

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Karl Peckmann

OFFICE: Harrisburg

DISTRICT: Central

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

Anywhere, if it fits into my schedule.

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?

One hour.

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?

A party may appear by telephone.

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

Thirty to forty-five days.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

While everyone is together, I discuss the ground rules. I advise the parties that I will meet with each side individually. After meeting with each side individually, I will ask the parties to further discuss and/or negotiate.

- 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. If requested, I will offer an opinion as to the settlement value.

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?

The parties should have settlement authority that could reasonably resolve the outstanding issue or issues.