

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, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

HEARING PROCEDURES

1. What is the first event and what will occur?

First hearing – testimony.

a. List any documents required at the first event:

Only those needed for testimony.

b. Should documents be uploaded as Exhibits or Letters to the Judge?

Exhibits.

2. Describe the format of your hearings (e.g., serial, one day – one trial).

Serial.

3. Are you willing to change the hearing format upon request?

Yes – as needed or requested, subject to approval.

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

Scheduled as requested, subject to approval. If there is an objection to an in-person hearing on the basis of public health concerns, the alternative to an in-person hearing is a virtual (video) hearing.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?

As requested, subject to approval.

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

Reschedule next available.

7. Do you have special procedures for psychological injury cases?

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Same as any other hearings.

a. Will testimony be heard?

Yes.

b. Is additional time generally granted to obtain medical evidence?

Yes – a reasonable amount.

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

When appropriate.

d. Do you generally use written orders for denials?

Written orders.

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

f. Describe any other procedures for supersedeas hearings:

None.

g. Describe procedures for special supersedeas hearings, if different:

None.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Normal protocol.

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

Whatever counsel prefers.

3. Under what circumstances will you change your requirements for presentation of testimony?

As requested, subject to approval.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes – advance notice. If yes, how much notice do you require? A reasonable amount.

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

As agreed upon by counsel, subject to approval.

- 6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

Either.

- 7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Either. If before, how far in advance of the hearing must they be uploaded? When possible.**

- 8. When will you rule on objections to exhibits?**

During the hearing.

- 9. What is your procedure for handling discovery disputes? Review as needed.**

- 10. What is the last day to file written preservations of deposition objections?**

Prior to closure of the record.

COMPROMISE & RELEASES (C&Rs)

- 1. Describe your procedures regarding the review of C&R Agreements:**

Normal protocol.

- 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 allowed as needed.

- b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

No.

- c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

Preferably, before.

- d. Should child support documents be uploaded as a separate exhibit?**

No.

- e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

Yes.

- f. Will you sign bench orders?**

Yes.

g. Describe any other procedures you have for C&R Agreements:

None.

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

Upload Stipulation as an exhibit and any accompanying correspondence uploaded as a document.

2. Should the fee agreement be part of the stipulation or separate exhibit?

Does not matter.

3. Should child support documents be uploaded as a separate exhibit?

Does not matter.

4. What other exhibits should be uploaded (i.e. medical bills, etc.)?

Whatever is needed.

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits? As part of Stipulation.

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

Prior to being uploaded.

7. Describe any other procedures you have for stipulations:

None.

BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required?

As agreed upon by counsel, subject to approval.

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

As agreed upon by counsel, subject to approval.

3. Describe any preferences regarding the format and content of final submissions: Whatever counsel prefers, subject to approval.

MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:** Wherever requested.
- 2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or inperson?**
As agreed upon by counsel, subject to approval.
- 3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**
Preference of counsel.
- 4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**
Anyone who wishes to participate virtually (by video or telephonically) in an in-person mandatory mediation may certainly do so.
- 5. Do you require a Mediation Statement? Preferred, but not required. If yes:**
 - a. What information do you require in that Statement?**
Whatever is important.
 - b. What documents, if any, must accompany the Statement?**
Those which matter.
 - c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?** As soon as ready.
- 6. If there is a request to postpone a mandatory mediation, will it be rescheduled? As soon as possible. If so, how long until it is rescheduled?** Next available date.
- 7. Are you willing to conduct more than one mandatory mediation session per Dispute?**
Yes.
- 8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**
Whenever requested, preferably at least a couple days in advance.
- 9. What else should the parties know or do before the mediation?**
Nothing special.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

Normal protocol.

3. List the locations where you conduct in-person voluntary mediations:

Wherever requested, subject to approval.

4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?

Yes – wherever requested, subject to approval.

5. Do you mediate Disputes assigned to you for hearing and decision?

No.

6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:

Yes, none.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?

Preference of the parties, subject to approval.

8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?

Preference of the parties.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?

Anyone who wishes to participate virtually (by video or telephonically) in an in-person mandatory mediation may certainly do so.

10. Do you require a Mediation Statement? Preferred – but not required. If yes:

a. What information do you require in that Statement?

Whatever is important.

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

See above.

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

As soon as possible.

11. After you approve a Voluntary Mediation Request, how long until it is scheduled?

As soon as possible.

12. Are you willing to conduct more than one voluntary mediation session per Dispute? Yes

13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?

Mediating Judge.

14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

Whenever requested, preferably at least a couple days in advance.

15. What else should the parties know or do before the mediation?

Nothing special.

REQUESTS/MISCELLANEOUS

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

As soon as possible.

2. Under what circumstances do you conduct off the record conference calls?

As needed.

3. Under what conditions/circumstances do you accept e-mails from parties?

As needed.

4. Do you adhere strictly to the duration listed for a Hearing or Mediation?

No.

5. What is the best way to contact you in an emergency situation?

Contact the New Castle office at 724-656-3084.

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

As requested. **Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.**