

## **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 hearing. All first hearings are treated as pre-trial hearings at which no testimony is taken. The parties are expected to depose Claimant on petitions filed by Claimant, and Claimant's testimony will be heard live at the final hearing. Supersedeas documents are expected to be submitted by both parties at the first hearing on an Employer's petition when supersedeas is requested.
  
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:**

Click here to enter text.

- 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 is preferred that both parties be ready to submit supersedeas documents at the first hearing. However, either party may request additional time if needed.

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

Upon receipt of new information not available at the time of the supersedeas hearing.

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?

Submission of the fee agreement at the time of submission of supersedeas documents.

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 utilize serial hearings. I typically relist in 90 days for the moving party's evidence and 90 days thereafter for the responding party's evidence.

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

**Further explanation:**

It should be very rare for an attorney to need to participate in hearings by telephone. The reason should be compelling and permission granted prior to the hearing.

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

[Click here to enter text.](#)

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:**

The parties are required to give notice at the prior hearing of anticipated testimony at the next hearing. Claimant shall be taken by deposition on petitions filed by Claimant and will also testify at the final hearing. Expert witnesses are to be taken by deposition and most fact witnesses may be taken by deposition.

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?

Expert witnesses should testify by deposition. Other witnesses may testify by deposition if there is not a credibility issue. Claimant should testify live but may be permitted to testify by phone if there is an issue such as Claimant lives out of state, he/she cannot travel for some reason, etc.

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

Generally the party who filed the first petition moves forward first.

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:**

The parties may wait until the end of the case to upload evidence. However, all evidence must be uploaded before a decision will be issued. No exhibits should be uploaded if they have not been admitted at a 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?

At the time the objection is made or upon receiving a written objection and response.

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 prefer the attorneys work out disputes themselves. If necessary, I will participate in a telephone conference.

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

The parties may file preservations with briefs if the objections do not need to be ruled upon prior to the close of the record.

**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 should be uploaded as part of the C&R Agreement, with the Social Security number redacted from all documents.

- 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.

The parties should upload any additional documents that need to be circulated as part of 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?

Prior to uploading the 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 submit a fully executed stipulation at a hearing, by mail, or via WCAIS. I will review the stipulation and adopt if appropriate.

- 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:**

[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.

The parties should upload documents as part of the stipulation if they want the documents circulated as part of the decision.

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

When the documents are uploaded.

- 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?

The moving party has 30 days for submission of the brief and the responding party has 30 days thereafter for the submission of the brief. Typically, a hearing will be scheduled if briefs are not received in a timely manner.

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

Proposed Findings should contain a fair representation of the evidence submitted by both parties. Proposed Findings should include a finding as to why a witness is credible or why one witness is more credible than another witness. Argument should be contained in briefs and not Proposed Findings.

### **Mandatory Mediations**

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

Dresher

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:**

The adjuster/employer representative may participate by telephone as long as the adjuster is readily available. Claimant may participate by telephone if absolutely necessary and also must be readily available.

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

If so:

a. What information do you require in that Statement?

The petitions that are pending, the average weekly wage and compensation rate, what settlement discussions have occurred, and what issues are negotiable or non-negotiable.

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?

Preferably one week prior to 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:**

[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 contact the mediating Judge for a postponement and the assigned Judge for a cancellation.

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?

I require the request to be made at least a week prior to the mediation.



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

Yes  No

**Further explanation:**

Both parties need to have reasonable settlement authority in advance of the mediation.

**Voluntary Mediations:**

30. Do you conduct Voluntary Mediations? Yes  No

**Further explanation:**

I will conduct voluntary mediations on cases assigned to a Malvern Judge (including Dresher).

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

Malvern and Dresher

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:**

See answers relative to mandatory mediations.

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

**Further explanation:**

See answers relative to 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:**

[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?

The parties should contact me to cancel or postpone a voluntary mediation.

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 do not change the time of the hearing. Continuance requests and extension requests need to be made at least a week prior to the hearing. Any request uploaded in WCAIS needs to contain a letter with an explanation/reason for the request.

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

**Further explanation:**

I require a letter setting forth the subject matter and reason for the request for a conference call prior to agreeing to conduct the conference call.

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

Yes  No

**Further explanation:**

Emails may be sent to the Malvern office email account.

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:**

[Click here to enter text.](#)

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

The best way to contact me is a telephone call to the Malvern office or an email to the Malvern office account.

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

Information regarding cancellation and/or delayed start of hearings will be posted on the WCAIS dashboard.