

**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 hearing is generally a pretrial conference: the moving party's first hearing and/or supersedeas evidence is reviewed and a schedule for mediation/additional hearing(s) provided as necessary.**
2. **List any documents required at the first Event:** Generally, the moving party should have uploaded its First Hearing Filing and available exhibits in accordance with the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits Click or tap here to enter text.
  - b. **Should docs be uploaded before or after the first Event?** Before. The parties should upload all available exhibits prior to the hearing so that the same are available on WCAIS for reference during the hearing.

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** Click or tap here to enter text.
  - a. **Will testimony be heard?** No. Testimony is not generally required but may be taken at the discretion of the Judge.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes. If necessary, the responding party may request an extension of time to submit evidence in response to the request for supersedeas. The request may be granted if warranted by the circumstances.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Upon request of the parties if based upon discovery of additional evidence or a change in circumstances.
  - 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 signed fee agreement in WCAIS and agreement/confirmation of Claimant.
  - f. **Describe any other procedures for supersedeas hearings: The moving parties supersedeas exhibits must be uploaded prior to the hearing. Claimant should attend or be available by to discuss issues that arise.** 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:** Generally a one-day on-hearing format will be followed. At the first event, the date for mandatory mediation as well as the date

for the full and final hearing will be provided. This format may be altered if requested by the parties and/or as circumstances warrant.

- a. **Are you willing to change the hearing format upon request?** Yes, the hearing format may be altered as circumstances warrant. Choose an item. Click or tap here to enter text.
2. **Are you willing to allow counsel to participate by telephone?** Yes. Counsel should anticipate attending and participating in every hearing in person. In exceptional circumstances, permission may be granted for counsel to participate by telephone but prior approval from this office should be sought.
3. **What procedure do you follow if a party fails to appear at a hearing?** Depending on the type of petition pending, the relief requested may be granted, the petition dismissed or time afforded to the missing party to explain the failure to appear.
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?** Testimony may be taken live or by deposition. Click or tap here to enter text.
  - a. **Do you prefer testimony at a hearing or by deposition?** Claimant should preferably testify in person. However, in order to expedite matters, counsel should plan on taking expert testimony by deposition. The testimony of any witnesses located at a more than 100 miles , as well as the testimony should be taken by deposition. 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?** Testimony may be submitted by deposition or at hearing, as time and circumstances permit. Claimant's testimony is generally taken at the Final Hearing. If either party intends to present additional witness testimony at hearing, the witness should be identified in the first hearing or responding party filings and a confirmation notice should be provided at least 45 days prior to the hearing. If time permits, the additional testimony will be taken at the 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?** All testimony may be submitted by deposition. If there is no objection and prior approval has been granted, parties may testify by phone.
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 with the burden of proof presents evidence first. In the event cross petitions are filed, the moving party on the initial petition presents 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?** Before **If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?** Parties should upload exhibits to WCAIS at least 3 days prior to the hearing so that opposing counsel has an opportunity to review the exhibits. Unless offered without objection, an exhibit will not be viewed by the Judge until the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Click or tap here to enter text.
7. **When will you rule on objections to exhibits?** Objections to exhibits will usually be ruled upon on the record at hearing. If raised during a conference call with counsel, the ruling may be memorialized in correspondence.
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 may be resolved through conferences with counsel, either by telephone or in person. I do not generally attend depositions but may do so if warranted by the circumstances and/or requested by the parties.

9. **What is the last day to file written preservations of deposition objections?** Any time 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?**A separate petition is preferred bur either is acceptable. Either is acceptable.
- b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** Yes, the fully executed Compromise and Release Agreement must be uploaded to WCAIS prior to the hearing with Claimant's social security number redacted. Act 109/child support documentation should be uploaded as a separate exhibit. **If yes:**
- i. **How far in advance of the hearing do you need to receive it? At least one (1) day prior to the hearing.** 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?** Before – the hearing will not take place if the Agreement and documentation are not in WCAIS.
- 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.)?** If counsel seeks a fee, the fee agreement should be uploaded as part of the Compromise and Release Agreement. All other exhibits should be uploaded as separate exhibits.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** All other exhibits should be uploaded as separate exhibits.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** After counsel have confirmed the accuracy of the information with the claimant but prior to uploading.
- h. **Will you sign bench orders?** Yes. If requested by the parties to expedite payment, I will sign a bench order approving a Compromise and Release with a caveat to the parties that an official Decision and Order will nevertheless issue.
- 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?** After the parties have uploaded the executed Stipulation to WCAIS, I will review the same and issue an appropriate decision. A formal hearing is not necessary.
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?** Yes Click or tap here to enter text.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** All exhibits necessary to effectuate the Stipulation should be uploaded. Unless otherwise specified, the documentation may be uploaded as an attachment to the Stipulation or as separate exhibits.
- a. **Should they be part of the stip or a separate exhibit?** 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?** Social security numbers and other confidential information should be redacted after confirmation of the same by counsel but prior to uploading the exhibit(s).
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
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The time requirements will be set forth on the record at the Final Hearing and/or in an Interlocutory Order. Submissions not timely filed may be accepted upon a showing of good cause.
3. **Describe any preferences regarding the format and content of submissions:** Proposed Findings of Fact and Conclusions of Law are preferred, with or without accompanying legal briefs. The filings should include: the procedural history; a summary of relevant facts; the specific issue(s) raised; legal argument with appropriate statutory/case law citations; and, the specific relief sought.

### MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Scranton - WCOA
2. **Do you require all participants to attend in-person? Generally yes but participation by telephone or video conference may be requested as circumstances warrant.**
  - a. **Under what circumstances do you permit attendance by phone?** Attendance in person is preferred but telephone participation may be allowed as circumstances warrant, provided prior approval has been sought and granted.
3. **Do you require a Mediation Statement? Yes If yes:**
  - a. **What information do you require in that Statement?** A simple one page "Confidential Mediation Statement" is preferred. No specific form is required. However, the filing should identify the petitions/issues in dispute; the Average Weekly Wage and Compensation rate; the amounts of any settlement demands/offers; when they were exchanged; and, present settlement authority.
  - 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?** Uploading the Mediation Statement 10 days prior to the scheduled mediation is preferred but the same will be accepted at any time.
4. **After you approve a Mediation Request, how long until it's scheduled?** If I am the Mediating Judge, mandatory mediation is generally scheduled between 45 and 120 days from the date of the request. The time frame may be shortened or extended at the request of the parties depending upon the issues raised. In cases where the mandatory mediation will be conducted by another Judge, the mediation is generally scheduled between 60 and 120 days from the date of the request.
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?** Cancellations or postponements should be requested as soon as possible but notice at least one week prior to the scheduled mediation is appreciated. The request should always indicate the position of the other parties.

7. **What else should the parties know or do before the mediation?** The parties are expected to exchange at least one demand/offer prior to the mediation. The same should be exchanged sufficiently in advance of the scheduled mediation so that the representatives present have the requisite authority to discuss and effectuate resolution.

### 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:** Scranton - WCOA
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes [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:** I am willing to mediate a dispute involving unrepresented parties but will reserve the right to stop the mediation at any time if it appears that the unrepresented party fails to grasp the gravity of the mediation or potential consequences of settlement.
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?** Counsel should always plan on attending in person, as should claimant. Personal attendance of all other participants is preferred but not mandatory provided that any person not attending in person is available by telephone to discuss the matter with the mediating Judge for the entire time scheduled for the mediation.
7. **Do you require a Mediation Statement?** No. **If yes:**
  - a. **What information do you require in that Statement?** A Confidential Mediation Statement is not required but if submitted it should identify the issues/petitions in dispute, a statement of undisputed facts and proposed resolution.
  - 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?** 1 to 4 weeks. The time frame may be adjusted at the request of the parties or as warranted by the circumstances.
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?** Counsel should provide at least 72 hours notice. [Click or tap here to enter text.](#)
11. **What else should the parties know or do before the mediation? The more prepared counsel and their client(s) are for the mediation, the more likely it is to be successful.** [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?** Requests for continuances and any other scheduling changes should be uploaded as a Request in WCAIS as soon as counsel/the parties are aware of the need for the same. The requesting party should always identify the reason for the request, when the need arose, and the position of all other parties with respect to

the request. If the position of the opposing party is unknown, the requesting party must provide the number of attempts made to contact the opposing party.

2. **Under what circumstances do you conduct conference calls?** Conference calls may be conducted either at the request of the parties or at the Judge's discretion in order to facilitate movement of the case or resolution of issues.
3. **Under what circumstances do you accept faxes and e-mails from parties?** All requests and communications should be uploaded using WCAIS. However, faxes will be accepted in the event of time-sensitive communications or extraordinary circumstances.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Yes. While the hearing schedule is adhered to as closely as possible, extra time may be allotted based upon the interests of justice and the circumstances of any given case.
5. **What is the best way to contact you in an urgent situation?** Direct contact through WCAIS is preferred.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Generally, if the Scranton State Office Building closes, WCOA-Scranton will also be closed. Closing information should also be available by calling the office (570) 963-4580 and on WCAIS. In the event of adverse weather conditions, continuance requests will be liberally granted.