

HEARING OFFICER NAME: Justin Roberts

ASSIGNED OFFICE: Harrisburg

[WCOA-Judges-Office-Contacts \(pa.gov\)](#)

Fee Review Hearing Officer Procedural Questionnaire

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Hearing Officer. All documents, including evidence and briefs, that would have been submitted to a Hearing Officer by mail or in person prior to WCAIS should 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, Subpoenas, and Extensions of time to file briefs, 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 Hearing Officer?

The first event is a pretrial conference or status hearing, held via Microsoft Teams.

2. Are any filings or documents required at the first Event with the Hearing Officer? If so, what are they?

No filings or documents are required prior to the first event.

Further explanation:

N/A

a. Should such filings or documents be uploaded as Exhibits or as Documents?

N/A

Further explanation:

N/A

3. Are you willing to allow counsel to participate in hearings by telephone?

All parties must be present with video and audio through Microsoft Teams.

Further explanation:

Only in instances of technical issues will a party be allowed to participate solely by audio or phone.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

Hearings will be conducted virtually unless the nature of the proceeding necessitates an in-person hearing.

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

An Interlocutory Order will be sent to the party failing to appear. A subsequent hearing will be scheduled. If the same party fails to appear at the next hearing, the case may be dismissed.

Witnesses/Exhibits:

6. What are your rules regarding the taking of testimony?

a. Do you prefer the testimony be taken at a hearing or by deposition?

Testimony by deposition is preferable. Live testimony via Microsoft Teams is acceptable.

Further explanation:

Live testimony via Microsoft Teams is subject to scheduling availability.

b. If counsel wishes to call a witness at a hearing, do you require prior notice? If so, how much notice do you require?

Prior notice of at least 45 days is required for live testimony.

Further explanation:

Notice of live witness testimony should be sent to my secretary via e-mail at least 45 prior to the intended date.

7. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Hearing Officer Exhibits?

I will enter Bureau documents as Hearing Officer Exhibits should the case go to litigation

Further explanation:

N/A

8. 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?

Exhibits must be uploaded to WCAIS at least 3 days prior to the scheduled hearing.

Further explanation:

N/A

9. Do you require counsel to bring hard copies of the exhibits to in-person hearings?

All exhibits should be uploaded to WCAIS, hard copies are not required.

Further explanation:

N/A

10. When will you rule on objections to exhibits?

Normally, objections will be ruled on as they are presented during the hearing. If circumstances require, objections presented during the hearing may be ruled on in the Decision. Objections within depositions will be ruled on in the Decision so long as they have been preserved and uploaded in a separate writing to WCAIS. Objections that have not been preserved shall be deemed waived.

11. What is your procedure for handling discovery disputes. For example, do you employ telephone conferences or prefer to attend certain depositions virtually?

Discovery disputes will be handled during the hearing itself if possible. Other objections may be submitted in writing through WCAIS.

12. Will the Hearing Officer allow the parties to present written argument with respect to timely made objections?

Yes, through WCAIS requests.

Stipulations:

13. 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 must be uploaded to WCAIS. Given the Stipulation is fair and equitable, it will be approved. The Stipulation will be incorporated into the Findings of Fact and will be attached to the Decision.

b. 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 relevant exhibits should be uploaded as part of the Stipulation to WCAIS.

c. When should the social security number and other confidential information be redacted from the Stipulation?

Confidential information should always be redacted on the Stipulation.

d. Do you have any other procedures for Stipulations not described above? If so, what are they?

No.

Further explanation:

N/A

Close of Record/Briefs:

14. Are you willing to close a case by electronic submission via WCAIS or is a final hearing required?

Electronic submission via WCAIS is preferable. A final hearing is acceptable.

Further explanation:

N/A

15. 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 and post-hearing submission deadline will be set on the record during a hearing. If a party fails to comply with the briefing schedule or post-hearing submission deadline, their submissions will not be considered in the Decision. It is the responsibility of each party to upload any briefs or post-hearing submissions in a timely manner. No reminders of an upcoming deadline will be sent.

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

The parties should advocate for their interests as they see fit so long as it is legal and ethical. I prefer parties submit proposed findings of fact, proposed conclusions of law, with a supporting brief citing to the record and applicable case law.

Voluntary Mediation:

17. Are voluntary mediations available upon request?

Yes.

If so, who conducts the mediations?

Further explanation:

A different Hearing Officer or WCJ will conduct the mediations.

Requests/Miscellaneous:

18. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

At least 3 days.

19. Do you conduct off the record conference calls?

No.

Further explanation:

N/A

20. Do you accept faxes from the parties? If so, under what circumstances?

WCAIS is the preferred platform to submit documents. Faxes are permitted if the documents cannot be uploaded to WCAIS.

Further explanation:

N/A

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

WCAIS is an appropriate forum for all communication.

Further explanation:

N/A

23. Do you adhere strictly to duration listed for a hearing or are you willing to go over the allotted time?

If more time is needed than what is allotted, a subsequent hearing will be scheduled.

Further explanation:

N/A

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

All contact should come through my secretary, either by phone or e-mail.

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

All changes are posted on WCAIS