

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?** A hearing will be scheduled in accordance with the Rules soon after the assignment of the petition. Testimony will be expected at the first hearing on a Claim, Reinstatement or Review Petition filed by Claimant. The first hearing on a Penalty Petition will be a pre-trial hearing. The first hearing on Employer Petitions to Terminate, Suspend or Modify benefits will be treated as a pre-trial/supersedeas hearings.
- 2. List any documents required at the first Event:** No first hearing filings are required. However, the parties should identify and submit into evidence the controlling bureau documents and any past decisions.
 - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits [Click or tap here to enter text.](#)
 - b. Should docs be uploaded before or after the first Event?** Before [Click or tap here to enter text.](#)

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. Will testimony be heard?** No Testimony is not expected at a supersedeas hearing. If a party wishes to present testimony for supersedeas, then advance notice to the Judge's office is requested to allow ample time in the schedule.
 - b. Is additional time generally granted to obtain medical evidence?** Yes
 - c. Under what circumstances will you reconsider a supersedeas order?** Parties may always request reconsideration of supersedeas and a hearing will be scheduled in accordance with the Rules.
 - d. Do you generally use written orders for denials?** Yes [Click or tap here to enter text.](#)
 - e. What is required for employee's counsel to obtain interim fee approval?** [Click or tap here to enter text.](#)
 - f. Describe any other procedures for supersedeas hearings:** [Click or tap here to enter text.](#)
 - 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:** This Judge usually proceeds with serial hearings, but alternative procedures will be considered at the first hearing depending on the circumstances.
 - 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 Counsel may be permitted to participate by phone under special circumstances with prior approval of the Judge.
3. **What procedure do you follow if a party fails to appear at a hearing?** Depending on the facts and circumstances, this Judge may relist the matter for further hearing or grant/dismiss the petition.
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?** Hearing 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?** This Judge tries to assign specific time slots for all expected fact testimonies so advance notice is necessary. The moving party should identify all witnesses at the first hearing. The responding party should identify all fact witnesses 45 days after the first hearing. A party wishing to present rebuttal testimony needs to notify the Judge within 21 days of the testimony to be rebutted.
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?** A fact witness may testify by deposition or by phone if their live appearance would create a hardship or if the purpose of their testimony is simply to authenticate an exhibit. It is standard procedure for expert witnesses to testify by deposition.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The order of testimony depends on the circumstances of the case and will be addressed at the first hearing.
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?** Click or tap here to enter text.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No This Judge prefers hard copies of the exhibits in addition to uploading the exhibits into the WCAIS system, but hard copies are not mandatory.
7. **When will you rule on objections to exhibits?** This Judge rules on objections to exhibits as they are raised during litigation. Objections within a deposition that are preserved in writing will be ruled upon in the final decision unless the parties request an earlier ruling.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Discovery disputes will usually be resolved through a telephone conference or at a hearing.
9. **What is the last day to file written preservations of deposition objections?** Preservation of deposition objections must be submitted no later than the last hearing.

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 Click or tap here to enter text.
 - 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 Click or tap here to enter text.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes The child support documents will be addressed at the hearing and in the final decision, but they do not have to be uploaded as an attachment to 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.)?** Exhibits may be attached and uploaded with the Compromise and Release Agreement with the agreement of the parties. The extent of the attachments to be uploaded can be addressed at the hearing.
- 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?** As a general rule, such confidential information should be redacted before it is uploaded into the WCAIS system.
- 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:** Click or tap here to enter text.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations may be submitted to this Judge by hard copy at a hearing or through the mail or uploaded through the WCAIS system. The Stipulation will be approved in accordance with the Act and regulations.
- 2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation Click or tap here to enter text.
- 3. **Should child support documents be uploaded as a separate exhibit?** Yes The child support documents should not be uploaded as part of the Stipulation. Though the child support documents will be addressed in the final decision, they will not be circulated as an attachment.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Other exhibits may be uploaded as part of the Stipulation as necessary and as agreed upon by the parties.
 - 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?** Confidential information should be redacted before it is uploaded into the WCAIS system.
- 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 A final hearing will be held on each case. All depositions are to be completed by that date. All documents and other evidence should be submitted into evidence no later than the final hearing. However, costs of litigation, quantum meruit fee requests and child support documents may be prepared and submitted after the final hearing through the WCAIS system.
- 2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The time limit for briefs depends on the circumstances of the case and will be addressed at the final hearing. Extensions for filing of briefs should be submitted before the deadline. Consideration of an untimely brief will be at the discretion of the Judge.

3. **Describe any preferences regarding the format and content of submissions:** The brief should include a detailed list of all exhibits and witnesses, a concise summary of the evidence and arguments on the factual and legal issues involved in the case.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Bristol
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Both lawyers and Claimant are expected to attend the mediation in person but may participate by telephone only for special circumstances with advance approval by the Judge. The adjuster/ employer representative are welcome to attend in person, but their availability by telephone is sufficient.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** The mediation statement should explain the procedural posture of the case, the factual and medical issues in dispute, the dates of disability, a brief summary of the medical treatment to date and future treatment expected, the amount of medical bills outstanding, the amount of any liens or offsets, the status of Claimant's medicare entitlement and any other information the parties deem significant for the evaluation of the case.
 - b. **What documents, if any, must accompany the Statement?** No documents are required other than the mediation statement.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The mediation statement should be submitted no later than two working days before the mediation.
4. **After you approve a Mediation Request, how long until it's scheduled?** Click or tap here to enter text.
5. **Are you willing to conduct more than one session per Dispute?** No This depends on the circumstances of the case and the availability in the Judge's schedule.
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?** Requests for cancellations or postponements of a mandatory mediation should be directed to the judge assigned the litigation. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** A request for cancellation absent an emergency should be made a week before the mediation.
7. **What else should the parties know or do before the mediation?** Click or tap here to enter text.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes Voluntary mediations will be scheduled depending on the availability in the Judge's schedule.
2. **List the offices where you conduct voluntary mediations:** Bristol
3. **Do you mediate Disputes assigned to you for hearing and decision?** No Click or tap here to enter text.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** No **If yes:**
 - a. **Describe any special procedures:** Click or tap here to enter text.
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?** Voluntary mediations are performed in the same fashion as a mandatory mediation. See above.
7. **Do you require a Mediation Statement?** Yes See response above concerning mandatory mediations. **If yes:**
 - a. **What information do you require in that Statement?** Click or tap here to enter text.
 - b. **What documents, if any, must accompany the Statement?** Click or tap here to enter text.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Click or tap here to enter text.
8. **After you approve a Mediation Request, how long until it's scheduled?** Click or tap here to enter text.
9. **Are you willing to conduct more than one session per Dispute?** Yes This depends on the circumstances of the case and the availability in the Judge's schedule.
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?** A request to postpone or cancel a voluntary mediation should be directed to the mediating judge. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** A request for cancellation absent an emergency should be made a week before the mediation.
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?** In accordance with rule 131.13, a continuance request is to be made 10 calendar days prior to the hearing date, unless the circumstances necessitating the continuance arose within the 10 days.
2. **Under what circumstances do you conduct conference calls?** A request for a conference call should be in writing and outline the circumstances and reasons for the conference.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes are accepted. Emails are accepted at WCOA-Bristol@pa.gov
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Cases may reasonably exceed the allotted time if necessary and if the docket allows additional time.
5. **What is the best way to contact you in an urgent situation?** Emergencies are best directed to the office staff by telephone
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Cancellations for weather or other emergencies will be announced through WCAIS.