

Message from the Director of Adjudication (March 27, 2020)

Due to the COVID-19 pandemic, the Office of Adjudication will be continuing operations on a modified telephone-only hearing schedule effective Monday, March 30, 2020. This modified protocol will permit WCJ's to process disputes and permit parties to litigate pending cases while implementing Governor Tom Wolf's actions to mitigate the spread of the virus through social distancing measures. Until further notice, cases will be scheduled and litigated as follows:

1. Preliminarily, the emergency C & R protocol initiated two weeks ago is suspended effective March 30, 2020. All disputes scheduled for a special C & R hearing made prior to that date will be processed under this protocol. All requests for C & R hearings made on or after March 30, 2020, will be made by filing a new Petition to Approve or by amending an existing petition pending before the adjudicating WCJ. Counsel should use the "Request a Hearing" feature in WCAIS when amending a pending petition. For claims without existing disputes, parties need to file a C & R petition which will then be assigned to a WCJ, as usual. NOTE: Special C & R hearing requests will no longer be taken by the Judge Managers as of close of business on March 27, 2020.
2. Communications with the assigned WCJ or their staff, for existing disputes and for those filed on or after March 30, 2020, should be limited to WCAIS requests and Judge Communications. For those WCJ's who accept e-mail communications (refer to the WCAIS "Judge Questionnaire" accessible from your Dashboards), their practice will continue. Please DO NOT attempt to contact the Judge's secretary at their regular commonwealth location. They are working remotely and those calls have been temporarily routed to the WCOA Resource Center, which is our clearinghouse for IT and tech related issues. The Resource Center will not and cannot assist with case "administrative" matters.
3. Hearings conducted and scheduled during the Governor's disaster declaration will be by telephone only. For hearings scheduled within two weeks after March 30, 2020, counsel or pro se parties should have already been contacted, or shortly will be, by the adjudicating WCJ or their staff. Some hearings have been cancelled and will be rescheduled. Many will take place as scheduled under the new protocol.
4. Under the new protocol, hearings will be scheduled using an Outlook conference invitation sent out by the WCJ or their staff. These are audio-only conferences. Simply call the phone number provided and you will be prompted to input the Access Code number which will "patch" you into conference call. The WCJ will then start the hearing. The Court reporter (the Commonwealth vendor, Sargent's) and the interpreter service (Accent), if required, will be included on the Outlook invitation. If you require an interpreter and the interpreter service, Accent, is not on the invitation, please contact the Judge so an interpreter may be ordered. These vendors will also call in at the scheduled hearing time. For hearings scheduled beyond the two weeks from March 30, 2020, new hearing notices will be generated. WCOA staff will be placing the call-in number and Access Code on the Hearing Notices in the "Special Instructions" box of the hearing notice.
5. Mandatory and Voluntary Mediations will be scheduled and conducted as usual under the Outlook scheduling procedure outlined above. Unfortunately, the technology does not permit muting of the WCJ's voice to allow discussion with one party. However, mediations have been

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and will continue to be successfully conducted to work-around this inconvenience. Mediations have been successfully conducted through cellphones, so defer to the WCJ's preference for those details.

The success and efficiency of this new hearing protocol depends on the cooperation and patience of the Bench and Bar. Some things that are important as we move forward:

- Pay attention to your WCAIS Notifications. Regularly check for "Judge Instructions" and Judge Communications. Utilize the "Requests" tab for specific requests that appear in the dropdown menu;
- Do not discuss "substantive" issues about the case with WCJ or staff without your opponent present on the call. *Ex parte* discussions must be limited to "administrative" matters and may only be attempted with consent of opposing counsel;
- Be punctual when calling in for your hearing. WCJ's and staff have been instructed to allot extra time during the roll-out period. Any undue delays will cause problems for the ensuing hearings, parties and vendors who are expecting the hearings to start at the specified time;
- All Petitions and Answers will be filed as they normally do. Likewise, case assignments, hearing notices and regular WCOA correspondence will continue to be processed as usual;
- Counsel and parties DO NOT need the "Skype for Business" application on their phones or computers to call into the telephone hearing. Simply call in, punch in the Access Code when prompted and you will be patched into the conference call.

Lastly, while we perceive they will be minimal, we certainly recognize that there will be delays, technical and IT malfunctions and many other issues going forward under the new hearing procedures outline above. Please be patient. We are all working together to restore WCOA functionality under emergency conditions.

Joseph DeRita

WCOA Director