

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?** The first event is a hearing. All first hearings are treated as pre-trial hearings at which no testimony is taken. The parties are expected to depose Claimant on petitions filed by Claimant, and Claimant's testimony will be heard live at the final hearing. Supersedeas documents are expected to be submitted by both parties at the first hearing on an Employer's petition when supersedeas is requested.
2. **List any documents required at the first Event:** Click or tap here to enter text.
 - 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 Click or tap here to enter text.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes It is preferred that both parties be ready to submit supersedeas documents at the first hearing. However, either party may request additional time if needed.
 - c. **Under what circumstances will you reconsider a supersedeas order?** Upon receipt of new information not available at the time of the supersedeas hearing.
 - 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?** Submission of the fee agreement at the time of submission of supersedeas documents.
 - 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 utilize serial hearings. I typically relist in 90 days for the moving party's evidence and 90 days thereafter for the responding party's evidence.
 - 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 It should be very rare for an attorney to need to participate in hearings by telephone. The reason should be compelling and permission granted prior to the hearing.

3. **What procedure do you follow if a party fails to appear at a hearing?** Click or tap here to enter text.
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?** The parties are required to give notice at the prior hearing of anticipated testimony at the next hearing. Claimant shall be taken by deposition on petitions filed by Claimant and will also testify at the final hearing. Expert witnesses are to be taken by deposition and most fact witnesses may be taken by deposition.
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?** Expert witnesses should testify by deposition. Other witnesses may testify by deposition if there is not a credibility issue. Claimant should testify live but may be permitted to testify by phone if there is an issue such as Claimant lives out of state, he/she cannot travel for some reason, etc.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Generally the party who filed the first petition moves forward first.
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?** After The parties may wait until the end of the case to upload evidence. However, all evidence must be uploaded before a decision will be issued. No exhibits should be uploaded if they have not been admitted at a hearing. **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?** Yes Click or tap here to enter text.
7. **When will you rule on objections to exhibits?** At the time the objection is made or upon receiving a written objection and response.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** I prefer the attorneys work out disputes themselves. If necessary, I will participate in a telephone conference.
9. **What is the last day to file written preservations of deposition objections?** The parties may file preservations with briefs if the objections do not need to be ruled upon prior to the close of the record.

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?** No The child support documents should be uploaded as part of the C&R Agreement, with the Social Security number redacted from all 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 parties should upload any additional documents that need to be circulated as part of the C&R Agreement.
- 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 documents.
- 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?** The parties may submit a fully executed stipulation at a hearing, by mail, or via WCAIS. I will review the stipulation and adopt if appropriate.
- 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?** No Click or tap here to enter text.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** The parties should upload documents as part of the stipulation if they want the documents circulated as part of the decision.
 - 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?**
When the documents are uploaded.
- 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
- 2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The moving party has 30 days for submission of the brief and the responding party has 30 days thereafter for the submission of the brief. Typically, a hearing will be scheduled if briefs are not received in a timely manner.
- 3. **Describe any preferences regarding the format and content of submissions:** Proposed Findings should contain a fair representation of the evidence submitted by both parties. Proposed Findings should include a finding as to why a witness is credible or why one witness is more credible than another witness. Argument should be contained in briefs and not Proposed Findings.

MANDATORY MEDIATIONS

- 1. **List the offices where you conduct mandatory mediations:** Dresher
- 2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** The adjuster/employer representative may participate by telephone as long as the adjuster is readily available. Claimant may participate by telephone if absolutely necessary and also must be readily available.

3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** The petitions that are pending, the average weekly wage and compensation rate, what settlement discussions have occurred, and what issues are negotiable or nonnegotiable.
 - 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?** Preferably one week prior to 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 Click or tap here to enter text.
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?** The parties contact the mediating Judge for a postponement and the assigned Judge for a cancellation. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** I require the request to be made at least a week prior to the mediation.
7. **What else should the parties know or do before the mediation?** Both parties need to have reasonable settlement authority in advance of the mediation.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes I will conduct voluntary mediations on cases assigned to a Malvern Judge (including Dresher).
2. **List the offices where you conduct voluntary mediations:** Malvern and Dresher
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?** Choose an item.
 - a. **Under what circumstances do you permit attendance by phone?** See answers relative to mandatory mediations.
7. **Do you require a Mediation Statement? Yes** See answers relative to 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 Click or tap here to enter text.
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?** The parties should contact me to cancel or postpone a voluntary mediation. **If you:**

a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Click or tap here to enter text.

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?** I do not change the time of the hearing. Continuance requests and extension requests need to be made at least a week prior to the hearing. Any request uploaded in WCAIS needs to contain a letter with an explanation/reason for the request.
2. **Under what circumstances do you conduct conference calls?** I require a letter setting forth the subject matter and reason for the request for a conference call prior to agreeing to conduct the conference call.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Emails may be sent to the Malvern office email account.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Click or tap here to enter text.
5. **What is the best way to contact you in an urgent situation?** The best way to contact me is a telephone call to the Malvern office or an email to the Malvern office account.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Information regarding cancellation and/or delayed start of hearings will be posted on the WCAIS dashboard.