

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? In employee petition (if listed for 30 minutes) some testimony of claimant will be taken. Trial date announced (6-7 months later), Scheduling order, etc. distributed and mediation date discussed. In employer petition, supersedeas evidence (if applicable) received, but no testimony, and listing is normally 15 minutes.
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 first hearing filing should be uploaded prior to hearing.

- 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:

Affidavits will be accepted.

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

Further explanation:

20 days is normally given to Claimant.

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

A second IME or additional evidence from Claimant if supersedeas has been granted

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

Further explanation:

Where the claimant is not receiving wage loss benefits, I do not issue a written order.

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

Testimony or correspondance which establishes that Claimant is in agreement with the requested interim order approving a fee and a copy of the fee agreement has been uploaded.

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.

I establish a trial date, but will conduct additional hearings prior to the trial date if requested, or if the nature of the litigation warrants additional hearings.

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

Further explanation:

I prefer counsel to present if there will be testimony.

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

If an attorney is listed in WCAIS, I will call that attorney's office to see why no one is here. If the party is not here and no attorney has entered an appearance in WCAIS for the party and the attorney for the opposing side is here, I will let the attorney that is here make a motion on the record, but require the verbal motion to be followed by a written motion/request with a certificate of service indicating that service was made on the unrepresented party who did not 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:

Claimant is expected to testify at the first hearing for an employee petition that is listed for 30 minutes. At least 30 days notice should be given with respect to subsequent testimony at a hearing. The notice can be given at a hearing or in subsequent correspondence.

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?

Expert witnesses are normally by deposition. Fact witnesses may also be by deposition if both counsel agree and I conclude that credibility will not be a big issue with respect to the anticipated subject of the testimony. If I am in doubt, I will want it live and will have a hearing scheduled for such testimony.

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

I generally stay with the order set forth in the initial scheduling order. The biggest exception is where claimant files a review petition after a termination petition has been filed. In that situation, I want the claimant to take her/his medical deposition first. If I learn at the first hearing on the term petition that a review petition will be filed, then the 'claimant goes first' scheduling order will be issued at that hearing even though the review petition has not yet been filed.

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:

I prefer after the hearing, but if before its still OK because I will not view the uploaded document until I have indicated at a hearing, or in a letter or e-mail, that it is admitted.

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

Further explanation:

They should, however, check with opposing counsel to see if she/he desire a hard copy.

14. When will you rule on objections to exhibits?

Generally at a hearing, With respect to objections to exhibits to depositions, I only rule on those if the objection is preserved pursuant to 34 Pa Code 131.65

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

Usually handled by a telephone conference (often on the record). If not on the record, then the ruling is confirmed in an e-mail.

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

They may be filed when the proposed findings are submitted but must be separate from the proposed findings and should be uploaded as an exhibit rather than uploaded as correspondence.

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:

If there is something unusual about the C & R, I appreciate being sent a copy of the proposed document several days prior to the hearing.

- 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:

[Click here to enter text.](#)

- 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.

Any documents that counsel agree should be circulated as part of the C & R agreement should be uploaded along with the C & R agreement. The C & R agreement and the

documents which counsel want circulated with the C & R will be designated as a Joint Exhibit. NONE OF THE DOCUMENTS INCLUDED WITH THE C&R AGREEMENT SHOULD CONTAIN THE CLAIMANT'S SOCIAL SECURITY NUMBER.

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

The SSN must be redacted from all documents included with the C&R Agreement prior to the exhibit being uploaded after the hearing. The Act 109 documents are to be uploaded as a Claimant's exhibit. The Act 109 documents will not be attached to the C & R Agreement, and the SSN need not be redacted from the Act 109 documents.

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

Further explanation:

I prefer that they be called "INTERIM ORDER"

- 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?

The stipulation should be uploaded and must be signed by claimant and counsel. The stipulation will not be approved until the ACT 109 documents have been uploaded unless it is absolutely clear from the terms of the stip that claimant will be receiving less than \$5,000. If the Stipulation refers to attachments/exhibits, these documents must be uploaded as part of the stipulation document.

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

Further explanation:

If the fee agreement had been previously uploaded, another copy need not be included with the stipulation when it is uploaded unless it is listed in the stip. as an attachment or exhibit.

- 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.

See comment to 18 a. above.

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

The SSN should be redacted from the Stipulation and from any exhibits/attachments to the stipulation before it is uploaded because the stipulation and all attachments/exhibits will be attached to the decision approving the stipulation which decision will be mailed. The SSN need not be redacted from the Act 109 documents which are to be uploaded seperately as a claimant exhibit and will not be attached to the decision.

- 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:

If the only additional evidence is determined at a hearing to be a deposition transcript(s), I will issue a 'closing/briefing letter' shortly after I am notified that the final deposition has been uploaded. If I have any doubt, I will normally send a short e-mail to counsel.

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?

Unless a request for extension is granted, the case goes into a "Closed awaiting decision" status on the day following the due date of the briefs. My 'closing/briefing letter' calls for both briefs/proposed findings to be due on the same date. If a brief comes in after the case is "closed awaiting decision" I will normally consider the late brief, but will consider requests that the late brief not be considered. I also normally consider reply briefs that are submitted prior to my reviewing all the evidence. Any brief/proposed findings or reply brief submitted after the dispute is in a "closed awaiting decision" status must be uploaded as correspondance.

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

The format is included with the "closing/briefing letter"

Mandatory Mediations

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

Harrisburg WCOA office at the East Gate Center

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:

It is basically a confidentiality agreement. A copy will be send to counsel prior to the mediation if requested.

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:

Normally the adjuster need not attend but should be available via phone. Counsel and the Claimant should be present.

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

If so:

a. What information do you require in that Statement?

Probably the most important information is the AWW and Comp. Rate and what is the latest demand and response. I have a form and will e-mail it to counsel if requested. I am however very flexible as to the format of the statement. I prefer mediation statements that do not exceed 3 pages. Please be concise.

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

That is up to counsel, but prefer a relatively small number of attachments since time to review the submission is limited.

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

Three days prior is preferred.

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

Approximately 30 days unless there is a need for one sooner.

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 mediating judge, with a copy of the request to 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?

Three days before.

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

Yes **No**

Further explanation:

A written demand should have been made by claimant's counsel at least 10 days prior to the mediation, and defense counsel should have been given 'authority' at least 3 days before 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.

East Gate

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 will give the unrepresented party a written explanation concerning my perception of the role of the mediator under such a circumstances which will encourage the pro se party to retain counsel after the mediation if he/she still wants to proceed with the mediation on the day it is scheduled.

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:

Same as for mandatory mediations as set forth in no. 24 above.

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

Further explanation:

I would not expect to get one from the pro se party.

If so:

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

Same as for mandatory mediations, no. 25 a. above.

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

Same as for mandatory mediations, no. 25 b. above.

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

Same as for mandatory mediations, no. 25 c. above.

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

30 days.

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 with copy of request to the assigned WCJ

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?

Three days

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?

I prefer the request be 5 business days prior.

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

Further explanation:

If requested by one of the counsel or if I decide one is needed.

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

Yes **No**

Further explanation:

E-mails are common because I contact counsel via e-mail in the course of managing the disputes assigned to me.

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:

It not unusual for me to go over the time allotted.

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

Via e-mail except on Wednesdays (my usual hearing day). On a hearing day, call my office at 717-783-4419.

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

Harrisburg area state offices under the Governor's Jurisdiction. If there is no indication that the hearing/mediation is cancelled, but counsel is concerned about the driving conditions due to inclement weather, or the forecast of the same, counsel should not hesitate to contact my office at 717-783-4419. I have a liberal cancellation policy and hearing via phone policy in the case of inclement weather.