

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?

There are no pre-trials. A hearing will be scheduled for every petition filed. Claimant will testify at the first hearing on a Claimant driven petition. Employer will proceed with a supersedeas request or other relevant action on an Employer driven petition.

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:

Relevant Bureau documents are required, with the exact description of injury where there is an accepted injury. First hearing filings and 45 day filings are not accepted and are not to be submitted or uploaded.

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

Exhibits **Documents**

Further explanation:

Bureau documents are to be uploaded as exhibits after a hearing. First hearing filings are not to be submitted or uploaded.

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

Before **After**

Further explanation:

Neither. See above.

3. What are your procedures for supersedeas hearings?

- a. Will testimony be heard? **Yes** **No**

Further explanation:

n/a

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

Further explanation:

Supersedeas submissions are not considered evidence. The responding party may have 14 days to generate a response to a supersedeas request.

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

Upon the presentation of new information.

- d. Do you generally use written orders for denials? **Yes** **No**

Further explanation:

n/a

- e. What is required for employee's counsel to obtain interim fee approval?

A proper request with proper documentation.

- f. Do you have any other procedures for supersedeas hearings not described above? If so, what are they? **Yes** **No**

Further explanation:

n/a

- g. Do you have different procedures for special supersedeas hearings? If so, please describe them? **Yes** **No**

Further explanation:

n/a

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.

There will be a first and final hearing. If fact witness testimony is to be presented, there will be an interim hearing to avoid surprise at a final hearing and to maintain the litigation schedule. If a different format is required for a specific reason, I will make that determination or a request for modification of the format will be considered.

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

Further explanation:

n/a

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

A record will be made. Depending on the situation, a petition might be dismissed or granted, or the party may be given another opportunity to appear.

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

Further explanation:

n/a

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:

Claimants must testify live at a hearing, generally at the first hearing on a Claimant driven petition and at the last hearing on an Employer driven petition. The presentation of further testimony is discussed at the first hearing. If there is a change required in the plan set at the first hearing, notice is required immediately upon the party determining the need for a change.

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?

Claimants must testify live at a hearing. Depositions of Claimants are very rare and are not permitted absent explanation for the need of a deposition as opposed to live testimony at a hearing, and must be pre-approved. Medical experts may testify by deposition. The method of presenting other testimony is determined on a case by case basis and is discussed at the first hearing. It is extremely rare that a fact witness will be permitted to testify by deposition. Telephone testimony is rare and only from a Claimant in a Compromise and Release hearing, after explanation and approval.

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

Because each case is unique, this will be determined on a case by case basis when the issue arises.

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:

No documents to be offered as exhibits should be uploaded before a hearing.

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

Further explanation:

The use of WCAIS is not mandatory and all parties must have access to exhibits.

14. When will you rule on objections to exhibits?

Generally, at a hearing.

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

At a hearing.

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

In accordance with the Act and relevant Rules.

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:

n/a

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:

Do not submit or upload a Compromise or Release Agreement before a hearing.

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:

Neither. Unless specifically directed otherwise, my office will upload the Compromise and Release Agreement.

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

Further explanation:

n/a

- 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.

It should be rare that there are exhibits attached to the Compromise and Release Agreement. Unless specifically directed otherwise, my office will upload the Agreement.

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

My office will redact confidential information from the Compromise and Release Agreement. No information should be redacted from the Act 109 documents.

- g. Will you sign bench orders? Yes No

Further explanation:

I will sign bench orders but will decline to do so if not drafted to my satisfaction.

- h. Do you have any other procedures for Compromise and Release Agreements not described above? If so, what are they? Yes No

Further explanation:

n/a

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?

All handwritten changes must be initialed. It should be very rare that there are attachments to a stipulation.

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

Further explanation:

n/a

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

Further explanation:

n/a

- 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.

It should be very rare that there are attachments to a stipulation. Where they are absolutely necessary, they should not be referenced to or identified in the stipulation as "Exhibit A," etc.

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

Confidential information should not be included in a stipulation. No information should be redacted from the Act 109 documents.

- f. Do you have any other procedures for Stipulations not described above? If so, what are they? **Yes** **No**

Further explanation:

n/a

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:

The record will be certified at a hearing. If evidence is identified, but not available at the time of the final hearing, only the identified evidence may be uploaded thereafter. Any documents uploaded as evidence after the final hearing that have not been certified as evidence will be deleted with no notice to the parties.

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?

Briefing schedules will be set at the final hearing. If the briefing schedule has passed and no extension of time has been requested prior to the expiration of the original schedule, a decision will be rendered on the case without the benefit of a brief.

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

Briefs should be concise and focus on the legal argument and an explanation of why certain evidence should be found more credible than other evidence. Regurgitation of the record is unnecessary.

Mandatory Mediations

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

Any office in my district.

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:

n/a

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:

Insurance adjusters and Employers' representatives may appear by telephone.

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

If so:

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

n/a

- 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?

n/a

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

This depends on the availability of mediation slots. Mediations will be scheduled in accordance with the timeframes required by the Act.

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

Further explanation:

n/a

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 adjudicating judge should be contacted for a cancellation request. The mediating judge should be contacted for a postponement request.

- 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?

One week in advance.

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

Yes **No**

Further explanation:

n/a

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? **Yes** **No**

Further explanation:

n/a

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

n/a

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

Yes **No**

Further explanation:

n/a

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:

n/a

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:

n/a

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:

n/a

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

Further explanation:

n/a

If so:

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

n/a

- 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?

n/a

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

n/a

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

Further explanation:

n/a

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?

The mediating judge should be contacted for either a cancellation or a postponement request.

- 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?

n/a

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

Yes **No**

Further explanation:

Be certain to comply with the requirements of the mediating judge.

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?

Requests must be made 10 days in advance. They must detail the reason for the request, when the need for the request arose, and the position of the opposing party.

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

Further explanation:

Conference calls on assigned cases are very rare. If one is being requested, the parties must submit a letter outlining the status of the case, the exact issue to be addressed, and the positions of all parties on the issue. If a conference call is granted, it will be conducted during a hearing day and a record of the call will be made.

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

Yes **No**

Further explanation:

Faxes must be sent to the Bristol office. E-mails on assigned cases must be sent to the Bristol office resource account. No e-mails on assigned cases are to be directed to my Commonwealth e-mail address.

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 will allow a hearing to go past the designated end time depending on the circumstances.

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

Contact my secretary at the Bristol office.

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

If the office where I am conducting hearings is open, my hearings will take place. During inclement weather, any party who feels unsafe to travel will be excused from the hearing

without penalty and that hearing will be postponed. It is the responsibility of that party to advise all parties and the judge of the intent not to appear.