

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 meeting is a Pre-trial hearing for all cases, except for Petitions to Seek Approval of a Compromise and Release Agreement. If a supersedeas hearing was requested, the first hearing will serve both as a Supersedeas hearing and a Pre-trial hearing. Timeliness is expected. Your late appearance is disruptive to the court, discourteous to your opponent, and adversely affects those individuals scheduled for hearings after you. In the event that you anticipate that you will be late or in another hearing/mediation room at the time of your scheduled hearing, please advise the court reporter or contact my secretary at the Arch Street office [(215) 560-2488] regarding your whereabouts.

Pre-trial hearings are generally held at 9:00 a.m. for a five minute time allotment in a call-of-the-list format. However, there may be occasions when Pre-trial hearings are held at other times of the day based on docket constraints. Please review the Notice of Hearing, which will provide information about the nature of the hearing. The Claimant's testimony will NOT be heard at the Pre-trial hearing, unless the matter is an Employee Challenge that requires testimony.

Please consult the Dispute Summary Hearing Information tab on WCAIS regarding the date, time and nature of your hearing before contacting the Judge's office.

Generally, I will not grant a continuance of the Pre-trial hearing. Requests by attorneys to participate by telephone will be entertained on a case-by-case basis in the event of conflicts in scheduling. The request should be made at least two days in advance of the hearing through the Dispute Summary Requests tab (miscellaneous request).

USE OF THE WCAIS SYSTEM:

This Workers' Compensation Judge prefers that all communications regarding a Dispute be made through the WCAIS system.

- All parties should follow the Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges, all ethical guidelines, and this Judge's procedures when using the WCAIS system. Ensure that your staff understands these rules and procedures.
- All uploading of documentation and requests must be done through the Dispute Summary and not the Claims summary.
- Double check all information that you enter on WCAIS, particularly the information you enter on your pleadings. (proper spelling of names, correct addresses, correct injury dates, etc.)
- Please review your Attorney Profile and fill out all fields, whether they are required or not. Please make sure that your telephone number and e-mail address is in your profile, even if you have chosen to receive WCAIS communications through mail rather than e-mail. This is necessary for proper communication with all counsel.
- Please use the Requests tab and not the Documents and Correspondence tab of the Dispute Summary when you are requesting an action by this Workers' Compensation Judge such as an interpreter request, continuance request, motion to quash subpoena, objection, withdrawal of petition, request for withdrawal of counsel, etc.
- Please use the appropriate request type in the Dispute Summary Requests tab.
- The withdrawal request is used to withdraw a Petition NOT to withdraw your appearance. Requests for withdrawal of appearance should be made as a miscellaneous request from the Dispute Summary Requests tab.
- An indefinite postponement request is used for a stay due to bankruptcy or other reason. Please do not use this request as a continuance request; use the continuance request designation in the Dispute Summary Requests tab.
- An informal conference is defined by the Pennsylvania Workers' Compensation Act. Please do not use the informal conference request to request a conference call; use the miscellaneous request from the Dispute Summary Requests tab.
- An external party may choose to send a miscellaneous request if a request does not fit into one of the pre-determined WCAIS categories shown in the Dispute Summary Requests tab (e.g. requests for withdrawal or substitution of appearance, motions, requests for approval of stipulation, etc.)
- When you make a request through the Dispute Summary Requests tab, you will have the option to enter details about the request in a details box, to upload any letters or documents relevant to the request, and to choose the parties' positions regarding the request. Provide as much detail about the request as possible.
- The Dispute Summary Documents and Correspondence tab should be used to upload Notices of Deposition and any correspondence not requiring Judge action. A Notice of Deposition should be uploaded as a Notice of Deposition and not as a Letter to the Judge.

- Please familiarize yourself with the Quick Links Widget on your dashboard. A link to the “WCOA Dashboard” is located on the upper right hand side of the dashboard and contains widgets for “Upcoming Briefs”, “WCOA Petitions/Answers”, “WCOA requests”, and “Judge Communication”. Most communications from my office will appear in the Judge Communications table. You can see the Judge Communications in real time, even if you have elected to receive WCAIS communications by mail rather than e-mail.

- If you upload a document through the Exhibits tab on WCAIS and can see the document through the view hyperlink, WCAIS will provide notice of the upload to the Judge’s office. There is no need to send an additional copy by any other method, unless specifically requested by the Judge.

- If you upload a document through the Documents and Correspondence tab on WCAIS and receive confirmation of the upload, WCAIS will provide notice of the upload to the Judge’s office. There is no need to send an additional copy by any other method, unless specifically requested by the Judge.

- All exhibits should be uploaded through the Exhibits tab. Do NOT upload exhibits through any other tab.

- If you feel it is necessary to communicate with the Judge’s office outside of the WCAIS system, then choose one communication method. Do NOT send the same correspondence by e-mail, regular mail, fax, and hand delivery. There is no need to send multiple copies of correspondence, particularly if it has been uploaded on WCAIS.

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:

The preparation and submission of a written Pre-trial stipulation is optional. However, all parties must be prepared to orally advise the judge, on the record, regarding the allegations and issues of fact and law concerning the presentation or defense of the case; regarding any proposed amendments to the pleadings; regarding any stipulations of fact; regarding the average weekly wage; regarding the names and addresses of medical and fact witnesses; regarding the current address of the Claimant; and regarding any other subjects which may aid in the disposition of the proceedings.

The parties should consult the WCAIS system prior to the Pre-trial hearing to ensure that all information in the Interested Parties & Associated Recipients tab of the Dispute Summary is accurate. In the event of any inaccuracies, an Interested Party form (LIBC-113) should be completed and provided at the hearing. The form may also be completed and forwarded prior to the hearing by sending a request through the Dispute Summary requests tab (miscellaneous request).

At the first hearing, the parties are required to provide all Bureau documentation or Workers’ Compensation Judge’s decisions that control payment or non-payment of workers’ compensation benefits in the matter. A statement of wages should also be provided. The documentation should be uploaded into the Dispute Summary Exhibits tab after the hearing in the manner marked and admitted at the hearing.

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

Exhibits **Documents**

Further explanation:

Do not upload these documents. No first hearing filings are required.

- 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:

The usual procedure is that evidence in the form of records, reports, and affidavits of the Claimant and other witnesses will be permitted. If a party wishes to present testimony in support of or in opposition to the supersedeas request, a written request must be made at least fourteen days prior to the hearing, and the request must be approved by the Judge. The request will usually be granted but the testimony should be brief.

All requests for testimony on supersedeas should be made through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

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

Further explanation:

Requests for additional time to submit supersedeas documentation will usually be granted to allow the responding party an additional fourteen (14) days to submit this evidence. The moving party should have all of its supersedeas evidence available at the Pre-trial hearing.

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

Requests for reconsideration will be considered only if compelling and new evidence is presented.

Requests for reconsideration should be made through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

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

Further explanation:

The granting or denial of the supersedeas request is generally memorialized in a written order.

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

Counsel may request an order for payment of interim counsel fees upon submission of an executed counsel fee agreement. Any such request should be made through the Dispute Summary Requests tab (miscellaneous request) of WCAIS.

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

Further explanation:

Supersedeas documentation should be uploaded into the Dispute Summary Exhibits tab after the supersedeas hearing. The Exhibit name and Exhibit description should be entered as "Claimant's supersedeas documentation" or "Employer's supersedeas documentation". When entering the Exhibit information, please remember to check off the supersedeas box located next to the Exhibit description box.

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

Further explanation:

Brief testimony from the Claimant will be heard on an Employee Challenge.

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.

A one day/one trial format will be used that will consist of a Pre-trial hearing and a Final hearing. The Final hearing will be held approximately nine months from the date of the Pre-trial hearing or sooner, if the parties are ready to proceed. At the Final hearing, the Claimant must be present to testify in person before the Judge. Any exception to this requirement will only be made for good cause shown. At the Final hearing, all depositions and other evidence will be introduced, the record will close, and a briefing schedule will be set. Any requests to re-open the record must be made in writing through the Dispute Summary Requests tab (miscellaneous request). All deposition transcripts, litigation costs, itemization of quantum meruit attorney fees, medical bills etc. must be submitted at the Final hearing. No evidence will be accepted after the Final Hearing except for an updated bill of costs, updated quantum meruit fee request, and updated

child support documentation.

All parties must preserve any objections made at a deposition at the time of the Final hearing in writing or the objections will be waived.

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

Further explanation:

Participation by telephone will only be permitted at hearings when testimony will not be taken and only when the request is made in advance through the Dispute Summary Requests tab (miscellaneous request).

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

There is no standard procedure. The consequences of non-attendance at a hearing when a party is provided with proper notice will depend upon the circumstances of the case and will include dismissal of the matter, if warranted.

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

Further explanation:

If you need a special accommodation for reasons related to the psychological condition of your client or a witness, a written request should be made in advance of the hearing through the Dispute Summary Requests tab (miscellaneous request).

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:

The Claimant must testify at the Final hearing. Expert witnesses (medical, vocational, investigative, etc.) and fact witnesses may testify by trial deposition. A special listing to hear the testimony of fact witnesses at a hearing will be scheduled if written notification is provided at least sixty days in advance of the Final hearing date through the Dispute Summary requests tab (miscellaneous request). Otherwise, the testimony must be taken by deposition.

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?

All testimony may be taken by deposition, but the Claimant must testify at the Final hearing. A witness may testify by telephone if all parties are in agreement. If there is an objection to testimony by telephone, then the objection should be made through the Dispute Summary Requests tab (objection request).

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

Medical evidence will be presented based upon the order in which the petitions are filed and in accordance with the Scheduling Order issued in the case, unless all parties are in agreement regarding some other order of presentation that complies with the Scheduling Order.

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:

All exhibits should be uploaded through the Dispute Summary Exhibits tab on WCAIS. Do not upload Exhibits through any other Dispute Summary tab. When uploading Exhibits, you must include an accurate description of the Exhibit in the Exhibit name and Exhibit description fields. The same information should be entered into both of these fields. The Exhibit should be uploaded exactly as marked and admitted at the hearing.

Avoid uploading Exhibits in parts. Use the WCAIS Help instructions to reduce the file size. If you must upload an Exhibit in parts, designate the individual parts as part one, part two, etc.

If you are uploading a Deposition Transcript, designate the document as a Deposition Transcript and not as an exhibit. All other exhibits can be uploaded as exhibits. Do not forget to upload any exhibits attached to the deposition transcript.

Do not upload exhibits on the WCAIS system after the close of the record if they were not

previously entered into evidence at a hearing. The only exception are updated litigation costs, updated quantum meruit fee statements, and updated child support documentation submitted with Proposed Findings of Fact, Conclusions of Law, and Brief. You must make a formal request to re-open the record in order to submit additional evidence after the close of the record. The request should be made through the Dispute Summary Requests tab (miscellaneous request).

All permitted exhibits submitted with the Proposed Findings of Fact, Conclusions of Law, and Brief should also be uploaded individually in the Exhibits tab. Litigation costs should be contained in a separate writing with supporting documentation, which should be uploaded through the Exhibits tab and not just listed in the Proposed Findings of Fact.

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

Further explanation:

14. When will you rule on objections to exhibits?

Generally, objections are ruled upon at the time of submission at 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.?

In general, discovery disputes are discouraged, and the parties are encouraged to communicate with each other to resolve such disputes. However, when necessary, discovery disputes may be presented in writing through the Dispute Summary Requests tab (miscellaneous request). The dispute will be resolved by telephone conference on the record, or by order or other writing at the Judge's discretion. This Judge does not accept spur-of-the-moment conference calls off the record. If this Judge determines that a conference call is necessary, a call will take place on a hearing day to obtain an accurate record of the dispute. Attendance at depositions will not be considered.

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

The Final hearing before the record is closed. No written preservation of deposition objections will be accepted after 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:

Amendments to existing Petitions will be permitted. The filing of an additional petition is neither necessary nor desired. However, a Petition to Seek Approval of a Compromise and Release Agreement will need to be filed if a) the pending petition must remain open for decision after the resolution and there are no other open petitions under the dispute number or b) the Compromise and Release Agreement resolves claims for multiple injury dates, and there is no open Petition under a particular injury date. In order to close all injury dates, there must be an open Petition under each dispute number/injury date to amend or a Petition to Seek Approval of a Compromise and Release Agreement must be filed under that dispute number.

- 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:

Compromise and Release agreements should be submitted prior to the hearing in order to allow for judicial review. The document should be sent through the Dispute Summary Requests tab (miscellaneous request) on WCAIS.

- 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 Agreement should be uploaded through the Dispute Summary Exhibits tab after the hearing in the manner marked and admitted at the Compromise and Release hearing. The Exhibit name and Exhibit description boxes should indicate the following: "Compromise and Release Agreement with attachments". Abbreviations and shorthand notations should not be used in the Exhibit name and description boxes. All attachments should be uploaded with the Agreement. (contingent fee agreement, child support documentation, Medicare documentation, Authorization for Alternative delivery, etc.) Redaction of social security numbers is required on all uploads. On the rare occasion that a Bench Order may be issued, the Bench Order should not be uploaded as part of the Exhibit.

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

Further explanation:

All Compromise and Release Agreements and attachments will be marked as Exhibit Joint-1 at the Compromise and Release 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.

The Compromise and Release Agreement should be uploaded in the exact manner marked and admitted at the Compromise and Release hearing.

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

The documentation should contain the confidential information when presented at the Compromise and Release hearing for judicial review. Redaction should occur after the hearing and prior to the upload of the document.

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

Further explanation:

A Bench Order will generally not be issued. If immediate circulation of a Decision is required then a request must be made at the hearing.

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

Further explanation:

Compromise and Release hearings are normally scheduled at 9:00 a.m. along with all Pre-trial hearings. Compromise and Release hearings will usually be heard at the end of the call of the list at approximately 9:20 a.m. to 9:30 a.m., but may be heard earlier if time permits. You must appear at your hearing at 9:00 a.m. Failure to appear at the scheduled time may result in the hearing being postponed and reconvened at a later date, if there is not sufficient time to complete your hearing before the first slotted listing for testimony.

If you are scheduled for a Pre-trial hearing, and the matter resolves before the scheduled hearing, you must request permission to present a Compromise and Release Agreement at the Pre-trial hearing through the Dispute Summary Requests tab (miscellaneous request).

If you are scheduled for a status hearing or Final hearing, and the matter resolves before the scheduled hearing, you must advise this Judge concerning the resolution and request permission to present a Compromise and Release Agreement at the hearing or on some other date through the Dispute Summary Requests tab (miscellaneous request).

You may not seek a Compromise and Release hearing through Dispute Resolution court if the resolution does not resolve all pending petitions before this Judge.

There may be occasions when Compromise and Release hearings are scheduled at other times of the day based on docket constraints.

Compromise and Release Agreements should be uploaded into the WCAIS system within two business days after the Compromise and Release hearing, as time is of the essence.

If any petitions will remain open for decision after the Compromise and Release Agreement, all evidence on the open petitions must be submitted at the Compromise and Release hearing.

Please review the following checklist before the Compromise and Release hearing:

- are you using the most current Compromise and Release Agreement form?
- is the Claimant's name, current address, social security number, and date of birth properly designated on the form and on any attachments?
- is the Employer/insurance carrier/third party administrator information accurate?
- is an accurate Dispute number on the Agreement?
- have you checked for spelling errors?
- is every agreed upon provision written in understandable form on the agreement form?
- does the agreement state the total amount of the settlement?
- does the agreement explain the net settlement amount by indicating any reductions from the total settlement amount for attorney fees, child support, etc.?

-Are you prepared to present the agreement? (the agreement is completely filled out; all necessary language is included in the agreement; you have met with your client beforehand and familiarized him/her with the terms of the agreement; you have scheduled an interpreter, if needed; the agreement is properly witnessed or notarized)

- Have you properly scheduled an interpreter? You may not use your own interpreter. Interpreters must be requested through the Dispute Summary Requests tab (interpreter request) at least 14 days prior to the hearing with no exceptions. If you have forgotten to request an interpreter, then you must make a continuance request through the Dispute Summary Requests tab (continuance request).

- Are there child support or spousal support issues regarding your case, and do you have the appropriate documentation from the proper authorities?

- Are there Medicare issues regarding your case, and do you have the appropriate documentation from the proper authorities? The parties must seek approval from the Centers for Medicare and Medicaid Services in those cases where this approval is required.

-Does the Agreement specify whether the past medical expenses have been resolved, what past medical expenses will be paid, and adequately consider any pending Petitions for Utilization Review Determination?

- Do you have a Compromise and Release Agreement for each injury date being resolved? Have you filed a Petition to Seek Approval of a Compromise and Release Agreement for any injury dates/dispute numbers that are closed with no open petitions?

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?

All stipulations should comply with the Special Rules of Administrative Procedure before Workers' Compensation Judges. The stipulation will be rejected if it is not signed by the Claimant or unrepresented Employer, if it is not in compliance with the Special Rules, or if child support documentation is not provided when needed.

If a stipulation is not submitted at a hearing, it should be submitted through the Dispute Summary Requests tab (miscellaneous request) for judicial review. The request should contain a cover letter and a copy of the stipulation with any attachments including the fee agreement and child support documentation, if needed. The Stipulation and all attachments referred to in the stipulation, as well as the child support documentation, should also be simultaneously uploaded as one document in the Dispute Summary Exhibits tab with the Exhibit name and description as follows: "Stipulation of Facts". All social security numbers should be redacted on the Exhibit upload.

- 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.

All attachments referred to in the Stipulation should be made part of the Stipulation Exhibit.

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

The Stipulation and attached documentation should be redacted before they are uploaded in the Dispute Summary Exhibits tab. The request sent through the Dispute Summary Requests tab should not be redacted so that it can be reviewed by the Judge.

- 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 briefing schedule will be set at the Final Hearing in consultation with the parties. If the parties require an extension of the briefing schedule, the parties must make a formal request through the Dispute Summary Briefs tab before the running of the briefing schedule.

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

All Proposed Findings of Fact, Conclusions of Law, and Briefs should be uploaded in the Dispute Summary Briefs tab on WCAIS. Do not upload these documents in the Exhibits tab or the Documents and Correspondence tab. If you are unable to properly upload your Proposed Findings of Fact, Conclusions of Law, and Briefs, send a request through the Dispute Summary Requests tab (miscellaneous request) and explain your difficulty.

This Judge prefers the following format for all Proposed Findings of Fact, Conclusions of Law, and Briefs:

- Times New Roman, 12 point font, single spaced.
- Numbered Findings starting at the left hand margin.
- A finding providing a complete list of all litigation costs. The costs should be in two columns (the left hand column with the name of the entity; the right hand column with the amount expended to the entity). The litigation costs should not to be typed into a table/chart/cell.
- Summarize all evidence of record.
- Summarize each deposition and hearing transcript individually; do not combine summaries if the Claimant or a witness testifies on more than one occasion, unless the additional testimony is a continuation of prior testimony (direct is taken one day; cross is taken another day).
- Summaries of evidence should be accurate.
- Address all factual and legal issues.
- Provide reasons why testimony should be found to be credible or not credible.
- Cite to the record.
- Clearly state what relief you are seeking from the Judge.
- Address all elements of your claim.
- Address all defenses to the claim.
- Address all burdens of proof.
- Provide calculations and the basis for calculations in complex average weekly wage cases, pension offset cases, etc.
- Provide accurate dates throughout the document (dates of injury, dates of alleged disability, dates of surgery, dates of termination of employment, etc.)

Mandatory Mediations

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

Philadelphia District office.

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:

Personal attendance at the mediation is preferred. Requests for telephone participation are considered on a case by case basis.

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

If so:

a. What information do you require in that Statement?

No specific format is required. However, the following information is helpful:

- Case caption and Dispute Number
- Date and time of Mediation
- Type of petitions pending
- Name of Assigned Judge
- Date of Injury
- Claimant's age
- Claimant's educational level
- Last date of employment
- Allegations of pending petitions
- Average weekly wage and compensation rate
- Annual compensation rate for one through seven years
- Description of the accepted injury or alleged injury
- Names of medical experts
- Status of litigation
- Strengths and weaknesses of your case and your opponent's case
- Last demand and last offer
- Reasons for the current demand and offer
- Status of settlement negotiations
- Any impediments to settlement
- Special considerations such as liens, child support problems, Medicare issues, third party litigation or other ancillary issues that might impact the resolution
- Summary of past medical bills due and owing
- Summary of litigation costs
- Negotiable and non-negotiable issues affecting settlement

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

No documents are required.

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

At least 48 hours in advance of the mandatory mediation.

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

Mandatory mediations are scheduled during the timeframe requested by the parties at the Pre-trial hearing.

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

Further explanation:

Requests for second sessions are considered on a case by case basis. These sessions will be scheduled as a voluntary mediation.

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?

Philadelphia District office procedures require that you contact the Mediating Judge. It is preferable that you contact the Mediating Judge outside of the WCAIS system.

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 contact the Mediating Judge as soon as possible before the Mediation date. Requests for postponement or cancellation will be considered on a case by case basis.

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

Yes No

Further explanation:

The parties should adequately prepare for the mediation by obtaining all required information, by obtaining authority from an adjuster/Employer, and in appropriate instances, by contacting the opposing party to initiate negotiations before the mediation.

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.

Philadelphia District office.

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:

Personal attendance at the mediation is preferred. Requests for telephone participation are considered on a case by case basis.

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

Further explanation:

No specific form is required, but the following information is desired in advance of the mediation.

If so:

a. What information do you require in that Statement?

- Case caption and Dispute Number
- Date and time of Mediation
- Type of petitions pending
- Name of Assigned Judge
- Date of Injury
- Claimant's age
- Claimant's educational level
- Last date of employment
- Allegations of pending petitions
- Average weekly wage and compensation rate
- Annual compensation rate for one through seven years
- Description of the accepted injury or alleged injury
- Names of medical experts
- Status of litigation
- Strengths and weaknesses or your case and your opponent's case

- Last demand and last offer
- Reasons for the current demand and offer
- Status of settlement negotiations
- Any impediments to settlement
- Special considerations such as liens, child support problems, Medicare issues, third party litigation or other ancillary issues that might impact the resolution
- Summary of past medical bills due and owing
- Summary of litigation costs
- Negotiable and non-negotiable issues affecting settlement

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

No documents are required.

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

At least 48 hours in advance of the mediation.

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

The timeframe is variable.

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

Further explanation:

Requests for additional sessions will be considered on a case by case basis.

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?

Contact the Voluntary Mediation 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 contact the Mediating Judge as soon as possible before the Mediation date. Requests for postponement or cancellation will be considered on a case by case basis.

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

Yes **No**

Further explanation:

The parties should adequately prepare for the mediation by obtaining all required information, by obtaining authority from an adjuster/Employer, and in appropriate instances, by contacting the opposing party to initiate negotiations before 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?

All requests should comply with the Special Rules of Administrative Procedure before Workers' Compensation Judges.

Continuance requests should be submitted through the Dispute Summary Requests tab on WCAIS as a continuance request.

Other requests that are not continuance requests should be submitted through the Dispute Summary Requests tab on WCAIS as a miscellaneous request, unless the request fits within one of the pre-determined categories in the drop down box on WCAIS.

See Question #1 for a complete outline regarding the use of WCAIS.

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

Further explanation:

This Judge does not accept spur-of-the-moment conference calls that are off-the-record. Requests for a conference call should be made in writing through the Dispute Summary Requests tab (miscellaneous request). If this Judge determines that a conference call is necessary, a call will take place on the first available hearing day to obtain an accurate record of the dispute.

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

Yes **No**

Further explanation:

Faxes will no longer be accepted. Communications can be accomplished through WCAIS.

Communications by e-mail should be limited to responses to e-mail transmissions initiated by this Judge or to communications requested by this Judge, such as Confidential Mediation Memoranda. The subject of most e-mail transmissions can be accomplished through 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:

This Workers' Compensation Judge endeavors to stay within the allotted time scheduled for a hearing or mediation. The allotted time may be extended if there is sufficient time available to do so on the day of the hearing or mediation.

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

Make a request through the Dispute Summary Requests tab (continuance or miscellaneous request).

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

In the event that the Philadelphia public schools are closed for the day due to inclement weather (meaning snow, sleet, hail, freezing rain or ice) during the fall/winter months, any hearings and mediations scheduled for that day will automatically be cancelled and re-scheduled. The hearings will be re-listed as soon as possible. This policy does not mean that the office is closed, but merely that the hearings/mediations have been cancelled.

Closings in school districts other than Philadelphia do not apply. You must request a continuance through the Dispute Summary Requests tab (continuance request), if you have a basis for a continuance request due to inclement weather in your area.

A delayed closing by the Philadelphia school district or any other school district during the school day does not apply (i.e. if your child's school unexpectedly decides to close the school at noon, when it was open earlier in the day). You must request a continuance through the Dispute Summary Requests tab (continuance request), if you have a basis for a continuance request due to a school closing.

If there are any delays in school starting times due to inclement weather (such as a two hour delay), this will not affect the hearing/mediation schedule. Your hearing/mediation will not automatically be cancelled or delayed in starting time. You must request a continuance through the Dispute Summary Requests tab (continuance request), if you have a basis for a continuance request.

If there are any school closings in the Philadelphia school district or any other school district for reasons other than inclement weather (such as gas main breaks, heater malfunctions, mold, etc.), this will not affect the hearing/mediation schedule. Your hearing/mediation will not automatically be cancelled. You must request a continuance through the Dispute Summary Requests tab (continuance request), if you have a basis for a continuance request.

This policy only applies to inclement weather during the fall/winter months. In the event of other emergency situations during the remainder of the year, use a common sense approach. If it is too dangerous to travel or attend a hearing due to an emergency, natural disaster, or other unanticipated event, make a continuance request through WCAIS and check the Judge communication widget for a response. All reasonable requests will be accommodated.

