

OFFICE OF SPECIAL MASTERS

No.

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Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

ORDER

In an effort to process cases more quickly and efficiently, **the court has modified Vaccine Rule 4(a)**. Rule 4(a) requires respondent to determine the completeness of the Petition within 30 days after its filing. If records are missing, opposing counsel is to be notified. If any disagreements arise, the court is to be notified. The purpose behind this rule is to provide an early check on whether or not petitioner complied with the Act’s Petition Content provision at § 11(c). Only if a complete Petition was filed can respondent comply with Rule 4(b), which requires respondent to file a Report setting forth its complete legal and medical analysis of the case. For a variety of reasons, experience has shown that Rule 4(a) has not worked as designed.

While the rule has not been successful, the court believes its purpose remains valid. Thus, the court has instituted a slight variation of the procedure in an attempt to meet the goal of verifying the Petition’s completeness prior to respondent filing her Rule 4(b) Report, which in this case is due **DATE** unless otherwise modified by the court. **Specifically, the court will conduct a conference call with the parties within approximately 45 days after the Petition’s filing date of DATE, to discuss requests for records, legal impediments to the claim such as jurisdictional roadblocks, the need for medical testing, suggested procedures for resolving the dispute, and any other matter the parties deem relevant.** The court anticipates an open dialogue focused on positioning the case for early disposition. At the close of the discussion, the court will discuss a scheduling order for future proceedings and a formal order will follow.

Accordingly, the initial status conference in this case shall be held within forty-five days of the Petition's filing date, **by DATE** Therefore, petitioner shall confer with respondent and then contact the court **by DATE**, to suggest three possible dates and times for the initial conference call. Petitioner shall contact my law clerk, Jennifer Wright, at (202) 504-2183 to schedule the status conference.

Additionally, the court would like both parties to consider the use of Alternative Dispute Resolution ("ADR") procedures to resolve this dispute. In some cases, use of one of these procedures may result in resolving a case in substantially less time than it would take under the more formal case-resolution process ordinarily utilized by the court. The ADR process is flexible, and the procedure utilized is tailored to the issues and the parties' recommendations for a given case. Frequently, the assigned special master, or a special master other than the one who would ultimately decide the case, acts as a mediator between the parties, meeting with the parties together as well as with each side separately in an effort to foster an agreeable settlement. Another form of ADR has involved the special master conducting a "mini-trial" to assess the potential benefits of settlement. The court encourages the parties to take advantage of these services. The parties should discuss the potential for ADR amongst themselves and with the court at the earliest possible point in the process.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master