

## ADMINISTRATIVE BULLETIN 11

To: All Parties  
CC: Administrative Judges and Judicial Support staff  
From: Omar Hernández, Senior Judge  
Re: New Changes to Pre-Hearing Conferences and Mediations  
Date: December 9, 2021

*The following changes are effective immediately.*

### **Joint Pre-Hearing Memorandum and Pre-Hearing Conference**

If the parties fail to timely submit a Joint Pre-Hearing Memorandum or schedule a Pre-Hearing Conference *in accordance with Administrative Bulletin 10*, the scheduled Hearing date will become a **MANDATORY** Pre-Hearing Conference and the parties will forfeit one of their three reschedule requests.

As a reminder, the parties are required to mark-up the Pre-Hearing Conference **upon receipt of the 11A report**. The parties must file, mark-up and argue all motions in advance of the Pre-Hearing Conference if practicable. If the parties need to use the Pre-Hearing Conference to argue motions, the moving party must ensure that the motion(s) are filed well in advance so that the responding party has sufficient time to file an opposition, if so desired.

The parties are required to submit their Joint Pre-Hearing Memorandum at least **5 business days BEFORE** the Pre-Hearing Conference.

The Pre-Hearing Conference must occur no later than **10 business days BEFORE** the scheduled Hearing date.

The Administrative Judge may reschedule the Hearing back into the queue (or provide a new date if available) if the parties fail to adhere to the aforementioned timeline.

### **Mediations**

The employee and the adjuster are **required** to attend the virtual Mediation.

If the adjuster, for good cause, cannot be present, he or she shall be readily available by phone. This must be confirmed, in writing, by defense counsel.

If the employer plays a major role in whether a case can be settled, an employer representative must be present for the mediation.

Employee counsel must make a settlement demand in advance of the mediation.

Defense counsel must come to the mediation with settlement authority. If the parties are so far apart that settlement appears unlikely (e.g., valuation, liability/no-liability, etc.), please advise the mediating judge in advance so that a conference call can be scheduled to evaluate whether mediation is appropriate.

Parties must submit to the mediating judge, via email, a confidential mediation memorandum which outlines their perspective of the case as well as outstanding medical and legal issues. The mediation memorandum should also provide a history of prior negotiations, i.e., demands, offers, accepted/unaccepted injuries, etc.

The mediation memorandum is due forty-eight hours before the scheduled date *of* the mediation or it will be cancelled.

Employee's counsel and defense counsel are *required* to share the virtual link to the Mediation with the employee and the adjuster/employer, respectively.

Employee's counsel and defense counsel shall make the necessary arrangements to ensure that the employee and the adjuster/employer have the proper audio and video connection to join the Mediation.

**The parties are responsible to arrange the mediation via a virtual platform and send an email link to the mediating judge within 2 days of the scheduled date.**