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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?

All cases will be scheduled for an initial virtual pre-trial hearing through Microsoft TEAMS. The trial schedule, mediation and manner of presentation of witnesses will be discussed at the pre-trial hearing.

- a. List any documents required at the first event:** No first hearing filings are required. Supersedeas documents on an Employer's Petition to Terminate, Suspend or Modify are to be loaded in advance of the hearing. Compromise & Release Agreements are to be uploaded 24 hours in advance of the hearing.
- 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).

This Judge usually proceeds with serial hearings, but alternative procedures will be considered at the first hearing depending on the circumstances.

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

Yes. I will consider changing the hearing format for good cause.

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

All hearings will be conducted virtually at least through June 30, 2022. Thereafter testimony may be conducted in-person depending on the availability of the witness, the extent that the credibility of the witness is in controversy, the preference of the parties, the status of the COVID virus and local health recommendations. The manner of presentation of witnesses will be discussed at the first hearing. After the first hearing, it will be confirmed on the hearing notice or through the TEAMS meeting invite whether the testimony will be conducted in-person or virtually.

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

All virtual hearing will be held with video and audio, unless technical problems preclude the use of the video.

6. 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.

7. Do you have special procedures for psychological injury cases? No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas documents should be uploaded as exhibits in advance of the supersedeas hearing. Additional time will be granted for good cause shown. **a. Will testimony be heard?**

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?

The responding party is generally granted an additional 14 days upon request.

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

Parties may always request reconsideration of supersedeas if there is a change of circumstances or newly discovered evidence and a hearing will be scheduled in accordance with the Rules.

d. Do you generally use written orders for denials?

Yes

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

This Judge will consider an interim fee. A written Contingent Fee Agreement and an affidavit from Claimant confirming his or her understanding are necessary.

f. Describe any other procedures for supersedeas hearings:

None, other than noted herein.

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

No unique procedure for a special supersedeas hearing.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

All hearings will be conducted virtually at least through June 30, 2022. Thereafter testimony may be conducted in-person depending on the availability of the witness, the extent that the credibility of the witness is in controversy, the preference of the parties, the status of the COVID virus and local health recommendations. The manner of presentation of witnesses will be discussed at the first hearing. After the first hearing, it will be confirmed on the hearing notice or through the TEAMS meeting invite whether the testimony will be conducted in-person or virtually.

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

See above #1

3. Under what circumstances will you change your requirements for presentation of testimony? See above #1

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? yes If yes, how much notice do you require? All testimony will be assigned an individual time slot, so advance notice of at least 3 weeks is necessary to ensure sufficient time.

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

The order of testimony depends on the circumstances of the case and will be addressed at the first hearing.

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

Bureau exhibits and WCOA documents will be uploaded by the Judge.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Exhibits should be uploaded 24 hours in advance of the hearing. If before, how far in advance of the hearing must they be uploaded? 24 hours

8. 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.

9. What is your procedure for handling discovery disputes?

Discovery disputes will usually be resolved through a telephone conference or at a hearing.

10. 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:

Compromise & Release hearings will be conducted virtually. All Compromise & Release Agreements should be uploaded as an exhibit in WCAIS at least 24 hours in advance of the hearing to allow this Judge ample time to review them before the hearing. This Judge prefers that the Contingent Fee Agreement and the Act 109 documents be attached to the Compromise & Release Agreement. Two versions of the packet should be uploaded, one bearing the Claimant's date of birth and social security number and the second with such confidential information redacted.

- 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 to an existing petition are allowed.

- 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?**

All Compromise & Release Agreement should be uploaded as an exhibit in WCAIS at least 24 hours in advance of the hearing to allow this Judge ample time to review them before the hearing.

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

All Compromise & Release Agreement should be uploaded as an exhibit in WCAIS at least 24 hours in advance of the hearing to allow this Judge to review them before the hearing.

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

It is preferred that the child support documentation be attached to the Compromise & Release Agreement.

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

See above. Two versions should be uploaded, one bearing such confidential information and one with such information fully redacted.

- f. Will you sign bench orders?**

Yes, if the hearing is in-person.

- 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?**

Stipulations are to be submitted to this Judge as an uploaded exhibit in the WCAIS system. The Stipulation will be approved in accordance with the Act and regulations.

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

The fee agreement should be attached to the stipulation.

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

Child support documents should be attached to the stipulation.

- 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.

- 5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits? Other exhibits that are part of the stipulation should be attached to the stipulation.**

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

Two versions of the Act 109 documents should be uploaded, one bearing the confidential information separate from the stipulation and one redacted version attached to the stipulation.

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?

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 uploaded into WCAIS in advance of the final hearing. However, costs of litigation, quantum meruit fee requests and child support documents may be prepared and submitted as exhibits after the final hearing through the WCAIS system.

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

Per Rule 131.101, briefs are due 30 days after the close of the record. For good cause shown, additional time may be granted 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 final 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. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or inperson?

Mediations will be conducted virtually unless the parties request otherwise at least two weeks before the mediation. This Judge prefers to have only the lawyers participate in a virtual mediation, but Claimant and the Employer/Adjuster may participate if they wish.

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

This Judge will allow participation by audio-only if video is unavailable.

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

No. All counsel and Claimant are expected to attend a specially listed in-person mediation.

5. 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.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? The rescheduling of a mediation depends on the circumstances of the postponement and the availability in the Judge's schedule. **If so, how long until it is rescheduled?** A rescheduling could take 60-90 days.

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?

A cancellation of the mediation should be requested a week in advance.

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

Counsel should discuss settlement in advance of the mediation.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes. Voluntary mediations will be scheduled depending on the availability in the Judge's schedule.

2. How should the parties request a Voluntary Mediation?

Voluntary mediations should be requested through WCAIS or by an email to my assistant. The name and email of my assistant is at the top of this document.

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

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

Yes. This Judge will conduct a virtual mediation for cases assigned throughout the state.

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:

This Judge will not voluntarily mediate a case in which a party is not represented by counsel.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person? Mediations will be conducted virtually with audio and video unless the parties request otherwise at least two weeks before the mediation. This Judge prefers to have only the lawyers participate in a virtual mediation, but Claimant and the Employer/Adjuster may participate if they wish.

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

All are expected to participate by video as well as audio. Audio-only participation is acceptable if video is not available.

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

No. All counsel and Claimant are expected to attend a specially listed in-person mediation.

10. 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.

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

The scheduling of a voluntary mediation depends on the Judge's schedule. Generally, there is a 60-90 day wait for a voluntary mediation.

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

Yes, if needed.

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?

Cancellations or postponements of a voluntary mediation should be directed to the mediating Judge.

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

A cancellation of the mediation should be requested a week in advance.

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

Counsel should discuss settlement in advance of the mediation.

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 off the record conference calls?

A request for a conference call should be through WCAIS and outline the circumstances and reasons for the conference.

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

Communications with this Judge should be through WCAIS. Emails will be accepted for emergencies.

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

Cases may reasonably exceed the allotted time if necessary and if the schedule allows additional time.

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

Emergencies are best directed to the office staff by telephone or email to this Judge.

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.)?

Cancellations for weather or other emergencies will be announced through WCAIS.