

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Dear Sir or Madam:

As an attorney who frequently appears before the Office of Administrative Law Judges, you may be interested in learning that the Department of Labor has recently amended its regulations to permit the formal appointment of settlement judges in cases arising out of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 *et seq.*, the Defense Base Act, the Outer Continental Shelf Lands Act, the Nonappropriated Fund Instrumentalities Act, and the former District of Columbia Workmen's Compensation Act. *See* 64 Fed. Reg. 47087 (Aug. 27, 1999).

Settlement judges have been used successfully by this office as a form of alternative dispute resolution in other types of cases since the summer of 1993. In brief, a settlement judge is an administrative law judge trained in mediation, and authorized to consult with the parties to assist them in resolving a dispute without the need for a formal administrative hearing. The settlement judge does not render a formal judgment or decision in the case, and does not communicate with the presiding judge about the merits of the case. Settlements reached before a settlement judge remain subject to review by the presiding administrative law judge in accordance with section 8(i) of the Longshore Act, 33 U.S.C. 908(i). Moreover, the availability of the settlement judge process does not change existing law regarding the effect of settlements on petitions for Special Fund relief pursuant to section 8(f) of the Longshore Act, 33 U.S.C. 908(f).

Settlement judge proceedings are based on the voluntary participation of the parties. No fee is charged for the settlement judge's expenses. A copy of the settlement judge rule is attached, and additional information is posted on the Internet at [www.oalj.dol.gov](http://www.oalj.dol.gov). If you are interested in using a settlement judge, you should do the following:

1. Obtain the position of the other parties. Settlement judges will be appointed only when all parties consent.
2. File a motion for appointment of a settlement judge with the Chief Administrative Law Judge. Such a motion may be filed by regular mail at the above address, fax (202) 565-5325, or e-mail [settlement-judge@oalj.dol.gov](mailto:settlement-judge@oalj.dol.gov). A sample form for requesting a settlement judge is found on the Internet at [www.oalj.dol.gov](http://www.oalj.dol.gov), but there is no requirement that this form be used.

I encourage you to consider whether any of your cases might be appropriate for appointment of a settlement judge.

Sincerely,

JOHN M. VITTONI  
Chief Administrative Law Judge