

AGENT | BROKERAGE

Agent/broker perspective: Going to the mat for an agent

A broker should have an agent's back in legal disputes

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Key Takeaways

- Brokers should fully support their agents in legal matters, especially when the facts are clearly in their favor.
- In some situations, they may also have to support agents who are clearly in the wrong.
- In either case, agent vs. agent disputes can demonstrate the value of brokers.

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In this monthly column, Anthony Askowitz explores a hypothetical real estate situation from both sides of the broker/agent dynamic.

This month's situation: An agent vs. agent dispute has escalated to a formal legal process. Both brokers are fully supportive. Can both brokers be right?

Agent perspective

I may not agree with my broker on everything, but when “push comes to shove” I feel comfortable knowing he will support me to the fullest extent.

I recently had a major dispute with another agent over a big transaction, in which he clearly had changed the agreed-upon [commission](#) split on the sales contract. (The listing agent did not see it.)

This was absolutely not acceptable to me, and fortunately I had the MLX contract to support my claim — but the other agent still refused to budge.

I went right to my broker, laid out my case, and he immediately assured me that I was correct in my position.

My broker is pretty diplomatic and tried to defuse the situation before going to a third party. He reached out to the other agent's broker (whom my broker knows well), explained the situation — and here's where it gets sticky.

The other broker agreed in theory with our case, but because the agent in this dispute is a rock-star top producer at the firm, she felt obligated to support him.

Unfortunately, this forced the situation into arbitration, where my broker really impressed me with his loyalty.

Broker perspective

Being a broker in disputes like this can be tricky.

It's easy to support agents when they are clearly right (as my agent was in this case) and to go to bat for them when forced into a legal contest.

I'll spoil the drama here and reveal that we won in arbitration, and my agent got his (fully deserved) commission. In my opinion, this was a “no-brainer,” and I would support any of my agents in a similar situation.

However — I really do understand why the opposing broker took the stand she did, and I totally respect her for it.

Super-talented and productive agents can be hard to find. Sometimes we have to pat them on the back and show them our love, even when they are being wrong, greedy and stubborn.

I'm sure my colleague weighed the short-term costs of showing loyalty to her agent and losing this case versus the long-term benefits of keeping her superstar happy and supported. (In fact, that diva might have seen how far I was willing to go to support my agent and given me a call!)

How to meet halfway

Situations like this clearly illustrate the value of brokers.

Can you imagine how much time, money and energy the injured agent would lose by managing this dispute — researching and hiring attorneys, gathering evidence, giving statements, attending hearings and so on, with no guarantee of success — if he were on his own?

He might decide that the cost of arguing for the full commission was simply not worth it, and accept the smaller amount just to move on with his business.

But experienced, well-established brokers handle these matters decisively and quickly, allowing their agents to feel protected and to focus on the business of buying and selling homes.

Anthony is the broker-owner of RE/MAX Advance Realty in South Miami and Kendall, leading the activities of more than 165 agents. He is also a working Realtor who sells more than 150 homes a year.

