

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?

It is a hearing, at which a trial schedule will be given and testimony, evidence and/or supersedeas evidence will be expected from the moving party.

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:

The moving party should bring copies of all relevant Bureau documents (NCP, Denial, prior decisions, etc.).

- 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:

The parties may present testimony if desired.

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

Further explanation:

Additional time will be granted only for good cause.

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

If either party has new or additional evidence, I will reconsider supersedeas.

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 request for fee approval and submission of 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:

[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.

Normally, I use serial hearings. I call the list, hear C & R petitions if the parties are prepared, then hear testimony. I am willing to "slot" testimony for a particular time if all parties agree. I expect counsel to be punctual and I expect that in C & R cases, counsel will have met with his/her client ahead of time and be prepared to proceed when the case is called; if no C & R cases are ready to move forward after the call of the list, I go ahead with cases with testimony.

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

Further explanation:

Not unless there is an emergency situation.

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

It depends on the situation.

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

Further explanation:

Upon request, I will "slot" a claimant's testimony for a time when the courtroom will be empty.

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:

Notice is preferred but not required.

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 witnesses may testify by trial deposition. I prefer fact witnesses to testify live but I understand that is not always possible. A claimant should testify at a hearing unless physically distant or incapacitated.

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

The moving party should present medical evidence first unless there is some unusual circumstance. In cross-petitions, I normally designate whichever party filed the first petition as the moving party.

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:

All evidence must be uploaded before a decision can be issued.

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?

I normally rule at the hearing at which the evidence is offered, unless briefs are necessary on a legal issue or I need time to consider the parties' arguments on a case of first impression.

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 prefer that the issue be raised at a hearing where a record can be made. However, I will also entertain a request for a telephone conference or a written request for a ruling.

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

Unless the parties desire a ruling before they prepare briefs, I will accept them with briefs and rule on them in my decision.

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.

I consider the fee agreement, waiver of appeal, Act 109 documents, any annuity or Medicare Set Aside information, etc. part of the C & R Agreement, and it should all be uploaded together.

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

Before uploading.

- 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 uploaded to WCAIS. It must be signed by all counsel and the claimant.

- 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.

Normally, nothing else is necessary, but I would leave it up to the parties as to what they feel should be attached.

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

Before uploading to 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?

Normally, I permit the parties to agree to a briefing schedule of their choosing, within reason, at the final hearing. I will decide the case at or soon after the expiration of the briefing schedule, regardless of whether briefs are actually submitted. Additional time may be requested, but the request must be made before the expiration of the briefing schedule.

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

The focus should be on the legal argument. Why should your client prevail? I will read all of the evidence - please do not submit a lengthy fact summary.

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:

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?

[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?

Counsel should attend. Claimants should attend, if physically able and not working. Although I think there is a better chance of a favorable result when an employer representative and/or claims representative attends, they may participate by telephone.

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?

A request for postponement of a mandatory mediation must be presented to the mediating judge. A request for cancellation must be presented to me.

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 more notice, the better, but there is no deadline.

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

Yes **No**

Further explanation:

A mediation memo or letter is very helpful.

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.

Philadelphia and Upper Darby.

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:

See Question 26.

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?

The current status of any pending litigation; basic information about the claimant (age, injury, length of time on job, job duties, average weekly wage and compensation rate, other insurance, Social Security eligibility, etc.); brief description of medical treatment & amount of outstanding bills; and any demand and offers.

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

None. Please do not send medical records or depositions.

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

Preferably by noon of the day before the mediation.

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

Normally not more than 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?

For a voluntray mediation, you may just 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?

[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?

The more notice, the better, but there is no deadline.

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

Further explanation:

I will entertain a conference call in any emergency, complicated, or unusual situation.

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:

Normally, I do not set time limits.

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

By telephone or e-mail (sacraig@pa.gov), so long as opposing counsel is included/copied.

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

In Philadelphia, we follow the School District of Philadelphia.