

PARTY WITHOUT ATTORNEY OR ATTORNEY (Name, Address, Telephone Number, and State Bar membership number): FAX NO.: ATTORNEY FOR (Name):	COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO	
<input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> IN RE(Matter): <input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor	Case number:
ALTERNATIVE DISPUTE RESOLUTION CERTIFICATION AND SELECTION FORM	
Date: Time: Dept:	

NOTICE TO ALL PARTIES AND THEIR ATTORNEYS

All parties must complete, file and serve this form.

Formal litigation of contested matters in the Probate Court is expensive and time consuming. The overall results achieved by litigation are often unsatisfactory, and family and/or personal relationships can be permanently damaged. There are alternatives to formal court litigation which are less expensive, less time consuming, and more beneficial to the parties. It is therefore the policy and goal of this court to encourage the parties in all contested probate matters to explore and pursue private dispute resolution alternatives at the earliest possible date.

Although most (90-98%) cases do settle, many settlements come only after considerable time, money, and resources have been expended and many personal attacks have been made. Such expenditures and personal attacks, as well as the adversarial nature of litigation, can be a hindrance or preclusion to settlement. The Probate Court of the Sacramento County Superior Court encourages the use of Alternative Dispute Resolution (ADR) as early as possible after the parties become aware that a matter is contested.

Most ADR processes are voluntary and are paid for by the parties themselves, or from the funds in dispute, if any, as the parties may agree, but ADR has proven in many cases to be faster, cheaper, more effective and less damaging to personal relationships than traditional litigation.

ADVANTAGES OF ADR:

The filing of a petition or objection in the Probate Court which results in a contested matter may be just the beginning of the costs that you will incur during the course of your matter. You may significantly reduce these costs by either resolving the matter before expensive discovery and trial proceedings are commenced or by narrowing the scope of your discovery by identifying disputed and undisputed factual and legal issues.

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ADR can be an effective way to resolve contested probate matters. Most litigants report satisfaction with the process and some even report improvement of family or personal relationships. ADR procedures can be scheduled at the convenience of the parties and can be completed in a fraction of the time required for traditional litigation. The cost of ADR will depend on the procedure and the provider you select, and the cost is typically less than litigation.

The ADR process is confidential. Many ADR processes will give you an opportunity to test the strengths and weaknesses of your case while obtaining a better understanding of the other party's case without adverse impact in the event of trial. Depending upon the method of ADR you select, it may be the last chance for you to create and control a resolution of your matter before you place the decision in the hands of a judge.

METHODS OF ADR:

A. MEDIATION: Mediation is a frequently used methods of ADR because it is informal, quick, convenient and confidential. In this process the parties select a neutral mediator who facilitates the identification of issues, areas of agreement, and assists in finding a resolution or settlement of the dispute. Since mediation requires the agreement of the parties to resolve the matter, control of the proceedings and a determination of the settlement terms remains completely in the parties' hands. The mediator remains neutral and assists the parties in arriving at terms that are mutually agreeable.

B. ARBITRATION: The parties jointly employ a neutral third party or a panel of neutrals to listen to both sides and render a decision. The parties are free to make the arbitrator's decision binding or non-binding. When non-binding, the arbitrator's decision serves as guide or influence upon the parties to bring them closer to settlement. If it is binding, the decision of the arbitrator will be final and generally avoids any further proceedings in the case. Non-binding judicial arbitration may be ordered in certain cases shortly before trial.

C. EARLY NEUTRAL EVALUATION: A neutral evaluator is hired by the parties to give an evaluation of the case to help settle it. You and your attorney will be permitted to prepare a written statement, present witnesses or other evidence, argue your case to the evaluator, meet separately and confidentially with the evaluator, and utilize the evaluator to communicate any settlement offers to the opposing party.

D. PRIVATE SETTLEMENT CONFERENCE: A voluntary settlement conference is similar to early neutral evaluation in that the parties employ a neutral settlement officer who attempts to persuade the parties to accept a compromise position. It is a form of facilitated negotiation in which the settlement officer may express an opinion about the value of the case, the substantive merits of each party's position, and the probable outcome of the trial.

E. OTHER OPTION: There are various other methods or combinations of methods of ADR, such as mini-trial, special master discovery referee, and the Court does not intend to limit you to any particular method or combination of methods. The Court encourages the parties to be creative in selecting the process which has the best chance of resolving the case as quickly, effectively, inexpensively as possible. Other options may be reviewed by the court at the time of the mandatory settlement conference.

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The undersigned party is willing to agree to any of the following forms of ADR at this time:

- | | |
|--|---|
| <input type="checkbox"/> Mediation | <input type="checkbox"/> Early Neutral Evaluation |
| <input type="checkbox"/> Non-Binding Arbitration | <input type="checkbox"/> Binding Arbitration |
| <input type="checkbox"/> Voluntary Settlement Conference | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> None | |

I/We certify that I/We have read and understood (or have had explained to me/us) the foregoing.

Date: _____
Signature of Party

Date: _____
Signature of Party

Date: _____
Signature of Party

Date: _____
Signature of Attorney for Party

Signature(s) of additional party(ies) and attorneys on attachment(s).

NOTE: All parties must complete, file and serve this form on all other parties and their attorneys. Attached proof of service must be completed and filed.