

## **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?

For Petitions filed by Claimant, I usually expect testimony from Claimant at the first hearing, which will be listed for 30 minutes. Petitions filed by Employer are usually listed for 15 minutes for a pre-trial hearing with no anticipated testimony.

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:**

N/A

- 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:**

Usually I do not expect testimony, but if a party wishes to present testimony at the supersedeas hearing, I will allow brief testimony.

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

**Further explanation:**

Requests for extensions of deadlines to obtain medical evidence will be decided on a case by case basis.

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

Generally, there will be no reconsideration of a supersedeas order absent additional or newly discovered evidence that was not available at the time the initial supersedeas order was issued.

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?

Submit Fee Agreement into evidence.

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.

Generally, serial hearings are conducted. On petitions filed by Claimant, the first hearing will be scheduled for 30 minutes for testimony of Claimant. For petitions filed by Employer, the first hearing will be scheduled for 15 minutes for supersedeas consideration and/or as a pre-trial hearing. At the end of first hearing for all petitions, the parties will be given a trial schedule. Usually, the moving party is given 90 days to complete their case in chief, followed by 90 days thereafter for completion of evidence by the non-moving party. A status hearing is usually listed in the middle of the trial schedule for updated testimony and/or receipt of the moving party's evidence. The parties are given a mandatory mediation date at the first hearing. Changes to the hearing format can be made upon request by the parties and will be decided on a case by case basis.

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

**Further explanation:**

Generally no, but permission to appear by phone will be considered on a case by case basis.

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

If a party fails to appear at a scheduled hearing without explanation, he or she runs the risk of an adverse decision. If a party fails to appear at a scheduled mediation without explanation, he or she runs the risk of a sanction consistent the the WCJ Rules.

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:**

Two weeks notice in advance of hearing is preferred.

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 are in agreement, I will allow a witness or a party to testify by deposition or by phone.

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 that filed the earlier petition will be expected to proceed first with regard to their evidence. Exceptions can be made on a case by case basis.

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:**

Generally, the parties are expected to upload exhibits within one day of the hearing. C&R documents can be handed in at the 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?

Rulings on objections to exhibits will be made at the hearing on the record. Objections made during a deposition can be decided at a later hearing upon request, or if preserved in a separate writing in accordance with the WCJ Rules, said objections will be ruled upon within the final circulated 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.?

Generally, the preference is to make a ruling regarding discovery disputes at a hearing on the record. Telephone conferences can be scheduled to address same on a case by case basis.

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

Parties can submit same with their brief.

**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:**

If the C&R Agreements have already been executed, then they should be uploaded prior to the hearing. If the C&R documents are signed at the hearing, then the parties can submit the documents into evidence at the hearing.

- 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.

The parties should try to limit the number of exhibits to be attached to the C&R Agreement itself because the C&R Agreement with attached exhibits are published with the Decision approving same. The Fee Agreement should be attached to the C&R and all other exhibits should be uploaded separately absent a good reason to attach same to the C&R Agreement.

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

Such information should only appear on the Act 109 documents which should be admitted as a separate exhibit from the C&R Agreement.

- 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?

An executed Stipulation should be uploaded as an exhibit for review. The parties should indicate whether the Stipulation resolves all pending petitions. If there are no questions upon review of the Stipulation, a final Decision or an Interim Order will be issued depending on the matters resolved in the Stipulation. If there are questions about the Stipulation, a hearing or conference call will be scheduled to address same.

- 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.

Generally, exhibits should be uploaded separately and not attached to the Stipulation. Case by case exceptions can be made if there is a valid reason for attaching exhibits to the Stipulation. The executed Stipulation is attached to the final Decision approving same.

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

Social security numbers and confidential information should not appear on the Stipulation as the Stipulation itself is published with the final Decision. This information should be included on the Act 109 documents and uploaded separately as an exhibit.

- 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?

Generally, the moving party is given 30 days from close of the record to submit his or her brief. The non-moving party is given 30 days thereafter whether or not the moving party has submitted their brief or not. If briefs are not received in a timely manner, and there is no request for extension of time for submitting same, the dispute moves forward for a decision without the brief. The attorneys will not be contacted for their late briefs.

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

Briefs should generally list in a clear and concise way what petitions are pending for decision. Then, the testimony of the parties and of any witnesses should be summarized in findings with citations to the record for same. Thereafter, proposed credibility findings should be drafted with a rationale as to why certain evidence or testimony is more credible than other evidence

or testimony in support of or in contradiction of the respective burdens of proof involved with the pending dispute. The parties should then list draft conclusions of law that cover all of the legal issues and burdens of proof with regard to the pending litigation, including whether the contest of the petitions has been reasonable.

### **Mandatory Mediations**

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

Allentown and Lancaster.

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:**

Generally, it is preferred to have Claimant and the attorneys appear live at the mediation. All other necessary parties should be available by phone. Exceptions to this general preference can be made on a case by case basis.

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

If so:

a. What information do you require in that Statement?

Basic background information regarding the nature of the claim and the issues involved in the pending litigation. The general strengths and weaknesses of each party's position and whether a demand and offer have been made.

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?

The day before the mediation.

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

Depends on my schedule.

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?

No. It is preferred that the parties contact the assigned judge for permission to cancel or postpone the 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?

At least one week in advance as the mediation time slot so that the time slot can then potentially be used for another dispute.

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

**Yes**  **No**

**Further explanation:**

Claimant's should submit a demand if possible well in advance of the mediation. Failure of Claimant to submit a demand should not preclude Employer from pricing up case for possible settlement in time for the mediation.

**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.

Lancaster, Reading, Allentown, Harriburg and Philadelphia.

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:**

There are no special procedures.

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:**

Generally, it is preferred to have Claimant and the attorneys appear live at the mediation. All other necessary parties should be available by phone. Exceptions to this general preference can be made on a case by case basis.

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?

Basic background information regarding the nature of the claim and the issues involved if there is pending litigation. The general strengths and weaknesses of each party's position and whether a demand and offer have been made.

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?

One day before mediation.

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

Depends on 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?

Contact me.

- 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?

At least one week in advance.

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

**Yes**  **No**

**Further explanation:**

Where possible, Claimant's should make a settlement demand well in advance of the mediation. Failure of Claimant to make a demand should not preclude Employer from pricing up the case for possible settlement in time for the mediation.

**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?

Requests should be made through the Request tab in WCAIS as early as possible.

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

**Further explanation:**

At the request of the parties.

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

**Yes**  **No**

**Further explanation:**

All parties need to be copied on any communications.

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:**

Generally, I try to adhere to the duration of time listed for a hearing or mediation. Where necessary, however, I will go over the allotted time.

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

Call Lancaster Office at 717-299-7591 and ask for my secretary or a staff member.

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

If the WCOA does not authorize closure of our office, scheduled hearings and mediations will generally be held. However, during the workday prior to an expected snow or weather event, a determination will be made concerning whether hearings or mediations should be cancelled. If the events are cancelled, the parties will be contacted by our office staff and that information will be posted on WCAIS.