in this paper because they are removed from the conflicts, they are hired by the disputants, and they typify the
professional intermediary. Neutrality and impartiality are important to independent mediators, and they are usually recruited to serve as a third party because they lack previous knowledge about either of the parties to a dispute. Social network and authoritative mediators are frequently found working within a judicial or organizational system.

The Standard Mediation Format

As mentioned earlier, mediation theory is surprisingly uniform in spite of the variations among the different types of mediations. Different authors may vary the order of the process slightly, or use terminology not entirely congruent to one another, but the main ideas and methods remain relatively consistent, and this consistency does lend credibility to the process.

The way a mediation is organized varies among professions, and among individual professionals (Wall & Lynn, 1983; Maxwell, 1992; Benjamin, 1990; Musty & Crago, 1984). There are different methods to structure talk, and different ways to pace the process (Donohue et al, 1988; Curtis & Bailey, 1990). Some mediators emphasize the intake interview while others spend more time in negotiations and problem solving (Gold, 1984).

Four separate steps will be distinguished when describing the different skills and tactics used by the mediator. The four steps used in this discussion include; (1) an intake interview, (2) a period of understanding the problems, (3) negotiating differences, and (4) a stage of working through agreements. Starting with the intake interview, each step will be explained emphasizing the strategies used in terms of the mediator as a legitimate third party.
The Intake Interview

When beginning a mediation, there are certain points of information that need to be conveyed to the participants. The process of mediation is explained, including; the role of the mediator, the role of the participants, and the expectations of each during the process. The mediator reinforces a climate of neutrality and impartiality while gaining compliance by explaining how interactions are managed.

One of the main priorities is to encourage trust in the mediator and in the process. In order to do this, the first conversations, either individually or separately, are about educating the parties about the process itself (Haynes, 1984). It is crucial that the mediator structure talk in a way that enhances a climate of trust when describing the process. For this reason, the presentation skills exhibited by the mediator are important for reinforcing the mediator's ability to remain neutral and impartial.

In a study regarding the effects of perceived competence in mediators and how this relates to outcomes, Donohue et al (1988), discovered that when the mediation process was highly structured, it elicited more agreement conditions (Donohue et al, 1988). The more intense the conflicts are, the greater the need for a highly structured process. Structuring the process during the intake session becomes critical for providing guidelines of behavior thereby preventing confusion during stressful moments (Donohue et al, 1988). The primary method for achieving structure under chaotic circumstances is by explicitly stating the general rules of conduct (Donohue et al, 1988). These rules include listening carefully when a person is talking, no interrupting, and refraining from name-calling or other abusive actions.

In addition to stating the ground rules, the mediator sanctions confidentiality by stating that whatever happens during a mediation stays within the confines of the room. Discouraging talk about what happens during a session helps the parties to begin thinking independently, while simultaneously limiting confusion from outsiders (Yarbrough & Wilmot, 1995). When a person is encouraged to evaluate their options independently,
they learn how to make choices about what they want. (Bush & Folger, 1995, Gold, 1993). If the mediator feels additional information is needed by others, consulting outside parties will be done when both sides agree that this move will add clarity to the issues being discussed.

One of the more difficult tasks throughout the mediation process is to communicate as a neutral and impartial third party. The disputants have undoubtedly already experienced third party intervention by other concerned individuals, but the advice given by these outsiders is usually biased. By demonstrating neutrality, the mediator is also perceived as being trustworthy and competent. Frequently each person feels wronged, and each person probably has ideal solutions to the conflicts. Haynes (1984) uses words such as "us", "our", and "we", along with phrases like, "the outcome of our work together", to imply that both the parties and the mediator will work together towards managing conflicts as they arise (Haynes, 1984, p.4).

Yarbrough & Wilmot (1995) talked about timing intervention through John Keltner's (1986) "Struggle Spectrum". The spectrum is composed of six levels of conflict intensity, and shows the optimal time to intervene. During the intake interview, the mediator can decide if the conflict is at a workable stage by checking the intensity of the conflict. Stage one intensity (mild differences of opinions) does not warrant mediation intervention. Moving to stage two and three (disagreement and disputes), indicates that the conflict has reached an appropriate intensity for third party intervention. Beyond level three the solutions include arbitration, litigation, and forceful intervention.

The mediator generally deals with ongoing disputes between the parties. When disputes have escalated to a higher level than appropriate for mediation, adjudication and litigation solutions are generally sought (Dworkin, Jacob & Scott, 1990).
Understanding the Problems

Counseling skills are used to uncover factors behind the emotions that drive a conflict. Curtis and Bailey (1990) spoke of the benefits for incorporating counseling techniques within the mediation process. "The counselor possesses many of the qualities that also characterize the mediator. Some of these qualities may be more important to the mediator (for example, neutrality or analytical thinking) and others (such as empathy) may be more important to the counselor (Curtis & Bailey, 1990, p. 144)." These authors list several types of counseling options useful for mediation. Examples include "exploring the client's past and unconsciousness", an awareness of the "here and now", "encouraging rational thinking and logical reasoning" while intervening when "counterproductive behavior patterns" pose limitations to the mediation process (Curtis & Bailey, 1990, p. 144).

People entering into a mediation may experience anxiety because of having to confront the source of conflict and anger. Therefore the mediator will encourage each person to feel comfortable when explaining their side to the dispute (Benjamin, 1995). The mediator begins by asking each person to separately explain some of their goals and concerns. This gives the parties an opportunity to talk about the details of the problems while at the same time providing the mediator with clues about the positions and interests that each person holds. Later on in the process these elements become important to help the mediator guide the parties toward an appropriate agreement.

Misperceptions are often cited as being at the base of most conflicts. The events that bring people into a mediation are frequently fueled by patterns of miscommunication or different value systems (Tidwell, 1994). Conflicting values are perhaps one of the most difficult areas to negotiate agreements around, but when the values presented by a client conflict with the mediator's value system, being impartial becomes a real challenge (Tidwell, 1994; Gold, 1993). Situations that create emotional blocks for the mediator include admissions of child abuse, reports of physical or sexual abuse, or extreme forms
of psychological manipulation. Regardless of what a mediator learns about either party, the rules of conduct hold and are especially applicable to the mediator who also serves as a role model for the participants.

Lois Gold (1993) wrote about the importance of being congruent to one's values and beliefs when making contact with the "humanity of one's clients" (Gold, 1993, p. 56). To arrive at a place where solutions can be generated, the mediator needs to start by being "emotionally honest, being who you are, and not allowing your anxiety, pride, or ego to mask" reactions to conflicting values found in others (Gold, 1993, p. 58). Mediators "are oriented toward the future, supporting clients in moving forward and in constructively coping with change" (Gold, 1993, p. 60).

If left alone, individual disputants will decide what to talk about and which points to emphasize and elaborate on when telling their story (Bush & Folger, 1994, p. 67). Occasionally, the mediator may have difficulty understanding what a person is trying to say because the meanings can become lost within a maze of emotionally expressed words. Noticing the patterns of talk each party uses helps the mediator to begin generating ways for bringing about clarity by restating, summarizing, and reframing the party's words or ideas. Paying attention to what is said and how the parties express themselves can provide the mediator with information regarding the relational interests (Butz, 1991).

Occasionally it becomes appropriate to permit natural displays of anger, tears, and confusion to surface. The mediator must be intuitive enough to sense when emotions need to be expressed by the participants. (Gold, 1993). When anger is displayed, it not only sheds light on the way each person feels, but for some, emotional expression may symbolize the most beneficial part of the mediation. In this controlled setting, the angry person has the opportunity to finally get their "day in court" without having been judged (Benjamin, 1995, p. 13). At the roots of anger are fears and frustrations for not being heard. Allowing these feelings to become expressed in an environment where the rules
prohibit violent physical expression gives the mediator a chance to help the client constructively work through emotions, while identifying areas of agreement and disagreement.

Since clients have agreed on rules of conduct during the intake session, a safe environment has been established for controlling emotional outbursts when directed at the other party. The opportunity to vent negative emotions has been provided regardless of whether expressing emotions occur solely with the mediator, or together with the other participants. In the case of those individuals who are unaware of their feelings or the ability to express themselves, the mediator provides opportunities to discover the issues fueling negative emotions. The mediator demonstrates patience with the speaker, perhaps reframing or summarizing his or her words to gain clarity and understanding for everyone's benefit (Gold, 1993).

Both joint meetings and separate sessions occur during most mediations, and each are valuable aspects of the mediation process. Joint meetings (1) permit each of the disputants to hear directly the other's version of the dispute, (2) allow anger and hurt feelings to be expressed in a controlled setting, (3) identify areas of agreement and disagreement, and (4) help parties have continuing relationships and better future communications. (Singer, 1990).

Caucuses are explained to the parties as individual meetings held to bring about clarity for both the mediator and the disputants when it seems underlying issues are not being brought out as a group. In situations where one of the parties lacks confidence to fully express themselves, a separate meeting enables the mediator to show support, discover new information, and provide a positive influence and encouragement. In addition, the mediator can better portray the role of an ally during a caucus. If this role is assumed while in the presence of the other side, the mediator may appear to be biased (Moore, 1986).

Holding a caucus serves different purposes depending on the mediator's goals.
Caucuses may be beneficial in a therapeutic sense, and also for further information gathering. When a negotiator has become polarized, the mediator could speak privately with each side to uncover hidden interests. It could be that one or both sides does not feel comfortable talking for reasons of trust, covert hostility, or intimidation towards the other side (Moore, 1986). Caucuses ensure that the mediator understands the interests and concerns because during private discussions, reluctant parties are able to speak freely. This enables continued work towards planning agreements when hostility, intimidation, and a lack of assertiveness makes sessions unproductive (Singer, 1990).

The power a mediator has to control, manipulate, suppress, or enhance particular data gives the mediator an inordinate level of influence over the parties (Moore, 1986). This influence is better realized when the mediator is able to speak with each party individually. The advantages for the mediator are many, including; the mediator can "protect the negotiator's integrity while asking firm questions and creating doubt about the viability of adhering to hard-line positions" (Moore, 1986). Requesting a caucus with each party when emotions run hot provides each person the opportunity to express themselves without feeling inhibited. During a caucus, the individual can better "explore settlement possibilities without the fear of divulging prematurely a party's 'bottom line' to other parties" (Singer, 1990, p. 23).

When a disputant presents information during a caucus of a controversial or embarrassing nature, the mediator can directly obtain permission to use the data, or ask what can or cannot be mentioned to the other party. Confidentiality regarding what is said in separate meetings is important unless permission is otherwise granted by the informer. Examples of limitations to confidentiality as established by the Association of Family and Conciliation Courts (AFCC) in 1984 include; a lack of full financial disclosure, child abuse, or imminent physical danger, just to name a few (Moore, 1986).
Negotiations

Negotiation sessions are active moments for all participants to the process. Ideally, the mediator functions as a facilitator of talk, intervening when necessary to steer the participants towards finding optimal solutions to managing current and future problems. At the start of the negotiations, the mediator may play a more active role, but over time becomes less influential as each side begins to establish productive communication exchanges. To aid in the negotiation process, the mediator employs methods to structure and time interventions, language strategies, bargaining skills, and what are termed by one group of researchers as "formulations".

According to Donohue (1989), a mediator's ability to remain sensitive to the communication patterns between disputants help determine the best times to intervene. Agreement mediators intervened when parties became polarized, or when the conflict intensity increased between the disputants. Less mediator intervention occurred during periods of decreased conflict intensity (Donohue, 1989). In contrast, mediators who used random intervention strategies, and failed to intervene when conflicts became intense, experienced polarization. When parties were unwilling or lacked the time to go into certain issues, the mediator was faced with a deadlock. Furthermore, when relational interests dominated the discussion combined with an unwillingness of the mediator to intervene after attacks, the mediator lost control over the situation (Donohue, 1989).

The precise steps a mediator may use during the negotiation process varies depending on the mediator, and the mediator's background. Kolb's (1983) qualitative study of federal and state mediators was conducted to better understand mediators in general, but she also found specific differences in how they functioned depending on their previous experiences.

Federal mediators would begin by structuring joint meetings so that each side directly confronted their differences (Kolb, 1983). A more passive role was assumed by federal mediators after the initial setup. This method was found better for experienced
negotiators and collective bargaining. "They argue that in joint meetings the parties are more objective and truthful because they stare at their opposing numbers across the table (Kolb, 1983, p. 67)." One rational for convening the two sides was that joint meetings place less of a burden on the mediator and diminish the chances for transmitting errors. Caucuses are rarely used because federal mediators prefer to minimize their involvement (Kolb, 1983). Furthermore, using joint meetings preserved the status quo, and did not encourage individual innovations.

The state mediators tend to keep the parties apart and move between each side (Kolb, 1983). First, key issues are identified and movement is continuously encouraged through the mediator's intervention. State mediators typically work in the public sector where experienced bargaining and negotiating is lacking. It was felt by the state mediators that joint meetings are "unworkable, unproductive, and likely to exacerbate hostilities" (Kolb, 1983, p. 64). Efforts to pressure each side into arriving at a fair settlement, even so far as to make mistakes that jeopardize the credibility of the mediator, were done to balance interests leading to innovation and change (Kolb, 1983).

The rationale provided for using joint verses separate meetings was that the degree of influence necessary to bring about agreements was dependent on the amount of experience of the negotiators. State mediators attempt to "arrange a mediation so that their access to information and their ability to influence the development of the package and to push the settlement in a particular direction" (Kolb, 1983, p. 70). Federal mediators preferred to design the mediation in ways to allow each side to directly confront differences and prevent misrepresenting either side.

Methods to alter how each side views the problems during negotiations were provided by Wall and Dewhurst (1991). Summarizing, reframing, and paraphrasing, were grouped into one category termed "formulations", in a study conducted to examine these mediator tactics and how they influence the negotiation process (Wall & Dewhurst, 1991). Formulations serve several functions in the context of a mediated conflict. They
can clarify meanings, minimize harsh language, change topics, switch the conversation from one speaker to the next, reframe an utterance into a proposed solution, force a party to look carefully at statements he or she has made, emphasize agreements or disagreements, and maintain control of the mediation process.

Agreements

When a mediation is initiated, disputants often hold divergent values, opinions, and communication patterns. To secure satisfying agreements, the mediator helps the parties to begin transforming negative conflict management skills into collaborative skills (Bush & Folger, 1994).

The mediator’s job is to help the clients see all of the alternatives to the agreements being decided. One method for bringing ideas out that each person can agree on, is to facilitate a brainstorming session (Yarbrough & Wilmot, 1995). Brainstorming enables each person to participate in generating agreeable solutions. First, the mediator gives the rules to brainstorming. They are; (1) generate a large quantity of ideas without being concerned about quality; (2) neither party will speak negatively about the ideas the other person presents; and finally, (3) both participants will collaborate on the best solution(s).

Prior to securing the agreements, a final tactic would be to sabotage the solutions (Yarbrough & Wilmot, 1995, p. 175). By asking the parties, "what would result in this solution's failure?" the parties are given the chance to imagine situations that might bring about future conflicts. Sabotaging the solutions is one way of preventing either party from doing so later. By playing "the devil's advocate", the mediator can head off problems that might surface in the future. Presenting personally meaningful, potential conflict scenarios create images that may raise new questions; however, the best time to bring up controversy is when the parties have demonstrated the ability to work together.

Bush & Folger (1995) wrote about the differences between "problem solving" verses a "transformational" approach to mediation in their book, The Promise of Mediation:
**Responding to Conflict Through Empowerment and Recognition.** Problem solving means working through the problems by collective bargaining, and helping facilitate negotiations, while permitting emotional expression by the parties. The emphasis is on the last couple stages of the process with less attention to understanding the personalities. The difficulty with this approach is that when a mediator looks at the process in this way, talk is frequently directed at working out solutions while ignoring the personalities that guide the problems (Bush & Folger, 1995, p. 60). Spending more time to understand the problems is one way of counter-acting a problem solving approach because the parties have a greater opportunity to express themselves. Also, the mediator is given more chances to use formulations and integrative bargaining approaches.

As the name implies, a transformative approach means that the mediator facilitates a transformation of the participants from individual disputants, to creative problem solvers (Bush & Folger, 1995). Each person, by having actively participated in the entire process has had the opportunity to learn ways to negotiate their own personal problems experientially. After gaining insight into specific behavior patterns that have triggered conflicts, or prevented conflict management in the past, the participants leave the process with better communication skills for managing future disputes.

When writing up the agreement, the mediator needs to be specific about each detail that has been discussed (Yarbrough & Wilmot, 1995). This is when it becomes helpful to recall the positions and interests of each party. Referring to previous conversations about each parties interests helps the mediator to put into writing the specific items that were earlier discussed. Details need to be methodically verbalized during the agreement stage. Both verbal and written agreements help solidify for the participants what will occur between them in the future.
Summary of the Mediation Process

In spite of the variety of research information about the mediation process, the structure and methods a mediator uses to facilitate problem solving for disputants remains relatively consistent. During the intake session, the mediator provides structure and instills trust by explaining the process, his or her role (to remain neutral and impartial), and the rules of conduct for the participants.

When understanding the problems, the mediator has the option of joint or separate meetings with the individuals. Joint sessions permit both sides of the problem to be openly expressed. Caucuses are separate meetings offered to understand issues not being expressed in joint sessions. Caucuses help ensure mediator understanding of interests and concerns held back during joint sessions. During the caucus, a mediator is in a position to illuminate or suppress areas of conflict to bring about more clarity to the issues for the participants. Changing highly negative talk to more constructive ways of looking at a situation is more readily done separately.

When to intervene is important for successful results. Mediator interventions that are timed during intense conflicts are more successful than random interventions.

Kolb found experienced negotiators rarely need to caucus as frequently as inexperienced negotiators. Federal mediators structure joint meetings for experienced negotiators to confront problems as a group with little intervention. State mediators intervene more often among inexperienced negotiators by facilitating talk and using pressure tactics to arrive at settlements.

Transformational agreements are more enduring and instructive for the participants, whereas problem solving deals with the issues at hand. Both verbal and written agreements help participants adhere to personally generated solutions.

Mediators have rarely been sued or held liable for malpractice in the event that the participants do not hold to the agreements (Singer, 1990). After the agreements have been made official, whether the parties stick to the agreements has remained an ethical
concern. "Whether the mediator has a duty to ensure that everyone with an interest in the outcome of a dispute is represented at the bargaining table; whether the mediator has any responsibility for the fairness of an agreement; and whether it is appropriate to mediate at all when the parties have significantly different knowledge, resources, or power" remains controversial among practitioners (Singer, 1990, p. 173).

In contrast, real estate agents have increasingly experienced legal problems within the industry. Next, the background information pertaining to real estate brokers will be provided.

**Real Estate Professionals**

In this section, the pilot study will be referred to in terms of the sources used to gain information about the informants for this research. First, the different agent to client relationships will be provided. Next, real estate terms and educational background is offered followed by the protocol realtors are obligated to maintain. The final section serves as a way for the reader to better understand how realtors might perceive their priorities when negotiating property transactions by providing literature from various real estate and business magazines.

**Realtor Designations**

In the world of real estate brokers, laws, rules, and regulations, are continually changing and expanding to fill a need for more comprehensive ways to manage each agent-to-client relationship. Numerous agent designations exist in the real estate profession such as; "statutory broker", "subagent", and "in-house seller" or "in-house buyer" (Appendix, ). These designations apply to all realtors regardless of whether they primarily deal with agricultural property or office space. The contracts are dependent on whether the agent is selling a property (listing agent), helping a client buy property (buyer's agent), or doing both with one property (dual agency). A real estate
professional is obligated by law to understand each designation. With this in mind, the most expedient way to explain the role of a realtor is to separate the different agency contracts that apply to the traditional real estate broker.

"An agency is created when the owner of a property authorizes a real estate broker to represent him or her in the sale, rental, or leasing of property", or when a buyer contracts with a realtor to locate and finalize a property transaction (Cyr & Sobeck, 1982, p. 36). The broker, has the legal obligation to act in a confidential manner for the "principal", or client, regardless of the agent to client contract.

The Buyer Agent

As a buyer's agent, the realtor represents the buyer. "This agency relationship is created when a buyer signs a written buyer broker agreement with a real estate licensee. The buyer agent represents the buyer only, and works towards securing a transaction under the terms and conditions established by the buyer, and in the best interests of the buyer (Appendix)."

When a client becomes interested in a particular property, the realtor will recommend the client hire a home inspector to go through the house. The buyer is the employer to the home inspector, therefore only the client accompanies the inspector through the house - without the agent. This helps to guarantee that the information gets to the buyer first hand without the realtor's influence (Phillips, 1996).

When working for a buyer, realtors are in charge of handling a major investment for their customer. Therefore, agents begin by using active listening to learn the needs and goals of the client while helping the client to better understand both the process, and the market (Phillips, 1996).
The Seller Agent

"This agency relationship is created when a listing is signed by a seller and a real estate licensee. The seller agent represents the seller only and works toward securing an offer in the best interests of the seller (Appendix)." When an agent works for a seller they first determine the worth of the property through a market analysis. Again, the agent listens to the client to discover facts about the property, and then helps the client better understand the process and the market. Once the agency contract has been signed, the realtor becomes the designated employee of the seller communicating any problems, offers, and suggestions about the property (Phillips, 1996).

A market analysis is considered more valuable than an appraisal for a seller (Phillips, 1996). The market analysis consists of the value of the property based on; when it was built, sewer information, the size, location, nearby schools, loan information, the yearly taxes, and SID information (special improvement district, this often influences future taxes). Appraisals are comparisons ("comparables") that list what other homes in the neighborhood have recently sold for. This information is useful for both buyers and sellers, therefore the cost of an appraisal is often split between the buyer and seller.

Working as a seller agent means not divulging personal information about the owners to anyone. However, the information about the property is not considered confidential, nor can a seller impose limitations on who views the home. The seller agent may request that the owner not be present when a potential buyer and the buyer's agent view the home, or during the home inspection (Phillips, 1996).

The Dual Agent

"This agency relationship is created when an agent is the sellers agent (or subagent) and enters into a buyer broker agreement (or subagent) with the buyer. This relationship must receive full informed consent by all parties before a "dual agency" relationship can exist. The "dual agent" does not work exclusively for the seller or the buyer but works for both parties in securing a conclusion to the transaction. If you want an agent to represent you exclusively, do not sign the "Dual Agency
Disclosure and Consent form (Appendix)."

Dual agency occurs when an agent's buyer becomes interested in a listing contracted by the same agent. This agent to client relationship rarely develops, but when it does, it creates a situation that tests the realtor's ability to remain neutral between each side. The realtor is obligated to both the buyer, and the seller, as their employee; and as such, information about either side that does not pertain to the actual legal transactions are to be kept confidential. In addition, the agent cannot take sides and discourage the seller from making concessions, or encourage the buyer to offer more money (Phillips, 1996).

The agent cannot show favoritism when working as a dual agent because again, they work for both clients. Getting the clients together is only an option when both sides are perceived by the realtor to possess a rational approach to negotiating their differences (Phillips, 1996).

Regardless of the agent to client relationship, the agreement extends beyond closing the deal, and real estate agents are well aware of this fact. In the event that problems become apparent with the property but were not disclosed, the new owner may file a suit against the seller (Cyr & Sobeck, 40).

In the table on page 30, the different agent-to-client relationships are provided in terms of who the agent represents, communication channels, and procedural tasks. In the next section, background of both real estate terms and the typical educational background of a real estate professional will be offered.

Real Estate Terms and Educational Background

The terminology relevant for referring to the different heirarchys that exist within the real estate profession will be provided. Since all of the agents used for this study hold a "broker owner" status, it is necessary to describe the differences between a realtor and a real estate agent. These titles seem similar, but were found to hold different meanings.
Table 1. Realtor contracts and conceptual views.

"Real estate agents", or "sales associates", are those who have obtained the basic license to sell real estate. A licence to sell real estate is usually obtained by attending classes at a vo-tech, or by participating in a sixty hour lecture series offered through a private agency.

Passing the licensure exam may qualify the individual to be recognized as a sales associate, yet according to several real estate professionals, does not guarantee competence in the profession (Phillips, 1996). The experience gained through observing a qualified and knowledgeable broker is considered critical. Furthermore, keeping up on the latest laws, rules, and regulations means attending weekly meetings and monthly workshops. These factors were emphasized by several agents as additional aspects separating a good realtor from a mediocre realtor (Phillips, 1996).

Real estate agents are not obligated to uphold the code of ethics for this profession at this point in their training. Taking further educational courses and passing the requirements to join the National Realtor Association enables the agent to become eligible to apply for a "broker owner" title. As a broker owner, a realtor swears to abide

<table>
<thead>
<tr>
<th>Contrast With</th>
<th>Represents</th>
<th>Communicates to:</th>
<th>Protocol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buyer's Agent</td>
<td>The &quot;customer&quot;, or buyer.</td>
<td>Bargains and negotiates with seller's agent, rarely with seller.</td>
<td>Disclose buyer's ability to finance. Partial to customer.</td>
</tr>
<tr>
<td>Seller's Agent</td>
<td>The &quot;client&quot;, or seller.</td>
<td>Bargains and negotiates with the buyer's agent, rarely with buyer.</td>
<td>Disclose property problems. Partial to client.</td>
</tr>
<tr>
<td>Dual Agent</td>
<td>Both the buyer and the seller regarding the same property.</td>
<td>Bargains and negotiates with both seller and buyer over the same property. Rarely joint negotiations.</td>
<td>Disclose buyer and seller agent facts and defects. Neutral to both sides.</td>
</tr>
<tr>
<td>All Contracts</td>
<td>The client or customer with the contract.</td>
<td>Negotiates with other agents unless dual agent contract.</td>
<td>Personal information kept confidential.</td>
</tr>
</tbody>
</table>


by a strict code of ethics, that if violated, can result in the loss of their license.

Realtors are also referred to as "real estate brokers", "broker owners", or "brokers". The "broker owner" license can be applied for after working as a sales associate for approximately two years and having within this time been active in the business. Broker owners are capable of training new agents, and branching out with their own franchise or private real estate business (Cyr & Sobeck, 1982). Realtors have committed themselves to follow the "code of ethics", and to maintain a professional standing. In order to hold the broker owner license, the requirements include 15 credits of continuing education every two years consisting of related study. If the "R" is not on the agent's card, they are a new real estate agent and have not pursued further education (Phillips, 1996).

Choosing the term 'client' or 'customer' also defines the nature of the agency relationships. A client is one who is listing a property, and the customer is the buyer (Cyr, & Sobeck, 1982). Many times a broker will be initially contracted with a client, but may work with that same client later as a customer. This happens when after the client's house sells and the client relocates within the same area, the broker facilitates the buying transaction. Brokers also referred to "their people" when talking about either clients or customers.

If special "designation" licenses are desired, such as working primarily as a buyer's agent, seller's agent, or residential specialist, then further examinations are required. The concept of agency specialists are relatively new resulting from the growth of the profession, which coincides with an increase in property laws and regulations (Phillips, 1996).

Accreditation for special agency designations have emerged recently, and implies further education in areas of bargaining and negotiation strategies. Specialists in the real estate business can be equated with other intermediary specialists, such as managers or attorneys. The volume of work is potentially greater for a specialist working in larger cities, and when a realtor works as a broker specialist, he or she has a better chance of
confining business to commercial or industrial brokerages in major metropolitan areas (Cyr & Sobeck, 1983).

In the next section the protocol that realtors must be aware of will be described in order to explain areas of potential conflicts.

Real Estate Agent Protocol

Several issues pertaining to third party intervention that realtors take into consideration regardless of the agent-to-client relationship, are; disclosure, neutrality and impartiality, and confidentiality. Each of these areas will now be discussed.

Disclosure

Almost all realtors interviewed during the pilot study mentioned disclosure as a way to prevent conflicts (Phillips, 1996). By law, the seller is obligated to disclose any information about the property that is potentially problematic. In the past, disclosure was not as important because legal restitution within the real estate profession was rare. Furthermore, the home buyer equated buying a home much like buying a used car. A used home will have defects, just as a used car does, and it was felt to be the purchaser's responsibility to investigate the product prior to acquiring the item (Phillips, 1996).

During the 1980s, home buyers began to actively seek restitution when a house had significant defects that were either covered up, or brushed aside as not important by the realtor. Most agents felt as though they were working for the seller, so they typically would avoid disclosing problems in order to secure the sale by an unsuspecting buyer (Irwin, 1995).

With new laws and regulations emerging every week, such as lead based paint and asbestos restrictions, the best protection a realtor has from future lawsuits is to bring problems out into the open.
Confidentiality, Neutrality, and Impartiality

Confidentiality is important regardless of the agency contract. The only information that can be discussed is that which directly relates to the property transaction. Neither a buyer or seller are obligated to discuss anything about themselves unless it directly relates to the ability to buy or sell the property. The limits to maintaining confidentiality are many; for example, buyers who have a bankruptcy record, or a property with liens against it. Also, it is illegal for a seller to recommend a preference regarding a potential buyer's race, age, or occupational status.

Buyers and sellers are not encouraged to convene prior to closing a transaction (Phillips, 1996). According to several agents, this is a protocol of the profession. In an article about discount brokerages, Walt Albro spoke with several brokers about the value of hiring an agent over allowing sellers to list and sell their own property. One agent said that "Most people don't want to negotiate their own contract and to get involved with a buyer or seller. That's why real estate salespeople exist. They're there to negotiate the contract for you. That's one of the most valuable services that salespeople provide (Albro, 1996, pp. 28-31)."

Realtors try to adhere to this protocol, yet exceptions were found to exist depending on the agent and the clients. Several agents mentioned that getting all of the parties together could be beneficial in some cases, but only when the agent felt comfortable with the idea. Prior to collaborating with both sides, a realtor decides on the feasibility of getting the clients together by understanding the goals and abilities of the clients to negotiate reasonably.

In the event that the parties meet face to face, the realtor is challenged with preparing the clients for negotiation by explaining what the other side desires. Realtors prefer to avoid direct confrontation because it may involve getting people together that do not share the same ideals. Brokers decide on when to intervene by regulating interactions, relaying messages, and preparing the client when a confrontation would seem
advantageous to closing a deal.

Because realtors generally feel as though they work for their clients, there is a tendency towards impartiality. Real estate agents have significant conflicts of interests when working as entrepreneurial salespeople. It is important to become familiar with the needs, desires, and limitations of each customer. Legally, to disclose information not directly related to the property transaction itself, even when such information may be important for the client could result in a lawsuit. Content and process issues are all that may be disclosed. Real estate professionals must become familiar with the needs, desires, and limitations of their people's circumstances and property. Legally, to disclose information not directly related to the property transaction itself could result in a lawsuit.

Bargaining constraints discourage client-to-client bargaining and negotiations. On the one hand, clients may prefer to not meet the other clients. For example, in the event that a seller does not want to negotiate with a buyer for fear of caving into lower offers when a buyer emphasizes negative aspects of the property or confronting a competitively oriented property owner.

Realtor Literature Review

The sources were used to gain background information for this study were taken from real estate periodicals, books and manuals for realtors, and interviews with agents. A combination of these sources were useful to better understand the kind of information available to realtors in addition to confirming specific process and regulatory information.

Periodical publications showed the kind of information directed at realtors about recent marketing trends, and methods to successfully sell real estate. Examples of the kinds of references realtors consult are the monthly magazines, Real Estate Issues, Real Estate Today, Real Estate Business, and Todays Realtor. These magazines are similar to national newsletters containing business and management success strategies, recent polls,
and special interest articles pertaining to conflict management.

To stay competitive, a real estate agent is urged to obtain and utilize the latest technology and marketing trends. Since the early 1980s, the changes in technology have had a major impact on the profession (Liparulo, 1996). These changes are reflected in the November 1996 issue of Today's Realtor. A recent poll described a direct correlation between the use of technology with financial success. Agents who used eight or more types of office technology earned approximately $47,200 more than those who averaged four to seven forms of technology (Today's Realtor, Nov. 1996, p.52). In order to remain competitive, realtors now rely on computers, fax machines, and cellular phones. Computers are important for record keeping, fax machines help a realtor finalize long distance transactions, and cellular phones ensure access with other realtors, clients, and contractors throughout the day.

In another poll, realtors were asked to rate their perceived sources of clientele. Realtors felt that 66% of the business was gained through word of mouth; followed by 21% from the "for sale" sign; 15% farming newsletters, 14% home sales magazine; 10% newspaper classified ads; and 9% open houses (Today's Realtor, Oct. 1996, p. 45). This is important because it demonstrates the kind of information realtors are exposed to, while pointing out that real estate brokers rely on verbal recommendations from previous contacts.

Real Estate Business (Fall, 1996), and Today's Realtor (September, 1996) used a recent poll to describe the profile of a "top performer". She is a broker owner, 49 years of age, and has been active in the real estate business for the past 13 years. She has typically worked in two agencies, and has been at the current agency for the past six years. She has a two year degree and at least one designation from a NAR affiliate. Her 1995 income was $130,600, and she sold 16% of her own listings (Ahrweiler, 1996, p. 42). Agents who read this may deduce that in order to be successful, they need experience, a degree, and the ability to specialize and function as a dual agent.
Methods to counteract and resolve emerging conflicts were also found within real estate magazines. An article in *Real Estate Issues* titled "ADR: A new name for an old game" tells about mediation, arbitration, mini trials, and summary jury trials (Sturtz, 1993, p. 27-36). *Real Estate Today* published an article about preventing loss through mediation (NAR, 1995). Both articles indicate an awareness of the many options available for realtors to resolve problems.

The October 1996 issue of *Today's Realtor* explains how problems are emerging within the different agency relationships as a result of increased specializations. Recent regulations may have complicated how realtors work with clients, but the impact is recognized more by those agents who deal with uninformed or overly competitive realtors (46).

*The Business Journal* (1994), addressed the dual agent's conflicts of interests in a brief article by Angela Gonzales. The article reiterates concerns from brokers about the dual agent role, that it cannot be done without experiencing conflicts of interest. In time, the dual agent contracts will be eliminated, according to this author (Gonzales, 1994).

The information found within real estate periodicals mainly pertains to giving the readers information on better marketing strategies. Special interest articles gave information regarding the different forms of alternative dispute resolution. Overall, the articles were mainly about ways to enhance financial success.

Two journal studies came close to discussing the link between mediators and realtors' communication tactics. In *The Quarterly Journal of Speech* (1995), Peterson and Horton discussed conflicts between environmental disputes and land management. *Mediation Quarterly* ran a study of comparing two cases of residential development disputes (Curtis, 1991). Neither of these articles directly address how realtors perceive the mediation process, nor do they look at the ways realtors actually communicate during property transactions.

Information about agent-to-client relationships, protocol, educational requirements,
and expectations in the profession (according to the available literature) all contribute to a description of the role of a broker. To study how agents' perceive the third party role is being proposed as a way to better understand the conceptual issues surrounding the role of an intermediary.
Chapter 3
METHODS

The purpose of this study is to better understand how realtors conceptualize their intermediary role within the context of negotiating a real estate transaction. The literature review began the examination of how realtors' perceive their roles in contrast with third party intervention. This chapter will reveal who was selected for study, and how the information was gathered and analyzed.

Participants for Research

Fifteen real estate brokers were used for this study. Since rapport was established with ten brokers from the pilot study all but one of the ten were used this study. The criteria for working with a new informant was similar to that used during the pilot study. First, the agent must have had over five years experience as a real estate broker, or have attained an advanced title. Brokers who have been involved in selling real estate for greater than five years or possess an advanced title are serious about the work and determined to manage conflicts as they arise. This stipulation contributed to the validity of this study because experienced agents are more aware of optimal bargaining and negotiating practices (Phillips, 1996).

Second, all of the brokers are members of the National Realtor Association (NRA). This stipulation helped to reinforce reliability for this study. Since the focus is on real estate brokers, they do function under certain guidelines due to their membership to the NRA (Phillips, 1996).

Third, only real estate brokers who are affiliated within an agency and who work primarily as buyers, sellers, or dual agents were used. This eliminated unusual contracts, and those private entities in small or single ownership agencies. Agency affiliation was
known by the researcher prior to making contact with the realtor, so no formal screening process was used to discover this qualification.

Finally, an equal mix of both genders were used. It was mentioned by some brokers that gender differences affect how realtors approach the process and enact their role (Phillips, 1996). To ensure that the information was not affected by gender differences or bias, seven women and eight men were interviewed. The researcher being a woman was off-set by an additional male broker.

Experienced realtors find bargaining and negotiating easier, and were discovered to tailor their communication with inexperienced realtors when dealing with a novice (Phillips, 1996). Obtaining reliable informants for this study consisted of finding experienced real estate agents who were comfortable talking about what they do, and insightful enough to explain why.

The geographical area for this study is comprised of approximately 85,000 people. The total realtor and real estate agent population is estimated at 430. Out of 13 agencies in this area that deal with residential property and have more than three brokers, ten agencies were used. Within the larger agencies having more than ten realtors, two or more agents were interviewed.

The majority of the 16 brokers have been in the profession for over 14 years. Two brokers are exceptions, having completed over two years of selling experience. These brokers have attained a broker owner title, and are high profile realtors having sold over one million dollars worth of real estate. The majority of the brokers have between eight to twenty years of experience as full-time real estate brokers, with one having well over 20 years of experience.
The Interview Guide

The interview guide was devised in accordance with Walton's (1969) description of optimal third party qualities (Appendix). Questions were composed to generate a dialogue with each informant about how they conceptualize their intermediary role. The personal attributes when functioning as a third party during a dispute were:

1) Being comfortable confronting personal encounters with others.
2) Having a high level of energy during encounters.
3) An ability to appropriately alter one's mood for the situation.
4) Analyzing and understanding past events of each side while showing emotional concern for each person.
5) Not to suppress feelings and intentions, but instead to act on them.

Situational attributes include:

1) Having a high professional expertise regarding social processes.
2) Having low power over the fate of the principals.
3) Having high control over confrontation setting and processes.
4) Possessing a moderate level of knowledge about the principals, issues, and background factors.
5) Being neutral with respect to substantive outcomes and personal relationships (Walton, 1969, p.134).

The interview guide provided a useful tool for understanding the ideal third party personal and situational attributes. The purpose of this study was not to extend Walton's (1969) attributes, but to generate perceptions of how third party's conceptualize their role. In many cases, brokers did not respond directly to questions but elaborated on topics closely related.

Real estate brokers are not considered a legitimate speech community according to a strict form of the definition because of each broker's background and experiences. Saville-Troike (1982) talked about the elusive nature of a speech community when...
researching communication. "Depending on the degree of abstraction desired, social
units may be selected at different levels; virtually any community in a complex society
might be considered part of another larger one, or subdivided into smaller groups
(Saville-Troike, 1982)."

There are different levels of abstraction to be considered when assigning a definition
for what a speech community is. In other words, realtors may not share the same socio-
linguistic elements found in more "hard-shelled" speech communities, such as, common
language and behavioral interpretations; however they do reside in the domain of
"salespersons", and more specifically, salespersons selling high-priced commodities. For
this project, a more informal typology of social functioning was assumed as a sufficient
attribution for the speech community. The following three definitions provided by
Saville-Troike (1982) can be applied to real estate brokers as a more "soft-shelled" speech
community; (1) it is any group within a society which has anything significant in
common, (2) it is a physically bounded unit of people having a full range of role-
opportunities, and (3) it is a collection of similarly situated entities that have something
in common (Saville-Troike, 1982, p. 19). Since realtors share a similar professional
identity they are a speech community, and in this case, are physically bound within a
specific geographical region.

If this study were designed as an ethnographic research project, observations would be
used in addition to interviews. This study was designed to advance how we conceptualize
the third party role by using realtors as the subjects. Realtors fill this requirement
because they often become the third party between people who want to sell property, and
people who want to buy property.

The Interview Process

Appointments were made with each subject over the phone, and at that time they were
asked for permission to tape-record the interview. To ensure that the real estate brokers
would be prepared for the interview, each agent was offered a copy of the guide prior to the meeting. Two agents (11, 15) declined the offer to review the questions. Broker #15 had no trouble responding to the questions, whereas broker #11 was not interested in the nature of the questions. The remaining agents said they had either glanced at the questions prior to the interview, or spent time thinking about responses prior to the interview.

Questions were occasionally added when it was felt better understanding was needed or when verifying other brokers responses. For example, several real estate brokers talked about "real estate agents" being a source of conflict. This inspired further inquiry about real estate agents during other interviews.

The guide was reliable because most agents responded in-depth while remaining on the subject when asked each question. Responses to each question were similar enough in content to ensure that the guide was a reliable tool. The similarity between many of the questions provided the brokers with opportunities to elaborate on their responses while perhaps triggering other examples.

There was one interview that proved to be an exception to this rule. Broker #11 was one of the two real estate brokers who were not interested in previewing the interview guide. This broker initially requested the tape machine be turned off. After abandoning the interview guide and engaging the broker in general conversation about the real estate profession, it became possible to learn other facets of the business, and to resume taping the interview.

A consent form was presented to each agent which explained the project (Appendix, 139). A copy of this consent form was offered to each informant to ensure informed consent of each broker's rights and obligations (Fontana & Frey, 1994). The consent forms were also useful for emphasizing confidentiality, which can be an ethical concern for both the researcher and the informant. By eliminating situational factors of identity, the researcher helped promote a greater sense of spontaneity from the informant (Whyte,
Before beginning each interview, a period of time was spent developing rapport with each informant (Whyte, 1982). This aspect of the speech event was more important when speaking with new informants. With those nine realtors already interviewed from the pilot study, references were made to the existing relationship and previously divulged information before starting the interview.

Ulterior motives, a desire to please the interviewer, and idiosyncratic factors are potential problems that may falsely influence the interviewing situation (Whyte, 1982). Asking each informant to talk about perceptions can lead to irrelevant and incorrect recollections in hopes to project a positive image within the context of the interview. None of the respondents attempted to project a more positive image in hopes of having the interviewer as a client in the future, or to be remembered as a referral. Instead, after each interview, the brokers were asked for their cards in case the interviewer was asked by outsiders to offer qualified real estate brokers.

"To minimize the problems of interpretation, the interview situation should be carefully structured and the interview itself should be carefully handled (Whyte, 1982, p.115)." The interviews generally took longer than one hour. Idiosyncratic factors did not cause an informant to divulge only part of the picture due to "mood, wording of the question, individual peculiarities in the connotation of specific words and extraneous factors" such as distractions from the environment (Whyte, 1982). To insure that idiosyncratic factors would not prevent brokers from accurately responding, questions were restated, and time was allowed for each broker to think prior to answering. Rarely were realtors uncomfortable with being tape-recorded.

Probes were not usually necessary because brokers would elaborate on each question. Each broker had different perspectives and examples to offer. Each interview was conducted either in the broker's office, or in a meeting room. This insured that the brokers were in familiar, quiet settings without interruptions.
Spradley (1979) described the "three most important ethnographic elements" for an ethnographic interview as "explicit purpose", "ethnographic exclamations", and "ethnographic questions" when discussing interviewing an informant. Since this research uses the interview itself as the speech event of study, it was the tool for gathering the information used for analysis. The purpose of this study was explained to each informant to pursue the goal of discovering more about how each broker views their role as an intermediary. Questions were generated from the interview guide, and the discussion was focused in ways congruent with the goals for this study.

To ensure reliability for this study, five types of explanations were incorporated into the interview itself: project explanations, recording explanations, native language explanations, interview explanations, and question explanations (Spradley, 1979).

Because the nature of selling property can stretch from days to months for one scenario, each broker was encouraged to give examples. The variables, or phenomenon looked at was found during each in-depth interview. To ensure consistency of context from one subject to the next, cases involving residential property transactions were emphasized.

The interview guide proved to be a valid and reliable tool for better understanding the three research questions in spite of the variations of responses to each question. As a valid tool, the questions asked facilitated a wide range of responses among the brokers interviewed. Because of the open-ended nature of the questions, brokers were allowed to describe their perceptions in addition to providing examples that further enriched the findings. Overall, the interviews were informative and the interviewees were prepared.
Coding the Transcripts

"When beginning a study it is wise to strive for a fuller recording than will be needed later on. By recording only items that are apparently significant at the time, the researcher loses data that later could open up promising new avenues of exploration (Whyte, 1984, p.113)." Each interview was tape recorded and transcribed in as much detail as possible. By tape recording each interview, the interviewer was able to attend to the conversation without being distracted by having to take notes. This method also relieved the interviewer of having to recollect the exact words of the informant (Whyte, 1984).

The notes were transcribed and then indexed depending on the content of the material and the organization of the information. The method of open coding the notes began the process. "Open coding is the part of analysis that pertains specifically to the naming and categorizing of phenomena through close examination of data." "During open coding the data are broken down into discrete parts, closely examined, compared for similarities and differences, and questions are asked about the phenomena as reflected in the data (Strauss & Corbin, 1990, p. 62)."

After coding the notes, the next step was labeling the phenomena, and designating categories to each particular quotation. For this study, the phenomena examined were more aligned with the perceptual and situational factors that influence how a realtor conceptualizes his or her role as an intermediary. Through a process of constant comparison of the interviews using a line-by-line analysis, categories were generated in accordance to the samples obtained (Strauss & Corbin, 1990).

In order to verify and produce conclusions, patterns and themes found within the categories were grouped to further narrow the amount of information gathered from the interviews. Huberman and Miles (1984) explained that by organizing the information according to patterns and themes, the researcher is better equipped to "(a) see real added evidence of the same pattern", and "(b) remain open to disconfirming evidence when it
appears" (Huberman & Miles, 1984, p.216).

Triangulating the "results" was done to check for internal validation. "Stripped to its basics, triangulation is supposed to support a finding by showing that independent measures of it agree with it or, at least, don't contradict it (Huberman & Miles, 1984, p.234)." Inter-validity was checked by finding evidence of the same or similar responses within the content of other interviews obtained. When particular statements aligned with what other brokers talked about, the subject was compared with those other responses in order to confirm the validity of the phenomenon. By corroborating with other informants after the interviews, it became possible to either discount the phenomena as elite, or to verify its authenticity.

Occasionally a realtor would discuss views that were not shared by other brokers. This information was stated as a rare finding, or was used when discussing the implications of this study. Deviant findings were often unique discoveries implying better ways to manage the third party role.

The transcripts underwent content analysis through a process of constant comparison. Excerpts from each interview were coded depending on how they related to each research question. The data particles, or quotations, were combined from each interview to form three categories corresponding to the research questions. The patterns and themes found within the categories were then grouped and analyzed according to the content. The results were compiled according to the frequency for which a phenomenon was mentioned. The information offered about third party intervention and the mediator's role was then compared to the information obtained during the interviews.

The similarities and differences found between real estate brokers and mediators provided a way to extend those concepts regarding how the role of the intermediary is conceptualized when assumed. What is conceptualized within the real estate profession was then applied to the mediation process given the similarities in role and process. In addition, the results were generalized for third party's role existing in other areas, such as
parents, teachers, and managers.

The differences in terms of realtor protocol, negotiations, caucuses, and joint sessions were compared with the literature discussed about third party intervention and the mediation process.

The research questions were:

1) **How is the third party role conceptualized by those who frequently assume it?**

2) **How are neutrality, impartiality, and confidentiality conceptualized by an intermediary?**

3) **How does an intermediary remain neutral, impartial, and hold confidential facts for either side when assuming the third party position during conflicting situations?**

By understanding how real estate agents conceptualize their role as third parties within the context of a property transaction, additional insight about this role extends the current concepts about the mediation process. What was learned after performing content analysis can be transferred into the various situations for which the intermediary role is assumed both in personal and professional relationships.
Each research question addresses aspects of the intermediary role realtors assume. The questions were:

1) How is the third party role conceptualized by those who frequently assume it?
2) How are neutrality, impartiality, and confidentiality conceptualized by an intermediary?
3) How does an intermediary remain neutral, impartial, and hold confidential facts for either side when assuming the third party position during conflicting situations?

To correct for potential researcher gender bias, an additional male agent was interviewed for the study, making a total of seven women and eight men realtors. For the duration of this paper, when referring to each subject interviewed, a reference number corresponding to the transcription notes will be used. Having already discussed the differences between customers and clients, subjects were also referred to as "buyers" or "sellers", "my people" or "their people", and "our side" or "the other side", and property for sale is referred to as a "listing". The relationship that exists between a broker and their people is commonly termed a "fiduciary" relationship.

Research Question #1

General Perceptions of the Third Party Role

Regardless of the type of agency contract, realtors' share basic perceptions of their roles as an intermediary. Since a realtor is a facilitator of the process of buying and selling property, the overall role of the intermediary includes the following: (1) To
develop control over the parties and the process; (2) whether or not to arrange joint meetings; and (3) discovering what motivates each party.

Each sub-heading refers to categories that were extracted from the data. Categories were produced when more than three realtors described a similar phenomenon. When exceptions existed, they were incorporated as rare findings. Frequently, rare findings will be those which add to either discussion or implications chapters.

**Third Party Process Control**

To develop control over the process and the people involved, a broker first begins by educating and explaining the real estate process while generating trust in the parties. All real estate brokers, regardless of their agency contract, must understand and exercise leadership and counseling skills. The agent begins each fiduciary relationship by taking control over the setting and the process.

Most of the realtors said that projecting an image of expertise in the field of property transactions is important in order to generate trust in others, educate the parties, and be an influential person during the process (3, 4, 5, 6, 8, 9, 10, 12, 14, 15). Having an agenda to follow ensures that all topics will be covered. In order to demonstrate expertise, a broker begins by explaining the process to the buyers or sellers.

The majority of the brokers interviewed talked about the importance of instilling trust in the buyer or seller during the first conversation. To be perceived as the trusted expert is important in order to maintain control over the process initially and over the negotiations later (1, 3, 6, 9, 10, 14, 15). Because the magnitude of the transaction is intimidating for most people, one broker explained, "I try to tell them how the setting will be, how the process will be. So that when [confrontations] come up they're not scared, they're not thinking, "Oh my God, what's going to happen next?" They still may not know exactly what's gonna happen, but I've tried to give them the comfort of seeing ahead in the future (6)." This broker added that she starts "from day one with my people, my
clients, no matter what they are, buyer or seller, to say, "here's how we're going to do this. Here's how we're going to work through this (6)." Furthermore, she stated, "I want to be in control. I am a controller and I won't deny it. The setting and the process, building relationships from the start... If somebody doesn't step forward and say, "Okay gang, follow me" nothing gets done. And so that's why I feel I have a need. And it's expected of me, probably (6)."

A part of gaining control includes providing enough evidence for a client or customer to trust the broker. Brokers talked about demonstrating trustworthiness at the first meeting by explaining each person's role in the process and allowing people a chance to read the paperwork (1, 2, 3, 5, 6, 8, 9, 15). "You start out telling them what the relationship is as far as whether you are a buyer agent, or a seller agent, or a dual agent. You need to explain that to them. If you don't, as a professional, first of all, they're not going to know you didn't until they encounter somebody that does (6)."

Real estate brokers facilitate trust by adjusting to the client's communication style. Three brokers said they would look at the background of each client and determine the client's ability and willingness to understand the process (5, 8, 14). "Some people you can show them the agency formula, you know the criteria for different types of agency, ... they can read through it and understand it. Other people ...it just leaves them in the dust. You want to sit down and start explaining the differences to them, the level [at which] you deal with them is totally different (14)." Some people may need extra time when explaining the process and roles of each party in the process. Being able to adapt to the client is important because "...there are all kinds of personalities ... you don't know what you're gonna get up against (5)."

It was often mentioned that a customer or client may feel as though they select their broker, however the broker also selects the client or customer (5, 6, 9, 10). If a customer tries to hide a bad credit rating or tax liens on a former home, the broker will typically "walk away" from the party. When clients fail to disclose serious property problems on
the property disclosure form, the broker has legal grounds to abandon further association with the people. A lack of trust by any of the parties could result in dissatisfied clients or a premature end to the fiduciary relationship. Realtors reported that events such as this usually happen 10% - 20% of the time (2, 4, 6, 9, 12, 14).

When asked about the amount of influence the realtor felt they possessed with other parties, all of the brokers felt they were highly influential. It was found that a greater degree of influence occurs during the initial stages of the process when the parties are learning about buying or selling real estate. One broker discussed this in detail:

"The way I view my responsibility as far as influence goes is to make them aware of things that they might not have been aware of. Inform them about what the legal liabilities and legal ramifications are ... and make sure that they are oriented and aware of what's going on in the marketplace. And so I look at my responsibilities as far as influence goes, more from an educational standpoint. Yes, I am influencing the decision. I know I am an intricate part of the decision-making process - but, you know, I try never to let my influence be what is the deciding factor (15)."

Several realtors described having influence on loaning institutions, title companies, and sub-contractors (3, 9, 13, 15). Consequently, the broker who has influence with others in connection to the property transaction is able to work faster and smarter. Some banks, lenders, and other realtors are capable of creating delays or halting the entire process; such as, if a bank lacks the creativity to handle different terms, lenders who neglect to explain FHA and VA loans, or other brokers who fail to send paperwork on time. All of these factors could delay closing yet if the broker is influential, the various "road blocks" could be worked through (9).

Having an agenda prior to talking with clients was frequently discussed as a way to maintain control over the process (3, 5, 6, 12). As one broker explained, "I am coming in [the meeting] with an agenda. I'm prepared for what we are going to accomplish, what we're going to discuss, what the points of interest are for each side" (3). Another broker compared the initial relationship to a love affair. "I mean, everybody's happy, everything is perfect and there have been no problems, everybody's in harmony (6)." Later in the
interview, she added, "...but I'm always prepared for a lack of control ... you always have to be able to punt (6)."

Rather than conceptualizing the role as a salesperson, over half of the brokers felt their part more closely resembles that of a counselor rather than a salesperson (1, 3, 6, 8, 9, 10, 13, 14). One seller's agent spoke of taking a divorcing couple to lunch "so that they could have a calm ... situation" (9). Another agent felt the most important advise he received came from a college professor who stated, "The art of counseling is very simple. You ask a question, you shut up. You listen. And the problem with most salespeople is they never get to the second step. They never shut up (14)." This opinion about selling real estate and salespeople was shared by several brokers. Instead of trying to sell, it is more important to gain an understanding of the people, and then discover what they need to accomplish with them. The more desperate the realtor is to make money, (and the more money the realtor feels they need), the more likely they are to coerce parties into making fast decisions (6, 8, 14).

Real tors see control as an integral part of the process of the real estate process. Factors such as developing trust to help facilitate an easier fiduciary relationship, and educating the parties during the initial meeting both help the broker guide the people through the process. Trust was said to work both ways; trust must exist for both the broker, and by the broker towards the people. Explaining the process prevents surprises for everyone later. Finally, having an agenda, being perceived as influential by all having a vested interest in the transaction, and taking on the role of a counselor were also mentioned frequently.

Separate Verses Joint Collaboration

Whether or not to convene the parties was a topic that produced a variety of responses. The responses were dependent on the (1) availability of the parties, (2) former experience and hence the degree of comfort felt by the broker, (3) being able to predict the parties
ability to negotiate reasonably, and (4) time and emotional factors.

Several brokers felt it appropriate to collectively negotiate in the same vicinity, such as in the same room or office building (1, 4, 5, 6, 7, 12). In some instances, the seller or the buyer may not be available to meet prior to closing because either they are in the process of moving out of town, or the house is investment property that the seller has never seen before (12).

Most brokers were not comfortable with the idea of getting both buyers and sellers together for collaborative negotiations (2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15), however of these eleven realtors, seven said they would depending on the people and the circumstances (2, 4, 5, 8, 9, 13, 15). As a rule, brokers assess their people and determine whether or not the clients are able to collaborate with the other side, and would make exceptions depending on the parties involved, and the amount of time available (1, 2, 3, 4, 5, 7, 9, 13, 15). Three real estate brokers reported having former management experience. This background helps them to be comfortable when convening buyers and sellers (1, 3, 15). Four agents completely avoid convening customers and clients (2, 6, 11, 12). One broker manager who has been in business for over 30 years was adamant about not allowing the parties to meet. "Why do they hire you? They hire you to negotiate. They hire you to go between. They don't hire you to bring the buyer and seller together. You know, if people didn't have problems they wouldn't need people like us (11)"

Realtors who facilitated face-to-face bargaining felt it important to recognize their people's ability to negotiate and to be present when the two sides meet. Collaboration was only an option if the agent felt it to be a productive experience for all of the parties (1, 2, 5, 7, 9, 14). As one broker said:

"If it's a particularly odd person, then I try to avoid that. And sometimes people are very surprising. You go to a closing and everybody's sitting around a table passing papers around, and yet that was the way we use to do it years ago. Close one side, and then the other. If everybody's real compatible, likes each other, then you can say,
'lets all get together' (7)."

To avoid misinterpretation, a realtor should always be present to represent the parties. One broker related an incident where the deal fell apart because the broker allowed both sides to meet without representation. Lacking a buffer to facilitate communication created severe misunderstandings on both sides, resulting in a breakdown of the negotiations (9).

Many realtors said they do not convene the parties because of efficiency concerns (2, 4, 6, 9, 10, 12). The seller may begin to reminisce about particular features of the home, the neighbors, the yard, the kitchen; and while this type of dialogue can be informative and entertaining for some, it is also time consuming and distracting for others. As one realtor put it, "The main reason why we try and keep the seller separate is because of time. Because they're going, "oh, I remember when..." and they get to talking about neighbors and memories, and it's beautiful, but... these people have schedules to meet (9)."

As the number of people involved in the process increase, the complexity in the negotiation process also increases. Realtors see the greater number of parties involved complicate the odds for expediently obtaining a consensus agreement. The process becomes far more time consuming when others are added to the negotiation process, and is not usually encouraged by either side (6, 9, 13).

**Understanding Motivational Factors**

Understanding the motivational factors leading people to either buy or sell a home was always mentioned as a primary concern to determine success. The broker's assessment of how motivated the parties are depended on understanding a parties potential reactions to a situation. Once this is known, the realtor can decide on the best methods to counter and remove barriers - because in every real estate transactions, there will be barriers. How motivated either buyers or sellers are can be discovered only by becoming familiar with
the parties circumstances (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15).

Both sides to a property transaction experience strong emotions regardless of the ease or difficulty prior to closing. "I do feel that understanding the whole scenario—especially with a house, is a big move. Getting out of the house and into a house. It's just a big emotional trauma (13)." Realtors' feel it is important to understand the whole picture rather than simply making money and filling out paperwork.

All the brokers interviewed said they had a responsibility to do the best job possible for both sides regardless of the type of contract. One broker elaborated on her concern of all parties at the beginning of the interview.

"Are we needed? You know, that's one thing that after I sat reading these questions - are we needed? Most of the time I think there is a real benefit to having agents involved. I think we can be a real asset because we can take a buyer's emotions on spending this kind of money on being in this neighborhood, on whatever they're doing, we can take a sellers emotions, lived in the house 20 years, and they love that house. Even though they're moving maybe to something bigger and better, it's still them and where they raised their kids. So the emotional attachment to that home - we don't deal with that. These guys over here not caring about how these guys are feeling. To mess up a transaction between a buyer and seller, when those emotions are there... (5)."

Being familiar with the current circumstances of the parties also means knowing about the personal and emotional aspects that concern them. Although all brokers felt it important to understand their people, they differed on the degree of preferred involvement. On the one hand, preparing clients at the start might also mean confronting them on personal issues and observing a client's emotional reactions (2, 8, 9, 10). How to go about handling personal issues varied from broker to broker with the main difference being the broker's comfort level when dealing with other's emotional problems in a business setting. 13 out of the 15 brokers felt it important to allow emotional and personal issues to enter into the relationship (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15), yet four of these brokers admonished others for lacking a business-like manner when doing so (2, 6, 8, 15).
To assess client's motivations, realtors try to understand emotional and personal factors for buying and selling homes. Brokers were divided on the amount of personal involvement that should be allowed within the fiduciary relationship. Becoming too personally involved may create boundary problems leading the parties to blame the broker when things go wrong (2, 6, 9, 14, 15). Emotional involvement was not considered as important as observing and listening to the customer or client to determine their motivation (2, 9, 15).

On the topic of analyzing and understanding the parties, one broker stated:

"... and I know people that do it ... that kinda either 'mother' or 'father' a transaction along ... they say to you, 'You know, I am going to do, I am going to take care of everything. I am going to make this real easy on you.' ... Well in reality, they have no authority to say that. So then they get into a position in the transaction where they become very very strong advocates for their point of view because they've, you know, they haven't set the ground work of what an agent does to begin with (8)."

Three brokers in particular talked about divorcing couples trying to persuade a broker to take sides when liquidating the property (2, 9, 15). "People getting a divorce are going to be angry people. Even if they're not at the onset, they become angry ... that's why when I sit down with my people, I ask them, 'what is your motivation, tell me about yourself, tell me where you want to go and why (2)." To understand why people become angry during the negotiation process is considered appropriate information to have in order to better manage the future relationship (15).

Realizing what barriers need to be removed for optimal negotiations was mentioned as part of the intermediary role. Barriers could be either material or emotional, but they must be discovered in order to solve the problem. One realtor conceptualized barriers as brick walls when she explained that "every now and then there is a brick wall wherever you turn. Just punch a hole in that one until you get to another brick wall ... and then punch a hole in that one till you get to another brick wall (5)."

Several brokers felt that complaints by the parties were barriers but many of the
complaints were not focused on what the conflict was really about (1, 2, 4, 7, 8, 12, 14). Conflicts and complaints may only be a means of transferring anger to a willing target, such as by expressing insult to a low offer (14):

"I think a lot of times the buyers and the sellers don't realize that's the problem with the transaction. It's something personal, and it has nothing to do with the transaction itself. It's something they're going through. They realize that [the personal issues] do not have anything to do with the sale. It's just that they're mad about something else (4)."

All of the agents stated that understanding the parties' emotional concerns were important to know what motivates them. "If you are working from a position that's giving people other options, you don't have to know a lot about them to begin with. You'll find out in a hurry what motivates ... what drives them by how they want to negotiate (8)."

Understanding the reasons for positive or negative verbal responses may help the broker to predict future responses, and how the parties emotions might be handled in the future.

**Summary of General Perceptions**

When realtors conceptualize their overall intermediary role, they stressed gaining a sense of control over the process and the people. To do this, establishing trust between the broker and the parties, being an influential person, having an agenda, and counseling rather than selling, were ways to control the setting and process.

Convening the parties was not always convenient, nor did many brokers feel it necessary or healthy. The availability of the parties, the broker's personal view of joint meetings, and whether the meeting would be productive in the amount of time available, influenced whether to get the two sides together.

Becoming familiar with what motivates the parties meant knowing both the personal and the emotional reasons for either buying or selling a house. Realtors were in agreement that personal knowledge about their people becomes important to knowing what motivates them. Frequently, brokers felt that observing and listening allowed them
to gain adequate information to understand what drives the parties to move through a property transaction.

In the next section, the seller, the buyer, and the dual agency relationships will be discussed by how interpersonal responsibilities and motivational factors are perceived by the intermediary.

The Seller Agent

Preparing the client for marketing the home while gathering and delivering information to the seller are the initial duties related to the seller’s agency contract. As an intermediary between the seller and the buyer’s broker, the realtor must have relevant information for the buyer’s side, while appropriately interacting with each seller (12).

The seller’s agent goes through a net sheet with the client, to provide the client with a general idea of what they would expect to get at closing in terms of actual dollars. This helps to prevent the seller from pricing the property unusually high or low.

Interpersonal Responsibilities

The interpersonal responsibilities included in the seller agent contract consist of discussing the concept of disclosure and confidentiality, determining the worth of the property, and conveying the information to those who need it, such as the seller, and the buyer’s agent.

All brokers agreed that disclosing material facts about the property means to inform others of tangible problems such as leaky faucets, squeaky doors, or a bad roof. The realtor must remember to only disclose material facts or public knowledge to a potential buyer’s broker (14). As #14 said, a very fine line exists between knowing what can or cannot be discussed with the other side because often the information about the seller might actually help to move the property. Forbidden information could include a seller wanting to move away from incompatible neighbors, or the seller’s allergies to the local
environment (13). Then again, if the seller is being forced to move for financial reasons, by disclosing this to the other side may hint at how motivated they are to move out (2, 6, 14).

Confidential information includes personal facts about the sellers such as race, age, religion, and health. One broker explained that "you have to disclose anything that is pertinent about the property, but by law, you are not required to say, "John Doe was murdered here" ... or that the seller has AIDS (12). If it is not about the property, it is to remain confidential.

As a representative for the seller, the realtor becomes the third party between the clients, the broker representing the buyers, and others involved in marketing the home. A comparative market analysis (also known as CMA or comps) occurs when the seller's agent is accompanied by other realtors from the agency to go through the property (12, 13). One broker described how she would prepare the other realtors prior to previewing her new listings. "You generally bring two or three other agents, to help measure and also to give us numbers (13)." The listing broker takes control over this initial phase, suggesting the seller not be home during the CMA and the home inspection.

If the seller is home during the CMA, one realtor said she feels it best if she alone talks with the client, having the other realtors "step into the background" (13). The house may be on the market because of a death in the family, or the sale may be the result of a divorce; therefore, it might not be a positive event for the seller. For other realtors to communicate to the seller about the finer aspects of the house can create further distress and resentment for having to sell. "You know, we've had people break down and cry when three or four agents came into the house. It can be very threatening. (13)." The broker's role becomes one of realizing the background of the seller and emotional aspects of the sale, and then insuring the seller is not confronted by other brokers during the CMA.

Each broker felt that professionalism is important, and that this quality is demonstrated
in a variety of ways. First the broker explains the process and market information in different areas followed by describing the obligations of each party to the transaction. One broker begins by telling a seller that, "there are four things that sell this property. I'm the marketing person, but you control how the property is shown and how it looks when it's shown. You control the price, and you control the terms of the sale. So I let them know it's a team effort" (8).

If interpersonal conflicts are going to occur where the seller agent acts as the intermediary, the conflict will typically occur between the seller and the buyer agent. Therefore, the broker for the seller must ensure that all information going between the sellers and the buyer broker are properly disclosed.

Understanding Each Client's Needs

The asking price is influenced by many factors. If the seller needs to sell the home fast because of a move, the price may reflect the amount of motivation (2, 4, 5, 6, 8, 9, 10, 12, 14). If the seller is financially in need of the equity, the seller may be motivated to list the property for more than it is worth (4, 5, 6, 9, 10).

Typically, when someone lists a house, the broker will ask them why they're selling it. Motives can include whether the seller is getting a job transfer, desires a bigger house, a smaller house, or different payments (1, 6, 12, 13). These items are not material facts and usually should not be mentioned to a buyer or the buyer's realtor. How motivated the seller is can be disclosed, but even that becomes restricted information.

Estimating the seller's motivation may be deceiving information for buyers because the buyer may feel that the seller will settle for less, whereas the seller may have no intentions of dropping the price (8). The broker for the seller might say the people are motivated in order to generate interest in the property. Although many of the realtors explained that this would be deceptive because unless the house is overpriced to begin with, sellers rarely drop prices significantly (4, 6, 8, 9, 10, 12, 14).
If the seller prices the house according to its estimated market value, the only problems
the broker may encounter are buyer agents who submit low offers by their customers. In
this case, the seller's broker and the buyer's broker will submit offers to either side until a
decision is made by the parties on whether to accept or reject the offers and counter-
offers.

The broker helps the seller set a price on the property according to the net sheet. If the
seller wants to overprice the house, most brokers felt they have the option of walking
away from the deal. However, after the broker has invested hours into obtaining a CMA
and calculating a net sheet, walking away at that point becomes more difficult (3, 6, 13).

It is not appropriate to tell the client what to price the house at; although, "if they price
it 30% higher than the market, you're wasting everyone's time (4)." Over priced homes do
not sell, they sit on the market until the seller decides to drop the price. If the broker
suggests that the price is unreasonable, the sellers may get angry with the realtor and will
either find another broker to list the home, or the broker may tell the seller to find another
broker (4, 6, 8, 10). If the seller is motivated by price, they might find another broker
who is willing to list the house for the desired amount. The house will then sit on the
market until the seller drops the price. All of the real estate professionals who walked
away from overpriced listings felt little regret in spite of the seller's negative feelings.
Realtors may have influence initially, but the "customer [buyer] makes the ultimate
decision" (8, 12, 15).

The Buyer Agent

When working with a buyer, the broker explains the agency representation contracts
and legal obligations of the parties involved. The realtor's main goals are to educate the
customer about the market, the buying process, and discover what the buyer is interested
in purchasing.
Interpersonal Responsibilities

All of the realtors agreed that the interpersonal responsibilities include discovering facts about the buyer's ability to finance a loan, and understanding the wants and needs of the customer. Investigating the buyer's financial situation means delving into personal affairs of how capable the buyer is to finance the desirable property. When disclosing material facts to a seller's agent, for example, it is not appropriate to specify the buyer's family composition. The buyer's financial problems can be disclosed to the seller side if the information is relevant to the buyer's ability to purchase the property. A buyer's credit history and the ability to obtain a loan are considered material facts (7).

When people are relocating from another state, perhaps the only contacts they initially make are through the realtor (2, 5, 8, 9, 10, 12). The broker may then serve as a contact with the new location, and many also serve as a tour guide (2, 3, 5, 10). One realtor talked about helping a couple relocate, find jobs, and learn about the city (2). The broker becomes an instrumental part of the moving process, and therefore held an expanded intermediary role.

One broker individually spoke to a husband and wife when she felt the wife was distressed about moving to a new city. The husband wanted to purchase property outside of the city limits, and the broker sensed that the wife did not share his enthusiasm. When the broker talked individually with the husband, she explained that he would be better off first buying a home in the city until the wife became adjusted to her new surroundings. The broker also pointed out that she knew she was taking a chance by confronting the husband on such personal matters, but it was also felt that if she did not speak to him about the wife's distress, the marriage would be adversely affected by the move (10).

Conflict occasionally occurs between the seller and the buyers. As the example above demonstrates, the buyer agents also handle interpersonal conflicts within the buyer's own family. The broker for the buyer must ensure that all information going between the buyers and the sellers are disclosed properly, yet the information is limited to material
facts and material defects about the buyer's ability to purchase the home.

**Understanding Each Customer's Needs**

In addition to going over the appropriate paperwork to qualify a buyer for a loan, the broker must also have some concept of what motivates the customer to buy. Several brokers remarked that to begin the process, they need to understand the customer's background (1, 2, 4, 6, 12, 13, 14, 15), and the reason for moving (12, 3, 8). A buyer's activities and interests determine the property appropriate for them. For example, if children are involved in sports, or if the buyer has recreational vehicles, these elements will determine the suitability of the property (2, 6, 13). Gaining an understanding of the buyers personal facts are important, but disclosing these facts are prohibited (14).

In some instances, a buyer may consist of a family undergoing relocation due to a job transfer. In this case it may not always be a pleasant transition. For example, if the buyers are motivated only because the husband has been relocated, the family might be unwilling participants to the process (6). Perhaps teenagers are having to move away from close friends, or the wife is forced to leave family members (10). These factors may affect how they approach the relocation process. Needless to say, when buyers are not enthusiastic about the move the realtor needs to approach them as unwilling participants (2, 5, 6, 7, 10).

The amount of influence the broker has over the customer extends only as far as the realtor's ability to understand his or her customer's needs. One broker explained he was not comfortable selling highly expensive homes because he could not relate to the buyer's desire to live in a large house.

"I very seldom sell real expensive houses. I don't understand why people have a need to live in real expensive homes. I just don't get it. It baffles my mind. Especially when there is only two people living in this 5,000 square foot house. What for? As a result, I don't sell very many expensive houses (14)."
The broker further explained that his practical way of viewing the investment prevents him from working with sellers who want expensive homes. He stated that his recognition of not relating to this type of buyer prevents him from marketing expensive property.

Another realtor admitted that when she had just started in the business years ago, she made a derogatory remark about a property that a customer was interested in. Later the broker said she felt badly about her remark upon learning the buyer's current dwelling had no indoor plumbing (6).

As a realtor for the buyer, the broker initially learns about the buyer's ability to secure a loan, and the type of home desired. To learn about these factors, the broker must talk to a buyer about personal issues such as the financial status, interests, and lifestyles of the buyer.

Motivational factors include realizing why the buyer is moving and the specific background of the buyer. Knowing more about the buyer's motives help the broker to relate to the buyer's needs in helping locate the right property.

**Dual agent.**

A dual agent relationship occurs when a broker has a contract with a seller, and then works for a buyer who demonstrates interest in the seller's property. Signing a dual agent contract can occur during an open house. In this case, the broker is available to receive inquiries by buyers that may be 'just passing through' without representation (7). The buyer makes an offer on the house after it is agreed that the listing broker will represent both sides. Prior to signing a dual agent contract, the broker has a choice, he or she can recommend the buyer find a broker to represent them, or the broker can offer to work as a dual agent.
Interpersonal Responsibilities

If the broker decides to work as a dual agent, both the seller and the buyer must also agree on the arrangement. If either side is not comfortable with the idea, the seller's agent will recommend the buyer locate another representative. Since the broker is already familiar with the seller, he or she will continue to represent them (1, 5, 6, 9, 10, 13, 14). Because it is often important to become personally involved with either a buyer or a seller, the broker may experience some degree of difficulty remaining neutral and keeping information confidential (1, 2, 5, 9, 10, 15).

Every real estate broker spoke about the problems experienced as a dual agent. They see the role as dealing with both sides and maintaining a balance as highly difficult. On one side, the buyer may be working toward offering less than the market price for the home. On the other side, a seller may price the home too high, only dropping in small increments when offers are made back and forth. The worst case scenario happens when a seller refuses to make concessions on property that agents agree as over priced to begin with (4, 6, 9, 10). Either way, brokers mentioned that sometimes buyer's offers, and seller's counter-offers can go back and forth as many as a half a dozen times before a closing occurs - if it occurs at all (4, 6, 10).

As a dual agent, the broker is faced with handling both the marketing aspects of the home, while trying to work with a buyer's capability for securing a lasting agreement. "I'm spending a lot of money, or helping somebody spend a lot of money. Or receive a lot of money. I have a major spot in their life for a short period of time. And it stays; my place, what I've done to them is there for a long time. So to me it's really important that I leave them the right way (5)."

If interpersonal conflicts occur between the two sides, they are likely to happen between the buyer and the seller. As a dual agent, one broker said, "It's my job to be the one in between the two... this is what I want... and this is what I'll give you, attitude (3)."

Possessing a positive perspective for both sides was one way to conceptualize the role.
Understanding the Needs of All Parties

As a dual agent, both buyer's and seller's motivations and desires need to be understood. The broker becomes familiar with parties on both sides, and according to most brokers, in the past it was considered customary to keep buyers and sellers from ever meeting (1, 2, 3, 4, 5, 7, 9, 11, 12). As one real estate broker explained:

"I have gotten both buyer and seller together because I think that if they know where each other's concerns are lying, buyers are going to be much more comfortable - and the sellers going to be much more comfortable with these people living in their house. There are times I think its mandatory that I put them together. And there are times I think, I can't have them in, almost the same town. (5)."

Because the broker knows all of the parties to the real estate transaction, in order to understand each side's motivation, the brokers would frequently learn as much personal information as possible. Some realtors discourage bringing personal matters to the table (2, 4, 15), and others encourage the exploration of personal problems (5, 6, 9, 12, 14).

Brokers were divided on convening buyers and sellers. Most brokers were in agreement with realtor protocol of not allowing both sides to meet depending on the parties involved, and the time available (1, 2, 3, 4, 5, 7, 8, 9, 13, 15). A few brokers in particular either did not encourage dual agent contracts, or felt some agents took the role too frequently (8, 11, 12, 14). One realtor discouraged the role because "both parties involved [buyer and seller] are continuously digging for information, making sure that everything's on the up and up" (12). Another broker said he would kindly tell the buyer that he "represent[s] the seller, you [a buyer] don't have any representation here. Do you want to go with that or do you want to go and get someone? I'll tell you all you need to know about this house, but I'm representing the seller by contract" (14). Other brokers mentioned how rarely they find themselves in this role, and when other brokers brag about selling a majority of their own listings, "they are not doing a good marketing job to the other agents ... it's like the good ol boy system ... [it is] they're job legally to do the best job for the principal" (8).
The positive aspects of working as a dual agent include the lucrative benefits and having control over both sides to the transaction (2, 3, 4, 5, 6, 8, 10). In most real estate deals, the commission is split equally between both the agent for the buyer and the agent for the seller. In addition, the agencies also take a percentage of the sales. As a dual agent, no split is required, and the broker only has to share the agency's percentage (3). So in spite of the increased interpersonal responsibilities incorporated in a dual agency contract, the broker is financially compensated (3).

The amount of influence a dual agent has over both sides increases for three reasons. First, the dual agent "has the ability to make sure both sides are getting done" (2, 4, 12). When one broker has access to information on either side it becomes easier to move quickly through a transaction. Instead of having to wait for the paperwork from another agent, the dual agent simply handles both sides to the transaction cutting the amount of time spent waiting on others (4). Second, it becomes easier to influence either side in a positive way about the other side, because the broker has access to personal information, and can request permission to use it without going through another broker (2). Third, the parties view the information more favorably if trust has been established from the beginning, and the broker is able to get back to either side more quickly (2, 12). Other brokers confirmed that trust is more easily gained when the flow of information occurs in a shorter period of time (3, 4, 5, 8, 9, 14).

Knowing what motivate either side to buy and sell becomes easier as a dual agent, and the process can be smoother for all of the parties. The broker has control over what happens on either side, and can better predict and control the moves by the participants.

As a dual agent the broker is responsible for all of the same information required when working for a buyer and a seller, only in this case the broker knows both sides and acts as the intermediary between them. The dual agent must then relay the material facts and defects about either side excluding the confidential information.
Summary of Research Question #1:

In general, the way a realtor conceptualizes their role as an intermediary is based on their leadership skills and their overall view of the process. Developing control over the parties and the process at the start, possessing good leadership skills through projecting an influential image, and serving as a counselor were mentioned as part of the role.

The realtor as an intermediary must decide on the feasibility of holding joint meetings with both buyers and sellers, which was dependent on all parties level of comfort to convene. Realtors were divided on this topic; most felt convening with the parties could create problems, while others felt it depended on the personalities involved and the amount of time available.

Estimating the client's motivation is important for how the process would unfold. Brokers find it important to become familiar with the parties' personal and emotional circumstances, yet brokers were also divided over the extent of personal involvement. The factors influencing personal involvement depended on whether or not a business-like climate could prevail, or if becoming personally involved meant better understanding the parties.

In closing, brokers' view of their role as intermediaries varied widely in areas of joint meetings and interpersonal involvement. These elements were reflected in the variations of styles when functioning as a professional broker. Many brokers implied that their third party role is similar to a counselor, although differences were reflected in the style of counseling appropriate.

Research Question #2

Research question #2 asks, "How are neutrality, impartiality, and confidentiality conceptualized by an intermediary?" When asked about how they conceptualize neutrality, impartiality and confidentiality, all realtors explained the importance of understanding the agency laws and contracts. For them, remaining neutral and impartial
is dependent on the degree of perceived control a broker has over the negotiation process so that emotional and personal information remains confidential.

Again, when representing a buyer, confidential information is only that which does not pertain to the material facts about the person on the listing side. When representing a seller, confidential information is anything that is not a material fact about the property. Disclosing confidential information or not disclosing material facts are both against the real estate brokers' code of ethics.

Confidentiality and disclosure are part of any real estate contract, whereas remaining neutral and impartial become more applicable during a dual agent relationship. Only when brokers function as dual agents do they become intermediaries between the buyer and the seller. As a result, the responses for this research question will be primarily about when the broker reported working as a dual agent.

**Neutrality and Impartiality**

All of the realtors would explain essentially the same information when asked about the notions of neutrality. For example, "It is difficult, [to remain neutral and confidential] but you know that contractually there are certain things, legal items that have to be handled on either side (12)."

Brokers stated that being neutral and impartial are not necessary or appropriate when working exclusively as the agent for the buyer or seller. By law, brokers are the representatives for their people. As one real estate broker explained:

"No, I'm not neutral. When I'm working for either side or as a dual agent, I am advocating for both side's position to the other ... How do you maintain that element during negotiations? ... you do your best to make it a win win situation for both parties. And you try not to make suggestions during that process. Try to ask questions and then see how they like that. Letting the parties work out an agreement that is not influenced by a third party (8)."
The code of ethics clearly states that the broker "has an obligation to be honest and fair with both parties" as a dual agent. There "can't be any little half truths about things that should be disclosed, or half hints of things that should be confidential ... that was one of the more difficult things that was created in this agency relationship (14)."

Prior to developing the agent - client contracts, most brokers felt as though they were representing the buyer. The purpose of a realtor was to sell houses, and help buyers buy a house. Now, there are clearly stated rules about representation, which in many ways enable fair treatment to the clients, customers, and brokers on either side (9). Still, brokers felt that although the process has become more complex over the years, it is in many ways better because the responsibilities are clearly stated in the contracts (1, 2, 3, 5, 8, 9). Nevertheless, it is still "tough [to remain neutral and impartial] because usually you start out as a seller's agent. You become a dual agent when someone who calls on your ad or comes to your open house and has no representation and wants to buy. Then you write it up, you help them out. First and foremost, you are the seller's agent because you listed the property (2)."

How realtors conceptualize neutrality and impartiality has an impact on the way they function as brokers in the profession. Many realtors felt it is important not to feel neutral and impartial in order to do the job well. They also agreed that the code of ethics demands equal representation of the parties in a fair and honest way (1, 4, 6, 7, 8, 9, 10, 15).

When working as a dual agent, one broker stated that "you are not neutral to the point where its affecting your responsibilities to both the buyer and seller. Only neutral to a degree (15)." Other times "you need to be riding the fence ... you might error on the side of neutrality in not knowing exactly what your responsibilities are as a dual agent (15)." Another realtor agreed with this view in terms of negotiations; "It's important, but I don't think [neutrality] is the ultimate in importance ... because you can't be neutral on price sometimes ... because you're upon one side or the other in a lot of situations (1)." Instead
of trying to remain neutral, "the opposite is true sometimes. It is more to you're advantage not to be neutral so that you can negotiate a price (1)."

The rules of representation can become blurred when the broker feels one side is more deserving than the other (3, 5, 9, 13). Perhaps the realtor is working with friends or relatives which creates a tendency to side with the known parties (3, 5, 6, 9, 13). As a dual agent, the broker becomes very familiar with the people on both sides yet cannot divulge personal information about either side unless granted permission to do so (5, 12). The seller may be in financial distress over a death in the family, or the buyer might be the broker's mother (9). Either way, brokers talked about having to deal with these issues routinely and yet remain neutral and impartial to the outcome.

So although brokers try to remain neutral and impartial when working as a dual agent, these elements are perceived as legal means to uphold the goals of the parties and the broker's fiduciary responsibility. Realtors conceptualized neutrality and impartiality as a difficult but important aspect of the dual agency contract because by doing so, increases the chances of closing the deal and being rewarded by the commission (3, 6, 8, 9, 12).

**Confidentiality**

One broker used the word "secrets" when describing the concept of confidentiality. If permission is not granted to release secrets about the people selling or buying the house, "the secret remains a secret" (6).

Brokers mentioned three main reasons why confidentiality is important and referred to situations where one side may seem more deserving than the other. First, if the broker did disclose confidential information to the favorable party, later on, the recipient of the information will remember the breach of confidence and chose not to use that particular realtor (2, 5, 8, 9, 10). Many brokers emphasized, the primary way to obtain business is through referrals. Therefore, a negative comment about a broker breaching confidential facts would be difficult to overcome in this profession (2, 3, 5, 6, 7, 8, 10, 14, 15).
Second, if the information got out that a breach of confidentiality occurred, the realtor would risk losing his or her license (1, 2, 5, 6, 8, 9). So frequently, the law was cited as the primary reason for adhering to neutrality, impartiality and confidentiality.

**Disclosure**

Although disclosure is the opposite of confidentiality, the concept is the same -- it is about knowing what must or must not be said to either side. Disclosure has been covered in the previous section, although how brokers conceptualize disclosure needs further explanation. Problems of disclosure arise when the seller has never even seen the property because originally it was an investment. If the property was "just something in a portfolio, they bought it, looked like a good deal" and were now ready to sell it never having occupied the property. The broker may market the house "as is", with the disclaimer that there is no knowledge about the material defects (12). Often, the house was a rental property, and as such, comes with a large variety of defects. To keep the house from remaining on the market, the broker will suggest the seller hire a home inspector before a potential buyer does. This tactic helps eliminate surprises while handling any glaring defects (surprises include but are not limited to the buyer suing the seller over a bad roof, termites, or faulty plumbing).

When a realtor markets this type of property, the degree of impartiality depends on the seller's ability to be fair and to take care of significant material defects prior to listing the property. The broker may feel partial towards the seller if sufficient work was done on the property prior to listing it and a fair price is assigned. Conversely, the broker may feel partial to the buyer if the property is a mess and the seller took little or no action to remedy the problems (12).

Disclosing the material facts can become tricky if the parties are friends or relatives (2, 3, 5, 6). In those cases, one agent explained, "from a human standpoint you tend to favor your friends, but you can't. That's when you step right into that middle area and say, "I
have to represent you as a professional (3)." She likened the relationships to be similar to a juror, because as a juror "you have to really look at the facts just the way they are, and be sure you don't cross the line either way". Emotional appeals for either side should not influence the decisions (3).

Since part of the broker's legal obligations are to disclose the material facts and defects of a property, or the material facts and defects of the people, becoming familiar with the people helps facilitate knowing what can be disclosed. Disclosing personal information does happen, but only with permission by the parties. To develop and maintain the fiduciary relationship the broker is obligated to become knowledgeable about the personal and emotional needs of the parties to the extent whereby it becomes possible to divulge pertinent information to the other side. However much importance is assigned to knowing the customer, "sometimes it's difficult because - some people don't want you to understand them" (14). A broker is better off learning how approachable a customer is early in the process to prevent crossing boundaries and perhaps jeopardizing a sale later.

**Difficulty with Neutrality, Impartiality, and Confidentiality**

How much or how little control a broker feels about the intermediary role determines their ability to keep a secret while remaining neutral and impartial. Two main areas realtors experienced difficulty in remaining neutral, impartial and confidential were, (1) when a seller over-prices their home, and (2) when reasonably priced homes receive low offers.

Brokers as a group seemed to perceive a more positive scenario and more overall neutrality among the two sides when handling a home that has been reasonably priced according to the appraisal rate and comps. A broker becomes more optimistic about getting the parties together and negotiating a final contract if the home is priced reasonably (3).

It becomes more difficult to remain neutral and impartial when dealing with
unreasonable sellers (2, 5, 6, 7, 8, 9, 10). This was especially true with those brokers who either felt uncomfortable delving into the emotional or personal issues of the people, or if getting into personal issues was deemed inappropriate. A broker who was mildly uncomfortable with emotional and personal matters said, "It isn't my job to accomplish all their goals, my job is to help them to get into that house, and to sell that house. And it's up to them [sellers] to decide what they can or cannot take (6)." When on the topic of a conflict between clients in a dual agency setting, she added, "It wasn't my place to agree with it [the price]. My place was to see that they met at a common ground. That it didn't fall apart because they both got stubborn. And that they didn't get angry with each other (6)."

The ability to remain neutral and impartial becomes adversely affected when the realtor relinquishes control over the process. If after going through the CMA, appraisal, and net sheet the seller elects to price the home over the market value, three brokers mentioned feeling reluctant to move on to listing the property (4, 6, 9). If the broker is a dual agent, they may have a tendency to become partial to the buyer.

Frequently the seller has ulterior motives for wanting to over-price the home, such as money problems, a divorce, or a lack of understanding the market (1, 3, 4, 5, 6, 7, 8, 10). Knowing these reasons can help the realtor work with the seller to price the house according to the CMAs or "comps". More often however, the realtors told about those instances where they walked away from the seller (1, 2, 6, 7, 9, 10). As mentioned earlier, over time the seller will drop the price (6), but usually after switching agents at least once (3, 9, 10).

If the buyer writes a low offer to what is perceived as a reasonably priced house, the broker then has a choice; to present the counter offer again at the original price, or not to bother writing the offer to avoid insulting the seller (4, 6, 10, 13). In this case, the broker probably spent hours if not days researching taxes, obtaining the CMA, and presenting the seller with the suggested market value of the house (4, 9, 13). If a buyer comes along and
offers less, the broker will naturally tend to side with the seller. In this scenario, the realtor does tend to become partial towards the seller (14).

Being intuitive enough to know when to relinquish control over the parties was felt extremely important to prevent problems later (1, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14).

"If intuition tells me that there is something there that I need to know more about on a personal level, I will probe those issues because if there's a job problem, or if there's a neighbor problem that they're trying to resolve by a move, I not only need to know that to keep them on the end goal, I also need to have that information in case negotiations don't go exactly as we would like them to go. I need to remind my own clients why we're in this boat. (6)."

This decision hinges on whether the broker desires to maintain neutrality, or if providing suggestions is more important to the broker (8). If the broker conceptualizes control to be more important than neutrality, suggestions will be made to the unreasonable party (1, 2, 6, 8, 9, 10, 13, 15). If the broker feels neutrality to be more important than control, the broker relinquishes control, but risk falling prey to a need to disclose confidential information about the offending party (3, 5, 7). Furthermore, when the broker senses a loss of control, the tendency was reported to be to fall back on agency rules and regulations, projecting more inner control over the process (1, 3, 5, 7).

**Summary of Results to Research Question #2**

When conceptualizing neutrality, impartiality, and confidentiality, brokers often related to the legal fiduciary responsibilities, and negative consequences of not going by the book. Neutrality and impartiality were mentioned as concepts only to be considered important when acting as a dual agent. Even as a dual agent, many brokers did not feel it in their best interests to remain completely neutral. It was felt that to be too neutral, a broker may not know exactly what his or her responsibilities are, or how to negotiate effectively.

Both disclosure and confidentiality were discussed because although they are opposite concepts they serve to maintain a balance of appropriate information to both sides of a
transaction. When keeping information confidential, many brokers emphasized legal requirements for keeping secrets from the other side. If confidential information gets out to the offending agent, referrals will decline, and the realtor risks losing his or her license. Disclosure is important for providing each side with the material facts and defects. Knowing where to draw the line between these factors was said to be difficult when a buyer or seller is not willing to provide the necessary information.

The amount of control a broker feels about the process and people ultimately determine the degree to which neutrality, impartiality, and confidentiality can be maintained. Brokers were less than optimistic about closing if sellers over priced the house, or if buyers submit low offers on comparably priced homes. If a seller overprices the home, the broker may side with the buyer, and if a buyer presents an unreasonably low offer, the broker may side with the seller.

The main point is, that in order to maintain a sense of neutrality and impartiality, the broker may focus more on the legal aspects of the fiduciary relationship. This helps to prevent the broker from becoming partial to either side and perhaps from disclosing confidential information to others.

**Research Question #3**

How does an intermediary remain neutral, impartial, and hold confidential facts for either side when assuming the third party position during conflicting situations? In order to answer this, first how brokers prevent conflict and anger will be provided. Demonstrating leadership skills through educating the parties, knowing when to convene (if this is an option), and knowing how to handle other less experienced agents.

Looking at the types of conflicts realtors are generally faced with as intermediaries, and the methods used to deal with anger will provide background for how brokers said they remained neutral, impartial while keeping information confidential. Standing in the way of the ability to demonstrate neutrality, impartiality, and confidentiality are the anger
and conflicts that a broker must contend with. The primary goal remains the same, settling differences of opinions enough to satisfy both sides so that the transaction can be closed.

**Preventing and Managing Conflicts**

As mentioned earlier, when working for a buyer or seller, the broker is the intermediary between their people and the agent representing the other side. When working as a dual agent, the broker becomes the third party between the buyer and seller. Brokers talked more about the methods used to prevent conflicts as a third party, rather than how conflicts were managed. Answering how problems are addressed regarding neutrality, impartiality, and confidentiality will be done by explaining how brokers prevent conflicts and anger among buyers, sellers, and other agents.

Several realtors remarked that staying neutral and impartial are a part of the dual agent contract, yet these elements become important when representing a buyer or seller individually. Brokers did not state this as such, but instead, talked about how they prevented and managed conflict between their people and other agents. These conflicts test the abilities of the broker to search for ways to remain neutral between other agents and their people.

The main responsibility of the real estate professional was felt by all brokers as getting "the property sold for the seller and get the buyer a good property. It's not [a] goal [or] responsibility to get whatever price or whatever terms ... [the] responsibility is to get it sold (10)." Aside from the primary goal of closing a sale, the realtor (as an intermediary), tries to prevent problems by getting the parties involved in the process.

Educating the parties about the process seems like a sensible thing to do, yet frequently, people hire brokers as the experts of the process. Shopping for homes, or selling a home is generally as much as the general public care about doing - until something goes wrong (2, 3, 5, 8, 10, 12, 15). The potential for conflicts during the
course of buying and selling a home are vast, covering any number of concrete problems pertaining to the property itself, or the buyer's ability to obtain financial means to purchase property. But those are tangible items that are either handled along the way, or abandoned resulting in the process starting over with other property and people.

One broker explained that since she feels it important to know more about other businesses before spending money, that other people should also become more aware. "If I'm going to another business for whatever reason, I want them to tell me what I don't know. That's not my profession (3)." She added that she often works with a lot of young couples who "do not have a clue what they're getting into. Somebody keeps shoving papers in front of them saying "Sign this, sign that" and they're scared to death. That's a lot of money. I would always like to know (3)." For this reason, helping the parties to understand and to take more responsibility in the process helps to prevent misunderstandings (3, 4, 5, 6, 8, 9, 13). As mentioned earlier, part of the broker's role is to act as a counselor, or a facilitator of the process (1, 3, 6, 8, 9, 10, 13, 14). If the broker takes on too much of a parental role, the parties may become passive and not work for their own best interests (3, 8).

One broker would involve the customers or clients (or both) by asking "them for participation instead of being the person saying, "Now I think you should do this" (8). Another broker would get the parties involved in the process to the point of allowing the parties to make a mistake, stipulating that prior to making a move, the parties should "discuss it first" (6). Conflicts, it was said, could for the most part be prevented if the parties were first educated on the process, and then encouraged to participate. The broker can share in the responsibilities when things go wrong rather than bearing the burden of taking all the blame.

If the parties do become angry, brokers said they would express, or suppress their emotions to gain control over the situation. Having the ability to mask emotions was frequently stated as a way to avoid further abuse from clients, customers, or other realtors
Instead of suppressing emotions when faced with angry outbursts, a couple of brokers felt it necessary to express emotions. As one realtor said, "If you let things fester like that with all your transactions, by just keeping your mouth shut and letting them ramble on, they'll go into tangents that you will not be able to control. If you lose control over an audience, nobody's going to think clearly... they're not even going to care." The difference between whether to express or suppress emotional concern during angry outbursts had everything to do with the degree of anger being displayed, and the personal style of the broker.

When brokers talked about conflicts involving their people and other agents, they reported instances when the customers and clients did not understand the process. Several brokers talked about the agent on the other side of the transaction as a source of conflict as well.

Remaining neutral and impartial between the broker's people and other agents was discussed as a problem by 8 out of the 15 brokers interviewed. "The conflicts generally come up when a buyer or a seller is working with more than one agent... usually it's a lack of knowledge or they have become dissatisfied with their own agent... they'll go to open houses and talk to everyone, and call up an ad, and have the person who is advertising the house show them the house." For example, broker #10 explained how a client came to her and said, "I've been working with this person, I am not happy with them and I want to change agents". This broker replied that she would not do anything with the person until they made a decision about who they wanted to work with. A lack of loyalty was how a few of the brokers described the phenomenon. When realtors were contacted by other agent's disloyal clients, broker's sentiments were similar to the following responses:

"A buyer will be loyal if they want to be loyal... They'll go, "I'm working with five agents", and I'll say, "Look do yourself a favor, we all work out of the same book, you'll end up duplicating information, you will get frustrated with us because you..."
don't know where to go when it comes time to do it ... I'm recommending that you ... pick one that you feel that will work the hardest for you (9)."

"You don't want to work with the flakes. And it's hard because, ... I use to tell people, 'You need to make the decision on who to work with, because you'll find that the people in real estate are generally real nice people. You'll begin to like all of us. But only one of us is going to get a commission. And you're gonna feel bad, because you're gonna like them all. The best thing is to make the decision right away, and work with just one person. (10)."

One broker had recently experienced her buyer's leaving to purchase a 'for sale by owner' home after spending over eight months educating her former customers. This broker related that "each time it has happened ... it's hard to let go of" (3). The broker wanted to say to the customers; "Gosh, I'm glad you appreciate that [time and effort], and I'm glad you're going to refer all of your friends, family, whoever ... for the rest of your life ... but the transaction that I wanted was this one. I'd like to have had closure (3)."

She added that loosing clients after "countless months and time spent" is difficult to take, "but it happens so frequently within the industry" that she tries not to take it personally (3).

Other brokers agreed that after spending considerable time (and sometimes money) on their people only to have either a customer or client leave to work with other agents can be a heartbreaking experience (2, 3, 5, 8, 9, 10).

"But conflicts do occur because a lot of times your buyers or seller won't be honest with you. They'll say, 'Yeah, I want you to work with me', and they are saying the same things to the other people [agents], and they don't know how to get out of the situation ... I have a great deal of respect for a lot of people. If somebody is working with someone else, I don't try to interfere ... if [the people] are not going to be loyal to you, they're gonna go from person to person and your gonna end up putting in all this time and effort and money into them, then maybe they won't buy from you anyway. They'll buy from someone else (10)."

As a buyer or seller agent, brokers agree to represent their people. Previously it was mentioned that brokers did not feel being neutral or impartial as either seller or buyer agents was appropriate (1, 4, 6, 7, 8, 9, 10, 15). But as the buyer or seller representative, the broker is obliged to remain impartial for the best outcome their people may have.
Therefore, when the broker's people move on to other agents, many of these brokers expressed negative emotions about the loss, yet did not feel right about having these feelings.

Real estate agents (not realtors or brokers), were said to be among the more difficult people to deal with because they are not generally as well educated with the "human side" of the business nor knowledgeable about the realtor code of ethics (5, 6, 8, 9, 13, 14, 15). Real estate agents were described as sales persons who "do not belong to the national association", and as such;

"they do not subscribe to our code of ethics. They're just 'out there'. You can't really confront them on the code of ethics ... if you have a problem with someone you're working with, you can go back to a certain code and say, "This was not followed." And then you have some repercussions. You can go back to the association and say, "This person violated this code and this needs to be dealt with (13)."

Four brokers directly stated that real estate agents and inexperienced brokers tend to "lower the professional standing" of the entire group of people managing property transactions (5, 9, 13, 15). Real estate agents are not as familiar with agency laws and procedures. As one broker put it, "I'm sure some of them are wonderful to work with, but they don't have the ethical obligations that we (brokers and realtors) have and I would just as soon not work with them. But in the spirit of fairness, I'll work with anyone once (15)."

When working with real estate agents, brokers mentioned several ways to continue the transaction when the real estate agent was perceived as incompetent to do the job. One broker told about an experience she had with a real estate agent:

"There are times that you know you're going to do both sides ... In one situation [I] was a buyer's agent ... I did the listing agent's job, dealt with the seller, I sent a bill to the listing agent for my expenses and he paid them. In some situations that's the kind of professional you're dealing with as your counter-part (6)."

In other circumstances, brokers said they might, talk separately with the other agent, and then handle the problems together, such as if the real estate agent does not know how
to do the paperwork (5, 6, 8, 9). It was hoped that the agent would learn from the example set by the broker (9).

Conflicts were said to occur when real estate professionals took too much control over the process because the parties do not share in the responsibility of the real estate transaction. As a result, the broker risks taking the blame when things go wrong. On the other hand, if realtors are not careful when explaining the process to new people, the broker might risk losing a customer or client to other agents because of not realizing how the process works, they may sign with other agents.

When brokers must serve as intermediaries between their people and real estate agents (or inexperienced brokers), realtors sometimes must help the other agent through the transaction. Not only is the broker liable for his or her own people, but can also become responsible for the other side.

Methods for Remaining Neutral and Impartial

An inevitable part of life is that people have conflicts. As a dual agent, the broker cannot always prevent the two sides from getting together. Even when the broker manages to keep the two sides apart, dealing with each party's anger, while remaining neutral and keeping information confidential can become challenging.

Brokers frequently talked about how they handle hostile situations when they are a dual agent. Some of the methods offered were; maintaining control over the communication (1, 2, 7, 12, 13, 14), remembering the legal liability of not showing neutrality and impartiality (1, 2, 3, 4, 5, 8, 9, 12, 13), using reason with the parties (1, 2, 5, 8, 9), knowing when to relinquishing control (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15), and when to confront the parties (4, 5, 6, 7, 9, 10, 13). Others offered the suggestion of bringing in an outsider, such as the agency manager or another broker (3, 5, 10) because as part of the transaction, "you're too close to it to really be effective (10)."

Maintaining control for many brokers means to first explain and then to remind the
parties about the brokers ability to remain neutral (1, 2, 3, 5, 6, 9). For example, one realtor explained:

"I told the seller, I cannot counsel you on dollars at this point. I told the buyer, I cannot counsel you on dollars, I will tell you everything I know about the property, I will give you any information I possibly can to help you with your decision, based on the property. You do your own dollars, I'll do a net sheet ... I walk down the middle of the road. I hold both of your hands, and we'll go together to the end. That's the best I can do (5)."

One realtor would remind her sellers by saying, "Even if you ask, will [the buyers] pay us more, if I haven't brought your full price offer, I can't tell ya, so don't ask (6)."

Controlling the process might also mean "having the parties meet in a neutral location, like the office" to create a neutral atmosphere from the start for the two sides (13).

Neutrality means for many, to stop and think about the legal liability of not remaining neutral. As one broker said, "most of the time I have a preference for one [side] over the other. And I have to ignore it. I just have to set it on the back burner. Sometimes it's pretty hard to do [because] I don't want to be in court two years from now because of an action that I'd taken (5)." Another broker said he puts his perceptions of the two sides into perspective and then moves on. "There are times, but you have to go, Hey this is a normal transaction. They're dear dear people, this is a slog. I don't like that person for whatever reason. But that's a personality, and you shut the personality off (12)."

Using reason with both sides may help the parties to understand the other's view while promoting a more realistic way to view the problems. When acting as a dual agent during a joint meeting, realtor #1 said to both sides during a heated discussion, "Well you're selling it, of course you want more money. And you're the buyer, and of course you want to buy it for less. But you both want maybe the same thing. So let's just calm down and talk about it (1)."

Broker #1 also shared his opinions about convening the parties as a way to remain neutral and impartial.
"I think the best thing, in my mind, is still to get the two parties together in the same room. Because when you do that, they normally don't fight with each other, they state things that they feel they want from each other ... instead of somebody trying to come in between, which you are, it becomes easier. They're hearing it first hand, they're not hearing through my interpretation of what this person said, or my interpretation of what this person said ... they're hearing it first hand (1)"

All brokers who worked as dual agents mentioned not telling buyers how much to offer, or sellers what price to assign a house (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15). By conceptualizing the situation for what it is -- a real estate transaction, and not being drawn into a personality conflict with either side puts the control into the partie's hands instead of forcing the broker to make suggestions or demands of either side, and instead, providing the necessary facts and information to allow the people to make their own decisions. (5, 12, 13). The parties can better determine what is fair and comfortable for them if the broker has ensured the both sides have been adequately educated on the market. Offering property comparisons on either side help the buyer know what is a fair price, and the seller know how to price the property. The broker only needs to write offers and counter-offers.

If the parties are kept separated during a dispute the broker may need to confront each side individually if it seems personal issues are preventing further decision making progress (4, 5, 6, 7, 9, 10, 13).

"Sometimes there is a need to confront them, because it's the personal issues that are causing the conflicts. It starts when you buy or sell a house. It's one of the biggest things most people do in their lives, and if they are getting a divorce, or attempting bankruptcy, or financial problems that are precipitating it, a lot of times that can make or break a deal (4)."

If by confronting the people about personal facts brings about anger, several brokers were in agreement about allowing the person to "vent, and not take it personally. Then say, "Okay, now what can we do to remedy this situation, what can we do to fix it?" (2, 4, 5, 7, 9,12).
Methods to Keep Facts Confidential

To keep personal facts confidential, realtors would recommend reframing the words of the other side (1, 2, 5, 6, 9, 10, 12), stay out of the personal lives of the parties (2, 8, 11, 15) and remind themselves and their people about the rules of confidentiality (3, 5, 6, 9, 13). As mentioned earlier, if the information helps to close the deal, brokers would ask permission to tell the other side. One broker stated that the best way to avoid disclosing confidential information is to "stay out of their personal lives" entirely, and just enable the buyer to buy, and the seller to sell. If either side asks about personal facts about the other side, the realtor can easily say they do not know (11).

Reframe Words

Soften harsh language was also a method used "because there is no reason to be a catalyst for something that could blow up". Anger is not a material fact, and therefore anger should not be disclosed perhaps not even when given permission to do so (2). If however, permission is offered by either party to disclose feelings and opinions, the real estate brokers recommend delivering the information in ways that are not as negative or accusatory towards the other side (2, 5, 6, 14). Realtor #14 suggested to get each sides input, and restate what was said instead of directly carrying "the emotions back and forth" to either side (14).

Stay Out of Personal Lives

One realtor in particular said that if you stay out of their personal lives then it becomes easier to keep information confidential, because the information remains unknown (11). Four realtors stated that knowing both side's secrets allows the broker to facilitate better offer and counter-offer exchanges (1, 5, 9, 15). But this information must remain confidential, only allowing both sides to make decisions of what to offer and counter.
"For instance, I list something for $120 [thousand] and my seller says, "Don't tell anyone but I'll take $115 [thousand]." Then the buyers say, "Do you know where the bottom line is?" And I say, "You have to... it is your job, and my job to help you, discover what this house is worth. And you have to do what's comfortable for you" (9)."

Remind Self and Others of Rules

Once when broker #5 was contracted as a dual agent she had a seller who needed to sell for financial reasons. The seller lived in an older home and because the dwelling was in need of minor repair and major cleaning, the seller was forced to lower the price. The buyer had several rentals and could have afforded to spend more on the listing, but instead, negotiated through the realtor on a lower price. The buyer would ask what the seller's bottom line was, and the seller would ask how much the buyer could pay.

The broker had to remind herself of the rules to prevent telling either side what they wanted to know. In the end, the buyer bought the home for a lower price. The agent felt that had she said anything about either sides circumstances, the buyer would be genuinely hurt, and the seller may have felt some remorse.

Maintaining a business-like demeanor helps to keep information confidential (1, 2, 3, 4, 5, 6, 9, 11, 12, 13, 15). As a dual agent, both parties are to be treated in a fair and equal manner. Most brokers emphasized their refusal to tell the seller how much a buyer is willing to pay or how much the seller is willing to take. Part of remaining business-like is to remind each party of the rules of disclosure and confidentiality.

Summary of Question #3

Conflicts can lead to anger in ways that challenge the realtor to remain neutral, impartial and keep information confidential. Conflicts that were said to originate from a buyer or seller contract involve the broker as a third party between the parties and another agent. When acting as a dual agent the broker becomes an intermediary between the buyer and seller.
Conflicts between brokers and their people occurred more frequently when the people were not sure of the agency rules of representation, or if the people changed brokers. This would generate hurt feelings in the broker who had previously signed a contract vowing to represent the parties.

Seven realtors talked about the difficulty when working with either inexperienced brokers, or real estate agents. Real estate agents in particular are problematic because they lack the training and ethical conduct felt by many to be important in maintaining the status of the profession.

Solutions offered to remain neutral and impartial when working as a dual agent included; using reason, knowing when to relinquish control over the process, along with a constant awareness of the legal liabilities if neglecting neutrality and impartiality when working as a dual agent. Overall, brokers felt it difficult to do, and mainly offered methods to prevent becoming partial to one side.

Brokers offered three main methods to deal with problems while maintaining confidence with the two sides; (1) stay out of the personal lives of the parties, (2) reframe the words of the parties, and (3) continually remind themselves of the rules of disclosure and confidentiality.

Summary of Results

Question #1

How realtors view their role as third parties depends on the agency contract held. When working for buyers and seller, the brokers often mentioned intervening between customers, clients and other agents.

Brokers primarily keep their people separate on either side of a transaction due to personality factors and time constraints. Most realtors said they would make an exception if by getting both sides together would close the transaction.

Becoming familiar with the party's personal and emotional lives was a controversial
topic. Factors influencing how involved to become with the parties was said to depend on the ability to sustain a business-like relationship, or if becoming too involved would risk the parties ability to make independent decisions.

Question #2

Eight brokers agreed that when working as a dual agent, it is not important to remain neutral and impartial, but to represent both parties in a fair and honest way. Five brokers mentioned working with friends and relatives and that this makes it more difficult to remain neutral and impartial.

When working as a dual agent with unrealistic buyers or sellers, brokers would tend to take sides if they felt unfair offers or prices were assigned to a property. Siding seemed to occur against those parties perceived as interfering with a successful sale.

Both confidentiality and disclosure were conceptualized as important ways to foster trust in the process regardless of the agency situation. Knowing what can or cannot be held in confidence becomes hard when the broker has a tendency to favor one side over the other. As a dual agent, either side would benefit from knowing the other's bottom line, so keeping that information confidential becomes crucial to remain trustworthy and balanced between the parties.

Emotional and personal facts are relevant to work well with both sides as a dual agent. Most brokers agreed that personal involvement become important, yet by doing so may cause either or both sides to request confidential information.

Question #3

All brokers interviewed felt the most expedient way to prevent conflicts and anger among the parties would be to educate the parties and encourage more involvement in decision making. When confronted by anger, realtors would mask their emotions to avoid further attacks, or gain control over the angry person through reprimand.

Eight brokers talked about other agents being a source of conflict. Other agents (real estate agents in particular) were said to operate inconsistently, sometimes not completing
the job, or adhering to the real estate code of ethics. This can create problems when other realtors fail to conduct their work in an ethical manner because no repercussions are forthcoming.

Solutions to remain neutral and impartial were offered as controlling the parties by using reminders and reason, and knowing when to relinquish control and when to confront the offending parties. Solutions for keeping information confidential were to stay out of the personal lives of others, reframe the words of the other side, and again, to remind self and others of the rules of confidentiality.
Chapter 5
DISCUSSION

The purpose of this study was to gain a better understanding of how real estate intermediaries conceptualize their role, and how neutrality, impartiality, and confidentiality are perceived. Comparing how real estate brokers conceptualize their role with mediators may extend theory regarding the third party role.

Conceptualizing of The Intermediary Role

The similarities and differences between how mediators and realtors conceptualize their respective intermediary roles will be compared in terms of counseling skills, mediation formats and by reviewing the personal and situational attributes felt necessary for the profession.

Counseling Skills

Both mediators and realtors emphasize structuring the communication process for the participants. Realtors talked about becoming familiar with their people, demonstrating leadership abilities and educating the parties about the negotiation process. Mediators begin each session by explaining the process to disputants to ensure more compliance, trust, and satisfaction later on (Donohue, 1988).

Rеaltors conceptualized their role as a facilitator for either buyers or sellers (or both) to move through the preset goal of a property transaction. Nine brokers (1, 3, 6, 8, 9, 10, 11, 13, 14) felt that to be successful in the real estate profession, using counseling skills rather than trying to sell produces better results. After explaining the process to their people, these brokers talked about how they would listen and learn about the goals of the buyer or seller.
The mediation process closely resembles counseling in that listening and speaking skills are applied to help both sides better understand their problems (Curtis & Bailey, 1990). One of the differences between the intermediary role of the counselor and that of the mediator, is that a counselor primarily focuses on helping clients gain personal understanding; whereas the mediator shifts the focus from helping parties understand themselves towards helping each party understand the other side. This requires the mediator to continuously facilitate ways for both sides to listen and understand each other, while reframing both sides words when necessary. By facilitating better communication and understanding among the parties, the independent mediator works to encourage collaboration towards finding solutions. Both realtors and mediators serve as counselors, yet while realtors remain focused on their people's needs, mediators direct their communication to facilitate understanding between the parties.

Mediation Formats

If you recall from the literature, Moore (1996) described three forms of mediators; independent, authoritative and social network. Independent mediators adhere to neutrality, impartiality, and confidentiality. Both authoritative and social network mediators are not obligated to remain neutral and impartial and often have previous knowledge about the parties. Authoritative mediators are usually elected into a position of exercising legitimate power and influence over the outcome. Social network mediators are those known by the parties and are concerned primarily with maintaining the status quo of the group.

Realtors more closely resemble either authoritative or social network mediators. Because realtors reported working with people they knew their role in this respect is similar to social network mediators (2, 3, 5, 6). When either side is not known by the broker, they more closely resemble authoritative mediators. Not only are they chosen as the legitimate representatives, but brokers pointed out that they are potentially capable of
influencing the process by who they know, and what they know (3, 4, 9, 13, 15).

**Personal and Situational Attributes**

The list of ideal personal attributes of third parties used for designing the interview guide were: "(1) being comfortable confronting personal encounters with others, (2) having a high level of energy during encounters, (3) an ability to appropriately alter ones mood for the situation, (4) analyzing and understanding past events of each side while showing emotional concern for each person, and (5) not to suppress feelings and intentions, but instead to act on the emotions". The situational attributes included: "(1) having a high professional expertise regarding social processes, (2) having low power over the fate of the principals, (3) having high control over confrontation setting and processes, (4) possessing a moderate level of knowledge about the principals, issues, and background factors, and (5) being neutral with respect to substantive outcomes and personal relationships" (Walton, 1969, p.134). Brokers overwhelmingly confirmed all of the qualities except for mild variations regarding "suppressing feelings and intentions" (personal attribute #5), "having a high professional expertise regarding social processes" (situational attribute #1), and "having low power over the fate of the principals" (situational attribute #2). Remaining neutral with respect to outcomes and relationships, (situational attribute #5) was not congruent to realtors perceived role, but this will be discussed more fully later in this chapter.

Many brokers remarked that it was sometimes necessary to suppress rather than express feelings and intentions when confronted with anger by the parties (1, 2, 3, 5, 7, 8, 12, 14). The amount of emotional expression depends on the conflict and the feelings of bias for either side. Most realtors would elaborate about the importance of expressing emotional concern. However, when angry emotions were directed at them, realtors talked about suppressing their feelings and intentions.

In comparison, mediators are no doubt faced with situations where they must suppress
their emotions as well. Referring to the discussion on mediation regarding "understanding the problems", mediators are faced with reports of child abuse and physical or psychological abuse that may cause them to suppress emotions.

The amount of "professional expertise regarding social processes" also serves as a point of comparison between realtors and mediators. Realtors begin the process with a signed contract to sell or buy a house. Brokers work with people who have high stakes in the process (whether buying or selling), and secure a contractual agreement to proceed. This contract represents a binding agreement by the broker to work for the best interests of the buyer or seller, and to ensure the people will continue to work with the realtor.

In contrast, mediators begin with an oral agreement by the parties to participate in the process and end by signing a contract of agreement to adhere to the solutions. By communicating the importance of working through the process together, the mediator conceptualizes his or her role as the professional in charge of the process. This serves as a way to represent to each side that control is shared; parties have a choice to remain and work through the conflict -- or walk away from it. Demonstrations of expertise are not always apparent since mediators work towards including the parties in the process from the start.

Many brokers also felt a high degree of control and influence over the fate of the principals, but when this was mentioned by the realtors, they later recanted by saying that the parties and more specifically the buyer, has the final say in the process (8, 14). Only at the beginning of the process did realtors conceptualize control, power, and influence over others. Once buyers and sellers become comfortable with the real estate process, they were said to make independent decisions on how to price their home, or what to offer on others. Brokers talked about the buyer having the final say in the results; consequently, brokers work to influence their people at the start of the process to prevent parties from using unreasonable bargaining and negotiation strategies. So realtors both parallel some of the ideal concepts of a third party role, yet deviate from it on how to
react emotionally.

Mediators strive for control during the intake interview to set ground rules, and provide structure. As the third party, the mediator does not have power over the fate of the people. When communication has been restored to each side and the negotiations have become productive, the mediator relinquishes control back to the parties (Donohue, 1988). Mediators who work with inexperienced negotiators may exert more control about the process in terms of holding joint or separate meetings (Kolb, 1983). The amount of power and influence from the intermediary then depends on the parties experience and ability to negotiate.

**Conceptualizing Conflict**

Realtors are familiar with managing disputes among parties, but more important, realtors emphasized ways to prevent problems from occurring. All brokers mentioned that regardless of the transaction, problems are bound to come up. In most cases, realtors begin the process dealing with parties on either side who have had no previous contact. Explaining the process, encouraging the parties to become aware of the market while keeping potential buyers and sellers from meeting were methods used to prevent future problems.

Realtors spoke of conflicts pertaining to unreasonable buyers and sellers. To try and prevent their people from becoming unrealistic, brokers emphasized educating and encouraging the parties to become aware of the market, and the real estate process (3, 5, 6, 12). This also meant having an agenda and being prepared for a lack of control in case of extenuating circumstances.

Understanding motivational factors was considered highly important for all realtors. Thirteen of the fifteen brokers interviewed felt it important to allow emotional and personal information into the setting. The more information about their people, the easier it becomes to predict their ability to negotiate reasonably. Four of the thirteen realtors
admonished others for lacking a business-like manner when becoming personally familiar with the clients and customers. The rationale was that by becoming too personally involved, the realtor can become a target for blame when things go wrong (2, 6, 9, 14, 15). Since brokers are dealing with two sides that may never meet, preventing conflicts becomes more important over managing conflicts.

In contrast, a mediator also starts with the agenda of educating the parties about the process and motivating the parties to work through problems. Bush and Folger (1995) described the difference between solving problems, and providing ways to "transform" the conflicting parties through mediation. The transformational approach was described as first, understanding the personalities, and then discovering ways for each side to contribute to finding creative solutions. Since the parties in a mediation usually have ongoing disputes, the mediator serves as a communication facilitator for both sides to learn how to manage disputes in the future (Benjamin, 1995).

The degree of conflict intensity between the parties determines the productivity of mediator intervention (Yarbrough & Wilmot, 1995). Knowing when to intervene becomes a critical aspect of the mediation process. If the level of intensity is high, the conflict may warrant intervention by more biased sources, such as through arbitration or litigative methods. Ideally, timing the intervention when talk becomes unproductive produces better results than random intervention (Donohue, 1989). To do this, the mediator must know the behaviors and communication patterns of the participants.

Both realtors and mediators handle conflict and anger. According to mediation theory, anger and hostility are not necessarily emotions that should be hidden from the other side. Allowing anger to enter into a joint mediation can be better controlled within a setting where ground rules have been established. The mediator must be sensitive enough to know when to permit emotional expression by the participants (Gold, 1993). Independent mediators conceptualize their role as the person who should know when to allow anger to surface, and when to caucus if anger is felt inappropriate for the other side (Benjamin,
In comparison, anger and conflict are not encouraged by realtors. Real estate brokers prefer to take a preventative approach by preparing their people and themselves for the unexpected. To do this, a contract is signed and realtors talked about encouraging understanding about the market and process.

While mediators are trained to allow some expression of anger from their clients, realtors strive to remain more detached from either side in order to avoid witnessing anger and extensive conflict. An awareness of the emotional changes with each party is important but only so far as to determine the best ways to prevent adverse circumstances that may prevent a closing.

Joint verses Separate Meetings

Referring to Kolb's (1983) study, mediators structure the negotiations depending on the participants' experience (Kolb, 1983). Federal mediators preferred convening for three reasons: (1) the parties on either side are experienced negotiators, (2) facing the opposing side helps bring about more objectivity and honesty with the participants, and (3) less of a burden is placed on the mediators ability to transmit accurate information back and forth (Kolb, 1983, p. 67).

State mediators were said to choose a more carefully orchestrated agenda when conducting negotiations by facilitating separate meetings with each side rather than joint meetings. State mediators' rationales for using more caucuses and rarely convening the disputants were: (1) separate meetings prevent 'unproductive' and hostile situations from erupting, (2) mediators can better facilitate communication in ways to soften harsh language, and (3) by arranging separate meetings in pre-selected locations the ability to access information becomes easier to do for influencing the settlement (Kolb, 1983, p.70).

Personality and situational factors influenced realtors decision on whether to allow
parties to convene. Nine realtors felt that separately meeting with both sides throughout the entire transaction is more appropriate, and prevents conflicts from erupting between the buyers and sellers. Realtors framed their rationale for separate meetings in terms of influence over the process as a dual agent. (1) "When one broker has access to information on either side it becomes easier to move quickly through a transaction, (2) "It becomes easier to influence either side in a positive way about the other side because the broker has access to personal information and can request permission to use it without going through another broker", and (3) "the parties view the information more favorably if trust has been established from the beginning and the broker is able to get back to either side more quickly".

All brokers mentioned expediency and service to clients and customers to be one of the primary goals throughout the real estate process. Productivity and control over the negotiations were considered more important than helping each side collectively negotiate solutions to price and property problems. Brokers #2 and #4 felt personally responsible to remain accessible to information on both sides when working as a dual agent. Furthermore, keeping each side from meeting was felt to prevent unnecessary conflicts, and instead of conveying anger back to either side, one broker talked about "softening harsh language", to prevent igniting conflicts between the parties (2).

Research about third party intervention concluded that authority and time factors (Sheppard et al, 1989), and personality and situational factors (Walton, 1969) determine how conflicts are handled. The more authority and less time the third party has, the less likely they are to use mediation or therapeutic methods to manage conflicts. Six realtors conceptualized their role as having the authority to facilitate the process, but stated that convening each side was discouraged due to time constraints (2, 4, 5, 6, 9, 13). Thus, research related to third party intervention coincides with what realtors said. The brokers in this study conceptualize their role as the authoritative and influential person among the parties and felt a need to close the transaction as efficiently as possible.
The stakes are higher for joint meetings because the realtor perceives closing a transaction as the main goal. Getting to closing was considered more important than helping each side to iron out their differences. Allowing the parties to meet was said to prevent productive negotiations, and therefore was considered counter-indicated by the majority of this group of intermediaries.

Only in rare cases did brokers feel it appropriate to convene. One broker, who was an exception, felt the best way to negotiate would be if both sides could meet. Instead of trying to interpret between the buyer and seller, "they're hearing it first hand" (1).

Three out of the 15 brokers interviewed explained the benefits for having both sides get together. These realtors had former management experience and were comfortable with the idea (1, 3, 15). The majority of the brokers felt when faced with difficult or "unusual" people, convening the parties was not considered acceptable (7). This is not unreasonable given the goals are not the same as mediators goals. The reasons brokers offered for keeping the two sides apart were similar to those given by state mediators. If the realtor felt the parties were capable of reasonable negotiations, many of the brokers would arrange a joint meeting.

**Neutrality and Impartiality**

Real estate brokers work as intermediaries primarily between buyers, sellers, and other agents. So realtors' view their role differently depending on the agency contract held. Realtors felt their main role consists of (1) helping facilitate property transactions between their people as efficiently as possible, (2) being the primary expert of the process to prevent and manage conflicts.

Neutrality, for real estate brokers, takes a different twist than for other intermediaries. Brokers preferred situations when they abandoned neutrality. Over half of the brokers did not feel it important to remain neutral and impartial in order to better negotiate for both sides. Those brokers who try to remain neutral felt it was difficult to do, especially when
one side of the transaction consisted of people they knew. Although brokers stated that it was not their place to recommend prices or offers, as an intermediary there was a tendency to move towards the party who was perceived as wronged, and away from the party perceived as unreasonable.

The role of an independent mediator is designed to serve as a neutral and impartial third party among disputants (Moore, 1996). As a result, mediators perceive their position as one who intervenes among the parties having opinions about what is right or wrong. However, it is not part of the mediators role to determine right from wrong. Realtors agreed that client's relational issues and misconceptions drove most conflict, yet real estate brokers, unlike mediators, do take a stance of right or wrong.

Most all of the realtors said it was not to their advantage to remain completely neutral. Brokers #6, #8, #15 in particular, did not feel neutrality is always beneficial when working as a dual agent. The possibility was said to exist of not effectively negotiating for the benefit of the people. "If the broker conceptualizes neutrality to be more important than control, the agent may relinquish control". Brokers felt that to remain neutral could mean sacrificing control over the negotiations. The risk is either to lose the transaction while maintaining a neutral and impartial view of the two sides, or find ways to regain control. This method of conceptualizing the role resembles authoritative mediators because of the desire to influence the parties by exercising control.

Siding was also implied by brokers when felt obligated to help parties find common ground where there seemed little hope in doing so. If sellers over-price their house, or buyer's offers were unreasonably low, brokers reported "walking away" from the deal, or feeling less willing to work with the unreasonable side. Ten brokers spoke of discontinuing business relationships with unreasonable sellers.

Mediators most often will remain with the conflicting parties until they decide to walk away from further intervention. In contrast, realtors walk the siding line more carefully and exercise judgment about "unreasonable" clients. As a result, realtors are more apt to
"walk" than mediators. Realtors will move between pure intermediary, and into a conflict party if they judge the client as unreasonable.

Van de Vliert's (1981) research on siding was explained as a "natural result to third party involvement", but by taking sides, the conflict becomes escalated. There was a tendency to side with the parties experiencing troubles. Realtors talked about experiencing difficulty maintaining a neutral view upon learning that the seller must liquidate the estate because of a death in the family or a divorce (3, 5, 6, 9, 12, 13). Even those brokers who preferred to remain emotionally and personally detached expressed empathy over distressing situations on either side.

When realtors are intermediaries between their people and real estate agents, the brokers talked about being placed in the position of having to educate both their people and the other agent (2, 3, 5, 6, 8, 9, 10, 14). Naturally many brokers sided with their people, but many brokers also felt compelled to help the other side. This could imply that as a third party, brokers may also conceptualize a need to balance both sides. Whether the broker talked about "those other" real estate agents with condescension, frustration, or humor, it became evident that there exists a felt need to create a balance in order to produce satisfying results.

Impartiality means to view a conflict as having a win win solution without preconceived notions about who is more deserving (Van de Vliert, 1981). Because the mediator's role includes helping both sides understand the other side's position, thinking in terms of the best solution is not an option. A win solution for both sides is that which the parties agreed on, not what a mediator feels right.

In contrast, realtors perceived control over the process, and to an extent, control over the people as a substitute for neutrality. The methods realtors described to remain neutral and impartial were frequently to remind themselves of the legal liability for not doing so. Eleven real estate brokers mentioned putting aside emotional concern for their people in order to maintain a sense of neutrality.
Control factors were conceptualized as part of the role for both mediators and realtors. Mediators will gradually relinquish control back to the parties as soon as the two sides demonstrate an ability to negotiate in good faith (Donohue, 1989). The goal of mediation is not only to help each party obtain satisfying solutions, but to also enlighten the clients in ways to prevent problems in the future. In comparison, realtors felt it important to take control at the start and would then encourage more participation by their people. The flip side was that when brokers lost clients and customers after putting effort into developing the transaction a sense of loss was mentioned for both monetary and emotional reasons (3, 6).

Confidentiality and Disclosure

When the intermediary promises to keep information in confidence only disclosing that which is public knowledge they reinforce trust by the parties. When working as a dual agent, trust was mentioned as an important element. The parties on both sides must feel as though the realtor is working for both side's best interests, so the broker explains disclosure and confidentiality to the participants. It was also mentioned that trust works both ways in that the realtor must also trust that the customer will provide the facts about his or her financial ability to secure a loan, and the client will disclose the material facts and defects of the property.

In comparison, the mediator must also reinforce trust by communicating to each side the ability to remain neutral, impartial, while maintaining confidential information. The clients must trust that the mediator will not disclose information about the parties to anyone else, and that during a caucus, the only information to be disclosed will be that which has been openly agreed upon. The emotional factors that surface during a mediation can lead the parties to feeling vulnerable making trust in the mediation process that much more important. With the mediation process, trust also works both ways. Mediators rely on trusting that both sides will negotiate in good faith, and that neither
side holds back on information deemed disreputable.

The differences between the ways realtors and mediators conceptualize trust is in the rules of disclosure. In addition to including material facts and material defects as part of the discussion, relational issues are also encouraged by the mediator (Butz, 1991). Because the mediator and the dual agent conceptualize their role as the entity working for the benefit of both sides, the way disclosure and confidentiality is viewed must remain on equal terms.

Mediation works because the participants perceive the intermediary is not biased towards one side (Haynes, 1984). For the parties in mediation, equal time is granted during a caucus to both sides. Normally mediators work to not place fault or judgment on either side. The chances are good that both sides are equally right, and equally wrong. The mediator works toward helping either side hear what the other is saying and by reframing and restating concepts (Wall & Dewhurst, 1991).

In comparison, real estate professionals are people who understand the legal, financial and emotional factors to facilitate the property transaction. Many realtors look objectively at the facts on either side of a potential property settlement when working as a dual agent. Neutrality may be less important since many brokers are "advocating for both sides position to the other" (8). As a dual agent, disclosing facts and keeping personal information confidential are legal requirements, but also serve to reinforce trust in the realtor by either side.

As an agent for a buyer or seller, the realtor works towards closing the transaction, thus personal and relational information remains confidential to the other side. Brokers on either side of a transaction may desire knowing the motivations of both buyers and sellers, but the nature of the information could jeopardize the sale. For example, the difference between the selling price and the asking price, or how much the buyer can afford in comparison to what the buyer wants to pay. Unless the parties offer permission to disclose personal motives and price or offer variables, the broker must keep the
Discussion Summary

Comparing real estate brokers to mediators produced both similarities and differences between how either profession conceptualizes the intermediary role. The categories that emerged through this comparison include a general comparison of either role, conceptualizing conflicts, joint verses separate meetings, neutrality and impartiality, and confidentiality and disclosure.

Conceptualizing the intermediary role was done by looking at how realtors and mediators utilize counseling strategies within their respective professions. Realtors emphasize focusing on their clients and customers, whereas mediators facilitate communication strategies for the parties to understand one another.

A comparison was drawn between mediator types using Moore's (1996) description of independent, authoritative, and social network intermediaries. Because realtors are not particularly neutral and impartial, they were more inclined to resemble social network and authoritative types.

Walton's (1969) personal and situational attributes used to design the interview guide found realtors and mediators differed in how they demonstrate "professional expertise regarding social processes". Brokers begin and end the process with a written contract in comparison to mediators who begin with an oral agreement to proceed, and end with a written agreement composed primarily by the parties.

Conflict was conceptualized by brokers as an element that may prevent closing the transaction. For this reason, brokers take measures to prevent conflicts by educating and encouraging involvement by their people. In comparison, although mediators also start the process with educating the parties and encouraging involvement, conflict is not always discouraged. The mediation process works best when a sufficient degree of conflict is evident, but not so much as to limit the parties from eventually collaborating.
Rationale for holding separate verses joint meetings were discussed. The majority of the realtors preferred holding separate meetings mainly to discourage conflicts from preventing the deal from closing. Mediator's convene the parties generally, but rely on joint meetings for optimal solutions to be generated by each side.

Realtors preferred to abandon neutrality in favor of viewing their role as being the negotiator for both sides when functioning as a dual agent. Realtors might side with the "wronged" party, and away from the "unreasonable". Mediators, on the other hand, do not generally view the role as having to decide right from wrong. As a result, it is not conceptually important to perceive one side more favorable than the other.

Realtors perceive control and influence as part of their role; to disregard control was conceptualized as a way to maintain neutral and impartial. Realtors generally perceive control throughout the process, whereas mediators relinquish control and thus can better remain impartial.

Confidentiality and disclosure were discussed in terms of trust. Both mediators and realtors feel trust important, so to better develop and maintain trust, these factors must remain in balance. The mediation process works because the parties perceive the mediator does not side with either party. Realtors take a more objective stance because the outcome depends on the brokers adherence to confidentiality.
This research project was designed to extend theory about the third party role. Mediation and third party intervention was the frame for examining realtor's conceptualization of their intermediary role. By comparing realtor's roles with mediator's and analyzing the results, two general conclusions can be drawn from this research. First, this research provides numerous implications for realtors as third parties. Second, this research offers implications for the role of third parties in general.

Implications for Realtors

Realtors handle more than contractual agreements; they handle people's agreements. Regardless of whether the broker feels their role is that of a counselor or a salesperson, they essentially work to understand and process people concerns and desires. It became evident through this research that realtors main challenge is communication. The three primary implications for realtors include; (1) communication implications of the intermediary role (2) neutrality verses partiality and control, and (3) confidentiality verses disclosure and trust.

Communication Implications

The main role of the real estate professional includes facilitating the buying and selling of property as expediently as possible. Those are the concrete expectations of the role. Since the purpose of this study was to look at the conceptual aspects of the realtor's role, the task included uncovering elements of ethics, boundaries, and barriers.
Ethical Elements

The realtors used in this study were carefully chosen for their experience and success in the real estate profession. All of the brokers offered a montage of ideas about how they handled communication with unethical parties.

After interviewing realtors, it was found that the educational backgrounds of each broker was felt to impact how realtors view their role as an intermediary with other agents. Realtors rely on selling property to earn a living. As a result, some real estate agents resort to unethical means to make money. This could mean a lack of disclosure, confidentiality, or neutrality as a dual agent. The more experienced brokers did not denigrate newer agents as much as express frustration when having to work with them. Because of the number of brokers who suggest that unethical practices of other agents was due to their lack of training, it may be deduced that education as a third party is an important factor.

The minimal requirements to become a realtor do not always make for competency. All of the brokers in this study seek out additional education continually. In the literature on siding, Van de Vliert's findings (1981) correctly predicted that effective third parties obtain training to learn other options rather than taking sides during a conflict. Experienced realtors express frustration towards agents who lack the knowledge in agency rules and regulations, but more frequently, the brokers talked about helping others and demonstrating empathy.

The majority of the brokers used for this study talked about both the financial and altruistic reasons for why they enjoy their work. Competent realtors do not work for the money alone, they said, but enjoy the work for social reasons as well. Helping others buy the house of their dreams, or helping sell property is people oriented work. When inexperienced agents work toward a goal of making as much money as possible at the expense of others, it becomes difficult for the more ethical agents. Many brokers talked about how they handled agents by helping educate them during closing.
Ignoring the interpersonal and relational aspects of managing people was also discussed. Other third party's vary their approach in the process depending on their educational background, and the parties experience in negotiations (Kolb, 1983). The typical educational requirements for real estate agents does not include learning about how to work with people. The majority of what successful brokers know about conflict and anger management, bargaining and negotiating was acquired through independent study. After an agent obtains a license, they often spend about a year with an experienced broker to fill in where the classroom study left off. Several brokers reminisced about their early experiences with their mentor as either highly educational, or lacking in value.

The fact that realtors manage one of the largest investments most people ever make, it could be argued that by not incorporating the fundamentals of conflict and anger management, bargaining and negotiating in the basic training is unethical. Since brokers serve as mentors, it could also be argued that a mentoring program be established for real estate brokers who train new agents.

Realtors feel they are intermediaries between the brokers who operate unethically, and the public who hires them. Many brokers talked about their professional standings being degraded by the few real estate agents who operated unethically or uninformed. For example, realtors see an ethical problem when sellers ask more than market value for their home. As a third party representing buyers who offer fair prices for over-priced listings, the buyer's broker is faced with negotiating between the buyer and the seller. If the seller's agent fails to talk with the seller about the price (being too high), this could be considered unethical. The price being based on CMAs gives both sides the opportunity to decide what is fair. If the seller over-prices the house based on ignorance or greed, the seller agent has an obligation to discuss this with the seller. The implications are that either (a) the buyer moves on and the sellers finds a willing buyer, or (b) the seller's house sits on the market until finally dropping the price.

In the first scenario, the market experiences a jump in price according to the CMAs.
When other CMAs are performed later in the neighborhood, the rate of inflation jumps dramatically for comparable homes. If the trend continues, the entire area experiences inflationary prices. In the second scenario, conflict may arise when the seller wonders why their property is not sold after months or years on the market.

Establishing Boundaries

Within any profession, it is not always clear what our roles include. The boundaries between what we should do and what we want to do are frequently unclear, and this becomes especially true during conflicts. When assuming the third party role, uncertainty becomes even more evident. During these moments, reasonable methods of assuming a designated role can become blurred.

One of the basic theories of communication is that human beings need to communicate. By communicating thoughts, goals, and desires to others in a way to solidify what we mean is not always easy. Formal training in conflict management, anger, bargaining, and negotiation, was rarely addressed during realtors' training. A majority of the brokers interviewed spoke of acquiring information about negotiating and bargaining independently, through various books, articles, and tapes.

Realtors take measures to prevent conflicts from occurring on either side. Examples of preventative measures include tactics to prepare each side to understand the process, ensuring that paperwork is thoroughly examined, and continually looking for factors that could break a deal.

Knowing more about how to manage conflicts once they are ignited would be useful regardless of the agency contract. Realtors expressed hurt and frustration when clients moved to other brokers, or when other agents were perceived as incompetent. A majority of the brokers explained that instead of becoming angry, they would talk with them separately in order to discover more about their side to the pending deal. In this way, a balance is created between each side.
One method to become more familiar with establishing boundaries would be to learn about how to be a mentor. Many businesses and organizations rely on a mentor system to pass on information. Mentoring has its place within the real estate profession just as it does in the mediation profession, considering the expectations of the role, the complexity of each process, and the demand for appropriate communication skills. This knowledge is best gained through practical experience alongside one who already possesses the skills and who is capable of passing them on.

Several of the brokers used for this study spoke of the mentor they had when first starting out. Through example, the mentor can demonstrate to new real estate agents ways to prevent problems. Besides preparing clients and customers at the start for later involvement in the process, competent mentors can show alternative ways to handle routine problems. In essence, the mentorship serves as one example to managing others, in addition to helping new agents learn how to establish boundaries of communication methods and behaviors.

Destroying Barriers

People who list too high or offer too little are candidates for confrontation. Perhaps buyers sincerely believe that their offer is valid. Perhaps sellers who ask more than market value for their house genuinely feel the house is worth more. Confronting the parties early with these barriers may prevent the parties from moving on to other agents who may go along with the parties' ideas of a fair price.

When faced with barriers, or roadblocks as they were referred to, many brokers would walk away from the people rather than perhaps using a combination of positive and negative sanction power to prevent the parties from forming coalitions with new agents. One solution offered would be for the realtor to state agency duties and obligations, perhaps producing formal contracts with the option to sign after understanding them thoroughly (9). In other words, offer the parties a choice, but emphasize understanding
the consequences.

Overall, being ethical when managing others, establishing boundaries, and destroying barriers are part of the intermediary role. Learning these habits require further education in terms of interpersonal communication skills. These skills could be offered as part of the entry level curriculum for real estate agents.

Neutrality Verses Partiality and Control

Neutrality and impartiality are not always necessary according to realtors, and the reasoning behind this depends on the broker's theoretical orientation. If the broker needs to impose control over the parties ethics, neutrality may not be the best option.

Remaining neutral to people who may never meet, or between the people and another agent could be like operating blind. An argument can be made either way depending on the brokers ability to remain impartial for the best outcomes of either side. For example, if a seller truly believes the house is worth $30,000 more than the market value, instead of viewing them as unrealistic, a buyer's broker can suggest moving on to other property rather than arguing over price. That would also be considered remaining neutral.

Knowing when to shift from being an intermediary to looking at both parties individually may be a key to remaining neutral. Mediators facilitate communication for joint understanding, but there are moments when breaking to caucus with each side individually help create power balances. This implies that the mediator must remain neutral to an extent, but not entirely. Focusing on only one side does not necessarily mean advocating for that side.

Throughout the mediator's time spent with the parties, the role changes depending on the information, mood of the participants, and stage of the process. As an intermediary, mediators fluctuate from demonstrating empathy, to being demanding and persistent in urging both sides to work together linking the problems to seemingly unlikely solutions. The mediator may not feel the solutions are right, but it is not the mediator's role to
decide. Being prepared for changes in role (such as going from a sellers agent to a dual agent) may occur rarely within the real estate profession, but I would argue that the role changes everytime the broker encounters new problems with either the property, or the loaning process.

There are significant differences between how mediators and real estate professional's begin and end their respective agreements. In general, mediators begin by describing the process and providing an oral agreement. Mediators write up agreements through a written contract made by the participants. In contrast, realtors begin the process with a written contract, and end with a written agreement as well. In this way, realtors prevent problems between two sides that may never meet, and from parties and agents misunderstanding the role brokers play. Furthermore, agency contracts were recently designed to protect the consumer from fraud and bogus dealings from less ethical agents. The more demand for process expertise, the more necessary written contracts become. Realtors would prefer not to engage in conflict by their people, whereas mediators only discourage conflict when the talk fails to add significant purpose to the agenda.

How realtors conceptualize neutrality and impartiality offered insight into more effective ways for realtors to function. Because realtors manage conflicts primarily between two sides that may never meet, a great deal more control can be exercised in terms of the process, and more specifically, the communication. The amount of control desired by the agent limits the amount of neutrality felt by the agent. As a dual agent, if the broker is partial to one side, control can be better used to influence either side's decisions. Brokers who believe they are capable of influencing the sale through control tactics may find themselves waiting for the real controller, the buyer, to decide on the next move.

Competent mediators also have altruistic reasons for serving as an intermediary: A desire to help others manage and resolve problems can be highly rewarding for some people. Instead of framing the ability to remain neutral with a lack of control, perhaps it
may be possible to view neutrality as working for the best interests of both sides. This also implies becoming less emotionally and personally involved with the participants. Competent mediators use equal amounts of empathy and understanding without sacrificing control over the process.

Since brokers function much like authoritative and social network mediators, it could be argued that to prevent conflicts, humans need to sense an authoritative person is managing them, or to be familiar with the parties on all sides. This is contradictory to how independent mediators function. At the heart of an independent mediators influence is the parties understanding that the responsibility to resolve the conflicts are shared; it is not up to the mediator to decide right from wrong. In addition, when the mediator is not familiar with either side remaining neutral and impartial are not as difficult.

**Confidentiality Disclosure and Trust**

In the literature review about the mediation process, it was said that "the mediator's job is to help the clients see all of the alternatives to the agreements being decided" (Yarbrough & Wilmot, 1995). In order to see all of the alternatives, disclosure is important to provide all of the factors on either side that may influence the negotiation process. The mediator first frames his or her responsibility as the one who facilitates understanding rather than making decisions for others. A degree of detachment is necessary in order to help both sides to generate solutions. Having the insight and communication skills to encourage better understanding for both parties may imply encouraging the parties to disclose those secrets that help the negotiation process. For realtors, this may mean helping people see how secrets, once disclosed, can positively influence the outcome. Examples include sellers or buyers motives for having to move, or needing to buy in a particular area.

Balancing personal involvement with business expertise in a third party relationship becomes tricky. By not becoming emotionally and personally involved as a third party,
important details may be missed, and trust from either side may not be forthcoming. It is hard to ignore the relational aspects when assuming the intermediary role. There is no denying that some personal involvement is necessary. To better understand the party's ability to negotiate (buyers, sellers, other agents included), it becomes necessary to understand the people.

Combining both realtor and mediator input helps provide rationale for when to hold separate meetings, and when to avoid them. Mediation theory regards caucuses as highly important forums for facilitating talk to discover hidden interests, influence the parties separately without appearing biased, and reframing relational interests not being openly discussed. Deciding to bring the parties together implies that both sides will benefit by stating their side to the conflict. For mediators, collaboration is considered to be the primary method to realize differences, and allowing both sides to resolve them. Realtors may want to consider convening with experienced negotiators or parties who are interested in having a productive conversation with the other side.

The benefits may outweigh the risks by getting the two sides together. The two sides would have the option of rejecting the idea, but it would be interesting to see how many people would be willing to meet face to face with the other side. Considering the majority of brokers who were willing to convene the parties depending on the broker's concept of ability and positive outcomes, the more information about conflict management, anger control and bargaining and negotiating would be helpful.

For realtors, by getting the two sides together, in a controlled setting, the parties can better negotiate with one another about the problems and the positive aspects of the homes. The more the realtor is trusted by both sides, the easier it becomes to serve as an intermediary. The realtor must also trust that the parties will negotiate in good faith, and that the ground rules will be adhered to by each participant. With those parties who are unwilling or incapable of conducting joint negotiations, the dual agent depends on the ability to keep information confidential. Asking either side what can be disclosed would
be the other option when it is felt that the information adds credibility and sincerity to the transaction.

A summary of how the different roles are conceptualized between realtors and mediators are offered in table 2. The way the two professions perceive their role as the third party and the rationale behind the perceptions are highlighted in terms of neutrality, impartiality, confidentiality, joint verses separate meetings and conflict prevention.

Suggestions for the real estate brokerage profession would include increasing the educational requirements for new agents. This would entail designing a course to incorporate methods to manage conflict, understand anger, along with fair bargaining and negotiating strategies. The lack of ethical practices in the real estate profession are damaging for all realtors, especially for those who strive to manage their business in a competent way. Because several brokers remarked that many brokers are unclear about

### Table 2. How the roles are conceptualized.

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<th>Professional Mediators</th>
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<td>and defects.</td>
<td>disclose facts and</td>
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<td>Joint Meetings</td>
<td>Rarely, can bring about</td>
<td>Typically, facilitate</td>
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<td>conflicts.</td>
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<td>Only when comfortable</td>
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<td>Separate Meetings</td>
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<td>closure to transaction.</td>
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<td>Conflict/Prevention</td>
<td>Prepare people about</td>
<td>Encourage understanding</td>
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<td>market, process. Look for</td>
<td>conflicts. Do not</td>
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<td>potential “road blocks”.</td>
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The lack of ethical practices in the real estate profession are damaging for all realtors, especially for those who strive to manage their business in a competent way. Because several brokers remarked that many brokers are unclear about
who they actually represent, an emphasis on agency contracts should also be part of a new curriculum.

Most realtors have a plan for preventing conflicts, yet many brokers also felt uncomfortable when faced with joint meetings. Learning about conflict and anger management would prevent a considerable amount of tension for the idea of joint meetings, as well as understanding how to communicate with unethical agents. It is not advisable to convene both sides unless the brokers acquire further understanding in conflict management. All of the brokers interviewed demonstrated wisdom by not convening the parties when they felt uncomfortable about doing so. Those brokers who routinely did convene both sides (as a dual agent) were rare, and generally had extensive experience as a broker, or former management training and experience.

Mediators can learn from real estate brokers the reality of neutrality. First, it may not always be mandatory to remain neutral. For practical purposes, realizing that as human beings, we will form biases depending on our background and current understanding. Discovering those biases, and occasionally stopping for reality checks on newly formed biases should be part of the profession.

**Implications for Understanding Third Parties**

**Social Role of Intermediary**

The role of the intermediary is expanding in our society. It was mentioned in the introduction that "...executives, managers, organization development (OD) consultants, human resource (HR) personnel, conflict management systems designers" feel the need to learn more about optimal methods for third party intervention, yet often lack the skills to do the job with ease (Constantine and Merchant, 1996, p. xiii).

Gentry (1994) wrote about the recent decisions regarding accreditation for mediators.
The trend is moving toward recognizing professional mediators as those having specific skills and training depending on the type of conflict. The relatively recent licensing requirements found in both mediator and realtor professions helped add to the viability of this study.

Both mediators and realtors are experiencing a need for each professional to demonstrate expertise, and a push to justify the need. Over the past 10-20 years, both groups have experienced increased demand because of the complex nature of property transactions, and litigation. Realtors are continually required to remain current on new property and land management laws. Mediators are obligated to know how changes in legislation might impact a settlement regarding divorce, child custody mediation, and the juvenile justice system. As a result of the growing complexity, the individuals in both professions are required to further their skills. In addition, specialists in both fields have emerged to address the growing demand.

These factors serve to reinforce the importance for better understanding how these separate professionals conceptualize the interpersonal aspects of their respective roles. As changes continue to be made in how realtors specify who they work for, the same can be said for mediators. As it stands today, brokers have their roles clearly spelled out with each agency contract. Mediators, on the other hand, consider themselves working as an independent entity among at least two opposing forces. The differences are only as significant as how each professional conceptualizes the role. What is missing from real estate agents contracts are not who they represent, but how to go about representing their people without becoming unethical.

Much literature over the past 20 years has been devoted to mediators for better understanding the designated role along with the conceptual role. However, just as there are unethical realtors, there are also unethical mediators. In this paper, the focus has not been on mediators. Instead, the ideal mediator role has been compared with the information gathered through the interviews with realtors. Specialists in each field exist,
but as it was mentioned earlier (page 32), one of the reasons for designations in the real estate profession today, are due to the litigation attempts to correct perceived wrongs.

Remaining Neutral and Impartial

When the intermediary is suspected to lack neutrality by the parties on both sides, the ability to foster trust in the process becomes negated. Trustworthiness is felt to be established by the knowledge that the third party will not take sides during the mediation process, or form secret coalitions. Therefore, becoming emotionally and personally involved with either side could become contrary to the role of the intermediary.

For an intermediary to conceptualize neutrality and impartiality among the parties means to strive for balance. Balance may be more difficult to achieve when the intermediary knows either or both parties involved. Suggestions were offered that pertained to separating the self from the people on either side. When realtors feel the ability to remain neutral is important, they also conceptualized sacrificing control over the process. In other words, "If the brokers conceptualize neutrality to be more important than control, the broker may relinquish control." Because of the desire to maintain control over the outcome, realtors were divided on remaining neutral, or whether neutrality and impartiality are important to the outcome.

Perhaps when acting as an intermediary, a decision needs to be made about when to remain neutral. In some situations, even mediators caucus to influence unreasonable parties. This does not imply partiality for the other side. If one side is low in power and acting that out in negative ways, caucusing may help by empowering the person. If the intermediary feels partial, siding with the less favored person may shed light on why the party is less favored, while providing an opportunity for the person to gain power from the additional attention.

Results from Van de Vliert's (1981) research on siding indicated that third party's felt both side's goals include "winning the intermediary over to their own side in an attempt
to inflict a loss on the opponent". Realtors talked about the tendency to either take sides with the party experiencing difficulty, or against the unreasonable side. These results both confirm and extend Van de Vliert's (1981) research findings. Prior to working as a dual agent, realtors represent the seller and may have a higher affinity for the needs of the listing side. Siding occurs more naturally when more time has been devoted to one side over the other. The implication would be to continuously divide the time spent with each side equally, ensuring that all of the facts have been individually addressed.

**Conflict Prevention**

Some conflicts warrant a more realistic view of the issues. For example, long standing conflicts may have escalated beyond the point of intervention from a neutral third party. In those circumstances, the third party needs to examine either side individually. A greater amount of time to understand all of the events leading to the present conflict may be needed. If a conflict is deemed irreparable, it may still be managed by taking more time with each party separately before convening.

With participants that do not know one another, preventing conflicts is an option for an intermediary. For example, if a manager or human resource person hires an employee who has personality and value systems that differ significantly from the current employees' personalities and values, the manager as intermediary can prevent future problems while remaining neutral to both sides by preparing each side prior to their working together.

Realtors added insight into the intermediary role. First, a greater need to exert an authoritative leadership role could be assumed. Second, instead of starting the process with a binding contract, oral agreements serve to encourage exploration, and build trust. Third, explaining the roles of each person and educating them about the process in the beginning helps generate structure for the parties. Instead of the third party being responsible for the outcome, by sharing information, everyone has a stake in the process
Applying this to the previous example reaffirms and sheds light on methods for the manager as intermediary to better assume the third party role. Managers (ie. human resources, executives and OD consultants) are typically perceived as the authority in charge of the group. Orienting new employees is considered part of the manager's job, but orienting the current employees should be taken more seriously. This could be accomplished through a memorandum (written contract) followed by a verbal explanation (oral contract) about the various role relationships and responsibilities. Finally, the manager educates the new employee by explaining his or her role in the system in addition to explaining to current employees the role of the new person. This provides a way to openly communicate to all personnel within the immediate system thereby making their respective roles more concrete.

Explaining confidentiality and disclosure helps to build trust. At the surface of what brokers do is facilitate the process of buying and selling property. Underneath the surface are layers of personal and emotional data that must be processed and assimilated into finding the right buyers, and marketing the home and the owners. If the realtor demonstrates trustworthiness on one side though disclosing information, the other side will perceive the realtor is trustworthy. So it goes with third parties in any setting. This also applies to managers between coworkers, human resource personnel, and conflict management system designers. Openly explaining confidentiality and disclosure facilitates trust in the intermediary. This may initially isolate the intermediary from being perceived as part of the group, but in time, the trust established will bring about inclusion by the group. The intermediary can better prevent problems by continually facilitating between conflicts early rather than allowing them to build.

Realtors emphasized preventing problems before they occur. As third parties, brokers felt their priority role when working with either buyers or sellers was to involve their people in the process. This reinforces mediation theory in regards to being a facilitator of
the communication between two or more disputants. The goals of mediators are to help the parties learn to work on the problems without intervention.

Mediators include all of the conflict issues into a mediation. Disclosure of material facts and defects (content issues) along with relational and procedural issues are all important elements that are discussed. On the other hand, realtors would rather avoid the personal and emotional, focusing mainly on the material facts and defects. Lacking a perceptible bias, mediators look at the conflicts as having two sides; both are equally right and equally wrong. Therefore, facts and defects become part of the overall picture. Yet when looking at the personal and emotional aspects of a conflict, mediators do not become involved per se. Compassion and concern are important elements for a third party to have; but remaining detached enough to maintain neutrality for either side is crucial to gain trust for the participants.

As an intermediary, knowing the content factors along with the personal and emotional issues are important to better helping parties work through the problems. Not looking at either side as right or wrong, but framing the conflict in terms of personality and value differences between each side changes how each person is managed by the third party. It is necessary to show genuine compassion, but not to become personally involved. Designating where the intermediaries boundaries begin and end, while destroying the barriers of communication are important aspects of the third party role.
Chapter 7

BROADER IMPLICATIONS

In this chapter, I will extend the implications that this research provided by discussing how this role can be enacted as the third party between, (1) two opposing forces having ongoing affiliations with one another, and (2) opposing forces unknown to one another.

On-going Conflict Participants

In addition to realtors, other people often act as third party intermediaries. For example, teachers intervene between students, families may bring in counselors and clergy, and on the job, managers and co-workers intervene in disputes.

The difference between doing justice to the role verses poorly enacting an intervention lies in how aware we are, and how we conceptualize the third party role. In addition, the amount of education and research conducted about the role, along with the amount of experience with the intermediary role received in the past.

Awareness of The Third Party Role

How effectively we enact the role depends on how it is conceptualized. Being aware while in a third party role relationship seems like an obvious requirement. Without an awareness of becoming a third party, one might share secrets or take sides. Consequently, the better we perform the role (by not confiding secrets, or taking sides), the more frequently we are called upon to assume it. What subsequently follows from having the above qualities and information are greater opportunities to experience serving as the third party in an ethical and competent fashion.

The more aware we are of our third party role, the better job we can do. Conceptualizing the role may mean contemplating the ethical implications of doing it
wrong. Unless the intermediary has researched anger and conflict elements, an awareness of negative consequences will not always be realized.

**Educational Factors**

Contemplating strategies and tactics to remain effective as an intermediary implies a heightened awareness about the various outcomes. People who frequently find themselves in the intermediary role devote time and attention to planning strategies for remaining effective. Effectiveness makes the difference between whether the third party has the knowledge and skills to remain neutral and impartial, holding particular information in confidence, and having the ability to persuade the parties to disclose facts that bring a more positive outcome for both sides.

Being neutral at the beginning of an intervention helps when serving as a third party. It is important to possess good communication skills, knowledge about anger, conflict, power struggles, and the difference between relational, content, and procedural interests (Yarbrough & Wilmot, 1995).

Van de Vliert (1981) discussed coalition and role conflict theories confirming that when third parties are unaware of the implications of the role, the third party often sides with a participant. By taking sides, not only are new conflicts created, but results may also include third parties contributing to coalition building. As a result, siding may lead to more conflict that includes the intermediary.

The intermediary must be a willing participant to the process. But there is a difference between being willing for altruistic reasons rather than for selfish reasons, such as, a desire to enhance social standing while gaining power and control over either side. Willingness should originate from the intermediaries conceptualizing a sense of genuine caring for others. In this way, the third party can honestly become an advocate for both side's best interests.
Experience Counts

Experience does count within the context of communication competency as a third party. The more frequently the third party role is assumed, the better the intermediary becomes at realizing appropriate options to take. Classroom and independent study pertaining to interpersonal communication, anger, and conflict management help provide theories and rationale for how to manage and resolve disagreements as an intermediary. Without opportunities to practice interpersonal skills, what was studied fails to become actualized. Since the third party role is frequently assumed but not always conceptualized, opportunities to practice within the context of the intermediary role become available, once an awareness about the role is clearly established by the third party.

For ongoing conflicts, when the intermediary is aware of the third party role, has researched optimal communication tactics, and has knowledge about variables such as, anger and conflict management, the better job they can do for both sides. The more aware and knowledgeable an intermediary becomes, the more opportunities become available to practice the role.

In the next section, the third party role as assumed between two sides who have little or no history between them will be offered.

Opposing Forces Unknown to One Another

The ideal conceptualization of the intermediary role means being a willing participant, along with a desire to understand both sides. Examples of intermediary positions where the opposing sides do not know one another include; teachers, police officers and public officials. As intermediaries among foreign relations, positive results in addition to preventing conflicts can be achieved when a neutral channel is provided to facilitate the flow of information.

Anytime we assume the role between two sides who are unaware of the opposing side's
goals, opinions, and decisions, we become intermediaries. Police officers can be 
intermediaries between city officials and the general public; governing administrators 
between two (or more) opposing sanctions; and teachers between students and the school 
board. As the intermediary between parties personally uninvolved, there are certain steps 
to take for heading off potential conflicts.

As the realtors in this study described their role, it became clear that one of the reasons 
for discouraging the two sides from convening was to prevent problems from surfacing. 
Buyers and sellers are not normally acquainted with one another, but each have opposing 
goals. Buyers want to pay little, and sellers usually want to get as much money as 
possible.

When both sides are strangers to one another, under virtually no circumstances should 
false or misleading information go from one side to the other through the third party. 
Trust is necessary by all participants to obtain the necessary personal and emotional 
information, and to convey this information honestly.

Preventing Conflicts

Police officers, postal workers, and teachers are funded by the public, but must adhere 
to administrative rules. When acting as the third party among two strangers, four 
preliminary steps are taken to prevent future conflicts. First, announce to each side the 
role relationships and obligations of all parties (including the third parties). Second, 
explain why the relationship exists, and the potential for conflict. Such as if a police 
officer must justify public policy on bicycle ordinances developed by city officials, the 
officer becomes the third party between those who decide the laws, and those who oppose 
them. Third, the intermediary provides a means to generate comments from either side 
about positions and interests. This helps to clarify where potential conflicts may lie while 
better understanding the motives on either side. Four, the third party offers an oral 
agreement stipulating again that their role entails confidentiality, neutrality, and
impartiality for future consequences. By doing these four steps, the role relationships are realized by all parties, obligations of the roles are verbalized, and stipulations of neutrality and trust are ensured for all participants.

Third parties should voluntarily be willing to help both sides. If the reasons for intervening are strictly for personal gain, (i.e. wanting attention, wealth, prestige, or power and authority), the participants on both sides may not trust the third party. It becomes the third party's task to bring about collaboration between the two sides by being genuine, conveying appropriate facts, and eliminating negative comments. When third parties sincerely assume a neutral role, both sides will recognize this, but without these skills and qualities, the two sides may only be driven further apart.

While disclosure is important, permission to disclose is mandatory. Sharing information from one side to the other prevents either side from becoming isolated. Both sides also become involved in the process, and by the very act of involvement, claim a greater sense of ownership over solutions.

Barriers

There may be situations that go beyond our capabilities to serve as intermediaries. Severe personality conflicts and time limitations act as barriers to discourage expedient methods to relay communication to either side. In these circumstances, the third party must realize these barriers.

When personality conflicts between the third party and either or both sides exist, the intermediary has the option to refuse playing the role, or strive to look beyond the differences. If the intermediary knows one side to be less than honest, rational, or articulate, these factors may affect how the intermediary perceives the nature of the outcome.

Realizing what can be accomplished rather than what we desire to do is another means for conceptualizing the role. If time limitations create barriers for complete discovery on
either side, the intermediary should disclose this. Lack of full disclosure, and the ability
to move through an intervention in a timely fashion were mentioned as ways to
discourage trust for the third party, by the participants.

In conclusion, our society has become complex and crowded with people and concepts.
The need to understand the intermediary role has become a primary concern among those
who assume the role.

One of the interesting findings that emerged from this research was that realtors were
unaware of the potential difficulty of their third party position because they believe they
have prepared the buyers and sellers up front. Many brokers realized they faced many
critical challenges, but also related how others created difficulty for them when in the
role.

Considering the problems inherent in the process of buying and selling property,
realtors do serve an important function. Considering too, the methods for how these
problems are managed and the eventual outcomes leads one to realize the potential for
conflicts within the broker's role. Conflicts continue within any setting that involves
people having seemingly divergent goals, but through greater compassion and
understanding for others, and with the help of a competent caring intermediary, the
conflicts can become moments of enlightenment for those who actively work towards
closure.
Appendices
Page 128 omitted in numbering
An agent is qualified to advise only on real estate matters. As the
ent, be advised that you have the option of hiring outside professional
ices (legal counsel, home inspector, accountant, etc.) at any time during the
se of a transaction to obtain additional information to make an informed
cision.

ler's Agent - exclusively represents the seller (or landlord). This agency
ationship is created when a listing is signed by a seller and a real estate
see. The seller's agent represents the seller only, and works toward
uring an offer in the best interest of the seller.

yer's Agent - exclusively represents the buyer (or tenant). This agency
ationship is created when a buyer signs a written buyer broker agreement with
al estate licensee. The buyer's agent represents the buyer only, and works
ard securing a transaction under the terms and conditions established by the
er, and in the best interest of the buyer.

al Agent - does not represent the interests of either the buyer or the seller
clusively. This agency relationship is created when an agent is the seller's
ent (or subagent) and enters into a buyer broker agreement (or subagent) with
buyer. This relationship must receive full informed consent by all parties
re a "dual agency" relationship can exist. The "dual agent" does not work
clusively for the seller or the buyer, but works for both parties in securing a
clusion to the transaction. If you want an agent to represent you exclusively,
not sign the "Dual Agency Disclosure and Consent" form.

utory Broker - is a licensee who assists one or more of the parties in a
ction, but does not represent any party as an agent. A licensee is
umed to be acting as a "statutory broker" unless they have entered into a
reement with the seller, a buyer broker agreement with the buyer, or a
y agency agreement with all parties.

ouse Seller Agent Designate - is a licensee designated by the broker
er to be the exclusive agent for the seller for a specific transaction. This
nt may not act on behalf of any other member of the transaction and works
he benefit of the seller. This relationship is created during an "in-house"
ction when the agency holds both the listing on a property from the seller,
a buyer broker agreement with the buyer.
SELLER AGENT DISCLOSURE TO THE BUYER

_________________________________________ is the agent of the seller with respect to the property located at ________________________________. Although the agent is primarily obligated to the seller, the seller agent is obligated to you as specified below.

The seller agent is obligated to a buyer as follows:

- to disclose to a buyer any adverse material facts that concern the property and that are known to the seller agent;
- to deal in good faith with the buyer; and
- to comply with all applicable federal and state laws, rules, and regulations.

"Adverse material fact" means a fact that should be recognized by a broker as being of enough significance as to affect a person's decision to enter into a contract to buy or sell real property and may be a fact that materially affects the value or structural integrity or presents a documented health risk to occupants of the property. The term may not include the fact that an occupant of the property has or has had a communicable disease or that the property was the site of a suicide or felony.

_________________________________________  Seller Agent __________________________________

_________________________________________

SOCIATION OF REALTORS®
SELLER AGENT DISCLOSURE TO THE SELLER

_______________________________ will be representing you as your agent or subagent in the sale of your property located at ______________________.

Your agent is obligated to you as enumerated below. If your seller agent is also representing a buyer who becomes interested in your property, a dual agency may be created. In a dual agency relationship, the seller agent is obligated to the buyer in the same way as to you. This conflict will prevent the seller agent from advocating exclusively on your behalf or the buyer's behalf and may limit the representation you receive. If the potential for a dual agency arises, the seller agent shall provide you with a dual agent disclosure. A seller agent cannot act as a dual agent without your consent of the buyer. This consent is given by you and the buyer signing the dual agent disclosure. If the buyer declines to give this consent, your opportunity to sell your property to that buyer may be lost.

Your agent is obligated to you as follows:

- To act solely in the best interests of the seller to the exclusion of all other interests, including the interests of the seller agent;
- To obey promptly and efficiently all lawful instructions of the seller;
- To disclose to the seller all relevant and material information that concerns the real estate transaction and that is known by the seller agent and not known by the seller, unless the information is subject to confidentiality arising from a prior or existing agency relationship;
- To safeguard the seller's confidences;
- To exercise reasonable skill, care, and diligence in pursuing the seller's objectives as established in the listing agreement;
- To fully account to the seller for all funds or property of the seller coming into the seller agent's possession;
- To comply with all applicable federal and state laws, rules, and regulations; and
- To carry out the terms of the listing agreement.

_________________________________________

Seller Agent: ______________________________

_________________________________________

_________________________________________

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_________________________________________

SOCIATION OF REALTORS®
BUYER AGENT DISCLOSURE TO THE BUYER

_____________________________ will be representing you as your agent or in the purchase of real property of the nature described in the buyer broker agreement. Your agent is obligated to you as enumerated below. If your buyer agent is also representing a seller that you become interested in, a dual agency may be created. In a dual agency relationship, the agent is obligated to the seller in the same way as to you. This conflict will prohibit the buyer agent from advocating exclusively on your behalf or on the seller’s behalf and may limit the level of service you receive. If the potential for a dual agency arises, the buyer agent shall provide you with an agent disclosure. A buyer agent cannot act as a dual agent without your consent and that of the seller. This consent is given by you and the seller signing the dual agent disclosure. If you or the seller declines to give this consent, your opportunity to acquire the seller’s property may be lost.

Your agent is obligated to you as follows:

- to act solely in the best interests of the buyer to the exclusion of all other interests, including those of the buyer agent;
- to obey promptly and efficiently all lawful instructions of the buyer;
- to disclose to the buyer all relevant and material information that concerns the real estate transaction and that is known by the buyer agent and not known by the buyer, unless the information is subject to confidentiality arising from a prior or existing agency relationship;
- to safeguard the buyer’s confidences;
- to exercise reasonable skill, care, and diligence in pursuing the buyer’s objectives as established in the buyer broker agreement;
- to fully account to the buyer for all funds or property of the buyer coming into the buyer agent’s possession;
- to comply with all applicable federal and state laws, rules, and regulations; and
- to carry out the terms of the buyer broker agreement.

_____________________________  Buyer Agent: _______________________

_____________________________  _______________________

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BUYER AGENT DISCLOSURE TO THE SELLER

_____________________________________ is representing the buyer with respect to the seller's located at _____________________________. Although the agent is primarily obligated to the buyer, the buyer agent is obligated to you as specified below.

agent is obligated to a seller as follows:

  to disclose to a seller any adverse material facts that concern the ability of the buyer to form on any purchase offer and that are known to the buyer agent;

  to deal in good faith with the seller; and

  to comply with all applicable federal and state laws, rules, and regulations.

verse material fact" means a fact that should be recognized by a broker as being of enough significance as to affect a person's decision to enter into a contract to buy or sell real property and be a fact that materially affects the buyer's ability or intent to perform the buyer's obligations fer a proposed or existing contract.

_____________________________________  Buyer Agent: ____________________________

_____________________________________  ____________________________

ASSOCIATION OF REALTORS®
is the agent of the buyer interested in purchasing the property located at ________________________.

is obligated to the buyer and seller as follows:

act solely in the best interests of the buyer and seller to the exclusion of all other interests including the agent's;

obey promptly and efficiently all lawful instructions of the buyer and seller;

disclose to the buyer and seller all relevant and material information that concerns the real estate action and that is known by the dual agent and not known by the buyer or seller, unless the information is subject to confidentiality arising from a prior or existing agency relationship;

exercise reasonable skill, care, and diligence in pursuing the buyer's and seller's objectives as established in the listing agreement and buyer broker agreement;

fully account to the buyer and seller for all funds or property of the buyer and seller coming into the dual agent's possession;

comply with all applicable federal and state laws, rules, and regulations;

carry out the terms of the buyer broker agreement; and

safeguard the buyer's and seller's confidences, subject to the obligation to disclose to a buyer or a seller adverse material facts that are known to the dual agent, regardless of any confidentiality considerations. Following may not be disclosed without the written consent of the party to whom the information is material:

(a) that the buyer is willing to pay more than the buyer has offered for the property;
(b) that the seller is willing to accept less than the asking price for the property;
(c) factors motivating the buyer to buy or the seller to sell; and
(d) any other information that a party specifically indicates in writing to the dual agent is to be kept confidential and that is not an adverse material fact.

"adverse material fact" means a fact that should be recognized by a broker as being of enough significance to affect a person's decision to enter into a contract to buy or sell real property. It may be a fact that materially affects the value or structural integrity or presents a documented health risk to occupants of the property, but may not include the fact that an occupant of the property has or has had a communicable disease if the property was the site of a suicide or felony, or it may be a fact that materially affects the buyer's or intent to perform the buyer's obligations under a proposed or existing contract.

This disclosure form, the buyer and seller acknowledge that they understand the obligations owed by dual agent and consent to the dual agent representing them as a dual agent.

________________________________________

________________________________________

Buyer: _________________________________

________________________________________

________________________________________

SIGNED AND DATED: ____________________
The Interview Guide

The purpose of this study is to better understand how you perceive your role as a third party between buyers, sellers, and other individuals having vested interests when negotiating property transactions. In order to do this, I will use an interviewing format to ask questions derived from a framework for understanding intermediary role relationships. Each real estate agent interviewed has been selected in terms of experience and expertise within the profession. Please feel free to elaborate to the extent that you believe necessary and to ask further questions if what I am asking is unclear.

Remember that your identity will remain confidential. If you agree on allowing me to audio tape this session, I promise to erase the tape after the information has been transcribed. All names and references to the people and places will be omitted during the transcription process. [project information, recording information, language and jargon explanation, interview method explanations.]

The first set of questions are designed to understand personal attributes you feel are necessary when assuming the role of third party in your profession. The second set of questions pertain more to specific roles you assume as a realtor, and how you perceive your role when bargaining and negotiating during a residential property transaction. The interview will last about one hour depending on the amount of information you offer, and your need to elaborate. [project explanations and preview of interviewing process]

1) What do you recall about your formal training that helped you to better understand conflict management, bargaining, and negotiating techniques?
   Probe: Who or what were the sources for this information?
   [Opening question, broad understanding of subjects background to set the stage for this section]

2) Generally speaking, when faced with confronting conflicting opinions among the parties (other agents and clients) how would you describe your level of energy?
   Probe: Why
   [Research question #1: gain a better understanding of the third party role by discovering how this role is perceived by those who assume it.
   Walton's personal attributes, #2: how much energy exerted during conflicts, low signifies little concern, description of "why" important to better understand rational.]

3) When conflicts arose among the participants, did you ever feel the need to confront either side about personal issues?
   Probe: What drove you to confront them about these matters?
   Probe: What were the goals of the confrontation?
   Probe: What were the outcomes of the confrontation?
   [Provides information pertaining to research questions #1 and #3: gain a better understanding of the third party role by discovering how this role is perceived by those who assume it; how specific problems are addressed regarding neutrality and impartiality while maintaining confidentiality with both sides when assuming the third party position.
   Walton's personal attributes, #1. Comfort level when confronting others about a conflict. Rational for confrontation through understanding goals. Were the outcomes positive or
negative, may offer insight into whether confrontation is rewarded]

4) At the time, did you feel it important to analyze and understand past events and/or backgrounds of each participant prior to deciding your next move? [Provides information pertaining to research question #2; when placed in a position of speaking separately to both buyer and seller, how the notions of neutrality, impartiality, and confidentiality are conceptualized by the intermediary. Walton's personal attributes #4; Analyzing and understanding past events of each side while showing emotional concern for each person is important. Is time taken to understand participants, and what effects the need to know.]

5) Is it important to suppress, or express emotional concern for either side when being presented with conflictual information on either side?
   Probe: If suppressed, why.
   Probe: If expressed, why. [Provides information pertaining to research question #1 and #3; gain a better understanding of the third party role by discovering how this role is perceived by those who assume it; how specific problems are addressed regarding neutrality and impartiality while maintaining confidentiality with both sides when assuming the third party position. Walton's personal attributes #5; Should not suppress feelings and intentions, but instead to act on them.]

6) On a scale from 1 to 5 with 5 being flexible and 1 being stable, how would you rate your ability to alter your mood depending on the situation at hand?
   Probe: If flexible, how is this demonstrated? What was the outcome?
   Probe: If stable, how is this demonstrated? What was the outcome? [Provides information pertaining to research question #1; gain a better understanding of the third party role by discovering how this role is perceived by those who assume it. Walton's #3; The ability to appropriately alter ones mood for the situation, probes discover how appropriate according to outcome.]

Moving on to areas of conflict regarding the different agency contracts, I will now be asking you to think of specific situations where you encountered conflicts and resistance. Because you operate differently depending on the agent contract, I would like you to first think about a situation involving each type of contract in terms of how you remain neutral and impartial while upholding confidentiality to your client and others having vested interests in the outcome of a property transaction. [More specific information about each agency relationship and how the realtor perceives each role.]

7) Overall, how important do you feel it is to demonstrate your professional expertise in terms of disclosure and confidentiality, regardless of your professional relationship with your client?
   Probe: When working for a seller?
   Probe: When working for a buyer?
Probe: When working as a dual agent?
[Provides information pertaining to research question #2; when placed in a position of speaking separately to both a buyer and a seller, how the notions of neutrality, impartiality, and confidentiality are conceptualized by the intermediary. A check on validity with protocol.
Walton situational attribute #1; ascribes high professional expertise. Is disclosure important; is confidentiality important]

8) How much influence do you feel you have over the outcome of any given property transaction?
   Probe: Regardless of the contract you are working with?
   Probe: When working for a seller?
   Probe: When working for a buyer?
   Probe: When working as a dual agent?
[Provides information pertaining to research question #1; to gain a better understanding of the third party role by discovering how this role is perceived by those who assume it.
Walton situational attribute #2; Should perceive low power over the fate of the principals. Reality check on siding, impartiality, communication processes.]

9) How much control do you feel you have over each negotiation setting and process?
   Probe: Control over setting.
   Probe: Control over the process.
[Provides information pertaining to research question #1; to gain a better understanding of the third party role by discovering how this role is perceived by those who assume it.
Walton situational attribute #3; Should perceive high control over confrontation setting and processes. Reality check on influence, separate meetings, joint meetings, neutrality.]

10) Do you usually feel you possess a moderate level of knowledge about the principals, issues, and background factors?
    Probe: What leads you to believe this?
[Provides information pertaining to research question #3; how specific problems are addressed regarding neutrality and impartiality while maintaining confidentiality with both sides when assuming the third party position.
Walton # 4; Should possess a moderate level of knowledge about principals, issues, and background factors. This signifies a need to fully understand interests of participants. How much confidentiality applies to a situation.]

11) What are your views on neutrality in the context of working through the negotiation process?
    Probe: Is it important to remain neutral to the interests of both sides?
    Probe: When you work for a buyer?
    Probe: When you work for a seller?
    Probe: When you work as a dual agent?
[Research question # 2; when placed in a position of speaking separately to a both a buyer and a seller, how the notions of neutrality, impartiality, and confidentiality are conceptualized by the intermediary. Walton's situational attributes, #5. How is neutrality
12) If neutrality is important, how do you try to maintain this element during negotiations?
   - Probe: When working for a buyer?
   - Probe: When working for a seller?
   - Probe: When working as a dual agent?
   [Provides information pertaining to research question #3; how specific problems are addressed regarding neutrality and impartiality while maintaining confidentiality with both sides when assuming the third party position. Walton's situation factor #5; being neutral with respect to outcomes and relationships.]

13) What are your views on impartiality regarding the outcome of a transaction?
   - Probe: When working for a seller?
   - Probe: When working for a buyer?
   - Probe: When working as a dual agent?
   [Provides information pertaining to research question #2; when placed in a position of speaking separately to both a buyer and seller, how the notions of neutrality, impartiality, and confidentiality are conceptualized by the intermediary. Walton's situational attributes, #5, expanded to include impartiality. Do personal interests influence how the role is enacted?]

14) When attending a National convention for realtors, do you feel there is agreement among other professionals in light of how they perceive their role during a property transaction?
   - Probe: What do you hear others say about confrontations with other agents and clients regarding the negotiation process?
   [Provides information pertaining to research question #1; to gain a better understanding of the third party role by discovering how this role is perceived by those who assume it. Reliability check. If there is agreement, indicates shared knowledge and alliances. If disagreements, could mean subject deviates from the norm, an exception to the rule.]

15) In what kinds of situations do you find yourself playing this role as "mediator"?
   [Argues to support validity, supports intent of study.]

16) What are the outcomes (when you find yourself playing the role of mediator)?
   [Argues to support validity, supports the intent of the study]
Written Consent Form
Statement to Realtor

The purpose of this study is to understand how you perceive your role as a third party between buyers, sellers, and other individuals having vested interests when negotiating property transactions. As a graduate student in the Communication Studies department at the University of Montana, I, Stacy Phillips, am working on a qualitative research project for my thesis. This study is under the direction of my advisor, William W. Wilmot Ph.D., with committee members Betsy Wackernagel Bach Ph.D. and Fengru Li Ford Ph.D.

A total of fourteen real estate agents will be interviewed for this project. Each interview lasts about one hour. If you agree on allowing me to audio tape this session, I promise to erase the tape after the information has been transcribed. Confidentiality will be maintained by the researcher; by signing this agreement, it is understood that a code name will be used to protect your identity. All names and references to the people and places will be omitted during the transcription process and will not be used within the thesis.

In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Claims Representative or University Legal Counsel.

It is understood that you do have the option of terminating your involvement with this project at any time you feel necessary. In case you have further questions or concerns regarding this project you may contact William W. Wilmot Ph.D. at 243-4551.

I, __________________________________________ have read this document and agree to allow this interview to be audio-taped, and the information to be used according to the guidelines stated above.

____________________________________________  Date ______________________________
Participant signature

Stacy Phillips B.A. Communication Studies
(406) 542-0425
Bibliography
Bibliography


