

## **WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES**

**NAME:** J. Joseph Grady

**OFFICE:** Scranton

**DISTRICT:** Central

**1. Please list the offices at which you will mediate a claim.**

Scranton.

**2. Are you willing to mediate claims that are assigned to you for hearing and decision?**

Yes.

**3. Are you willing to mediate claims in which one or both parties are not represented by counsel?**

Yes.

**4. Do you require the parties to execute an agreement to mediate? If so, please describe briefly the matters addressed by the agreement.**

No.

**5. How much time do you typically allow for a mediation session?**

It varies, obviously depending on the complexity of the case. Some may take an hour, while others may take several hours over several different sessions.

**6. Do you require the parties to submit a pre-mediation memorandum? If so:**

No.

**7. Do you conduct a pre-mediation conference? If so, please describe what takes place at that conference.**

No.

**8. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone?**

I like both parties to be present with counsel (if they have counsel) and the employer representative/adjuster, someone with settlement authority, at least available by telephone. Personal attendance, while welcome, is not required.

**9. Once you receive a mediation request, what is the usual amount of time elapsed until the mediation takes place?**

Within one month.

**10. Describe generally how you conduct a mediation session.**

- **Describe each step of the process.**

Each mediation session may be different. It all depends on the nature of the case and the issues at hand and whether all parties are represented by counsel. In other words, I try to be very flexible. I talk to the attorneys and the parties together at first and give everyone an opportunity to at least say something to let everyone know that what they have to say is important and will be listened to. I then try to size up, for lack of a better term, the best approach to use to try to have the parties start agreeing on certain things, with the idea in the

long run being to have them determine where they want to go and to use me to help the parties get there. Therefore, I use a mixed approach – both facilitative and evaluative.

- **Indicate whether you use a facilitative (i.e., helping the parties to communicate and generate their own solutions), evaluative (i.e., discussing the strengths and weaknesses of each party's case and/or offering an opinion as to the settlement value), or mixed approach.**

I use a mixed approach – both facilitative and evaluative.

**11. Are you willing to conduct more than one session per claim?**

Yes.

**12. Is there anything else the parties should know or do in advance of the mediation?**

No.