

**JUDGE NAME: Bruce K. Doman DISTRICT: Eastern ASSIGNED OFFICE: Allentown**

**Assistant's Name: Kim Hankee Assistant's email: khankee@pa.gov**

**Assistant's Commonwealth Direct Dial Phone Number: 610 366-6064**

### **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.

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### **HEARING PROCEDURES**

#### **1. What is the first event and what will occur?**

Testimony and the production of evidence is expected at the initial hearing unless the hearing is scheduled for supersedeas purposes.

##### **a. List any documents required at the first event:**

All available documents are to be presented as soon as possible.

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

Documents intended to be admitted as exhibits shall be uploaded as exhibits. Letters to the judge shall be uploaded as correspondence.

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

Hearings are scheduled only as necessary. Usually this means one hearing per dispute.

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

Yes, upon cause shown.

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

The first factor is the state of the ongoing global pandemic. Numerous other case specific factors may be considered.

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

The primary factor is the availability of video to the proposed participants.

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

Failure to appear without reason may result in dismissal or closure of the record.

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

A specific list of the alleged abnormal working conditions is required.

**SUPERSEDEAS PROCEDURES**

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

The parties shall present documentary evidence upon the issue of supersedeas.

**a. Will testimony be heard?**

Upon request, if time permits.

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

Only for good cause.

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

The production of new evidence that was not available during the initial presentation of supersedeas evidence. A hearing will be held upon request.

**d. Do you generally use written orders for denials?**

Yes.

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

A specific request with a fee agreement.

**f. Describe any other procedures for supersedeas hearings:**

There are no other procedures.

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

There are no different procedures.

**WITNESSES/EXHIBITS**

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

There are no specific rules.

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

There is no specific requirement. The needs of the parties and the circumstances of the case are important factors as is the pandemic.

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

The presentation of good reason depending upon the unique circumstances of the case shall be considered.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice?** Notice is required if the testimony will take additional time beyond that already allotted. **If yes, how much notice do you require?** The sooner the better so that hearings may be appropriately scheduled.

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

This will be determined upon a case specific basis.

**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 may upload proposed exhibits as exhibits.

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

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

Typically, objections are ruled upon when made.

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

There is no specific procedure.

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

The filing of briefs.

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

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

I read them.

**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?**

Yes. Amendments are allowed. New petitions are not required.

**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?**

Ideally, agreements should be uploaded before the 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.

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

Yes.

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

Yes, there should be redacted and unredacted copies.

**f. Will you sign bench orders?**

Yes.

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

There are no other procedures.

### **STIPULATIONS RESOLVING DISPUTES**

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

There are no specific procedures.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

No preference.

**3. Should child support documents be uploaded as a separate exhibit?**

Yes.

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

This depends upon the unique circumstances of the case.

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

This depends upon the preference of the parties.

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

Documents for public dissemination should have information redacted, but complete documentation must be available for judicial review. This may require a redacted and an unredacted version.

**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?**

No final hearing is required. In general hearings are scheduled only for the production of evidence.

- 2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?** Time requirements are set for each case and reiterated in the judge instructions in WCAIS. If time requirements are not met, the record may close without the submission or the case may be decided without the Brief.
- 3. Describe any preferences regarding the format and content of final submissions:**  
Concise, legible and coherent.

### **MANDATORY MEDIATIONS**

- 1. List the offices where you conduct mandatory mediations:**  
At present there are no live mediations.
- 2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**  
At present there are no in person mediations.
- 3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**  
The needs of the parties.
- 4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**  
There are no in person mediations.
- 5. Do you require a Mediation Statement? No. If yes:**
  - a. What information do you require in that Statement?**
  - b. What documents, if any, must accompany the Statement?**
  - c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**
- 6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes, upon request. If so, how long until it is rescheduled? It varies.**
- 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?**

Any time, but obviously more notice is preferred to less.

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

Negotiate.

### **VOLUNTARY MEDIATIONS**

- 1. Do you conduct Voluntary Mediations?**

Yes.

- 2. How should the parties request a Voluntary Mediation?**

WCAIS request.

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

There are no live mediations at present.

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

There are no live mediations at present. All mediations are virtual. The District is of no relevance.

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

No, but settlement may be discussed.

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

Yes. There are no special procedures.

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

At present there are no in person mediations.

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

The needs of the parties.

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

At present there are no in person mediations.

**10. Do you require a Mediation Statement? No. If yes:**

- a. What information do you require in that Statement?**
- b. What documents, if any, must accompany the Statement?**
- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

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

It varies.

**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?**

The mediating judge.

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

Any time, but more notice is preferred to less.

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

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?**

Any time, but more notice is preferred to less.

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

The request of the parties.

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

The needs of the parties. Of course, opposing counsel must be copied.

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

Yes, unless additional time is available.

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

bdoman@pa.gov

**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.)?**

Hearings scheduled in County Courthouses will go on unless the Courthouse is closed. Hearings scheduled in the Allentown office will be cancelled if the Allentown School District is closed. Virtual events always depend upon the functioning of the internet, the electric lines and the telephone.