

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. All petitions filed by claimants will be slotted for 45 minutes, and claimant's testimony will be taken. For all employer petitions, the case will be allotted 15 minutes, and it will be handled as a pre-trial conference. New Compromise and Release Petitions will be allotted 15 minutes for claimant's testimony.
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 submissions are required in accordance with Rules 131.52(d) and 131.53(a) of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, 34 Pa. Code Ch. 131.

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

Exhibits **Documents**

Further explanation:

First hearing filings should be uploaded as Documents. Any evidence the parties wish to be submitted into evidence should be uploaded as 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:

I will allow brief testimony at supersedeas hearings, but an affidavit from the claimant is preferred and will be considered for purposes of supersedeas only. I will not generally allow additional time to submit supersedeas exhibits and would only reconsider a supersedeas ruling in extreme circumstances. In order for claimant's counsel to obtain an interim fee approval, the fee agreement must be offered in the presence of the claimant, or if by mail, with a certificate of service on claimant of the letter offering same and confirmation of the fee via affidavit.

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

Further explanation:

Special exceptions or requests for additional time to submit medical evidence will be considered on a case by case basis.

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

Special requests for reconsideration will be addressed on a case by cases basis.

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?

At the first hearing where supersedeas is requested, counsel may present their fee agreement through testimony from their client.

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.

In general, a serial hearing format is used. Most cases require only one evidentiary hearing. The structure of the hearings can be modified to meet the needs of the parties in reaching a prompt resolution.

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?

If a party fails to appear at the first hearing, they will have ten (10) days from the date of the hearing to provide this office with a written reasonable explanation for the failure to appear, which will be made part of the record, and they will be allowed to present evidence with respect to their failure to appear. If the moving party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within the ten (10) days, the petition will be dismissed. If the responding party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within ten (10) days, it will be deemed that the responding party does not oppose the relief sought in the petition and the petition will be decided based upon the evidence presented by the moving party.

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:

Witnesses must be identified in a 45 Day Filing or a request to present witness testimony in writing at least 45 days prior to the hearing.

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?

Expert medical testimony will be permitted via deposition. Vocational expert testimony will be permitted via deposition. Testimony at which the deponents' credibility are not at issue, i.e. to authenticate a letter or mailing, may occur via deposition. Any other witness whose credibility will be at issue must take place at the hearing.

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

The moving party is expected to proceed with the presentation of their evidence first, and must complete the submission of all their evidence within 90 days of the first hearing, and the responding party is then allowed 90 days from the completion of the moving party's evidence to present their own evidence. If cross petitions are filed, the party filing the first petition will generally be considered the moving party for purposes of the foregoing, however, in the event of a Petition to Review the Description of Injury filed after Defendant's Petition, we will discuss the order of litigation at the first hearing and make the determination on a case by case basis.

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:

It is preferred that counsel upload the exhibits at least 48 hours before the hearing.

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

Further explanation:

Hard copies are not required for exhibits previously uploaded with the exception of a Compromise and Release Agreement and Act 109 Documentation.

14. When will you rule on objections to exhibits?

The exhibits will be discussed at hearing and rulings made at that time. Any exhibit uploaded after the hearing, not previously discussed at hearing, will be handled on a case by case basis upon receipt of the written objection to said exhibit.

15. What is your procedure for handling discovery disputes, e.g., do you employ telephone conferences, do you prefer to attend certain depositions, etc.?

If there is a discovery dispute, each party shall submit their respective position in writing. If I am unable to rule upon same based upon the information provided, I will conduct a telephone conference with the parties. There are few circumstances requiring me to attend a deposition and would generally not consent to same. However, I would be available for conference call should a discovery dispute arise during the course of a deposition.

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

Parties may file their preservation of objections up to the close of the record.

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:

The Compromise and Release must be fully executed and witnessed prior to being uploaded into WCAIS and no changes will be permitted thereafter. Should the parties

be unable to obtain the requisite signatures or need to make changes up to the time of hearing, they can upload the Agreement after the hearing.

- 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.

The Fee Agreement, Waiver of Appeal, MSA information and other medical bills or invoices to be paid as part of the agreement should be attached and uploaded with the Compromise and Release Agreement. The Act 109 Documentation is the only separate exhibit.

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

If the Agreements are being uploaded prior to the hearing, they should be redacted at that time. The hard copy brought to the hearing shall remain unredacted until such time as the Claimant verifies same. If the Agreements are not being uploaded prior to hearing, the social security numbers shall be redacted after Claimant verifies same at hearing.

- 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 will be reviewed upon submission at hearings or via WCAIS and if said stipulation does, in fact, resolve all pending issues, I will approve same. If issues remain outstanding, a phone conference may be scheduled to address said issues.

- 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.

If medical bills or other documents are germane to the terms of the stipulation, 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?

The social security numbers should be redacted prior to them being uploaded.

- 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?

The parties are notified either from the bench or in writing of the scheduling of briefs and Proposed Findings. Should counsel fail to file briefs and Proposed Findings and also fail to successfully request an extension of time, the matter may be decided at any time after the filing date for briefs and Proposed Findings.

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

The parties will be afforded an opportunity to submit briefs and/or proposed findings of fact and conclusions of law. Briefs should contain a statement of the case, a summary of the evidence presented, a statement of the issues, a discussion of the law, and a conclusion. Proposed findings of fact and conclusions of law should be just that and not merely contain a summary of the evidence. If a party chooses to submit only proposed findings of fact and conclusions of law, without a supporting brief, it should contain a discussion section, in addition to the proposed findings of fact and the proposed conclusions of law.

Mandatory Mediations

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

Wilkes-Barre

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:

Claimant and all counsel must attend personally. Employer and adjustor may participate by phone provided they are available for the duration of the mediation and have appropriate authority. Failure of the insurance company representative to be available on one case may result in the need for their physical presence in any future mediations for that carrier.

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

If so:

a. What information do you require in that Statement?

I would expect the parties to advise of the status of the current litigation, a synopsis of past/relevant litigation, the wage information, status of any third party litigation, any potential social security or Medicare issues, any potential lien issues, the status of any unpaid medical bills, and finally the strengths and weaknesses of their respective cases.

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

Other documents need not accompany the statement, however, the parties should be prepared to provide/review any germane documents at the mediation.

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

48 hours.

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

There is no set time and we will endeavor to accommodate the parties requests.

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?

Both.

- 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?

72 hours.

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

Yes **No**

Further explanation:

Please have access to an individual(s) with authority to resolve the litigation. If that requires supervisor approval, please have access to the supervisor at the scheduled time and continuing during the mediation. It is understood that threshold levels of authority are common, so please be guided accordingly.

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.

Wilkes-Barre. If the parties request mediation at a different WC office, they may make the request and reasonable accommodation will be attempted.

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:

Same as mandatory mediations.

36. Do you require a Mediation Statement? Yes No

Further explanation:

Same as mandatory mediations.

If so:

a. What information do you require in that Statement?

Same as mandatory mediations.

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

Same as mandatory mediations.

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

48 hours.

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

Same as mandatory mediations.

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?

Same as mandatory mediations

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?

Same as mandatory mediations

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

Yes **No**

Further explanation:

Same as mandatory 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?

Requests for continuances and extensions must be made, and will be decided, in accordance with Rule 131.13 and Rule 131.12, respectively. I am willing to accommodate requests for changes in hearing times if the schedule permits.

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

Further explanation:

Conference calls will be considered on a case by case basis.

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

Yes **No**

Further explanation:

Faxes are permitted if unable to access WCAIS.

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?

Phone call to my secretary.

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

No specific school districts are followed, so I can't offer any specific policy. In case of inclement weather, contact our office.