

**JUDGE'S PROCEDURAL RULES AND POLICIES**

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.

**[CLICK HERE TO VIEW THE JUDGE'S SPECIAL PROCEDURES DURING THE GOVERNOR'S EMERGENCY DECLARATION DUE TO COVID-19.](#)**

**FIRST EVENTS**

1. **What is the first event (i.e. pretrial, hearing, conference call) and what will occur?** The first event will be a pre-trial hearing. If the petition requested supersedeas, then a combined pre-trial and supersedeas hearing will be held.
2. **List any documents required at the first Event:** To the extent possible and relevant, the controlling Bureau document or Decision should be uploaded to WCAIS before the first hearing. This Judge will usually upload the controlling document or decision where such is readily ascertainable; however, the parties should be prepared to upload same if not done by the Judge. A pre-trial memorandum or stipulation is not required; however, if a pre-trial memorandum is to be submitted, it must be provided to opposing counsel or unrepresented party. It is strongly suggested that the parties begin the exchange of documents and records pursuant to Section 131.61 of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (Special Rules), 34 Pa. Code § 131.61, prior to the first hearing. All parties must be prepared to orally advise the judge, on the record, regarding the allegations and issues of fact and law concerning the presentation or defense of the case; regarding any proposed amendments to the pleadings; regarding any stipulations of fact; regarding the average weekly wage, if possible; regarding the names and addresses of medical and fact witnesses; regarding the current address of the claimant; and regarding any other subjects which may aid in the disposition of the proceedings. If practicable, the moving party should begin efforts to schedule any anticipated medical depositions prior to the first hearing.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits
  - b. **Should docs be uploaded before or after the first Event?** Before

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?**
- a. **Will testimony be heard?** Yes If requested in writing at least 7 days before the hearing with notice to all parties.
- b. **Is additional time generally granted to obtain medical evidence?** Yes
- c. **Under what circumstances will you reconsider a supersedeas order?** It depends on the circumstances and the reason behind the request.
- d. **Do you generally use written orders for denials?** No On request, written denial orders will be issued.
- e. **What is required for employee's counsel to obtain interim fee approval?** If requested, it will be determined on a case by case basis.
- f. **Describe any other procedures for supersedeas hearings:** Evidence in the form of bureau documents, underlying decisions, records, reports, and affidavits of the claimant and other witnesses will be permitted both at supersedeas hearings and special supersedeas hearings. If a party wishes to present testimony in support of or in opposition to the supersedeas request, a written request must be made within 7 days prior to the first (pre-trial) hearing. This request will usually be granted, but the testimony should be brief and address only the issues relevant to the supersedeas request. Requests for additional time to submit supersedeas documentation will

usually be granted to allow the party an additional 14 days to submit this evidence. Requests for additional time beyond 14 days may be granted upon agreement of the parties. The supersedeas decision will be memorialized in a written Interlocutory Order. Counsel may request an order for payment of interim counsel fees upon submission of an executed counsel fee agreement. Requests for reconsideration will be heard only if new, compelling evidence is presented or a change of law occurs. No different procedures shall be utilized with regard to special supersedeas hearings; however, no alteration of the time constraints contained in § 131.49 of the Special Rules will be considered.

- g. Describe procedures for special supersedeas hearings, if different:** [Click or tap here to enter text.](#)

### **HEARINGS**

- 1. Describe the structure of your hearings and whether you are willing to change your hearing format:** A serial format will be used which will consist of a pre-trial hearing, status hearings and a final hearing. Status hearings following the first hearing will be used to ensure the parties are moving their case forward in accordance with the Special Rules; however, depending on the circumstances, status hearings may be waived or cancelled. In all aspects, it is intended that the Special Rules will be followed, including with respect to the presentation of expert and rebuttal witnesses. In all petitions, the claimant must testify live either at the second hearing, which will be scheduled within 30 to 45 days after the pre-trial hearing, or by deposition within 30 to 60 days after the pre-trial hearing. If the claimant testifies by deposition, the claimant must testify live at or before the final hearing; this testimony will be limited to update information or for rebuttal purposes only. Claimant can provide updated testimony at the final hearing regardless if their prior testimony was by deposition or at hearing. Absent special requests or circumstances, claimant testimony will not be taken at the first hearing. For employer petitions (e.g., suspension, modification, termination, etc.), the presentation of the employer's fact witnesses on the case-in-chief (i.e. non-rebuttal), shall be completed within 90 days of the first hearing.
  - a. Are you willing to change the hearing format upon request?** [Choose an item. Click or tap here to enter text.](#)
- 2. Are you willing to allow counsel to participate by telephone?** Yes Every effort should be made to be present, especially if testimony is to be taken. If counsel is unable to personally attend due to extraordinary circumstances (emergency, illness, unexpected traffic delay, or unavoidable conflict), attendance by telephone is acceptable.
- 3. What procedure do you follow if a party fails to appear at a hearing?** It depends on the circumstances and reasons for the failure to attend. Generally, if a party fails to appear at a pre-trial hearing, the hearing will be continued and rescheduled for one additional hearing to provide the party with an opportunity to appear for trial; an Interlocutory Order may be issued directing the party's appearance at the (second) pre-trial hearing. If a party fails to appear at the rescheduled pre-trial hearing or otherwise indicate they intend to prosecute or defend the petition, their petition will be marked dismissed or, if they are the non-filing party, the petition will be decided on the evidence submitted.
- 4. Do you have special procedures for psychological injury cases?** No [Click or tap here to enter text.](#)

### **WITNESSES/EXHIBITS**

- 1. What are your rules regarding taking testimony?** [Click or tap here to enter text.](#)
  - a. Do you prefer testimony at a hearing or by deposition?** [Choose an item. Click or tap here to enter text.](#)
  - b. If a counsel wishes to bring a witness to a hearing, do you require prior notice? Yes If yes:**
    - i. How much notice do you require?** All expert (medical, vocational, investigative, etc.) and fact witnesses may testify by deposition at the discretion of the presenting party. Prior notice must be provided if the party will be presenting a witness other than the claimant at a hearing. Notice of witness testimony should be provided at the pre-trial hearing or by mail as soon as possible after the pre-trial hearing, subject to objection by the opposing party. If a non-regularly scheduled listing is required, a WCAIS request must be made no later than 10 days before the regularly scheduled hearing.

2. **Under what circumstances will you permit a party or witness (including an expert witness) to testify by deposition, phone, or videoconference, rather than appear at the hearing?** The parties choose how they present their evidence. Testimony by telephone at a hearing is generally not advised due to logistics rather than preference.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** In all petitions, the claimant must testify live either at the second hearing, which will be scheduled within 30 to 45 days after the pre-trial hearing, or by deposition within 30 to 60 days after the pre-trial hearing. If the claimant testifies by deposition, the claimant must testify live at or before the final hearing; this testimony will be limited to update information or for rebuttal purposes only. Claimant can provide updated testimony at the final hearing regardless if their prior testimony was by deposition or at hearing. For employer petitions (e.g., suspension, modification, termination, etc.), the presentation of the employer's fact witnesses on the case-in-chief (i.e. non-rebuttal), shall be completed within 90 days of the first hearing. Medical evidence will generally be presented based upon the order in which the petitions are filed. It is expected that a claimant's petition to add or modify injuries filed following the filing of an employer's termination, modification or review, will be filed within 45 days of the first hearing or no later than 10 days after the claimant has testified on the underlying petition, whichever is later. In such cases, the petitions will be consolidated and the time limitations previously discussed may be altered, if necessary. Where a claimant's petition to add or modify injuries is filed after the later of 45 days following the first hearing or later than 10 days after the claimant has testified, the petitions may not be consolidated. The final hearing in most matters will be held nine months from the date of the pre-trial hearing, unless modified by this judge. At the final hearing, all depositions and other evidence will be introduced, the record will close, and a briefing schedule will be set. After the record is closed, any party may request a settlement conference or mediation to take place with another workers' compensation judge even if mandatory mediation has already taken place. Any requests to re-open the record must be made in writing. If an extension of the briefing schedule is necessary due to mediation after the close of the record or following the re-opening of the record, such request for an extension must be made in writing as the request for settlement conference, mandatory mediation or re-opening the record will not, by itself, extend the briefing schedule. With the advent of WCAIS, and this Judge's status as "paperless", all evidence should be uploaded to WCAIS prior to the final hearing. Exhibits do not need to be uploaded prior to that time unless there is a question on, or objection to, same. If there is a question, or objection, the proffered exhibit must be uploaded prior to the hearing at which the exhibit is to be discussed so that this Judge may have an opportunity to review the exhibit, whether prior to or at the hearing. All parties must preserve any objections made at depositions at the final hearing in writing or the objections will be waived. At the request of the parties, oral argument on objections will be heard at the final hearing. In most cases, rulings will be made on the record at the final hearing if oral argument is held. When circumstances warrant, rulings will be made by Interlocutory Order and will be made on objections preserved in writing prior to briefs being due.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge [Click or tap here to enter text.](#)
5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** Before **If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?** There is no requirement but it is preferred that exhibits are uploaded prior to the hearing. If the exhibit is not yet ready (e.g. the deposition was taken but the transcript not yet received), the parties may upload it after the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No It may be beneficial, but it is not required.
7. **When will you rule on objections to exhibits?** At the hearing when the exhibits are offered, unless additional time is needed.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** In general, discovery disputes presented to this Judge are discouraged and the parties are encouraged to communicate with each other to resolve such disputes. When necessary, discovery disputes may be presented in writing and will be resolved by order, or other writing at the judge's discretion. Discovery disputes will usually be discussed at a hearing on the record, which will be scheduled as soon as practical after the request is received by this workers' compensation judge. Absent special circumstances, this Judge will not make rulings by telephone contemporaneously with the taking of any deposition. Any objections should be stated on the record at the time of the deposition to be ruled upon at a later time. Special circumstances include objections as to

the occurrence of the deposition itself due to a previously unknown discovery violation or other such exigent circumstances. The parties are cautioned to be judicious regarding their requests for contemporaneous rulings on objections. The parties may anticipate that this judge will be available for telephone conferences regarding discovery disputes during normal business hours. Rulings on discovery disputes presented during telephone conferences will be memorialized either through confirming letter or Interlocutory Order as the circumstances warrant.

- 9. What is the last day to file written preservations of deposition objections?** All parties must preserve any objections made at depositions at the final hearing in writing or the objections will be waived. At the request of the parties, oral argument on objections will be heard at the final hearing. In most cases, rulings will be made on the record at the final hearing if oral argument is held. When circumstances warrant, rulings will be made by Interlocutory Order and will be made on objections preserved in writing prior to briefs being due.

### COMPROMISE & RELEASES (C&Rs)

- 1. Describe your procedures regarding the review of C&R Agreements:** [Click or tap here to enter text.](#)
- a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?** Amendments If the parties wish to keep the matter open for a decision on the merits, in whole or in part, the petition(s) that will be going to decision need to remain unamended. This may require the filing of a separate petition for compromise and release.
  - b. Are parties required to provide a draft of the C&R Agreement before the hearing?** No **If yes:**
    - i. How far in advance of the hearing do you need to receive it?** [Click or tap here to enter text.](#)
  - c. Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After The party uploading the Compromise and Release will need to upload the copy I initial at the bench, which will include redactions of social security numbers and all necessary exhibits.
  - d. Should child support docs be uploaded as a separate exhibit?** No The documents should be uploaded with the Compromise and Release Agreement.
  - e. What other exhibits should be uploaded as part of the C&R Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.?)** The Compromise and Release is one document or packet. If it is part of the Agreement it should be uploaded with it. Resignations and bench orders are not part of an Agreement.
  - f. Should they be a part of the C&R Agreement or separate exhibits?** [Click or tap here to enter text.](#)
  - g. When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** At hearing, by the Judge, after verification of the information by the Claimant under oath.
  - h. Will you sign bench orders?** Yes [Click or tap here to enter text.](#)
  - i. Describe any other procedures you have for C&R Agreements:** The claimant's personal appearance at the hearing is preferred but their testimony may be taken by telephone if circumstances warrant it (e.g. out of state, severe illness, or disability).

### STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. What are your usual procedures regarding the submission, review, and adoption?** The executed Stipulation may be uploaded, with notice to the Judge of such uploading, or mailed. The Stipulation will be reviewed for conformity to the Rules and adopted if acceptable.
- 2. Should the fee agreement be part of the stip or separate exhibit?** I have no preference.
- 3. Should child support documents be uploaded as a separate exhibit?** Yes [Click or tap here to enter text.](#)

4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** It is up to the parties – but when in doubt, include it.
  - a. **Should they be part of the stip or a separate exhibit?** [Click or tap here to enter text.](#)
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Prior to uploading or submission of the stipulation.
6. **Describe any other procedures you have for stips:** [Click or tap here to enter text.](#)

### **BRIEFS AND POST-HEARING SUBMISSIONS**

1. **Will you close a case via WCAIS submission or is a final hearing required?** Final Hearing
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** A briefing schedule will be issued at the final hearing and on the record. No Interlocutory Order will be issued. Proposed Findings of Fact and Briefs are strongly suggested but not required. All reasonable briefing schedule requests will be accommodated and a reminder may be provided for late filings; however, if briefs and other required documents are not submitted in a timely manner, the case may be decided upon the materials present before the judge at the close of the briefing schedule.
3. **Describe any preferences regarding the format and content of submissions:** This Judge has a preference for formatting of the post-trial submissions as follows: the format of the submission should track the formatting of the judge's decision (hearing dates, exhibits, preserved objections, proposed Findings of Fact and Conclusions of Law, and proposed Order). Findings of Fact should be concise and without editorial or argumentative comment with the exception of proposed credibility findings. A supporting Memorandum of Law or Brief in separate writing is encouraged – this is where you argue your case, not in the proposed Findings or Conclusions. The following is a list of preferences for content: The Proposed Findings of Fact should:

- 1) clearly state what relief they are requesting from this Workers' Compensation Judge;
- 2) the issues which are not in dispute and the issues that are in dispute;
- 3) outline and summarize the evidence of record with citation to the record (identifying the document and page where the information may be found);
- 4) outline the reasons the testimony of their witnesses should be found credible;
- 5) outline the reasons why the testimony of the opposing party's witnesses should be found to be neither credible nor persuasive;
- 6) fully discuss whether there has been a reasonable basis for the contest of the petition(s), making specific reference to the record;
- 7) discuss any sub-issues in the case, particularly requests for credits and subrogation;
- 8) provide all monetary calculations and the method of calculation when these issues are material to the case.

The Memorandum of Law or Brief: The parties should avoid duplication; they should not “copy and paste” their Proposed Findings of Fact into their brief. The brief should be reserved for argument, discussion, and application of the law to the facts. A letter brief is acceptable for matters not requiring extensive argument (e.g., disfigurement, utilization review, penalty, etc.).

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** Philadelphia (Arch Street)
2. **Do you require all participants to attend in-person?** The parties should bring or have available all those persons necessary to effectuate a meaningful mediation. At the very least counsel, claimant, and adjuster should be available if not present. This includes: the parties, counsel, claims adjuster/examiner, employer representative, third party counsel (if separate).

- a. **Under what circumstances do you permit attendance by phone?** Click or tap here to enter text.
3. **Do you require a Mediation Statement? Yes If yes:**
- a. **What information do you require in that Statement?** The parties should provide the information contained in the Mandatory Mediation Disclosure Report regardless of whether the mediation is mandatory or voluntary. Additionally, all parties should also include the following information in the memorandum: Is the Claimant a Medicare beneficiary? If so, has a lien letter regarding the payment of conditional benefits been requested or obtained? Has an MSA proposal been prepared? Does Claimant or Employer wish to close out medical benefits? What is the amount of the proposed MSA? For Claimants only: Does Claimant agree that the accepted (or alleged) injuries are the only injuries related to the work injury? If not, what other injuries are believed related? Has a Review or Claim Petition been filed regarding those additional injuries? For Employers only: If a medical benefits are being settled and a Medicare Set-Aside is necessary, is Employer willing to pay medical benefits while waiting for approval? If Medicare approves an amount higher than Employer's proposal, will Employer still go through with funding the MSA or will the settlement be limited to indemnity only.
- b. **What documents, if any, must accompany the Statement?** Any the parties wish me to consider. When possible, I would like to see copies of the Bureau Documents (NCP, Statement of Wages, Supplemental Agreements).
- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least a day is preferred.
4. **After you approve a Mediation Request, how long until it's scheduled?** This is dependent upon the Philadelphia Hearing Office procedures and scheduling.
5. **Are you willing to conduct more than one session per Dispute?** Yes If the parties request an additional session and I feel it will be beneficial, I will have more than one.
6. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge?** Per Philadelphia Hearing Office policy, there are no postponements. If the parties are unable or unwilling to mediate at the scheduled time, the mediation is cancelled. If the parties desire a mediation in the future, a voluntary mediation must be scheduled. All requests should go to the assigned Judge. **If you:**
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** One week's notice is preferred but not required. Anything less than two days is discouraged.
7. **What else should the parties know or do before the mediation?** Do not argue your case in mediation – I am not the finder of fact.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** Yes Upon request and depending on availability.
2. **List the offices where you conduct voluntary mediations:** Philadelphia, Allentown, Upper Darby, Doylestown, Bristol, Easton, Malvern. Mediations outside of Philadelphia require additional procedures, which will need to be addressed prior to their scheduling.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes With respect to mediating my own cases, I will require the parties to execute a stipulation or state on the record that the mediation efforts will not constitute a basis for recusal.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** No **If yes:**
- a. **Describe any special procedures:** I have no special procedures – I will expect appropriate conduct.
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
- a. **Describe the matters addressed by the agreement:** Click or tap here to enter text.

6. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** The parties should bring or have available all those persons necessary to effectuate a meaningful mediation. At the very least counsel, claimant, and adjuster should be available if not present. This includes: the parties, counsel, claims adjuster/examiner, employer representative, third party counsel (if separate).
7. **Do you require a Mediation Statement? Yes If yes:**
  - a. **What information do you require in that Statement?** The same as a mandatory statement.
  - b. **What documents, if any, must accompany the Statement?** The same as a mandatory statement.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The same as a mandatory statement.
8. **After you approve a Mediation Request, how long until it's scheduled?** It depends on availability of the parties and my schedule.
9. **Are you willing to conduct more than one session per Dispute?** Yes More than one session may be scheduled if appropriate.
10. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge?** See above regarding mediation cancellations in the Philadelphia Hearing Office. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** See above.
11. **What else should the parties know or do before the mediation?** [Click or tap here to enter text.](#)

### REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Where continuance requests are unopposed, continuances will be usually granted; however, the parties are reminded that the trial schedule provided to the parties and established at the first hearing is more than a guide and should be adhered to as closely practicable. Continuance requests must be made using WCAIS upon the party's learning of the need for the continuance – you likely did not just learn of a conflict the day before the hearing. Continuance requests made at the time of the hearing will be considered but are strongly discouraged. Hearing times may be changed by request and agreement of the parties. A party's request for an extension of time to take depositions of its fact or expert witnesses will be considered and granted for good cause shown, including a witness's unavailability. In such cases, the trial schedule may need to be adjusted. As such, it is important for the parties to communicate with me and each other and any difficulty they are having meeting the trial schedule timeline so that delays do not become compounded.
2. **Under what circumstances do you conduct conference calls?** Most matters can/should be handled at a hearing or, if appropriate, in writing following a WCAIS request.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes are unavailable at the Philadelphia Hearing Office. Emails are accepted as long as all parties are included to avoid ex parte communication. Communication by email is a courtesy – do not abuse it.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I will go over the allotted time if necessary
5. **What is the best way to contact you in an urgent situation?** Email and office telephone
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** If Philadelphia public and parochial schools are closed, hearings are cancelled. If they are delayed, continuances will be considered liberally. Use your best judgment – if you cannot physically make it in – or the snow/emergency has resulted in hardship (your own school district is closed and you cannot, or do not want to, bring

your child with you) you are not expected to come, but you are expected to communicate such inability to this Judge and the opposing party. Above all, your safety comes first.