

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? I prefer claimant to testify at the first hearing in any claimant petition where relevant. No testimony is anticipated in an employer petition. I expect the moving party to know the plan of litigation and hope that responding party is able to do so to some extent. A litigation schedule will be established and a referral to mandatory mediation unless I determine it would be futile. This will be on the record.

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 documents from the moving party are expected

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

Exhibits **Documents**

Further explanation:

As exhibits

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

Before **After**

Further explanation:

Uploaded afterwards

3. What are your procedures for supersedeas hearings?

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

Further explanation:

Claimant's testimony may be taken but not necessary

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

Further explanation:

Claimant will normally be permitted to submit evidence within 14 days

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

Upon request of either party, but reconsideration does not ensure a change

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

Further explanation:

Written orders are the usual.

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

Submit an executed fee agreement

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

Further explanation:

No other procedures

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

Further explanation:

No other procedures except that claimant should testify in Challenge Petitions.

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 hearing format with the model being: first hearing, interim hearing, final hearing. Any request to alter this model will generally be approved upon request.

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

Further explanation:

Yes.

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

This depends upon the circumstances.

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

Further explanation:

No special procedures

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:

Testimony at a hearing will be preferred when practical. Depositions will be permitted on request according to the Rules.

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?

I would prefer it not be done by deposition, although medical testimony is almost always not possible. If the parties agree and provide a reasonable justification, I will permit depositions.

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

I have no hard and fast rule on this, practicalities ought to be considered for the witnesses. Normaly the moving party in the first filed petition would proceed.

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:

The parties may upload the documents the day before the hearing.

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

Further explanation:

I do not require hard copies.

14. When will you rule on objections to exhibits?

Normally, at the time of submission.

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

Telephone conference or e-mail exchanges.

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

These are to accompany the party's brief as a separate sheet exhibit.

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 are allowed.

- 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:

No draft is expected.

- 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 party may do it either way.

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

Further explanation:

Separate exhibit.

- 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.

The parties should include all documents they consider necessary for a binding legal agreement. They should be part of the Compromise and Release Agreement. The fee agreement should be a separate exhibit.

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

It should be redacted before uploading or submitting.

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

Further explanation:

I will sign bench orders.

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

Further explanation:

No other procedures.

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?

I have no special procedures. Fully executed Stipulations may be submitted at a hearing or uploaded into WCAIS. Hard copies by mail will be accepted.

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

Further explanation:

Fee agreement may be part of the Stipulation

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

Further explanation:

This should be a separate exhibit.

- 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.

The parties should upload the exhibits deemed necessary to fulfil the terms of the Stipulation. They can be a part of the Stipulation or separate.

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

Before uploading

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

Further explanation:

No other procedures.

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:

I am willing to close electronically.

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 will be set at the final hearing. A decision may be rendered after the brief due date, although the party will usually be given a short period to submit an overdue brief.

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

None.

Mandatory Mediations

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

Philadelphia and Upper Darby.

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:

I do not require an agreement.

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 will permit any participant to participate by phone depending upon the circumstances.

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

If so:

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

I do not require a statement, although a brief statement aids the mediation process. Counsel should understand the case and have consulted with the client as best they could before the mediation.

- 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?

n/a

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

Mandatory Mediations in SE District are scheduled by central scheduling person; Voluntary Mediations are scheduled by my secretary with my acquiescence.

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

Further explanation:

Follow up session will be scheduled as requested.

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?

A postponement should be directed to the mediating judge. A request for cancellation (meaning no rescheduling) should be to the assigned judge with a brief justification.

- 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 before.

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

Yes **No**

Further explanation:

Understand the case and have considered its value to their client.

Voluntary Mediations:

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

Further explanation:

I conduct Voluntary Mediations.

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

Philadelphia and Upper Darby.

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

Yes No

Further explanation:

I will not mediate a dispute in which I am the assigned judge.

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 will do so with great reluctance; I have no special procedures.

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:

I do not require an Agreement to mediate.

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 do not require everyone to be present.

36. Do you require a Mediation Statement? Yes No

Further explanation:

Not required.

If so:

a. What information do you require in that Statement?

See above

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

See above

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

See above

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

see above

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

Further explanation:

See above

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?

See above

- 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?

See above

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

Yes **No**

Further explanation:

No.

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?

Comply with the Special Rules of Practice and Procedure.

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

Further explanation:

Yes, whenever requested or when I deem it appropriate.

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

Yes **No**

Further explanation:

I accept faxes and e-mails. I prefer e-mail 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 do not employ slotted hearings.

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

Telephone or e-mail.

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

See the Southeast District weather closing policy.