

# ADR Mediation Standards

## ADR's dos and don'ts for Mediation

### Dos

- (1) Identify the issues to be mediated prior to mediation.
- (2) For any scheduled mediation, each party should make an offer/demand prior to the mediation.
- (3) If an MSA is involved, obtain all relevant information prior to the mediation.
- (4) Address special conditions/requirements of a case prior to mediation (open medical treatment, structured settlement, SITF notice and authority, etc.).
- (5) Address ancillary issues/benefits (retirement, long-term/short-term disability benefits, SSDI benefits, offsets/credits, overpayments, child support liens, attorney fee liens, medical liens, resignation/release etc.) prior to mediation.
- (6) Arrive on time.
- (7) Call ahead with special needs concerning a scheduled mediation.
- (8) Address attorney fee issues.
- (9) If a party is not going to be in attendance at the scheduled mediation, please contact the opposing party/attorney and/or the ADR Unit prior to the scheduled mediation.
- (10) Any party or attorney requesting cancellation, postponement or rescheduling of a mediation conference shall provide notice to all parties and shall notify the ADR Unit, by telephone and then with written confirmation by fax, no later than 4:30 p.m. on the day before the scheduled conference. See Board Rule 100(h).
- (11) If the mediation is going to take over two hours, please inform the ADR section. In any mediated case, even though we allot one to two hours, generally, for mediations, if a case takes longer, the mediator will spend as much time as it takes to resolve and settle the mediation. We do not suspend mediations due to time constraints.

- (12) When applicable, prior to the mediation discuss the appropriateness of a structured settlement.
- (13) Only parties and attorneys of record may attend a mediation unless otherwise permitted. See Board Rule 100(g).
- (14) Be familiar with Board Rule 100.

### Don'ts

- (1) Do not use mediation for alternative purposes other than trying to settle a claim or resolve the issues pending in a claim.
- (2) Do not request a specific mediator for your claim, unless special circumstances in a specific claim warrant such a request.
- (3) At all times, parties and attorneys are expected to act professionally and respectfully towards the opposing parties and attorneys and the mediator. Failure to follow this rule may result in immediate termination of a mediation. See Board Rule (i).
- (4) Do not fax Form WC-100s or Form WC-14s to the ADR section without prior approval from a member of the ADR section.
- (5) If a party is ordered to attend mediation in a claim, such party is required to attend the mediation unless or until permission for a postponement or cancellation is granted. See Board Rule 100(h).
- (6) If a case is special set for mediation, do not file a Form WC-100 with the Board.