

## **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?

For Claimant-generated Petitions where Claimant is seeking payment of disability (wage loss) benefits (e.g., Claim, Reinstatement Petition), the testimony of the Claimant should be presented. Depositions are not permitted for Claimant's testimony unless approved by the Judge because of extraordinary circumstances, as Claimant's testimony is required to be presented live to aid in credibility determinations. All cases are listed for hearing in the morning at 10:00 a.m. for a call of the cases/list involving matters not requiring testimony. However, if a party is presenting testimony, that party should mail to the Judge a Notice of Testimony Form (see link below). Parties may also send by WCAIS Request Tab – NOT through WCAIS Documents and Correspondence tab - the Notice of Testimony Form attached to the WCAIS Request. If this Form is completed within five business days of the hearing, the attorneys and unrepresented parties will be notified by phone as to their exact time slot to come in for testimony and they will not be required to be present at the call of the list/cases at 10:00 a.m.. Any party who has not submitted this Form will be permitted to testify after all slotted testimonies have taken place. For Employer-generated Petitions, a supersedeas hearing will be held when Employer is requesting supersedeas. All proceedings and submissions shall be in accordance with the Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges, 34 Pa. Code 131.1, et seq.

[Notice of Testimony Form Link](#)

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:**

The Judge does not require a "written" submission, but in accordance with 34 Pa. Code 131.52, the moving party, at the first hearing, should be prepared to advise the judge and opposing parties of the following:

- (1) Allegations and issues of fact and law involved in the moving party's petition.
- (2) Proposed amendments to pleadings.
- (3) Stipulations of fact.
- (4) Names, addresses and method of presentation of witnesses.
- (5) Whether the items and information specified in § 131.61(a) (relating to exchange of information), which are intended to be used as evidence or exhibits, have been provided to the responding party at or before the first hearing.
- (6) Dates of depositions.
- (7) Estimate of hearing time.
- (8) Other subjects which may aid in the disposition of the proceeding

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

**Exhibits**  **Documents**

**Further explanation:**

As stated above, first hearing disclosures required by 34 Pa. Code 131.52 are not required to be filed in writing. All evidence (including Bureau records) must be submitted as an exhibit.

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

**Before**  **After**

**Further explanation:**

See above

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:**

Generally 14 days is permitted, unless good cause is shown for a further extension.

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

Upon good cause shown

- 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?

To present a copy of the fee agreement to the Judge generally at a hearing unless good cause is shown for approval of a fee not at a hearing

- 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.

The serial hearings format is used. The case will be listed on about three month intervals with the parties expected to finish and close the record by the third hearing (e.g., within 9 months), unless good cause is shown. All evidence is expected to be submitted at a hearing (not by mail) for the Judge to rule upon it. Any hearing in which a party requests testimony, a Notice of Testimony Form should be submitted (See Question 1).

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?

Parties are expected to appear unless the Judge is notified in accordance with the Judges' Rules, 34 Pa. Code 131.1 et seq. Failure to appear without notifying the judge without good cause (e.g., medical emergency) will result in this Judge determining whether appropriate actions should be taken in accordance with 34 Pa. Code 131.13(m).

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 a hearing live in front of the Judge and NOT by deposition, unless good cause is shown. If a party is presenting testimony, that party should mail to the Judge a Notice of Testimony Form (see link in Question 1). Parties may also send a Notice of Testimony Form through WCAIS Request Tab – NOT through WCAIS Documents and Correspondence tab - the Notice of Testimony Form Attached to the WCAIS Request. See Answer 1 and Answer 4. Parties should give at least 14 days notice of requesting live 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?

Claimants are required to testify live before the Judge unless good cause is shown. All other witnesses may be taken by deposition, unless a party specifically requests testimony before the Judge at a hearing and identifies a compelling reason why the factual witness testimony should be taken at a hearing, rather than 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?

Testimony shall be presented by the moving party first and then the responding party in accordance with the Judges' Rules. If cross petitions are filed, the moving party will be determined by the first filed petition date.

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:**

Evidence may be uploaded before a hearing ONLY upon agreement by both parties that there is no objection to the evidence. If no agreement is reached, evidence may only be uploaded after the Judge has ruled upon the evidence.

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

**Further explanation:**

At this time, a courtesy paper copy is preferred by the Judge to ensure that the evidence offered at the hearing is the same evidence uploaded into WCAIS

14. When will you rule on objections to exhibits?

At the time the exhibit is offered into evidence at a hearing.

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

As this Judge follows the serial hearings format, discovery disputes are generally handled at hearings, unless extraordinary circumstances require an expedited ruling.

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

At the close of the record at the final hearing. See 34 Pa. Code 131.66. Any objections submitted after the close of the record at the final hearing are deemed waived.

**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:**

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 exhibits the parties are incorporating as part of the C&R Agreement or that are required to be attached in accordance with the C&R Agreement form should all be uploaded with the C&R Agreement as one document

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

After the hearing, but before they are uploaded into WCAIS.

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

**Further explanation:**

Yes, with the understanding that Counsel will upload the C&R Agreement expeditiously or the practice of signing bench orders may end.

- h. Do you have any other procedures for Compromise and Release Agreements not described above? If so, what are they? **Yes**  **No**

**Further explanation:**

The Judge will ask at the hearing which Attorney will upload the C&R Agreement in WCAIS after the hearing. That attorney will be given the original C&R to take back to his/her office to upload and will give the Judge a courtesy copy of the C&R at the hearing.

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?

In accordance with 34 PA Code Section 131.91.

- 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:**

Any SSN should be redacted before uploading

- 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 exhibits the parties are incorporating as part of the Stipulation should be uploaded as part of the Stipulation.

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

Before uploading

- 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?

Briefs, Proposed Findings of Fact, and other post-trial submissions are to be filed in accordance with 34 Pa. Code 131.101 of the Special Rules of Practice and Procedure. Specific time frames for when the brief is due will be given at the close of the record as circumstances dictate. Requests for extension of time must be made in writing, and in WCAIS before the original due date of the brief. It will be within the Judge's discretion to circulate a decision of a case in the absence of a brief, or to not consider a brief that is untimely.

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

Proposed Findings should contain a fairly neutral and nonargumentative summary of the evidence with citations to the record with a proposed resolution of the evidence and credibility determinations offering reasons for the party's proposed resolution of the evidence, citing to the evidence of record. Briefs should be submitted in accordance with 34 Pa. Code Section 131.101(h), which contains a section for "argument."

**Mandatory Mediations**

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

Philadelphia and Upper Darby

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:**

The Philadelphia Bar Association Workers' Compensation Section has posted a "Mandatory Mediation Notice"

<http://www.philadelphiabar.org/page/WorkersCompensationSection>

This seems to answer many of the questions regarding mediations including a sample mediation disclosure statement

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:**

**Claimant and both counsel are required to attend personally. An Employer/Insurer may attend by “teleconference . . . [and] shall have requisite authority to accept, modify or reject settlement proposals offered at a mediation . . .” Section 401 of the PA WC Act.**

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

If so:

a. What information do you require in that Statement?

The Philadelphia Bar Association Workers’ Compensation Section has posted a “Mandatory Mediation Notice” which includes a sample mediation disclosure statement:  
<http://www.philadelphiabar.org/page/WorkersCompensationSection>

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?

For Mandatory Mediations, 5 days is preferred, but 2 days minimum

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

As scheduling and circumstances permit

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

**Further explanation:**

Only in rare and extraordinary circumstances will a second/follow up mediation be scheduled

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?

In Philadelphia, the clear procedure is established that if you want to cancel the mediation you make your request to the assigned judge and if you want to postpone your mediation you make your request to the mediating judge. See Philadelphia Bar Association website posting <http://www.philadelphiabar.org/page/WorkersCompensationSection>

- 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?

5 days before Mediation

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

Yes  No

**Further explanation:**

Parties should exchange a demand and offer before the mediation

**Voluntary Mediations:**

30. Do you conduct Voluntary Mediations? Yes  No

**Further explanation:**

As time permits given management of high caseload

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

Philadelphia and Upper Darby

32. Are you willing to mediate Disputes that are assigned to you for hearing and decision?

Yes  No

**Further explanation:**

In rare circumstances I will mediate a case assigned to me if both parties are in agreement of the request.

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:**

**Claimant and both counsel are required to attend personally. An Employer/Insurer may attend by "teleconference . . . [and] shall have requisite authority to accept, modify or reject settlement proposals offered at a mediation . . ." Section 401 of the PA WC Act.**

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

**Further explanation:**

See Answer 25

If so:

a. What information do you require in that Statement?

See Answer 25

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

See Answer 25

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

5 days

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

As time permits given management of high caseload

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

**Further explanation:**

Only in rare and extraordinary circumstances would a second mediation be scheduled

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?

See Answer 28

- 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?

5 days before the mediation

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

Yes  No

**Further explanation:**

Parties should exchange a demand and offer before the mediation

**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?

Continuances may be granted upon good cause shown and must be made in accordance with 34 Pa. Code 131.13(a) through (n) of the Judges' Rules. Such requests must contain the information required in Section 131.13(g), and must be made within the time frames set forth in Section 131.13(d) and (f). The request may be mailed or sent through WCAIS using the Request tab, NOT the Documents and Correspondence tab.

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

**Further explanation:**

As this Judge follows the serial hearings format, most matters can be dealt with at a hearing with a record being made. In rare occasions when the matter must be addressed before the next hearing, I will allow a conference call.

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

Yes  No

**Further explanation:**

I do accept faxes. E-mails should rarely be sent directly to the Judge, unless this Judge has e-mailed the attorneys and has requested information by e-mail. Under no circumstances should an attorney's staff directly e-mail the Judge.

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 am willing to go over the allotted times and parties should expect that their hearing/mediation time may be delayed due to this

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

Email communications will be accepted by way of the Philadelphia Resource User Account: WCOA-PhilaArchStreet@pa.gov and copied to all parties.

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

My policy is in accordance with the Southeastern District Snow/Emergency Policy posted at the Philadelphia Office. If the Philadelphia School District is closed, your hearing or mediation is cancelled.