

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? 10 minute pretrial.

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:

Requests for additional time to submit medical evidence may be made at the supersedeas hearing.

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

Supersedeas orders may be reconsidered for good cause.

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 copy of the written fee agreement.

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.

The number and format of hearings is determined at the pretrial hearing.

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

Further explanation:

[Click here to enter text.](#)

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

Sanctions, if appropriate, will be imposed.

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 decisions as to what witnesses will testify and when is determined at the pretrial hearing. At the end of each hearing at which testimony is taken, counsel are asked whether they require any additional hearings for fact testimony.

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?

Expert witnesses are always taken by way of deposition. Fact witnesses may be taken by deposition under varying circumstances. Telephone testimony is never permitted at a hearing.

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

This is determined at the pretrial hearing.

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:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

14. When will you rule on objections to exhibits?

If offered at the hearing, when offered. If uploaded after the final hearing, at the time of decision.

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 should be addressed in writing. Telephone conferences are never used to resolve discovery disputes.

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

The preserved objections should be filed at the time of filing of post-trial submissions.

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:

Amendments may be made to pending Petitions. However, if a decision on the merits of a pending Petition is sought, a separate C&R Petition must be filed.

- 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:

The hard copies of the Agreement and necessary attachments will be uploaded by my staff after the hearing.

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

Further explanation:

See answer above.

- 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.

Only the fee agreement should be attached to the C&R. All other exhibits should be uploaded separately.

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

This information should appear only on the Act 109 documents. Our office will redact the social security numbers before uploading them.

- 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 as an exhibit.

- 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.

All exhibits 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?

Social security numbers should never be included on any document other than as required by the Act 109 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?

A briefing deadline will be established by written Order in each dispute.

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

Proposed Findings of Fact and Conclusions of Law should be in the form of the decision you seek to have entered in the dispute.

Mandatory Mediations

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

Lancaster

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:

The Claimant and all attorneys must be personally present for the mediation. A person with actual authority on behalf of the Defendants must be actually reachable by telephone during the mediation.

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

If so:

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

Information which the submitting party believes it will be helpful for me to know.

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

None.

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

No later than the Friday before the mediation.

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

Mediations are generally scheduled by the assigned Judge at a hearing.

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

Further explanation:

In extraordinary circumstances, I would consider holding a second session.

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?

I should be contacted, with a copy to 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?

At least one week in advance of the mediation date.

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:

Only in exceptional circumstances.

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

Lancaster.

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:

See answer to number 24 above.

36. Do you require a Mediation Statement? Yes No

Further explanation:

See answers in section on Mandatory Mediations 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?

The date is worked out between my office and counsel.

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?

In a voluntray mediation, both myself and the assigned Judge should be contacted.

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?

The Friday prior to the mediation.

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?

Requests should be made in accordance with the applicable Rules of Procedure.

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

Further explanation:

[Click here to enter text.](#)

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

Yes No

Further explanation:

Faxes are acceptable, but please do not fax a document if you have uploaded it into WCAIS. This creates additional unnecessary work for our staff. E-mails are not acceptable.

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 go overtime when appropriate, but it is not encouraged.

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

Contact the Lancaster WCOA Office.

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

Hearings and mediations will be cancelled 24 hours in advance, except in unforeseen circumstances. When in doubt, contact the Lancaster WCOA Office.