

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?** First Hearings will be pretrial hearings or supersedeas hearings at which point issues will be narrowed, mandatory mediation and the mandatory trial schedule will be discussed, and a Final Hearing will be scheduled. Testimony will not be taken unless it is a Compromise and Release hearing.
2. **List any documents required at the first Event:** While first hearing filings are not required, the parties should be prepared to discuss the identity of the witnesses and the manner in which their testimony will be presented.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Choose an item. Click or tap here to enter text.
 - b. **Should docs be uploaded before or after the first Event?** Choose an item. 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 All supersedeas evidence should be uploaded, and a ruling will be issued. Ideally, both parties will present their supersedeas evidence at the hearing, but Claimant may have additional time to respond to Employer's request.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes
 - c. **Under what circumstances will you reconsider a supersedeas order?** Each case is different. If circumstances are compelling, supersedeas may be reconsidered.
 - 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?** A fee agreement must be presented, and if appropriate, an interim fee order may be issued.
 - 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:** I typically use a pre-trial hearing to narrow the issues, discuss the manner of presentation of the evidence, assess a trial schedule, discuss mandatory mediation and schedule a final hearing. I trust the parties to complete their evidence accordingly. Written requests to extend the evidentiary deadlines will be considered for good cause shown. An interim hearing may be listed at the request of the parties. This format is very flexible, so the needs of the parties are addressed throughout the progression of the case.
 - 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 For good cause shown.
3. **What procedure do you follow if a party fails to appear at a hearing?** Confirm service of the Notice of the event and the missing party to obtain more information or reschedule if the party cannot be contacted. A Yellow Freight order may be issued in the event the party failing to appear is the Employer, notice is confirmed, and either no Answer to a Claim Petition has been filed or it has been filed late.
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?** I have no preference with respect to the manner of presentation of the witnesses. I will permit testimony at the final hearing, although notice of the identity of the witness(es) is necessary, preferably at least ten days in advance. However, either party may request an interim hearing for the purpose of presenting testimony, and their request(s) will be honored so long as appropriate notice is provided to his or her opponent.
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?** Any witness may testify by deposition, including by telephone, by agreement of the parties. A witness may testify at hearing by telephone for good cause shown.
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 evidence and manner of presentation of the evidence will be discussed and determined on a case by case basis 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?** Parties Upload 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?** The evidence must be uploaded in advance of the hearing at which it is intended to be admitted. However, evidence may be uploaded at any time.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes Hard copies are not required but are appreciated.
7. **When will you rule on objections to exhibits?** Each case is different, and rulings will be issued as appropriate.
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 are typically addressed on the record at a hearing. Telephone conferences will not be used to handle objections.
9. **What is the last day to file written preservations of deposition objections?** Written preservations of deposition objections may be submitted with the briefs unless a ruling is necessary prior to the submission of the briefs. If a ruling is necessary prior to submission of the briefs, the party requesting the ruling should raise the issue on the record at or before the final 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?** Before Ideally, the Agreement with attachments should be uploaded in advance of the hearing, but if changes are made, it should be uploaded as changed after the hearing.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes Because the child support documents are uploaded as a separate exhibit and not attached to the Compromise and Release Agreement, there is no need to redact the social security number from these documents.
- 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 Fee Agreement should be uploaded as well as any other document the parties wish to have circulated with the Decision.
- 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?** Prior to uploading the Agreement with its attachments.
- h. **Will you sign bench orders?** Yes So long as the bench order is acceptable.
- 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?** The parties should upload the stipulation, and if it is acceptable, a decision will circulate approving and adopting the stipulation. The stipulation must delineate the manner in which each pending petition is to be addressed.
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 be attached to the stipulation with the social security number redacted and should also be uploaded as a separate exhibit with the social security number intact.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** In addition to the child support documents, if necessary, and a copy of the fee agreement, only documents that must be circulated with the Stipulation should be uploaded as part of the Stipulation. The parties may upload as separate exhibits whatever exhibits are necessary for disposition of the matter.
 - 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 them.
6. **Describe any other procedures you have for stip:** [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?** The time requirements will be discussed at the final hearing. If post-hearing submissions are not timely received without an extension of time requested, the case may be decided without the submission.

3. **Describe any preferences regarding the format and content of submissions:** Microsoft Word format emailed to: debowers@pa.gov contemporaneous with uploading the submission into WCAIS in pdf format. No preference for content, but the parties should address all pending petitions, summarize the evidence presented and provide clear, concise and logical reasons for finding their evidence persuasive.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Dresher hearing location
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Parties may attend by telephone upon request and for good cause shown.
3. **Do you require a Mediation Statement? No 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.
4. **After you approve a Mediation Request, how long until it's scheduled?** There is no usual amount of time that elapses. The timeframe requested by the parties will be accommodated if possible.
5. **Are you willing to conduct more than one session per Dispute?** Each case is different, and requests for more than one session will be considered.
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 to cancel a mediation should be addressed to me as the assigned judge, and requests to postpone a mediation should be addressed 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?** 10 days prior to 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 Click or tap here to enter text.
2. **List the offices where you conduct voluntary mediations:** Malvern or Dresher, upon request
3. **Do you mediate Disputes assigned to you for hearing and decision?** I prefer to avoid mediating Disputes assigned to me for hearing and decision.
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?** Parties may attend by telephone upon request and for good cause shown.
7. **Do you require a Mediation Statement? No 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?** There is no usual amount of time. Each request will be addressed on a case-by-cases basis.
 9. **Are you willing to conduct more than one session per Dispute?** In certain circumstances and upon request.
 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?** All requests pertaining to voluntary mediations should be addressed 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?** The parties should not contact me regarding a voluntary mediation and should follow the guidelines established by the mediating judge.
 11. **What else should the parties know or do before the mediation?** They should follow the guidelines established by the mediating judge.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Requests to change the hearing date and/or time because of a scheduling conflict should be made more than 10 days prior to the hearing put into WCAIS as a Request. To avoid repeated scheduling conflicts, the parties should contact my office, obtain our hearing dates, exchange the hearing dates, choose a mutually convenient date and make the request in WCAIS, noting the date on which you want to have the hearing. Requests to postpone a hearing and/or extend an evidentiary deadline should be made as a Request in WCAIS and should detail the reason(s) for the request. Postponement and extension requests must be received more than 10 days prior to the deadline and/or hearing sought to be postponed or extended.
2. **Under what circumstances do you conduct conference calls?** Rather than conducting a conference call, I will address most issues on the record at a hearing.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Yes
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I do not adhere strictly to the time listed. Hearings and mediations are provided the time necessary to conduct them in a reasonable manner.
5. **What is the best way to contact you in an urgent situation?** Email to: debowers@pa.gov. If there is an urgent/emergency situation, the parties should take care of the situation and advise me once the situation is under control. Parties are encouraged to communicate with one another and my office to avoid unnecessary delays.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Cancellations will be posted on WCAIS as soon as possible, but the parties are encouraged to use their best judgment. Dresher hearings will follow the Upper Dublin School District schedule for cancellations and/or delays. In the event it is not safe for the parties or their witnesses to travel to a hearing or a mediation I am conducting, they should advise me at: debowers@pa.gov, and the matter may be rescheduled. If bad weather is anticipated, the parties should exchange their contact information so they may contact one another and my office to facilitate a postponement if it becomes necessary.