

## WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Paul Costelnock

OFFICE: Greensburg

DISTRICT: Central

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

Greensburg and Washington.

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, but the parties are expected to sign a confidentiality agreement that is listed at the end of the worksheet.

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

Two (2) hours.

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

No, just a [worksheet](#).

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

The [worksheet](#) should be submitted 48 hours before the conference, but I will accept it if it is submitted just before the conference.

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?

The claimant and/or adjustor/employer representative have to be available by phone for the time period that the settlement conference is scheduled. Repeated failures of the adjustor/employer representative to be available will result in that adjustor/employer representative having to be present in person at all future conferences scheduled with that employer or insurer.

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

It varies with the ability to coordinate my schedule with the parties' schedule. It ranges from two to six weeks.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

First, I inform the parties of my role in the process (to assist the parties in coming to a resolution, not to make any decisions for them), and that I may hold discussions with all parties present and, at times, with one party and his counsel. Then, I generally hold a discussion with all parties present to determine the status of negotiations, if there are factors which will preclude settlement (i.e., the claimant wants to retain medical benefits and the defendants will only settle if medical benefits are waived), and if the parties are ready to make any offers/ demands before the conference (i.e., any response to last offer or demand).

- 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.

Discussing the strengths and weaknesses of each party's case and/or offering an opinion as to the settlement value, or 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?

The parties are required to complete the [worksheet](#).