

Workers' Compensation Judges' Procedural Questionnaire

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, the first five numbers should be redacted before the document is uploaded, unless otherwise specified below. Requests, such as Requests for Continuance and Subpoenas, should also be made through WCAIS.

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First Event/Hearings:

1. What is the first Event (i.e., pretrial, hearing, conference call) and what will occur at the first Event with the judge?

The first event is a pretrial. No testimony will be taken. A trial schedule will be established. Preliminary motions will be addressed (e.g., supersedeas).

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:

Testimony may be taken if the parties agree to it and arrangements are made in advance.

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

Further explanation:

The moving party will be expected to submit evidence in support of the supersedeas request. The claimant will be allowed a reasonable time to respond, if needed.

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

Reconsideration will be allowed if additional evidence and/or argument is going to be submitted.

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?

A signed fee agreement.

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:

Claimant is expected to testify on Challenge Petitions, unless the parties can stipulate to the relevant facts (e.g., the claimant returned to work and subsequently stopped working).

Parties should be prepared to proceed on special supersedeas hearings, so that statutory time limits for decisions can be met.

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.

The one-day/one-hearing format will generally be used, although this is flexible depending on the circumstances of the case and the wishes of the parties.

The claimant will be expected to testify by trial deposition as soon as practicable (either before or within 30 days of the pretrial/first hearing).

On a claimant-generated petition the defendant will be expected to obtain an IME, if desired, within 60 days of the first hearing.

Employer may take fact witness testimony by deposition prior to the final hearing. If employer wishes to take fact witnesses live the Judge should be notified by letter. A separate hearing will be scheduled for that purpose in advance of the final hearing.

On most cases involving medical testimony a final hearing will be scheduled approximately nine months after the first hearing. At that time, all documentary evidence will be received into evidence, and the claimant will be expected to testify in the form of a summary and a status update. Employer witnesses may testify in rebuttal to any new testimony from claimant (i.e., anything significantly different from claimant's deposition testimony). Otherwise, testimony will not generally be permitted.

The Judge does not wish to "police" or monitor the progress of cases. Counsel will be expected to cooperate with each other to complete all evidence in a timely manner. If an issue arises requiring a ruling by the Judge, or a matter is not progressing, please schedule a conference call or request an interim hearing.

If the parties complete all evidence ahead of schedule, an earlier final hearing date can be scheduled upon request.

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

Further explanation:

An attorney who has an absolutely irreconcilable conflict, particularly a solo practitioner, may participate in a pretrial by phone. Please notify the Judge of this in advance via WCAIS request.

Other reasonable requests will be considered on a case-by-case basis. Appearance by phone

will not be routinely allowed.

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

There is no standard policy. This depends entirely on the circumstances and will be handled on a case-by-case basis.

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:

Please see paragraph 4 above.

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?

Expert witness will always be expected to testify by deposition. Testimony by telephone will be permitted if requested in advance and for good cause shown.

See paragraph 4 above regarding the general policy for testimony.

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

Counsel should attempt to reach agreement on this issue. Parties should take testimony in a sequence that prevents duplication. For example, if Defendant files a Termination Petition and Claimant subsequently files a Review Petition it is most often logical that the claimant proceed first, even though Defendant filed first.

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:

This is flexible. The only firm rule is that exhibits be uploaded before briefs are filed.

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

Further explanation:

While the system is technically "paperless" it remains extremely difficult to write a decision from the computer screen alone. For that reason, the parties are asked to submit hard copies of exhibits, particularly lengthy documents.

14. When will you rule on objections to exhibits?

This is flexible and depends entirely on when counsel brings an objection to the Judge's attention. If a party's strategy may change depending on an evidenciary ruling, it is the responsibility of that party to bring it to the Judge's attention.

Otherwise, preserved objections may be submitted at the final hearing, or even with briefs. HOWEVER, written preserved objections should be marked, received and uploaded as exhibits to WCAIS to preserve appellate issues.

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

I strongly encourage and welcome telephone conferences or written requests via WCAIS to resolve any disputes that arise. If a record is deemed necessary, an interim hearing may be scheduled.

I do not anticipate routinely attending depositions, although I would consider doing so in appropriate circumstances (e.g., a claimant who is physically unable to attend a hearing).

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

See paragraph 14 above. Generally preservations may be submitted with briefs if a request to do so is made at 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:

[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.

Routine short documents (e.g., Act 109) can be uploaded with the C&R. Bench orders should not be uploaded. Extremely lengthy exhibits may be marked as separate exhibits on a case-by-case basis.

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

Always.

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

Further explanation:

I require that both parties agree to be bound by the bench order as if it were a final order.

- 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?

I do not have specific procedures other than what is required by the Act and the Rules.

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

Further explanation:

[Click here to enter text.](#)

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

Further explanation:

[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.

Any attachments should be part of the stipulation, not separate exhibits.

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

Always.

- 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:

Exceptions will be made on a case-by-case basis.

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?

Time requirements are set case-by-case. I have no special procedures for briefs. Reasonable requests for extensions of time on briefs will be considered.

I have no definite procedure for late briefs. If they are received before the decision is issued they will be considered, but I will not hold a decision or issue a reminder.

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

Proposed Findings/Conclusions should be submitted, as I will consider adopting same, in whole or in part. The format for the Brief/Argument section is left to counsel's discretion, but they should be kept short and to-the-point.

Mandatory Mediations

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

Upper Darby.

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:

Both counsel and claimant must attend in person absent extenuating circumstances.

Employer/carrier representatives are encouraged to attend personally, but this is not required. A defense representative with settlement authority should be available by phone.

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

If so:

a. What information do you require in that Statement?

I send out a questionnaire requesting salient information.

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

None are required.

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

Two business days in advance is preferred.

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

Approximately three weeks.

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?

By WCOA policy cancellation should be requested of the assigned Judge, postponement is requested of 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?

Two business days.

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

Yes **No**

Further explanation:

Parties are cautioned that Rule 131.59b provides that penalties may be assessed by the adjudicating judge for failure to comply with mandatory mediation requirements.

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.

Upper Darby.

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

Yes **No**

Further explanation:

Both parties must specifically agree to this.

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:

I do not have special procedures.

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:

Please See paragraph 24 above.

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

Further explanation:

Please see paragraph 25 above.

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?

Three weeks.

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?

Since this addresses voluntary mediation, the mediating Judge should be contacted.

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?

[Click here to enter text.](#)

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?

Such requests should be made as far in advance as possible but at least two business days.

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

Further explanation:

Please see paragraph 4 above. I would welcome and encourage telephone conferences to resolve issues, or address a lack of progress.

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

Yes **No**

Further explanation:

The WCAIS system should be used.

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:

Time allowances are general guidelines and flexibility expected and allowed.

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

Please call my secretary Anita Zaffiri 610-284-6913.

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

The Upper Darby office cancels hearings and mediations when the Philadelphia School District is closed.