

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Brian Eader

OFFICE: Harrisburg

DISTRICT: Central

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

Anywhere in the state.

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

Yes, if the parties agree.

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

Yes, if the parties agree.

4. Do you require the parties to execute an agreement to mediate? If so, please describe briefly the matters addressed by the agreement.

Nothing other than a confirmation letter mailed to all parties.

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

Whatever amount of time it takes.

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

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

A brief statement or argument.

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

Any Bureau documents, average weekly wage, credit requests, outstanding bills, costs, or a list of these items.

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

As soon as possible after the date is set.

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?

Participants must be available in person or by phone.

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

As soon as possible.

10. Describe generally how you conduct a mediation session.

- **Describe each step of the process.**

Meet together briefly, then separately.

- **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.**

A mixed approach.

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

Yes, if progress is being made.

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

Be prepared, having already made a demand and offer, or at least having discussed settlement with claimant, employer, and each other.