

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?
After Petition is filed a hearing will be scheduled. If it is Claimant's Petition(s), Claimant will be expected to testify in support of his/her Petitions at first hearing. However, if it is Defendant's Petition(s), the first hearing will be a 15 minute supersedeas 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:

The last operative Bureau document and any additional Bureau documents that are relevant to the pending litigation. The first hearing filing/45 day response are only required to extent of identifying witnesses.

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

Exhibits **Documents**

Further explanation:

First hearing filings are not Exhibits so they should be uploaded as a document; however Bureau documents can be uploaded as Exhibits.

b. Should first hearing filings be uploaded before or after the first hearing?

Before **After**

Further explanation:

It does not matter.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

Supersedeas hearings are scheduled for 15 minutes. The parties should present their supersedeas evidence at the first hearing. While testimony is not required and an affidavit would be sufficient, Claimant will be able to present brief testimony ONLY on Supersedeas.

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

Further explanation:

A scheduling Order will be given to the parties at the first hearing. Parties will be granted additional time to obtain medical evidence provided that the parties demonstrated that they were working to obtain the medical evidence during the allotted scheduling order and not simply a last minute request.

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

Depends on each case.

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

Further explanation:

Generally, written orders are used; however, after reviewing Supersedeas Evidence and supersedeas would be denied, no written order/denial will be issued if Counsel is already receiving fee.

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

Be prepared at first supersedeas hearing with exhibits and Fee Agreement. Also, the fee agreement must be authenticated to be admitted into the record either by testimony from Claimant or by an Affidavit from Claimant

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.

Serial hearings are used. As stated, Claimants will testify at first hearing if it is their Petition(s). Following hearing, Defendant will have 45 days to advise of Employer testimony. If Defendant does not advise within 45 days, there will be no employer testimony. If it is Defendants Petition(s), the first hearing will be for supersedeas. If Employer has Defense witnesses in support of Petition, the matter will be relisted for Employer testimony; however, if the parties agree, the Defense witnesses can be done by deposition. There will be another listing after 90 days from first hearing, at which time Defendant should be completed with their evidence and Claimant will testify at that hearing.

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

Further explanation:

In rare cases, I will allow counsel to appear by telephone but generally counsel are expected to appear at the scheduled hearing.

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

The party risks the hearing proceeding in counsel's absence and possibly dismissal of Petitions. The party that failed to attend hearing is responsible for any deadlines that were issued during that hearing.

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:

If Claimant's Petition, Claimant can advise of additional witnesses at the first hearing and the matter will be relisted. As above, Defendant will have 45 days from the first hearing on Claimant's Petitions to identify their witnesses. If it's Defendant's Petitions, Defendant can identify witnesses at the Supersedeas 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?

Depends on facts and case.

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 who filed first, generally will be responsible to present medical evidence first. There is one exception; if Defendant files a Termination Petition and subsequently Claimant files a Review Petition and Defendant needs another IME to address Review Petition, I order Claimant to present medical first so as not to delay the litigation

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 does not matter if exhibits are uploaded before or after. However, Parties are encouraged to bring "paper" exhibits for Judge and also for meaningful discussion with the parties, namely so parties can review document regarding any objections to the documents etc.

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

Further explanation:

It is my preference to have hard copies of exhibits

14. When will you rule on objections to exhibits?

At hearings if raised, otherwise, if submitted by WCAIS, I will rule before close of the record except for objections made during medical depositions which will be ruled on in my 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.?

If the parties request, I do use telephone conferences between the attorneys to resolve discovery disputes or other disputes that need immediate attention. Sometimes, I will hold off if a hearing is coming up. I don't attend depositions but if the parties believe it is important that I be present, I would consider attending a deposition.

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

Before 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:

Parties can amend existing Petitions, however, if parties want additional dates of injury included in Decision, the parties will only be able to amend a Petition for that date of injury and for any additional dates of injury the parties want included in the settlement, a Petition would need to be filed for those dates of injury.

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:

Neither. This is the one time the parties don't have to upload anything. My office will uploaded all settlement documents.

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

Further explanation:

Parties can upload documents as separate Exhibit in all litigation other than C&R, as stated above, my office will upload all settlement documents.

- 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.

Nothing should be uploaded as my office will upload all settlement documents.

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

Parties should redact confidential social security numbers in everything they upload except Act 109 documentation. If Act 109 documentation is provided to this Judge, this Judge will review and redact the SSN before its scanned in WCAIS

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

Further explanation:

My C&R Decisions are circulated promptly.

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

Further explanation:

I do not approve C&R Agreements that indicate Claimant's medical benefits "could be" resolved at sole option of Defendant. I treat these agreements as indemnity only settlements and parties must return with separate agreement regarding medical benefits.

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?

Parties can submit stipulations for approval provided the parties follow the Rules for completing Stipulation and address the issues. In addition, the Stipulation must be consistent with Act and not contrary to the law.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation** **Separate Exhibit**

Further explanation:

A fee agreement, if there is one, should be submitted as part of every litigation regardless of whether counsel is currently receiving a fee.

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

Further explanation:

Claimant's statement page as well as internet search can be uploaded collectively as one exhibit

- 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.

Any Exhibit the parties wish to be an Exhibit should be a separate Exhibit with the exception of medical bills that can up uploaded as one exhibit.

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

The social security number or other confidential information should be redacted when uploading to WCAIS. However, if the parties upload the Act 109 documents, the confidential information should NOT be redacted as this Judge must confirm there are no child support issues based upon the social security number.

- 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?

Once the evidence is completed, I will close the record and issue a briefing schedule. The time for briefs will depend on each case/issues. Once I close the record, I will not review any additional submissions to the record either by WCAIS or mail. If briefs are not timely received, a Decision could be issued without the briefs being reviewed.

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

I do not have any preference for format regarding briefs. However, I am looking for arguments in support or in opposition to the pending litigation. I do not need a mere "summation" of the evidence of record without argument.

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:

I require attorneys and Claimant to be present, however, due to medical condition, exceptions can be made for only Claimants. Adjustor/Employer reps are encouraged to attend but will be allowed to attend by telephone; however, they MUST be available by telephone until the mediation is completed.

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

If so:

a. What information do you require in that Statement?

While a mediation Statement is not required, the parties should be aware this is the time to share their positions with me. I am not looking for a letter saying essentially nothing. The statement should include brief synopsis of litigation. What are the strengths of your case/what are your weaknesses? What are the issues impeding settlement and obviously should include any demands made and authority given for settlement. If Claimant is seeking partials as well as payment of outstanding medical expenses, that information should be known and/or disclosed for a meaningful mediation.

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

No documents must accompany but if party believes a document will help facilitate a settlement, they are encouraged to attach the document with their statement.

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

At least one week.

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

At least 1-3 months.

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?

The parties should contact me, the assigned 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?

Two weeks

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

Yes **No**

Further explanation:

The parties should be discussing global settlement or even settlement of pending issues prior to 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.

Wilkes-Barre

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

Yes No

Further explanation:

In rare cases, I have agreed to mediate Disputes assigned to me. However, the parties must provide in writing that they are agreeable to me serving as the mediator of the case. In addition, the parties must stipulate in writing that if the matter does not resolve, the matter will NOT be reassigned to another Judge for a Decision. Instead, the Dispute will remain with me for a 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:

N/A

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:

There is no formal agreement except as indicated in Paragraph 32 wherein the parties must agree in writing for me to serve as a mediator and also understand that the matter will not be reassigned to another Judge if the matter does not resolve.

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 mediation

36. Do you require a Mediation Statement? Yes No

Further explanation:

See Paragraph 25a

If so:

a. What information do you require in that Statement?

See Paragraph 25a

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

See Paragraph 25b

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

At least one week

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

1-3 months depending on parties request

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?

For voluntary mediation, parties should contact me as well as assigned 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?

Two weeks

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

Yes **No**

Further explanation:

The parties should be discussing resolution either issues in pending litigation or global resolution prior to 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?

There is no set time and each request will be reviewed and considered.

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

Further explanation:

Case by case

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

Yes **No**

Further explanation:

I accept faxes but will not review any emails sent directly to me (the emails will be deleted without review)

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:

If parties are making progress, I will continue the mediation until the matter resolves and parties reached an impasse. As for hearings, I will allow counsel to conclude but if parties are late for hearing or extensive direct/cross examination, I will continue the hearing and relist so parties can complete testimony without delaying subsequent hearings.

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

Contact my secretary

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

I do not have a definitive policy. I review weather and will make a decision. Parties should review WCAIS as well as call my Wilkes-Barre Office to confirm whether my hearings/mediations are cancelled.