

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? Penalty Petitions and all petitions filed by an employer will have a 15min Pretrial. All other petitions filed by claimants will have a 45min hearing for the claimant's testimony.

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. Should first hearing filings or documents be uploaded as Exhibits or as Documents?

Exhibits **Documents**

Further explanation:

I do not require any first hearing filings or documents

- b. Should first hearing filings be uploaded before or after the first hearing?

Before After

Further explanation:

I do not require any first hearing filings or documents

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? Yes No

Further explanation:

I do not hear testimony, but will accept a written statement or affidavit from the claimant. The statement/affidavit must include an acknowledgement of the fee agreement, if approval of a fee is desired.

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

Further explanation:

[Click here to enter text.](#)

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

If new evidence not existing at the time the initial supersedeas evidence becomes available within a reasonable time after the initial supersedeas order.

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

Further explanation:

I will advise on the record if I will allow a denial by action of law

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

A written fee agreement and affidavit from the claimant acknowledging 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.

I use a serial hearing format with the party bearing the burden of proof to move forward with evidence. After the moving parties evidence is complete, or the deadline expires, the responding party will proceed. I will schedule as many hearings as needed.

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

Further explanation:

[Click here to enter text.](#)

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

A claimant's failure to appear without notice at a hearing at which the defendant requests supersedeas will result in an interlocutory order granting the requested supersedeas, if the evidence supports it. The interlocutory order will further direct the claimant to advise me of any desire to defend the petition. If the claimant failed to comply, and the evidence supported supersedeas, the interlocutory order will be made final.

All other petitions will be addressed on a case-by-case basis.

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

Further explanation:

A claimant alleging a mental/mental or physical/mental work injury must produce a prima facie report from the claimant's expert who will ultimately testify in support of the alleged injury. The report must be provided to defendant no later than 45 days from the date of assignment of the petition.

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 from a witness or witnesses other than a claimant will be heard only if the witness(es) is(are) identified prior to the hearing. Typically, that identification is effected on the record at a hearing. Otherwise, written notice identifying the witness(es) is expected within 45 days of the first hearing, or within a reasonable time after the party is aware of the need for such 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?

Testimony by phone permitted only for C&R Hearings where the claimant lives more than 100 miles from the hearing location, or is unable to attend the hearing for documented medical reasons.

Testimony of lay witnesses who are located more than 100 miles from the hearing location may be properly deposed. If an opposing party objects to the deposition of a lay witnesses located more than 100 miles from the hearing location, the opposing party may be held liable for travel expenses incurred by the witness to attend a hearing live.

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

For cross-petitions, the applicable order of evidence will be discussed at the first hearing. Otherwise, the moving party is expected to proceed with its evidence to be completed within 90 days of the date of the first scheduled hearing. In UR Review Petitions, the defendant/employer is expected to move forward regardless of which party filed the petition.

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:

All proposed exhibits are to be uploaded three business days before the scheduled hearing. It is expected that the opposing party will have reviewed such exhibits and be able to address issues of admissibility at the hearing. If an attorney or party does not use or have access to WCAIS, they may hand up exhibits at a scheduled hearing. No exhibits are to be mailed.

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

Further explanation:

Hard copies are needed to present to witnesses for authentication. Otherwise, it is not necessary to bring hard copies.

14. When will you rule on objections to exhibits?

At the hearing, except for depositions.

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

These issues are addressed on a case-by-case basis on the record at a hearing.

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

Preservation of objections regarding deposition testimony is due within 21 days of the date the transcript is submitted as an exhibit.

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:

I require a draft of the Agreement bearing, at least, the Claimant's signature three business days before the C&R Hearing. The draft should be uploaded as Correspondence.

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:

Neither, the fully executed agreement is to be presented at the hearing. I will upload the agreement after the hearing.

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

Further explanation:

Child support documents are to be attached to the C&R Agreement. They are not to be redacted. Social Security Numbers will be redacted before the final order is circulated.

- 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.

n/a

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

I will redact all confidential information after the hearing and before my staff uploads the agreement and supporting documents.

- 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?

The parties may upload a full-executed written stipulation as an exhibit, and I will review and issue the appropriate order. If a hearing is scheduled it will be cancelled. However, I will not continue a scheduled hearing for a stipulation to be prepared. The parties can appear, execute, and submit the written stipulation at the hearing, or place a verbal stipulation on the record.

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

Further explanation:

The stipulation should have reference to the fee agreement.

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

Further explanation:

The Act 109 Documents must be complete. I will redact and rescan the documents.

- 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.

Any document the parties deem necessary to make the stipulation clear and understandable.

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

I will redact the confidential information on Act 109 Documents.

- 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:

A party may advise me by correspondence uploaded in WCAIS that the party rests and is prepared to brief the issues. If all parties so notify me, I will close the record and issue a written briefing schedule.

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 moving party's brief is due within 30 days of the close of the record, and the responding party's brief is due within 45 days of the close of the record. If the record closes after a hearing at which new testimony occurred, the time is doubled to 60/75. Briefs not received in a timely manner will not be considered.

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

I have no firm requirements for content or format. The parties may submit proposed findings and conclusions, if they desire; however, I am more interested in the legal argument of the issues.

Mandatory Mediations

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

Allentown

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:

I do not permit attendance by phone.

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

If so:

a. What information do you require in that Statement?

The Mediation Statement should be uploaded in WCAIS. I look for each party to advise me of the reasons and motivations they have to settle the case as opposed to allowing the trial judge to decide the case. I expect the parties to have conducted serious discussions toward settlement before the mediation. Each party should outline those discussions, and provide the rationale for their respective valuation of the dispute. Each party must advise me of the absolute authority they have to resolve the case. I am interested more in the motivations to settle as opposed to arguments of the evidence.

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

The controlling Bureau Document or Judge's Decision.

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

The week before the scheduled mediation, and no later than the Friday before the scheduled mediation.

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

I only conduct mandatory mediations as scheduled by the trial judge at the first hearing.

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?

Cancellation requests MUST go to the trial judge. A postponement request should come 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?

The week before the scheduled mediation

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

Yes **No**

Further explanation:

Mediation reports are to be uploaded in WCAIS as Mediation Statements. They should not be faxed to me. If a party is not able to upload, the mediation report should be mailed by First Class Mail.

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.

N/A

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, 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:

[Click here to enter text.](#)

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?

[Click here to enter text.](#)

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?

Click here to enter text.

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

Click here to enter text.

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?

Click here to enter text.

- 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?

Click here to enter text.

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?

All such request must be uploaded using the proper WCAIS request form no later than 10 days before the scheduled event for which a change is requested. The decision to approve or deny the request will be made on a case-by-case basis.

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:

All correspondence is to be via WCAIS.

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:

I adhere strictly to the time set for hearings and mediations out of respect for the parties waiting for the next scheduled hearing or mediation.

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

Call my office.

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

I do not follow any specific school district schedule. Cancellations will be posted on WCAIS as soon as possible after the decision is made. If hearings are no cancel, but a party is unable to attend due to inclement weather, I will reschedule the hearing without penalty to the party.