

\_\_\_\_\_  
 Claimant

BWC# \_\_\_\_\_  
 \_\_\_\_\_

Vs.

\_\_\_\_\_  
 Defendant

\_\_\_\_\_  
 Additional Defendant

\_\_\_\_\_  
 Defendant/Carrier

\_\_\_\_\_  
 Additional Defendant/Carrier

**VOLUNTARY MEDIATION/SETTLEMENT**

**CONFERENCE AGREEMENT**

The parties in the above captioned matter have requested a voluntary mediation/settlement conference with the Worker's Compensation Judge (WCJ). As a matter of policy, in conformity with the terms of the Pennsylvania Workers' Compensation Act, the Department of Labor and Industry does encourage the WCJ's to provide a forum for voluntary mediation/settlement in addition to mediation required by Act Sec. 401.1 (Mandatory Mediation). Voluntary Mediation is also authorized by Rule 131.59a of the Special Rules of Administrative Practice and Procedure before WCJ's. Pursuant to the request of the parties, the WCJ will schedule a Conference date and will provide Notice to all concerned.

As a part of this request for a voluntary mediation/settlement conference, the parties specifically Stipulate and Agree that:

1. The voluntary mediation/settlement conference with the WCJ is jointly requested by the parties.
2. The voluntary mediation/settlement conference will be off the record. The WCJ will not arrange for a stenographer to be available.
3. Those persons with authority to enter into a Settlement/Compromise and Release will be present at the scheduled conference or will be available by telephone.

4. The WCJ may conduct ex parte communications with the parties and counsel during the voluntary mediation/settlement conference process.
5. The following guidelines shall apply to the voluntary mediation/settlement conference:
  - a. The parties will endeavor to timely request a voluntary mediation/settlement conference so as to minimize the delay of any pending litigation.
  - b. The WCJ will establish the procedure for the voluntary mediation/settlement conference. The WCJ may vary the procedure as necessary and appropriate to enhance the prospects of settlement.
  - c. The WCJ may accept memoranda or statements summarizing the positions of the parties, and, any medical reports, witness statements, other documents or information the parties would offer to present;
  - d. All communications, verbal or written, from the parties to the WCJ, and any information presented to the WCJ during the voluntary mediation/settlement conference proceedings, will be considered confidential and will not be a part of the evidentiary record unless otherwise agreed upon by the WCJ and counsel.
  - e. The WCJ will attempt to resolve the issues in dispute between the parties, but in no event shall any recommendations made by the WCJ be binding upon the parties. If the parties come to an agreement, such agreement shall be reduced to writing and either signed by the parties or acknowledged of record as a stipulation of the parties.
  - f. The WCJ cannot be compelled to testify about any matters discussed or revealed during voluntary mediation/settlement proceedings.
6. The parties understand that a voluntary mediation/settlement conference can be scheduled with a WCJ other than the WCJ to whom the above captioned matter has been assigned. If the parties herein have requested

that the assigned WCJ conduct the voluntary mediation/settlement conference, however, the parties do then waive the right to request a recusal of the WCJ, regarding any pending or future petitions, based upon the participation of the parties and the WCJ in the voluntary mediation/settlement process.

- 7. Additional, special terms of agreement regarding the voluntary settlement/mediation conference which the parties ask the Judge to recognize and affirm are as follows:

Wherefore, and intending to be legally bound hereby, the parties and counsel in the above captioned matter do hereby affix their signatures:

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Claimant's Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Additional Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Additional Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other party or counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other party or counsel

\_\_\_\_\_  
Date