

HEARING OFFICER NAME: Derrick W. Coker ASSIGNED OFFICE: Harrisburg

ASSISTANT'S NAME: Zach Matter

ASSISTANT'S EMAIL: zmatter@pa.gov

ASSISTANT'S COMMONWEALTH DIRECT DIAL PHONE NUMBER: 717-425-7758

Fee Review Hearing Officer Procedural Questionnaire

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Hearing Officer. All documents, including evidence and briefs, that would have been submitted to a Hearing Officer by mail or in person prior to WCAIS should 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, Subpoenas, and Extensions of time to file briefs, 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 Hearing Officer? The First Hearing is treated as a pretrial conference, to clarify the issues, clarify the evidence to be presented, set Scheduling Order as needed, and ascertain resolution prospects.

2. Are any filings or documents required at the first Event with the Hearing Officer? No If so, what are they?

a. Should such filings or documents be uploaded as Exhibits or as Documents?

Parties occasionally upload their intended Exhibits in advance of the First Hearing, but they are not required to do so then. Anything the parties intend to rely upon towards disposition of the Dispute should be uploaded as an Exhibit, especially operative Bureau documents.

3. Are you willing to allow counsel to participate in hearings by telephone?

Yes.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

I haven't had occasion for an in-person Hearing during the pandemic. Factors for convening an in-person Hearing would be parties' proximity to our offices, need to assess credibility of witnesses in a complex Dispute (ala Trauma or multiple surgical procedure Disputes), perhaps novel legal issue, etc.

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

I usually reach out to ascertain if it's an isolated instance. If recurrent failures to appear in successive Hearings, I'd send a Judge's Communication alerting the party to risk of Dismissal if the failing to appear recurs.

Witnesses/Exhibits:

5. What are your rules regarding the taking of testimony?

a. Do you prefer the testimony be taken at a hearing or by deposition? Via Video Hearing to assess credibility of the party or witness.

b. If counsel wishes to call a witness at a hearing, do you require prior notice? Yes If so, how much notice do you require? 2 days.

7. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Hearing Officer Exhibits? The parties should upload documents they deem dispositive as to their position / burden. I have, however, uploaded documents I deem essential (a NCP, the actual Req. for Hrg., etc).

8. Do you require that counsel upload exhibits to WCAIS before or after the hearing? Before If before, what is the latest day before the hearing that they may be uploaded? 2 days.

9. Do you require counsel to bring hard copies of the exhibits to in-person hearings? No.

10. When will you rule on objections to exhibits? When the exhibit is being moved for admission, and I give the movant the opportunity to respond to the objection.

11. What is your procedure for handling discovery disputes. For example, do you employ telephone conferences or prefer to attend certain depositions virtually? I follow Judge Manager Cicola's suggestion to issue an Interlocutory Order staying the issue, then schedule Oral Argument on the issue. Then the parties are given 2 weeks to submit Letter Briefs before disposition of the issue.

12. Will the Hearing Officer allow the parties to present written argument with respect to timely made objections? Yes.

Stipulations:

13. 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 try to check WCAIS regularly for any Stipulations, then try to dispose of them same day I see them or the next day.

b. 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.

Parties usually upload the bills as part of the Fee Review Documents they upload as an Exhibit.

- c. **When should the social security number and other confidential information be redacted from the Stipulation?** Always.
- d. **Do you have any other procedures for Stipulations not described above? No If so, what are they?**

Close of Record/Briefs:

14. Are you willing to close a case by electronic submission via WCAIS or is a final hearing required?

Either way.

15. 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?

45 days if Joint. 30/15 or 30/30 if staggered.

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

Letter Briefs.

Voluntary Mediation:

17. Are voluntary mediations available upon request? Yes, via WCAIS Request to a WCJ.

If so, who conducts the mediations?

Requests/Miscellaneous:

18. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS? 2 days.

19. Do you conduct off the record conference calls? No.

20. Do you accept faxes from the parties? If so, under what circumstances? No.

21. Do you accept e-mails from the parties? If so, under what circumstances? Yes, from counsel.

23. Do you adhere strictly to duration listed for a hearing or are you willing to go over the allotted time?

I try to stick with the allotted time, but have generally been flexible as circumstances require. On relists, I allot longer Hearing slots as needed (i.e., Video Hearing, Oral Argument).

24. What is the best way to contact you in an urgent/emergency situation? Zach Matter has my cell number.

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

Respectfully,

/s/

Derrick W. Coker (8/5/2021)

Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.