

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 first hearing. At that time, the following are expected to occur:
 - a. On a claimant's Petition, the claimant shall present a First Hearing Filing and shall testify on direct and cross-examination.
 - b. On an employer's or carrier's Petition, the employer or carrier shall present a First Hearing Filing and may present documentary evidence in support of its request for supersedeas. Additionally, the employer or carrier may take testimony from the claimant as of cross-examination or may present the testimony of one other witness for up to fifteen minutes. The judge expects the claimant to present his or her documentary evidence in opposition to the employer's request for supersedeas at the time of the first hearing.
 - c. The judge will establish deadlines for the completion of any medical examinations, depositions, or other procedural matters that need to be completed prior to the close of the evidentiary record. In addition, the judge will schedule one final hearing, which will typically occur after the completion of all medical or other depositions, and will schedule a mandatory mediation conference at the time of the first 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 usual Bureau First Hearing Filing-Moving Party form.

- 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:

See answer to question 1.

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

Further explanation:

Upon request, the Judge will typically grant additional time of up to fourteen days to obtain medical or other documentary evidence in support of, or in opposition to the request for supersedeas.

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

[Click here to enter text.](#)

- 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?

Present written fee agreement at time of first hearing.

- 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.

The judge seeks to avoid the scheduling of serial hearings. In general, on a claimant's Petition, the judge expects to hear the claimant's testimony on direct and cross-examination at the first hearing, and then any other live testimony at the time of the final hearing. Likewise, on an employer's Petition, the judge expects to hear the claimant's testimony and any other live testimony at the time of the final hearing. Between the date of the first hearing and the date of the final hearing, the judge expects the parties to complete any medical examinations, depositions, and any other procedural matters so that the presentation of evidence may be concluded at the time of the final hearing. The judge will change his hearing format at the request of the parties only in the most exceptional circumstances.

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

Further explanation:

The judge strongly discourages counsel from participating in hearings by telephone. However, upon request, the judge will permit counsel to participate in a hearing by telephone, but he will not permit counsel to question any witness appearing live at a hearing by telephone.

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

Consistent with the requirements of due process, if a party fails to appear either in person or by counsel at the first hearing, the judge will receive testimony and evidence from the party actually appearing and will entertain a request to close the evidentiary record and issue a final decision.

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:

The judge requires prior notice only in the event that the total time required to present the witnesses at a hearing will exceed thirty minutes.

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?

See answers to questions 1 and 4 above. The judge will not permit any party or witness to testify by phone, with the exception of claimants who reside a substantial distance from Reading at the time of a hearing to approve a Compromise & Release Agreement. As mentioned previously, in contested cases, the Judge expects the claimant to testify live at a hearing and will permit him or her to testify by deposition only in exceptional circumstances. The judge will permit any other party or witness to testify by deposition and certainly expects that all expert witnesses will testify by deposition.

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

In general, the moving party on the Petition filed first is expected to proceed first with the presentation of medical evidence. However, when cross petitions are filed, the judge will establish the order for the taking and presentation of medical evidence at the time of the first hearing.

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:

If not uploaded prior to the hearing, the judge will require counsel to upload the transcripts of any depositions and may require other exhibits to be uploaded after the hearing. The judge does not

require or expect counsel to upload the documents to be presented at a hearing to approve a Compromise and Release Agreement.

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

Further explanation:

The judge expects to receive hard copies of all exhibits, and in particular, the transcripts of the depositions.

14. When will you rule on objections to exhibits?

With the exception of objections made on the record at the times of depositions, the judge will ordinarily rule on objections to exhibits at the time that counsel move for their admission into evidence at the time of a hearing. The judge will rule on properly preserved objections made on the record at the time of a deposition in his final 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.?

The judge strongly prefers that counsel consult together, follow the procedural rules, and resolve any discovery disputes between themselves, preserving any unresolved objections for ruling in the final decision. If counsel cannot resolve a discovery dispute between themselves, the judge will usually schedule a telephone conference at the request of either counsel. The judge generally does not attend depositions.

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

The date that briefs are due.

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:

Although not required, the judge does encourage counsel to provide him with a draft of the Compromise and Release Agreement prior to the hearing.

- 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 judge does not currently require or expect the parties to upload the Compromise and Release Agreement either before or after the hearing.

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

Further explanation:

The judge does not currently require or expect the parties to upload the child support 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.

See previous answers.

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

The social security number should be redacted from the Compromise and Release Agreement, but not the child support documents.

- 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?

The judge expects counsel to upload stipulations resolving disputes in WCAIS and also currently expects counsel to mail a hard copy of the stipulation to his office. After review thereof, the judge may circulate a decision approving and incorporating the stipulation, and attaching a copy of the same to the decision.

- 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 exhibits referenced in the stipulation should be uploaded 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?

The social security number and other confidential information should be redacted from the stipulation and any exhibits that are to be attached thereto and circulated as part of the decision. The social security number and other confidential information should not be redacted from the child support documents.

- 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?

Following the final hearing, the judge will ordinarily mail an Order establishing the briefing schedule to counsel and any unrepresented parties. Generally, the judge expects the parties to submit concise briefs, and they may also submit proposed findings of fact, proposed conclusions of law, and a proposed order as well. The judge will approve online requests for an extension of time to file briefs that are made in accordance with the procedural rules.

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

The judge appreciates receiving well-researched, well-reasoned, and well-written briefs that address all significant issues involved in the pending Petitions, together with a proposed order, from the parties. For briefs, the parties should utilize the format described in the procedural rules and should provide citations to the record and to any relevant statutory or case law. The parties may also submit proposed findings of fact and conclusions of law, if they wish.

Mandatory Mediations

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

Reading.

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:

The judge requires the claimant and all counsel to personally attend the mediation conference. The judge also requires a representative of the employer or carrier with sufficient authority to resolve the matter to be available by telephone for the entire duration of the mediation conference.

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

If so:

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

The form for the Mediation Statement indicating the required information may be obtained from the Judge'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?

Not later than the close of business on the day prior to the date of the mediation conference.

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

N/A.

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?

If the party is requesting cancellation, he or she should submit a request in writing to this judge, with a detailed statement of the reasons for requesting cancellation. For requests for postponement, the party should make his request to 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?

There is no specific requirement in this regard.

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.

Reading.

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:

The judge requires the claimant and all counsel to personally attend the mediation conference. The judge also requires a representative of the employer or carrier with sufficient authority to resolve the matter to be available by telephone for the entire duration of the mediation conference.

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

Further explanation:

[Click here to enter text.](#)

If so:

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

See answer to question 25a.

- 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?

See answer to question 25c.

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

The judge is unable to provide a definitive answer to this question.

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?

See answer to question 28a.

- 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?

See answer to question 28b.

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?

The judge will generally grant one request for a continuance of the first hearing by agreement of the parties or their counsel, or in the absence of agreement, for good cause shown in accordance with section 131.13(c) of the procedural rules. Counsel may submit a request for a continuance online, or in writing to the judge's office, and the request must contain the following information:

a. A statement of the position of all counsel of record and any unrepresented parties regarding the request for a continuance.

b. A detailed statement of the reasons for requesting the continuance.

c. A statement of the circumstances that occurred within ten days of the hearing if section 131.13(f) of the procedural rules applies.

The judge will grant a request for a continuance of the final hearing only for substantial or compelling reasons, or if the parties advise the judge that they have reached an agreement to resolve all pending petitions before him.

The judge is willing to entertain requests for a change in the time for a hearing, and the parties should contact the judge's secretary with any such requests.

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

Further explanation:

[Click here to enter text.](#)

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

Yes **No**

Further explanation:

The judge will accept faxes, but not e-mail messages from the 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:

The judge is willing to continue beyond the allotted time for a hearing or mediation conference when necessary for the orderly and expeditious completion of those proceedings.

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

Telephone call to judge's secretary.

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

Closures of the State Office Building in Reading and cancellations of hearings or mediation conferences in advance of the date thereof will ordinarily be posted on WCAIS.