



THOMAS JEFFERSON
SCHOOL OF LAW

SAN DIEGO • CALIFORNIA

**PROBATE COURT
MEDIATION PROGRAM**



ABOUT OUR PROBATE MEDIATION PROGRAM

As one of its many services to the San Diego Community, Thomas Jefferson School of Law has established a Mediation Program in coordination with the Probate Court in San Diego. The Program provides mediation services to individuals who are experiencing conflict as a result of the needs of vulnerable family members, either the elderly or minors, often in connection with a Conservatorship or Guardianship case in court.

In addition, the Program is available to service referrals from San Diego Volunteer Lawyers Program, Office of the Family Law Facilitator and The Legal Aid Society of San Diego, nonprofit programs that provide legal services to indigent San Diego residents and hold free legal conservatorship and guardianship clinics affiliated with the San Diego Probate Court.

HOW OUR PROBATE MEDIATION PROGRAM WORKS

Following a referral from a Probate Court judge, the mediations are scheduled on Tuesday or Thursday evenings or Saturday mornings at Thomas Jefferson School of Law, located at 1155 Island Avenue in the East Village area of downtown San Diego. In general, due to the complexity of these cases, participants can expect to spend three hours at the mediation session. There is no charge for this service.

At each mediation session, participants will have an uninterrupted opportunity to summarize the factual underpinning of their dispute, their concerns and feelings, and their hopes for the future. The parties also will have the opportunity to speak with each other in order to gain a better understanding of the other party's perspective. Once the issues are understood, the mediators help the parties build an agreement on the common ground that has been identified.

A RESPECTFUL AND COURTEOUS PROCESS

In order for all parties to get the most out of participating in the mediation process, everyone must agree to the following ground rules:

- Each participant will treat the other with respect.
- Each participant agrees not to interrupt when someone else is speaking.
- The participants are responsible for the outcome of the mediation session.
- Each participant agrees to keep everything stated in the mediation confidential, per California Evidence Code §1115-§1128. However, any mutual decision during the mediation to waive certain rights of confidentiality (such as agreeing to have the Stipulation and Order submitted to the court so as to be binding, enforceable, and/or admissible in an administrative or judicial proceeding) shall nevertheless be permitted. The signed document will be submitted to the judge to enter on the record as an Order.

ABOUT OUR MEDIATORS

Of the dozen mediators taking part in the program, the large majority are graduates of Thomas Jefferson School of Law who participated as students in the mediation program, both in the classroom and in court settings.



Professor Ellen Waldman is the founder and Director of the Mediation Program at Thomas Jefferson School of Law. A member of the faculty since 1992, Professor Waldman has taught mediation-related courses nationally and internationally, and has published more than 25 articles and book chapters in the areas of alternative dispute resolution and bioethics. She recently published *Mediation Ethics: Case and Commentaries*, an in-depth treatment of the many hard cases that can arise in mediation practice. At Thomas Jefferson, she teaches courses on Advanced Mediation, Bioethics, Mediation Ethics and Remedies.

WHAT PARTICIPANTS SAY ABOUT THE PROGRAM

Our mediators make every effort to provide the best service and an overall positive experience for the program's participants. All parties are asked to provide feedback about their mediation experience and we are pleased with the high level of satisfaction expressed:

"It went very well...gave us a chance to express our feelings and thoughts."

"Very professionally handled...very well done."

"God bless all of you for trying to help me and my sister settle this matter."

"Very helpful for my grandchildren and daughter, and for all the family."

"I am very grateful for the outcome. Thank you for the time that was given to us."

HOW TO CONTACT US

For more information about Thomas Jefferson School of Law's Probate Court Mediation Program, please contact us at (619) 961-4368 or mediation@tjssl.edu, or visit the Thomas Jefferson School of Law website at www.tjssl.edu/clinics/mediation.



