

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.

Table of Contents

- A. [First Event/First Hearing](#)
- B. [Witnesses/Exhibits](#)
- C. [C&Rs/Stipulations](#)
- D. [Close of Record/Briefs](#)
- E. [Mandatory Mediations](#)
- F. [Voluntary Mediations](#)
- G. [Requests/Miscellaneous](#)

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 pre-trial, except in cases typically concluded at the initial hearing, e.g., Physical Exam, Disfigurement, Challenge Petitions, and uncomplicated Penalty Petitions if possible. The pre-trial is conducted on the assumption that the attorneys have already spoken to one another about the case. Within this context, the attorneys are expected to be fully prepared and able to present relevant issues. Procedure/time for presentation of evidence is set, e.g., live/deposition testimony, one-day/serial hearings/time for closure of case, etc. Mediation is addressed as required. Raising matters after the pre-trial, which properly should have been presented at the pre-trial, will not be looked upon with favor.

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:

Click here to enter text.

- 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:

The notice scheduling the pre-trial requires the employer/carrier to forward documents relied upon to counsel and claimant (if unrepresented). Accordingly, both parties are expected to have supersedeas documents (pro and con) at the pre-trial. Except in unusual situations, claimants' attorneys are not expected to ask for additional time to submit documents contra to the supersedeas request. Claimant's position is usually presented by affidavit, not live testimony. Written orders granting/denying supersedeas are made, and may contain other directions as relevant to the situation.

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

Further explanation:

See a. above.

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

Material change in situation/status since order denying/granting supersedeas, e.g. surgery, return to work, etc.. Also, as conditions stated in supersedeas order may require or be deemed appropriate for reconsideration of initial order.

- 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?

For the most part attorney fees have been approved on a denial of supersedeas.

- 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.

Procedure for submission of evidence is discussed at pre-trial; effort is made to reach agreement. Use of one-day hearing format or serial hearings is dependent on circumstances

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

Further explanation:

Most unusual situation necessary for telephone participation by counsel.

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

Dependent on circumstances, petition may be acted upon in absence.

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

Further explanation:

However, if deemed appropriate a special listing may be scheduled.

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:

Re: (a) above: Live testimony where credibility at issue; otherwise, in most instances, depositions work. Prior notice is required for presentation of live testimony – usually set at pre-trial/prior hearing so proper hearing time may be allocated.

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?

By phone for out of State claimants in C&R proceedings. Deposition testimony if credibility not at issue. Rarely does a doctor testify at hearing; rather by deposition (not phone).

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

Party with burden of proof goes first; in cross petitions, party who filed first petition. Often, agreement is reached between attorneys.

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:

Identification of exhibits and admission made at hearings, following opportunity to raise appropriate objections (with rulings made at hearing). Provides certainty of specific evidence (exhibit) to be uploaded.

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

Further explanation:

See 12 above.

14. When will you rule on objections to exhibits?

At hearing when offered as evidence.

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

Do not attend depositions. Rulings made at hearings; as circumstances warrant, by telephone conference.

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

Parties should have written objections covering matters preserved at time of taking deposition at time of introduction of deposition at hearing. In this fashion any adverse ruling may be corrected by additional evidence, etc. – ruling in a decision denies party opportunity to develop proper 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:

[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:

Usually uploaded by Judge's Office following 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.

All documents attached to C&R Agreement should be uploaded together.

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

After hearing on the C&R Agreement

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

Further explanation:

On rare occasions if special circumstances exist.

- 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?

Hard copy for review – Stipulations must confirm with strict provisions of Act; they are not to be considered “mini” C&R Agreements, where compromise is allowed.

- 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.

All documents submitted with Stipulation (as with C&R Agreements) 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?

After review of Stipulation.

- 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:

Review of final record is made to assure, among other matters, proper uploading of exhibits (numbering, etc.) is made thereafter.

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?

Dependent upon nature of case; party with burden of proof files first. Extensions, if properly presented, are given when appropriate.

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

Aside from usual proposed Findings, etc., each attorney prepares a neutral Summary of Evidence, accurate and without any advocacy, which can be relied upon; best attached to Decision. Instruction sheet available.

Mandatory Mediations

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

Malvern

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:

Claimant/Counsel to be present; representatives with authority to settle must be available by phone.

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

If so:

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

Information as to nature of case; strength/weakness of case; basis for settlement (how calculated, etc.); demand/offer; status of litigation.

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

No specific documents – unless vital to resolution.

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

Five (5) days.

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

Varies with circumstances.

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

Further explanation:

Only if strong possibility of resolution as determined at first session.

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?

Cancellation to assigned judge; postponement to 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?

To be contacted as soon as possible – so another case can be slotted.

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

Yes No

Further explanation:

Continuing effective communication between parties.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? Yes No

Further explanation:

Only as scheduling permits.

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

Malvern

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:

See Q. 24 above.

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

Further explanation:

See Q. 25 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 Q. 26 above.

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

Further explanation:

See Q. 27 above.

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?

See Q. 28 (b).

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

Yes No

Further explanation:

See Q. 29 above.

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 Judges' Rules Re: Continuances.

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

Further explanation:

Where attorneys are unable to resolve relevant issue. Effort should be made to advance concerns at hearings.

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

Yes No

Further explanation:

Faxes with copy to other side in appropriate 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:

Addition time granted in proper circumstance.

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

Office Staff

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

No set policy – all dependent on circumstances; cancellations, etc. announced in office telephone message; WCAIS