



VIRGINIA R. DIAMOND, Chairman
LAWRENCE D. TARR, Commissioner
WILLIAM L. DUDLEY, JR., Commissioner
JAMES J. SZABLEWICZ,
Chief Deputy Commissioner

COMMONWEALTH OF VIRGINIA
Workers' Compensation Commission
1000 DMV Drive
Richmond, Virginia 23220

IRIS C. PEACE, Clerk
ANN D. BEVERLY, VWC Ombudsman
(804) 367-8269

MEDIATION CONSENT FORM

FULL CASE NAME:

VWC CLAIM NUMBER:

MEDIATION DATE:

MEDIATION FORMAT: ___ IN PERSON ___ CONFERENCE CALL

I/We, the undersigned, understand and consent to the following:

1. *Definition of Mediation:* Mediation is a process in which a neutral facilitates communication between the parties and, without deciding the issues or imposing a solution on the parties, enables them to understand and reach a mutually agreeable resolution to their dispute.
2. *Role of the Mediator:* The mediator acts as a facilitator, not an advocate, judge, jury, counselor, or therapist. The mediator assists the parties in identifying issues, reducing obstacles to communication, maximizing the exploration of alternatives, and helping parties reach voluntary agreements.
3. *The Mediation Process:* The process will include at a minimum, an opportunity for all parties to be heard, the identification of issues to be resolved, the generation of alternatives for resolution, and if the parties so desire, the development of a Memorandum of Understanding or Agreement.
4. *Confidentiality:* The Mediator, the litigants, their attorneys and any other participants in the mediation session agree that everything said or done in the mediation session is confidential and may not be used in any subsequent judicial or administrative procedure, except as allowed by statute. Should any complaint against the Mediator arise as a result of this mediation, confidentiality is waived with respect to that information necessary to present or defend against such a complaint.
5. The mediator(s) does not provide legal advice. Parties are encouraged to seek the advice of independent counsel at any time.
6. Any mediated agreement may affect the legal rights of the parties. Each party to the mediation should have any draft agreement reviewed by independent counsel prior to signing the agreement.

Full Case Name :
VWC Claim Number:
Mediation Date:

7. *The Mediation Style:* The Workers' Compensation Commission offer two styles or approaches to mediation. Please designate the mediator's style and approach to mediation to which you have agreed:

 Neutral Evaluation – A process in which the parties present their case to a neutral mediator and the neutral mediator provides a non-binding assessment of the likely judicial outcome or value of a claim settlement. With an objective evaluation, the parties have a realistic view of the possible judicial outcome or the value of a claim settlement.

 Neutral Facilitation – The mediator uses a more facilitative approach. The mediator guides the parties' conversation and discussion of issues that are important to them, without providing an opinion or judgment regarding the merit of the claim or the likely judicial outcome. The mediator will assist the parties' in assessing the strengths and weaknesses of their case. The mediator will not tell the parties what to do or suggest a particular outcome.

Claimant	Date
Attorney for Claimant	Date
Carrier Representative	Date
Carrier Attorney	Date
Employer	Date
Employer Attorney	Date

Mediator