

## 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 first Event with the court is a pretrial. The parties are expected to appear and state the nature of the remedy sought. Each party should be prepared to succinctly state his/her factual and legal positions to allow the court to set a reasonable trial schedule.
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?

A request for reconsideration of a supersedeas order shall embody newly discovered/able items (fact and/or law), and/or such other evidence that was not reasonably/readily available to the requestor prior to the initial supersedeas submissions.

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?

An executed contingency fee agreement accompanied by Claimant's sworn affidavit that Claimant agrees to the contingency fee agreement and the deduction of counsel fees from his/or her compensation payable.

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.

This Judge utilizes a serial hearing format for disputes initiated by Claimants, and a one-day/one hearing format for disputes initiated by Defendants. The format may change, depending upon the facts of the case and the agreement of the parties, with the court's consent.

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

**Further explanation:**

This Judge allows an attorney to participate by telephone in the event of an unexpected emergency, or if approval is sought prior to the hearing at which counsel will be participating by telephone.

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

This Judge considers a failure to appear situation on a case by case basis.

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 discussion of the order of witness(es) testimony will occur either at the pretrial or by interim conference call. This procedure necessarily allows the Judge the opportunity to arrange the docket to accommodate the request for witness(es)/live testimony. The Judge expects the parties to exchange information relevant/pertinent to the witness(es) testimony, and other discoverable information about such testimony prior to the hearing at which the testimony is expected.

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 medical witnesses' testimony is expected by deposition; fact testimony may be submitted upon deposition, 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 Judge will address this issue on a case by case basis either at a formal hearing or conference call.

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?

Objections are ruled upon at a hearing, or upon properly submitted preservations.

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 conferences, initiated at the request of the offended party.

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

The final hearing day.

**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.

Such documents as are pertinent to the Compromise and Release Agreement should be uploaded as part of the Compromise and Release Agreement. Medical bills, waiver of appeals, etc. may be uploaded as separate exhibits.

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

Social security numbers and other confidential information should be redacted by counsel prior to uploading the C & R Agreement, but immediately following the C & R hearing to ensure prompt circulation of this Judge's decision on the Petition to Seek Approval of the Compromise and Release Agreement.

- 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?

Fully executed Stipulations that resolve all issues of an open dispute may be uploaded in WCAIS either prior to or following a hearing, with notification to the Judge that the Stipulation is uploaded.

- 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.

[Click here to enter text.](#)

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

Redactions should occur prior to uploading in WCAIS.

- 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?

The briefing schedule is set at the final hearing. A reasonable extension of time may be granted if the request is made prior to the final submission date. A reasonable basis for an extension request is an imminent settlement.

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

[Click here to enter text.](#)

**Mandatory Mediations**

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

Southeastern District Offices at 110 N. 8th Street, 4th floor, Philadelphia, PA 19107

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:**

[Click here to enter text.](#)

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

If so:

a. What information do you require in that Statement?

Relevant information regarding the nature of the case, the date of injury, the disability periods, the medical billings, lien information, the liability amounts, and up to date medical reports. If negotiations are in progress, the statement shall contain information relevant to the negotiations.

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?

At least three business days prior to the mediation date.

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

A mediation schedule is usually available to this Judge upon request. Otherwise, she is able to review the cases on her mediation docket one week prior to the mandatory mediation 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?

This Judge receives the cancellation requests, if issues of futility arise; postponements are handled by the office of 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?

Three business days prior to the mediation date allows this presiding Judge the opportunity to review the request. Three business days prior to the mediation date allows the mediating Judge the opportunity to adjust his/her mediation docket.

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.

The Southeastern District Offices located at 110 N. 8th Street, 4th floor, Philadelphia, PA 19107.

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?

See above section : Mandatory Mediation.

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?

It depends solely on the nature of the dispute.

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?

This Judge, as a voluntary mediator, receives requests for cancellation or postponements.

- 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?

This depends entirely upon the circumstances of the cancellation or postponement.

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 hearing continuances and/or changes in hearing times should be uploaded in WCAIS when the need for the requests occurs in order to allow this Judge's office to respond to the requests. The requests must specify the position of the opposing party. Extensions of time to file briefs shall occur prior to the expiration of the briefing schedule. The request for an extension shall also state the position of the opposing party.

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:**

[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:**

This Judge will adjourn a case if constrained by time, and within her discretion; however, this is the exception to this Judge's manner. A reasonable period of time is allotted for presentation of testimony, evidence, oral statements, etc.

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

The office phone number is 215-560-2488. The email address is pbachman@pa.gov. Email is preferred.

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

The policy of the Southeastern District Offices at Arch Street for hearing and mediation cancellations on snow days is the following: if classes at the Philadelphia School District are closed/cancelled, the Judges' hearings and mediations are cancelled for the day. This Judge will also cancel hearings and mediations on days of inclement weather that causes the Philadelphia District schools to delay opening by two or more hours.