

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? A HEARING. AT THE FIRST HEARING I WILL USUALLY TAKE TESTIMONY FROM THE CLAIMANT, HANDLE THE EXHIBITS PRESENTED BY THE PARTIES, AND SET UP THE SCHEDULE FOR WHAT NEEDS TO BE DONE TO GET THE PETITION CLOSED OUT FOR DECISION.
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:

Click here to enter text.

- 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:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

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

IF NEW EVIDENCE WARRANTS RECONSIDERATION, I WILL DO SO AFTER A NEW HEARING.

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, AND A WIN AGAINST THE SUPERSEDEAS REQUEST.

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:

Click here to enter text.

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.

I USE SERIAL HEARINGS. THE FIRST IS USUALLY 30 MINUTES LONG, AND ALL OTHERS ARE 10 MINUTES, UNLESS THE PARTIES REQUEST MORE TIME. I WILL ALWAYS CHANGE FORMAT, WITHIN REASON, UPON REQUEST OF THE PARTIES. I WILL NOT ALLOW WITNESS TESTIMONY AT ANY HEARING, OTHER THAN THE FIRST, UNLES THE PARTIES REQUESTED ADDITIONAL TIME BEFORE THE HEARING IS SCHEDULED.

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

Further explanation:

I WILL IF WARRANTED.

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

I WILL SEND THAT PARTY A LETTER AND ADVISE THAT HEARING WAS HELD, ASK WHY THEY WERE NOT THERE AND EXPLAIN WHAT IS TO HAPPEN IF I DO NOT GET A RESPONSE TO MY LETTER.

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 REQUEST MUST BE MADE BEFORE THE HEARING IS LISTED.

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?

MOST EXPERTS CAN BE TAKEN BY DEPOSITION. CLAIMANTS CAN TESTIFY BY PHONE IF THERE IS GOOD REASON THEY CANNOT COME TO THE HEARING.

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

I USUALLY TREAT IT AS FIRST PETITION DETERMINES THE MOVING PARTY, AND THAT PARTY HAS TO MOVE THE CASE.

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 PREFER THAT THEY BE DONE BEFORE THE HEARING, AND THAT IT BE DONE WITH ENOUGH TIME FOR THE OTHER SIDE TO HAVE SEEN THEM BEFORE THE HEARING. THIS ALSO GIVES ME TIME TO CONDUCT A "PRE-HEARING" WHERE WILL "EDIT" THE EXHIBITS AND MAKE THEM READY TO BE DISCUSSED AT THE HEARING.

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

Further explanation:

I DON'T REQUIRE HARD COPIES, BUT IF IT IS A DEPO, I AM GLAD WHEN THEY SHOW UP WITH ONE.

14. When will you rule on objections to exhibits?

WHEN MADE.

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

WE DON'T USUALLY HAVE THIS PROBLEM, SO I DON'T HAVE A PROCEDURE TO HANDLE IT.

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

GENERALLY I LIKE TO SEE THEM COME IN BEFORE THE FINDINGS.

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:

[Click here to enter text.](#)

- 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:

[Click here to enter text.](#)

- 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:

[Click here to enter text.](#)

- 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.

ANY ADDITIONAL EXHIBITS SHOULD BE UPLOADED AS SUCH. ONLY WHAT THE PARTIES WANT ATTACHED TO THE DECISION AND ORDER SHOULD BE PART OF THE C&R.

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

PRIOR TO UPLOADING.

- 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:

I WILL BE THE ONE ASKING THE QUESTIONS, AT LEAST AT FIRST.

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?

NO REAL PROCEDURE. IF THE PARTIES RESOLVE THE ISSUES BY STIPULATIONS, AND WANT A DECISION AND ORDER BASED ON THOSE STIPULATIONS, THAT IS WHAT THEY GET. I WILL JUST ATTACH THE STIPULATIONSS TO THE DECISION AND ORDER, AND INDICATED THEY ARE INCORPORATED BY REFERENCE.

- 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.

N/A

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

PRIOR TO UPLOADING.

- 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?

I GENERALLY ALLOW 30 DAYS FOR THE MOVING PARTY, AND 15 DAYS FOR THE RESPONDING PARTY. I PREFER FINDINGS OF FACT/CONCLUSIONS OF LAW, AND THEY SHOULD LOOK LIKE WHAT I HAVE BEEN PUTTING OUT FOR THE LAST 23 YEARS. IF NOT RECEIVED, I WILL SEND ONE LETTER EXTENDING TIME, AND THEN CLOSE

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

SEE ABOVE

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:

I DO WANT COUNSEL AND THE CLAIMANT THERE. IF THE ADJUSTOR IS WILLING TO COME THAT IS GREAT. I WILL ALLOW CLAIMANT TO PARTICPATE BY PHONE ONLY UNDER VERY UNUSUAL CONDITIONS. I WANT THEM THERE.

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

If so:

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

FOR A VOLUNTARY MEDIATION I DO REQUIRE A STATEMENT. JUST BRIEFLY OUTLINE THE ISSUES, THE EVIDENCE THEY FEEL SUPPORTS THEIR OUTCOME, AND WHAT THEY THINK WOULD BE A REASONABLE SETTLEMENT.

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

NO DOCUMENTS.

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

ABOUT 10-14 DAYS.

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

THIS CAN BE MONTHS TO GET A DATE.

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?

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.](#)

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

Yes **No**

Further explanation:

BE SURE TO BE READY AND TO HAVE THEIR CLIENT READY. ALSO BE ON TIME.

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:

NO, I USUALLY FIND THAT YOU JUST HAVE TO WAIT TO THE MEDIATION, AND SEE WHAT MIGHT WORK BEST.

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:

SEE ABOVE FOR MANDATORY MEDIATIONS.

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

Further explanation:

SEE ABOVE

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?

[Click here to enter text.](#)

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?

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:

SEE ABOVE

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?

SEE THE RULES, AND FOLLOW THEM.

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

Further explanation:

IF IT IS SOMETHING THAT I THINK I CAN HANDLE WITHOUT A HEARING AND IT WILL MOVE THE CASE ALONG, THEN I WILL DO CALLS.

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

Yes **No**

Further explanation:

[Click here to enter text.](#)

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:

AS TO HEARINGS, I TRY TO ADHERE TO TIME LIMITS SO OTHER PARTIES DON'T PAY THE PRICE BECAUSE I FELL BEHIND. AT MEDIATIONS. I STAY UNTIL I DON'T SEE A CHANCE OF GETTING IT DONE.

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

CONTACT THE JUDGES' OFFICE

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

N/A