



DREXEL UNIVERSITY COLLEGE OF MEDICINE

The Drexel University Physicians®

MEDIATION PROGRAM

This pamphlet describes the mediation program used by Drexel University College of Medicine to address disputes arising out of the health care our physicians, midwives, and nurses have provided to our patients.

The professionals who run the mediation program for the College of Medicine are CHI Resolutions (CHI). The College of Medicine has no connection with CHI other than agreeing to pay them for providing mediation and related services to the College of Medicine and our doctors and patients.

This pamphlet answers the questions that are most frequently asked about mediation. If you have any other questions, please contact **CHI** and they will be happy to talk to you:

CHI Resolutions, LLC
Phone: 1-800-605-6140
Carol Houk, Principal

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Malpractice litigation. The incredibly high (and still rising) cost of insurance. Hospitals shutting down. These have been headline news for more than a year. Unfortunately, neither Harrisburg nor Washington seems to know what to do to solve the problem.

We at Drexel University College of Medicine think we have found a big part of the solution.

Frustration and anger are two of the biggest reasons people decide to go to court. They don't think they were told enough, or had their questions really answered, so they sue. But what going to court means for everyone is delay, expense, and more problems for at least three years, sometimes more – so more frustration and anger, for everyone.

That's the wrong way. Medicine depends on patients and doctors working together and talking to each other. The College of Medicine has started a mediation program. This booklet describes our program.

Q. What does “mediation” mean?

A. Mediation is a process of trying to work out something, or resolve a misunderstanding. Mediation brings two parties together in a process conducted by an impartial third party (the mediator).

Q. What does a “mediator” do?

A. He (or she, and sometimes there are even two mediators) “gets in the middle” between the two people having the conflict and helps them try to resolve it. He or she will talk to all of us who are involved, and then talk to us by ourselves (without the others hearing), and will try to get us to see the other person's side and understand their views better

Q. What kinds of problems do mediators work on?

A. Mediation has been successfully used in different areas such as labor relations, racial and ethnic conflicts and personal disputes.

Q. Do the mediators have special training?

A. Yes. They are lawyers who specialize in medical malpractice cases. They know both sides – the plaintiff's (patient's) side, and the defendants' (doctor's and hospital's) side. They have taken many cases to trial, so they know all about courts, judges and juries.

Q. Who picks the mediators?

A. You do, from the list kept by CHI Resolutions. CHI Resolutions is a private company that has no connection at all with the College of Medicine other than agreeing to provide mediation services.

Q. What do the mediators get out of it?

A. The mediators believe that it is important for people to try talking together and working it out first, before they go into a courtroom and ask a judge or a jury to make decisions for them. So the mediators who sign up to get the special training think it is a good thing to do, and they want to help.

Q. How long does a mediation take?

A. Most times, the whole process takes less than three months from beginning to end. Sometimes it might take more time, but not much more. Most of this is scheduling, the lawyers talking about legal issues, and everybody getting ready. The actual mediation session itself usually takes less than a day.

Q. What happens at the end?

A. If everybody reaches an understanding, the mediator writes up a written agreement which he or she will review with both parties. This is a binding legal document (a contract). What that means is that when you sign it, you are promising that you will not sue the College of Medicine and its physicians (you “release” them from any lawsuits or liability). Your lawyer will help you understand this important document.

Q. Do I have to agree to a resolution?

A. No, you don't. All you have to do is try to work things out. You cannot be forced to reach an agreement if you don't like the resolution that is offered at the end of the mediation.

Q. Will my doctor be there?

A.. If it is appropriate for the physician to be there, he or she will be. The doctor may be represented by someone called a “risk manager” or “quality assurance director” who has investigated what happened. If you really think the doctor should be there, so you can speak with him (or her), you should be sure to tell your attorney (or CHI).

Q. How soon will I know if it works?

A. The mediation session takes place on one day and it is usually over at the end of the day. By the end of the session, you will know if it worked or not.

Q. What do I have to give up in order to do this mediation?

A. Nothing. You don't lose any rights at all. All you give up is your time – but the doctors are giving up their time, too, and they are actually paying all of the costs of the mediation, so you don't even have to do that.

Q. Can I be penalized for what I say?

A. No. Everything that is said in the mediation process – getting ready for it, while it happens, and even afterwards – is **confidential**. That means, what you say and what your doctor says will all remain private. You don't have to worry that someone is writing down what you say (they won't) and will try to trip you up with it when you go to court later (that's not allowed).

Q. Can I bring someone with me?

A. You should speak with your lawyer about this; but if it would make you feel more comfortable to bring someone with you (like your husband or wife or a good friend), that's usually fine.

Q. How much will mediation cost me?

A. Your doctor(s) has agreed that they will pay whatever CHI Resolutions charges for providing the mediators, so you don't have to pay for any of the costs of the mediation. You do have to work out payment for your own lawyer and any costs that you have getting ready for the mediation.

