

## **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 the first hearing the moving party will present testimony and exhibits in support of its case. The responding party will have the opportunity to question the Claimant and present exhibits.

Exceptions to this rule are:

A vocational expert will ordinarily testify by deposition.

Thirty minutes is usually provided at the first hearing for Claimant's testimony, regardless of whether Claimant is the moving party. The judge's office must be notified of any need for additional hearing time when the petition is assigned to the judge.

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:**

No pre-hearing memorandum is required, but will be accepted. Counsel must be prepared to state the client's position on the issues.

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

**Exhibits**  **Documents**

**Further explanation:**

A first hearing filing or document (not required) should be uploaded as a document.

- 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 of the Claimant and exhibits are expected at a hearing when supersedeas is at issue.

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

**Further explanation:**

Upon request of a party, I will diary the file to rule on supersedeas on the fourteenth (14th) day following the hearing, or seventh (7th) day on a special supersedeas request.

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

Reconsideration of supersedeas may be had only after a hearing as provided in Section 131.41(a) of the Special Rules.

- 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?

The fee agreement must be uploaded to WCAIS. The request for interim fee approval may be made by letter to judge function in WCAIS, or on the record at a hearing. When a fee is approved, an interim order approving a fee will be circulated.

- 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.

Hearings are serial, but the hearing format may be changed upon request and consent of all parties.

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

**Further explanation:**

Permission to appear by telephone must be granted in advance of the hearing, and is dependent upon consent of all parties. Requests should indicate the position of each party regarding the request.

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

If a moving party fails to appear at a hearing without excuse, the responding party may move for dismissal. The motion will ordinarily be granted.

If a responding party fails to appear at a hearing without excuse, the moving party may offer evidence to meet the burden of proof. The moving party may rest and move to close the record.

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:**

Unless testimony of witnesses (other than Claimant) is discussed on the record at the first hearing, written notice is required. Counsel should identify the name and address of the witness and include a brief offer of proof, as well as an estimate of the time needed to complete the testimony. At least 30 days' notice is preferred so that sufficient hearing time can be scheduled.

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?

Medical experts may testify by deposition. Lay witnesses may testify by deposition or by phone, upon agreement of all parties. A request should be made to my office in such circumstances.

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

The parties should come to the first hearing expecting to take the testimony of the Claimant, and be prepared to argue the order of the evidence.

11. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Judge Exhibits? **Parties Upload**  **Judge**

12. Do you require that counsel upload exhibits to WCAIS before or after the hearing? If before, what is the latest day before the hearing that they may be uploaded? **Before**  **After**

**Further explanation:**

I prefer that exhibits be uploaded to WCAIS before the hearing, when practicable.

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

**Further explanation:**

Hard copies brought to the hearing will be marked for identification, then returned to the submitting party for uploading to WCAIS.

14. When will you rule on objections to exhibits?

At the hearing in which the exhibits are offered, when practicable. Objections to exhibits made between hearings will be ruled upon at the next hearing. An objection made between the final hearing and decision and a response thereto should be made by correspondence uploaded as an exhibit.

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

Telephone conferences

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

Before the close of the record. A written preservation of objection, and any response thereto, should be uploaded as an exhibit.

**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:**

At least 48 hours.

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 WCJ will direct what the exhibits should contain and how they are to be designated at the hearing.

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.

The Waiver of Appeal, if any, and Bill of Costs should be uploaded as separate exhibits.

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

The first five digits of the social security number should be redacted before any document is uploaded. No information should be redacted on hard copies brought to the hearing for the parties and the WCJ.

- 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?

Stipulations must be in writing, and signed by the parties and their counsel. Stipulations resolving disputes should be uploaded as an exhibit. A decision will issue.

- 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.

Ordinarily, all other exhibits should be uploaded as separate exhibits.

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

The first five digits of the social security number should be redacted before the document is uploaded. If other confidential information is redacted before a document is uploaded, the document without redaction must be mailed to the WCJ.

- 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?

30 days for moving party, after which non-moving party will have 30 days. These time limitations may be adjusted depending on the circumstances.

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

Proposed Findings of Fact, Conclusions of Law and Order are preferred. The parties may submit a Brief or Memorandum of Law if legal arguments cannot be effectively addressed in the Proposed Findings format.

**Mandatory Mediations**

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

Altoona, Johnstown, Greensburg

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:**

If it is not practical for a participant to attend the mediation in person, counsel or the party should notify the WCJ at least three business days prior to the mediation.

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

If so:

a. What information do you require in that Statement?

The mediation statement form is sent with the mediation notice. A mediation statement form may also be requested from the WCJ's office.

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?

At least 72 hours is preferred.

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

30 to 60 days.

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 party must contact the assigned judge. The mediating judge will only forward the request 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?

Ten (10) days is preferred.

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.

Altoona, Johnstown, Greensburg, and other offices upon request.

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:**

If it is not practical for a participant to attend the mediation personally, counsel or the party should notify the WCJ at least three business days prior to the mediation.

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

**Further explanation:**

Requirements are the same as for Mandatory Mediation. See above.

If so:

- a. What information do you require in that Statement?

Requirements are the same as for Mandatory Mediation. See above.

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

Requirements are the same as for Mandatory Mediation. See above.

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

Requirements are the same as for Mandatory Mediation. See above.

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

30 to 60 days

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?

On cases in which I am the assigned judge, all such requests should be directed to me.

- 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?

Ten (10) days is preferred.

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?

A request should be made at least 10 days in advance and must include:

- a. A statement of the position of counsel of record and any unrepresented parties pursuant to Section 131.13(e) of the Special Rules;
- b. A statement of the reasons why the postponement is requested; and,
- c. A statement of the circumstances that occurred within 10 days of the hearing date if Section 131.13(f) of the Special Rules applies.

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

**Further explanation:**

Conference calls are conducted to resolve discovery disputes, and address scheduling requests.

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

Yes  No

**Further explanation:**

All written communications should be conducted through WCAIS. Faxes and e-mails are accepted only in exceptional circumstances.

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:**

Ordinarily, time limitations for hearings are adhered to strictly, but can be exceeded in the interest of judicial economy if and when the day's hearing schedule permits.

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

Contact my secretary at 814-946-7355. Urgent communications will be forwarded to me as soon as possible.

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

No specific policy. Hearing cancellations due to emergency conditions will be posted to WCAIS.