

HEARING OFFICER NAME: Colleen Pickens **ASSIGNED OFFICE:** Click or tap here to enter text.

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Fee Review Hearing Officer Procedural Questionnaire

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Hearing Officer. All documents, including evidence and briefs, that would have been submitted to a Hearing Officer by mail or in person prior to WCAIS should 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, Subpoenas, and Extensions of time to file briefs, 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 Hearing Officer?

The first event is a pretrial conference, normally held via Microsoft Teams.

2. Are any filings or documents required at the first Event with the Hearing Officer? If so, what are they?

No filings or documents are required at the first event.

Further explanation:

N/A

a. Should such filings or documents be uploaded as Exhibits or as Documents?

N/A

Further explanation:

N/A

3. Are you willing to allow counsel to participate in hearings by telephone?

All parties, including pro se litigants, are expected and required to appear by video unless there is a technical reason that precludes the same.

Further explanation:

If there is a technical issue that precludes a party from appearing via video, telephone participation will be permitted.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

Most of my medical fee review hearings are held virtually. I may conduct an in-person hearing for the purpose of taking live testimony, depending on the circumstances.

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

A letter will be sent to the party who fails to appear and uploaded to WCAIS. If the party fails to appear at the next scheduled hearing, the case may be dismissed.

Witnesses/Exhibits:

5. What are your rules regarding the taking of testimony?

a. Do you prefer the testimony be taken at a hearing or by deposition?

Either deposition or live testimony is acceptable.

Further explanation:

N/A

b. If counsel wishes to call a witness at a hearing, do you require prior notice? If so, how much notice do you require?

Prior notice of at least 45 days is required to ensure an appropriate amount of time is allotted.

Further explanation:

Notice of witness testimony must be provided at least 45 days prior to the hearing date and must be forwarded to my secretary via email.

7. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Hearing Officer Exhibits?

I will enter the Bureau documents as Hearing Officer Exhibits if the case goes to litigation.

Further explanation:

N/A

8. 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?

Exhibits must be uploaded to WCAIS at least 48 hours prior to the scheduled hearing.

Further explanation:

N/A

9. Do you require counsel to bring hard copies of the exhibits to in-person hearings?

Hard copies are not necessary, assuming the exhibits have been uploaded to WCAIS.

Further explanation:

N/A

10. When will you rule on objections to exhibits?

I will normally rule on objections during the hearing, at the time the objection is made. For depositions, I will rule on any objections in the Decision itself, assuming the objections have been preserved.

11. What is your procedure for handling discovery disputes. For example, do you employ telephone conferences or prefer to attend certain depositions virtually?

These disputes are handled either during a telephone conference or during the hearing itself.

12. Will the Hearing Officer allow the parties to present written argument with respect to timely made objections?

Yes, I do permit written argument with respect to timely made objections.

Stipulations:

13. 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 must be uploaded to WCAIS. As long as the Stipulation is fair and equitable to both parties, it will be approved. The Stipulation will be incorporated into the Findings of Fact and will be attached to the Decision.

b. 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 submission of additional exhibits depends on the circumstances. Any additional exhibits should be uploaded as part of the Stipulation.

c. When should the social security number and other confidential information be redacted from the Stipulation?

Confidential information should ALWAYS be redacted from the Stipulation.

d. Do you have any other procedures for Stipulations not described above? If so, what are they?

I do not have any additional procedures for Stipulations.

Further explanation:

N/A

Close of Record/Briefs:

14. Are you willing to close a case by electronic submission via WCAIS or is a final hearing required?

Either submission via WCAIS or a final hearing is acceptable.

Further explanation:

N/A

15. 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?

This varies by case and will be addressed during the final hearing. If a brief or post-hearing submission is not received in a timely manner, it will not be considered or addressed in the Decision. It is the party's responsibility to ensure all submissions are uploaded to WCAIS in a timely manner. I will not reach out to a party to remind the party of an upcoming deadline.

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

I accept any format and content for briefs and post-hearing submissions, but generally prefer a section for findings of fact and a section for conclusions of law, at a minimum.

Voluntary Mediation:

17. Are voluntary mediations available upon request?

Yes

If so, who conducts the mediations?

Further explanation:

Either one of the other Hearing Officers or a WCJ will conduct the mediations. I am currently scheduling mediations the third Thursday of every month.

Requests/Miscellaneous:

18. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

I require at least 24 hours' notice.

19. Do you conduct off the record conference calls?

Yes, I will conduct off the record conference calls, if warranted by the circumstances.

Further explanation:

Parties requesting an off the record conference call should contact my secretary via email.

20. Do you accept faxes from the parties? If so, under what circumstances?

Faxes are accepted; however, WCAIS should be utilized as much as possible.

Further explanation:

N/A

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

Emails are accepted; however, WCAIS should be utilized as much as possible.

Further explanation:

Any emails should NOT be sent to me directly, but should go through my secretary.

23. Do you adhere strictly to duration listed for a hearing or are you willing to go over the allotted time?

Generally, I adhere strictly to the duration listed for a hearing.

Further explanation:

If additional time is needed, the request should be made to my secretary via email as soon as possible.

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

Contact should be made with my secretary via either phone or email.

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

Any changes are posted on WCAIS.