

**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 will be the initial hearing, scheduled for one-half hour for Claimant's testimony. Any exhibits that have been uploaded to WCAIS will be addressed. The trial schedule will be discussed and mandatory mediation will be scheduled. If the parties wish to present testimony from other witnesses, a request should be submitted through WCAIS prior to the hearing. Otherwise, a hearing will be scheduled for other witnesses at a later date.
2. **List any documents required at the first Event:** None.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits
  - b. **Should docs be uploaded before or after the first Event?** Before

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. **Will testimony be heard?** Yes Testimony from the Claimant will be heard at the supersedeas hearing.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes. Generally, a party will be allowed an additional 14 days to submit medical evidence, if requested.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Supersedeas will be reconsidered upon request by a party, but only after a hearing is held.
  - d. **Do you generally use written orders for denials?** Yes
  - e. **What is required for employee's counsel to obtain interim fee approval?** A Fee Agreement must be uploaded to WCAIS.
  - f. **Describe any other procedures for supersedeas hearings:** None
  - g. **Describe procedures for special supersedeas hearings, if different:** I will follow the Special Rules. A special supersedeas hearing will be held within 21 days of the assignment of the petition, and a written order will be issued within 7 days of the hearing of the special supersedeas request, if it is granted.

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Serial hearings. The initial hearing is scheduled for testimony of the Claimant. Within 30 days of the first hearing, the parties should advise me if any additional lay witnesses testimony is anticipated. The following hearings will be 15 minute status hearings, unless the parties request additional time in advance of the hearing.

Generally, I will follow the Special Rules, regarding a litigation schedule. The moving party's expert deposition

should be taken within 90 days of the first hearing. The responding party shall have 90 days thereafter to take their expert deposition. This schedule may be modified on a case-by-case basis, particularly to accommodate mediation prior to the depositions.

- 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 Generally, counsel should plan to attend hearings in person, but participation by phone will be permitted if requested in advance and/or if there are special circumstances. Participation by phone is discouraged when a witness is testifying. Employer counsel may participate by phone for Compromise and Release Hearings if the paperwork is prepared in advance of the hearing.
3. **What procedure do you follow if a party fails to appear at a hearing?** The petition may be disposed of in absence of the party, depending on the nature of the petition and the circumstances. Generally, I will attempt to call the absent party during the scheduled event. I will place a statement on the record regarding the notice provided to the parties. I will generally schedule another hearing within 30-60 days. If the absent party fails to attend the second hearing, I will entertain either a motion to dismiss or to close the record for a decision.
4. **Do you have special procedures for psychological injury cases?** No

### 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?** The parties should advise me within 30 days of the first hearing if lay testimony is expected, so that enough time can be allowed at the next hearing.
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?** Generally, the Claimant is expected to appear at the hearing to testify, unless there are very extenuating circumstances.

As a matter of course, expert medical and vocational witnesses are expected to testify by deposition.

Generally, lay witnesses should testify at a hearing, but I would permit this testimony to be done by deposition if the parties agree. I would permit the testimony to be done by phone either at a hearing or deposition if location/distance is an issue.

3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** It will be addressed on a case-by-case basis, but typically the party filing the first petition will go 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
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?** I am paperless, so exhibits should be uploaded before the hearing. There is no required timeframe, but it is helpful to have the exhibits uploaded at least 24 hours prior to the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No I am paperless, so hard copies are not required. Attorneys should upload their exhibits.
7. **When will you rule on objections to exhibits?** I will rule on admissibility of exhibits during the hearings. If exhibits are uploaded after a hearing, their admissibility will be ruled on at the next scheduled hearing. If exhibits are uploaded after the final hearing, but before the close of the evidentiary record, any objections must be made in

writing and uploaded to WCAIS within 10 days of any exhibits being uploaded/offered. I will rule on the admissibility either by letter or in WCAIS. If any objections made during depositions are being preserved, the preservation of objections must be uploaded with the closing documents. I will rule on any preservations of objections in the final decision and order. If objections are not preserved, they will be deemed waived.

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 will be addressed on a case-by-case basis. I am willing to schedule a telephone conference if requested by the parties. I am willing to attend a deposition if requested by the parties.
9. **What is the last day to file written preservations of deposition objections?** The parties may file written preservations of objections with their closing briefs/proposed findings of fact. If written preservations of objections are not filed, the objections will be deemed waived.

### 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
  - 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?** A draft of the Compromise and Release should be uploaded to WCAIS at least one day prior to the hearing.
  - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Before A draft should be uploaded at least one day prior to the hearing.
  - d. **Should child support docs be uploaded as a separate exhibit?** Yes Click or tap here to enter text.
  - 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.?)** Other documents should be uploaded as separate exhibits from the Compromise and Release Agreement.
  - f. **Should they be a part of the C&R Agreement or separate exhibits?** Other documents should be uploaded as separate exhibits from the Compromise and Release Agreement.
  - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Confidential information should be redacted prior to uploading the documents.
  - 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:** None.

### STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations should be uploaded to WCAIS as an exhibit. I will then mark and admit it as a joint exhibit. Parties should advise me whether the Stipulation resolves all issues in the pending litigation. I will issue a decision adopting the Stipulation if it meets the requirements of the Special Rules.
2. **Should the fee agreement be part of the stip 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.)?** Click or tap here to enter text.
  - a. **Should they be part of the stip or a separate exhibit?** It depends on the circumstances, but generally other documents should be uploaded as separate exhibits.

- 5. When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Confidential information should be redacted before uploading the documents.
- 6. Describe any other procedures you have for stips:** None

### **BRIEFS AND POST-HEARING SUBMISSIONS**

- 1. Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission
- 2. What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Typically, briefs are due from both parties 30 days after the close of the evidentiary record, but this schedule will be altered if testimony is taken at the final hearing to allow time for the transcripts to be received. If an extension is needed, parties may submit the request via WCAIS. Once the briefing deadline is passed, the case will be placed in line for decision. Late submissions may not be read prior to the decision being written and/or circulated.
- 3. Describe any preferences regarding the format and content of submissions:** I will leave it up to the parties to determine the format they feel best advocates their case.

### **MANDATORY MEDIATIONS**

- 1. List the offices where you conduct mandatory mediations:** Pittsburgh and Monaca
- 2. Do you require all participants to attend in-person?** No
  - a. Under what circumstances do you permit attendance by phone?** Claimant and both attorneys should attend the mediation in person. In special circumstances, I would allow the Claimant to attend by phone, but this is highly discouraged as it is helpful in most circumstances for the Claimant to personally attend. Counsel for the employer should have settlement authority prior to the mediation. An adjuster/employer representative is not required to attend the mediation personally, but must be available to contact if necessary.
- 3. Do you require a Mediation Statement? Yes If yes:**
  - a. What information do you require in that Statement?** A Mediation Statement should contain the background information, including the nature of injury claimed and/or accepted, the AWW/TTD rate, status of the litigation, status of negotiations. It should also contain a brief statement of the issues and/or strengths/weaknesses of the case.
  - 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 Mediation Statement should be uploaded at least two days in advance of the mediation.
- 4. After you approve a Mediation Request, how long until it's scheduled?** 30-60 days.
- 5. Are you willing to conduct more than one session per Dispute?** Yes [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?** Mediating Judge **If you:**
  - a. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Generally, cancellation should be requested as soon as possible, so that another mediation may be scheduled in the time slot.
- 7. What else should the parties know or do before the mediation?** N/A

### **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:** Pittsburgh and Monaca
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:** None
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?** I treat this the same as mandatory mediations.
7. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** A Mediation Statement should contain the background information, including the nature of injury claimed and/or accepted, the AWW/TTD rate, status of the litigation, status of negotiations. It should also contain a brief statement of the issues and/or strengths/weaknesses of the case.
  - 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 Mediation Statement should be uploaded at least two days in advance of the mediation.
8. **After you approve a Mediation Request, how long until it's scheduled?** 30-60 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?** Mediating Judge **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?** Parties should advise me via WCAIS as soon as practical. Ten days prior to the scheduled event is preferred, but there may be circumstances that do not allow 10 days' notice.
2. **Under what circumstances do you conduct conference calls?** I will conduct/permit telephone conferences when requested by the parties.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Generally, WCAIS should be used for all written communication.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I am willing to extend the hearing or mediation time if my schedule permits.
5. **What is the best way to contact you in an urgent situation?** Contact the Pittsburgh office at (412) 565-5277
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** For events scheduled in Pittsburgh, I will follow the Pittsburgh Office policy, which follows the Pittsburgh Public Schools. If the Pittsburgh Public Schools are operating under a delay, all events scheduled before 11:00 a.m. will be continued and rescheduled. If the Pittsburgh Public Schools are closed due to the weather, all events scheduled for the day will be continued. For events scheduled in Beaver County, I do not follow a specific school

district closing schedule, but will consider requests for a continuance on a case by case basis. Attorneys should check WCAIS for any office-wide closing alerts. Any other emergency cancellations will be considered on a case by case basis by contacting the Pittsburgh office.