

**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 on a claimant's petition will be for the claimant's testimony. The first hearing on a defense petition will usually be supersedeas, with no testimony. Appropriate deadlines are set at the first hearing on all petitions. See 34 Pa. Code Chapter 131
2. **List any documents required at the first Event:** First Hearing filings are appreciated, though not required.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. Please upload first hearing filing into Documents and Correspondence and NOT as an exhibit.
  - b. **Should docs be uploaded before or after the first Event?** Before [Click or tap here to enter text.](#)

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. **Will testimony be heard?** No. In rare circumstances, testimony could be heard, but at least 14 days advance notice should be given to allow proper scheduling.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes. Defendant's medical evidence should be available at the supersedeas hearing. Claimant may have up to 14 days for submission of supersedeas evidence.
  - c. **Under what circumstances will you reconsider a supersedeas order?** If additional evidence is submitted. However, reconsideration does not necessarily mean a change in the actual order. See 34 Pa. Code Section 131.41.
  - 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 fee agreement. The fee agreement should be a separate exhibit on the merits.
  - f. **Describe any other procedures for supersedeas hearings:** [Click or tap here to enter text.](#)
  - g. **Describe procedures for special supersedeas hearings, if different:** The issue is very narrow on an Employee Challenge special supersedeas. If no Modification/Suspension Petition has been filed, only those narrow issues will be considered.

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Serial hearings, with claimant’s testimony first on claimant’s petitions. On defense petitions, defense witnesses testify first, with claimant to follow. By agreement of the parties, a change in the format will be considered.
  - a. **Are you willing to change the hearing format upon request?** Click or tap here to enter text.
2. **Are you willing to allow counsel to participate by telephone?** Yes At the Doylestown and Easton Courthouses, telephone participation can only be done using cell phones. Because this is a challenge for the court reporter, it is discouraged except in rare circumstances. Other accommodations can be made if sufficient advance notice is given.
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear at a hearing, the petition may be dismissed or granted, depending on the circumstances. Sometimes a re-listing is given.
4. **Do you have special procedures for psychological injury cases?** Yes In mental/mental cases, claimant’s counsel shall provide a list of the alleged “abnormal working conditions” at the first hearing.

### 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?** To allot proper time for hearings, notice should be given at least 30 days in advance of 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?** We prefer claimant’s testimony at hearings. Expert witnesses may always testify by deposition. The testimony of all other witnesses should be discussed at the first hearing. Counsel should be mindful of following the Judges’ Rules on the taking of testimony.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** This issue should be discussed at the first hearing, as each case may differ i.e. the defendant may or may not need a second IME to address an expansion of the injury.
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?** Exhibits may be uploaded the day of the hearing. The judge will discuss admissibility during the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No If it is easier to view a “hard copy” of the exhibit, having it available is appreciated.
7. **When will you rule on objections to exhibits?** The judge will make a ruling at the hearing.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** We use conference calls sparingly, and attend depositions on occasion.
9. **What is the last day to file written preservations of deposition objections?** The preservation of objections may be submitted with the 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 [Click or tap here to enter text.](#)
- b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** No **If yes:**
- i. **How far in advance of the hearing do you need to receive it?** If an expedited order is needed, the parties should notify the judge and upload a FULLY EXECUTED copy of the agreement at least 24 hours 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. Generally, our staff will upload the documents to ensure that Social Security Numbers are appropriately redacted. In some circumstances, we may direct counsel to upload the documents immediately after 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.)?** Whatever the parties wish to be attached will be uploaded as part of the Agreement, within reason.
- 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?** Our staff will redact confidential information before uploading the documents.
- h. **Will you sign bench orders?** Yes We are happy to sign bench orders.
- i. **Describe any other procedures you have for C&R Agreements:** Please have all documents signed and be prepared to take testimony at the time scheduled for the hearing.

### **STIPULATIONS (STIPs) RESOLVING DISPUTES**

- 1. What are your usual procedures regarding the submission, review, and adoption?** Stipulations may be mailed or uploaded into WCAIS. If a stipulation is overdue, a status hearing may be scheduled.
- 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.)?** If the documents are part of the agreement, they should be uploaded with the stipulation.
  - a. Should they be part of the stip or a separate exhibit?** See above.
- 5. When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** See above.
- 6. Describe any other procedures you have for stip:** [Click or tap here to enter text.](#)

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

- 1. Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission. A final hearing is NOT scheduled for the submission of evidence. The parties should notify the judge when all of their evidence has been uploaded into WCAIS.
- 2. What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Briefs are preferred, but not required. The judge may circulate a decision without waiting for an overdue brief. See 34 Pa. Code Section 131.101.

3. **Describe any preferences regarding the format and content of submissions:** Briefs should be brief, with a summary of the facts, a statement of the issues, and a legal argument. Quantum Meruit submissions, child support documents, and litigation costs may be submitted at the same time as briefs, but should be submitted and uploaded into WCAIS as individual exhibits, not as part of the brief.

### MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** We conduct mandatory mediations in Allentown, in Easton, and in other locations with the agreement of the parties and the Office of Adjudication.
2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** Any party may participate by telephone, but mediations are generally more productive when the parties personally attend.
3. **Do you require a Mediation Statement? Yes If yes:**
  - a. **What information do you require in that Statement?** The following information should be included: A summary of the litigation status, the Average Weekly Wage and Weekly Compensation Rate, a summary of negotiations to date, and the amount of 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?** The mediation statement should be submitted 72 hours in advance. Mediation may be cancelled for failure to comply with this deadline.
4. **After you approve a Mediation Request, how long until it's scheduled?** Mediations are scheduled by the litigating judge.
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?** It is preferable that the parties contact both of us. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before the scheduled mediation.
7. **What else should the parties know or do before the mediation?** Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, and any other credits or benefits that would impact negotiations.

### VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes We conduct voluntary mediations upon request.
2. **List the offices where you conduct voluntary mediations:** See above.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes, by agreement of the parties, in accordance with the Judges' Rules.
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?** No

- a. **Under what circumstances do you permit attendance by phone?** Click or tap here to enter text.
7. **Do you require a Mediation Statement?** Yes, see more information above. **If yes:**
  - a. **What information do you require in that Statement?** Click or tap here to enter text.
  - 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?** Voluntary mediations are scheduled as promptly as possible, given the schedules of the participants.
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?** See above. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before the mediation.
11. **What else should the parties know or do before the mediation?** Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, or any other credits or benefits that would impact negotiations.

### REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** The parties should, as much as possible, adhere to the requirements of the Judges' Rules at 34 Pa. Code Section 131.13.
2. **Under what circumstances do you conduct conference calls?** Conference calls should be used sparingly to discuss issues that do not need to be discussed on the record. If necessary, the discussion should be confirmed, in writing.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes are acceptable. Please use: WCOA-Allentown@pa.gov for e-mail requests.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Each circumstance requires its own evaluation. Sometimes it is necessary to proceed with testimony beyond the allotted time.
5. **What is the best way to contact you in an urgent situation?** For urgent or emergent situations, call the office or send an e-mail to: WCOA-Allentown@pa.gov.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** In Easton and Doylestown, the judge is available for hearings as long as the courthouse is open. In Allentown, the hearing schedule is altered depending upon whether the Allentown School District is delayed or closed. Please check WFMZ.com under Allentown Workers' Compensation Off. of Adjudication. Also, check the WCAIS Dashboard.