

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 parties shall advise the judge of the issues in dispute, stipulations and evidence to be presented.

A Mandatory Trial Schedule will be issued and a mandatory mediation will be scheduled for the month selected by the parties.

All bureau documents shall be submitted into evidence.

On Claimant generated petition, the hearing will be listed for 10:30 for the Claimant's testimony. If the parties choose to proceed with a deposition of the Claimant in lieu of testimony at the first hearing, the parties shall advise the judge of the date of the Claimant's deposition at the first hearing. Claimant will be expected to testify at the last hearing prior to close of the record.

On a Defendant generated petition, a hard copy of supersedeas exhibits shall be presented by the parties and uploaded into WCAIS.

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:

A hard copy of all bureau documents shall be submitted at the first hearing and are to be uploaded into WCAIS.

- 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:

Bureau documents should be uploaded after admitted into the record at a hearing.

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:

Additional time for submissions of supersedeas exhibits may be granted.

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

Supersedeas will be reconsidered only upon submissions of new, relevant 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?

A copy of the fee agreement must be presented at the hearing and uploaded into WCAIS.

- 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.

The case will be scheduled for an initial hearing, an interim hearing and a final hearing. Additional hearings may be scheduled depending on circumstances.

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

Further explanation:

Permission for counsel to attend by telephone will be granted only under very limited circumstances and only for good cause. Any request to participate by telephone must be made seven days in advance of the scheduled hearing and must set forth the specific reason why counsel is unable to attend.

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

No set procedure. It depends on the circumstances of each individual case. However repeated failure to attend hearings without good cause may result in disposition of petition upon motion of opposing counsel.

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

Further explanation:

Upon request of counsel, I will allow a "closed" hearing for claimant's testimony.

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:

Claimant may testify by deposition in lieu of testifying at the initial hearing and may testify at the final hearing in summary fashion. Notice must be provided at least seven days in advance of a scheduling hearing for the testimony of any other witnesses. If notice of the anticipated testimony is not provided, testimony of additional witnesses may only be presented at a hearing if there is sufficient court time. Any witness may testify by deposition upon agreement of counsel.

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 parties agree, deposition testimony of witnesses are permitted.

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

The moving party shall present its medical evidence first. With cross petitions, the party that filed the first petition is required to present its medical evidence 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:

Bureau documents must be uploaded as exhibits. The parties are required to upload all exhibits. Exhibits can be uploaded after the record is closed, however, all exhibits MUST BE UPLOADED prior to the expiration of the respective party's briefing schedule. Any exhibits not uploaded after the briefing schedule has expired will generate further hearing.

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?

No set policy or procedure.

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 shall be put in writing by both parties. Each party shall advise of any and all issues in dispute, set forth each party's respective position and provide relevant case law, regulation or special rule which would control the issue. The parties must upload this writing through the Request tab in WCAIS.

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

Written preservations of objections shall be submitted pursuant to the Special Rules of Practice and Procedure and are due no later than the date that the party's 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:

[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:

The agreement and attachments must be uploaded immediately after the hearing. The parties must ensure that the personal information regarding Claimant's date of birth and social security number is redacted on the copy uploaded into WCAIS.

- 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.

All exhibits admitted at hearing must be uploaded as part of the Compromise and Release Agreement.

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

Redactions must be made after the hearing and before the documentation is uploaded into WCAIS.

- 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?

Stipulations must comply with the Special Rules of Practice and Procedure and must be uploaded into WCAIS along with the fee agreement and all child support documentation.

- 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.

Click here to enter text.

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

Redactions should be made before documentation is uploaded into WCAIS. A hard copy of the Stipulation should be provided to the judge at a hearing or by e mail.

- 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?

Parties are given a reasonable amount of time to submit findings of fact, conclusions of law and supporting briefs. A decision will be written upon the expiration of the deadline for filing briefs whether one or both parties' briefs are received.

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

Proposed findings should begin with a procedural history, followed by a non-argumentative summary of all of the evidence of record, followed by proposed credibility determinations and must set forth supporting reasons for the credibility determinations. Conclusions of law must state the burden of proof and whether and how the burden of proof has been met.

Mandatory Mediations

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

Philadelphia, and when necessary, Upper Darby.

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 adjuster and/or employer representative may participate by telephone. Claimant shall attend the mediation, unless good cause is shown by counsel prior to the scheduled date of the mediation.

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

If so:

a. What information do you require in that Statement?

While a mediation statement is not required, a mediation statement is beneficial for a successful mediation of the case. Relevant information for a successful mediation, such as date of injury, nature of injury, date of birth of claimant, length of employment, nature of injury, date of disability and a brief statement of each party's position should be included in the mediation statement. I do not need a summary of all of the evidence since I will not be deciding the case on its merits.

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

No additional documents are required or should be submitted with the mediation statement.

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

Any mediation statement should be uploaded through WCAIS at least twenty four hours in advance of the mediation. Mediation statements uploaded less than twenty hour hours prior to the mediation could possibly not be considered.

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:

[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?

A cancellation request shall be made to this Judge. Mandatory mediations which are cancelled will not be rescheduled pursuant to office policy. After cancellation of a mandatory mediation, the parties are free to avail themselves of the voluntary mediation process.

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?

A cancellation request should be made as soon as possible.

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

Yes **No**

Further explanation:

Negotiations should be discussed prior to mediation; the parties should appear with realistic authority based on each individual case. Both parties must have appropriate authority to enter into meaningful negotiations.

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.

Philadelphia and Upper Darby

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:

[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:

[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:

Employer and/or adjuster may participate by telephone. Claimant must be present.

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?

Same procedures as mandatory mediations.

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

None.

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

Twenty four hours.

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

Depends on individual circumstances.

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?

[Click here to enter text.](#)

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?

Continuances of hearings must be made through WCAIS absent extenuating circumstances. Continuances of hearings must be made no later than seven days in advance of the hearing. Requests for continuances must include the date of the hearing the party is seeking to continue and must include a specific reason for the continuance, (not a general reason simply stating "scheduling conflict"), must include the status of the case and must include information as to when it became apparent a continuance was necessary.

Requests for extensions of time should be made through WCAIS through the Request tab and

shall be made prior deadline provided by the scheduling Order. Any requests for extensions of time shall include information identifying when the party first became aware an extension of time may be necessary, position of opposing counsel, the amount of time the party is requesting to complete its case and the specific reason why the party is requesting an extension of time. If all of this information is not provided in a timely fashion, the request may be denied.

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

Further explanation:

As a general rule, I prefer not to conduct conference calls. However, there are limited circumstances when such a request will be considered.

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

Yes **No**

Further explanation:

No faxes are accepted by this office; e mails will be accepted under limited circumstances.

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?

At the Philadelphia Office – 215-560-2488.

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

Hearings are cancelled when the Philadelphia School District is closed. In the event hearings are not cancelled, please use best judgment. When inclement weather is a problem, hearings will be liberally continued without prejudiced to either party.