

**WORKERS' COMPENSATION JUDGES'  
MEDIATION PROCEDURES**

**NAME:** Robert J. Goduto

**OFFICE:** Pottsville

**DISTRICT:** Central

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

Pottsville

**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.**

Yes. See Agreement to Mediate.

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

One (1) hour

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

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

I request a brief written summary of the issues in the case. A Mediation Memorandum form should be used to provide this information. A copy of this form may also be obtained from my office.

- **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 (1) week

**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?**

Counsel for both parties must appear in person for any scheduled mediation. Unless there are extenuating circumstances, the Judge expects the claimant to also appear in person. An employer/insurer representative may participate by phone. However, this individual must have the ultimate authority, i.e., be the decision maker, for purposes of settlement of the case.

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

In the case of a voluntary mediation, thirty (30) to forty-five (45) days. Mandatory mediations are scheduled in due course as part of the litigation process in the Pottsville office.

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

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

The procedure/process of the mediation is first discussed with the parties, outlining the status of negotiations. I will then meet separately with the parties to discuss strengths and weaknesses of their positions and attempt to determine what the parties are seeking. I will then go back and forth between the parties in an attempt to bring them to a reasonable resolution of 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?**

No