

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? Pre-trial. The case will be discussed at length, a trial schedule will be established, and issues will be discussed and narrowed.

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:

First hearing filing, as set forth in the Scheduling Order.

- 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:

Brief testimony taken by the Judge and/or the parties.

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

Further explanation:

Generally, 14 to 30 days.

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

If circumstances change, or additional evidence is obtained.

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

Further explanation:

Sometimes.

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

A written provision in the fee agreement, or separately, providing for the payment of a fee during the pendency of the litigation.

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.

Serial hearings. Generally the claimant testifies at the first full hearing, and other witnesses at the second hearing, but that can be modified. I will change the format of the hearings at the request of a party.

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

Further explanation:

Counsel must get permission ahead of time, obtain opposing counsel's agreement, and provide a telephone number where they can be reached.

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

Write a letter, enter a show cause order, or re-list, depending upon the circumstances.

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

Further explanation:

Take the testimony with no third parties present, if requested or appropriate.

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:

Factual witnesses can be taken by deposition, if it helps move the case along. Fourteen days notice, and an indication of how much hearing time is needed.

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?

Unavailability, or possibly by agreement of the parties, depending upon the circumstances.

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

Every case is different, but generally, the party who files first, goes first.

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 day before. After is okay, too.

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

Further explanation:

Only C&R documents.

14. When will you rule on objections to exhibits?

Usually when the case is decided, unless the parties need an earlier ruling in order to proceed with their case.

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.

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

By the close of the record.

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:

Except separate petitions are required for each date of injury.

- 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 is preferred that it be provided at least by the day before the hearing.

- 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.

They should be uploaded as separate exhibits, based upon what the parties want to enter.

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

Always.

- 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?

They must be signed by the claimant, and must indicate the specific disposition of all the petitions addressed by the stipulation.

- 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.

Separate exhibits, based upon what counsel wants to attach.

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

Always.

- 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 requirements are set forth in the Scheduling Order. The record will be closed, and a finding of fact may be made regarding the non-compliance.

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

Briefs, and proposed findings of fact, conclusions of law, and orders, must contain accurate record references.

Mandatory Mediations

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

Pottsville and the Hazleton hearing site.

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:

The agreement will be sent to the parties when the mediation is scheduled.

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:

Adjustor and employer can participate by phone, and claimant (if out of the area).

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

If so:

a. What information do you require in that Statement?

The statement form will be sent when the mediation is scheduled.

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

The agreement and disclosure forms will indicate what has to be attached.

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

The mediation scheduling order will indicate how far in advance it must be submitted.

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

Thirty to sixty 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?

The parties should contact 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?

Seven days.

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

Yes **No**

Further explanation:

Make sure they have authority, and make at least one proposal. The parties should also determine if there are unpaid medical bills, and whether a Medicare set-aside is needed.

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.

Pottsville.

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

Yes No

Further explanation:

Under certain circumstances.

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:

Confidentiality, documents obtained during the mediation, and filing a subpoena on the Judge to testify regarding the mediation.

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 # 24 above.

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 statement is sent when the mediation is scheduled.

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

The statement indicates what is required.

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

Seven days.

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

Thirty to sixty 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?

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?

Seven days.

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?

Ten days.

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

Further explanation:

If requested by the parties, or if I believe one is necessary.

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

Yes No

Further explanation:

If the information is needed right away.

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 am willing to go over if the schedule permits, for a reasonable period of time.

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

Through my staff.

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

I try to decide the night before, but every situation is different. If a party ever feels that it is unsafe to drive to a hearing, they do not have to, and should request a continuance in accordance with the Rules.