

## **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? The first event is a hearing at which exhibits may be offered and claimant may testify.
  
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:**

Claimant usually testifies at the first hearing.

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

**Further explanation:**

I will usually allow an additional 15 days for the parties to submit additional medical evidence before I issue a written supersedeas order.

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

I will reconsider supersedeas upon request.

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

**Further explanation:**

I issue a written order and address claimants counsels request for fee approval if said request has been made and a fee agreement has been submitted

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

Submit fee agreement and request 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.

Serial Hearings

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

**Further explanation:**

Request participation by phone via my secretary and provide phone number where you can be reached. I will call you when I am ready to begin the hearing.

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

Depends on circumstances. May attempt to contact attorney by phone at the hearing or may reschedule the hearing.

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:**

If witness testimony has been discussed at prior hearing and adequate time has been scheduled for witness testimony; no action is required. If a parties wish to have a witness testify and time has not been scheduled; the attorney must must contact my secretary in advance to insure that adequate time is allotted for testimony of witness at the next scheduled hearing. My office should be contacted as soon as it is determined that additional time for witness testimony is required.

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?

If the witness cannot travel, is ill or must travel long distance to attend a hearing; I will usually allow the witness to testify by phone. I may require insurance adjusters to appear even if they must travel if their testimony and records are critical to understanding a complex litigation issue

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

Usually the party who filed the first petition goes forward with depositions unless the responding party bears the burden of proof. The order of testimony may be changed if subsequent petitions raise issues that all medical witnesses must address and judicial economy is effectuated by modification of deposition schedules.

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:**

Exhibit should be uploaded so opposing counsel has the opportunity to review prior to hearing

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

**Further explanation:**

I would like a hard copy of exhibits particularly deposition transcripts. They can be provided at the final hearing if the petitions are closing for adjudication.

14. When will you rule on objections to exhibits?

At the 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.?

Phone conference call or at the next scheduled hearing

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

Can be filed with proposed findings unless parties request an earlier ruling.

**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.

Fee agreement, court orders and social security set aside documents should be uploaded as part of the C&R agreement. All other documents should be uploaded as separate exhibits

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

Always.

- 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?

Submit hard copy of stipulation and request what action the parties want taken

- 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.

If the parties want a document circulated as part of the stipulation then it should be part of the stipulation. Exhibits are not circulated as part of the stipulation. Bill of costs, resignations and other like documents should be uploaded as exhibits

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

Always

- 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:**

Usually a final hearing but will allow closure on WCAIS if requested and appropriate.

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?

I usually give the moving party 30 days and the responding party an additional 15 days to submit proposed findings. May be modified if the parties need less or more time.

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

I want findings of fact that are concise and address the pertinent legal issues and the accurately reflect the record. I do not want findings the summarize the entire record.

## **Mandatory Mediations**

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

Pittsburgh

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 do not require the employer or the claims rep to attend. Phone availability of those with authority is required. Employers and claims representatives are welcome to attend.

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

If so:

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

I do not require a mediation statement but if either party wishes to submit a mediation statement I do find them helpful. The statement should contain the pertinent information and should not be more than two pages in length.

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

I do not require any specific documents.

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

24 hours

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

Mediations are scheduled when requested. The submission of a mediation statement has no impact on when a mediation is scheduled.

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?

Contact the 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?

There is no limit but as soon as the parties know they are going to request a postponement or cancellation they should contact the mediating judges office. If a mediation is cancelled, it is the requestings party's responsibility to notify the opposing side.

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

**Yes**  **No**

**Further explanation:**

Prepare your client. Obtain the information required to mediate the case. Issues with medical bills, Medicare, Medicaid, Pensions, Social Security should be identified prior to the mediation so they can be addressed at the mediation

### **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.

Pittsburgh

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:**

I do not have any special procedures.

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:**

Sames as for mandatory mediations

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?

Three months.

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?

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?

Advise as soon as possible. No limit.

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?

Upload as soon as you know you are requesting a continuance or postponement. Call or email if less than 24 hours. Confirm with opposing counsel that there is no objection.

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

**Further explanation:**

When requested or when I determine a conference call is the most efficient method of resolving the issue

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

**Yes**  **No**

**Further explanation:**

When email or fax is the most efficient method of communication between all parties.

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 go over the allotted time depending on the issue and the available time before the next scheduled event.

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

Call the office or send an email

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

I do not have a specific policy other than if the office is closed due to weather conditions mediations and hearings are cancelled. During inclement weather, I will grant continuances or allow parties to appear by phone.