

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 will be a pre-trial hearing. If the petition requested supersedeas, then a combined pre-trial and supersedeas hearing will be held.

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:

All relevant and controlling bureau documents should be provided at the first hearing. A pre-trial memorandum or stipulation is optional and no standard form is provided; however, if a pre-trial memorandum is to be submitted, it must be provided to opposing counsel or unrepresented party.

It is strongly suggested that the parties begin the exchange of documents and records pursuant to Section 131.61 of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (Special Rules), 34 Pa. Code § 131.61, prior to the first hearing.

All parties must be prepared to orally advise the judge, on the record, regarding the allegations and issues of fact and law concerning the presentation or defense of the case; regarding any proposed amendments to the pleadings; regarding any stipulations of fact; regarding the average weekly wage, if possible; regarding the names and addresses of medical and fact witnesses; regarding the current address of the claimant; and regarding any other subjects which may aid in the disposition of the proceedings. If practicable, the moving party should begin efforts to schedule any anticipated medical depositions prior to the first hearing.

- 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:

If requested in writing at least 7 days before the hearing with notice to all parties.

- 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?

It depends on the circumstances and the reason behind the request.

- 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?

If requested, it will be determined on a case by case basis.

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

Further explanation:

Evidence in the form of bureau documents, underlying decisions, records, reports, and affidavits of the claimant and other witnesses will be permitted both at supersedeas hearings and special supersedeas hearings. If a party wishes to present testimony in support of or in opposition to the supersedeas request, a written request must be made within 7 days prior to the first (pre-trial) hearing. This request will usually be granted, but the testimony should be brief and address only the issues relevant to the supersedeas request.

Requests for additional time to submit supersedeas documentation will usually be granted to allow the party an additional 14 days to submit this evidence. Requests for additional time beyond 14 days may be granted upon agreement of the parties.

The supersedeas decision will be memorialized in a written Interlocutory Order. Counsel may request an order for payment of interim counsel fees upon submission of an executed counsel fee agreement. Requests for reconsideration will be heard only if new, compelling evidence is presented or a change of law occurs.

No different procedures shall be utilized with regard to special supersedeas hearings; however, no alteration of the time constraints contained in § 131.49 of the Special Rules will be considered.

- 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.

A serial format will be used which will consist of a pre-trial hearing, status hearings and a final hearing. Status hearings following the first hearing will be used to ensure the parties are moving their case forward in accordance with the Special Rules. In all aspects, the Special Rules will be followed, including with respect to the presentation of expert and rebuttal witnesses.

In all petitions, the claimant must testify live either at the second hearing, which will be scheduled within 30 to 45 days after the pre-trial hearing, or by deposition within 60 days after the pre-trial hearing. If the claimant testifies by deposition, the claimant must testify live at or before the final hearing; this testimony will be limited to update information or for rebuttal purposes only. Claimant can provide updated testimony at the final hearing regardless if their prior testimony was by deposition or at hearing.

For employer petitions (e.g., suspension, modification, termination, etc.), the presentation of the employer's fact witnesses on the case-in-chief (i.e. non-rebuttal), shall be completed within 90 days of the first hearing.

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

Further explanation:

Every effort should be made to be present, especially if testimony is to be taken. If counsel is unable to personally attend due to extraordinary circumstances (emergency, illness, unexpected traffic delay, or unavoidable conflict), attendance by telephone is acceptable.

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

It depends on the circumstances and reasons for the failure to attend. Generally, if a party fails to appear at a pre-trial hearing, the hearing will be continued and rescheduled for one additional hearing to provide the party with an opportunity to appear for trial; an Interlocutory Order will be issued directing the party's appearance at the (second) pre-trial hearing. If a party fails to appear at the rescheduled pre-trial hearing or otherwise indicate they intend to prosecute or defend the petition, their petition will be marked dismissed or, if they are the non-filing party, the petition will be decided on the evidence submitted.

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:

All expert (medical, vocational, investigative, etc.) and fact witnesses may testify by deposition at the discretion of the presenting party. Prior notice must be provided if the party will be presenting a witness other than the claimant at a hearing. Notice of witness testimony should be provided at the pre-trial hearing or by mail as soon as possible after the pre-trial hearing, subject to objection by the opposing party.

If non-regularly scheduled listing is required, a written request must be made no later than 10 days before the regularly scheduled hearing.

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?

The parties choose how they present their evidence. Testimony by telephone at a hearing is generally not advised due to logistics rather than preference.

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

In all petitions, the claimant must testify live either at the second hearing, which will be scheduled within 30 to 45 days after the pre-trial hearing, or by deposition within 60 days after the pre-trial hearing. If the claimant testifies by deposition, the claimant must testify live at or before the final hearing; this testimony will be limited to update information or for rebuttal purposes only. Claimant can provide updated testimony at the final hearing regardless if their prior testimony was by deposition or at hearing.

For employer petitions (e.g., suspension, modification, termination, etc.), the presentation of the employer's fact witnesses on the case-in-chief (i.e. non-rebuttal), shall be completed within 90 days of the first hearing.

Medical evidence will generally be presented based upon the order in which the petitions are filed.

It is expected that a claimant's petition to add or modify injuries filed following the filing of an employer's termination, modification or review, will be filed within 45 days of the first hearing or no later than 10 days after the claimant has testified on the underlying petition, whichever is later. In such cases, the petitions will be consolidated and the time limitations previously discussed may be altered, if necessary. Where a claimant's petition to add or modify injuries is filed after the later of 45 days following the first hearing or later than 10 days after the claimant has testified, the petitions will not be consolidated and the parties will proceed accordingly.

The final hearing in most matters will be held nine months from the date of the pre-trial hearing, unless modified by this judge.

At the final hearing, all depositions and other evidence will be introduced, the record will close, and a briefing schedule will be set. After the record is closed, any party may request a settlement conference or mediation to take place with another workers' compensation judge even if mandatory mediation has already taken place. Any requests to re-open the record must be made in writing. If an extension of the briefing schedule is necessary due to mediation after the close of the record or following the re-opening of the record, such request for an extension must be made in writing as the request for settlement conference, mandatory mediation or re-opening the record will not, by itself, extend the briefing schedule.

All parties are instructed to bring a sufficient number of copies of exhibits to the final hearing if they wish to present them into evidence. All deposition transcripts, litigation costs, itemization of quantum meruit attorney fees, medical bills, fee agreements etc. must be submitted at this hearing.

All parties must preserve any objections made at depositions at the final hearing in writing or the objections will be waived. At the request of the parties, oral argument on objections will be heard at the final hearing. In most cases, rulings will be made on the record at the final hearing if oral argument is held. When circumstances warrant, rulings will be made by Interlocutory Order and will be made on objections preserved in writing prior to briefs being due.

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:

There is no requirement but it is preferred that exhibits are uploaded prior to the hearing.

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

Further explanation:

It may be beneficial, but it is not required.

14. When will you rule on objections to exhibits?

At the hearing when the exhibits are offered, unless additional time is needed.

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

In general, discovery disputes are discouraged and the parties are encouraged to communicate with each other to resolve such disputes.

When necessary, discovery disputes may be presented in writing and will be resolved by telephone conference, order, or other writing at the judge's discretion. Discovery disputes will usually be discussed at a hearing on the record, which will be scheduled as soon as practical after the request is received by this workers' compensation judge.

Absent special circumstances, this workers' compensation judge will not make rulings by telephone contemporaneously with the taking of any deposition. Any objections should be stated on the record at the time of the deposition to be ruled upon at a later time.

Special circumstances include objections as to the occurrence of the deposition itself due to a previously unknown discovery violation or other such exigent circumstances. The parties are cautioned to be judicious regarding their requests for contemporaneous rulings on objections. The parties may anticipate that this judge will be available for telephone conferences regarding discovery disputes during normal business hours. Rulings on discovery disputes presented during telephone conferences will be memorialized either through confirming letter or Interlocutory Order as the circumstances warrant.

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

All parties must preserve any objections made at depositions at the final hearing in writing or the objections will be waived. At the request of the parties, oral argument on objections will be heard at the final hearing. In most cases, rulings will be made on the record at the final

hearing if oral argument is held. When circumstances warrant, rulings will be made by Interlocutory Order and will be made on objections preserved in writing prior to briefs being due.

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:

If the parties wish to keep the matter open for a decision on the merits, in whole or in part, the petition(s) that will be going to decision need to remain unamended. This may require the filing of a separate petition for compromise and release.

- 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 party uploading the Compromise and Release will need to upload the copy I initial at the bench, which will include redactions of social security numbers and all necessary exhibits.

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

Further explanation:

The documents should be uploaded with the Compromise and Release Agreement.

- 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 Compromise and Release is one document or packet. If it is part of the Agreement it should be uploaded with it. Resignations and bench orders are not part of an Agreement.

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

At hearing, by the Judge, after verification of the information by the Claimant under oath.

- 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:

The claimant's personal appearance at the hearing is preferred but their testimony may be taken by telephone if circumstances warrant it (e.g. out of state, severe illness or disability).

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 executed Stipulation may be uploaded, with notice to the Judge of such uploading, or mailed. The Stipulation will be reviewed for conformity to the Rules and adopted if acceptable.

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

Further explanation:

I have no preference.

- 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.

It is up to the parties – but when in doubt include it.

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

Prior to uploading or submission of the stipulation.

- 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?

A briefing schedule will be issued at the final hearing and on the record. While a confirming letter may be sent to counsel regarding the schedule, no Interlocutory Order will be issued. Proposed Findings of Fact and Briefs are suggested but not required.

All reasonable briefing schedule requests will be accommodated and a reminder may be provided for late filings. If briefs and other required documents are not submitted in a timely manner, the case may be decided upon the materials present before the judge at the close of the briefing schedule.

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

This Workers' Compensation judge has a preference for formatting of the post-trial submissions as follows: the format of the submission should track the formatting of the judge's decision (hearing dates, exhibits, preserved objections, proposed Findings of Fact and Conclusions of Law, and proposed Order). Findings of Fact should be concise and without editorial or argumentative comment with the exception of proposed credibility findings. A supporting Memorandum of Law or Brief in separate writing is encouraged – this is where you

argue your case, not in the proposed Findings or Conclusions. The following is a list of preferences for content:

The Proposed Findings of Fact should:

- 1) clearly state what relief they are requesting from this Workers' Compensation Judge;
- 2) the issues which are not in dispute and the issues that are in dispute;
- 3) outline and summarize the evidence of record with citation to the record (identifying the document and page where the information may be found);
- 4) outline the reasons the testimony of their witnesses should be found credible;
- 5) outline the reasons why the testimony of the opposing party's witnesses should be found to be neither credible nor persuasive;
- 6) fully discuss whether there has been a reasonable basis for the contest of the petition(s), making specific reference to the record;
- 7) discuss any sub-issues in the case, particularly requests for credits and subrogation;
- 8) provide all monetary calculations and the method of calculation when these issues are material to the case.

The Memorandum of Law or Brief: The parties should avoid duplication; they should not "copy and paste" their Proposed Findings of Fact into their brief. The brief should be reserved for argument, discussion, and application of the law to the facts. A letter brief is acceptable for matters not requiring extensive argument (e.g., disfigurement, utilization review, penalty, etc.).

Mandatory Mediations

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

Philadelphia (Arch Street)

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:

The parties should bring or have available all those persons necessary to effectuate a meaningful mediation. At the very least counsel, claimant, and adjuster should be available if not present. This includes: the parties, counsel, claims adjuster/examiner, employer representative, third party counsel (if separate).

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

If so:

a. What information do you require in that Statement?

The parties should provide the information contained in the Mandatory Mediation Disclosure Report regardless of whether the mediation is mandatory or voluntary. Additionally, all parties should also include the following information in the memorandum:

Is the Claimant a Medicare beneficiary? If so, has a lien letter regarding the payment of conditional benefits been requested or obtained? Has an MSA proposal been prepared? Does Claimant or Employer wish to close out medical benefits? What is the amount of the proposed MSA?

For Claimants only: Does Claimant agree that the accepted (or alleged) injuries are the only injuries related to the work injury? If not, what other injuries are believed related? Has a Review or Claim Petition been filed regarding those additional injuries?

For Employers only: If a medical benefits are being settled and a Medicare Set-Aside is necessary, is Employer willing to pay medical benefits while waiting for approval? If Medicare approves an amount higher than Employer's proposal, will Employer still go through with funding the MSA or will the settlement be limited to indemnity only.

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

Any the parties wish me to consider. When possible, I would like to see copies of the Bureau Documents (NCP, Statement of Wages, Supplemental Agreements).

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

At least a day is preferred.

26. 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.

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

Further explanation:

If the parties request an additional session and I feel it will be beneficial, I will have more than one.

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?

Cancellations are addressed to the Judge assigned to handle the case in chief.
Postponements are addressed to 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?

One week's notice is preferred but not required.

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

Yes **No**

Further explanation:

Do not argue your case in mediation – I am not the finder of fact.

Voluntary Mediations:

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

Further explanation:

Upon request and depending on availability.

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

Philadelphia, Allentown, Upper Darby, Easton, Malvern.

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

Yes **No**

Further explanation:

With respect to mediating my own cases, I will require the parties to execute a stipulation or state on the record that the mediation efforts will not constitute a basis for recusal.

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 have no special procedures – I will expect appropriate conduct.

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:

The parties should bring or have available all those persons necessary to effectuate a meaningful mediation. At the very least counsel, claimant, and adjuster should be available if not present. This includes: the parties, counsel, claims adjuster/examiner, employer representative, third party counsel (if separate).

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?

The same as a mandatory statement.

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

The same as a mandatory statement.

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

The same as a mandatory statement.

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

It depends on availability of the parties and my schedule.

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?

Cancellations are addressed to the Judge assigned to handle the case in chief.
Postponements are addressed to 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?

One week.

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?

Where continuance requests are unopposed, continuances will be usually granted; however, the parties are reminded that the trial schedule agreed to by the parties and established at the first hearing is more than a guide and should be adhered to as closely practicable.

When possible, continuance requests should be sent either by regular mail or facsimile transmittal, with proof service, upon the party's learning of the need for the continuance. Continuance requests made at the time of the hearing will be considered but are strongly discouraged.

Hearing times may be changed by request and agreement of the parties.

A party's request for an extension of time to take depositions of its fact or expert witnesses will

be considered and granted for good cause shown, including a witness's unavailability. In such cases, the trial schedule may need to be adjusted. As such, it is important for the parties to communicate with me and each other and any difficulty they are having meeting the trial schedule timeline so that delays do not become compounded.

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

Further explanation:

When appropriate – most matters can/should be handled at a hearing or, if appropriate, in writing.

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

Yes **No**

Further explanation:

Faxes generally are discouraged. Emails are accepted as long as all parties are included to avoid ex parte communication. Communication by email is a courtesy – do not abuse it.

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 if necessary.

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

Email and office telephone.

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

If Philadelphia public and parochial schools are closed, hearings are cancelled. If they are delayed, continuances will be considered liberally. The safety of the parties comes first.