

## How to Find a Mediator

### **cobar.org**

Mediators are listed in the CBA Find-a-Lawyer block under Alternative Dispute Resolution in the Practice Area tab.

### **coloradocourts.state.co**

Many courts have lists of mediators in their District.

Or search mediation on the Internet for mediators in your area.



## *Elder/Probate Mediation:* Addressing Challenges of Intergenerational Relationships



An alternative for  
resolving your conflicts

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## Mediation or Court Proceeding?

Mediation is less formal, faster, and usually much cheaper than going to Court and having a trial.

Mediation can be done at any time, including before filing a Court case.



Mediation agreements, once approved by the Judge, become enforceable Orders of the Court.

Court rulings can be unpredictable. Parties are often surprised by the Judge's decision. A party may also face difficult post-trial consequences. Trials can be costly with no clear winner in the end.

While many cases are appropriate for mediation, you should talk to your mediator to make sure the mediator has the experience to help you with your issues and that the case is suitable for mediation.

If mediation doesn't work, the parties can always go back to Court.

## What is Mediation?

Mediation is informal, with very few rules and legal technicalities—just plain talk.

Mediation is a confidential process between the parties to a dispute or problem, using the help of an experienced neutral third party.

Mediation is voluntary and private. The parties can communicate and air grievances. Resolution occurs without the formality, visibility, or limitations required in a Court proceeding.

The mediator helps the parties develop their own solutions rather than going to Court and having a Judge decide.

Mediators are not judicial officers or “deciders.” Nothing they say or do is binding on the parties. They help facilitate your agreement.

Mediation is especially helpful when people want to improve or maintain their relationships and are willing to try to negotiate together.

## Issues Appropriate for Elder/Probate Mediation

Mediation is helpful for disputes about:

- wills
- trusts
- conservatorships
- guardianships
- health care
- respite care and support for caregivers
- end-of-life decisions
- familial disputes
- information sharing and communication issues
- many other issues involving Seniors

## The Mediator's Role

**Impartial**—equal attention to all sides

**Process Expert**—effectively guides people in a facilitative manner

**Assist in Communication**—helps people frame their words in a productive manner

**Confidential**—issues are discussed in private sessions; information is not made public unless all the parties agree

## Benefits of Mediation

Unlike the court setting, mediation allows people in conflict to customize their own agreement.

Benefits include:

- Important relationships can be preserved
- Provides a private forum to air grievances and to be heard
- Helps participants communicate and manage conflict better
- Less stressful and usually less costly than litigation

