

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 first event is the initial hearing on the pending petition(s), at which time the petitioning party should be prepared to proceed on the merits of the petition, inclusive of testimony.

In Western District claimant is expected to testify except for IME or penalties before this Judge.

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:

Preferably before, but afterward is acceptable, as well.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

But not mandatory.

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

Further explanation:

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

New medical evidence.

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

Further explanation:

All supersedeas requests will have a written Interlocutory Order.

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

A Contingent 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.

Counsel are asked at the first listing how they wish to proceed. The court will decide based on feedback.

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

Further explanation:

With good cause shown and prior approval.

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

Will call counsel's office and assess the situation.

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:

They should advise Judge at the first hearing.

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?

Every witness can participate by deposition.

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

Who ever filed the first petition has the burden of going forward.

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:

To be uploaded by hard copies for court at last hearing for Judge identification.

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

Further explanation:

The last one.

14. When will you rule on objections to exhibits?

When presented at the last hearing unless a telephone conference is requested.

15. What is your procedure for handling discovery disputes, e.g., do you employ telephone conferences, do you prefer to attend certain depositions, etc.?

Telephone conference.

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

With post trial submissions.

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:

Either or depending on the case. Call the Judge if there is a question.

- 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:

- 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:

Hard copies should be provided at the hearing.

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

Further explanation:

This Judge will attach same and Contingent Fee Agreement if applicable to the C & R.

- 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 should be brought to hearing for a ruling.

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

Judges' office will redact.

- 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:

Unless claimant is out of state or ill, live testimony is preferred.

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?

Can be submitted by mail.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation** **Separate Exhibit**

Further explanation:

Should also be incorporated in proposed order.

- 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.

The exhibits which are being relied upon.

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

Judges' office will redact.

- 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?

Neutral Findings of Fact are strongly encouraged. Short letter briefs will be entertained.

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

Neutral Findings of Fact, short letter brief

Mandatory Mediations

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

New Castle, Butler, 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:

I do require a Mandatory Mediation Disclosure Form outlining the issues.

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 unless out of state should attend. Adjusters/employers are also encouraged to attend. If defense representative are unable, they should be readily available by phone.

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

If so:

a. What information do you require in that Statement?

See Mandatory Mediation Disclosure Form. Judge's office has it if you cannot find it.

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

Parties' discretion.

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

Seven days prior.

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

It varies on the schedule. Normally within 90 days.

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

Further explanation:

Sometimes it takes multiple 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?

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?

One week except for bad weather or emergency so slot can be filled.

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.

New Castle, Butler, Monaca

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

Yes **No**

Further explanation:

If the parties agree that they will not ask me to recuse myself if the matter does not settle.

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:

Under special circumstances and prior approval as required.

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:

See mandatory mediation response.

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?

Contact Judge's office for copy of same.

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

Discretionary

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

Seven days

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

90 days or before depending on 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?

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?

One week

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

Yes **No**

Further explanation:

See mandatory mediation section as well.

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 will be entertained as tasks not letters in WCAIS unless an emergency one week in advance.

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

Further explanation:

Telephone conferences are normally held on Fridays. Contact Judge's office with appropriate time for both parties.

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

Yes No

Further explanation:

Hard copies of all requests are appreciated.

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:

Time will be given for the parties.

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

Contact the Judges' office

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

None