

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?

The first event is either a pre-trial telephone conference or a first hearing with testimony, depending on the nature of the petition and the availability of hearing time. We will place a scheduling order on record for the presentation of testimony and exhibits. We will set the date and time for mediation. The claimant should be prepared to testify at a first hearing.

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:

Counsel may upload first hearing filings, but I do not require them.

- 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:

If submitted, the moving party's should be uploaded before the first hearing. The responding party may upload within the time prescribed by the Special Rules.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

The claimant should testify at the supersedeas hearing if possible. If this is not possible, counsel may upload a claimant's affidavit prior to the ruling.

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

Further explanation:

If counsel requests additional time, I will allow it if the extension is reasonable and opposing counsel does not make a persuasive objection.

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

If there is a change in circumstances after the initial ruling, e.g., there is new evidence or claimant's medical condition or work status change. The procedure is governed by the Special Rules.

- 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?

Submission of a written fee agreement or testimony from claimant agreeing to the fees.

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

Further explanation:

Supersedeas exhibits need not be uploaded as such to WCAIS. They may be uploaded as any other exhibit, and I will consider them only for supersedeas purposes. They will be admitted in the case in chief if counsel later provides an appropriate foundation, e.g., a medical or vocational report will be admitted when counsel uploads the expert's deposition testimony.

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

Further explanation:

Special supersedeas hearings are scheduled per the 21-day requirements of the Act. I apply the statutory standard to the rulings.

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.

Most matters are in a serial format. Generally, I take the claimant's testimony at the first hearing and the employer's testimony and claimant's rebuttal at the second hearing. I will schedule additional hearings only if necessary.

I will consider a one-day format if appropriate to a particular case and the parties agree.

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

Further explanation:

Usually I limit phone participation to certain circumstances, e.g., bad weather or scheduling concerns that would otherwise require postponing or delaying a hearing. I rarely allow counsel to participate by phone if either party is presenting testimony.

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

I verify that that WCOA sent notice of the petition assignment and hearing to the correct address, and that the Postal Service has not returned the notices. If the party is represented, I will try to reach counsel during the hearing and determine why they did not appear.

If we cannot contact counsel, or if the party is unrepresented, I will write a letter to counsel or the unrepresented party affording them thirty days to advise if they intend to pursue or defend the petition. I will either schedule a another hearing or issue an order, depending on the party's response (or lack of response) to the letter. If a moving party does not respond, I will dismiss the petition, usually without prejudice. If a responding party does not respond, I will circulate a decision based on the evidence then of record.

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:

Except for telephone pre-trials, I allow sufficient time for claimant's testimony at the first hearing. As part of the scheduling order, I instruct all counsel to advise within thirty days of the first hearing whether they plan to offer additional lay testimony and the time needed to present it. We then schedule the second hearing to accommodate the expected 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?

Lay witnesses should testify at a hearing if at all possible. I will consider exceptions for good cause (e.g., health, distance and weather considerations). Medical, chiropractic, vocational and surveillance witnesses are welcome to testify at a hearing, but routinely testify 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?

The party filing the first petition would normally take its medical testimony first. The order of proof can vary if good cause exists.

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:

Parties should upload their exhibits at least two business days before the hearing.

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

Further explanation:

I do not need hard copies of exhibits. But counsel should verify in advance that opposing counsel has access to the dispute in WCAIS, so as to review the exhibits and be prepared to object if necessary. If this cannot be verified, or if witnesses will need to refer to the exhibits during testimony, counsel should bring hard copies to the hearing for counsel and/or the witnesses.

14. When will you rule on objections to exhibits?

Typically, I rule at the next hearing after counsel uploads the exhibits. If the exhibits are uploaded after the final hearing, I will rule via correspondence or in the final decision.

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 encourage telephone conferences to address issues that arise between hearings or after the final hearing. The call may or may not be on the record, depending on the nature of the dispute.

I will attend a deposition if I am able and there is a good reason to do so.

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

These should be filed no later than the due date for briefs.

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:

The parties need to file a C&R petition only if they want a decision on the merits of all pending petitions after C&R approval.

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:

Counsel should provide the final draft at least two business days before the hearing.

- 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. Counsel should bring the original documents to the hearing.

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

Further explanation:

Counsel should bring the original documents to the hearing.

- 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.

Counsel should bring any other documents they need to address with the C&R. We will determine at the hearing which documents need to be attached to the C&R Agreement, which need to be uploaded separately as exhibits, and which do not need to be a part of the record. WCOA staff will upload the exhibits after the hearing unless there is good cause to have counsel do so.

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

This information should be redacted any time these documents are uploaded. Our office will redact the original documents submitted at the 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 must comply with the Special Rules.

- 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:

Counsel should send the child support documents to the office.

- 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.

The parties are free to offer any exhibit(s) they choose. I reserve the right to exclude immaterial items from the record.

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

Confidential information should be redacted before any document is uploaded. WCOA staff will redact child support documents sent to our office.

- 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:

My typical scheduling order provides for lay testimony at hearings early on, followed by mediation and then medical depositions. We diary to send a briefing letter that requires upload to WCAIS of all exhibits and briefs by a date certain.

Generally, I do not schedule a "final hearing" solely to close the record. But I will schedule one upon request of either party. Counsel should advise as to the purpose of the hearing, the amount of time needed, and the identity of any witness who might testify.

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 set briefing schedules via correspondence or at the hearing at which the final lay testimony is completed. Typically, each party's brief is due 30 to 45 days from the date of the briefing letter or hearing. I will provide for a longer lead time if justified (e.g., if there is extensive testimony at the final hearing).

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

Counsel should submit letter briefs containing a concise summary of the key testimony and evidence. Where the issue is credibility, the brief must provide reasons why each witness should or should not be found credible. Where the issue is legal, counsel must include argument and citations to authority where appropriate.

Mandatory Mediations

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

Altoona, Brookville and Johnstown.

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 must attend unless there are compelling reasons not to appear (e.g., health, weather, distance). Counsel must attend unless there are compelling reasons to do otherwise (e.g., health, weather). Claim administrators with realistic authority must be available by phone, but are always welcome and encouraged to appear in person.

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

If so:

a. What information do you require in that Statement?

Template attached.

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

None except as referenced in the template.

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

At least two business days.

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

It depends on the location. Generally, dates are available within 45 – 60 days.

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

Further explanation:

I will have multiple sessions, so long as they appear likely to be of value. We can have additional formal mediations or informal telephone conferences, as the parties prefer.

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?

Counsel should contact me. If I am unavailable, they should 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?

Absent an emergency, counsel should make the request at least three business days before the mediation.

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

Yes **No**

Further explanation:

Counsel should talk to one another before the mediation to identify the scope of negotiations and to exchange offers/demands.

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.

Altoona, Brookville, Johnstown and Pittsburgh. I will consider other locations based on my schedule.

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:

See answer to question #24.

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

Further explanation:

See answer to question #25 for details.

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 answer to question #26

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

Further explanation:

See answer to question #27.

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?

See 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?

See answer to question #28.

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

Yes **No**

Further explanation:

[Click here to enter text.](#)

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?

Event postponement requests should be made within the time prescribed by the Special Rules.

Requests for extension or otherwise to amend a scheduling order should be made at least three business days prior to the deadline.

Counsel are encouraged to use the WCAIS Request feature as much as possible.

Any request must reference the position of all opposing counsel and unrepresented parties. Requests indicating that their positions are "Unknown" are likely to be denied except in emergency situations.

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

Further explanation:

We will schedule a conference call when necessary to resolve a disagreement between counsel, make a ruling that counsel need before the next hearing or final decision, or adjust a scheduling order. We will also schedule a conference call in follow-up to a mediation or to discuss a WCAIS Request that cannot be addressed with the information provided in the Request.

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

Yes **No**

Further explanation:

Faxes should be directed to my attention in the Altoona office.

Emails should be directed to my attention at the Altoona office resource account address: WCOA-Altoona@pa.gov. (Please note the limitations on email submissions listed on the WCOA web page:
<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=1003659&mode=2>)

When I am the assigned judge, any communication sent to me must reflect service on all counsel of record and unrepresented parties.

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 may be willing to go a little over time at a hearing, but only if we would not inconvenience other litigants or judges by falling behind schedule.

I am willing to conduct multiple mediations simultaneously, so long as I can do so effectively.

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

Call the Altoona office: (814) 946-7355.

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

No participants should put themselves, their clients or witnesses at risk by traveling in bad weather.

I will postpone events or allow phone participation depending on weather forecasts available on the business day immediately before the event date. Counsel should check the WCAIS Alerts daily for news regarding event postponements.

Attachments:

[Mediation Disclosure Report Cicola](#)