

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?

The first event will be a hearing. Testimony will be taken from the claimant and the parties will offer into evidence their available exhibits.

a. List any documents required at the first event: None

b. Should documents be uploaded as Exhibits or Letters to the Judge?

N/A

2. Describe the format of your hearings (e.g., serial, one day – one trial).

Serial hearings

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

That would depend upon the reason for the request.

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

I conduct in-person hearings in disfigurement cases. Also, I try to conduct at least one in-person hearing in all contested cases that are going to decision. I will also consider requests for in-person hearings. Any objection to a request for an in-person hearing should be made as soon as possible.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video? Most hearings will be conducted as virtual hearings. If a claimant does not have video capability, audio testimony will be taken.

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

I will put a statement on the record and schedule the case for at least one more hearing.

7. Do you have special procedures for psychological injury cases?

I will try to allow extra time for the claimant's testimony.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

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a. Will testimony be heard?

Yes

b. Is additional time generally granted to obtain medical evidence?

Yes. If requested, I will give the parties 14 days to submit anything else they want me to consider for Supersedeas purposes.

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

I will reconsider a Supersedeas Order if there is a request for reconsideration and new evidence that supports that request.

d. Do you generally use written orders for denials?

Yes

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

Claimant's counsel must provide me with a copy of a signed Fee Agreement for me to include language in my Supersedeas Order directing the deduction and payment of an attorney fee.

f. Describe any other procedures for supersedeas hearings:

None

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

Special Superdeas hearings will be conducted within 21 days of the Notice of Assignment.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

The claimant should plan to testify during the first hearing. If an attorney is planning to present lay testimony from a person other than the claimant during a hearing, that attorney should provide opposing counsel with notice as to who will be testifying at least 48 hours prior to the scheduled hearing. Testimony from medical and vocational witnesses should be taken by deposition.

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

Testimony from the claimant should be presented during either a virtual hearing or an in-person hearing. Claimants seeking hearing loss benefits can be deposed.

3. Under what circumstances will you change your requirements for presentation of testimony?

I am willing to be flexible depending upon the circumstances of each case. For example, if a claimant or witness lives in some distant state, I will not require them to attend an in-person hearing.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Prior notice would be helpful for scheduling purposes. If yes, how much notice do you require? I have no specific requirement, but as much notice as possible will be helpful. I will allocate extra time for a hearing if I know testimony is going to be presented.

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

Generally, the party who filed the first petition should plan on taking testimony from their medical expert first.

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

The parties should upload as exhibits any Bureau or WCOA documents they wish to bring to my attention.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Exhibits should be uploaded prior to a hearing. If before, how far in advance of the hearing must they be uploaded? **Compromise and Release** exhibits should be uploaded at least a day before the scheduled hearing. All other exhibits should be uploaded at least one hour prior to the scheduled hearing.

8. When will you rule on objections to exhibits?

Generally, I will make my ruling when the exhibit is offered into evidence.

9. What is your procedure for handling discovery disputes?

Parties can raise discovery disputes during a hearing or by filing a WCAIS request. Sometimes I will conduct telephone conferences to address discovery disputes.

10. What is the last day to file written preservations of deposition objections?

Parties can file preservation of objections with their written closing arguments. Opposing counsel can respond in writing.

COMPROMISE & RELEASES (C&Rs)

1. Describe your procedures regarding the review of C&R Agreements:

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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 are acceptable.

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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?

I prefer that executed C & R documents be uploaded into WCAIS at least one day prior to the C & R hearing.

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

Before the hearing.

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

Redacted child support documents can be attached to the C & R Agreement or uploaded as a separate exhibit.

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

An unredacted set of Act 109 documents should be uploaded for my review. Also, a redacted C & R Agreement and redacted Act 109 documents should be uploaded as exhibits.

- f. Will you sign bench orders?

No

- g. Describe any other procedures you have for C&R Agreements:

N/A

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

Parties can submit written Stipulations to me by means of WCAIS. The claimant must review and sign any Stipulation submitted to me for my consideration.

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.)?

Documents directly relevant to the substance of a Stipulation (ie, copies of medical bills the employer has agreed to pay) can be attached to the Stipulation. A Bill of Costs should be uploaded as a separate exhibit.

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?

Social Security numbers and other confidential info should be redacted before the Stipulation is uploaded.

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?

I will usually set a schedule for the submission of written closing arguments during the final hearing. All parties are given the same deadline. If a party needs additional time to submit written closing arguments, an extension request should be filed in WCAIS.

3. Describe any preferences regarding the format and content of final submissions:

Attorneys can use the format of their choice for written closing arguments. In written closing arguments, attorneys should try to point out and stress the parts of the evidentiary record and relevant case law that support their client's position.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Uniontown and Washington

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?

I usually conduct mediations by means of telephone. I will, however, conduct mediations virtually or in-person, if requested. A WCAIS request should be filed if the parties want either a virtual or an in-person mediation.

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

Currently, I plan to continue to use the telephone call method that I have been using during the last couple of years.

Participating attorneys provide my secretary with the phone number they want me to use to reach them for the mediation. I initially conduct a telephone conversation with both attorneys so that we can all discuss the case together. I then talk to each side separately and negotiations take place back and forth through phone conversations.

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

The claimant and all attorneys should personally attend an in-person mediation. Employer and insurance company representatives do not have to attend in person but should be available for their attorney to contact them at any time during the mediation.

5. Do you require a Mediation Statement? Not required, but they are helpful If yes:

a. What information do you require in that Statement?

N/A

b. What documents, if any, must accompany the Statement?

N/A

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

If you do submit a Mediation Statement, please try to submit it at least 2 days prior to the scheduled mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes If so, how long until it is rescheduled? That will depend upon the reason for the postponement.

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?

I am flexible re this. However, if you know a week or 2 before the mediation that there is going to be some factor that will limit the effectiveness of the mediation (ie everyone wants to see the IME report before negotiating and the IME just got moved to a date after the mediation), please let me know ASAP. That will allow me the chance to fill that mediation timeslot with another case.

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

Defense counsel should obtain settlement authority prior to the mediation. All parties should be prepared to negotiate and compromise.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes

2. How should the parties request a Voluntary Mediation?

The request should be made as a WCAIS request.

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

I conduct in-person voluntary mediations in Uniontown and Washington.

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

I am willing to conduct telephone mediations for any Western District case.

5. Do you mediate Disputes assigned to you for hearing and decision?

I will consider requests to mediate cases that are assigned to me. It really depends upon the case.

6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:

I do mediate cases that have an unrepresented party. There are no special procedures.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?

Typically, I conduct mediations by telephone. I will conduct a voluntary mediation virtually or in-person if the parties jointly request a virtual or in-person mediation.

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

Generally, I conduct telephone mediations. I, however, will always consider a request from the parties for a virtual mediation.

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

The claimant and counsel for all parties must personally attend an in-person voluntary mediation.

10. Do you require a Mediation Statement? Not required, but they are helpful. If yes:

a. What information do you require in that Statement?

N/A

b. What documents, if any, must accompany the Statement?

N/A

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

If you do submit a Mediation Statement, please try to submit it at least 2 days prior to the mediation.

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

The mediation will probably be scheduled to take place about 3 weeks after it is requested.

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?

I am flexible re this, but once you have a reason to request a postponement, you should make that request ASAP. That opens up the mediation timeslot for another case.

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

Be prepared to negotiate and compromise.

REQUESTS/MISCELLANEOUS

1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

There is no requirement, but it is always better to make requests sooner rather than at the last minute.

2. Under what circumstances do you conduct off the record conference calls?

I will schedule conference calls as follow-up events to mediations.

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

I prefer that parties communicate with me through WCAIS. If an attorney does send me an e-mail, he or she must copy opposing counsel on the e-mail correspondence.

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

With virtual hearings, I try to stick to my schedule as much as possible. I will let mediations continue longer than the scheduled amount of time if we are making progress.

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

If there is an emergency, please call my secretary or try sending me an e-mail.

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.)?

If there are cancellations for in-person events, my secretary and I will make every effort to call attorneys for all parties. Also, if a day of events is being cancelled, the cancellation will be posted on WCAIS as an alert. I do not follow any specific school district closing schedule.