

Kenneth P. Walsh, WCJ
The Westbrook Grit Building, Suite 202
208 West Third Street
Williamsport, PA 17701

____, 2004

(Claimant's counsel)

(Employer's Counsel)

Re: (Caption)

Dear Counsel:

This letter is in response to Mr. ____'s letter requesting a mediation/settlement conference with me for the above-captioned matter.

I am sending a blank agreement to each counsel with each counsel's copy of this letter. Counsel are required to sign the agreement on behalf of their clients and return the documents to me.

I am available for the conference on ____ and _____. Please communicate with each other to arrive at a mutually agreeable date and time on one of these dates and notify my office of the agreed upon date and time.

Very truly yours,

Kenneth P. Walsh /slf

Kenneth P. Walsh
Workers' Compensation Judge

/slf
enclosure
file

NAME:

BUREAU CLAIM NUMBER:

MEDIATION CONFERENCE AGREEMENT

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, Esquire and , Esquire, hereby agree to participate in a mediation conference conducted by Workers' Compensation Judge Kenneth P. Walsh. The parties agree to the following basic rules for the MEDIATION CONFERENCE:

All parties or counsel must agree on the record to the MEDIATION CONFERENCE. This will be accomplished in this case by the signatures of counsel for the parties to their respective copies of this agreement.

The mediation conference will be off the record.

The mediation conference shall not delay the course of the litigation.

Someone with authority to settle the claim must be present at the conference or be available by telephone.

The Judge may conduct ex parte communications during the mediation conference. Neither party will ask the Judge to recuse himself from further proceedings in this case in the event that the matter proceeds to decision based upon the participation of the parties and the Judge in the MEDIATION CONFERENCE.

The Rules governing the communications - verbal or written - from the parties to the Judge or hearing officer at an Act 57 Informal Conference shall apply to this mediation conference (Act 57, Section 402.1(b) (ii).)

In any proceeding under the Workers' Compensation Act, the Judge shall, upon request and agreement of the attorneys for the parties and any unrepresented parties, preside over a mediation conference.

The existence or absence of legal representation on behalf of any party shall not be a factor in determining whether the mediation conference should proceed, unless a party desires representation but has not yet secured counsel. In such a case, the unrepresented party shall be given the opportunity to secure legal representation.

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The Judge may impose additional rules as necessary.

The Judge will voir dire all parties or counsel on the record as to their understanding and acceptance of the

NAME:

BUREAU CLAIM NUMBER:

aforementioned rules. In this case, this requirement shall be met by the signing of this agreement.


