

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.

Table of Contents

- A. [First Event/First Hearing](#)
- B. [Witnesses/Exhibits](#)
- C. [C&Rs/Stipulations](#)
- D. [Close of Record/Briefs](#)
- E. [Mandatory Mediations](#)
- F. [Voluntary Mediations](#)
- G. [Requests/Miscellaneous](#)

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? The first event is a pretrial hearing. The parties should be prepared to discuss the allegations in the pending petitions as well as other pertinent issues such as the amount of the AWW and notice, witnesses they expect to call and whether they will testify at a hearing or by deposition, and when mediation would be most appropriate.

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:

Please use the Moving Party First Hearing Filing and the Responding Party 45-Day Filing forms that are attached. (Insert links to Susan B. Caravaggio Form - Moving Party Filing - 2015 and to Susan B. Caravaggio Form - Responding Party Filing - 2015 here)

- 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:

[Click here to enter text.](#)

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

Further explanation:

It will be considered on a case by case basis.

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

If the parties submit additional, relevant, new evidence and request reconsideration.

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

Further explanation:

The exception would be when claimant is only receiving medical benefits; no written order would issue in that case.

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

The submission of a fee agreement and a denial of the request for supersedeas. If the claimant has not testified concerning the fee agreement at a hearing, then an affidavit from the claimant concerning the understanding and signing of the fee agreement is required as well.

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 serial hearings. The first hearing is a pre-trial. I relist for the claimant's testimony about 60 days after the first hearing and then continue to relist every 60 days, as needed, for additional witnesses from each side. If the parties know who all of their witnesses will be by the hearing for the claimant's testimony, I will try to relist it for only one additional hearing for all of the remaining witnesses. I will change the hearing format upon request of the parties after discussion with them as to why the change is needed and whether any party objects.

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

Further explanation:

I prefer that counsel be present for all hearings but if there are issues with weather or something unexpected, then they may participate by phone.

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

If counsel for that party is present, I ascertain why the party isn't present. If counsel isn't present, I call counsel's office in the presence of the attorney/party who is present to ascertain why and we proceed with the hearing with that attorney on the phone if possible. If an unrepresented party isn't present, I take whatever evidence the party present offers and then send a letter to the party who wasn't there informing them of the hearing, sending a copy of the evidence submitted, and requiring them to respond within 10 days to advise whether they plan to oppose the petition. Depending on the response, or lack of response, I will schedule another hearing or issue a decision.

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:

Please provide notice 30 days in advance of the planned hearing for testimony so I can schedule the hearing for the length of time needed and get the notices sent out in a timely manner. Please submit the name of the witnesses and how much time will be needed for their testimony, including cross-examination.

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?

If the party or witness is out of state or in such poor health that they cannot travel to the hearing location, I will permit testimony by phone, depending on what objections may have been made. I prefer that expert witnesses 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 moving party of the petition filed first should present medical evidence first, absent agreement of counsel or a compelling reason as to why another order should be used.

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 that they be uploaded no less than two days prior to the hearing so everyone has a chance to review them prior to 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?

If the objection is made at the hearing where the exhibits are submitted, or before the next scheduled hearing, I will rule on the objection at that hearing unless the parties feel the issue

is such that they want the opportunity to brief it. I rule on preserved objections made during a deposition in my final decision.

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

I will hold telephone conferences to see if the dispute can be resolved. I am willing to attend depositions if necessary, but prefer to have the witness attend a hearing.

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

With their briefs.

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:

If there is only one petition pending and the parties want a decision on that petition on the merits, then that petition cannot be amended and a C&R petition must be filed.

- 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:

[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.

Whatever the parties want to include as part of the C&R Agreement, that will be attached to my decision when circulated, should be included as part of the C&R Agreement exhibit. I do not attach the child support documents to my decision so they should not be attached to the C&R Agreement.

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

Before they are uploaded.

- 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:

At the conclusion of the hearing, I will give the admitted C&R Agreement and the admitted child support documents to one of the attorneys to upload. They should be uploaded as two separate exhibits.

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?

They should be completely signed and uploaded into WCAIS as an exhibit. They should address all petitions they are resolving. I will attach the Stipulation to my decision approving it.

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

Further explanation:

That depends on whether the parties want it attached to the decision that will circulate approving the Stipulation. If they do, then it should be part of the Stipulation exhibit; if not, then it should be uploaded as a separate exhibit if it is not already part of the record.

- 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.

Whatever the parties want to have attached to the Stipulation, that will be attached to my decision when circulated, should be included as part of the Stipulation exhibit.

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

They should be redacted from the Stipulation and any attachment to the Stipulation that the parties want to have attached to the decision approving the Stipulation. If the parties are uploading the child support documents, they should not be redacted so I can ensure the lien search used the same social security numbers; I have found typographical errors that required correction in the past. These document will not be attached to any decision that circulates.

- 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?

I generally have a concurrent briefing schedule allowing for 30 days after the last transcript should be received (hearing or deposition) within which to submit briefs. The record concludes on the last day briefs are due, unless the parties request an extension of the briefing schedule, or the date the last brief is received, whichever is earlier. If no extension is requested, then the Dispute goes into Waiting for Decision status as of the date the last brief is due. I do not

contact counsel asking for briefs. I will, however, review any brief submitted after the due date that is received prior to the circulation of the decision.

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

I prefer letter briefs rather than Proposed Findings/Conclusions, but will accept whatever format the parties wish to submit. Regardless of format, the briefs should address areas of agreement/stipulation, any preserved objections not previously made, the issues to be decided, and any case law upon which the parties rely.

Mandatory Mediations

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

Williamsport, as well as at the Bloomsburg and Wellsboro hearing sites.

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 prefer that all parties attend in person. If a party is out of state or in such poor health that he/she cannot travel to the mediation location, I will permit participation by phone, depending on any objections that may have been made.

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

If so:

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

Please complete the attached form and submit it through the Mediation tab in WCAIS, not as a letter to the judge. (Insert link to Susan B. Caravaggio Form – Mediation Disclosure form here)

- 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?

No later than two days prior to the mediation so I have time to review it.

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

That depends on when the parties feel a mandatory mediation would be most helpful. If it is a petition that requires medical or other evidence to be completed in order for parties to be able to mediate in a meaningful way, then it might take longer to find a suitable date than if the petition is one in which the parties have most of the relevant information to resolve the matter already. The discussion as to when mediation should occur should be held with the litigating judge who will provide an appropriate mandatory mediation date.

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 parties should contact the litigating 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?

[Click here to enter text.](#)

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:

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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?

I would like to receive them no less than two days prior to the scheduled event.

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:

I prefer that everything be done through WCAIS, but if that is not possible, I will accept emails through the Williamsport office resource account and will accept faxes. Both will be uploaded into WCAIS as Correspondence. I do not want duplicate requests/correspondence. If it has been uploaded or requested through WCAIS, do not email, fax, or mail it also. I receive notifications when parties upload an exhibit or letter into WCAIS; there is no need to submit a Miscellaneous Request, or other request, concerning the same as well.

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 will go over the allotted time if necessary; it depends on where we are in a hearing as to whether it would be more appropriate to stop and return for more testimony from the same witness later or to proceed at that time. I will start other mediations when one has proceeded longer than scheduled without ending the ongoing one arbitrarily.

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

Call the Williamsport office. If I am not in the office, they can reach me by email or by phone.

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

I try to decide whether to cancel hearings or mediations the day before, have an alert posted on WCAIS, and have my office call attorneys and unrepresented parties to inform them. Counsel should then alert their clients, and any witnesses who may have been attending the hearing, of the cancellation.

Attachments :

[Mediation Disclosure Form](#)

[Moving Party Filing](#)

[Responding Party Filing](#)