

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? 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:

See judge rules of Procedure

- 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:

Moving party should upload a complete package relevant to the request for supersedeas. Responding party must upload their documents within the time allowed after hearing, customarily 14 days.

Either party may offer testimony and I will hear it if I think it relevant.

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

Further explanation:

[Click here to enter text.](#)

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

Whenever a party requests it and offers new evidence.

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?

Submit signed 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:

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.

I prefer a first hearing/ final hearing structure. I will schedule a hearing for any party who requests it. I prefer to review status of litigation by way of judge communication rather than by formal hearing. A record should be made for EVERY hearing.

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

Further explanation:

Click here to enter text.

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

I will consider the request or motion of the party who has appeared. If time permits, I will ask for an explanation for non-appearance.

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 will permit testimony by deposition if all parties agree to it. I expect claimant testimony at the final hearing if not presented before that (usually at the first hearing in Claimant petitions).

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?

Compromise and Releases when both sides agree. Other instance depend on distances involved, hardship of travel, other time constraints for the witness and other reasonable considerations.

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

I prefer to establish at the earliest time which party is the moving one and proceed accordingly. I seldom insist on the order of presentation.

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 a matter for the party and I only insist on upload by the close of the record.

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

Further explanation:

Hard copies are not required and I do not encourage them.

14. When will you rule on objections to exhibits?

As soon as feasible whether made orally at hearing or submitted in WCAIS at any other time.

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 prefer telephone conference or wcais judge communication or ordinary e-mail exchanges.

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

In a separate writing with their brief.

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:

This is up to the party, but it should be remembered that the decision cannot circulate UNTIL the agreement is uploaded and admitted.

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

Further explanation:

If attached to the agreement, all can be admitted as one exhibit.

- 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.

I prefer everything to be attached and presented as one exhibit.

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

Before being submitted.

- 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?

Fully executed Stipulation with all attachments should be uploaded to WCAIS.No special hearing is necessary.

- 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.

This depends upon the agreement of the parties and, if convenient, should be part of the Stipulation.

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

Prio to submission.

- 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:

A final hearing can be set at the request of the party or parties at any time in advance of that made in the Scheduling Order (which is set at the first hearing).

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?

A schedule will be set at the final hearing.

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

[Click here to enter text.](#)

Mandatory Mediations

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

Arch Street and 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:

I expect both counsel to be present except in extraordinary circumstance. Adjuster or the like MUST be available in person or by phone. All others are welcome either way.

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

If so:

a. What information do you require in that Statement?

I will not cancel the mediation for want of a statement, but it certainly helps me and the attorney to understand the case. Petitions pending, state of current litigation, date of injury, dates of return to work if any, evidence upon which valuation is being relied, demand made, offer tendered.

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

None required. Avoid medical reports, if possible. Do not include notes of testimony or medical billings.

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

Required five days ahead, but I will read them while we do the mediation.

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

There is central scheduling in SE District for mandatory mediations and they are not "requested." A request for a Voluntary Mediation can be accomodated almost immediately.

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 assigned judge determines cancellation. SE District policy for mandatory mediation limits it to one listing. Anything after that will be a Voluntary Mediation and is the responsibility 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?

Day before.

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

Yes **No**

Further explanation:

Have discussed with your client and made the best effort to arrive at a value.

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.

Arch Street and Upper Darby

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

Yes **No**

Further explanation:

I am willing to do so, but I am very, very reluctant to.

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:

Same as for mandatory mediation.

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

Further explanation:

Same as 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?

See above

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?

Voluntary mediation involves the mediating judge only

- 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?

Same day

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

Yes **No**

Further explanation:

Know your case.

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?

See the Judge Rules.

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

Further explanation:

When requested

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

Yes **No**

Further explanation:

Faxes are not accepted in SE District. E-mails will be accepted, but no ex parte.

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:

[Click here to enter text.](#)

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

Telephone or e-mail.

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

SE District.