

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Pamela L. Briston

OFFICE: Pittsburgh

DISTRICT: Western

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

Pittsburgh or Aliquippa.

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

Yes, but I prefer others to mediate a case that is before me for decision.

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?

Two (2) hours.

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

- **What information must be contained in the memorandum?**

A summary of the parties' positions.

- **What documents, if any, must accompany the memorandum?**

Bureau documents.

- **How far in advance of the mediation must the parties submit the memorandum and accompanying documents?**

Two days.

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 that the parties attend the mediation, however the employer's representative often participates by phone.

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

Two weeks.

10. Describe generally how you conduct a mediation session.

- **Describe each step of the process.**
 - a. All party discussion.
 - b. Meet with claimant and counsel.
 - c. Meet with defendant and counsel.
 - d. Follow-up all party discussion.

- **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?

The parties should be willing to engage in the settlement process.