

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Karl Baldys

OFFICE: Williamsport

DISTRICT: Central

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

Williamsport and Wellsboro.

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

Yes, if both counsel agree and confirm waiver of recusal issues.

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

Yes, in the context of a pending petition, and with the consent of the parties who are advised of their right to counsel.

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

Not a written agreement, no. Confirmation of consent to mediate is made a matter of record at a hearing or by letter retained in file.

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

One and one-half (1½) hours on average.

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

No. It is optional.

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?

No. If parties agree, participation can be by phone or otherwise.

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

Two to four weeks.

10. Describe generally how you conduct a mediation session.

- **Describe each step of the process.**
 - a) I confirm the joint intention to mediate.
 - b) We discuss and confirm a procedure acceptable to the parties.
 - c) The parties make a presentation of their positions.
 - d) Alternating individual meetings take place thereafter.

- **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" depending upon the circumstances.

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

One session is preferred, but I will follow-up if circumstances dictate.

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

Be familiar with substantive factual and legal issues as well as rationale for details and valuation of settlement.