

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Charles P. Lawton

OFFICE: Washington

DISTRICT: Western

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

I do them mainly in Washington, although I would be willing to go to any office, to the extent feasible.

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?

No. Normally the claimant is present and the adjustor is available by telephone, but I would probably allow the claimant to participate by phone also.

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

It depends on when the parties are available. I have scheduled conferences as soon as the day after the request was made, but the average is probably about three weeks.

10. Describe generally how you conduct a mediation session.

- **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 use an evaluative approach. I usually meet with both sides at first, often with just the attorneys, and talk about the case for a few minutes. This is when I will ask any questions that I have about the case. I then meet with each side

individually and I will talk about the strengths and weaknesses (mainly the weaknesses) of that side's case. I will often give a range where I think the case should settle.

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?

Occasionally I will have a settlement conference where it is clear that the parties have not made any effort to negotiate a settlement on their own. I would at the very least want the parties to exchange a demand and offer prior to the conference.