

[WCOA Judge's Office Contacts \(pa.gov\)](https://www.wcoa.pa.gov/office-contacts)

## **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, scheduled for 30-45 minutes, depending on the petition. First hearings may be "live" in person events, or by Microsoft Teams, depending on the circumstances. I will schedule live hearings where testimony is expected or a disfigurement needs to be viewed—such as first hearings on Claim Petitions as well as Petitions to Reinstate, Terminate, Modify or Suspend. I prefer to have testimony of the Claimant, and any other key witness, in person. Generally subsequent hearings, and those not requiring testimony, will occur via Microsoft Teams. If an event is live, ALL parties and witnesses must appear in person. Requests for a change in hearing format, i.e. live to virtual or virtual to live, can be made via WCAIS. Such requests should be submitted as soon as a party recognizes the need for a change and should outline the reason for the request and the position of the opposing party. Requests submitted at, or just prior to a hearing, likely will not be accommodated due to the need to schedule security etc. weeks in advance.

Before the hearing, the moving party is expected to have produced all discoverable evidence in their possession to the responding party. The responding party is expected to provide reciprocal discovery in a timely manner as it becomes available. I expect the moving party to upload all exhibits in advance of the hearing and be ready to make a prima facie case that arguably meets the burden of proof for the relief being sought. Please compile exhibits in a thoughtful manner, i.e. upload all records of a provider together as a single exhibit not individually by office visit.

At the hearing exhibits will be marked, Claimant will testify, and a litigation schedule will be set. Parties are expected to advise what additional evidence is anticipated and the time frames anticipated to obtain such evidence.

- a. **List any documents required at the first event:** Exhibits should be uploaded by the moving party in support of the petition(s). To the extent available, the opposing party should upload exhibits in support of their position. Claimant counsel should submit a fee agreement if counsel is seeking an interim fee where a supersedeas request has been made.

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

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

I employ a serial hearing format with testimony from the Claimant at the first hearing. Subsequent hearings will also be scheduled for status updates. If a party wishes to present additional/lay witness testimony they should submit a

WCAIS Request as soon as possible—hopefully before the issuance of a hearing notice. Such Request should indicate the identity of the witness, the nature of the testimony, and the anticipated length of the testimony.

In Claimant-driven petitions, Defendants will typically be given 45 days to complete any necessary medical exams—hopefully Defendant will provide the date of such exam at the first hearing. In most instances, I will allow the parties to explore mediation prior to proceeding with expert depositions. After mediation is conducted, the moving party will typically be given 60 days to complete their case, with the responding party having an additional 60 days thereafter. A final hearing should occur 6-8 months after the first hearing and consist of any remaining testimony. All depositions should be completed with transcripts uploaded prior to the final hearing.

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

Yes, for good cause.

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

The nature of the matter, the position of the parties, scheduling issues/timeliness, safety concerns.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

It is expected that all virtual hearings will be conducted with video capabilities. Audio-only participation is strongly discouraged and may result in the hearing being rescheduled unless there are special circumstances warranting such participation. Counsel should make adequate preparation to ensure that parties or other participants under their control are available to participate by video—practicing with the link beforehand, if necessary. ALL PARTICIPANTS IN VIRTUAL HEARINGS ARE EXPECTED TO BE PROPERLY ATTIRED AND IN A QUIET LOCATION FREE FROM OUTSIDE DISTRACTIONS.

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

I will attempt to reach the party at the time of the hearing, if possible. Thereafter, a letter will be sent to the missing party regarding their absence from the proceedings. I will request that the party notify me in writing whether they intend to participate in the litigation. I will warn the party that the matter may be decided without their participation, or if it is their petition that it may be dismissed if they fail to appear at the next scheduled event. I will then schedule another hearing in approximately 30 days. If I do not hear from the party, and/or they fail to appear at the rescheduled hearing I will receive any evidence from the opposing party and will entertain a motion to close the record or dismiss the matter depending on the nature of the litigation.

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

No.

## **SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

Supersedeas hearings will be treated as a first hearing, following the protocols outlined above. All exhibits should be uploaded as regular exhibits for the case in chief—they should not be uploaded as supersedeas exhibits as all exhibits will be considered for supersedeas purposes.

**a. Will testimony be heard?** Yes, it is expected that the Claimant will testify.

**b. Is additional time generally granted to obtain medical evidence?** Yes, if requested a party will be granted up to 14 days to submit additional evidence.

- c. **Under what circumstances will you reconsider a supersedeas order?** Upon the filing of a WCAIS request, if additional significant evidence is acquired or developed.
- d. **Do you generally use written orders for denials?** Yes, as a general rule.
- e. **What is required for employee's counsel to obtain interim fee approval?** A properly executed fee agreement uploaded into WCAIS.
- f. **Describe any other procedures for supersedeas hearings:** None.
- g. **Describe procedures for special supersedeas hearings, if different:** None.

### **WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

It is expected that Claimant will testify at the first hearing and other witnesses will testify at subsequent hearings, as discussed above. Testimony will generally be limited to the time specifically allotted for the hearing. If it is anticipated that testimony will exceed the time allotted for the hearing, a WCAIS request for additional time is appreciated so that the matter can be appropriately scheduled so as to avoid unnecessary delay.

Counsel should make adequate preparation to ensure that parties or other participants under their control are available to participate at the time scheduled for the hearing. If the testimony is being conducted via Teams counsel should practice using the link with their witness beforehand. ALL PARTICIPANTS ARE EXPECTED TO BE PROPERLY ATTIRED WHETHER THE EVENT IS OCCURRING LIVE OR VIRTUALLY. Testimony is expected to be conducted with proper decorum and respect for all parties. Interpreters must be requested in accordance with WCOA guidelines.

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

I prefer to have testimony of the Claimant, and any other key witness, taken at a live hearing. Subsequent testimony by the Claimant may be taken by video during a virtual hearing. Medical and other experts may testify by deposition. Lay witnesses may testify live, by video during a virtual hearing, or potentially by deposition which will be determined at hearing after a discussion among the parties.

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

Upon request of a party, for good cause shown.

**4. If counsel wishes to present testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?**

As soon as the party is aware of the need for such testimony a WCAIS Request should be submitted—hopefully before the issuance of a hearing notice to avoid scheduling delays. Such Request should indicate the identity of the witness, the nature of the testimony, and the anticipated length of the testimony.

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

Order of testimony will be addressed on a case-by-case basis, but typically the party filing the first petition will go first.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits, or will you admit them electronically as a Judge's exhibit?**

I will upload the documents as Judge's exhibits.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before. If before, how far in advance of the hearing must they be uploaded?**

Exhibits should be uploaded at least 24 hours prior to the hearing so that they can be reviewed by opposing counsel and addressed during the hearing. Last minute uploads are strongly discouraged. If opposing counsel does not have sufficient time to review an exhibit that was uploaded just prior to the hearing use of that exhibit will be prohibited during the hearing and it will be addressed at the next hearing.

**8. When will you rule on objections to exhibits?**

Ruling will typically be made on the record during the 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 the exhibit being uploaded. If no objection is lodged, the exhibit is admitted. If an objection is lodged, I will rule on admissibility either by letter or in WCAIS.

**9. What is your procedure for handling discovery disputes?**

I will address these on a case-by-case basis as they arise. Typically disputes will be handled via telephone conference, but can be addressed at a hearing if requested by the parties. Position letters will be considered, if necessary, depending on the nature of the dispute.

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

The parties may file written preservation of objections up until or along with the submission of their proposed findings/brief. If written objections are not received, the objections will be deemed waived.

## **COMPROMISE & RELEASES (C&Rs)**

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

- 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?** Amendment is fine so long as the C&R disposes of the litigation.
- b. **Are parties required to provide a draft of the C&R Agreement before the hearing? Yes. If yes, how far in advance of the hearing do you need to receive it?**  
The C&R paperwork should be uploaded as an exhibit 48 hours prior to the hearing so that it can be reviewed ahead of time.
- 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, and it should be uploaded in a redacted and unredacted form as two separate exhibits if there is confidential information on the document. The unredacted copy will be deleted after confirming pertinent information with the Claimant.
- d. **Should child support documents be uploaded as a separate exhibit?** Yes. The parties should upload a redacted and unredacted copy of the child support documents as two separate exhibits. The unredacted copy will be deleted after confirming pertinent information with the Claimant.
- e. **Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Yes, see above.
- f. **Will you sign bench orders?** No.

- g. Describe any other procedures you have for C&R Agreements:** Medicare issues, Domestic Relations issues and DHS (formerly DPW) liens should be clearly outlined and addressed in the settlement paperwork. Parties risk the matter being continued if the issues have not been properly addressed. Claimant should have the settlement paperwork well in advance of the hearing and should have such paperwork available to them at the time of the C&R hearing.

## **STIPULATIONS RESOLVING DISPUTES**

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

The fully executed stipulation should be uploaded to WCAIS as an exhibit. I will mark and admit it as a Joint Exhibit. Counsel should submit a WCAIS request advising of the Stipulation and the parties intentions, i.e., whether it resolves some or all of the issues raised in the pending litigation. The Stipulation itself should clearly state the relief to be granted and indicate which Petitions are resolved with the Stipulation, and how (i.e., withdrawn, granted, dismissed etc.). Attorney fees and litigation costs should be mentioned in the stipulation to extent those issues need to be addressed. Claimant needs to have consented to the Stipulation, and that should be documented, by Claimant's signature on the Stipulation. I will then prepare a Decision approving and adopting the Stipulation so long as it meets the requirements of the Special Rules of Administrative Practice and Procedure.

**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. The parties should upload a redacted and unredacted copy of the child support documents as two separate exhibits. The unredacted copy will be deleted after confirming the pertinent information.

**4. What other exhibits should be uploaded (i.e., medical bills, etc.)?**

Any evidence that the parties deem relevant to the issues being addressed, including outstanding medical bills, out-of-pocket itemizations, bill of costs, etc.

**5. Should other exhibits uploaded as be part of the stipulation or as a separate exhibits?**

The Stipulation will be attached to the decision. Any exhibits that the parties want to have circulated with the decision should be uploaded as part of the Stipulation. If the exhibits do not need to be circulated with the decision, then they should be uploaded separately as Exhibits.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

There should not be a social security number or other confidential information in the Stipulation, all confidential information should be redacted prior to uploading the Stipulation. They parties should upload a redacted and unredacted copy of the child support documents as two separate exhibits. The unredacted copy will be deleted after confirming the pertinent information.

**7. Describe any other procedures you have for stipulations:**

Counsel should submit a WCAIS request advising of the Stipulation and the parties' intentions, i.e. whether it resolves some or all of the issues raised in the pending litigation.

## **BRIEFS AND PROPOSED FINDINGS**

1. **Will you close a case via WCAIS submission or is a final hearing required?** I typically will hold a final hearing to close a case. However, the record can be closed via WCAIS submission if there are minor issues that needs to be addressed thereafter, i.e., waiting for a deposition transcript, submission of a bill of costs etc. I will typically set a deadline for submission of any additional exhibits. Any objections to the newly submitted exhibits must be make in writing within 10 days, otherwise they will be admitted.
2. **What are the time requirements for final submission and what procedures are taken when time requirements are not met?**

A briefing schedule will be set on a case-by-case basis, generally within 30-45 days from the date of the final hearing. I will modify the briefing schedule upon request, based on the nature of the issues and testimony. If an extension of time is needed after the schedule is set, a request must be submitted in WCAIS prior to the expiration of the submission deadline. Once the deadline has passed, if there has been no request for an extension, the case may 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 formal and content of final submissions:**

Proposed Findings of Fact are preferred. The Proposed Findings should be neutral in content until resolving credibility determinations and conflicts of evidence. Parties should clearly identify all relief being sought. The parties may submit a brief if they feel that will be helpful to their position. The brief should consist of the party's concise argument as to why such party should prevail, citing to critical evidence and legal authority to support the party's position.

## **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** Pittsburgh and Uniontown.
2. **What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in person?**

Mediations will be scheduled virtually unless the parties request an in-person mediation. In person mediations will be conducted if there is a compelling reason for it.
3. **What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

It is expected that all virtual mediations will be conducted with video capabilities. Audio-only participation is strongly discouraged unless there are special circumstances warranting such participation. Counsel should make adequate preparation to ensure that parties or other participants under their control are available to participate by video—practicing with the link beforehand, if necessary. ALL PARTICIPANTS IN VIRTUAL MEDIATIONS ARE EXPECTED TO BE PROPERLY ATTIRED AND IN A QUIET LOCATION FREE FROM OUTSIDE DISTRACTIONS.
4. **Are you willing to allow counsel or a party to participate virtually in an in-person mediation? If so, under what circumstances?**

Not as a general rule. All parties must be present in person, or all parties must be present virtually. A mix is not permitted absent unique circumstances, which will be addressed on a case-by-case basis.
5. **Do you require a Mediation Statement? Yes. If yes:**
  - a. **What information do you require in that statement?** Please see the [Mediation Disclosure Statement](#), I would prefer that it be used. Otherwise, please provide AWW/TTD rate, nature of injury claimed/accepted, brief history/background of the case, the issues in litigation, strengths/weaknesses of each side, status of settlement negotiations and current demand/offer, existence of any outstanding bills/medical liens/bankruptcy/child support or other issues that may be a barrier to resolution.

- b. **What documents, if any, must accompany the Statement?** Anything that the party believes will be useful for the mediation, i.e. an IME or other doctors report that has not yet been uploaded as an exhibit.
- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Preferably 1 week prior to the mediation so that I have time to review it, but at least 48 hours prior to the mediation.
6. **If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes, if the circumstances justify it. If so, how long until it is rescheduled?**  
As the schedule permits and dependent upon the needs of the parties.
7. **Are you willing to conduct more than one mandatory mediation session per Dispute?**  
Yes, and follow up telephone conferences can be scheduled if it will be helpful to the parties.
8. **What is the last day before the mediation that cancellation or postponement, absent an emergency, can be requested?**  
As soon as the parties are aware of circumstances that would require cancellation or postponement. Absent an emergency, it is expected that notice will be provided at least 48 hours prior to mediation.
9. **What else should the parties know or do before the mediation?**  
I expect the parties to evaluate a case in good faith and have authority to negotiate.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations? Yes.**
2. **How should the parties request a Voluntary Mediation?**  
A request should be submitted through WCAIS. My assistant can be contacted ahead of time to determine availability if the parties desire.
3. **List the locations where you conduct in-person voluntary mediations:**  
Pittsburgh and Uniontown
4. **Will you conduct virtual voluntary mediations? Yes. If yes, for which WCOA Districts will you conduct them?**  
I am available to conduct voluntary virtual mediations for any case throughout the Commonwealth.
5. **Do you mediate Disputes assigned to you for hearing and decision?**  
No, as a general rule.
6. **Do you mediate Disputes in which one or both parties are unrepresented? Yes. If yes, describe any special procedures you have for such cases:**  
I will advise the unrepresented party of their right to counsel and the implications of proceeding without counsel. If the party wishes to proceed, then mediation will occur. If the party wishes to obtain counsel before mediation then the mediation will be rescheduled to allow for the party to obtain representation.
7. **What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in person?**

Mediations will be scheduled virtually unless the parties request an in-person mediation. In person mediations will be conducted if there is a compelling reason for it.

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

It is expected that all virtual mediations will be conducted with video capabilities. Audio-only participation is strongly discouraged unless there are special circumstances warranting such participation. Counsel should make adequate preparation to ensure that parties or other participants under their control are available to participate by video—practicing with the link beforehand, if necessary. ALL PARTICIPANTS IN VIRTUAL MEDIATIONS ARE EXPECTED TO BE PROPERLY ATTIRED AND IN A QUIET LOCATION FREE FROM OUTSIDE DISTRACTIONS.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? Not as a general rule. If so, under what circumstances?**

All parties must be present in person, or all parties must be present virtually. A mix is not permitted absent unique circumstances, which will be addressed on a case-by-case basis.

**10. Do you require a Mediation Statement? Yes. If yes:**

- a. **What information do you require in that statement?** Please see [Mediation Disclosure Statement](#), I would prefer that it be used. Otherwise, please provide AWW/TTD rate, nature of injury claimed/accepted, brief history/background of the case, the issues in litigation, strengths/weaknesses of each side, status of settlement negotiations and current demand/offer, existence of any outstanding bills/medical liens/bankruptcy/child support or other issues that may be a barrier to resolution.
- b. **What documents, if any, must accompany the Statement?** Anything that the party believes will be useful for the mediation, i.e., an IME or other doctors report that has not yet been uploaded as an exhibit.
- a. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Preferably 1 week prior to the mediation so that I have time to review it, but at least 48 hours prior to the mediation.

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

As the schedule permits, usually within 30-45 days.

**12. Are you willing to conduct more than one voluntary mediation session per dispute?**

Yes, and follow up telephone conferences can be scheduled if it will be helpful to the parties.

**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?**

The mediating Judge.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

As soon as the parties are aware of circumstances that would require cancellation or postponement. Absent an emergency, it is expected that notice will be provided at least 48 hours prior to mediation.

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

I expect the parties to evaluate a case in good faith and have authority to negotiate.



## **REQUESTS/MISCELLANEOUS**

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

A WCAIS Request should be submitted as soon as the party becomes aware of a situation that necessitates a continuance/change or extension. Timely submission of the Request is appreciated so that the matter can be appropriately scheduled to avoid unnecessary delay. (See above for specifics).

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

I am available for telephone conferences or off the record teams meetings upon request of the parties.

**3. Under what conditions/circumstances do you accept emails from parties?**

Generally, WCAIS Requests should be used for all written communication; however, if there is a circumstance that cannot be addressed promptly through WCAIS email is acceptable. Opposing counsel must be copied on all email correspondence.

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

The scheduled duration will generally be strictly adhered to. However, if there is flexibility in my schedule, I am willing to go beyond the allotted time. If additional time is not available at the time of the event, I will end the event and it will be rescheduled based upon the parties estimates as to the additional time necessary.

**5. What is the best way to contact you in an emergency situation?** The parties can email me at [KDollins@pa.gov](mailto:KDollins@pa.gov), call the Pittsburgh office at 412-565-5277, or contact my assistant via email or telephone.

**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.)?** For events scheduled to be live in Pittsburgh, per policy, I will follow the Pittsburgh Public Schools closures/delays. In the event of a delay or closure, events may be conducted virtually. My office will communicate with the parties on a case-by-case basis if the event is going to be switched from live to virtual.