

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?

A hearing will be scheduled in accordance with the Rules soon after the assignment of the petition. Testimony will be expected at the first hearing on a Claim, Reinstatement or Review Petition filed by Claimant. The first hearing on a Penalty Petition will be a pre-trial hearing. The first hearing on Employer Petitions to Terminate, Suspend or Modify benefits will be treated as a pre-trial/supersedeas 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:

No first hearing filings are required. However, the parties should identify and submit into evidence the controlling bureau documents and any past decisions.

- 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:

Testimony is not expected at a supersedeas hearing. If a party wishes to present testimony for supersedeas, then advance notice to the Judge's office is requested to allow ample time in the schedule.

- 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?

Parties may always request reconsideration of supersedeas and a hearing will be scheduled in accordance with the Rules.

- 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?

[Click here to enter text.](#)

- 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.

This Judge usually proceeds with serial hearings, but alternative procedures will be considered at the first hearing depending on the circumstances.

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

Further explanation:

Counsel may be permitted to participate by phone under special circumstances with prior approval of the Judge.

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

Depending on the facts and circumstances, this Judge may relist the matter for further hearing or grant/dismiss the petition.

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:

This Judge tries to assign specific time slots for all expected fact testimonies so advance notice is necessary. The moving party should identify all witnesses at the first hearing. The

responding party should identify all fact witnesses 45 days after the first hearing. A party wishing to present rebuttal testimony needs to notify the Judge within 21 days of the testimony to be rebutted.

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?

A fact witness may testify by deposition or by phone if their live appearance would create a hardship or if the purpose of their testimony is simply to authenticate an exhibit. It is standard procedure for expert witnesses to testify 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?

The order of testimony depends on the circumstances of the case and will be addressed at the first hearing.

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:

[Click here to enter text.](#)

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

Further explanation:

This Judge prefers hard copies of the exhibits in addition to uploading the exhibits into the WCAIS system, but hard copies are not mandatory.

14. When will you rule on objections to exhibits?

This Judge rules on objections to exhibits as they are raised during litigation. Objections within a deposition that are preserved in writing will be ruled upon in the final decision unless the parties request an earlier ruling.

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 will usually be resolved through a telephone conference or at a hearing.

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

Preservation of deposition objections must be submitted no later than the last hearing.

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:

[Click here to enter text.](#)

- 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:

The child support documents will be addressed at the hearing and in the final decision, but they do not have to be uploaded as an attachment to the Compromise and Release Agreement.

- 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.

Exhibits may be attached and uploaded with the Compromise and Release Agreement with the agreement of the parties. The extent of the attachments to be uploaded can be addressed at the hearing.

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

As a general rule, such confidential information should be redacted before it is uploaded into the WCAIS system.

- 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?

Stipulations may be submitted to this Judge by hard copy at a hearing or through the mail or uploaded through the WCAIS system. The Stipulation will be approved in accordance with the Act and regulations.

- 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:

The child support documents should not be uploaded as part of the Stipulation. Though the child support documents will be addressed in the final decision, they will not be circulated as an attachment.

- 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.

Other exhibits may be uploaded as part of the Stipulation as necessary and as agreed upon by the parties.

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

Confidential information should be redacted before it is uploaded into the WCAIS system.

- 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 final hearing will be held on each case. All depositions are to be completed by that date. All documents and other evidence should be submitted into evidence no later than the final hearing. However, costs of litigation, quantum meruit fee requests and child support documents may be prepared and submitted after the final hearing through the WCAIS system.

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 limit for briefs depends on the circumstances of the case and will be addressed at the final hearing. Extensions for filing of briefs should be submitted before the deadline. Consideration of an untimely brief will be at the discretion of the Judge.

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

The brief should include a detailed list of all exhibits and witnesses, a concise summary of the evidence and arguments on the factual and legal issues involved in the case.

Mandatory Mediations

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

Bristol

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:

Both lawyers and Claimant are expected to attend the mediation in person but may participate by telephone only for special circumstances with advance approval by the Judge. The adjuster/ employer representative are welcome to attend in person, but their availability by telephone is sufficient.

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

If so:

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

The mediation statement should explain the procedural posture of the case, the factual and medical issues in dispute, the dates of disability, a brief summary of the medical treatment to date and future treatment expected, the amount of medical bills outstanding, the amount of any liens or offsets, the status of Claimant's medicare entitlement and any other information the parties deem significant for the evaluation of the case.

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

No documents are required other than the mediation statement.

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

The mediation statement should be submitted no later than two working days before the mediation.

26. 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.](#)

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

Further explanation:

This depends on the circumstances of the case and the availability in the Judge's schedule.

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?

Requests for cancellations or postponements of a mandatory mediation should be directed to the judge assigned the litigation.

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?

A request for cancellation absent an emergency should be made a week before the mediation.

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:

Voluntary mediations will be scheduled depending on the availability in the Judge's schedule.

31. Please list the offices at which you will mediate a Dispute.

Bristol

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:

Voluntary mediations are performed in the same fashion as a mandatory mediation. See above #24.

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

Further explanation:

See response to #25 concerning mandatory mediations.

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:

This depends on the circumstances of the case and the availability in the Judge's schedule.

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?

A request to postpone or cancel a voluntary mediation should be directed to 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?

A request for cancellation absent an emergency should be made a week before the mediation.

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?

In accordance with rule 131.13, a continuance request is to be made 10 calendar days prior to the hearing date, unless the circumstances necessitating the continuance arose within the 10 days.

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

Further explanation:

A request for a conference call should be in writing and outline the circumstances and reasons for the conference.

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

Yes No

Further explanation:

Faxes are accepted. Emails are accepted at WCOA-Bristol@pa.gov

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:

Cases may reasonably exceed the allotted time if necessary and if the docket allows additional time.

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

Emergencies are best directed to the office staff by telephone

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

Cancellations for weather or other emergencies will be announced through WCAIS.