

# MEMO

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**District Court Administrator**  
*Sixth Judicial District*

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**TO:** Attorneys in Linn County and Johnson County

**FROM:** Carroll Edmondson, District Court Administrator

**RE:** Pilot Probate Mediation Project

The Iowa Supreme Court has approved Linn County and Johnson County as pilot sites for a probate mediation program. The court will begin assigning appropriate probate cases to mediation beginning August 1, 2019. Any currently pending case may also be ordered to mediation if the court deems that the case is appropriate for mediation.

The following is a general outline of the process for assigning cases to probate mediation:

1. The Clerks in Linn and Johnson will review filings in probate cases as they come in, and notify the Johnson Presiding Judge or Linn Administrative Judge if they see a matter that appears to be appropriate for mediation. In addition, Court Administration will identify probate cases where lengthy hearings are requested, or where objections and/or claims are filed, and direct those matters to the attention of the Linn Administrative Judge or the Johnson Presiding Judge.
2. The Presiding Judge or the Administrative Judge will then decide whether to order the case to mediation based on the following criteria:
  - a. **Contested guardianships and conservatorships**
  - b. **Any cases set for lengthy hearings/trials**
  - c. **Visitation cases and temporary hearings (in guardianships, especially regarding minors)**
  - d. **Estate cases (when requested by the attorneys)**
  - e. **Objections filed on final reports (use mediation like discovery process)**
  - f. **Contested estate claims**
  - g. **Trusts – anything contested**
  - h. **Will contests**
  - i. **Matters where pro se litigants have waged objections or claims**

The Administrative Judge or Presiding Judge will choose a mediator from the list that he/she feels would be a good fit for the particular case from a special probate mediator roster maintained by court administration. The roster denotes whether the mediator is 1) a family law mediator with additional specialized training for handling guardianship/conservatorship mediation or 2) an attorney with probate experience who is also a trained mediator. The latter group of mediators would be chosen for more technical and/or complex probate mediation.

Once mediation is complete, the mediator will be required to file a certificate of compliance. (see attached draft Certificate). In the event the parties do not attend mediation as ordered, the Presiding Judge would have the *discretion* to issue sanctions, cancel the hearing, or allow the hearing to move forward, depending upon the needs of the case and parties.