

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

NAME: Eric Jones

OFFICE: Washington

DISTRICT: Western

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

Pittsburgh, Washington, and Butler (for the cases heard there).

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?

Generally, two (2) hours is set aside. If that is not sufficient, typically the mediation will not be successful.

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?

I prefer all parties to be physically present. As a practical matter, the employer/insurer representative is available by phone the majority of the time.

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

Usually, within two (2) weeks if the parties are available, longer if there are schedule conflicts.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

Get acquainted. Talk with all parties present. Caucus with each side. Either have a session with all parties present or caucus with each individual party additionally. Give feedback to each side. Keep confidential what one party has said and has not authorized the other party to hear. After that process, advise the parties whether it looks productive to keep talking, whether additional information is needed, or whether an impasse has been reached.

- 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.

Mixed approach.

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?

Both parties should know what they want. In other words, what each party wants to settle the dispute, and how much each is willing to give on its position in order to reach settlement.