

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Kathleen Vallely

OFFICE: Pittsburgh

DISTRICT: Western

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

Pittsburgh.

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

Yes, in some circumstances. I make that decision on a case-by-case basis after consultation with the claimant and the attorneys.

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

Generally, 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?

I usually schedule a morning or afternoon for the mediation.

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

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 require the adjuster to be available by phone. Unless the claimant is physically unable to travel or lives at a distance, I expect the claimant to be present during the mediation. I have allowed claimants to participate by phone when physical presence creates a hardship.

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

Currently 60 days.

10. Describe generally how you conduct a mediation session.

- **Describe each step of the process.**

I always meet with the claimant and the attorneys at the beginning of the mediation session. I discuss my role in the mediation process, the limitations on my authority, as well as the role of each attorney and the claimant in the process. I then meet with the attorneys together to identify their perspective on possible resolution and then proceed to discuss the pertinent issues with each party as the mediation proceeds.

- **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. I attempt to use whatever process moves the parties forward dependent upon the factual situation.

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?

I expect the parties to have discussed the mediation process with their respective clients before the meeting. I expect the parties to have relevant information concerning entitlement to social security disability benefits, Medicare benefits, private health insurance benefits as well as other pension benefits, which might be available to the claimant. I expect the parties to participate with a good faith intent to reach resolution if possible.