

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? Following assignment, the matter will be set for an initial hearing (the first Event).

The first event generally serves as a pretrial hearing at which the moving party will identify the issue(s) as well as any witnesses and evidence to be presented. Brief testimony may be taken. If appropriate, the parties will be provided with a future hearing date and a mediation date. Certain petitions including Challenge Petitions, Petitions for Physical Examination or Expert Interview and Petitions Seeking Approval of a Compromise and Release may conclude without the scheduling of any additional hearings.

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:

Generally, the moving party should have uploaded its First Hearing Filing and available exhibits in accordance with the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges.

- 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:

When possible, the parties should upload first hearing filings prior to the hearing so that the same are available on WCAIS for reference during the hearing.

3. What are your procedures for supersedeas hearings?

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

Further explanation:

Testimony is not generally required but may be taken at the discretion of the Judge.

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

Further explanation:

If necessary, the responding party may request an extension of up to 7 days to submit evidence in response to the request for supersedeas. The request may be granted if warranted by the circumstances.

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

Upon request of the parties if based upon discovery of additional evidence or a change in circumstances.

- 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?

Submission of the signed fee agreement through 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.

Generally a one-day one-hearing format will be followed. At the first event, the date for mandatory mediation as well as the date for the full and final hearing will be provided. This format may be altered if requested by the parties and/or as circumstances warrant.

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

Further explanation:

Counsel should anticipate attending and participating in every hearing in person. In exceptional circumstances, permission may be granted for counsel to participate by telephone but prior approval from this office should be sought.

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

Depending upon the type of petition pending, the relief requested may be granted, the petition dismissed or time afforded to the missing party to explain the failure to appear.

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:

Testimony may be submitted by deposition or at hearing, as time and circumstances permit. Claimant's testimony is generally taken at the Final Hearing. If either party intends to present additional witness testimony at hearing, the witness should be identified in the first hearing or responding party filings and a confirmation notice should be provided at least 45 days prior to the hearing. If time permits, the additional testimony will be taken at the 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?

All testimony may be submitted by deposition. If there is no objection and prior approval has been granted, parties may testify 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 with the burden of proof presents evidence first. In the event cross petitions are filed, the moving party on the initial petition presents 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:

Parties should upload exhibits to WCAIS at least 3 days prior to the hearing so that opposing counsel has an opportunity to review the exhibits. Unless offered without objection, an exhibit will not be viewed by the Judge until 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?

Objections to exhibits will usually be ruled upon on the record at hearing. If raised during a conference call with counsel, the ruling may be memorialized in correspondence.

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 may be resolved through conferences with counsel, either by telephone or in person. I do not generally attend depositions but may do so if warranted by the circumstances and/or requested by the parties.

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

Any time prior to the close of the record.

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 is acceptable.

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:

The parties are not required to upload a draft of the Agreement. However, the fully executed Compromise and Release Agreement must be presented at the hearing or uploaded to WCAIS, along with the necessary child support documentation, before a Decision will circulate.

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:

Either is acceptable. However, a Decision and Order will not issue until after the Compromise and Release Agreement, its attachments and the necessary child support documentation have been uploaded.

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.

If counsel seeks a fee, the fee agreement should be uploaded as part of the Compromise and Release Agreement. All other exhibits should be uploaded as separate exhibits.

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

After counsel have confirmed the accuracy of the information with the claimant but prior to uploading.

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

Further explanation:

If requested by the parties to expedite payment, I will sign a bench order approving a Compromise and Release with a caveat to the parties that an official Decision and Order will nevertheless issue.

- 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?

After the parties have uploaded the executed Stipulation to WCAIS, I will review the same and issue an appropriate decision. A formal hearing is not necessary.

- 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.

All exhibits necessary to effectuate the Stipulation should be uploaded. Unless otherwise specified, the documentation may be uploaded as an attachment to the Stipulation or as separate exhibits.

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

Social security numbers and other confidential information should be redacted after confirmation of the same by counsel but prior to uploading the exhibit(s).

- 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?

The time requirements will be set forth on the record at the Final Hearing and/or in an Interlocutory Order. Submissions not timely filed may be accepted upon a showing of good cause.

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

Proposed Findings of Fact and Conclusions of Law are preferred, with or without accompanying legal briefs. The filings should include: the procedural history; a summary of relevant facts; the specific issue(s) raised; legal argument with appropriate statutory/case law citations; and, the specific relief sought.

Mandatory Mediations

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

Scranton – WCOA.

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:

Attendance in person is preferred but telephone participation may be allowed as circumstances warrant, provided prior approval has been sought and granted.

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

If so:

a. What information do you require in that Statement?

A simple one page "Confidential Mediation Statement" is preferred. No specific form is required. However, the filing should identify the petitions/issues in dispute; the Average Weekly Wage and Compensation rate; the amounts of any settlement demands/offers; when they were exchanged; and, present settlement authority.

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?

Uploading the Mediation Statement 10 days prior to the scheduled mediation is preferred but the same will be accepted at any time.

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

If I am the Mediating Judge, mandatory mediation is generally scheduled between 45 and 120 days from the date of the request. The time frame may be shortened or extended at the request of the parties depending upon the issues raised. In cases where the mandatory mediation will be conducted by another Judge, the mediation is generally scheduled between 60 and 120 days from the date of request.

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?

Cancellations or postponements should be requested as soon as possible but notice at least one week prior to the scheduled mediation is appreciated. The request should always indicate the position of the other parties.

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

Yes **No**

Further explanation:

The parties are expected to exchange at least one demand/offer prior to the mediation. The same should be exchanged sufficiently in advance of the scheduled mediation so that the representatives present have the requisite authority to discuss and effectuate resolution.

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.

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:

I am willing to mediate a dispute involving unrepresented parties but will reserve the right to stop the mediation at any time if it appears that the unrepresented party fails to grasp the gravity of the mediation or potential consequences of settlement.

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:

Counsel should always plan on attending in person, as should claimant. Personal attendance of all other participants is preferred but not mandatory provided that any person not attending in person is available by telephone to discuss the matter with the mediating Judge for the entire time scheduled for the mediation.

36. Do you require a Mediation Statement? Yes No

Further explanation:

A Confidential Mediation Statement is not required but if submitted it should identify the issues/petitions in dispute, a statement of undisputed facts and proposed resolution.

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

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

1 to 4 weeks. The time frame may be adjusted at the request of the parties or as warranted by the 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?

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?

N/A

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?

Requests for continuances and any other scheduling changes should be uploaded as a Request in WCAIS as soon as counsel/the parties are aware of the need for the same. The requesting

party should always identify the reason for the request, when the need arose, and the position of all other parties with respect to the request. If the position of the opposing party is unknown, the requesting party must provide the number of attempts made to contact the opposing party.

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

Further explanation:

Conference calls may be conducted either at the request of the parties or at the Judge's discretion in order to facilitate movement of the case or resolution of issues.

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

Yes **No**

Further explanation:

All requests and communications should be uploaded using WCAIS. However, faxes will be accepted in the event of time-sensitive communications or extraordinary 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:

While the hearing schedule is adhered to as closely as possible, extra time may be allotted based upon the interests of justice and the circumstances of any given case.

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

In an urgent or emergency situation, the best way to contact me is through the main telephone number at WCOA-Scranton: (570) 963-4580 with confirming correspondence or request uploaded in WCAIS.

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

Generally, if the Scranton State Office Building closes, WCOA-Scranton will also be closed. Closing information should also be available by calling the office: (570)963-4580 and on WCAIS. In the event of adverse weather conditions, continuance requests will be liberally granted.