

## 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.

### Table of Contents

- A. [First Event/First Hearing](#)
- B. [Witnesses/Exhibits](#)
- C. [C&Rs/Stipulations](#)
- D. [Close of Record/Briefs](#)
- E. [Mandatory Mediations](#)
- F. [Voluntary Mediations](#)
- G. [Requests/Miscellaneous](#)

### **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. The first hearing is usually scheduled to be a half hour in length. Testimony is taken from the claimant and the parties offer into evidence their available exhibits.
  
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:**

[Click here to enter text.](#)

- 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:**

[Click here to enter text.](#)

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

**Further explanation:**

If requested, I will give the parties 14 days to submit anything else they wish for me to consider for Supersedeas purposes.

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

I will reconsider a Supersedeas Order if there is a request for reconsideration and new evidence that supports that 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?

Claimant's counsel must provide me with a copy of a signed Fee Agreement for me to include language in my Supersedeas Order directing the deduction and payment of an attorney fee.

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:**

Special Supersedeas hearings will be scheduled to take place within 21 days of the Notice of Assignment.

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 a serial hearing format. I give all parties the opportunity to present whatever evidence they have available. The moving party goes first.

I am not inclined to change my hearing format, but I will allocate extra time for hearings if I know that testimony from multiple witnesses is going to be presented.

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

**Further explanation:**

[Click here to enter text.](#)

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

I will put a statement on the record concerning the Notice of Hearing sent to the absent party. I will also schedule another hearing. If the party does not show up at the second hearing, I may issue some type of Order that is adverse to the absent party.

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

**Further explanation:**

I will try to allow extra time for the claimant's testimony in a psychological injury case.

**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 prefer to hear claimants testify at hearings. Hearing loss claimants can be deposed.

I also like to hear testimony from other lay witnesses at hearings, especially when there is a significant credibility issue. Counsel planning to present lay witnesses should let me know as soon as possible so that extra time can be allotted for the hearing. Counsel presenting lay testimony should give opposing counsel notice concerning all witnesses to be presented, at least 48 hours prior to the hearing.

Testimony from medical witnesses, vocational witnesses, and prospective employers should be taken by deposition.

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 will allow a party or witness to testify by telephone if they are out of state or unable to be at the hearing for some other good reason.

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

Usually the party who files the first petition should move first, unless the parties agree to some other order for deposing experts.

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 prefer that the exhibits be uploaded prior to the hearing. If that is not possible for some reason, exhibits can be uploaded following the hearing.

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

**Further explanation:**

I do not "require" hard copies, but I personally find them to be very helpful.

14. When will you rule on objections to exhibits?

Usually I will rule on objections to exhibits during 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.?

The parties should raise discovery disputes at a hearing or by writing to me to explain the problem. Sometimes I will conduct telephone conferences to address a dispute. I will usually issue some type of written ruling concerning a significant dispute. I rarely attend depositions for purposes of handling a discovery dispute.

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

Parties can file preservations of objections with their written closing arguments. Opposing counsel can respond in writing.

**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:**

My secretary will upload the executed Compromise and Release Agreement after the hearing.

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

**Further explanation:**

I will usually attach the child support documents to the Compromise and Release Agreement and identify the entire exhibit as a Joint Exhibit.

- 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.

The Fee Agreement should be attached to the Compromise and Release Agreement. Also, the parties can attach whatever other documents they feel are relevant to the settlement.

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

My secretary will redact the Social Security number from the C&R Agreement and Act 109 documents before she uploads them to 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:**

All C&R Agreements must have two signature witnesses or be notarized.

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?

Parties can submit written Stipulations to me at a hearing or by means of WCAIS. The claimant should review and sign any Stipulation submitted to me for my consideration.

- 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.

Documents directly relevant to the substance of the Stipulation (ie. the medical bills the employer has agreed to pay) can be uploaded as part of the Stipulation. A Bill of Costs should be uploaded as a separate exhibit.

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

[Click here to enter text.](#)

- 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?

I will usually set a schedule for the submission of written closing arguments at the last hearing. I give all parties the same deadline.

If parties need an extension of time, they must request the extension before the due date. Otherwise, the case will be placed in line for decision on the due date – even if written closing arguments have not yet been submitted.

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

Attorneys can pick the written format of their choice. In their written closing arguments, the attorneys should point out and stress the aspects of the evidentiary record and the applicable case law that support their client's position.

**Mandatory Mediations**

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

I usually conduct mediations at the Uniontown office.

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:**

The claimant and counsel for all parties should personally attend the mediation. Adjustors and employer representatives are also welcome to attend, but their attendance is not required. "Authority people" should be available to communicate with defense counsel throughout the mediation.

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?

The mediation usually takes place about three weeks after the request is made. If the parties need an expedited mediation, they just need to notify my office and a mediation will be scheduled ASAP.

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?

It is probably best to 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.](#)

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

Yes  No

**Further explanation:**

Defense counsel should obtain settlement authority prior to the mediation. All parties should be prepared to negotiate and compromise.

**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.

My mediations are usually conducted at the Uniontown office.

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:**

There are no special procedures, but mediations involving unrepresented parties usually take longer than other mediations.

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 my response to question 24.

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?

See my response to question 26.

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?

I should be contacted if it is a Voluntary Mediation with me. Otherwise, the mediating judge should be contacted.

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?

A cancellation or postponement request should be made at least two days before the scheduled mediation.

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

Yes  No

**Further explanation:**

Defense counsel should obtain settlement authority prior to the mediation and all parties should attend the mediation with a positive attitude.

**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?

Requests can be made through WCAIS or by calling my secretary. It is always helpful to obtain the consent of the opposing party before the request is made. Requests should be made as soon as possible. Cancellations and continuances open up timeslots for other cases to be scheduled. So, it truly benefits everyone if attorneys do not wait until the last minute to make a request that affects a hearing day schedule.

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

**Further explanation:**

Most of the conference calls I conduct pertain to cases I am mediating. Sometimes parties need a little more time to get more information or think about their options before they agree to the terms of a proposed settlement. Accordingly, in cases that are close to settling, I will schedule a phone conference to take place with the attorneys about a week or 10 days after the mediation "so that we can discuss the status of the settlement negotiations" in the case at issue.

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

Yes  No

**Further explanation:**

I will accept faxes from attorneys. I do not want e-mail (outside of WCAIS) to be sent to me by any parties or attorneys.

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 the allotted time.

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

Try using WCAIS, fax me a letter and/or call my office.

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

If a full day of hearings is being cancelled due to weather or some other emergency situation, there will be a posting on WCAIS and, if possible, all attorneys affected will be called.

If an individual attorney is encountering bad weather or has some type of road emergency, they should call my office and I will allow that person to participate by phone or I will reschedule the hearing or mediation involved.