

## **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 will be held in connection with all new petitions. At a first hearing on a Claimant-driven petition, Claimant is expected to testify. However, under certain circumstances I will consider allowing the parties to take Claimant's testimony by deposition, assuming this does not prolong the mandatory trial schedule. On an Employer-driven petition, Employer's supersedeas documents are to be submitted, if applicable. A mandatory trial schedule will be set.

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:**

Bureau documents are required to be submitted by the moving party.

- 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:**

However, it will be permitted if requested by either party.

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

**Further explanation:**

Presumably Employer already has its medical evidence in hand. However, Claimant will have 14 days from the first hearing in order to submit his or her documents in opposition to Employer's request for supersedeas.

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

Upon submission of new evidence.

- 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 denial of supersedeas based on Claimant's submission of evidence in opposition to Employer's request for supersedeas, including an Affidavit from Claimant concerning the fee agreement and a copy of the fee agreement itself.

- 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 matter will be relisted for a hearing for submission of the moving party's evidence approximately ninety days following the first hearing, with the final hearing to take place approximately ninety days following the second hearing. I would consider changing my hearing format only upon a showing of good cause from the parties.

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

**Further explanation:**

However, there may be extreme circumstances that would warrant the same, so I would consider it in a limited manner on a case-by-case basis.

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

If it is the first no-show, I will reschedule for another hearing in thirty days. If it is a repeat no-show, I reserve the right to dispose of the matter as appropriate.

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

**Further explanation:**

However, a non-public hearing for Claimant's testimony can be arranged if requested by counsel.

**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:**

I will allow the parties to take witness testimony by deposition by agreement of the parties. However, parties are permitted to present witness testimony live at a hearing as well, although I would request that the party presenting the witness notify me of their intention to do so at least one week in advance of the 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?

Witnesses are permitted to testify by deposition by agreement of the parties. In the event that opposing counsel objects to a deposition and wants the witness to testify live, I may still allow a deposition if it would be an extreme hardship for the witness to appear live. Witnesses may testify by phone, at a hearing, only if it would be a hardship for the witness to attend the hearing live. Witnesses may testify at a deposition by phone by agreement of the parties or if I determine that it would be a hardship for the witness to have to attend the deposition in person.

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

Usually the party that bears the burden on the petition that was filed first would complete its evidence first, unless the parties agree to a different order.

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 it is an objection to the submission of the exhibit itself, I will rule on the objection as it is raised at a hearing. If it is an objection contained in a deposition transcript, I will rule on the objection if the same is preserved in accordance with the WCJ rules.

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

I will usually conduct a phone conference.

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

Written preservations of objections are to be filed at the final hearing.

**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:**

The child support documents are to be uploaded as part of the Compromise and Release Agreement, with the social security number redacted.

- 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 item that was attached to the Compromise and Release Agreement as marked should be uploaded as part of the Compromise and Release Agreement itself, not a separate exhibit. This may include the fee agreement, the Act 109 documents, waiver of appeal, Authorization for Alternative Delivery, etc.

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

The social security number should be redacted prior to the document being uploaded to WCAIS, but after I have had a chance to review a hardcopy and compare the social security numbers on the Claimant's statement and the lien search results.

- 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 can be submitted at hearings or uploaded to WCAIS as exhibits. Child support documents and the fee agreement should be attached, if applicable, as part of the same exhibit. If uploading to WCAIS only (as opposed to submitting at a hearing), an unredacted version of the child support documents must also be sent by email, mail, or fax.

- 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, unless the Stipulation specifically references the same as being attached. If additional items are to be attached to the Stipulation, they should be uploaded as part of the Stipulation.

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

Prior to being uploaded to WCAIS. See 18a.

- 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 schedule is set at the final hearing. I will allow the moving party anywhere from 30 to 60 days for submission of it's brief, depending on the age of the petitions. The responding party will then have 30 days from the date that the moving party's brief is due. The responding party's brief is due within the time specified per the briefing schedule regardless of when or whether the moving party's brief has been submitted, unless an extension is expressly requested. This is to ensure that there is a definitive date by which the parties can expect to receive a Decision. If an extension is required by either side, the parties are encouraged to request the same in accordance with the WCJ rules and prior to the expiration of the briefing deadline as noted in WCAIS. No extensions will be granted once the briefing schedule noted in WCAIS expires.

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

The same are to be uploaded to WCAIS, although hardcopies by mail are appreciated but not required.

## **Mandatory Mediations**

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

The Philadelphia hearing office.

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 and/or unrepresented parties are expected to attend in person. While I prefer for the Claimant to be present, the Claimant must at least be available by phone. An individual with the Employer/insurance carrier/TPA with decision-making authority must be available by phone to speak with the attorney attending the mediation, if necessary.

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

If so:

a. What information do you require in that Statement?

While a mediation statement is not required, a one-page summary is appreciated. This should contain as much of the following information as possible:

Case name, submitting party, presiding judge, date of injury, accepted/alleged injury, petitions pending, average weekly wage and compensation rate, status of settlement negotiations, Claimant's age, Claimant's length of employment, medical experts, status of litigation, Claimant's pre-injury title, mechanism of injury, the amount of outstanding medical expenses (to be provided by Claimant, if applicable), the amount of the unemployment credit (to be provided by Claimant, if applicable), the amount of the short-term disability or long-term disability credit (to be provided by Employer, if applicable), whether Claimant is receiving/applied for Social Security Disability benefits and is a Medicare beneficiary, whether there is a 3rd party case (and amount of the Employer's lien, to be provided by Employer, if applicable), whether any Utilization Review Requests are outstanding, whether a resignation letter is required (to be specified by Employer), and the amount of Claimant's counsel's litigation costs to date.

Although a mediation statement is not required, the parties should be prepared to provide the aforementioned information at the time of the mediation if they do not

submit a mediation statement. Mediation statements should be uploaded under the Mediation tab in WCAIS, if possible.

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

There should be no accompanying documents.

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

If submitting a Statement, the same should be provided no less than three business days prior to the mediation.

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

If I am the presiding judge and am requesting the scheduling of a mandatory mediation, it will usually take place after the moving party's evidence is to be completed per the trial schedule. If I am the mediating judge, it is usually scheduled by our mediation scheduler for the earliest date available.

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?

If the parties are requesting a cancellation, then that request would be directed to me as the presiding judge. If a postponement is being requested, then that request should be directed 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?

The day prior to the mediation.

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

**Yes**  **No**

**Further explanation:**

If the Employer does not have settlement authority as of the day prior to the mediation, that should be communicated to Claimant's counsel.

**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.

The hearing office in Philadelphia.

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:**

I do not have any special procedures for such a situation.

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:**

The attorneys and/or unrepresented parties need to be present, and the Employer/carrier/TPA and the represented Claimant should at least be available by phone.

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?

See 25a above

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

See 25b above

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

See 25c above

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

It depends largely on the parties availability, but a month on average.

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?

For voluntary mediations, the parties 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?

That would be up to the mediating judge. In the event that I am the mediating judge, the voluntary mediation can be cancelled anytime 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?

These requests are granted on a case-by-case basis and are dependent on a number of different variables, such as prior continuance/extension requests by the same party in the same matter, for example. Requests should be made via WCAIS at least 24 hours prior to the scheduled event.

Continuances: Requests for continuances need to contain sufficient information in order for me to determine whether a continuance is appropriate. Continuance requests must include the status of litigation (i.e. what evidence has been completed to date), when the need for the continuance arose, why the continuance is needed, the opposing party's position regarding the request, and the length of time the requesting party is asking for the matter to be continued. The request will be denied if any of this information is not included.

Extension for completion of evidence: See Continuances above.

Briefing schedule extensions: Requests to extend the briefing schedule need to be made prior to the expiration of the briefing schedule, and should be made prior to a particular party's brief being due. In addition to being on the record at the final hearing, the briefing schedule can also be found on WCAIS with the exact due dates noted. Please keep in mind that these requests should also conform with the WCJ rules. Opposing counsel's position must be indicated, the specific length of time for the extension must be noted, and the request must be made in a timely manner in accordance with the WCJ rules. The request will be denied if any of this information is not included.

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

### **Further explanation:**

I permit conference calls in the event of discovery disputes in limited circumstances, and in the event of objections to depositions.

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

**Yes**  **No**

### **Further explanation:**

If possible, such communications should be made through WCAIS. If not possible, then I prefer faxes, but email will be accepted if I have initiated or otherwise requested the 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 go over the allotted time.

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

Please call my office and/or upload a letter/request to WCAIS. In a true emergency, email would also be appropriate.

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

If the Philadelphia School District is closed, then my hearings are cancelled.