

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?

There is a first hearing, at which the moving party will be expected to present evidence if possible. If no evidence will be offered, a trial schedule will be established.

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:

If there are Bureau documents in WCAIS, I will enter them as judge exhibits before the hearing. If they do not already appear in WCAIS, the parties should upload them.

- 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:

N/A

3. What are your procedures for supersedeas hearings?

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

Further explanation:

While testimony is not normally taken at supersedeas hearings, I will certainly hear it if a party wishes to present it.

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

Further explanation:

[Click here to enter text.](#)

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

If new or additional evidence becomes available.

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?

A WCAIS request can be submitted, & the fee agreement should be in evidence.

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 have serial hearings – ideally, no more than three, although I understand that some cases require more time and evidence.

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

Further explanation:

If circumstances such as distance or emergencies so require; this will be decided on a case by case basis.

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

I normally issue an interlocutory order that functions as a rule to show cause why relief should not be granted for the opponent & relist in 30-45 days.

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

Further explanation:

Not specifically, but I will close the courtroom or schedule a slotted hearing upon request.

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:

While I do not require prior notice, it will be much appreciated. A week would be good.

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?

An expert witness will ordinarily be permitted to testify by deposition. A party or fact witness may be permitted to testify by telephone, on a case by case basis, if distance is an issue or if there is an emergency.

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

The party who filed first should submit evidence first, barring an unusual circumstance.

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 or after hearings, so long as it is uploaded before briefs are submitted. EVIDENCE IS MARKED FOR IDENTIFICATION ONLY AT HEARINGS AND WILL NOT BE ADMITTED UNTIL IT IS UPLOADED TO WCAIS. IF IT IS NOT UPLOADED TO WCAIS, IT WILL NOT BE ADMITTED AND WILL NOT BE CONSIDERED IN MY DECISION. If you rely on staff to upload, please check yourself to confirm that it is done when you submit your brief.

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

Further explanation:

The only exceptions are items that may not reproduce well, such as payroll logs, payment screens, etc.

14. When will you rule on objections to exhibits?

At the hearing at which the evidence is offered or shortly thereafter.

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 no longer do telephone conferences without a court reporter present. I will schedule a conference after hearings so as to utilize a court reporter, or I will schedule the matter for my next hearing date.

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

Any time before or with briefs, unless a ruling is desired before briefs are submitted.

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.

Whatever the parties desire to be part of the agreement should be uploaded together with 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?

When the agreement is uploaded to WCAIS.

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

Further explanation:

[Click here to enter text.](#)

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

Further explanation:

[Click here to enter text.](#)

18. Please provide the following information regarding Stipulations resolving Disputes:

- a. What are your usual procedures regarding the submission, review, and adoption of such Stipulations?

Stipulations should be uploaded as a WCAIS exhibit, regardless of whether they are submitted at a hearing.

- 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.

Whatever the parties desire to be part of the stipulation should be uploaded with it in one exhibit.

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

When uploaded to WCAIS.

- 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:

Except in unusual circumstances.

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 set forth at the final hearing. Requests for extensions of time may be made via a WCAIS request. I do not follow up to request briefs if not submitted.

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

Brevity is key. Please do not regurgitate the testimony, as I will read the evidence myself. Please do not use shouty capitals. Simply tell me what, if any, law is applicable and why you think your client should prevail.

Mandatory Mediations

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

Philadelphia; if requested, I will do mediations in 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:

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:

Counsel should be present. Other parties may be available by telephone.

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

If so:

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

A summary of the case, any potential impediments to settlement, and demands and offers.

- 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 24 hours.

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

I try to fit voluntary mediations into openings in my schedule; usually a few weeks.

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?

Please contact the hearing 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?

The more time, the better, but the day before the mediation is acceptable (with the understanding that if I am not in or unable to check WCAIS/email you may not get an answer).

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.

Philadelphia or Upper Darby.

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:

Counsel should attend. Other parties may be available 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?

See above.

- 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?

See above.

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

See above.

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?

For voluntary mediations, please contact me.

- 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?

Preferably 24 hours.

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?

Preferably 24 hours.

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:

We do not accept faxes in the Philadelphia office. I accept e-mails regarding mediation requests and for clarification of issues and special circumstances.

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:

Additional time is fine.

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

Contact my assistant, Chandra Hammond, at 215-560-2488. You may also email me at sacraig@pa.gov, keeping in mind that if I am on the bench, mediating, or out of the office, I may not see it.

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

We follow the Philadelphia School District.