

Pursuant to Ark. Code Ann. § 11-9-703 (1996 Repl.), and legislative mandate, the Legal Advisor Division is directed to set and to conduct preliminary conferences, called Mediation Conferences, with the goal of mediating disputed issues between claimants and respondents. A Mediation Conference shall be held in all cases in which the amount in dispute is two-thousand five hundred dollars (\$2,500) or less.

I. Upon written request by either party for a formal hearing, the mediator shall determine whether the dispute between the parties exceeds an amount of two thousand five hundred dollars (\$2,500). If the mediator determines it does not, a Mediation Conference Order shall be issued scheduling a Mediation Conference within 30 days of the date of said determination.

II. The Mediation Conference shall be informal, nonbinding, and strictly confidential. The mediator is authorized to compel attendance at the conference, but is not authorized to compel settlement. The mediator is not authorized to disclose any conference proceedings or communications.

III. Attendance by the parties, and/or a representative of each party having full authority to settle all issues, is required. Sanctions may be imposed upon any party wilfully failing to attend a Mediation Conference without good cause. Sanctions may include dismissal, default, and/or fines as provided in Ark. Code Ann. § 11-9-706 (1996 Repl.).

IV. Mediation Conferences may be conducted by telephone conference call or in person, in the county where the accident occurred, (if the accident occurred in Arkansas) unless otherwise agreed to by the parties, or otherwise directed by the Commission.

V. Following the conference, the Report of Mediation Conference (Form **R**) shall be placed in the file and copies sent to the parties. The file shall then be returned to the Clerk of the Commission for further disposition prior to being returned to open general files.

VI. The Mediation Conferences shall be conducted according to policies and procedures approved and published by the Arkansas Workers' Compensation Commission.

VII. If All parties agree to voluntary mediation, the Arkansas Workers' Compensation Commission will provide mediation services regardless of the amount in dispute. (Approved September 9, 1997, effective January 1, 1998; amended September 20, 2001.)