

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? I schedule a first hearing which is usually a half-hour long in anticipation of the claimant testifying. We normally will not have time for other testimony so I do not want the parties to bring additional witnesses. If I am notified promptly after the assignment of the petition of the need for additional time for completing the claimant's testimony, I will consider scheduling a hearing longer than a half-hour.

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:

I do not require a written first hearing filing, but I will accept them. I will expect the moving party to tell me orally how he/she is going to proceed with his/her case.

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

Exhibits **Documents**

Further explanation:

n/a

b. Should first hearing filings be uploaded before or after the first hearing?

Before **After**

Further explanation:

See above.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

I will normally expect the claimant to testify, just as at any other first hearing.

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

Further explanation:

I wouldn't say that additional time is "generally" granted, but if the claimant requests up to 14 days to obtain medical evidence, I will defer ruling on the supersedeas request for up to 14 days consistent with our regulations.

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

I will always reconsider a supersedeas order if requested, but only after a hearing as required by our regulations. If the question is asking under what circumstances I would overturn a prior supersedeas ruling, that depends on the facts of each case, but obviously this may occur if some new evidence is offered, possibly new medical evidence or new surveillance evidence.

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

Further explanation:

n/a

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

If the fee agreement has been offered and it provides that counsel is entitled to a fee upon denial of a supersedeas request, then I will order the deduction of a fee in the supersedeas order.

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

Further explanation:

n/a

- g. Do you have different procedures for special supersedeas hearings? If so, please describe them? **Yes** **No**

Further explanation:

n/a

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 serial hearings. I am not willing to change my hearing format.

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

Further explanation:

I will usually grant a request to participate by phone if counsel has a good reason for the request. However, I do not like having counsel by phone if there is going to be testimony at the hearing and I would normally rather reschedule the hearing if that is the case.

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

It depends on the facts of the case.

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

Further explanation:

The only special procedure I have is that I may schedule additional time for the first hearing if I know it is a psychological injury case because my experience is that the claimant's testimony usually takes longer for these cases.

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 would normally need at least 30 days notice so that we can schedule sufficient time for 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?

To clarify my response to question 8(a), I would normally expect the claimant to testify live at a hearing, but if there other witnesses, I usually tell the parties that I would prefer that the other witnesses be taken by deposition. However, I also tell the parties that if either party wants me to see the testimony live, I will schedule time for it at a hearing or I will agree to attend the deposition depending on where it is held.

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

It depends on the facts of the case.

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 don't like to identify the exhibits at a hearing unless they are already uploaded or the attorney hands me a hard copy which my staff can scan into the system. My preference is that the attorneys upload the exhibits before the hearing.

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

Further explanation:

My preference is that counsel bring hard copies in addition to uploading the exhibits. Because of problems we have had with viewing documents in the computer, I am concerned that when I go to write a decision, I may not be able to view the exhibits unless I have a hard copy. Also, I am not able to access WCAIS at home so I would not be able to take a decision home to work on it unless I have hard copies of the exhibits.

14. When will you rule on objections to exhibits?

Generally, I will rule on objections to exhibits at the time the objection is made 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.?

It depends on the facts of the case.

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

I don't really have a firm policy, but I would expect to get them no later than when the final brief is filed.

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:

n/a

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:

n/a

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:

Neither. Give me a signed copy of the agreement at the hearing. I will mark it as a joint exhibit and have my staff scan it.

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

Further explanation:

The child support documents should be handed to me at the hearing and I will mark them as a separate joint exhibit. My staff will scan it into WCAIS.

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 have no other specific requirements except that the fee agreement should be attached to the C&R agreement.

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

My staff will redact it before scanning.

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

Further explanation:

Bench orders are not used in my part of the state, but I generally have been willing to sign them when an attorney from another part of the state has asked that I do so.

- h. Do you have any other procedures for Compromise and Release Agreements not described above? If so, what are they? **Yes** **No**

Further explanation:

n/a

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?

I do not have any specific procedures other than that the regulations be complied with.

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

Further explanation:

n/a

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

Further explanation:

n/a

- 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.

I have no other specific requirements.

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

Well, the problem is that I will need to actually see the SSN at some point for the Act 109 documents. It may be better to offer that to me as a hard copy and let my staff redact and scan after I have seen it.

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

Further explanation:

n/a

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:

As long as I have some indication that both parties have rested, I will allow the record to close by electronic submission or by mail.

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?

My normal schedule is to ask for proposed findings in 30 days from the moving party and 15 days thereafter from the opposing party. I don't have a set procedure if findings are late, but I would normally have my secretary contact the attorney to remind them that findings are due. In certain circumstances I will just close the record without contacting the attorney, but I would normally then send a letter stating that I have placed the case in line for decision.

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

I generally ask for proposed findings, but sometimes I will ask for a letter brief instead. I like the findings or brief to be as concise as possible.

Mandatory Mediations

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

Washington is my primary office. I have also been conducting a limited number in Uniontown.

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:

n/a

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:

I would normally expect the claimant to be present and the adjuster or someone with approving authority to be available by telephone.

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

If so:

- a. What information do you require in that Statement?

n/a

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

n/a

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

n/a

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

We will put it on in the next available slot, normally anywhere from two weeks to two months, unless the parties make some specific request in terms of scheduling.

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

Further explanation:

n/a

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?

If it is within a week before the mediation, I will generally defer to the mediating judge because I do not want to cancel a mediation if he has already reviewed the file. The problem we have with WCAIS is that the request for postponement goes to the assigned judge and not the mediating judge, so I would suggest that if the mediation is less than a week away, the request should be sent to the mediating judge outside of WCAIS.

- 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?

I don't have any specific time limit except as set forth above.

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

Yes No

Further explanation:

I prefer that the parties exchange a demand and offer prior to the mediation.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? Yes No

Further explanation:

n/a

31. Please list the offices at which you will mediate a Dispute.

Washington.

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 have no special procedures.

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:

n/a

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:

Please see my answer to question 24.

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

Further explanation:

n/a

If so:

a. What information do you require in that Statement?

n/a

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

n/a

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

n/a

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

Please see my answer to question 26.

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?

Please see my answer to question 28.

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?

Please see my answer to question 28.

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

Yes No

Further explanation:

I prefer that the parties exchange a demand and offer prior to the mediation.

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?

I do not have a set time limit. If all parties agree to the request, there is usually not a problem with a last minute request.

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

Further explanation:

It depends on the facts of the case.

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

Yes No

Further explanation:

I will accept faxed letters just as I would accept any other letter. I normally would not want to communicate personally by email with the parties, but my secretary often uses email to communicate with attorneys. I actually prefer that my secretary use email because then the other side can be copied and there is no question of it being an ex parte communication.

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 go over the allotted time within reason, but I do not like to keep the parties for my other hearings waiting so at some point I will stop the hearing and state that we will have to come back on another day to finish.

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

If you send me a communication through WCAIS, I might not see it immediately because I am in hearings or I am not in that day. I therefore think an urgent request should probably be communicated by telephone: 724-223-4595.

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

I do not have a specific policy, but I am lenient in allowing cancellations during bad weather because I do not want anyone to attempt to travel in dangerous conditions just to get to a hearing