

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Pamela A. Santoro

OFFICE: Philadelphia, Arch Street Office

DISTRICT: Southeastern

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

Any office (for a compelling reason).

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

I will do so, however the parties must agree on the record that they will not request that I recuse myself in the event the mediation does not result in a resolution.

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

That request will be considered on a case-by-case basis.

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?

Up to three hours but, for scheduling purposes, I will ask the parties to advise as to how much time they feel is necessary.

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

While I do not require them, I find them useful.

- **What information must be contained in the memorandum?**

- a. The nature of the litigation (petitions pending);
- b. The posture of the case (i.e., what evidence, if any, has been presented, when the record is anticipated to close, etc.);
- c. The parties' respective opinions and positions regarding their potential for prevailing;
- d. The current state of negotiations (most recent demand, if any, and offer, if any); and,
- e. Any other unusual or unique facts that are important to achieving an understanding of the case.

- **What documents, if any, must accompany the memorandum?**

None, but medical records and/or depositions can be helpful.

- **How far in advance of the mediation must the parties submit the memorandum and accompanying documents?**

Two days.

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 prefer personal attendance of the parties, but telephone participation is acceptable for employers and adjusters as well as out-of-state employees. If the adjuster is not present they must be available by phone from the start time for 3 hours.

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

I will try to schedule it within 90 days of the request but, depending on scheduling problems, I cannot guarantee any specific timeframe. There are openings that are kept on my schedule for emergency cases and second mediations.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

Initially, all parties should meet and give an objective overview of the case; where it has been, where it is going, and what has been accomplished. Then the parties are split up to give me their take on their strengths and weaknesses.

- 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 would determine the approach on a case-by-case basis, using the method appropriate for each case, but I prefer a mixed approach.

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?

Be prepared for a good faith effort to resolve the case. Each party should have discussed the case at length with his or her attorney. If the adjuster is not available when called, the attorney and/or company may face appropriate sanctions. The claimant, if not out-of-state, should be there unless health reasons prevent it.