

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Denise E. Krass

OFFICE: Northeast Philadelphia

DISTRICT: Southeastern

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

Northeast Philadelphia.

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

No.

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

I will not mediate a case in which the claimant is proceeding "pro se" (on their own behalf) in a claim or reinstatement petition.

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?

Ninety (90) minutes.

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

- What information must be contained in the memorandum?

A brief summary of the claim/issues involved in litigation; a brief summary of the negotiations to date (if any); and any other information that the party feels would aid in the negotiation of the matter. The parties are not required to send a copy of this memorandum to each other, so as to promote free and open communication with the mediator.

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

A copy of the Bureau documents or prior decisions would be helpful.

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

Three days in advance of the mediation conference.

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 all counsel must be in attendance. Participation in person by a claims adjuster is encouraged, but not mandatory. However, a claims adjuster 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?

Generally three to six weeks.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.
 1. Mediator opening statement/introduction: I introduce myself and describe the mediation process to the parties.
 2. The parties' opening statements: The parties may present a formal opening statement, if they wish to do so. If not, the parties informally discuss the following: why they want to mediate the matter; what they hope to achieve during the mediation; any areas of agreement; and the negotiations to date.
 3. Caucus with the parties: As many times as necessary. Depending on the case, bringing the parties back together again to discuss the progress in the mediation.
 4. Closing: Confirm the resolution or lack thereof. Place the terms of the mediation in writing. Schedule further mediations, if necessary.
- 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 a mixed approach. My approach leans more towards the facilitative approach, but a frank assessment of the strengths and weaknesses of the case is always part of my mediation process.

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?

Yes. The parties should be in the proper frame of mind when they come to the mediation conference. They should have a true desire to make compromises in order to reach an amicable resolution. The purpose of the mediation process is to encourage open communication; to allow for the expression of concerns that may not necessarily be apparent or permissible during the litigation process; to encourage creative solutions to the parties' grievances; and to empower the parties, with the facilitation of the mediator, to reach their own resolution of the conflict.