

## 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? Pretrial 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:**

First Hearing Filing should be submitted by the Moving Party identifying therein nature of petition and relief requested; identity of all witnesses including medical doctors and vocational and whether testimony will be live or by deposition and with dates of depositions.

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

**Exhibits**  **Documents**

#### **Further explanation:**

N/A

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

Before  After

**Further explanation:**

Before is preferred but some times it is understood the same may not be able to be accomplished.

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? Yes  No

**Further explanation:**

Rarely take testimony.

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

**Further explanation:**

N/A

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

When the evidence warrants a reconsideration.

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

**Further explanation:**

N/A

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

Submit a signed fee agreement and have supersedeas denied.

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

**Further explanation:**

N/A

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

**Further explanation:**

N/A

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.

One Day/One Hearing format for the most part.

I am willing to change hearing format where warranted. Situations do arise on cases where there is need for more than one hearing and in some cases even several hearings. The same would/should be discussed at the first pretrial hearing (or when the situation arises) so the case can be scheduled appropriately so as to allow the parties adequate time to present their cases and at the same time not delay the final adjudication of the case.

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

**Further explanation:**

At pretrials where circumstances warrant and in rare circumstances at hearings - usually only C&R Hearings.

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

Case by case basis. Any determination made is done after consideration of the explanation/reason for the non-appearance and what, if any, prejudice has been caused due to the same.

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

**Further explanation:**

For the most part usually try to schedule hearing for claimant testimony before employer IME and before any medical depositions are taken.

**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:**

Preferred to have notice before hearing scheduled so sufficient time can be set aside for 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?

Where circumstances would warrant, e.g. travel distance, illness. Vocational and medical usually always by deposition. I prefer claimant however to testify live.

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

If parties agree I usually have no procedure who goes first; otherwise, moving party would proceed first. With cross-petitions the order of testimony would be the first cross-petition filed would then proceed followed in sequence then by any subsequent petitions in the order that they were filed.

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:**

As soon as possible before the hearing. It is okay to upload the day of the hearing if absolutely necessary.

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

**Further explanation:**

Only if not uploaded prior to the hearing I would like the parties to bring hard copies so that I can use the same to follow along during hearing if necessary.

14. When will you rule on objections to exhibits?

When appropriate and after considering the arguments of all the parties.

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

At hearing or by telephone or by mail. Case by case basis determination made. I rarely, if ever, attend depositions.

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

The close of the record date.

**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:**

N/A

- 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:**

N/A

- 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:**

I try to scan and upload everything pertaining to the C&R at the conclusion of all C&R Hearings so as not to delay the circulation of the decision.

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

**Further explanation:**

N/A

- 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.

Fee Agreement, litigation costs and medical bills 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?

Always

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

**Further explanation:**

Rarely, but if necessary. My decisions are usually circulated within a day or two.

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

**Further explanation:**

N/A

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?

Hearing not necessary to submit the same. Can be uploaded to WCAIS. They should be signed by all parties and identify how it resolves the existing petition(s).

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

**Further explanation:**

N/A

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

**Further explanation:**

N/A

- 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 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?

Always

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

**Further explanation:**

N/A

**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:**

N/A

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 and/or Proposed Findings of Fact and Conclusions of Law due 30 days following close of record.

Parties usually given 10 day extension if not submitted timely.

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

The same should summarize the testimony and evidence and identify the issue(s) presented for decision. The proposed findings and conclusions should follow based on the testimony and evidence of record with a proposed order identifying specifically how the petition(s) should be decided.

**Mandatory Mediations**

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

Scranton

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:**

N/A

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 do prefer the attorneys to be present. Claimant, if unable to attend, should be available by telephone as well as the insurance adjuster.

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

If so:

a. What information do you require in that Statement?

N/A

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

N/A

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

N/A

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

Between 30 to 120 days on average.

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

**Further explanation:**

Any subsequent sessions I usually do by telephone.

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?

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?

I would prefer to have 10 days notice.

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:**

N/A

31. Please list the offices at which you will mediate a Dispute.

Scranton

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

**Yes**  **No**

**Further explanation:**

For Voluntary Mediations on cases that are assigned to me (which I do on occasion) I do request however that the attorneys advise me in writing or place on the record at hearing that after performing the voluntary mediation if the matter is not resolved that neither party will request me to recuse myself from handling the case through final 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:**

N/A

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:**

I prefer the attorneys to attend personally. Claimant and adjuster if need be may participate by telephone. However, on voluntary mediations of my own cases I do not talk with either the claimant or insurance adjuster. I only will speak with the attorneys.

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

**Further explanation:**

N/A

If so:

a. What information do you require in that Statement?

N/A

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

N/A

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

N/A

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:**

Additional sessions I usually do by telephone.

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?

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?

I prefer 10 days prior to the mediation.

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

**Yes**  **No**

**Further explanation:**

N/A

**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?

As soon as the situation arises the party or parties should provide notice of the issue.

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

**Further explanation:**

Most of the time in order to consider as expeditiously as possible the issue at hand so as not to delay the matter.

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

**Yes**  **No**

**Further explanation:**

I do not accept emails from attorneys. I will accept faxes if an emergency arises in which time is of the essence to act on a request.

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:**

Case by case basis within reason so as not to delay hearings appearing on the list later the same day.

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

Fax transmittal copied to opposing counsel or request conference call through my secretary.

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

If office is closed then hearings are cancelled.