

**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?** Typically, the first hearing on a Claimant's petition is scheduled for 30 minutes and Claimant is expected to testify, no more than 20 minutes on direct and 10 minutes on cross. On an Employer petition such as a Modification, Suspension or Termination, the hearing is scheduled for 15 minutes. Supersedeas exhibits should be uploaded into WCAIS before the hearing with counsel for the parties having hard copies at the hearing. I will go over supersedeas exhibits and a record will be made as to the content of those exhibits. Generally, there is no testimony taken. With all petitions, the Judge will set deadlines consistent with Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (the "Rules") and Act 147, which deadlines are mandatory and will not be altered absent good cause shown. The Parties should have all relevant Bureau documents uploaded into WCAIS before the first hearing. These may include the Notice of Compensation Payable, the Statement of Wages, prior decisions, supplemental agreements, etc.
2. **List any documents required at the first Event:** The Parties are to comply with Sections 131.52 and 131.53 of the Rules. A first hearing filing and a responding party 45 day filing is expected. These documents are to be uploaded in WCAIS in Documents and Correspondence.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge
  - b. **Should docs be uploaded before or after the first Event?** Before

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** I expect to receive all documents, exhibits and affidavits consistent with 34 Pa. Code Sec. 131.43. These documents should be uploaded into WCAIS before the hearing and a record will be created as to the content of supersedeas exhibits. I may permit the responding party a brief extension of time, if necessary, to obtain medical records, reports, or affidavits and to present the same through WCAIS subsequent to the first hearing. Counsel for Claimant should present a written fee agreement at the first hearing, uploaded on the merits in WCAIS, in order to obtain interim approval of his/her counsel fee. Special supersedeas hearings will be conducted consistent with Section 413(a) of the Act and current case law concerning conduct of such hearings.
  - a. **Will testimony be heard?** No
  - b. **Is additional time generally granted to obtain medical evidence?** Yes
  - c. **Under what circumstances will you reconsider a supersedeas order?** I generally do not reconsider supersedeas once the Interlocutory Order is issued.
  - d. **Do you generally use written orders for denials?** Yes
  - e. **What is required for employee's counsel to obtain interim fee approval?** Counsel must have a written fee agreement in the record at the time the supersedeas Interlocutory Order is issued.
  - f. **Describe any other procedures for supersedeas hearings:** N/A

**g. Describe procedures for special supersedeas hearings, if different:** Other than the timing required pursuant to the Act for holding the first hearing, there are no other or different procedures.

## HEARINGS

- 1. Describe the structure of your hearings and whether you are willing to change your hearing format:** I conduct a modified one day trial procedure. There is typically a first hearing held that is listed for 15 minutes on Employer petitions and 30 minutes listed for Claimant petitions (see above answer to question 1). I will then list the dispute for one final hearing with all remaining fact testimony from both parties to be presented at that time. At the first hearing, I provide the Parties with a Certificate of Readiness that is typically due two months before the final hearing. On this form, the Parties are to list all witnesses to be presented in the case. The name of experts to be deposed and the date of the deposition is to be provided. The Parties are to list all fact witnesses AND the time needed to present these witnesses on the Certificate of Readiness. Failure to submit the Certificate of Readiness in a timely fashion will result in our office “guessing” how much time the Parties need to present their case and no additional time will be permitted. Further, failure to list fact witnesses will result in the testimony of those witnesses not otherwise identified being precluded. If there are additional petitions filed during the pendency of litigation, those petitions will be scheduled for a first hearing within the time required by the Act unless the parties advise otherwise. Whether or not these petitions will be consolidated with the previously filed petitions will be at the discretion of this Judge.
  - a. Are you willing to change the hearing format upon request?** Choose an item. I will consider modification of the above format on a case by case basis.
- 2. Are you willing to allow counsel to participate by telephone?** No I generally expect counsel to appear for scheduled hearings. However, I may consider participation by phone on a case-by-case basis if counsel provides a prior written request at least three (3) days in advance of the hearing. Should counsel upload such a request in WCAIS, the upload must be completed by 2:00 p.m. so that this Judge has an opportunity to review and respond to the request.
- 3. What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear as scheduled for an Event such as a hearing, the party risks having a Decision and Order issued that is adverse. If a party fails to appear for a mandatory mediation where this Judge is the litigating Judge, the party risks the imposition of sanctions that are available to this Judge.
- 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?** See above. Most if not all fact witnesses are expected to testify live at a scheduled hearing.
  - 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?** See answer for first hearing procedures and expectations for testimony. See also answer for final hearing expectations.
- 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 prefer all lay/fact witnesses, especially party witnesses, to appear live at a hearing for testimony. I will consider lay/fact witness depositions on a case-by-case basis. Expert witnesses are to testify by deposition.
- 3. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Typically, the moving Party is to proceed first with evidence in a dispute. Where there are cross petitions filed, the first Party to file generally is expected to proceed first with evidence and testimony unless the parties agree otherwise. This is typically discussed at 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?** Parties Upload is preferred.

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?** If Parties upload exhibits before a hearing, these exhibits should be uploaded no later than the day before the hearing. The Parties should inform the Judge at the time of the hearing that they have uploaded exhibits so that any objections and the admissibility of an exhibit can be addressed at that time.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes Although I will not require hard copies of exhibits to be submitted, if the Parties have hard copies available, a record will be made as to the content of the exhibits so that they can be clearly identified.
7. **When will you rule on objections to exhibits?** I will rule on objections to exhibits when offered at a hearing. If additional exhibits are uploaded after the final hearing, a party may submit a written objection, which will be ruled upon in the Decision. Should there be objections to documents offered during a deposition, the Parties must preserve those objections in a separate writing in accordance with the Rules.
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 do not use telephone conferences to address discovery objections. Rather I will issue an Interlocutory Order with instructions. I generally do not attend depositions. Should there be objections during a deposition to a certain line of questioning, the objection should be made on the record, the witness is to answer, and the objection must be preserved in a separate writing in accordance with the Rules.
9. **What is the last day to file written preservations of deposition objections?** A written preservation of objections should be submitted at the time the deposition is submitted into the record. The due date for Proposed Findings of Fact is the absolute last day all evidence, including preservation of objections made during a deposition, will be received. Thereafter, the record will be closed in WCAIS and the parties will no longer be able to upload any additional exhibits.

### **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 However, this depends upon whether the Compromise and Release includes other injury dates that are not currently pending in litigation. If the parties want to resolve multiple injury dates, and there is not a petition for all such dates already pending in litigation, the Parties must file a separate petition for each injury date to be resolved. A separate Compromise and Release Agreement is to be used for each injury date with consideration allocated to each Agreement.
- 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?** [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?** After I expect a fully executed Compromise and Release Agreement as the document that will ultimately be uploaded as an exhibit. This includes signatures by the parties as required by the Act. A signature of an attorney representing a party is not sufficient unless that attorney has a written special Power of Attorney for this purpose to bind that entity. The document should not be uploaded unless it is completely executed. Typically, the office of this Judge will upload the final C&R Agreement to WCAIS.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes Because these documents contain Social Security numbers, these documents will be marked and admitted as separate exhibits. Documents should be uploaded only if they are complete and fully executed and the lien search was done within 20 days of the hearing held to approve the C&R.
- 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.?)** No other document should be uploaded unless it is specifically referenced in the Compromise and Release Agreement and are required as part of the Agreement.

- f. **Should they be a part of the C&R Agreement or separate exhibits?** Separate if not specifically referenced in the C&R Agreement and only if necessary as well as relevant to the final adjudication of the C&R.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The Social Security number should always be redacted from the Compromise and Release Agreement. However, since the Act 109 documents are marked and admitted as a separate exhibit, the Social Security number should remain on these documents.
- h. **Will you sign bench orders?** No [Click or tap here to enter text.](#)
- i. **Describe any other procedures you have for C&R Agreements:** The Parties should be present and prepared to go on the record at the time scheduled for the hearing, even if there is an interpreter required.

### STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** I will accept Stipulations filed through WCAIS or otherwise. The terms of the Stipulation should expressly indicate whether or not all pending petitions are resolved and include a statement as to the status of the claim going forward, e.g., benefits payable, benefits suspended, benefits terminated.
- 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.)?** See below.
  - a. **Should they be part of the stip or a separate exhibit?** Everything related to the Stipulation should be attached to the Stipulation as an exhibit and referenced in the text of the Stipulation as such.
- 5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Social Security numbers should not be referenced anywhere in the Stipulation or any of its attachments. The Act 109 documents will be marked and admitted as a separate exhibit.
- 6. **Describe any other procedures you have for stips:** Even if the Parties have promised a Stipulation of Facts, this Judge may still list the matter for hearing until a fully executed copy of the Stipulation is actually received from the Parties.

### 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?** Briefs are typically due in about 60 days from the final hearing unless there are extenuating circumstances. The due date for the briefs and Proposed Findings is the last date this Judge will accept any evidence, e.g., litigation expenses, depositions, etc. Whether or not Proposed Findings and briefs are received by the due date, the record will close, and no additional exhibits will be permitted to be uploaded to WCAIS. This Judge will begin writing the final decision the day after the due date.
- 3. **Describe any preferences regarding the format and content of submissions:** Post-trial submissions should include Proposed Findings of Fact, Proposed Conclusions of Law, a Proposed Order, and a supporting brief that specifically sets forth the issues to be decided and legal argument. Support for the Proposed Findings of Fact must contain a specific cite to the record with deposition and hearing transcript references referred to by page and line(s). All references to the Act, governing regulations and case law must be properly cited.

### MANDATORY MEDIATIONS

- 1. **List the offices where you conduct mandatory mediations:** WCOA, Pottsville

2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** Although it is extremely helpful if all participants are present, at a minimum the attorneys are required to attend along with the Claimant. On the Employer/carrier side, a person with ultimate authority to resolve a dispute must be available by phone during the entire period for which the mediation is scheduled.
3. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** The mediation statement should include the following: 1) the case name; 2) the date and time of the mediation; 3) the name of the Judge assigned to the mediation; 4) the name of the Judge assigned to the litigation; 5) the name of Claimant's counsel; 6) the name of defense counsel; 7) a list of pending petitions; 8) the date of injury; 9) the mechanism of injury; 10) the description of injury; 11) a brief summary of the treatment to date with the names of the primary health care providers; 12) the average weekly wage and the weekly compensation rate; 13) a brief summary of your position in litigation; 14) what past due benefits, if any, are in controversy; 15) whether the parties have had any discussions or negotiations regarding settlement and if so outline what progress has been made; 16) whether you believe a negotiated settlement of the case is possible and set forth your proposal in order of importance outlining what components are negotiable and which are non-negotiable.
  - b. **What documents, if any, must accompany the Statement?** Whatever you believe is relevant to the mediation process.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** I request that you submit mediation statements one week in advance of the scheduled mediation date.
4. **After you approve a Mediation Request, how long until it's scheduled?** Mediation dates are provided by the litigating Judge and there are a range of dates that the parties may pick that cover the timeline of litigation. The parties should pick a point/date in the litigation timeline where they will be prepared to have a meaningful mediation.
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 The parties should contact the litigating Judge, i.e., the Judge assigned to the dispute rather than the mediating Judge. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three business days.
7. **What else should the parties know or do before the mediation?** The parties should have discussed mediation before the mediation date, i.e., demands should be made sufficiently in advance and authority should be obtained sufficiently in advance before the mediation date so that the parties can have meaningful discussions.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** Yes Although I am willing to conduct voluntary mediations, these will only be conducted in a field office located in the Central District. I expect mediation statements in advance of such mediations.
2. **List the offices where you conduct voluntary mediations:** Any field office in the Central District.
3. **Do you mediate Disputes assigned to you for hearing and decision?** No [Click or tap here to enter text.](#)
4. **Do you mediate Disputes in which one or both parties are unrepresented?** No **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?** Yes
  - a. **Under what circumstances do you permit attendance by phone?** See above.
7. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** N/A
  - b. **What documents, if any, must accompany the Statement?** N/A
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** N/A
8. **After you approve a Mediation Request, how long until it's scheduled?** This depends upon availability in my schedule. The parties should contact my secretary for dates.
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?** The parties should contact our office three days in advance.
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?** Requests should be uploaded in WCAIS. The parties should refer to and follow the Rules with respect to requests for continuances.
2. **Under what circumstances do you conduct conference calls?** I generally do not conduct conference calls. I prefer to have issues presented on the record.
3. **Under what circumstances do you accept faxes and e-mails from parties?** The parties are directed to utilize WCAIS for all communications with respect to Requests and letters to this Judge.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** All hearings and mediations are scheduled for a specific time slot with other disputes scheduled either before or after your slot. As such, this Judge expects both counsel and the parties to be present and prepared to proceed at the assigned time. Failure to do so may limit the time you have to present your case or could result in the rescheduling of the dispute to another hearing date depending upon the circumstances. Unless there is fortuitously additional time in the hearing day schedule, it may be impossible to go over the allotted time scheduled for the hearing or mediation.
5. **What is the best way to contact you in an urgent situation?** The Parties may contact our office by phone and speak with our office staff.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** If the WCOA does not authorize closure of our office, I will generally hold scheduled hearings and mediations. However, the workday prior to an expected snow or weather event I strive to make a determination as to whether or not hearings or mediations should be cancelled and cancellation or delay information will be posted to the WCAIS dashboard. This is the only notification that the parties will receive, and counsel should monitor the WCAIS dashboard for any communication that may impact their scheduled hearings or mediations.