

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? Only the claimant testifies no matter whether the claimant or defendant has filed the petition as the moving party. Each party on the record will then advise of any additional evidence they plan to submit. I then place on the record the timetable for submission of the additional evidence.
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:

Hard copies must be brought to hearing to be entered into evidence.

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

Before After

Further explanation:

Not required.

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 may be granted in accordance with the Special Rules of seven days in special supersedeas requests and 14 days for regular supersedeas requests if agreed to by counsel.

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

Reconsideration may be requested but reconsideration rulings are only made after a hearing is scheduled and conducted.

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

Further explanation:

Written Orders are issued for denials and the granting of supersedeas.

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

Submit a 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.

I use serial hearings. At the first hearing, the claimant testifies no matter which party has filed the petition as the moving party. By the second scheduled hearing in 90 to 120 days, the moving party must have completed their depositions and be prepared to rest. By the third scheduled hearing in an additional 90 to 120 days, the non-moving party must be prepared to rest, and the evidentiary portion of the record is then closed. No witness may be brought to hearings without prior notice to allow proper scheduling.

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?

Reschedule for a final hearing.

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:

Thirty days in advance of the month the case is to be rescheduled in.

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?

If counsel agree.

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

The more encompassing petition is considered as the moving party when cross petitions are filed. For example, if a claimant files a Claim Petition and the defendant files a Review Medical Petition, the claimant's Claim Petition is the primary, more encompassing petition and the claimant must first proceed with their medical evidence. If the defendant files a Termination Petition and the claimant files a Review Medical Petition or Reinstatement Petition, the defendant's Termination Petition is the primary, more encompassing petition and the defendant must first proceed with their medical evidence.

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:

Also, counsel must bring hard copies to hearing for submission into evidence.

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.

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 do use telephone conferences and will attend certain depositions if agreed to by the parties.

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

30 days after submission of deposition at a 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:

It's at least two days prior to scheduled hearing date.

- 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:

Hard copy must be brought to hearing which I will enter into evidence.

- 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.

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?

No. I will do that.

- 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?

I will review before marking it 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.

Uploaded as separate exhibits.

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

I do that.

- 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?

Normally, the Special Rules are enforced for submission of letter briefs within 30 days of the final hearing. If the brief or other documents are not timely submitted, the record is closed and a decision then rendered.

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

Letter briefs are preferred rather than Proposed Findings of Fact. Also, supporting case law citations are strongly encouraged.

Mandatory Mediations

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

Butler and New Castle

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:

Adjuster/employer representative may participate by telephone.

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

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.

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

Within 30 days.

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?

Both

- 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 three days before.

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.

Butler and New Castle

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:

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:

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:

Adjustor/employer representative may participate by telephone.

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?

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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?

Within 30 days.

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?

Both

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 days before.

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?

Three days before.

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:

[Click here to enter text.](#)

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

By telephone.

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

By office policy.