

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 a hearing. Exhibits previously uploaded through WCAIS will be identified and the parties will be asked if there are any objections to the proposed exhibits. If it is a Claimant-filed petition, the Claimant will be expected to testify. If a defense- filed petition, the Claimant can testify at the first hearing if desired and if time permits.
2. **List any documents required at the first Event:** While no first hearing filings are required, I expect that the moving party would offer any medical reports/records in support of its position. Also, while not required, a First Hearing Submission is appreciated.
 - 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. While not required, any First Hearing Submission of the moving party should be uploaded prior to the hearing.

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. **Will testimony be heard?** Yes. The Claimant will be able to testify at the First Hearing as noted above. A defense witness may testify if prior notice is given and time permits. An affidavit or verified statement is acceptable.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes. The moving party should have its supersedeas exhibits ready before the hearing. Additional time will be given, particularly for the non-moving party to gather and offer exhibits relevant to a request for supersedeas.
 - c. **Under what circumstances will you reconsider a supersedeas order?** If there is new or additional evidence bearing upon the request for supersedeas.
 - 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?** A contingency fee agreement and successful opposition to a request for supersedeas.
 - f. **Describe any other procedures for supersedeas hearings:** N/A
 - g. **Describe procedures for special supersedeas hearings, if different:** The main difference is that if additional time is needed to gather and upload exhibits, the time period permitted is generally shorter when a special supersedeas is at issue.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Usually, serial hearings are used. If it is a Claimant-filed petition, the Claimant is expected to testify at the first hearing. Defense lay witnesses will generally testify at the second or subsequent hearing.
 - a. **Are you willing to change the hearing format upon request?** Yes. I am willing to consider changing the format of the hearing if all parties are in agreement.
2. **Are you willing to allow counsel to participate by telephone?** Yes. It is generally expected that counsel will appear live for the hearings. However, if the hearing is essentially a status conference or there is some other good reason acceptable to me, counsel may participate by phone.
3. **What procedure do you follow if a party fails to appear at a hearing?** Usually, a letter will be sent to the party who failed to appear advising him/her that he/she had failed to appear and that another hearing will be scheduled within a month or so and that if he/she fails to appear at the rescheduled hearing without proper excuse the proceedings will go on in his or her absence and that his or her rights may be adversely affected. However, depending upon the case, I may also issue an Interlocutory Order.
4. **Do you have special procedures for psychological injury cases?** No. Not at this time, though I am willing to consider special procedures as the need arises.

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?** I like to know at the time of (or shortly after) the preceding hearing if a party intends to call a lay witness at the next hearing. If the decision to offer lay testimony occurs later, I want to know (via a request through WCAIS) at least a week in advance that additional lay testimony is wished to be offered at the next hearing and the length of time expected for such testimony so that I can make sure that there is sufficient time to present the testimony.
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?** I anticipate that most expert witnesses will testify via deposition and have no problem with expert testimony being presented by deposition. I also understand that sometimes it is difficult for lay witnesses to be available for a hearing and will allow such depositions upon prior approval. I also appreciate that some witnesses may live out of state or a distance from the hearing site and that it would be easier for them to testify by phone. Again, I would allow this as long as I and opposing counsel are notified about this in advance and there is no objection to this procedure. However, if a witness is to testify by deposition, I do expect the party taking the deposition to upload a Notice of Deposition in the Documents section of the Dispute in WCAIS.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** This will depend upon what petitions are involved. This is a matter that will be discussed at the time of the first hearing.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge usually. However, in situations where some of the Bureau documents are pre-WCAIS or where the Insurer or TPA served the documents but neglected to file them with the Bureau, the parties should upload those Bureau documents. 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: In uploading transcripts, I very strongly prefer that a copy of the transcript as received from the court reporter be directly uploaded instead of uploading a photocopy. It is far easier to utilize a pdf-data document as opposed to a pdf-photo document.**

- a. **What is the latest day before the hearing that they may be uploaded?** I would very much appreciate if the exhibits are uploaded at least the day before, but I understand that there may be good cause for later submissions.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No. However, I expect Compromise and Release Agreements to be offered at the hearing and prefer that Act 109 documents be presented at the hearing.
7. **When will you rule on objections to exhibits?** At the hearing unless the exhibits are offered after the last 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.?** I will address discovery disputes via telephone conference. I generally do not attend depositions, but do request a Notice of Deposition be filed.
9. **What is the last day to file written preservations of deposition objections?** The date closing written argument is due to be filed by the party wishing to preserve objections.

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 of existing petitions is fine.
 - 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?** I prefer to see such drafts at least 2 days in advance. At the very least, the Agreement should be uploaded before 9 a.m. the date of the hearing.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** No. I prefer that the parties offer a singed paper copy of the C&R Agreement at the time of the hearing. Parties may upload ancillary documents.
 - d. **Should child support docs be uploaded as a separate exhibit?** No. These documents will be uploaded by my office after the hearing because I need an unredacted copy of those documents to go over with the Claimant.
 - 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 there are specific medical bills that will be paid as part of the agreement that had been at issue in the litigation, the bills that are being paid should be uploaded. If the Employer is simply paying all causally related medical bills up to the date of the hearing (or something similar), those bills do not need to be uploaded. No other documents need to be uploaded.
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** The only documents that I generally attach to the C&R Agreement are any Court Order regarding child support, any relevant CMS document, any Medicare Set Aside Agreement documents, any DHS health insurance lien documents, any agreement to pay part of the proceeds of the settlement to satisfy a pre-settlement loan, and any Authorization for Alternative Delivery of Compensation. I will also attach any other subrogation lien documents, if requested by the parties.
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** That information should be included on the documents presented to me at the hearing. My staff will redact that information in the copy uploaded to WCAIS.
 - h. **Will you sign bench orders?** No.
 - i. **Describe any other procedures you have for C&R Agreements:** While a letter of resignation and/or a General Release do not need to offer as exhibits, I do wish to know about them. If no separate consideration is given for signing of such a documents, I will question Claimant about the effects such documents (which the Employer requires to be signed) have upon other Federal and State employment or labor law rights.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Any such Stipulation should be signed by the attorneys and the Claimant and uploaded to WCAIS or presented at a hearing.
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. Such documents should generally be presented at a hearing.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** If the Stipulation refers to specific medical bills, they should be attached to the Stipulation. Otherwise, they should be submitted separately.
 - 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?** My staff will do that. For that reason, any such documents should generally be offered at a hearing.
6. **Describe any other procedures you have for stips:** Matters will be addressed at the time of hearing.

BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** Final Hearing. Generally, a final hearing is required, but exceptions can be made.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The time for submission will be mentioned at the final hearing or via a written briefing schedule. Late briefs may or may not be considered depending upon the circumstances. A request for an extension of time to submit a brief must be submitted prior to the due date of the brief. If it is a Claim or Reinstatement Petition, Act 109 documents can be filed contemporaneously with the filing of Claimant's brief.
3. **Describe any preferences regarding the format and content of submissions:** Other than a post-C&R decision, either a position paper or proposed findings are okay as long as there is some discussion included in the filing as to why I should believe one witness over another or why I should grant or deny the requested relief. As to post-C&R decisions, I expect Proposed Findings of Fact from at least one of the parties. I also strongly prefer that all briefs, position papers, proposed findings, etc. be uploaded as pdf-data documents and not pdf-photo (such as in uploading a photocopy).

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Only in Greensburg at this time.
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** The Claimant should appear in person except for unusual circumstances. If the adjuster is local, it would be preferable for him or her to be present. However, it is acceptable to have the adjuster available by phone.
3. **Do you require a Mediation Statement?** Yes **If yes: [Mediation Statement](#)**
 - a. **What information do you require in that Statement?** I have a form. However, parties are free to submit a letter explaining their position and the evidence as long as it provides information that answer the questions on the form.
 - b. **What documents, if any, must accompany the Statement?** Nothing additional.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** I would prefer receiving them at least 2 days in advance.
4. **After you approve a Mediation Request, how long until it's scheduled?** Depends upon availability.
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? You If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three days barring an emergency situation.
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:** Greensburg
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes. Most times, I prefer that another Judge mediate the case. However, in rare circumstances, I will mediate a case in which I am the Adjudicating Judge.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
 - a. **Describe any special procedures:** I will require signed agreements to mediate if it is a Voluntary Mediation.
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
 - a. **Describe the matters addressed by the agreement:** I normally do not. However, in the rare situations where I am mediating a case pending before me for adjudication, then I do require a written agreement to mediate.
6. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** The Claimant should appear in person except for unusual circumstances. If the adjuster is local, it would be preferable for him or her to be present. However, it is acceptable to have the adjuster available by phone.
7. **Do you require a Mediation Statement?** Yes **If yes:** **Mediation Statement**
 - a. **What information do you require in that Statement?** I have a form. Parties may submit a letter stating their position instead as long as it covers the points set forth in the Mediation Statement form.
 - b. **What documents, if any, must accompany the Statement?** Nothing additional.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** I prefer to receive the Statement at least 2 days in advance.
8. **After you approve a Mediation Request, how long until it's scheduled?** Depends upon availability.
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? You If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three days barring an emergency situation.
11. **What else should the parties know or do before the mediation?** N/A

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** As per Judge's Rule 131.13, continuance requests should be made at least ten (10) days in advance of the hearing date except for good cause shown. Requests for change of a hearing time for the date scheduled for the hearing can be made up to the day before the scheduled hearing.
2. **Under what circumstances do you conduct conference calls?** Depends upon the circumstance.

- 3. Under what circumstances do you accept faxes and e-mails from parties?** While such communication will be accepted, I very, very much prefer that all communications be made via WCAIS.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** I will usually allow additional time. However, this depends upon the schedule.
- 5. What is the best way to contact you in an urgent situation?** Call my secretary. Also, if time permits make a request through WCAIS.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Except when the office is closed, cancellation or delays of hearings or mediations track the Greensburg-Salem School District inclement weather policy decision. Closures of the office usually are governed by decisions of the Bureau of Disability Determination.