

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? At the first hearing, the parties can submit evidence. Also, time is allotted for the testimony of the Claimant.

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 filings are not required.

- a. Should first hearing filings or documents be uploaded as Exhibits or as Documents?

Exhibits **Documents**

Further explanation:

Not required. However, if a party wishes to submit a first hearing statement it should be uploaded as a document NOT an exhibit.

- 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:

Only the Claimant is permitted to testify at the initial hearing.

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

Further explanation:

[Click here to enter text.](#)

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

If significant additional evidence becomes available during the litigation I will reconsider the supersedeas request.

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?

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 the serial hearings format. The first hearing is scheduled for 30 minutes. Claimant is permitted to testify and exhibits are accepted. Subsequent hearings are scheduled for 15 minutes and are considered status hearings. No testimony is taken unless approved prior to the hearing by the Judge. If additional testimony requires more than 15 minutes, the additional time must be requested in writing and BEFORE the party receives notice of a hearing.

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

Further explanation:

I will permit counsel to appear by phone on a case by case basis. The request must be made prior to the hearing day and the reason counsel cannot appear must be provided.

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

I will attempt to contact the party at the time of the hearing. If I cannot reach the party or they are unable to attend on that day, I will schedule a follow up hearing as soon as possible.

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:

The Claimant needs to be present at least for one hearing to testify before me unless they are unable due to extenuating circumstances i.e. illness, distance, etc. All other witnesses can testify by deposition unless I indicate otherwise. No witness will be permitted to

testify at a hearing unless notice was provided to my office and the opposing party and sufficient time was allotted.

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?

See #8

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

The party who files the first petition which requires medical testimony must proceed with their deposition 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:

All exhibits should be uploaded prior to the hearing. The parties should upload the documents at least one day before the hearing. If the document is not uploaded at least one day before the hearing, I will not admit it until the other party has sufficient time to review the exhibit.

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?

Objections will be ruled upon at the time of the hearing. Objections preserved in a deposition will not be ruled upon until the time of the decision.

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 are available for discovery disputes not resolved during a hearing.

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

Written preservations of deposition objections can be submitted with Findings of Fact. They should be submitted as an Exhibit.

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:

Any order of court should be uploaded with the Claimant's statement and arrears search.

- 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.

Fee agreement, Bill of Costs and Medicare documents should be uploaded as part of the C&R Agreement. All other documents should be uploaded with the Act 109 documents.

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

The Judge's staff will redact the social security information.

- 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 can upload the fully executed stipulation as an Exhibit. If the Stipulation is acceptable, a decision adopting the Stipulation will be circulated. A copy of the Stipulation will be attached to the decision.

- 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 should be uploaded separate from the Stipulation unless the parties make a request for a document to be attached to the Stipulation. If the attachment is voluminous, it must be a separate exhibit.

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

The Judge's staff will redact social security numbers.

- 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?

Generally, 30-45 days are allotted for submission of findings or briefs.

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

Findings are preferred over briefs.

Mandatory Mediations

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

Washington County

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:

Counsel must always appear in person. All other participants can appear via phone if they are not local. However, permission to participate by phone must be requested in writing and approved by the Judge.

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?

30-45 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?

Cancellation requests should be made 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?

Requests can be made at any time and will be granted if sufficient reasons are set forth.

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.

[Click here to enter text.](#)

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:

N/A

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?

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?

N/A

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

Further explanation:

N/A

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?

Cancellation requests should be made 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?

Requests can be made at any time and will be granted if sufficient reasons are set forth.

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?

All requests should be made as far in advance as possible but at least one day.

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

Further explanation:

Conference calls are only permitted on issues that cannot wait until the next hearing.

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?

Telephone

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

Follow State Office closings.