



Superior Court of California County of San Francisco

PROBATE PRO BONO MEDIATION PROGRAM FAQs

The San Francisco Superior Court Probate Pro Bono Mediation Panels were created to provide litigants an opportunity to resolve disputes in a timely and cost effective manner. There are two pro bono mediation panels: The Trusts and Estates Panel and the Conservatorship and Guardianship Panel. The list of volunteer mediators as of April 2015 is available on the Court's website under the Probate Department tab. The mediation program utilizes attorneys trained in mediation who have at least 10 years experience in the field of probate, trusts, conservatorships or guardianships.

1) How do I get referred to Pro Bono Mediation?

Cases may be referred to the Pro Bono Mediation program by probate department bench officers upon the agreement of all parties. A request for referral may be made at any hearing on the case or by letter to the Probate Director.

2) Is my case eligible for Pro Bono Mediation?

Cases where the estate assets do not exceed \$3,000,000 are eligible to participate in pro bono mediation. LRSF 14.11.

3) When and where will the mediation be scheduled?

The mediation may be scheduled on a date and at a location agreed upon by the parties. The parties may require that the mediation be held in San Francisco. A conference room at the Civic Center Courthouse, 400 McAllister Street, San Francisco may be reserved for the mediation, depending upon availability.

4) How do I prepare for the mediation?

The mediator is encouraged to schedule a conference call with the parties in advance of the mediation to discuss the issues, determine if the parties are ready for mediation, and discuss any other concerns. The pre-mediation conference call is designed to maximize effectiveness of your time spent at the mediation. In advance of the mediation, each party should email a mediation conference statement to the mediator. The parties should decide at the pre-mediation conference call whether statements will be exchanged. Counsel and parties must personally attend the conference, unless excused by the mediator.

5) How long with the mediation last?

Your mediator has committed to offer up to 6 hours of pro bono mediation. Up to 2 hours may be utilized by the mediator for the pre-mediation conference call and necessary preparation for the mediation. Up to 4 hours are available for pro bono mediation.

6) How do I reschedule the mediation?

All scheduling issues should be discussed with the mediator.

7) What should I expect at the mediation?

At the mediation, the mediator will meet with counsel and the parties either jointly or separately to discuss the issues and facilitate a resolution of the case. Counsel and the parties must be available the entire time the mediation is scheduled.

8) Can the mediator charge for time spent at the mediation?

The mediator is prohibited from requesting or receiving any payment for time in advance of the pro bono mediation session, or until after the pro bono mediation session concludes. The mediator may advise the parties of the mediator's hourly rate in the event the mediation continues after the time allotted for pro bono mediation. If all parties to the mediation request that the mediator continue the mediation beyond the time allotted for pro bono mediation, the mediator may continue the mediation, but must make it clear that the pro bono session has concluded and time spent thereafter will be charged at the hourly rate of the mediator. If a mediator attempts to charge for pro bono time or requests payment before the time allotted for pro bono mediation has expired, the parties must immediately report this to the Court by contacting the Probate Director. The mediator may also agree to continue the mediation beyond the 6 hours at no cost to the parties.

9) How do I get my settlement on the record?

The Court does not have a court reporter available to place the terms of a settlement on the record. The terms of a settlement, the express consent of the litigants, as well as the counsel to the settlement, may be memorialized by agreement of the parties pursuant to CCP §664.6 by a writing which meets the requirements of that code section. The parties may also choose to have a court reporter. If the parties agree, they may provide that the Court will retain jurisdiction under CCP §664.6 to enforce the settlement.

10) Shall I notify the Court when the case settles?

Yes. For a trust or estate case, you must notify the probate examiner that the case has settled. If you do not know the name of the probate examiner, notify the probate department at 415-551-3702. For a conservatorship or guardianship case, you must notify the assigned court investigator. If you do not know the name of the assigned court investigator, call the investigation unit at 415-551-3657 and a clerk will assist you.

11) What should I do if I wish to volunteer as a mediator? Fill out the Application on this website and submit it to the Probate Director.