

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?

Litigation will proceed consistent with the Pennsylvania Workers' Compensation Act as amended and the Rules & Regulations title 34 part VIII chapter 131 Special Rules of Administrative Practice and Procedures before Workers' Compensation Judges.

131.52. First hearing procedures

The Judge's procedure is to schedule an initial hearing within 35 calendar days of Notice of Assignment of a Petition and a final hearing approximately eight months or sooner from the date the Petition is assigned.

A Scheduling Order will be given on the record at the initial hearing with the parties responsible for obtaining the hearing transcript.

Any additional Petitions will have an initial hearing and be consolidated with the pending petition and concluded on the scheduled final hearing date.

The mandatory mediation will be scheduled to occur prior to the final hearing date.

The parties are required to appear at the mandatory mediation and approach the process in good faith and have requisite authority to make a settlement.

The Judge will hold hearings on Challenge, Special Supersedeas, and C&R's, consistent with the provisions of the Act and will given an expedited schedule for hardship if raised by the parties on the record at the initial 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:

[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 Judge adheres to

§ 131.41. Request for supersedeas
131.34 reconsideration of supersedeas

Other filings

§ 131.42. Evidence relating to supersedeas

§ 131.43. Disposition of request for supersedeas

§ 131.49. Disposition of automatic request for special supersedeas under section 413(a.1)

of the act (77 P. S. § 774(1))

§ 131.50a. Employee request for special supersedeas hearing under section 413(c) and (d) of the act

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?

See Paragraph 3 (a) explanation in this document.

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 Signed and dated fee agreement marked and entered on the record at a hearing of record and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) after which an order approving the fee will be circulated. In case of Supersedeas the fee agreement should be attached to Claimant's supersedeas documents and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) to be addressed in the supersedeas order.

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:

See Paragraph 3 (a) explanation in this document.

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.

See paragraph one of this document.

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?

If the Judge is not made aware of good cause for failure to appear prior to the hearing, the pending matter, consistent with the Act and Regulations, may be either dismissed or the record closed.

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

Further explanation:

I remain sensitive to the privacy issues and monitor requests for subpoenas of relevant records.

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 Claimant's testimony is required at the final hearing. A trial deposition of the Claimant as of cross-examination may be taken prior to the final hearing. Fact and Medical witnesses may be presented by deposition unless objections are filed, then the witnesses are required to appear at the final hearing. One hour is allowed for testimony at the final hearing and the parties must timely notify the Judge's office at least thirty days prior to the scheduled final hearing for additional time required to present 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?

See Paragraph 8 further explanation in this document.

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

The initial petitioner has the burden to move forward with exceptions granted for good cause by written request to the Judge consistent with the rules, uploaded via the Workers' Compensation Automation and Integration System (WCAIS)

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:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

14. When will you rule on objections to exhibits?

When objections are filed via the Workers' Compensation Automation and Integration System (WCAIS) they should comply with 131.65 of the rules. The Judge will give the parties reasonable time to respond via a memorandum in support of their positions, uploaded via the Workers' Compensation Automation and Integration System (WCAIS), after consideration of which an order with ruling on the objection(s) will be circulated.

Problems with witnesses require their appearance if in the jurisdiction.

Objections raised during deposition testimony should be preserved consistent with the rules entered as a separate exhibit uploaded via the Workers' Compensation Automation and Integration System (WCAIS) before the close of the record and will be addressed in the decision on the merits.

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 written communication. I will make exceptions for substantial compelling reasons.
Problems with discovery should be addressed consistent with the rules. I do not attend depositions.

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

A closing of the record will be given at the final or interim hearing with the parties to enter their written preservation of objections consistent with the rules and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) as an exhibit.

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:

Per 131.57 of the rules

The parties must come to the hearing with the appropriate Workers' Compensation Office of Adjudication forms and present the Claimant for testimony.

If the Claimant is unable to appear and is outside the jurisdiction of the court a sworn notarized affidavit of their understanding of the legal significance of the terms of the C&R is required and should reference the penalty for false swearing.

The Claimant at the C&R hearing is questioned as to his/her understanding of the legal significance of the agreement.

I do not generally require separate filings for Compromise and Release Agreements with the exception of different dispute numbers. Then separate C&R's and related documents need to be filed for each dispute.

The parties should incorporate in the C&R agreement required Social Security language for offset. The Claimant must present an affidavit and web site printout as to child support in compliance with Act 109 of 2006.

After the hearing if the C&R is approved the original documents will be uploaded with appropriate privacy information. e.g., social security number, date of birth etc., redacted and uploaded into the Workers' Compensation Automation and Integration System (WCAIS) by the Judge's staff.

The Claimant must present a signed and dated fee agreement.

- 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:

See 17A further explanation

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

Further explanation:

See 17A further explanation

- 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 17A further explanation

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

See 17A further explanation

- 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:

In circumstances where the Claimant is outside the jurisdiction of the court a Compromise and Release Agreement will proceed and shall contain a sworn notarized statement of the Claimant's understanding of the legal significance of the agreement.

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?

Per 131.91 of the rules

The parties should upload via the Workers' Compensation Automation and Integration System (WCAIS) the documents as a joint exhibit and any questions raised by the stipulation's content will be communicated to the parties by the Judge's office and at the Judge's discretion or the parties request, if necessary, the matter will be scheduled for hearing.

The stipulation shall contain a statement indicating that the claimant understands the

stipulation of fact and the effect of the stipulation of fact on future payments of compensation and medical expenses.

- 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.

Uploaded as part of stipulation.

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

Before uploading to the Workers' Compensation Automation and Integration System (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:

All Petitions will be heard at an initial hearing at which time the parties will be instructed as to the scheduling and method of submission of evidence and legal briefs.

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 scheduling instructions will be given on the record and strictly enforced absent request for extension of time to be submitted via the Workers' Compensation Automation and Integration System (WCAIS) to the Judge's attention no later than ten days prior to the scheduled closing of the record and if the Judge finds good cause for granting the requested extension an adjusted schedule will be documented and communicated via the Workers' Compensation Automation and Integration System (WCAIS) or by order if required.

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

Per 131.101 of the rules containing a description of the Record with proposed Finding of Fact listing exhibits, proposed Conclusion of Law and proposed Order.

Mandatory Mediations

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

Bristol

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:

See attachment Judge's agreement to mediate.

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 mandatory mediation will proceed consistent with 131.59; 131.59 (b) & 131.59 (c) of the rules.

The Adjustor/Employer need not be physically present but the individual authorized to make a decision as to resolution shall be available by phone.

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

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.

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

The mandatory mediation schedule will be given at the initial hearing.

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

Further explanation:

The parties must convince the mediator that another session will result in a final resolution.

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 will occur if the parties come to a resolution prior to the mandatory mediation date with the nature of the resolution communicated to the assigned Judge prior to the mandatory mediation date.

- 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?

Mandatory Mediation will not be cancelled with the exception of 28(a) or other good cause as determined by the Judge.

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.

[Click here to enter text.](#)

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:

[Click here to enter text.](#)

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?

[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?

Click here to enter text.

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?

Click here to enter text.

- 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?

Click here to enter text.

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?

Per 131.13. Continuances or postponements of hearings.

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:

All communication must be consistent with the Judge's rules @ 131.11. The Judge prefers communication via the Workers' Compensation Automation and Integration System (WCAIS)

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:

Adhere to time designated.

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

Contact the office Staff.

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

Notification will be made via the Workers' Compensation Automation and Integration System (WCAIS) dashboard alerts.

Attachment:

[Agreement to Mediate Question 23](#)