

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?

The first event is a hearing. With claimant-initiated petitions, 45 minutes is slotted for the first hearing, and Claimant's testimony is expected to be taken. Compromise and Release hearings are slotted for 20 minutes, with Claimant's testimony. With employer-initiated petitions, 20 minutes is slotted for the first hearing; no testimony is expected, although supersedeas exhibits from both parties are expected to be offered. If petitions have been filed by both parties, a 45 minute hearing will be listed, supercedeas evidence will be taken, and Claimant's testimony will be taken with respect to all pending petitions. A trial schedule will be given to the parties, and a mandatory mediation scheduled, at the first hearing.

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 parties are expected to come to the First Hearing prepared to outline their theory of the case and identify their medical and lay witnesses, including how those witnesses' testimony will be presented (via deposition or at a hearing) prior to the close of the record.

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

Exhibits **Documents**

Further explanation:

A first hearing filing is not required; however, one will be accepted and may be uploaded in the "Documents and Correspondence" tab for the relevant dispute. It is not anticipated that a first hearing filing will be marked and admitted into evidence.

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

Before **After**

Further explanation:

The parties are encouraged to upload all documents and exhibits prior to the hearing.

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? **Yes** **No**

Further explanation:

No testimony will be heard, unless specifically requested by one of the parties. My expectation is that both parties will present affidavits from the claimant or other witnesses, medical and vocational reports, and limited, relevant health care records, consistent with 34 Pa. Code § 131.42.

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

Further explanation:

I expect both parties to submit their documentation at the first hearing, unless a sufficient reason for the extension is given. Generally, a 14-day extension will be given, unless opposing counsel agrees to a longer time.

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

Reconsideration will be considered, but only for changes in circumstances or for documents that could not have been obtained by the date of the initial consideration. Pursuant to 34 Pa. Code § 131.41(b), a hearing will be held on the reconsideration request, unless this requirement is waived by the parties.

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

Further explanation:

Generally, a written Interlocutory Order regarding supersedeas will be issued. If no wage loss benefits are being paid, supersedeas may be denied from the bench.

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

Submission of a written fee agreement.

- f. Do you have any other procedures for supersedeas hearings not described above? If so, what are they? **Yes** **No**

Further explanation:

N/A

- g. Do you have different procedures for special supersedeas hearings? If so, please describe them? **Yes** **No**

Further explanation:

For a Special Supersedeas in relation to an Employee's Challenge Petition, the first hearing will be scheduled for 20 minutes, and testimony will be heard limited to the issues raised under the Challenge Petition. If a Modification/Suspension Petition has been filed in response to the Employee's Challenge Petition, and the Modification/Suspension Petition is assigned prior to the Special Supersedeas hearing, the first hearing will be expanded to 45 minutes, and testimony will be heard regarding the issues raised by the Employee's Challenge Petition, as well as the Modification/Suspension Petition.

I do not have a different procedure for a Special Supersedeas requested under Section 413(a.1) of the Act.

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 the serial hearing format. See response to Question 1 with respect to expectations regarding first hearings.

The second hearing will be scheduled 120 days after the first hearing. At that hearing, I expect the moving party's medical, vocational, and fact evidence, if by deposition, to be submitted into the record, and will hear testimony from moving and responding party witnesses, if pre-scheduled.

The third and final hearing will be 90 days after the second hearing. At that time, I expect the responding party's medical, vocational, and additional fact evidence, if by deposition, to be submitted into the record, and will hear testimony from moving party's rebuttal witnesses, if pre-scheduled. At the final hearing I expect all remaining documentary evidence to be submitted by the parties.

A request to alter the above format will be considered in appropriate circumstances and upon prior request.

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

Further explanation:

Counsel's personal appearance at hearings is preferred. However, when no testimony is anticipated, counsel may appear via phone on a case-by-case basis, if approval is requested at least three (3) days in advance of the hearing or in instances of inclement weather. Such requests should be submitted in WCIAS or, if WCAIS is unavailable, via facsimile or e-mail, and include (1) a valid contact number that can be used at the time of the scheduled hearing; (2) a certificate of service demonstrating that all parties have received notice of the request; and (3) opposing counsel's position regarding the request, if feasible. ;

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

If a party fails to appear at an Event, the matter is re-listed in approximately 30 days. If a party fails to appear at the second Event, motions to dismiss for failure to prosecute/defend will be entertained.

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

Further explanation:

N/A

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:

I ask at each hearing if witnesses are expected at the next hearing, so the appropriate amount of time can be allotted for the following hearing. Any other request for witness testimony at a scheduled hearing should be made through WCAIS, or if WCAIS is unavailable, via facsimile or e-mail, at least 30 days prior to the next hearing, and include the identity of the additional witness(es), an offer of proof regarding their testimony, and an estimate of the time required for the 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?

I expect Claimant and Employer to testify live at a hearing, if such testimony is to be offered during the course of the litigation. I prefer other lay witnesses to testify live, but will permit testimony by telephone for good cause shown. Expert testimony may be taken 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?

Generally, the party with the burden of proof is expected to proceed first with its evidence. If cross petitions are filed, I will, at the first hearing, establish the order for the taking and presentation of the medical evidence on a case-by-case basis.

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 will endeavor to upload the relevant Bureau and WCOA documents into WCAIS prior to the first hearing; however, the moving party should be prepared to offer all other Bureau and WCOA documents that may be relevant to the petition(s) being decided at the first hearing.

With respect to other documents or exhibits, I prefer them to be uploaded prior to the hearing; if not uploaded until after the hearing, they will not be moved into evidence until the next scheduled hearing, unless agreed upon in advance during a hearing.

I prefer that the Statement of Wages be uploaded into WCAIS, if appropriate for the petition at issue, as soon as feasible.

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

Further explanation:

No hard copy is required for me; however, enough hard copies of each exhibit should be brought to the hearing for all other attorneys as well as any witnesses who will be testifying regarding same.

14. When will you rule on objections to exhibits?

If the objection is made at a hearing, I will rule on the objection on the record or by Interlocutory Order. If a party, prior to the close of the record, preserves objections made at a deposition pursuant to 34 Pa. Code § 131.66(b), I will rule on the objection in the 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 expect the parties to attempt to resolve all discovery disputes before seeking my intervention. My preference is to address discovery issues on the record with a court reporter present; therefore, assuming a court reporter is available, a telephone conference call can be utilized to resolve those disputes.

As mentioned previously, I expect Claimant and Employer to testify live at a hearing, if such testimony is to be offered during the course of the litigation. I prefer other lay witnesses to testify live, but will permit testimony by telephone for good cause shown. If the parties nonetheless wish to depose a lay witness, I prefer to attend that deposition. Expert testimony may be taken by deposition; however, counsel should notify me of the time and date of the deposition, should I wish to attend same.

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

Preserved objections must be submitted prior to the close of the record. The date for the close of the record will be provided at the final 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:

Amendments to existing petitions are encouraged, but new petitions are also acceptable. To the extent that other petitions are proceeding to decision, or if multiple dates of injury and Bureau Claim Numbers are to be addressed, separate petitions should 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:

N/A

- 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:

The fully executed Compromise and Release Agreement with the contingent fee agreement, Waiver of Appeal and a summary of litigation costs should be uploaded and will be marked and admitted as a Joint Exhibit. This Exhibit will be circulated with the Decision and Order.

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

Further explanation:

The child support (Act 109) documents will be admitted, but will not be circulated with the Decision and Order.

- 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.

Medicare, Medicare, and Social Security information, third-party subrogation claims, and medical bills being addressed in the Compromise and Release Agreement can be submitted and marked as a separate exhibit. Those documents may be attached to the decision approving the Compromise and Release Agreement subject to my approval.

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

Whenever a party is uploading a document in WCAIS, the first five digits of the Social Security number should be redacted. A copy showing the complete Social Security number must be available for review by the Claimant at the time of the hearing on the Compromise and Release Agreement.

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

Further explanation:

Bench Orders will be signed so long as neither party has an objection to the form of the Order. A separate Decision and Order will also be circulated.

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

Further explanation:

When a Medicare set aside is not already approved, such that indemnity and medical benefits are bifurcated and only wages are being resolved, I require a second petition and hearing, after CMS's approval, to resolve the medical benefits.

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 of fact resolving some or all of the pending petitions and issues can be submitted at any time. All stipulations should be uploaded into WCAIS as an Exhibit and must adhere to the requirements outlined in 34 Pa. Code § 131.91 in order to be adopted.

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

Further explanation:

N/A

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

Further explanation:

The Stipulation of fact should indicate that Claimant has reviewed the name, address, Social Security Number, and Date of Birth in the child support (Act 109) documents and can confirm that they are correct.

- 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.

Medicare, Medicaid, and Social Security information, third-party subrogation claims and medical bills being addressed in the Stipulation can be submitted and marked as a separate exhibit. Those documents may be attached to the decision approving the Stipulation subject to my approval.

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

Whenever a party is uploading a document in WCAIS, the first five digits of the Social Security number should be redacted. A copy showing the complete Social Security number must be available for review by the Claimant at the time the Stipulation is submitted for approval.

- f. Do you have any other procedures for Stipulations not described above? If so, what are they? **Yes** **No**

Further explanation:

N/A

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 closing date and briefing schedule will be provided at the final hearing. Exhibits should be submitted by the closing date absent a compelling reason.

If not already provided, an Employer shall upload into WCAIS a Statement of Wages, if appropriate, for the petition at issue. All supporting wage data used in calculating the Average Weekly Wage (AWW) should be also be uploaded, unless Claimant or his/her counsel stipulates to the accuracy of Employer's AWW calculation.

Claimant's costs and expenses of litigation shall be assembled and uploaded into WCAIS as one exhibit. Such exhibit shall contain a cover sheet indicating the date that the cost or expense was incurred, a description of the cost or expense (e.g., for a transcript or deposition fee), the name of the supplier of the service, and the amount of the cost or expense.

Claimant's medical bills and expenses shall be assembled and uploaded into WCAIS as one exhibit. Such exhibit shall contain a cover sheet indicating the name of each health care provider, the dates of service, the amount of the bill, portions of the bill that have been paid and by whom, and any portions of the bill that remain unpaid.

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?

A briefing schedule is issued at the final hearing. Generally, the moving party's brief is due 30 days after the expected receipt of the final hearing transcript (generally 30 days out). The responding party's brief is due 30 days thereafter. If the moving party requests an opportunity to submit a reply brief, they will be given an additional 15 days to submit the brief. I will not give reminders when briefs are past due. Requests for extensions of time from either party must be made before the expiration of the party's deadline. If the moving party does not timely file, the responding party should nevertheless file its brief on time.

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

Post-trial submissions should include Proposed Findings of Fact; argument that succinctly sets forth the issues to be decided, the relevant case law and the application of the law to the facts of the case; Proposed Conclusions of Law; and a Proposed Order. Proposed Findings of Fact shall contain a specific cite to the record including page and line numbers from the transcript.

Mandatory Mediations

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

Pottsville & Reading

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:

N/A

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:

Employer/adjustor representatives may participate via telephone. If Claimant lives out-of-state or has some other good excuse for not appearing in person, he or she may also participate by telephone.

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

If so:

a. What information do you require in that Statement?

The Statement should include the following: (1) identification of the petitions pending; (2) the compensation rate; (3) a concise description of the issues involved and the party's position with respect to each; and (4) history of the negotiations between the parties.

The Statement should not exceed more than three pages.

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

None are required, but any documents accompanying the Statement will be read.

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

48 hours

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

Mandatory mediations are typically scheduled between three to four months after the first hearing and occur sometime between the date of the IME and the final hearing of the case. The parties should choose a mediation date believing by that date the case has progressed to the point that a mediation is likely to be fruitful.

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

Further explanation:

If progress is being made at the first mediation or if the parties need additional time in order to obtain information that would be useful in further exploring settlement.

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?

If the parties are requesting permanent cancellation or postponement or cancellation based upon futility, they should contact the adjudicating judge through WCAIS. Otherwise, the parties should contact 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?

As soon as possible, but not less than 48 hours before the scheduled mediation.

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

Yes No

Further explanation:

Both counsel should fully discuss the case with their clients prior to the mediation and approach the mediation with realistic figures in mind. Additionally, Claimant should be prepared to discuss whether he or she has received any offsetable benefits or applied for social security disability benefits, and know the amount of litigation costs generated to date in the case. Additionally, Claimant is expected to know the health care providers whose bills are not being paid and if those providers are willing to compromise said bills and by how much. The Employer or adjustor representative should know, or be able to contact, individuals during the mediation concerning any collective bargaining unit or benefit issues that might impact Claimant's entitlement to benefits.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? Yes No

Further explanation:

N/A

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

Pottsville & Reading

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

Yes No

Further explanation:

N/A

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:

I do not have any special procedures in this situation.

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:

N/A

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:

Employer/adjustor representatives may participate via telephone. If Claimant lives out-of-state or has some other good excuse for not appearing in person, her or she may also participate by telephone.

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?

The Statement should include the following: (1) identification of the petitions pending; (2) the compensation rate; (3) a concise description of the issues involved and the party's position with respect to each; and (4) history of the negotiations between the parties.

The Statement should not exceed more than three pages.

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

None are required, but any documents accompanying the Statement will be read.

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

48 hours

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

Generally a few weeks

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

Further explanation:

N/A

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?

I will postpone or cancel a voluntary mediation at either party's request.

- 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?

As soon as possible, but not less than 48 hours before the scheduled mediation.

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

Yes **No**

Further explanation:

Both parties should fully discuss the case with their clients prior to the mediation and approach the mediation with realistic figures in mind. Additionally, Claimant should be prepared to discuss whether he or she has received any offsetable benefits or applied for social security disability benefits, and know the amount of litigation costs generated to date in the case. Additionally, Claimant is expected to know the health care providers whose bills are not being paid and if those providers are willing to compromise said bills and by how much. The Employer or adjustor representative should know, or be able to contact, individuals during the mediation concerning any collective bargaining unit or benefit issues that might impact Claimant's entitlement to benefits.

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 requests for continuances shall include the information set forth in 34 Pa. Code § 131.13. Requests should be submitted no later than five (5) days prior to the scheduled event through WCAIS, or if WCAIS is unavailable, via facsimile or e-mail. The hearing will then be promptly rescheduled. Requests for continuances of the first hearing will be granted upon agreement of the parties or for compelling reasons. Requests for continuances of the final hearing will not be granted absent compelling reasons.

Requests for a change in hearing time should be made in writing to my secretary.

Requests for extensions of time will be entertained, but the requests must be in writing, made before the expiration of the party's deadline and indicate the position of opposing counsel.

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

Further explanation:

Conference calls are permitted, but only with prior approval from my office. I will secure the court reporter for the call; the party requesting the conference call is responsible for securing the contact information of all participants and providing same to my secretary.

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

Yes **No**

Further explanation:

The parties are expected to communicate through WCAIS. However, I will accept faxes and e-mails from the parties, when WCAIS is unavailable.

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 do not strictly adhere to the predetermined time allotment for hearings or mediations. With respect to hearings, deciding whether to end the hearing as scheduled will depend upon whether there is another matter scheduled immediately following the hearing and the extent of the testimony that remains to be completed. The parties may be asked to come back at a later date to complete the hearing.

With respect to mediations, deciding whether to end the session depends upon whether the parties are making appreciable progress toward resolution of the issues or claim.

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

The best way to contact me in an urgent/emergency situation is through my secretary. If he/she is unavailable, the main office number of the field office where the hearing is being held (Pottsville or Reading) should be contacted.

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

Please note that Reading is a state office building. If it is closed, or on delay, my hearing and mediation schedule is similarly canceled, or if delayed, matters listed before the delay time will be canceled.

In addition, hearings in Pottsville and Reading may be canceled or delayed if I believe that travel for the participants is hazardous, even if the office is not closed. Notice of the cancellation will be posted on WCAIS; additionally, I will endeavor to have my office call attorneys and unrepresented parties to inform them of the cancellation. If I have not canceled the hearings, the parties may still request a continuance because of inclement weather the day of the event.