

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER:		CASE NUMBER:
DEFENDANT/RESPONDENT:		

## The San Mateo County Superior Court recommends Alternative Dispute Resolution options in lieu of formal court litigation.

“Alternative” or “Appropriate Dispute Resolution” (ADR) is a general term for methods of resolving a dispute without going through the formal court process. ADR can save you time, money, and increase your overall satisfaction with the outcome of your case.

ADR can be used at any point in your case to resolve disputes regarding property division, child support, spousal support, paternity, child custody, parenting plans, and many other family law issues.

Did you know that the vast majority of cases filed in court (95-98%) do not go to trial? Most cases are settled or decided in some other way. But in many cases, the settlement comes only after considerable resources have been expended. This is why the San Mateo County Superior Court supports the use of dispute resolution alternatives at the earliest possible time. Local Rule 5.5(A) states:

California Rules of Court and the Family Law Act strongly encourage alternative dispute resolution (ADR) of family matters. The Family Law Department recognizes that formal litigation of legal claims and disputes is expensive and time consuming. The goals of this Court are: to reduce hostilities between the parties; facilitate the early resolution of issues; and provide parties with an opportunity to maximize their satisfaction with the resolution of their case. It is therefore the policy of this Court to promote and encourage the parties to settle their disputes by the use of appropriate dispute resolution options which include mediation, arbitration, collaborative practice, court supervised settlement conferences and/or judicial case management.

The court strongly encourages the use of ADR but does not favor any particular form of ADR, endorse any particular attorney, nor guarantee the outcome in any particular case.

**Instructions: All parties and counsel shall read the Notice, sign on page three, and have this Notice served on the other party with any Petition or Response under the Family Law Act, Uniform Parentage Act, Order to Show Cause, Response to Order to Show Cause, Notice of Motion, Response to Notice of Motion, or any other family law pleading which will result in a court hearing or trial unless a notice has previously been filed within the past 180 days. A proof of service shall be filed with the Court. (Local Rule 5.5(B))**

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**DESCRIPTION OF SERVICES AND COST:**

The Court manages a panel of attorneys with special training in mediation and arbitration and a commitment to finding alternatives to formal litigation. The attorneys who serve on the ADR panel have agreed to offer participants a 90-minute session for \$100 (\$50 per party). Additional sessions are available at the attorney’s market rate. For more information call the ADR office at: (650) 261-5076 or (650) 261-5075, or visit the website at: [www.sanmateocourt.org/court\\_divisions/adr/family\\_law/](http://www.sanmateocourt.org/court_divisions/adr/family_law/).

- **Mediation**

Mediation through the ADR program is voluntary. A neutral attorney called a “mediator” meets with parties and/or their attorneys to assist them in reaching an agreement. The mediator facilitates communication between the participants, clarifies issues, explores each party’s needs and interests, and helps the participants to consider options for settlement.

The parties may resolve a single issue or the entire case. The agreements reached in mediation are not limited by the results available under the law so mediated solutions can more easily accommodate the circumstances of individual cases. An agreement reached in mediation is binding once it is turned into a court order and signed by the Judge. You cannot be forced to accept a decision in mediation and participating in mediation does not impact your right to a court hearing. If an agreement is not reached you may continue through the court system.

Mediation is private and confidential. The sessions are conducted in the mediator’s office. Anything spoken or written during mediation by any of the participants is confidential and may not be disclosed to the Court or any other person without the consent of the participants.

- **Arbitration**

Arbitration is private and less formal than a court trial. In arbitration, a neutral attorney called the “arbitrator” makes a decision based on the information presented by both sides. The arbitrator then prepares a written decision and sends it to both parties and the Court. The court’s ADR program offers binding arbitration with a neutral serving as a temporary judge. Binding means there is no right to appeal and you will accept the arbitrator’s decision as final.

- **Collaborative Practice**

In the collaborative process, you and the other party each have a private attorney and make a commitment to resolve your disputes without going to court. Similar to mediation, collaborative practice operates in the spirit of honesty and cooperation. In the collaborative process, both parties together with the professionals (attorneys, mental health and financial experts) work as a team to resolve disputes respectfully with an emphasis on financial responsibility and cooperative co-parenting. Collaborative Practice San Mateo County is a private organization of professionals specially trained in collaborative practice. For more information, fees or a list of professionals, please see the web site at [www.collaborativepracticesanmateocounty.org/](http://www.collaborativepracticesanmateocounty.org/).

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**FAMILY COURT SERVICES MEDIATION**

The Court encourages the use of the ADR options described above to resolve custody and parenting plan disputes. However, if you do not reach an agreement on these issues, California law requires you to meet with Family Court Services (FCS) before submitting these issues to a Judge. FCS will first attempt to settle the issues through mediation, however, if no agreement is reached then the FCS counselor will prepare a written recommendation to the Court based upon the best interests of the child(ren). FCS mediation is not confidential and does not address your property or financial dispute. There is no fee for mediation with FCS.

**DOMESTIC VIOLENCE AND ADR:**

ADR is most effective when parties are able to communicate and solve problems without fear or intimidation. For this reason when there is a history of domestic violence in a relationship, ADR may not be appropriate.

**The undersigned certifies that s/he has read this Notice in compliance with San Mateo County Local Rule 5.5.**

Date:	Date:
_____	_____
Signature of Petitioner	Signature of Respondent

**Attorney certification of compliance with San Mateo County Local Rule 5.5:**

Date	Date
_____	_____
Signature of Attorney for Petitioner	Signature of Attorney for Respondent

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