

**WORKERS' COMPENSATION JUDGES'  
MEDIATION PROCEDURES**

**NAME:** Jean S. Wright

**OFFICE:** Erie

**DISTRICT:** Western

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

Any.

**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?**

One and one-half hours, but I am willing to schedule more if necessary.

**6. Do you require the parties to submit a pre-mediation memorandum?**

Yes. An outline of requirements is sent with the Mediation Notice.

**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. At times, if the claimant lives out of the area or if the claimant is ill or disabled, the claimant may also participate by phone.

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

Approximately two to six 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 usually address the claimant primarily to make sure he/she understands the 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 (or at times with just the attorneys) 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 start with 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.