

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?

A hearing will be held at which the Mandatory Trial Schedule is set and Mandatory Mediation is discussed. I prefer to have Claimant's testimony at the first hearing on Claim and Reinstatement Petitions. Supersedeas exhibits, if applicable, are expected at the first hearing on Termination, Suspension, Modification Petitions. See below for additional information on supersedeas 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:

Testimony may be heard upon timely request and good cause shown.

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

Further explanation:

I generally grant the parties 14 days for submission of supersedeas evidence.

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

Upon request with additional evidence.

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 denial of supersedeas based on Claimant's submissions including an Executed Fee Agreement and an Affidavit of the Claimant addressing the 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 hold serial hearings as follows: the first hearing with testimony on Claimant-driven petitions and discussion of Mandatory Mediation and the Mandatory Trial Schedule; one or more interim hearings for submission of evidence and presentation of fact witnesses; and a final hearing at which all evidence is submitted, the record is certified and closed, and a briefing schedule is set. If Claimant has not testified before me previously, Claimant will testify at the final hearing by way of update. I will entertain timely requests for revision of my hearing format upon good cause shown.

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

Further explanation:

Only upon good cause shown and advance timely request.

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

A record is made. I will ask the attorney who appears to contact the other attorney or party regarding the events of the hearing. The case is re-listed for another hearing within 30 days. If the party fails to appear at the next hearing and/or provide adequate excuse for failure to appear, I will entertain an appropriate motion from the opposing party.

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

Further explanation:

Nevertheless, a non-public hearing for Claimant's testimony can be arranged upon timely request.

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 advance notice of 10 business days if counsel intends to bring a witness to a hearing for testimony. Additionally, although I prefer testimony at hearing, testimony may be presented 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 phone upon timely request and good cause shown. I expect that expert witnesses will testify by deposition. Claimant should testify at a hearing and/or by deposition and fact witnesses can testify at a hearing or by deposition.

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

Generally, the party with the first petition filed will be expected to present its case first except on Utilization Review Petitions. There may be other circumstances that warrant variation with respect to the order of medical evidence.

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:

[Click here to enter text.](#)

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

Further explanation:

Parties should bring hard copies of the exhibits to the hearing so that I can rule on objections and in order for the parties and the Judge to confirm after the hearing that the admitted exhibit is the exhibit that has been uploaded.

14. When will you rule on objections to exhibits?

I will rule on objections to exhibits as they are submitted for admission except where objections to exhibits are made at the time of deposition. For objections raised during deposition, I will rule on the objection in my final decision if the objection is preserved in accordance with the WCJ Rules and a preservation of objections is submitted at the final 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 conduct a telephone conference or rule on the dispute by email and/or WCAIS Judge Communication.

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

Written preservation of objections are to be submitted at the final hearing (or within 14 days thereafter if I approve such a request at the final hearing).

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:

I mark the Compromise and Release Agreement and all attachments as a single exhibit. I generally note on the record all of the attachments that are part of the Compromise and Release Agreement. These generally include the Fee Agreement and Child Support documentation. I also note on the record which attorney agreed to upload the exhibit, and I request that the social security number and date of birth be redacted from the entirety of the uploaded exhibit.

- 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.

I will advise the parties at the Compromise and Release approval hearing what exhibits are attached. See 17c above.

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

Prior to uploading.

- 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?

Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and Fee Agreement (where applicable) should be attached to the uploaded exhibit. If the child support documentation is applicable, the social security number and date of birth must be redacted from the uploaded exhibit and an unredacted copy must be sent to my office via mail or fax.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation** **Separate Exhibit**

Further explanation:

See above.

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

Further explanation:

See above.

- 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.

None, unless the Stipulation specifically references same in which case they should be uploaded as part of the Stipulation.

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

See above.

- 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?

A briefing schedule is set at the final hearing. Post-hearing submissions are discussed at the final hearing and time requirements are set. Post-hearing submissions (other than briefs) that are not raised at the final hearing will not be considered. Any request for extension of the briefing schedule must be made prior to the expiration of the briefing schedule. Depending on the age of the case, I generally grant requests for an extension of time to submit a brief as long as it is timely made and opposing counsel has no objection. The position of opposing counsel must be noted in the the extension request.

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

For format and content of briefs, see WCJ Rules 131.101 (h). The statement of facts/summary of the evidence must reference page numbers where applicable, and should contain not contain any argument. For preservation of objections made during deposition, please see WCJ Rules 131.66(b). All briefs and post-hearing submissions must be uploaded into WCAIS. Submission of a hard copy of these documents by mail is appreciated but not required.

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:

Counsel and unrepresented parties are expected to attend in person. The claims adjuster and/or employer representative may attend by telephone. Upon good cause shown, I will allow the Claimant to attend by telephone.

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

If so:

a. What information do you require in that Statement?

I prefer a one-page snapshot of the case which should include as much of the following information as possible: the name of the case; the presiding Judge; pending petitions; date of injury; accepted or alleged injury; the average weekly wage and compensation rate; status of settlement negotiations including the amount of the demand and offer to date; Claimant's age; Claimant's length of employment; status of the litigation including medical experts; Claimant's pre-injury job title; mechanism of injury; amount of outstanding medical bills; amount of unemployment compensation received; whether or not medicare is at issue; status of third party litigation or lien, whether or not there are utilization review petitions outstanding, whether or not resignation is an issue, and the amount of litigation costs to date. A form mediation statement will be enclosed with the Notice of Mediation.

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

None.

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

Three business days.

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

Depends on the amount of time requested and available slots.

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?

To cancel a mandatory mediation, contact the presiding Judge; to postpone a mandatory mediation, 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?

As soon as possible.

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

Yes **No**

Further explanation:

Counsel should discuss settlement prior to the mediation. If the employer's counsel does not have settlement authority within one day of the mediation, this information should be provided to Claimant's counsel.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? **Yes** **No**

Further explanation:

Upload a request into WCAIS and/or send a fax or letter requesting same. I generally schedule voluntary mediations on Tuesdays or Thursdays between 9:00 and 2:30 but will consider other dates and times.

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:

The parties must agree and sign a form confirming same.

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:

Counsel and unrepresented parties must be present. I prefer Claimant be present. The adjuster or employer representative with settlement authority must be available by telephone.

36. Do you require a Mediation Statement? Yes No

Further explanation:

See 25 a. above.

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?

Three business days.

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

Depending on availability, I can schedule a voluntary mediation within two weeks of the request.

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?

For a voluntary mediation, the party should address the request to cancel or postpone through 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?

As soon as possible.

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

Yes **No**

Further explanation:

If employer's counsel does not have settlement authority for a voluntary mediation as of the day before the mediation, counsel should advise my office and Claimant's counsel.

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?

A request to continue a hearing should be uploaded into WCAIS within two days of the hearing. The request to continue a hearing must provide the status of the litigation to date, the reason the continuance is requested, the amount of time being requested, and the position of opposing

counsel with respect to the request.

An extension to the Mandatory Trial Schedule should be requested by letter and uploaded into WCAIS as soon as the need for the extension becomes apparent. The request should include why the extension is necessary, the status of the evidence to date including specific deposition dates, the amount of time being requested including the date of any deposition scheduled beyond the current trial schedule, and the position of opposing counsel with respect to the request.

A request to change a hearing time should be submitted by letter and uploaded into WCAIS within 7 days of the hearing and provide a reason for the change in time and the position of opposing counsel.

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

Further explanation:

Upon timely request and good cause shown. Generally, conference calls are conducted to resolve discovery disputes.

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

Yes **No**

Further explanation:

Faxes are accepted; the faxed letter should be uploaded into WCAIS under documents and correspondence. E-mails should only be used in response to my e-mail, or when I expressly authorize or request the e-mail. All communication must be copied to opposing counsel.

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 do NOT adhere to the duration listed for a hearing.

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

Call my office or upload a letter or request into WCAIS. In a true emergency (i.e. unable to attend hearing and/or will be late for hearing and unable to reach my office by telephone), e-mail may be appropriate.

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

I follow the Philadelphia School District closing schedule with respect to snow cancellation.