

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

**NAME:** Joseph B. Sebastianelli

**OFFICE:** Wilkes -Barre

**DISTRICT:** Central

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

Wilkes-Barre.

**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?**

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?**

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?**

Claimant, claimant's attorney, and employer attorney must be present at the mediation. The adjuster can participate by phone and must have authority.

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

Thirty days.

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

Mediation sessions are conducted differently depending on whether the case is assigned to me for decision (settlement conference) or whether the case is not assigned to me for decision (mediation).

- Describe each step of the process.

First, a discussion with both parties present takes place to determine what settlement figures have been exchanged between the parties.

Second, I meet with each party to discuss the case and figures.

Third, I meet with both parties present to discuss figures. If no agreement is reached, then I repeat the second step.

- 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.

A mixed approach is used with emphasis on discussing the strengths and weaknesses of each party's case.

**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?**

Settlement figures must be exchanged by the parties prior to the mediation.