

## **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? A 15 minute hearing is scheduled to address the issues in the petition(s) and brief testimony is permitted. Bureau documents shall be identified and submitted by the Parties. Also supersedeas exhibits from both sides must be submitted or uploaded for this hearing. A scheduling Order is placed on the record and a mediation date is given, if not determined to be futile.
  
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:**

A first hearing filing from the moving party is required. Also supersedeas exhibits (if one requested) from both sides must be submitted or uploaded. Also a signed fee agreement must be submitted if a fee is being requested. Bureau documents shall be identified by the Parties.

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

**Exhibits**  **Documents**

#### **Further explanation:**

A first hearing filing is a document. Only evidence that is going to be moved into the record at the first hearing is to be uploaded as an exhibit.

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:**

Limited testimony is permitted but not required.

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

**Further explanation:**

Both parties shall submit supersedeas exhibits at the first hearing. Any request for an extension of time will be ruled on at the time of hearing.

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

A change in circumstances with supporting documentation.

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 denial of Supersedeas and a signed fee agreement reviewed and confirmed by Claimant at the 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.

At the time of the first hearing and based on the evidence that is going to be presented a determination is made on the number of hearings needed and a scheduling order is placed on the record.

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

**Further explanation:**

Counsel is expected to appear live for all hearings. However under certain circumstances counsel is allowed, with prior approval, to participate by phone.

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

If the moving party fails to appear and notice is not an issue, a motion to dismiss the petition will be entertained. If the responding party fails to answer and appear and notice is not an issue, depending on the type of petition and relief requested along with the proper admissible evidence, a motion to close the record and decide the case will be entertained and a ruling made.

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:**

This is all addressed at the first hearing and the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges(Special Rules) are followed.

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?

This is addressed on a case by case basis.

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

This is all discussed at the first hearing and placed on the record pursuant to the scheduling order.

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:**

The day before the hearing.

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

**Further explanation:**

Exhibits that are going to be utilized at hearing or shown to a witness for authentication must be brought to the hearing.

14. When will you rule on objections to exhibits?

At hearing and when timely raised.

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

Telephone conferences or hearing. The parties shall submit their positions in writing prior to the conference call or hearing.

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

Prior to the close of the record.The written preservation of objections will be marked and admitted into the record 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:**

Both depending on the existing/outstanding petitions. Also a separate petition for each date of injury is required.

- 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:**

The original Compromise and Release Agreement shall be submitted to me at the time of hearing. The fee agreement can be uploaded before the hearing.

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

**Further explanation:**

These documents are to submitted with the C&R Agreement at time of hearing and will be verified by Claimant. These documents will then be marked as a separate exhibit at that time.

- 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.

The fee agreement can be uploaded as a separate exhibit before the hearing.

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

After addressed and confirmed by Claimant at hearing.

- 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 stipulation must be signed by the Claimant not just his/her attorney. The stipulation must comply with the Special Rules of Administrative Practice and Procedure before WCJ's. Depending on the terms the stipulation can be adopted and a decision issued without the need for a hearing.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation**  **Separate Exhibit**

**Further explanation:**

The stipulation must have a paragraph where Claimant indicates the he/she entered into the fee agreement and understands that the fee is going to be deducted from his/her benefits.

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

**Further explanation:**

If a hearing is scheduled and going to take place, these documents should not be uploaded and are to be presented at the hearing to be verified by Claimant. These documents will then be marked as a separate exhibit.

- 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 documents referred to as being "attached" within the stipulation must be uploaded with the stipulation.

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

The parties should redact the social security number from the Stipulation prior to uploading. Act 109 documents if not submitted via WCAIS will be redacted after confirmation of accuracy.

- 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:**

At the last scheduled hearing all remaining/outstanding evidence is discussed/addressed and can then be submitted via WCAIS.

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?

At the close of the record a briefing letter is issued and the parties are to submit Proposed Findings of Fact and Conclusions of Law. Any request for an extension of time must be in writing and made within the time frame allocated for the submission of the Proposed Findings of Fact and Conclusions of Law.

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

I prefer a legal brief along with Findings of Fact and Conclusions of Law. Case citations, where appropriate, are preferred.

**Mandatory Mediations**

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

Wilkes-Barre, PA

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 the Claimant and the attorneys to appear live at the mediation. Anyone else with authority must be available by phone at the time of the scheduled mediation. Any exceptions must be approved prior to mediation.

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

If so:

a. What information do you require in that Statement?

While mediation statements are not required, they are helpful and should contain a concise statement of the issues in the case, including the status of any prior negotiations.

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

N/A

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

Mediation Statements should be provided at least two days before the scheduled mediation.

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

A mandatory mediation date is given at the first hearing.

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

**Further explanation:**

This will be determined on a case by case basis after the first session/mediation.

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 parties should contact me, the assigned Judge, as I scheduled the mandatory mediation.

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?

Absent an emergency, the request shall be made at least two days before the scheduled mediation.

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:**

But not on Disputes/cases assigned to me for decision.

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

Wilkes-Barre, PA

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:**

I expect the Claimant and the attorneys to appear live at the mediation. Anyone else with authority must be available by phone at the time of the scheduled mediation. Any exceptions must be approved prior to the mediation.

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

**Further explanation:**

While mediation statements are not required, they are helpful and should contain a concise statement of the issues in the case, including the status of any prior negotiations.

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?

N/A

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

Mediation statements should be provided at least two days before the scheduled mediation.

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

Voluntary mediations are scheduled in a timely manner, usually within 30 days of the request.

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

**Further explanation:**

This will be determined on a case by case basis at the time of the first session/mediation.

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?

Since I do not do mediations on disputes assigned to me any request for cancellation or postponement on a voluntary mediation that I am doing shall come to 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?

Absent an emergency, the request shall be made at least two days before the scheduled 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?

Absent an emergency, the Special Rules of Administrative Practice and Procedure before WCJ's are followed and a decision is made based on the request.

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

**Further explanation:**

Conference calls are permitted for matters that do not require a formal hearing or record.

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

Yes  No

**Further explanation:**

I do accept faxes, but no e-mails.

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:**

How far over the allotted time will be determined on a case by case basis and made on the day in question based on various factors.

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

Contact the Wilkes-Barre Workers' Compensation Office of Adjudication.

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

No specific school closing schedule is followed as I conduct hearings in two different locations. However, public safety is always the priority and I do cancel hearings if it is in the best interest of public safety. In addition, since I cover so many different counties, I will grant continuances if a Party or attorney have safety concerns for weather or other emergencies. The parties should look at WCAIS and call the Wilkes-Barre Workers' Compensation Office of Adjudication for any updates on hearing cancellations.