

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

**NAME:** Carmen F. Lugo

**OFFICE:** Erie

**DISTRICT:** Western

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

Erie, Meadville, New Castle, Pittsburgh, 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.

**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.

**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 both counsel must be present. The adjuster and employer representative must be available by telephone.

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

Approximately 2 to 6 weeks depending on counsel's schedules.

**10. Describe generally how you conduct a mediation session.**

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

I meet with all parties to discuss the format and proceedings. I then usually meet with the moving party first and then the responding party to get an understanding of each side's position and expectations. Then I alternate back and forth between the parties and when necessary meet with them both until the case is resolved or we are at an impasse.

- **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 generally use a facilitative method, but will change depending on the needs of the parties.

**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?**

Employer's counsel must have authority to settle at the time of the mediation.