

## 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.

### Table of Contents

- A. [First Event/First Hearing](#)
- B. [Witnesses/Exhibits](#)
- C. [C&Rs/Stipulations](#)
- D. [Close of Record/Briefs](#)
- E. [Mandatory Mediations](#)
- F. [Voluntary Mediations](#)
- G. [Requests/Miscellaneous](#)

### **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. On Claimant's Petitions my expectation is that Claimant's testimony will be presented at the first hearing. On Employer's Petitions it is not my expectation the testimony will be presented. A trial schedule will be given to the parties and a mandatory mediation will be scheduled.
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 require a first hearing filing.

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

**Exhibits**  **Documents**

#### **Further explanation:**

I do not admit a first hearing filing as an Exhibit. It should be uploaded as an Associated Document.

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

**Before**  **After**

**Further explanation:**

I do not require a first hearing filing.

3. What are your procedures for supersedeas hearings?

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

**Further explanation:**

My expectation is both parties will present affidavits from Claimant or other witnesses for supersedeas. A request to present Claimant or other witness at the supersedeas hearing will be considered by this Judge but ONLY if the request is made BEFORE the hearing.

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

**Further explanation:**

My expectation is Employer will have their medical evidence in support of supersedeas at the hearing. It is my custom to allow Claimant 14 days to submit evidence contra to the supersedeas request although longer periods will be allowed for good cause.

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

I will reconsider supersedeas in any case where additional evidence is submitted by the party requesting reconsideration. Additional evidence could include Claimant's original submission of evidence where supersedeas has been granted based on Claimant's initial failure to submit evidence. I do require a hearing on reconsideration unless both parties waive their right to a hearing.

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

**Further explanation:**

All of my supersedeas orders are written orders.

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

Submission of the fee agreement and confirmation by Claimant at the supersedeas hearing of the agreement or reference to the agreement in Claimant's Affidavit.

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

**Further explanation:**

N/A

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

**Further explanation:**

N/A

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 use the serial hearing format. Generally there are three hearings on Claimant Petitions and two hearings on Employer Petitions. I do schedule longer hearings for multiple witnesses or extended testimony by the Claimant.

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

**Further explanation:**

I do allow counsel to participate by phone either by pre-arrangement or on an emergency basis. If by pre-arrangement the attorney must submit a WCAIS Notification to the Judge which sets forth the reason for the request and the phone number where counsel can be reached.

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

My first endeavor is to try to determine if the absent party had Notice of the hearing. If my determination is the party had Notice my normal practice is to reschedule the hearing. If my determination is they did not have Notice my office attempts to obtain a current address before rescheduling. The one caveat is I will grant supersedeas if Claimant had Notice and fails to appear at the supersedeas hearing.

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

**Further explanation:**

N/A

**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 do require Notice and my expectation is said Notice will be 30 days before the hearing. Notice should be by WCAIS Notification to the Judge.

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 will permit a party or witness to testify by deposition or telephone for good cause shown. Examples may include personal or child's health issue, extreme weather or great geographic distance. My preference is for a party to testify live before me, although I am more flexible as to rebuttal or additional testimony from a party.

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

My general rule is the party who filed the first Petition where medical evidence is at issue will present it's evidence first. There are occasions where cross petitions are filed where the order may be reversed for reasons of judicial economy.

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:**

My preference is for the exhibits to be uploaded before the hearing but I do not require it. Exhibits may be uploaded on the day of the hearing. There is no time deadline on uploading exhibits.

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

**Further explanation:**

I do not require counsel to bring hard copies of the exhibits.

14. When will you rule on objections to exhibits?

If the Objection is made on the record I will rule on the Objection on the record or by Interlocutory Order. I will reference the Objection and ruling in my final Decision to preserve appellate rights. If a party preserves objections at the end of the litigation I will rule on the objections in my final Decision.

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 utilize a conference call on occasion but my preference is to address these issues on the record with the reporter present. I will attend a deposition when requested.

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

The last day a party may file preserved objections is the date their brief is 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:**

N/A

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:**

N/A

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:**

My experience has been that most Compromise and Release Agreements that are uploaded before the hearing are not signed or notarized. Certainly if the document is signed and/or notarized feel free to upload it before the hearing.

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

**Further explanation:**

The child support documents should be uploaded as an Associated Document.

- 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 fee agreement, waiver of appeal, costs exhibit, medical bills, set aside documents or any other attachments may be uploaded as part of the Agreement.

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

The social security number or at least the first five digits should always be redacted from the C&R Agreement and the Act 109 documents.

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

**Further explanation:**

I do sign bench orders but please be aware of Strawbridge & Clothier v. WCAB(McGee), 777 A.2d 1194 (Pa. Cmwlth. 2001).

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

**Further explanation:**

N/A

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 Stipulation should be submitted as a WCAIS Notification to the Judge for review and 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:**

The fee agreement is a separate exhibit.

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

**Further explanation:**

The child support documents should be uploaded as an Associated Document.

- 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 prefer that other exhibits be uploaded as separate exhibits and not as part of the Stipulation.

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

The SSN should always be redacted from the Stipulation. The SSN or the first five digits should be redacted from the Act 109 documents.

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

**Further explanation:**

N/A

**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 have always allowed cases to close by mail and electronic submission via WCAIS is the "new mail."

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 generally set the briefing schedule at the final hearing or by briefing letter in WCAIS. My procedure if the brief or briefs are not received is to place the case in line for decision. My office will not call looking for your brief. Late briefs will be considered absent an appropriate objection by the opposing party.

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

I prefer proposed Findings and Conclusions rather than long summaries of the evidence which look like appellate briefs. Citation to the record is helpful. Legal argument is useful where there is a legal issue but not so much when the facts or witness credibility are the issue.

**Mandatory Mediations**

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

As of April, 2015, Pottsville and the Hazleton 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:**

N/A

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:**

My philosophy regarding mediations is "whatever works for the parties" works for me. I am extremely flexible with regard to mediations. Telephone, e-mail, text are acceptable.

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

If so:

a. What information do you require in that Statement?

N/A

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

N/A

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

N/A

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

The parties do not request mandatory mediation. Generally mandatory mediations are scheduled approximately 90 to 120 days after the first hearing.

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

**Further explanation:**

As long as we seem to be progressing I am willing to schedule additional sessions.

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 parties should contact the litigating Judge in Pottsville and the mediating Judge in Hazleton.

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?

The day before the mediation at the close of business.

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

Yes  No

**Further explanation:**

N/A

**Voluntary Mediations:**

30. Do you conduct Voluntary Mediations? Yes  No

**Further explanation:**

N/A

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

As of April 2015, Pottsville and the Hazleton hearing site.

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

Yes  No

**Further explanation:**

My strong preference is to not mediate my own cases.

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 although I end up spending a lot of time with the unrepresented party.

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:**

N/A

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:**

My philosophy is "whatever works for the parties" works for me. I am extremely flexible in regard to mediations. Telephone, e-mail, text are acceptable.

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?

It depends on my availability. Quickest turnaround is a week. Usually scheduled within 90 days of request.

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

**Further explanation:**

As long as we seem to be progressing I will hold multiple sessions.

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?

They should contact the mediating Judge on a voluntary mediation. I as the litigating Judge am not involved.

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?

N/A

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

Yes  No

**Further explanation:**

N/A

**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 am generally quite liberal in granting continuances and extensions and try to be flexible regarding changing hearing times. You should request an extension before the deadline has arrived. I prefer that continuance requests are not made at the last minute.

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

**Further explanation:**

I will occasionally utilize conference calls in my cases. The parties may request a conference call and I will occasionally hold one but my preference is to schedule a quick hearing and address the issue on the record.

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

Yes  No

**Further explanation:**

With the advent of WCAIS the parties should use the Notification or Request features of the system.

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 don not strictly adhere to my schedule for hearings or mediations. It is not unusual in the mediation context to be conducting two or three mediations at the same time.

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

Call my secretary.

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

Generally if I can get to the office my hearings or mediations are not cancelled. I will occasionally cancel ahead of time if the forecast warrants this action. I have a liberal continuance policy during inclement weather.