

## 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 will be an on the record hearing. At the hearing, relevant bureau documents will be admitted and a mandatory trial schedule will be issued. Most cases will be placed into the mandatory mediation program. Testimony is NOT required at the first hearing. Any other preliminary matters shall be discussed.
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 exhibits and relevant bureau documents should be presented at the first hearing.

- 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:**

Testimony is generally not expected.

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

**Further explanation:**

The parties may request additional time at the first hearing. 14 days is typically granted, but additional time may be granted for good cause.

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

Depends on the case, but typically when new evidence will be presented.

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?

Presentation of a reasonable and fully executed contingent 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.

Most cases will be litigated in a serial hearing format. However, the parties may request a modification to the mandatory trial schedule.

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

**Further explanation:**

Generally no phone participation by counsel absent good cause.

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

Depends on circumstances of failure to appear and nature of case.

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:**

At least two weeks prior notice to all parties and the Court 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?

Depends on the specific facts of the case. Typically permitted when a witness lives beyond a reasonable commuting distance from the venue or for other good cause.

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

Typically, the moving party shall present their medical evidence before the nonmoving 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:**

Parties may however upload exhibits to WCAIS before a hearing.

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 a 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.?

At a hearing or by telephone conference.

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

Prior to the close of the evidentiary record per Special Rule 131.66(b).

**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.

A single C&R Agreement shall be uploaded with all attachments. No separate exhibits should normally be uploaded.

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

Before uploading the C&R exhibit into WCAIS.

- 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?

The parties shall advise the WCJ at a hearing or via WCAIS that a Stipulation will be presented for approval. The parties shall next upload the Stipulation with all attachments into WCAIS and await the WCJ's Order.

- 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.

All exhibits shall be uploaded as a single exhibit with the Stipulation.

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

Before uploading the exhibit on 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?

Typically, each party will be given at least 30 days after the close of the record to submit a brief. The briefing schedule will be given on the record at the final hearing. If any brief is not filed with the Court within the mandated briefing schedule, the WCJ will typically issue a Decision without the brief. If the attorneys are uncertain as to the briefing schedule, they should check the WCAIS brief tab. Additionally, the parties may request an extension to the briefing schedule via WCAIS. Reasonable extension requests will typically be granted on a case by case basis.

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

No specific format is required. However, all briefs should contain a procedural history of the case and a summary of the evidence with proposed findings of fact and conclusions of law. A effective brief is more than a mere summary of the evidence, but instead should explain to the WCJ why a party's evidence is credible or not. Specific reasons for the suggested credibility determinations should be provided along with citations to the record. In some cases, a well written and persuasive brief may be adopted in part by the WCJ.

### **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:**

In person participation at the mediation is always helpful, but not required.

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

If so:

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

A formal mediation statement is not required. However, a one page memo can be helpful.

- 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?

Depends on the Philadelphia docket. Typically, a mandatory mediation is scheduled about three months after the request is made.

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?

Cancellation requests must go to the assigned judge. Postponement requests must go 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?

3 days prior to the mediation.

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.

Philadelphia and Upper Darby.

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

**Yes**  **No**

**Further explanation:**

No exceptions.

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:**

In person participation at the mediation is preferred but not required.

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

**Further explanation:**

A formal mediation statement is not required. However, a one page memo can be helpful.

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.](#)

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

1 to 3 months 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?

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?

N/A

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?

At least one week before the event in most cases.

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

**Further explanation:**

Conference calls are not preferred by the WCJ, but will be permitted in certain situations.

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

**Yes**  **No**

**Further explanation:**

Correspondence to the Judge uploaded onto WCAIS is the most effective and timely method to contact the WCJ. E-mail and fax should only be utilized if authorized by the WCJ. Further, the parties should avoid contacting the WCJ via multiple methods.

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:**

The WCJ is normally flexible when it comes to allotted times.

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

Correspondence to the Judge uploaded onto WCAIS. If genuine emergency, a phone call to WCJ's secretary is permitted.

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

School District of Philadelphia.