

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 5 minute pre-trial hearing to discuss the case, what evidence will be presented, and to identify the next hearing date and time. The case will be referred for mediation unless it is 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:

I do not want them.

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

Exhibits **Documents**

Further explanation:

I do not want them.

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

Before **After**

Further explanation:

I do not want them.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

[Click here to enter text.](#)

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?

When requested.

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?

Present the fee agreement and ask for approval.

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.

The first hearing is a pre-trial as discussed above. The second hearing is for testimony of the claimant and/or fact witnesses. The third hearing is for additional fact witnesses. Five (5) minute status hearings are held through the litigation to make sure the parties complete their depositions in a timely fashion and to discuss ongoing litigation issues, mediation, etc.

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 moving party fails to attend the first hearing I generally dismiss their petitions without prejudice. If the responding party fails to attend the first hearing I generally grant the petitions if the moving party has evidence to support their case. I generally call a missing party in regards to all other hearings and/or re-list the case for another hearing. Mediations are cancelled and not rescheduled unless rescheduling is requested by the parties.

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:

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?

All fact witnesses should testify in person unless the parties agree that they can testify by phone or deposition. The parties are encouraged to depose all experts.

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

Whoever files first deposes their experts first.

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:

I want to physically see each exhibit, mark each exhibit, and have that exact exhibit uploaded after the hearing. The only exception is when last minute exhibits, including litigation costs and attorney fee exhibits, are submitted after the last hearing and/or with written argument.

14. When will you rule on objections to exhibits?

When they are made.

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

Status hearings on the record.

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

With their written argument.

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:

[Click here to enter text.](#)

- 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 of the C & R documents will be admitted as Joint Exhibit 1. This includes, but is not limited to, the C & R, the Act 109 Documents, the Fee Agreement, and any additional documents the parties want to attach to the C & R. I will make sure that all social security numbers are redacted if they are included on any of the documents before I return the original documents to the party uploading the exhibit into WCAIS.

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

See above.

- 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:

If the parties agree the claimant may testify by phone.

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?

Stipulations may be submitted at a hearing or via WCAIS. I generally issue an order disposing of the petition(s) consistent with the attached 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:

[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.

Anything the parties want attached to the stipulation/decision should be attached to the stipulation when submitted.

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

Stipulation – always. Act 109 documents are not attached to my decisions, except for C & R Decisions. Therefore, social security numbers do not need to be redacted for stipulations.

- 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:

[Click here to enter text.](#)

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?

Time limits are established at the last hearing. The parties are asked to pick the date(s) when they will submit any remaining evidence and/or their written argument. I will call a party, or send a WCAIS communication to a party, before I write a decision if they do not submit their written argument or fail to upload an exhibit. They will be given some additional time to submit what is missing before I write the decision.

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

Written argument should be as short as possible. The parties should submit a short letter brief and proposed findings. The proposed findings should mirror the way I write decisions.

Mandatory Mediations

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

Harrisburg Office, York Hearing Site or Gettysburg Hearing Site.

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:

They may participate by phone if the other party agrees.

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?

30 - 60 days.

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 mediating judge. The mediating judge has full authority to cancel the 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?

[Click here to enter text.](#)

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.

Harrisburg Office, York Hearing Site or Gettysburg Hearing Site.

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:

They may participate by phone if the other party agrees.

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Click here to enter text.

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- a. Should the party contact you or the mediating judge?

The mediating judge. The mediating judge has full authority to cancel the 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?

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?

Most requests to continue hearings are granted if a reasonable excuse is provided. The request should be made as soon as possible. Last minute requests should be made via phone or fax. Otherwise, the request may be made via WCAIS.

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:

Under any and all 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:

I am willing to go over the allotted time if it does not delay the next hearing or mediation from starting on time.

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

Call the Harrisburg Office at 717-783-4419 and ask for me or my secretary.

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

If my office (Harrisburg) is closed, hearings at all locations (Harrisburg & York) are cancelled. If we are open and a party does not feel that it is safe for them to travel to the hearing due to the weather, ALL requests to cancel will be granted.