

## **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? Testimony will be taken from the claimant, exhibits are marked, and the parties will advise what further evidence they anticipate. First Hearings are scheduled for 30 minutes. Additional time may be requested in advance of the hearing. If the parties wish to present testimony from other witnesses, they should obtain permission prior to the hearing, and provide an estimate of the time required for the hearing.
  
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:**

Testimony from the claimant will be taken at the supersedeas hearing.

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

**Further explanation:**

Medical evidence should be submitted within 14 days of the supersedeas hearing.

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

Supersedeas will be reconsidered if requested prior to a hearing.

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

**Further explanation:**

Written orders are issued following the hearing.

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

Provide a copy of the 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.

Serial hearings. The initial hearing is scheduled for testimony of the claimant, following hearings are 15 minute status hearings unless the parties request additional time. If depositions are required, the next hearing will be scheduled in 120 days. If depositions are not required, a further hearing will be scheduled in 30 to 90 days depending on the complexity of the case. Scheduling may also be modified to take into consideration mandatory mediation or voluntary settlement conferences.

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

**Further explanation:**

Counsel may participate by phone for status hearings and other hearings that do not require testimony from a witness. Participation by phone is discouraged when a witness is testifying. Employer counsel may participate by phone for Compromise and Release Hearings if the paperwork is prepared in advance of the hearing.

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

The petition may be disposed of in the absence of the party, depending on the nature of the petition. Depending on the circumstances correspondence or interlocutory orders may be issued to the absent party.

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

**Further explanation:**

I offer the opportunity to bifurcate the issues if the parties are in agreement.

**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 require prior notice of any witness, other than the claimant, for a hearing. I also request an estimate of time for the testimony.

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 issue does not involve credibility issues the witness may testify by deposition. Medical and Vocational experts should testify by deposition. Surveillance testimony should be taken by deposition. The claimant may testify by phone if he/she resides out of the area.

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 filing the first petition would be considered as the moving party. Consideration would be made regarding the nature of the petitions.

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:**

The parties may upload exhibits through the day of 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?

At the 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 prefer to handle discovery disputes at hearings. However, I do allow telephone conferences and if requested, I will attend depositions.

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

Counsel may preserve objection with the filing of the Proposed Findings of Fact and Conclusions of Law.

**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:**

I prefer amending a pending petition.

- 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 parties are not required to upload the Compromise and Release Agreement. My office uploads the Compromise and Release Agreement after the hearing.

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

**Further explanation:**

The child support documents may be uploaded in advance of the hearing and marked as a claimant'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.

The Waiver of Appeal may be uploaded as a separate exhibit. I may review the medical bills and other documents at the time of the hearing to determine if they will be considered 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?

My office will redact the social security number and other confidential information.

- 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 will be reviewed and if appropriate adopted. The Stipulation is to be signed by all parties. The Stipulation will be 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:**

[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.

Other exhibits should be uploaded as separate exhibits.

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

My office will redact confidential information.

- 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?

Proposed Findings of Fact and Conclusions of Law are due as directed at the final hearing or by correspondence. Both sets of findings are due on the same date. A decision may be issued without findings if they are not submitted when due.

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

Proposed Findings of Fact should be concise and accurately summarize the evidence presented. Arguments should be excluded when summarizing the evidence and any argument should be included in the resolution section.

The Findings should reference any bureau documents relevant to the decision.

The Findings should identify the burden of proof and whether or not the burden of proof has been met.

Following a summary of the evidence, the Findings should include a resolution of the issues.

The parties should identify the relief that they are seeking.

**Mandatory Mediations**

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

Pittsburgh and Monaca

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:**

Claimant and both attorneys attend the mediation. The adjuster/employer representative may participate by phone, but a case where the parties are far apart and the issues more complicated, the presence of the adjuster/employer is very helpful.

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

If so:

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

I do not require a Statement but I find them to be very helpful if evidence has not been uploaded into WCAIS.

- 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?

Up until the time of the mediation.

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

4 to 6 weeks

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?

The party should contact the 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?

The day prior to the mediation.

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

Yes  No

**Further explanation:**

[Click here to enter text.](#)

**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.

Pittsburgh and Monaca

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, adjuster/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:**

Claimant and both attorneys attend the voluntary mediation. The adjuster/employer representative may participate by phone, but a case where the parties are far apart and the issues more complicated, the presence of the adjuster/employer is very helpful.

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

**Further explanation:**

I do not require a Statement but I find them to be very helpful if evidence has not been uploaded into WCAIS.

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?

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

Up until the time of the mediation.

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

4 to 6 weeks

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 the 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?

The day prior to the mediation.

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?

The earlier the better as the request can be better accommodated. Generally requests will be granted if the opposing side has no objection unless too many continuances have been requested.

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

**Further explanation:**

[Click here to enter text.](#)

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:**

If time is available in the schedule I am willing to extend a hearing or a mediation.

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

Through the Pittsburgh office.

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

Counsel should contact my office if they feel that travel to an event would be hazardous. Postponements will be announced via WCAIS alert.