

WORKERS' COMPENSATION JUDGES' MEDIATION PROCEDURES

NAME: Robert Vonada

OFFICE: Altoona a

DISTRICT: Western

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

Altoona.

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?

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, but I may ask for an agreement to mediate on the record if a court reporter is present.

5. How much time do you typically allow for a mediation session?

One and one-half (1½) hours.

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

- What information must be contained in the memorandum?

The parties are asked to recognize strengths and weaknesses of their case.

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

None.

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

One week.

7. Do you conduct a pre-mediation conference? If so, please describe what takes place at that conference.

I will explain mediation, confidentiality and the fact that the case remains assigned to the assigned judge.

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?

A claims representative usually participates by telephone.

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

Four weeks.

10. Describe generally how you conduct a mediation session.

- Describe each step of the process.

It will vary depending on the case.

- 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.

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

Counsel must agree that the parties can agree.