

## **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 hearing. For claim petitions and challenge petitions, the matter will be listed for 30 minutes, and Claimant will be expected to testify. For all other petitions, the hearing will be listed for 15 minutes to address trial schedules, supersedeas and order of evidence.

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:**

First hearing filings are not required. I will obtain the Bureau documents electronically to the extent that they are available in WCAIS. Please note that I am a paperless Judge.

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

**Exhibits**  **Documents**

#### **Further explanation:**

Although first hearing filings are not requested, they should only be uploaded as Documents.

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

**Before**  **After**

**Further explanation:**

3. What are your procedures for supersedeas hearings?

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

**Further explanation:**

Supersedeas evidence should be uploaded prior to hearing. No testimony will be heard, but the parties are free to submit affidavits.

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

**Further explanation:**

A maximum of 14 days additional time from the date of hearing will be allowed pursuant to the requirements of 34 Pa. Code Section 131.43 for disposition of supersedeas requests.

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

The procedures under 34 Pa. Code Section 131.41(b) will be followed.

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

**Further explanation:**

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

The fee agreement should be uploaded into WCAIS prior to the first hearing and will generally be approved if the request for supersedeas is denied. Claimant's counsel should file a request through WCAIS if it appears the fee agreement has not been approved.

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

**Further explanation:**

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

**Further explanation:**

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.

I generally follow a serial hearing format.

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

**Further explanation:**

In order to request telephone participation, please utilize the "request" tab in WCAIS to do so and provide your telephone number in the request. Requests should be made at least seven days prior to the hearing.

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

It will vary depending upon the missing party and type of petition. In most cases, a letter will be sent to the missing party requiring a response within 14 days or they risk an adverse determination.

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

**Further explanation:**

**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:**

Notice of witnesses is required if it appears the amount of time set for the hearing is insufficient. Advise if further time is needed at least 14 days in advance.

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?

I expect the parties to the matter to testify at hearing. I prefer fact witnesses to testify at hearing as well, but exceptions may be requested. Expert witnesses are preferred by deposition.

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

Generally, the party with the burden of proof is expected to proceed first with its evidence, including the completion of medical evidence. If cross petitions are filed, the Judge will establish the order for taking and presentation of medical evidence at the first hearing.

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:**

I strongly prefer that exhibits be uploaded prior to the hearing, so that they can be marked and addressed at the time of hearing.

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

**Further explanation:**

I am a paperless Judge. I do not require hard copies, but hard copies should be available to opposing counsel and witnesses, if they will be referenced and utilized at hearing.

14. When will you rule on objections to exhibits?

Objections to exhibits may be made at hearing. If a hearing is not scheduled, the party objecting must do so through the "request" tab in WCAIS.

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

Discovery disputes will generally be handled via telephone conference or email to the parties. I may attend a deposition if a special request to do so is made by a party.

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

The written preservation of deposition objections should be filed simultaneously with the party's post-trial submission.

**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:**

- 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:**

- 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:**

Generally, counsel will not need to upload the Compromise and Release Agreement. I will take a copy of the Compromise and Release Agreement, and my office will take care of uploading it to WCAIS.

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

**Further explanation:**

- 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.

As noted above, I will take care of uploading the Compromise and Release Agreement along with any attachments as presented at the settlement hearing.

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

Confidential information should always redacted prior to uploading any exhibits.

- g. Will you sign bench orders? **Yes**  **No**

**Further explanation:**

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

**Further explanation:**

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 should strictly follow the requirements of Section 131.91. Stipulations should be uploaded as an exhibit.

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

**Further explanation:**

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

**Further explanation:**

Please upload the child support documents as a separate exhibit at all times.

- 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.

I leave it up to the parties as to whether they want any attachments to be uploaded with the Stipulation. The parties remain responsible for ascertaining that all confidential information is redacted from any attachments.

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

Confidential information should be redacted prior to uploading as exhibits.

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

**Further explanation:**

### **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:**

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?

The parties are expected to follow the briefing schedule. If an extension is needed, there is a specific mechanism for such request on the "briefs" tab in WCAIS. Any request for extension should be made prior to the deadline passing. If a submission is late, but prior to the Judge deciding the case, it will be considered.

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

I have no preference; the format and content is left to the parties to determine.

### **Mandatory Mediations**

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

I generally conduct mediations in Harrisburg, but I am willing to travel at the request of the parties pending Judge Manager approval.

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:**

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:**

All counsel and the claimant are required to attend mediation in person. Exceptions may be made for special circumstances, i.e. residing out of state.

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

If so:

a. What information do you require in that Statement?

No specific format is required. It is helpful to know the general nature of the issues in dispute and a discussion of the strengths and weaknesses of the case.

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

The Judge will rely wholly upon the evidence available for viewing in WCAIS. To the extent that there are any documents not in WCAIS that would be particularly relevant, please attach to the Mediation Statement.

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

The Mediation Statement should be uploaded at least one day in advance.

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

Depending upon the Judge's schedule, mediation can usually be accommodated within 14 days.

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

**Further explanation:**

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 party should contact me for cancellation or postponing 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?

Cancellation should be requested at least five days prior to the mediation.

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

Yes  No

**Further explanation:**

### **Voluntary Mediations:**

30. Do you conduct Voluntary Mediations? Yes  No

**Further explanation:**

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

I generally conduct mediations in Harrisburg, but I am willing to travel at the request of the parties pending Judge Manager approval.

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

Yes  No

**Further explanation:**

Yes, but only rarely on a case by case determination, and as long as the requirements of Section 131.59a are met. All parties must sign an agreement to have the adjudicating judge mediate.

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 am willing to mediate disputes without counsel, but all parties must sign an agreement to mediate.

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:**

The only situations where an agreement to mediate is required are noted in questions 32 and 33.

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:**

All counsel and the claimant are required to attend mediation in person. Exceptions may be made for special circumstances, i.e. residing out of state.

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

**Further explanation:**

If so:

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

No specific format is required. It is helpful to know the general nature of the issues in dispute and a discussion of the strengths and weaknesses of the case.

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

The Judge will rely wholly upon the evidence available for viewing in WCAIS. To the extent that there are any documents not in WCAIS that would be particularly relevant, please attach to the Mediation Statement.

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

The Mediation Statement should be uploaded at least one day in advance.

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

Depending upon the Judge's schedule, mediation can usually be accommodated within 14 days.

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

**Further explanation:**

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?

In a voluntary mediation, the parties should contact the mediating judge regarding cancellations or postponements.

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?

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

Yes  No

**Further explanation:**

**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?

I follow the requirements of 34 Pa. Code Section 131.13 for hearing continuances. I am willing to entertain requests for a change in the time for a hearing, provided that the party will certify that they obtained consent from all other parties and will notify all parties if the change is granted.

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

**Further explanation:**

As noted above, I will conduct conference calls for discovery disputes and as other circumstances arise that do require a hearing.

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

Yes  No

**Further explanation:**

I prefer submission through WCAIS for all communication. However, I will accept emails or faxes provided all the parties are clearly copied. If a party of record is not clearly copied on the email, I will reply and note that the email was not read for this reason.

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:**

Strict adherence to hearing time, but mediations may go over time as necessary.

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

Email is the best contact in an urgent/emergency situation. leahlewis@pa.gov

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

I follow the Commonwealth of PA, Capitol Complex for Harrisburg events, and Careerlink, York County, for York events. If I cancel a scheduled event, I will make every effort to note such cancellation in the Judge Instruction box on WCAIS.