

## **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 procedure at the First Hearing depends upon the nature of the Petition. Most First Hearings will be pretrial hearings at which point issues will be narrowed, mandatory mediation and the mandatory trial schedule will be discussed, and a Final Hearing will be scheduled. If time permits and the parties wish to proceed with testimony, testimony may be taken; otherwise, testimony may initially be taken by deposition or at a scheduled 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:**

While first hearing filings are not required, the parties should be prepared to discuss the identity of the witnesses and the manner in which their testimony will be presented.

- 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:**

N/A

3. What are your procedures for supersedeas hearings?

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

**Further explanation:**

All supersedeas evidence should be uploaded, and a ruling will be issued. Ideally, both parties will present their supersedeas evidence at the hearing, but Claimant may have additional time to respond to Employer's request.

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

**Further explanation:**

[Click here to enter text.](#)

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

Each case is different. If circumstances are compelling, supersedeas may be reconsidered.

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?

Each case is different, but a fee agreement must be presented, and if appropriate, an interim fee order may be issued.

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 typically use a pre-trial hearing to narrow the issues, discuss the manner of presentation of the evidence, assess a trial schedule, discuss mandatory mediation and schedule a final hearing. I trust the parties to complete their evidence accordingly. Written requests to extend the evidentiary deadlines will be considered for good cause shown. An interim hearing may be listed at the request of the parties. This format is very flexible, so the needs of the parties are addressed throughout the progression of the case.

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

**Further explanation:**

For good cause shown.

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

Confirm service of the Notice of the event, and then contact the party to obtain more information or reschedule if the party cannot be contacted.

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:**

I have no preference with respect to the manner of presentation of the witnesses. I will permit testimony at any hearing provided there is time. I prefer prior notice of testimony for scheduling purposes, and the parties should provide adequate notice to their opponents. If there is not enough time to permit testimony in all of the cases in which testimony is requested, the cases in which prior notice was provided will be taken before the cases in which no prior notice was provided.

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?

Any witness may testify by deposition, including by telephone, by agreement of the parties. A witness may testify at hearing by telephone for good cause shown.

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

The order of evidence and manner of presentation of the evidence will be discussed and determined on a case by case basis at the first hearing.

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 prefer the evidence to be uploaded in advance of the hearing at which it is intended to be admitted. However, evidence may be uploaded at any time.

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

**Further explanation:**

Hard copies are not required but are appreciated.

14. When will you rule on objections to exhibits?

Each case is different, and rulings will be issued as appropriate.

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

Discovery disputes are typically addressed on the record at a hearing.

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

Written preservations of deposition objections may be submitted with the briefs unless a ruling is necessary prior to the submission of the briefs. If a ruling is necessary prior to submission of the briefs, the party requesting the ruling should raise the issue on the record at or before 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:**

Ideally, the Agreement with attachments should be uploaded in advance of the hearing, but if changes are made, it should be uploaded as changed after the hearing.

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

**Further explanation:**

A copy of the child support documents with the claimant's social security number redacted should be attached to the Agreement and uploaded with it, and a copy of the child support documents with the social security number intact should be uploaded as a separate exhibit.

- 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 should be uploaded as part of the C & R as well as any other document the parties wish to have circulated with the Decision.

- 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 the Agreement with its attachments.

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

**Further explanation:**

So long as the bench order is acceptable.

- 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?

The parties should upload the stipulation, and if it is acceptable, a decision will circulate approving and adopting the stipulation. The stipulation must delineate the manner in which each pending petition is to be addressed.

- 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:**

The child support documents should be attached to the stipulation with the social security number redacted and should also be uploaded as a separate exhibit with the social security number intact.

- 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.

In addition to the child support documents, if necessary, and a copy of the fee agreement, only documents that must be circulated with the Stipulation should be uploaded as part of the Stipulation. The parties may upload as separate exhibits whatever exhibits are necessary for disposition of the matter.

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

Prior to uploading them.

- 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 time requirements will be discussed at the final hearing. If post-hearing submissions are not timely received without an extension of time requested, the case may be decided without the submission.

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

No preference.

**Mandatory Mediations**

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

Malvern

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:**

Parties may attend by telephone upon request and for good cause shown.

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

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.](#)

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

There is no usual amount of time that elapses. The timeframe requested by the parties will be accommodated if possible.

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

**Further explanation:**

Each case is different, and requests for more than one session will be considered.

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?

Requests to cancel a mediation should be addressed to me as the assigned judge, and requests to postpone a mediation should be addressed to 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?

10 days prior to the mediation

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

Yes  No

**Further explanation:**

[Click here to enter text.](#)

**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.

Malvern or Dresher, upon request

32. Are you willing to mediate Disputes that are assigned to you for hearing and decision?

Yes  No

**Further explanation:**

I prefer to avoid mediating Disputes assigned to me for hearing and decision.

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:**

Parties may attend by telephone upon request and for good cause shown.

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

**Further explanation:**

[Click here to enter text.](#)

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?

There is no usual amount of time. Each request will be addressed on a case-by-cases basis.

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

**Further explanation:**

In certain circumstances and upon request.

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?

All requests pertaining to voluntary mediations should be addressed to 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?

The parties should not contact me regarding a voluntary mediation and should follow the guidelines established by the mediating judge.

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

Yes  No

**Further explanation:**

They should follow the guidelines established by the mediating judge.

**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 to change the hearing date and/or time because of a scheduling conflict should be made more than 10 days prior to the hearing and addressed to my secretary. To avoid repeated scheduling conflicts, the parties should request our hearing dates, exchange the hearing dates, choose a mutually convenient date and advise my secretary.

Requests to postpone a hearing and/or extend an evidentiary deadline should be addressed to me and should detail the reason(s) for the request. Postponement and extension requests must be received more than 10 days prior to the deadline and/or hearing sought to be postponed or extended.

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

**Further explanation:**

Rather than conducting a conference call, I will address most issues on the record at a hearing.

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

Yes  No

**Further explanation:**

[Click here to enter text.](#)

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?

Email to: [debowers@pa.gov](mailto:debowers@pa.gov). If there is an urgent/emergency situation, the parties should take care of the situation and advise me once the situation is under control. Parties are encouraged to communicate with one another and my office to avoid unnecessary delays.

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

Cancellations will be posted on WCAIS as soon as possible, but the parties are encouraged to use their best judgment. Dresher hearings will follow the Upper Dublin School District schedule for cancellations and/or delays. In the event it is not safe for the parties or their witnesses to travel to a hearing or a mediation I am conducting, they should advise me at: [debowers@pa.gov](mailto:debowers@pa.gov), and the matter may be rescheduled. If bad weather is anticipated, the parties should exchange their contact information so they may contact one another and my office to facilitate a postponement if it becomes necessary.