

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 is a pre-trial, except in cases typically concluded at the initial hearing, e.g., Physical Exam, Disfigurement, Challenge Petitions, and uncomplicated Penalty Petitions if possible. The pre-trial is conducted on the assumption that the attorneys have already spoken to one another about the case. Within this context, the attorneys are expected to be fully prepared and able to present relevant issues. Procedure/time for presentation of evidence is set, e.g., live/deposition testimony, one-day/serial hearings/time for closure of case, etc. Mediation is addressed as required. Raising matters after the pre-trial, which properly should have been presented at the pre-trial, will not be looked upon with favor.
2. **List any documents required at the first Event:** Click or tap here to enter text.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Choose an item.Click or tap here to enter text.
 - b. **Should docs be uploaded before or after the first Event?** Choose an item.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 The notice scheduling the pre-trial requires the employer/carrier to forward documents relied upon to counsel and claimant (if unrepresented). Accordingly, both parties are expected to have supersedeas documents (pro and con) at the pre-trial. Except in unusual situations, claimants' attorneys are not expected to ask for additional time to submit documents contra to the supersedeas request. Claimant's position is usually presented by affidavit, not live testimony. Written orders granting/denying supersedeas are made, and may contain other directions as relevant to the situation.
 - b. **Is additional time generally granted to obtain medical evidence?** No See above.
 - c. **Under what circumstances will you reconsider a supersedeas order?** Material change in situation/status since order denying/granting supersedeas, e.g. surgery, return to work, etc.. Also, as conditions stated in supersedeas order may require or be deemed appropriate for reconsideration of initial order.
 - 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?** For the most part attorney fees have been approved on a denial of supersedeas.
 - f. **Describe any other procedures for supersedeas hearings:** Click or tap here to enter text.
 - g. **Describe procedures for special supersedeas hearings, if different:** Click or tap here to enter text.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:**
Procedure for submission of evidence is discussed at pre-trial; effort is made to reach agreement. Use of one-day hearing format or serial hearings is dependent on circumstances
 - a. **Are you willing to change the hearing format upon request?** Choose an item. Click or tap here to enter text.
2. **Are you willing to allow counsel to participate by telephone?** No Most unusual situation necessary for telephone participation by counsel.
3. **What procedure do you follow if a party fails to appear at a hearing?** Dependent on circumstances, petition may be acted upon in absence.
4. **Do you have special procedures for psychological injury cases?** No However, if deemed appropriate a special listing may be scheduled.

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?** Re: above: Live testimony where credibility at issue; otherwise, in most instances, depositions work. Prior notice is required for presentation of live testimony – usually set at pre-trial/prior hearing so proper hearing time may be allocated.
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?** By phone for out of State claimants in C&R proceedings. Deposition testimony if credibility not at issue. Rarely does a doctor testify at hearing; rather by deposition (not phone).
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Party with burden of proof goes first; in cross petitions, party who filed first petition. Often, agreement is reached between attorneys.
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 Click or tap here to enter text.
5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** After Identification of exhibits and admission made at hearings, following opportunity to raise appropriate objections (with rulings made at hearing). Provides certainty of specific evidence (exhibit) to be uploaded. **If before:**
 - a. **What is the latest day before the hearing that they may be uploaded?** Click or tap here to enter text.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes See above.
7. **When will you rule on objections to exhibits?** At hearing when offered as evidence.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Do not attend depositions. Rulings made at hearings; as circumstances warrant, by telephone conference.
9. **What is the last day to file written preservations of deposition objections?** Parties should have written objections covering matters preserved at time of taking deposition at time of introduction of deposition at hearing. In this fashion any adverse ruling may be corrected by additional evidence, etc. – ruling in a decision denies party opportunity to develop proper record.

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?** 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 Usually uploaded by Judge's Office following hearing.
 - d. **Should child support docs be uploaded as a separate exhibit?** No 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.?)** All documents attached to C&R Agreement should be uploaded together.
 - 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?** After hearing on the C&R Agreement
 - h. **Will you sign bench orders?** No On rare occasions if special circumstances exist.
 - i. **Describe any other procedures you have for C&R Agreements:** Click or tap here to enter text.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Hard copy for review – Stipulations must confirm with strict provisions of Act; they are not to be considered “mini” C&R Agreements, where compromise is allowed.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation Click or tap here to enter text.
3. **Should child support documents be uploaded as a separate exhibit?** No Click or tap here to enter text.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** All documents submitted with Stipulation (as with C&R Agreements) uploaded as part of the Stipulation.
 - a. **Should they be part of the stip or a separate exhibit?** Click or tap here to enter text.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** After review of Stipulation.
6. **Describe any other procedures you have for stips:** 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?** Final Hearing Review of final record is made to assure, among other matters, proper uploading of exhibits (numbering, etc.) is made thereafter.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Dependent upon nature of case; party with burden of proof files first. Extensions, if properly presented, are given when appropriate.
3. **Describe any preferences regarding the format and content of submissions:** Aside from usual proposed Findings, etc., each attorney prepares a neutral Summary of Evidence, accurate and without any advocacy, which can be relied upon; best attached to Decision. Instruction sheet available.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Malvern
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Claimant/Counsel to be present; representatives with authority to settle must be available by phone.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** Information as to nature of case; strength/weakness of case; basis for settlement (how calculated, etc.); demand/offer; status of litigation.
 - b. **What documents, if any, must accompany the Statement?** No specific documents – unless vital to resolution.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Five (5) days.
4. **After you approve a Mediation Request, how long until it's scheduled?** Varies with circumstances.
5. **Are you willing to conduct more than one session per Dispute?** Yes Only if strong possibility of resolution as determined at first session.
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? Cancellation to assigned judge; postponement to mediating judge. If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** To be contacted as soon as possible – so another case can be slotted.
7. **What else should the parties know or do before the mediation?** Continuing effective communication between parties.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes Only as scheduling permits.
2. **List the offices where you conduct voluntary mediations:** Malvern
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? No**
 - a. **Under what circumstances do you permit attendance by phone?** See above.
7. **Do you require a Mediation Statement? Yes See 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?** See above.

9. **Are you willing to conduct more than one session per Dispute?** Choose an item. 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?** Mediating Judge **If you:**
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** See above.
11. **What else should the parties know or do before the mediation?** See above.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** See Judges' Rules Re: Continuances.
2. **Under what circumstances do you conduct conference calls?** Where attorneys are unable to resolve relevant issue. Effort should be made to advance concerns at hearings.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes with copy to other side in appropriate circumstances.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Additional time granted in proper circumstance.
5. **What is the best way to contact you in an urgent situation?** Office Staff
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** No set policy – all dependent on circumstances; cancellations, etc. announced in office telephone message; WCAIS