

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?

My first hearing is a pretrial. At that time, the Parties can submit documentary evidence, such as bureau documents or supersedeas materials.

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:

[Click here to enter text.](#)

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

Further explanation:

I will give Claimant 14 days to respond. I occasionally will extend to 21 days if there is no objection.

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

Claimant has returned to work or there is newly obtained medical evidence

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?

I require Claimant's Affidavit and a signed fee agreement

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.

At the pre-trial, I will put the case into the mandatory mediation pool and give the parties a 6-month re-list for a status hearing. During those six months, Claimant is to testify by trial deposition and the parties can schedule their fact witness and/or medical depositions in accordance with the Judge's Rules. At the status hearing, the parties are to give me an update on their progress and I will schedule a Final listing so that Claimant can testify in order for me to assess credibility and for an update on their current physical condition.

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?

I will generally follow up with an e-mail or letter to counsel

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

Further explanation:

I will give them a special listing in the afternoon.

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:

I have two categories of days. The Pre Trial and Status Days (P&S Days) are days in which no testimony will be taken, except for C&Rs and the description of a scar in a specific loss case. The days set aside for testimony are Final Days (F days). I do them in alternate weeks. To fairly apportion time on the F days, I would like two weeks' notice for witnesses other than the Claimant.

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 adjuster/employer witness is out of state and more than 3 hours away by car.

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

The Party seeking to change the status quo with respect to indemnity benefits must go 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:

I mark the exhibits and give them back to be uploaded

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

Further explanation:

[Click here to enter text.](#)

14. When will you rule on objections to exhibits?

I will rule on the record 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.?

I will generally use telephone conferences. In cases where the Parties are overly contentious and no meaningful examination of the witness will take place, I will attend the deposition.

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

One week prior.

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:

The Child Support Information is attached to the Agreement. I mark the whole packet as a Judge's exhibit

- 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, if not already in evidence and the Waiver of Appeal. The Alternative Delivery Authorization is nice, but not necessary

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

Whenever possible

- 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?

I will mark the Stipulation as an exhibit and circulate a decision adopting by reference. The Stipulation itself is attached to the decision.

- 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:

They can attach this as an exhibit to the Stipulation

- 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.

The Fee Agreement should be an attachment

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

Whenever possible

- 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:

I always review the exhibits on the record at the final hearing

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?

Party changing the status quo regarding indemnity gets 60 days and the other Party gets 60 days thereafter. If there are no issues involving indemnity, then the Parties go in order of filing. All requests for extensions must be made in WCAIS or by letter. They will generally be granted so long as there is no objection

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

I like to get e-mailed copies in Microsoft Word.

Mandatory Mediations

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

Philadelphia

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:

Many of the Insurers are out of State (Alabama, Ohio, etc.) and can only participate by phone.

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

If so:

a. What information do you require in that Statement?

A basic outline of the procedural posture of the case, the basic underlying facts, the Bureau information (Accepted injury, AWW, and Comp rate.) and a summary of prior negotiations (if any).

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

The most recent narrative from the treating doctor and the IME report are helpful. Under no circumstances should a party give me their brief. This isn't a summary judgment hearing.

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

One week is preferred, but not necessary. 10 PM the night before is not acceptable.

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

Robert does the scheduling of the MMs

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

Further explanation:

When the Parties have a basic agreement, but need to investigate additional circumstances (pension and/or Medicare status)

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 me for a postponement; contact assigned WCJ for a cancellation

- 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?

I do my mandatory mediations on Fridays. The request should be made by Wednesday at the latest. I wish that I could fill the mandatory cancellations with voluntaries, but the request for cancellation/postponement usually comes too late.

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

Yes **No**

Further explanation:

Talk to each other and their respective clients. Don't come into a mediation cold and expect miracles

Voluntary Mediations:

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

Further explanation:

As time permits, I like to reserve 1 Friday per month for VMs. I also like to fit VMs into openings on my Mandatory days.

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

Philadelphia

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

Yes **No**

Further explanation:

I have been doing this more sparingly as the years have passed. Mediating my own case is fraught with peril.

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:

I do this when mediating my own cases.

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:

See #24

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

Further explanation:

See #25

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?

I generally schedule 6 weeks in advance on a day reserved for VMs; when I am filling an MM cancellation, it could be a day or two beforehand.

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

Further explanation:

See #27

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 for a postponement; they should contact me for a cancellation.

- 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?

I like at least 48 hours

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

Yes **No**

Further explanation:

See #29

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 want them in writing with the reason set forth in the letter. I prefer a letter, but have started to accept e-mails as well

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

Further explanation:

My conference calls usually involve discovery issues

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

Yes **No**

Further explanation:

[Click here to enter text.](#)

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:

[Click here to enter text.](#)

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

I regularly check my e-mail.

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

I link my cancellation policy to the Philadelphia School District