

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 claimant will testify on Claim Petitions; supersedeas will be received on employers' petitions.

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:

Supersedeas exhibits should be submitted. No pre-hearing memorandum is required.

- 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:

Additional time limited to 7 days.

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

Discovery of new evidence, after 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 signed fee agreement, upon denial of 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.

A serial hearing format is used in accordance with the time requirements of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (Special Rules), 34 Pa. Code Ch. 131. Changes to the hearing schedule will be entertained upon agreement of counsel.

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?

At the discretion of the judge, the record will either be closed or the case continued for one additional hearing date to allow the non-appearing party to present an excuse for their failure to appear.

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:

Parties (Claimant/Employer) are permitted to testify at a hearing at counsel's request. Any witness may testify by deposition by agreement of counsel. Notice of testimony should be given as soon as possible after receipt of hearing notice. Multiple cases are scheduled for hearing at 9:00 a.m.; testimony will be taken in the order that cases appear on the hearing list.

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?

Testimony by phone permitted only in Compromise and Release hearings where Claimant is out-of-state. Depositions are always permitted upon agreement of the parties.

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

The party with the burden of proof on the petition with the earlier filing date shall proceed, unless otherwise agreed by the parties.

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:

Counsel not required to upload exhibits until after the evidentiary record is closed.

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?

At the hearing when they are introduced.

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 at the next scheduled hearing unless undue delay would result. In such cases, telephone conferences are permitted.

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

At the final hearing when the evidentiary record is closed.

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.

All documents attached to, and referenced in the Compromise and Release Agreement should be uploaded as part of the Agreement.

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

When the Agreement is uploaded.

- 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 may be submitted at a hearing or, upon agreement, by mail. The stipulation will be approved by circulated Decision. Counsel will be contacted if the Stipulation cannot be approved.

- 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.

None.

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

When the Stipulation is uploaded.

- 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:

In certain cases electronic submission is permitted upon agreement of the parties after hearing.

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?

Time requirements are set at the final hearing; reasonable requests of counsel are usually granted. The case may be decided without briefs if they are not filed in a timely manner; the judge reserves the right to consider untimely briefs if filed before the decision is rendered.

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

Submissions should include Proposed Findings of Fact and Conclusions of Law, together with a discussion of the legal and factual issues of the case. The Proposed Findings of Fact should include a summary of evidence which is objective and addresses all evidence presented. Counsel are encouraged to submit briefs by mail on CD in PDF text format.

Mandatory Mediations

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

Malvern

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:

Counsel must appear in person. Claimant's and employer representative's presence preferred, but they may appear by telephone.

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

If so:

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

Status of prior negotiation; current demand or offer.

- 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?

One week.

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

This depends on the availability of mediating judges. Efforts are made to schedule mediation on a specific date agreeable to both parties.

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?

Contact adjudicating judge for cancellation; contact mediating judge for postponement.

- 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?

One week.

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.

[Click here to enter text.](#)

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:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

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?

[Click here to enter text.](#)

- 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?

Requests for continuances must be made no later than 10 calendar days prior to the hearing date. Requests must include all information required under Section 131.13(g) of the Judges' Rules. Requests made by U.S. mail are preferred to ensure prompt attention; late-filed requests via WCAIS may not be reviewed.

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

Further explanation:

Written motions are preferred. Telephone conferences are permitted when there is insufficient time or undue delay would result.

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

Yes **No**

Further explanation:

No e-mails are accepted. Faxes accepted when followed-up by U.S. Mail or WCIAS submission.

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:

Hearings: not given "allotted time" but are called sequentially from a hearing list; cases with testimony are heard in the order that they were called. Mediations: may go over allotted time only if there is no conflicting schedule.

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

Telephone support staff at 610-251-2878

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

Please phone 610-251-2878 or check WCIAS listing.