

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? At all first hearings, the trial and mandatory mediation schedule will be set forth in a statement on the record. Any amendments to the pleadings, pre-trial stipulations, and bureau documents should also be offered on the record at this time. For most Claimant-generated Petitions, the testimony of the Claimant should be presented, and for Employer-generated Petitions, a supersedeas hearing will be held. All proceedings and submissions shall be in accordance with the Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges.

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:

Click here to enter text.

- 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:

Click here to enter text.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

- 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?

Upon good cause shown.

- 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?

Upon good cause shown.

- 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.

A modified serial hearing format will be used consisting of an initial hearing followed by a final hearing approximately 8 months later for all evidence and to close the record. Interim hearings will be scheduled at the request of the parties, and in the Judge's discretion.

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

Further explanation:

Click here to enter text.

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

To be determined on a case by case basis, and in accordance with the Act and applicable case law.

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:

Claimants are required to testify live, unless there are compelling reasons for the taking of a deposition. All medical experts may testify by trial deposition. Vocational and lay witnesses also may testify by trial deposition, unless circumstances require live testimony. Two weeks notice to all parties is suggested for live witness 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?

Witnesses may testify by trial deposition, but testimony by phone will only be permitted upon 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?

Testimony is to be presented by the moving party first, followed by the responding party. Cross petitions will be heard in chronological order according to the filing date of each petition.

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 admitted into the record should be uploaded into WCAIS by the submitting party prior to the filing of briefs and proposed findings of fact.

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

Further explanation:

[Click here to enter text.](#)

14. When will you rule on objections to exhibits?

At the time the exhibit is offered into evidence 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.?

Discovery disputes may be addressed at a hearing, or by telephone conference. Telephone conference requests require a letter stating the reason for the conference, and the position of each party.

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

At the close of the record.

C&Rs/Stipulations:

17. Please describe your procedures regarding the review of Compromise and Release Agreements.

a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a Compromise and Release Agreement?

Amendments **New Petition**

Further explanation:

[Click here to enter text.](#)

b. Do you require the parties to provide you with a draft of the Compromise and Release Agreement to review before the hearing? If so, how far in advance of the hearing do you need to receive it? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

c. Should the parties upload the Compromise and Release Agreement, including the fee agreement and any other attachments, before or after the hearing?

Before **After**

Further explanation:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

- e. What other exhibits should be uploaded as part of the Compromise and Release Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.). Please indicate whether they should be uploaded as part of the Compromise and Release Agreement or as separate exhibits.

All attachments to C&R Agreements should be uploaded as part of the agreement itself.

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

At the time the exhibit is uploaded into WCAIS.

- 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?

In accordance with 34 PA Code Section 131.91.

- 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.

As part of the Stipulation.

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

At the time the exhibit is uploaded into WCAIS.

- 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?

Briefs, Proposed Findings of Fact, and other post-trial submissions are to be filed in accordance with Section 131.101 of the Special Rules of Practice and Procedure. Specific time frames will be given at the close of the record as circumstances dictate. Requests for extension of time must be made in writing, and in WCAIS before the original due date. It will be within the Judge's discretion to dispose of a case in the absence of a brief, or to not consider a brief that is untimely.

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

In accordance with Section 131.101(h) of the Special Rules of Practice and Procedure.

Mandatory Mediations

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

Philadelphia.

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:

All Counsel and Claimant are required to attend the mediation. Employer representatives are encouraged to attend in person, but must be available by telephone for consultation with their counsel.

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

If so:

a. What information do you require in that Statement?

The information requested in the Mediation Disclosure Statement is to be supplied by each party participating in the mediation.

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

None.

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

The Statement must be submitted within five days of the mediation.

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

As scheduling and circumstances permit.

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?

Philadelphia office procedures require that requests for postponement be made to the Mediating Judge, and requests for cancelation be made to 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?

Five days in advance of 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.

Philadelphia. Upper Darby and Malvern may also be considered.

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

Yes No

Further explanation:

[Click here to enter text.](#)

33. Are you willing to mediate Disputes in which one or both parties are not represented by counsel? If so, do you have any special procedures? Yes No

Further explanation:

[Click here to enter text.](#)

34. Do you require the parties to execute an agreement to mediate? If so, please describe the matters addressed by the agreement. Yes No

Further explanation:

[Click here to enter text.](#)

35. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone, if any? Yes No

Further explanation:

Same as above.

36. Do you require a Mediation Statement? Yes No

Further explanation:

Same as above.

If so:

a. What information do you require in that Statement?

Same as above.

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

None.

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

Same as above.

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

Same as above.

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?

The mediating judge should be contacted for voluntary mediations.

- b. If you are to be contacted, what is the latest day before the mediation that cancellation or postponement, absent an emergency situation, can be requested?

Five days in advance of the mediation.

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?

Continuances may be granted upon good cause shown and must be made in accordance with Section 131.13(a) through (n) of the Special Rules. Such requests must contain the information

required in Section 131.13(g), and must be made within the time frames set forth in Section 131.13(d) and (f).

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

Further explanation:

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

Yes **No**

Further explanation:

Email communications will be accepted by way of the Philadelphia Resource User Account: WCOA-PhilaArchStreet@pa.gov and copied to all 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:

Additional time may be allotted as circumstances require.

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

By phone or by email to the Resource User Account as stated in #43 above.

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

In accordance with the Southeastern District Snow/Emergency Policy posted at the Philadelphia Office. In addition, please note that when the Philadelphia School District has a two hour delay, it is this Judge's policy to cancel hearings scheduled on that day.