

JUDGE NAME: Pamela L Briston DISTRICT: Western ASSIGNED OFFICE:
Pittsburgh

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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? Hearing. Testimony will be taken from the claimant; exhibits are marked, and the parties will advise what further evidence they anticipate. First hearings are scheduled for 30-45 minutes. Additional time may be requested in advance of the hearing. If the parties wish to present testimony from other witnesses, they should obtain permission prior to the hearing and provide an estimate of time required for the hearing. At this time, all first hearings will be scheduled as virtual hearings.

a. List any documents required at the first event: First hearing statements are not required. Admissibility of uploaded exhibits will be determined at the time 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).

Hearing format is determined by the nature of the petition. In most instances serial hearings are conducted

3. Are you willing to change the hearing format upon request? Depending on the request a change of the format will be considered.

4. What factors will you consider in deciding whether to conduct a hearing in-person? The nature of the petition will be considered, as well as requests made by the parties.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video? Audio with video is preferred. Audio only will be considered if a party is unable to participate by video.

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

The procedure depends on the nature of the petition. Some petitions will be handled without the party, other petitions my office will reach out to the party and reschedule.

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

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Click or tap here to enter text.

a. Will testimony be heard? Counsel should be prepared to offer testimony from the Claimant

b. Is additional time generally granted to obtain medical evidence? Yes. Additional time is permitted with the consideration of the position of opposing counsel.

c. Under what circumstances will you reconsider a supersedeas order? Supersedeas may be considered at a subsequent hearing or upon written request.

d. Do you generally use written orders for denials? Yes. A supersedeas Order will be issued following the initial hearing.

e. What is required for employee's counsel to obtain interim fee approval? Submit an executed fee agreement as required by the Act and WCJ Rules.

f. Describe any other procedures for supersedeas hearings: Procedures in accordance with the Act and WCJ Rules.

g. Describe procedures for special supersedeas hearings, if different: Procedure does not differ

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony? Depending on the nature of the Petition, testimony is expected at the initial hearing from the Claimant.
2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition? I prefer testimony be taken either at the virtual hearing or in-person hearing and not by deposition unless agreed upon the parties and with my approval.
3. Under what circumstances will you change your requirements for presentation of testimony? I will consider requests made by the parties.
4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Notice is required for witnesses other than the Claimant. If yes, how much notice do you require? 30 days should provide time for a request to be considered.
5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed? Generally, the party filing the first petition would be considered as the moving party. Consideration would be made regarding the nature of the petitions.
6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits? I will admit them electronically as Judge exhibits.
7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before. If before, how far in advance of the hearing must they be uploaded? The parties may upload exhibits through the day of the hearing.
8. When will you rule on objections to exhibits?

At the hearing.
9. What is your procedure for handling discovery disputes? I prefer to handle discovery disputes at a hearing on the record. However, I do allow telephone conferences on disputed issues.
10. What is the last day to file written preservations of deposition objections? Counsel may preserve objections with the filing of the Proposed Findings of Fact and Conclusions of Law.

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? I am willing to amend existing petitions.

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?

The parties are required to upload the executed and redacted Compromise and Release Agreement before the hearing.

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

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: Click or tap here to enter text.

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations? Stipulations will be reviewed and if appropriate adopted. The Stipulation is to be signed by all parties. The Stipulation will be attached to the decision.

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

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

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

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

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents? Please always redact Social Security numbers and confidential information unless otherwise instructed by myself or my office.

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?
WCAIS submission

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met? Proposed Findings of Fact and Conclusions of Law are due as directed at the final hearing or as designated by WCAIS. Both sets of findings are due on the same date. A decision may be issued without findings if they are not submitted when due.

3. Describe any preferences regarding the format and content of final submissions: Proposed Findings of Fact should be concise and accurately summarize the evidence submitted. Arguments should be excluded when summarizing the evidence and any argument should be included in the resolutions section. The Findings should reference any bureau documents relevant to the decision. The Findings should identify the burden of proof and whether the burden of proof has been met. Following a concise summary of the evidence, the findings should include a resolution of the issues. The parties should identify the relief that they are seeking.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations: Pittsburgh and Monaca

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person? All mediations will be scheduled virtually at this time.

3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video? Audio with video is preferred. Audio will be permitted if a party is unable to participate by video.

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

5. Do you require a Mediation Statement? yes If yes:

a. What information do you require in that Statement? Basic information including the nature of the injury, as well as the statement of wages. I do not require an in-depth summary of medical evidence, but only an outline of the doctor's opinions. What is most helpful is a discussion of strengths and weaknesses of each party's side. Any negotiations that occurred prior to the mediation are helpful. Other issues that should be addressed include liens, medical expenses, support issues, resignation requirements and any impediments to settlement.

b. What documents, if any, must accompany the Statement? none

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

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Click or tap here to enter text. If so, how long until it is rescheduled? Click or tap here to enter text.

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? The day prior to the mediation

9. 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

2. How should the parties request a Voluntary Mediation? Through WCAIS

3. List the locations where you conduct in-person voluntary mediations: Pittsburgh and Monaca. At this time, I am only offering virtual mediations.

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

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. The represented party should submit a mediation statement.
7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person? All Voluntary mediations will be conducted virtually at this time.
8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video? Audio with video is preferred. Audio will be permitted if a party is unable to participate by video.
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
10. Do you require a Mediation Statement? Yes If yes:
- a. What information do you require in that Statement? Same as 5a
 - b. What documents, if any, must accompany the Statement? none
 - c. How far in advance of the mediation must the parties submit the Statement and accompanying documents? The day before the mediation
11. After you approve a Voluntary Mediation Request, how long until it is scheduled? 30 – 60 days
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? The day before
15. 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? The earlier the better so that the request can be better accommodated. Generally, the request will be granted if the opposing side has no objection unless too many continuances have been requested.

2. Under what circumstances do you conduct off the record conference calls? For routine issues such as scheduling

3. Under what conditions/circumstances do you accept e-mails from parties? For routine issues. Opposing counsel must be copied on e-mails that involve litigation that I am assigned to. However, e-mails regarding matters in mediation before me do not need to be copied to opposing counsel.

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

If time is available, I am willing to extend a hearing or mediation.

5. What is the best way to contact you in an emergency situation? Email to me at pbriston@pa.gov or to my assistant

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.)?

Counsel should contact my office if they feel that travel to an event would be hazardous. Postponements will be announced via WCAIS alert.