

Workers' Compensation Judges' Procedural Questionnaire

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, the first five numbers should be redacted before the document is uploaded, unless otherwise specified below. Requests, such as Requests for Continuance and Subpoenas, should also be made through WCAIS.

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First Event/Hearings:

1. What is the first Event (i.e., pretrial, hearing, conference call) and what will occur at the first Event with the judge?

The first event will be the initial hearing, scheduled for one-half hour for Claimant's testimony. Any exhibits that have been uploaded to WCAIS will be addressed. The trial schedule will be discussed and mandatory mediation will be scheduled. If the parties wish to present testimony from other witnesses, a request should be submitted through WCAIS prior to the hearing. Otherwise, a hearing will be scheduled for other witnesses at a later date.

2. Are any first hearing filings or documents required at the first Event with the judge? If so, what are they? **Yes** **No**

Further explanation:

First hearing filings are not required, but will be accepted.

- a. Should first hearing filings or documents be uploaded as Exhibits or as Documents?

Exhibits **Documents**

Further explanation:

[Click here to enter text.](#)

b. Should first hearing filings be uploaded before or after the first hearing?

Before **After**

Further explanation:

[Click here to enter text.](#)

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? **Yes** **No**

Further explanation:

Testimony from the Claimant will be heard at the supersedeas hearing.

b. Is additional time generally granted to obtain medical evidence? **Yes** **No**

Further explanation:

Generally, a party will be allowed an additional 14 days to submit medical evidence, if requested.

c. Under what circumstances will you reconsider a supersedeas order?

Supersedeas will be reconsidered upon request by a party, but only after a hearing is held.

d. Do you generally use written orders for denials? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

e. What is required for employee's counsel to obtain interim fee approval?

A Fee Agreement must be uploaded to WCAIS.

f. Do you have any other procedures for supersedeas hearings not described above? If so, what are they? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- g. Do you have different procedures for special supersedeas hearings? If so, please describe them? **Yes** **No**

Further explanation:

I will follow the Special Rules. A special supersedeas hearing will be held within 21 days of the assignment of the petition, and a written order will be issued within 7 days of the hearing of the special supersedeas request, if it is granted.

4. Do you use a one-day/one-hearing format or serial hearings? Please describe the structure of your hearings. Please indicate if you are willing to change your hearing format upon request of all parties.

Serial hearings. The initial hearing is scheduled for testimony of the Claimant. Within 30 days of the first hearing, the parties should advise me if any additional lay witness testimony is anticipated. The following hearings will be 15 minute status hearings, unless the parties request additional time in advance of the hearing.

Generally, I will follow the Special Rules, regarding a litigation schedule. The moving party's expert deposition should be taken within 90 days of the first hearing. The responding party shall have 90 days thereafter to take their expert deposition. This schedule may be modified on a case-by-case basis, particularly to accommodate mediation prior to the depositions.

5. Are you willing to allow counsel to participate in hearings by telephone? **Yes** **No**

Further explanation:

Generally, counsel should plan to attend hearings in person, but participation by phone will be permitted if requested in advance and/or if there are special circumstances. Participation by phone is discouraged when a witness is testifying. Employer counsel may participate by phone for Compromise and Release Hearings if the paperwork is prepared in advance of the hearing.

6. What procedure do you follow if a party fails to appear at an Event?

The petition may be disposed of in absence of the party, depending on the nature of the petition and the circumstances. Generally, I will attempt to call the absent party during the scheduled event. I will place a statement on the record regarding the notice provided to the parties. I will generally schedule another hearing within 30-60 days. If the absent party fails to attend the second hearing, I will entertain either a motion to dismiss or to close the record for a decision.

7. Do you have any special procedures for psychological injury cases? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

Witnesses/Exhibits:

8. What are your rules regarding the taking of testimony?

a. Do you prefer the testimony be taken at a hearing or by deposition?

Hearing **Deposition**

b. If counsel wishes to bring a witness to a hearing, do you require prior notice? If so, how much notice do you require? **Yes** **No**

Further explanation:

The parties should advise me within 30 days of the first hearing if lay testimony is expected, so that enough time can be allowed at the next hearing.

9. Under what circumstances will you permit a party or witness (including an expert witness) to testify by deposition or by phone, rather than appear at the hearing?

Generally, the Claimant is expected to appear at the hearing to testify, unless there are very extenuating circumstances.

As a matter of course, expert medical and vocational witnesses are expected to testify by deposition.

Generally, lay witnesses should testify at a hearing, but I would permit this testimony to be done by deposition if the parties agree. I would permit the testimony to be done by phone either at a hearing or deposition if location/distance is an issue.

10. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?

It will be addressed on a case-by-case basis, but typically the party filing the first petition will go first.

11. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Judge Exhibits? **Parties Upload** **Judge**

12. Do you require that counsel upload exhibits to WCAIS before or after the hearing? If before, what is the latest day before the hearing that they may be uploaded? **Before** **After**

Further explanation:

I am paperless, so exhibits should be uploaded before the hearing. There is no required timeframe, but it is helpful to have the exhibits uploaded at least 24 hours prior to the hearing.

13. Do you require counsel to bring hard copies of the exhibits to the hearing? **Yes** **No**

Further explanation:

I am paperless, so hard copies are not required. Attorneys should upload their exhibits.

14. When will you rule on objections to exhibits?

I will rule on admissibility of exhibits during the hearings. If exhibits are uploaded after a hearing, their admissibility will be ruled on at the next scheduled hearing. If exhibits are uploaded after the final hearing, but before the close of the evidentiary record, any objections must be made in writing and uploaded to WCAIS within 10 days of any exhibits being uploaded/offered. I will rule on the admissibility either by letter or in WCAIS. If any objections made during depositions are being preserved, the preservation of objections must be uploaded with the closing documents. I will rule on any preservations of objections in the final decision and order. If objections are not preserved, they will be deemed waived.

15. What is your procedure for handling discovery disputes, e.g., do you employ telephone conferences, do you prefer to attend certain depositions, etc.?

Discovery disputes will be addressed on a case-by-case basis. I am willing to schedule a telephone conference if requested by the parties. I am willing to attend a deposition if requested by the parties.

16. What is the last day the parties may file written preservations of deposition objections?

The parties may file written preservations of objections with their closing briefs/proposed findings of fact. If written preservations of objections are not filed, the objections will be deemed waived.

C&Rs/Stipulations:

17. Please describe your procedures regarding the review of Compromise and Release Agreements.

a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a Compromise and Release Agreement?

Amendments **New Petition**

Further explanation:

b. Do you require the parties to provide you with a draft of the Compromise and Release Agreement to review before the hearing? If so, how far in advance of the hearing do you need to receive it? **Yes** **No**

Further explanation:

A draft of the Compromise and Release should be uploaded to WCAIS at least one day prior to the hearing.

- c. Should the parties upload the Compromise and Release Agreement, including the fee agreement and any other attachments, before or after the hearing?

Before **After**

Further explanation:

A draft should be uploaded at least one day prior to the hearing.

- d. Should the child support documents be uploaded as a separate exhibit? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- e. What other exhibits should be uploaded as part of the Compromise and Release Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.). Please indicate whether they should be uploaded as part of the Compromise and Release Agreement or as separate exhibits.

Other documents should be uploaded as separate exhibits from the Compromise and Release Agreement.

- f. When should the social security number and other confidential information be redacted from the C&R agreement and Act 109 documents?

Confidential information should be redacted prior to uploading the documents.

- g. Will you sign bench orders? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- h. Do you have any other procedures for Compromise and Release Agreements not described above? If so, what are they? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

18. Please provide the following information regarding Stipulations resolving Disputes:

- a. What are your usual procedures regarding the submission, review, and adoption of such Stipulations?

Stipulations should be uploaded to WCAIS as an exhibit. I will then mark and admit it as a joint exhibit. Parties should advise me whether the Stipulation resolves all issues

in the pending litigation. I will issue a decision adopting the Stipulation if it meets the requirements of the Special Rules.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation** **Separate Exhibit**

Further explanation:

[Click here to enter text.](#)

- c. Should the child support documents be uploaded as a separate exhibit? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- d. What other exhibits should be uploaded as part of the Stipulation or as separate exhibits (i.e., medical bills, etc.)? Please indicate whether they should be uploaded as part of the Stipulation or as separate exhibits.

It depends on the circumstances, but generally other documents should be uploaded as separate exhibits.

- e. When should the social security number and other confidential information be redacted from the Stipulation and Act 109 documents?

Confidential information should be redacted before uploading the documents.

- f. Do you have any other procedures for Stipulations not described above? If so, what are they? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

Close of Record/Briefs:

19. Are you willing to close a case by electronic submission via WCAIS or is a final hearing required? **Electronic Submission** **Final Hearing**

Further explanation:

[Click here to enter text.](#)

20. What are the time requirements for the submission of briefs and other post-hearing submissions? Do you have any procedure if the briefs or post-hearing submissions are not received in a timely manner?

Typically, briefs are due from both parties 30 days after the close of the evidentiary record, but this schedule will be altered if testimony is taken at the final hearing to allow time for the transcripts to be received. If an extension is needed, parties may submit the request via WCAIS. Once the briefing deadline is passed, the case will be placed in line for decision. Late submissions may not be read prior to the decision being written and/or circulated.

21. Please describe your preferences for the format and content of briefs and post-hearing submissions.

I will leave it up to the parties to determine the format they feel best advocates their case.

Mandatory Mediations

22. Please list the offices at which you conduct mandatory mediations.

Pittsburgh

23. Do you require the parties to execute an agreement to mediate? If so, please describe the matters to be addressed by the agreement. **Yes** **No**

Further explanation:

[Click here to enter text.](#)

24. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone, if any? **Yes** **No**

Further explanation:

Claimant and both attorneys should attend the mediation in person. In special circumstances, I would allow the Claimant to attend by phone, but this is highly discouraged as it is helpful in most circumstances for the Claimant to personally attend.

Counsel for the employer should have settlement authority prior to the mediation. An adjuster/employer representative is not required to attend the mediation personally, but must be available to contact if necessary.

25. Do you require a Mediation Statement? **Yes** **No**

If so:

- a. What information do you require in that Statement?

A Mediation Statement should contain the background information, including the nature of injury claimed and/or accepted, the AWW/TTD rate, status of the litigation, status of negotiations. It should also contain a brief statement of the issues and/or strengths/weaknesses of the case.

b. What documents, if any, must accompany the Statement?

None are required.

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

The Mediation Statement should be uploaded at least two days in advance of the mediation.

26. Once you receive a mediation request, what is the usual amount of time that elapses until the mediation takes place?

30-60 days.

27. Are you willing to conduct more than one session per Dispute? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

28. If a party wants to request cancellation or postponement of a mediation on a Dispute assigned to you:

a. Should the party contact you or the mediating judge?

The party should contact the mediating judge.

b. If you are to be contacted, what is the latest day before the mediation that cancellation or postponement, absent an emergency situation, can be requested?

Generally, cancellation should be requested as soon as possible, so that another mediation may be scheduled in the time slot.

29. Is there anything else the parties should know or do in advance of the mediation?

Yes **No**

Further explanation:

[Click here to enter text.](#)

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? **Yes** **No**

Further explanation:

Click here to enter text.

31. Please list the offices at which you will mediate a Dispute.

Pittsburgh

32. Are you willing to mediate Disputes that are assigned to you for hearing and decision?

Yes No

Further explanation:

Click here to enter text.

33. Are you willing to mediate Disputes in which one or both parties are not represented by counsel? If so, do you have any special procedures? Yes No

Further explanation:

Click here to enter text.

34. Do you require the parties to execute an agreement to mediate? If so, please describe the matters addressed by the agreement. Yes No

Further explanation:

Click here to enter text.

35. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone, if any? Yes No

Further explanation:

I treat this the same as mandatory mediations.

36. Do you require a Mediation Statement? Yes No

Further explanation:

See answer to question 25.

If so:

a. What information do you require in that Statement?

Click here to enter text.

b. What documents, if any, must accompany the Statement?

[Click here to enter text.](#)

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

[Click here to enter text.](#)

37. Once you receive a mediation request, what is the usual amount of time that elapses until the mediation takes place?

30-60 days.

38. Are you willing to conduct more than one session per Dispute? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

39. If a party wants to request cancellation or postponement of a mediation on a Dispute assigned to you:

a. Should the party contact you or the mediating judge?

The party should contact the mediating judge.

b. If you are to be contacted, what is the latest day before the mediation that cancellation or postponement, absent an emergency situation, can be requested?

[Click here to enter text.](#)

40. Is there anything else the parties should know or do in advance of the mediation?

Yes **No**

Further explanation:

[Click here to enter text.](#)

Requests/Miscellaneous:

41. What is your procedure regarding continuances, changes in hearing times and extensions, i.e., how far in advance do you require the Request be uploaded into WCAIS?

Parties should advise me via WCAIS as soon as practical. Ten days prior to the scheduled event is preferred, but there may be circumstances that do not allow 10 days notice.

42. Do you conduct/permit conference call? If so, under what circumstances? **Yes** **No**

Further explanation:

I will conduct/permit telephone conferences when requested by the parties.

43. Do you accept faxes and e-mails from the parties? If so, under what circumstances?

Yes No

Further explanation:

Generally, WCAIS should be used for all written communication.

44. Do you adhere strictly to duration listed for a hearing or mediation or are you willing to go over the allotted time? Yes No

Further explanation:

I am willing to extend the hearing or mediation time if my schedule permits.

45. What is the best way to contact you in an urgent/emergency situation?

Contact the Pittsburgh office at (412) 565-5277.

46. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?

I do not follow a specific school district closing schedule. Attorney's should check WCAIS for any office-wide closing alerts. If any party feels that travel would place them at risk, they should contact the Pittsburgh office. Consideration will be given to either postpone or allow participation by phone depending on the circumstances. Likewise, emergency cancellations will be addressed on a case-by-case basis by contacting the Pittsburgh office.