

## 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 a hearing. Exhibits previously uploaded through WCAIS will be identified and the parties will be asked if there are any objections to the proposed exhibits. If it is a Claimant-filed petition, the Claimant will be expected to testify. If a defense-filed petition, the Claimant can testify at the first hearing if desired and if time permits.

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:**

While no first hearing filings are required, I expect that the moving party would offer any medical reports/records in support of its position. Also, while not required, a First Hearing Submission is appreciated.

- 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:**

While not required, any First Hearing Submission of the moving party should be uploaded prior to the hearing.

3. What are your procedures for supersedeas hearings?

- a. Will testimony be heard? **Yes**  **No**

**Further explanation:**

The Claimant will be able to testify at the First Hearing as noted above. A defense witness may testify if prior notice is given and time permits. An affidavit or verified statement is acceptable.

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

**Further explanation:**

The moving party should have its supersedeas exhibits ready before the hearing. Additional time will be given, particularly for the non-moving party to gather and offer exhibits relevant to a request for supersedeas.

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

If there is new or additional evidence bearing upon the request for 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 contingency fee agreement and successful opposition to a request for supersedeas.

- 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:**

The main difference is that if additional time is needed to gather and upload exhibits, the time period permitted is generally shorter when a special supersedeas is at issue.

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.

Usually, serial hearings are used. If it is a claimant-filed petition, the Claimant is expected to testify at the first hearing. Defense lay witnesses will generally testify at the second or subsequent hearing.

I am willing to consider changing the format of the hearing if all parties are in agreement.

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

**Further explanation:**

It is generally expected that counsel will appear live for the hearings. However, if the hearing is essentially a status conference or there is some other good reason acceptable to me, counsel may participate by phone.

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

Usually, a letter will be sent to the party who failed to appear advising him/her that he/she had failed to appear and that another hearing will be scheduled within a month and that if he/she fails to appear at the rescheduled hearing without proper excuse the proceedings will go on in his or her absence and that his or her rights may be adversely affected.

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

**Further explanation:**

Not at this time, though I am willing to consider special procedures as the need arises.

**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:**

I like to know at the time of (or shortly after) the preceding hearing if a party intends to call a lay witness at the next hearing. If the decision to offer lay testimony occurs later, I want to know (via a request through WCAIS) at least a week in advance that additional lay testimony is wished to be offered at the next hearing and the length of time expected for such testimony so that I can make sure that there is sufficient time to present the testimony.

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?

I anticipate that most expert witnesses will testify via deposition and have no problem with expert testimony being presented by deposition.

I also understand that sometimes it is difficult for lay witnesses to be available for a hearing and will allow such depositions upon prior approval.

I also appreciate that some witnesses may live out of state or a distance from the hearing site and that it would be easier for them to testify by phone. Again, I would allow this as long as I and opposing counsel are notified about this in advance and there is no objection to this procedure.

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

This will depend upon what petitions are involved. This is a matter that will be discussed at the time of the first hearing.

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:**

I would appreciate if the exhibits are uploaded at least the day before, but I understand that there may be good cause for later submissions.

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

**Further explanation:**

However, I prefer that Act 109 documents be presented at the hearing.

14. When will you rule on objections to exhibits?

At the hearing unless the exhibits are offered after the last 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 will address discovery disputes via telephone conference.

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

The date final written submissions are due.

**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:**

I prefer to see such drafts at least 2 days in advance.

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:**

Upload as correspondence.

d. Should the child support documents be uploaded as a separate exhibit? **Yes**  **No**

**Further explanation:**

These documents will be uploaded by my office after the hearing and should not be included with the documents uploaded by counsel.

- 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.

If there are specific medical bills that will be paid as part of the agreement that had been at issue in the litigation, the bills that are being paid should be uploaded. If the Employer is simply paying all causally related medical bills up to the date of the hearing (or something similar), those bills do not need to be uploaded.

No other documents need to be uploaded.

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

That information should be included on the documents presented to me at the hearing. My staff will redact that information in the copy uploaded to WCAIS.

- g. Will you sign bench orders? **Yes**  **No**

**Further explanation:**

Generally not.

- 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?

Any such Stipulation should be signed by the attorneys and the Claimant and uploaded to WCAIS or presented at a hearing.

- 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:**

Such documents should generally be presented at a hearing.

- 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.

If the Stipulation refers to specific medical bills, they should be attached to the Stipulation. Otherwise, they should be submitted separately.

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

My staff will do that. For that reason, any such documents should generally be offered at a hearing.

- f. Do you have any other procedures for Stipulations not described above? If so, what are they? **Yes**  **No**

**Further explanation:**

Matters will be addressed at the time of hearing.

**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:**

Generally, a final hearing is required, but exceptions can be made.

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 time for submission will be mentioned at the final hearing or via a written briefing schedule. Late briefs may or may not be considered depending upon the circumstances. A request for an extension of time to submit a brief must be submitted at the time of the submission of the late brief or prior to the submission of the late brief.

If it is a Claim or Reinstatement Petition, Act 109 documents should be filed by the Claimant within thirty (30) days before the close of the evidentiary record.

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

I prefer Memoranda of Law or position papers.

### **Mandatory Mediations**

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

Currently, only Johnstown.

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:**

Not at this time.

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:**

The Claimant should be there in person except for unusual circumstances.

If the adjuster is local, it would be preferable for him or her to be present. However, it is acceptable to have the adjuster available by phone.

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

If so:

a. What information do you require in that Statement?

I have a form.

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

Nothing additional.

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

I would prefer receiving them at least 2 days in advance.

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

Depends upon availability.

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?

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?

Three days barring an emergency situation.

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.

Currently only Johnstown.

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:**

I will require signed agreements to mediate.

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:**

The Claimant should be there in person except for unusual circumstances.

If the adjuster is local, it would be preferable for him or her to be present. However, it is acceptable to have the adjuster available by phone.

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?

I have a form.

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

Nothing additional.

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

I prefer to receive the Statement at least 2 days in advance.

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

Depends upon availability.

38. Are you willing to conduct more than one session per Dispute? **Yes**  **No**

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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?

Three days barring an emergency situation.

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?

For continuances, I would prefer such a request be made at least 2 days in advance. As to change in hearing time, I would prefer that such a request be made at least 4 days in advance.

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

**Further explanation:**

Depends upon the circumstance.

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

**Yes**  **No**

**Further explanation:**

While such communication will be accepted, I very, very much prefer that all communications be made via WCAIS.

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 will usually allow additional time. However, this depends upon the schedule.

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

Call my secretary. Also, if time permits make a request through WCAIS.

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

Generally, hearings will be held unless the office at which the hearing is being conducted is closed. However, depending upon the circumstances, exceptions will be made.

**Attachments:**

[Mediation Statement for Parties](#)