

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

**NAME:** Joseph Hagan

**OFFICE:** Philadelphia, Arch Street Office

**DISTRICT:** Southeastern

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

Philadelphia (Arch Street).

**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?**

No.

**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 hour.

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

No memorandum is required.

**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?**

All participants should appear in person or by counsel. Claimant and adjuster should be available by telephone, whenever it is thought desirable by the attorneys.

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

Mediation can be set up as soon as space is available and a date and time is agreed upon.

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

- Describe each step of the process.
  1. Discuss the background of the case and positions of the parties.
  2. Hold a private conference with one side, followed by a conference with other side.
  3. Hold a final joint discussion with my recommendation and a direction for the future.

- 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.

**11. Are you willing to conduct more than one session per claim?**

Yes, but I do not prefer to do so. If several mediations are needed, then the parties might as well continue to litigate.

**12. Is there anything else the parties should know or do in advance of the mediation?**

Be candid and know what the clients' real positions are.