

**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 either a pre-trial telephone conference or a first hearing with testimony, depending on the nature of the petition and the availability of hearing time. We will place a scheduling order on record for the presentation of testimony and exhibits. We will set the date and time for mediation. The claimant should be prepared to testify at a first hearing.
2. **List any documents required at the first Event:** Counsel may upload first hearing filings, but I do not require them.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge [Click or tap here to enter text.](#)
  - b. **Should docs be uploaded before or after the first Event?** Before. If submitted, the moving party's should be uploaded before the first hearing. The responding party may upload within the time prescribed by the Special Rules.

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. **Will testimony be heard?** Yes. The claimant should testify at the supersedeas hearing if possible. If this is not possible, counsel may upload a claimant's affidavit prior to the ruling.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes. If counsel requests additional time, I will allow it if the extension is reasonable and opposing counsel does not make a persuasive objection.
  - c. **Under what circumstances will you reconsider a supersedeas order?** If there is a change in circumstances after the initial ruling, e.g., there is new evidence or claimant's medical condition or work status change. The procedure is governed by the Special 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?** Submission of a written fee agreement or testimony from claimant agreeing to the fees.
  - f. **Describe any other procedures for supersedeas hearings:** Supersedeas exhibits need not be uploaded as such to WCAIS. They may be uploaded as any other exhibit, and I will consider them only for supersedeas purposes. They will be admitted in the case in chief if counsel later provides an appropriate foundation, e.g., a medical or vocational report will be admitted when counsel uploads the expert's deposition testimony.
  - g. **Describe procedures for special supersedeas hearings, if different:** Special supersedeas hearings are scheduled per the 21-day requirements of the Act. I apply the statutory standard to the rulings.

## HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Most matters are in a serial format. Generally, I take the claimant's testimony at the first hearing and the employer's testimony and claimant's rebuttal at the second hearing. I will schedule additional hearings only if necessary.
  - a. **Are you willing to change the hearing format upon request?** I will consider a one-day format if appropriate to a particular case and the parties agree.
2. **Are you willing to allow counsel to participate by telephone?** Usually I limit phone participation to certain circumstances, e.g., bad weather or scheduling concerns that would otherwise require postponing or delaying a hearing. I rarely allow counsel to participate by phone if either party is presenting testimony.
3. **What procedure do you follow if a party fails to appear at a hearing?** verify that that WCOA sent notice of the petition assignment and hearing to the correct address, and that the Postal Service has not returned the notices. If the party is represented, I will try to reach counsel during the hearing and determine why they did not appear. If we cannot contact counsel, or if the party is unrepresented, I will write a letter to counsel or the unrepresented party affording them thirty days to advise if they intend to pursue or defend the petition. I will either schedule another hearing or issue an order, depending on the party's response (or lack of response) to the letter. If a moving party does not respond, I will dismiss the petition, usually without prejudice. If a responding party does not respond, I will circulate a decision based on the evidence then of record.
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?** Except for telephone pre-trials, I allow sufficient time for claimant's testimony at the first hearing. As part of the scheduling order, I instruct all counsel to advise within thirty days of the first hearing whether they plan to offer additional lay testimony and the time needed to present it. We then schedule the second hearing to accommodate the expected testimony.
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?** Lay witnesses should testify at a hearing if at all possible. I will consider exceptions for good cause (e.g., health, distance and weather considerations). Medical, chiropractic, vocational and surveillance witnesses are welcome to testify at a hearing, but routinely 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 party filing the first petition would normally take its medical testimony first. The order of proof can vary if good cause exists
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?** Parties should upload their exhibits at least two business days before the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No I do not need hard copies of exhibits. But counsel should verify in advance that opposing counsel has access to the dispute in WCAIS, so as to review the exhibits and be prepared to object if necessary. If this cannot be verified, or if witnesses will need to refer to the exhibits during testimony, counsel should bring hard copies to the hearing for counsel and/or the witnesses.

7. **When will you rule on objections to exhibits?** Typically, I rule at the next hearing after counsel uploads the exhibits. If the exhibits are uploaded after the final hearing, I will rule via correspondence or in the final decision.
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 encourage telephone conferences to address issues that arise between hearings or after the final hearing. The call may or may not be on the record, depending on the nature of the dispute. I will attend a deposition if I am able and there is a good reason to do so.
9. **What is the last day to file written preservations of deposition objections?** These should be filed no later than the due date for briefs.

### 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. The parties need to file a C&R petition only if they want a decision on the merits of all pending petitions after C&R approval.
  - b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** Yes **If yes:**
    - i. **How far in advance of the hearing do you need to receive it?** Counsel should provide the final draft at least two business days before the hearing.
  - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Neither. Counsel should bring the original documents to the hearing.
  - d. **Should child support docs be uploaded as a separate exhibit?** No. Counsel should bring the original documents to the hearing.
  - 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.)?** Counsel should bring any other documents they need to address with the C&R. We will determine at the hearing which documents need to be attached to the C&R Agreement, which need to be uploaded separately as exhibits, and which do not need to be a part of the record. WCOA staff will upload the exhibits after the hearing unless there is good cause to have counsel do so.
  - 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?** This information should be redacted any time these documents are uploaded. Our office will redact the original documents submitted at the hearing.
  - h. **Will you sign bench orders?** No Click or tap here to enter text.
  - i. **Describe any other procedures you have for C&R Agreements:** N/A

### STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations must comply with the Special Rules.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit Click or tap here to enter text.
3. **Should child support documents be uploaded as a separate exhibit?** No. Counsel should send the child support documents to the office.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** The parties are free to offer any exhibit(s) they choose. I reserve the right to exclude immaterial items from the record.
  - 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 any document is uploaded. WCOA staff will redact child support documents sent to our office.
6. **Describe any other procedures you have for stips:** N/A

### BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission. My typical scheduling order provides for lay testimony at hearings early on, followed by mediation and then medical depositions. We diary to send a briefing letter that requires upload to WCAIS of all exhibits and briefs by a date certain. Generally, I do not schedule a “final hearing” solely to close the record. But I will schedule one upon request of either party. Counsel should advise as to the purpose of the hearing, the amount of time needed, and the identity of any witness who might testify.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren’t met?** I set briefing schedules via correspondence or at the hearing at which the final lay testimony is completed. Typically, each party’s brief is due 30 to 45 days from the date of the briefing letter or hearing. I will provide for a longer lead time if justified (e.g., if there is extensive testimony at the final hearing).
3. **Describe any preferences regarding the format and content of submissions:** Counsel should submit letter briefs containing a concise summary of the key testimony and evidence. Where the issue is credibility, the brief must provide reasons why each witness should or should not be found credible. Where the issue is legal, counsel must include argument and citations to authority where appropriate.

### MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Altoona, Brookville and Johnstown
2. **Do you require all participants to attend in-person?**
  - a. **Under what circumstances do you permit attendance by phone?** Claimant must attend unless there are compelling reasons not to appear (e.g., health, weather, distance). Counsel must attend unless there are compelling reasons to do otherwise (e.g., health, weather). Claim administrators with realistic authority must be available by phone, but are always welcome and encouraged to appear in person.
3. **Do you require a Mediation Statement? Yes** If yes: **Mediation Statement**
  - a. **What information do you require in that Statement?** Template attached.
  - b. **What documents, if any, must accompany the Statement?** None except as referenced in the template.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least two business days.
4. **After you approve a Mediation Request, how long until it’s scheduled?** It depends on the location. Generally, dates are available within 45 – 60 days.
5. **Are you willing to conduct more than one session per Dispute?** Yes. I will have multiple sessions, so long as they appear likely to be of value. We can have additional formal mediations or informal telephone conferences, as the parties prefer.
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?** You If you: Counsel should contact me. If I am unavailable, they should contact the mediating judge.

- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency, counsel should make the request at least three business days before the mediation.
7. **What else should the parties know or do before the mediation?** Counsel should talk to one another before the mediation to identify the scope of negotiations and to exchange offers/demands.

### 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:** Altoona, Brookville, Johnstown and Pittsburgh. I will consider other locations based on my schedule.
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?** Yes **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?** Claimant must attend unless there are compelling reasons not to appear (e.g., health, weather, distance). Counsel must attend unless there are compelling reasons to do otherwise (e.g., health, weather). Claim administrators with realistic authority must be available by phone, but are always welcome and encouraged to appear in person.
7. **Do you require a Mediation Statement?** Yes **If yes:** [Mediation Statement](#)
  - a. **What information do you require in that Statement?** Template attached.
  - b. **What documents, if any, must accompany the Statement?** None except as referenced in the template.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least two business days.
8. **After you approve a Mediation Request, how long until it's scheduled?** It depends on the location. Generally, dates are available within 45 – 60 days.
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?** You **If you:** Counsel should contact me. If I am unavailable, they should contact the mediating judge.
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency, counsel should make the request at least three business days before the mediation.
11. **What else should the parties know or do before the mediation?** N/A

### REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Event postponement requests should be made within the time prescribed by the Special Rules. Requests for extension or otherwise to amend a scheduling order should be made at least three business days prior to the deadline. Counsel are encouraged to use the WCAIS Request feature as much as possible. Any request

must reference the position of all opposing counsel and unrepresented parties. Requests indicating that their positions are “Unknown” are likely to be denied except in emergency situations.

2. **Under what circumstances do you conduct conference calls?** We will schedule a conference call when necessary to resolve a disagreement between counsel, make a ruling that counsel need before the next hearing or final decision, or adjust a scheduling order. We will also schedule a conference call in follow-up to a mediation or to discuss a WCAIS Request that cannot be addressed with the information provided in the Request.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes should be directed to my attention in the Altoona office. Emails should be directed to my attention at the Altoona office resource account address: WCOA-Altoona@pa.gov. (Please note the limitations on email submissions listed on the WCOA web page: <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=1003659&mode=2>) When I am the assigned judge, any communication sent to me must reflect service on all counsel of record and unrepresented parties.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I may be willing to go a little over time at a hearing, but only if we would not inconvenience other litigants or judges by falling behind schedule. I am willing to conduct multiple mediations simultaneously, so long as I can do so effectively.
5. **What is the best way to contact you in an urgent situation?** Call the Altoona office: (814) 946-7355
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** No participants should put themselves, their clients or witnesses at risk by traveling in bad weather. I will postpone events or allow phone participation depending on weather forecasts available on the business day immediately before the event date. Counsel should check the WCAIS Alerts daily for news regarding event postponements.