

**JUDGE NAME: Marc Harrison DISTRICT: Southeastern ASSIGNED OFFICE: Philadelphia**

**Assistant's Name: Alethea Lee-Morris Assistant's email: aleemorris@pa.gov**

**Assistant's Commonwealth Direct Dial Phone Number: (215) 965- 3036**

### **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.

### **HEARING PROCEDURES**

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

The first hearing is a pre-trial. No testimony will be taken.

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

Controlling Bureau Documents or prior WCJ Decisions

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

Exhibits

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

The first listing is a pre-trial. A follow up status hearing will be scheduled in 90-120 days. At the status hearing, a determination will be made on when it would be appropriate to list for Claimant's updated testimony and close of the evidentiary record.

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

Yes, especially in Penalty and Utilization Review Petitions.

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

The volatility of the proceedings and whether an extensive review of documents is needed in conjunction with the testimony.

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

I prefer audio with video, although I do understand that there are circumstances when this will not be possible. This format is more appropriate when the testimony will be an update of physical condition and ability to work.

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

I will write the non-appearing party a letter with a copy to counsel.

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

I prefer that they be given a special listing with only the Parties present.

**SUPERSEDEAS PROCEDURES**

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

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**a. Will testimony be heard?**

No

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

Yes 14-21 days unless there is an objection

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

The submission of evidence that was not available when the initial supersedeas decision was made.

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

Yes

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

For wages, a reference to the fee agreement in the Employee Affidavit submitted in opposition to superdedeas. Testimony at the final listing is required when a fee is being sought on medical benefits.

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

None

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

None

**WITNESSES/EXHIBITS**

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

**All documents to be utilized during the testimony must be provided to opposing counsel within an appropriate time frame. All testimonies are scheduled in 1 hour blocks unless prior arrangements have been made**

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

**For Claimant: The initial testimony is by deposition and the in-person testimony for purposes of update. Fact Witnesses are generally by deposition so that work schedules are not interrupted**

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

**The testimony of a dependent in a fatal claim will usually be taken at a hearing.**

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes If yes, how much notice do you require? 30 days
5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?  
The party with the burden of proof goes first. In some instances, the party who initiated litigation will go first.
6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits? Advance uploading is appreciated but not mandatory.
7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Yes If before, how far in advance of the hearing must they be uploaded? No less than 10 days
8. When will you rule on objections to exhibits?  
  
On the record at a hearing and followed by an Interlocutory order
9. What is your procedure for handling discovery disputes?  
An interim hearing is held.
10. What is the last day to file written preservations of deposition objections?  
Submission of brief

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

1. Describe your procedures regarding the review of C&R Agreements:  
I prefer that they be uploaded at least 1 day before the approval hearing
  - 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?  
I will allow amendments of existing petitions
  - 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?  
  
No
  - 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?

No

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

Yes

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

Not typically

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

None

### **STIPULATIONS RESOLVING DISPUTES**

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

A written WCAIS request is required and there should be an indication on whether a final or interlocutory order is sought.

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

Can be included

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

No; Can be included with the stipulation

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

Medical bills only when specific ones are being paid as opposed to all medical bills . An itemization of litigation cost, if any, should also be included

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

Separately

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

Always

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?**

A case is only closed at a final hearing so that the contents of the record can be reviewed

2. **What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

Updated Litigation costs and Act 109 can be submitted contemporaneously with brief

3. **Describe any preferences regarding the format and content of final submissions:**

I prefer Microsoft Word with the Times New Roman font.

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:**

Philadelphia

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

For the time being, virtually only

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

I will allow audio only when Claimant does not have the Teams application. [Click or tap here to enter text.](#)

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

[Click or tap here to enter text.](#)

5. **Do you require a Mediation Statement? Yes If yes:**

- a. **What information do you require in that Statement?**

I use a form

- b. **What documents, if any, must accompany the Statement?**

Bureau document and most recent medical report from treating provider/IME doctor are appreciated

- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

2 days

6. **If there is a request to postpone a mandatory mediation, will it be rescheduled? [Click or tap here to enter text.](#) If so, how long until it is rescheduled? [Click or tap here to enter text.](#)**

No, per office policy. Any second mediation would need to be re-scheduled as a voluntary mediation.

7. **Are you willing to conduct more than one mandatory mediation session per Dispute?**

No---the follow up is a voluntary.

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

The earlier the better so that the slot can be filled with a voluntary

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

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**VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

**Yes**

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

**Via WCAIS**

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

**Philadelphia**

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

**Yes**

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

**Not anymore**

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

**No. I prefer that both Parties have counsel**

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

**At this juncture, I am only doing them virtually**

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

**I will allow audio when Claimant does not have access to the Microsoft Teams application**

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

Click or tap here to enter text.

**10. Do you require a Mediation Statement? Yes If yes:**

**a. What information do you require in that Statement?**

Same as for Mandatory

**b. What documents, if any, must accompany the Statement?**

Same as for Mandatory

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

Same as for Mandatory

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

I only approve when a date and time have been arranged beforehand.

**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?**

Me

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

Preferably a week beforehand so the slot can be filled, but I also realize that this might not always be possible in an emergent situation

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

Click or tap here to enter text.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

I prefer 2 weeks

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

On scheduling matters only

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

Always

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

I allow some leeway, but testimonies are slotted for an hour and status hearings for 15 minutes

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

E-Mail

**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.)?**

In person, the matter will be cancelled per Philadelphia School District snow policy . A virtual hearing will proceed as scheduled.

**Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.**