

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 hearing. I generally schedule the first hearing for 45 minutes to allow time to identify exhibits and take testimony of the Claimant.

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:

I do not require any first hearing filings. I do want evidence to be uploaded into WCAIS prior to the hearing.

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

Exhibits **Documents**

Further explanation:

I do not require any first hearing filings. I do want evidence to be uploaded into WCAIS as Exhibits prior to the hearing. Anything that is not an exhibit should be uploaded as a document.

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

Before After

Further explanation:

First hearing filings are not needed.

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? Yes No

Further explanation:

At a supersedeas hearing I will accept evidence and hear the Claimant's testimony. If additional time for employer testimony is requested in advance, I will try to schedule additional time for this.

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

Further explanation:

If there is a good reason to extend the time for medical evidence, this will be allowed.

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

Upon request by a party. In addition, if I see a substantial change in circumstances or if I have already advised the parties that I will reconsider supersedeas at some future time, I will schedule a hearing for this purpose.

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 petition that challenges the Claimant's ongoing receipt of wage loss benefits and a fee agreement signed by the Claimant.

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:

Procedures are the same, but less time is allowed for submission of additional medical evidence.

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.

This really depends on what the parties are planning to present. After the first hearing, I will schedule additional hearings if there is a need. However, I do not schedule hearings every 90 days as a calendar control or for status conferences. If there is no particular reason presented for needing another hearing, I will set a schedule on the record providing time frames for submission of evidence and set a date for close of the record.

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

Further explanation:

I prefer to have counsel present in the hearing room. However, in some unusual circumstances, I will allow participation by phone.

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

I will generally send a letter advising them that a hearing was scheduled and they failed to appear. I ask them to advise me within 10 days if they have evidence to present and/or if they would like another hearing to be scheduled. If I get a response, I will proceed as requested. If I do not get a response, I will decide the petition without their participation.

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:

I prefer to have the Claimant testify at a hearing. For other testimony, I allow the parties to decide. If they want live testimony of other witnesses, I want to know at least 45 days in advance so that enough time is scheduled to allow for that 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?

I prefer to have the Claimant testify at a hearing, but will allow testimony by phone if the Claimant has moved far away and can not easily return to the area, unless there is an objection. For other testimony, I allow the parties to decide whether to present witnesses live or 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?

The party with the burden of proof proceeds with medical evidence first. If there are cross petitions where both parties have a burden, then the earlier filed petition moves forward first unless it does not make sense to do that.

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 are uploaded 48 hours in advance of a hearing.

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

Further explanation:

I do not accept hard copies of exhibits unless it is from an unrepresented Claimant or an attorney with no access to WCAIS.

14. When will you rule on objections to exhibits?

At a hearing, conference call with follow-up I.O. or just with an I.O.

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 schedule conference calls as needed. I have and will attend depositions if necessary.

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

It is preferable if written preservation of objections are filed within 30 days of receipt of the deposition transcript, but they will be accepted until 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:

Within a day or two is sufficient.

- 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:

Before the hearing they can upload the C&R Agreement as correspondence. The C&R Agreement and any attachments are the only paper exhibits I accept. My secretary will upload C&R exhibits after the hearing.

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

Further explanation:

My secretary will upload all C&R documents after the signed documents are submitted at the hearing.

- 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.

My secretary will upload all C&R documents after the signed documents are submitted at the hearing.

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

My secretary does this before uploading the C&R documents.

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

Further explanation:

If there is a particular need for this, I will consider it. C&R decisions are generally circulated so quickly there is really no need for a bench 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?

Written stipulations should be signed by both attorneys and the Claimant. If the stipulation fully resolves the pending petition, it will be adopted in a written order.

- 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.

The stipulation should be a separate exhibit, but can then refer to separately uploaded exhibits.

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

Prior to uploading them 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:

I will only schedule a final hearing if there is a particular need for further testimony. I do not schedule hearings for submission of evidence unless the evidence is extremely complicated.

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?

The parties must understand that when a closing date is put in WCAIS, WCAIS will put the case in line for decision on that date. Therefore, if they need an extension this should be requested in advance of the closing date.

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

I prefer a short letter brief outlining why the Claimant or Defendant should prevail. If there are any novel issues, the parties should research the issues and provide relevant case law supporting their argument.

Mandatory Mediations

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

Erie and New Castle

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:

I want the Claimant and attorneys to be physically present at the mediation. If there is a good reason why the Claimant can not be present, (illness, disability, lives out of the area), I will allow participation by phone. The attendance of the adjuster/employer representative is very helpful at the mediation, but they do not have to attend so long as they are available by phone.

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

If so:

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

Short history of the claim and pending disputes; accepted injuries; average weekly wage and compensation rate; status of negotiations; counsel's assessment of the current dispute and the claim as a whole.

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

Any that the parties want to present that are not already part of the record.

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

It is helpful if the mediation statement is received several days before the mediation so that I can properly prepare.

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

2 weeks - 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?

Contact 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?

There is no particular time frame, however, I am not inclined to cancel or postpone a mediation absent an emergency situation, unless I am convinced that it would be a waste of time. The mediation is scheduled for a date agreed upon by the parties, my office has taken a lot of time to get the mediation scheduled and I reserved time for the mediation that otherwise would have been available for someone else. In addition, I have seen parties request cancellation of a mediation because they think it is hopeless only to have the case settle at the mediation.

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

Yes No

Further explanation:

Talk to your client and plan a strategy before coming to the mediation. Have settlement authority in advance. I have no problem spending as much time as needed to make sure the Claimant understands each step in the process. I do not think counsel should need to speak to a client for substantial periods of time after each demand or offer is presented. There should have been some advance preparation.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? Yes No

Further explanation:

These are easy to request through WCAIS.

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

Erie and New Castle

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

Yes No

Further explanation:

In limited circumstances and only if all parties agree.

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:

No special procedures other than I would not require mediation statements from unrepresented parties.

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:

I want the Claimant and attorneys to be physically present at the mediation. If there is a good reason why the Claimant can not be present, (illness, disability, lives out of the area), I will allow participation by phone. The attendance of the adjuster/employer representative is very helpful at the mediation, but they do not have to attend so long as they are available by phone.

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?

Short history of the claim and pending disputes; accepted injuries; average weekly wage and compensation rate; status of negotiations; counsel's assessment of the current dispute and the claim as a whole.

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

Any that the parties want to present that are not already part of the record.

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

It is helpful if the mediation statement is received several days before the mediation so that I can properly prepare.

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

2 weeks - 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?

Contact 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?

There is no particular time frame, however, I am even less inclined to cancel or postpone a voluntary mediation absent an emergency situation since the parties should not have requested this if they were not prepared for mediation. The mediation is scheduled for a date agreed upon by the parties, my office has taken a lot of time to get the mediation scheduled and I reserved time for the mediation that otherwise would have been available for someone else. In addition, I have seen parties request cancellation of a mediation because they think it is hopeless only to have the case settle at 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?

Continuance requests must include the position of opposing counsel. I am very lenient with continuances for emergencies, including bad weather. We will make changes in hearing times if another time is available and both parties are able to make the change. I am reluctant to grant continuances absent an emergency situation unless the request is received shortly after

the hearing notice is circulated. I generally grant extensions unless the requests become excessive or prejudice a party.

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

Further explanation:

If I see a need or if a party requests a conference call.

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

Yes **No**

Further explanation:

I do not conduct business by email, but faxes are permissible.

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:

I pretty much stick to the scheduled time for hearings, but will allow a little extra time if necessary and/or if I know that extra time is available in my schedule due to another cancellation.

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

By phone through my secretary.

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

I am very lenient with bad weather/snow cancellations. If you think it is too dangerous for you to drive, I am not going to disagree.