

# WHAT PEOPLE ARE SAYING ABOUT US

"I think the mediation process is the single most productive tool the Commission offers for these cases."

"90% of the time," what matters in scheduling a mediation is when and where it might occur. "All of the mediators are good."

"Thanks so much for all of your work and patience. It was an excellent result for a bad situation."

"The judge is just going to rule on this one matter ...whereas a mediator can assist the parties in resolving whatever it is they want to work on. That just makes tremendous sense."

"He made you feel like you were a person and you mattered."



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# ADR

ALTERNATIVE  
DISPUTE  
RESOLUTION

Virginia Workers' Compensation Commission

# WHAT IS MEDIATION?

Mediation is an alternative dispute resolution (ADR) process in which a trained neutral mediator 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. It helps the parties understand and recognize their underlying needs, overlapping interests, and areas of agreement. In Virginia, mediation is voluntary and confidential.

## Why ADR Benefits You

- It's FREE
- Saves time
- Allows parties to participate in how their case will be resolved
- Cases can be addressed flexibly
- Most cases can be done by telephone
- An attorney may not be needed
- Most mediations result in settlement

## Our Goal

The Alternative Dispute Resolution team strives to provide expeditious and efficient alternatives to litigation for the resolution of disputes.



**“This can be worked out. If only they would talk to each other!” That is the ADR way: getting people to talk to each other.**

## ISSUE FACILITATION

Issue Facilitation provides an opportunity to resolve problems early on, without the need for mediation or a hearing. Issues most commonly resolved in this form of ADR include communication gaps between parties, as well as misunderstandings about bills or case information. These claims are typically resolved with just a couple of phone calls.

## ISSUE MEDIATION

This voluntary process most often addresses issues related to medical treatment, medical bills, lost wages, mileage, and return to work. These issues are more complex than those handled in Issue Facilitation. Parties can request mediation at any time and it typically occurs over the phone, conducted by a certified mediator, either a Deputy Commissioner or a staff attorney.

## FULL & FINAL MEDIATION

Full and Final Mediation is a voluntary process offered to resolve entire cases. All parties must be present and represented by an attorney. These sessions are set for 3 hours and are conducted by a Deputy Commissioner Mediator.

## ORIENTATION SESSION

This is the only ADR process that may be ordered by a Deputy Commissioner, and usually lasts no more than 30 minutes. Parties learn about their workers' compensation options and determine if mediation is appropriate for their claim.