

## **WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES**

NAME: Wayne R. Rapkin

OFFICE: Hazleton

DISTRICT: Central

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

Hazleton or Bloomsburg.

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?

Possibly.

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?

Counsel must attend, employers/carriers can participate by phone, and the claimant should attend. All parties are encouraged to attend.

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

About two to three weeks.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

I meet with all parties and counsel, and discuss my philosophy on mediation and the benefits of mediation. I then ask each counsel to provide a brief summary of the case, outlining their strengths and weaknesses. I talk to the parties together, and then meet with just counsel. I then meet with one or both of the parties.

- 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.

All of the above. I don't usually offer a specific opinion on value, but I do provide a range, or on occasion a specific value.

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

Yes, and/or conference calls.

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

Each party must exchange offers prior to the mediation, and have Medicare or possible annuity options ready for the mediation.