

**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 hearing. On Claimant's Petitions my expectation is that Claimant's testimony will be presented at the first hearing. On Employer's Petitions it is not my expectation the testimony will be presented. A trial schedule will be given to the parties and a mandatory mediation will be scheduled.
- 2. List any documents required at the first Event:** I do not require a first hearing filing.
  - 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, however, I do not require a first hearing filing.

**SUPERSEDEAS PROCEDURES**

- 1. What are your procedures for supersedeas hearings?** My expectation is both parties will present affidavits from Claimant or other witnesses for supersedeas. A request to present Claimant or other witness at the supersedeas hearing will be considered by this Judge but ONLY if the request is made BEFORE the hearing.
  - a. Will testimony be heard?** No
  - b. Is additional time generally granted to obtain medical evidence?** Yes, my expectation is Employer will have their medical evidence in support of supersedeas at the hearing. It is my custom to allow Claimant 14 days to submit evidence contra to the supersedeas request although longer periods will be allowed for good cause.
  - c. Under what circumstances will you reconsider a supersedeas order?** I will reconsider supersedeas in any case where additional evidence is submitted by the party requesting reconsideration. Additional evidence could include Claimant's original submission of evidence where supersedeas has been granted based on Claimant's initial failure to submit evidence. I do require a hearing on reconsideration unless both parties waive their right to a hearing.
  - d. Do you generally use written orders for denials?** Yes All of my supersedeas orders are written orders.
  - e. What is required for employee's counsel to obtain interim fee approval?** Submission of the fee agreement and confirmation by Claimant at the supersedeas hearing of the agreement or reference to the agreement in Claimant's Affidavit.
  - f. Describe any other procedures for supersedeas hearings:** N/A
  - g. Describe procedures for special supersedeas hearings, if different:** N/A

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I use the serial hearing format. Generally there are three hearings on Claimant Petitions and two hearings on Employer Petitions. I do schedule longer hearings for multiple witnesses or extended testimony by the Claimant.
  - 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?** Yes I do allow counsel to participate by phone either by pre-arrangement or on an emergency basis. If by pre-arrangement the attorney must submit a WCAIS Notification to the Judge which sets forth the reason for the request and the phone number where counsel can be reached.
3. **What procedure do you follow if a party fails to appear at a hearing?** My first endeavor is to try to determine if the absent party had Notice of the hearing. If my determination is the party had Notice my normal practice is to reschedule the hearing. If my determination is they did not have Notice my office attempts to obtain a current address before rescheduling. The one caveat is I will grant supersedeas if Claimant had Notice and fails to appear at the supersedeas hearing.
4. **Do you have special procedures for psychological injury cases?** No

### 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 do require Notice and my expectation is said Notice will be 30 days before the hearing. Notice should be by WCAIS Notification to the Judge.
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 will permit a party or witness to testify by deposition or telephone for good cause shown. Examples may include personal or child's health issue, extreme weather or great geographic distance. My preference is for a party to testify live before me, although I am more flexible as to rebuttal or additional testimony from a party.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** My general rule is the party who filed the first Petition where medical evidence is at issue will present its evidence first. There are occasions where cross petitions are filed where the order may be reversed for reasons of judicial economy.
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? Before If before:** My preference is for the exhibits to be uploaded before the hearing but I do not require it. Exhibits may be uploaded on the day of the hearing.
  - a. **What is the latest day before the hearing that they may be uploaded?** There is no time deadline on uploading exhibits.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Click or tap here to enter text.
7. **When will you rule on objections to exhibits?** If the Objection is made on the record I will rule on the Objection on the record or by Interlocutory Order. I will reference the Objection and ruling in my final Decision to preserve appellate rights. If a party preserves objections at the end of the litigation I will rule on the objections in my final Decision.

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 utilize a conference call on occasion but my preference is to address these issues on the record with the reporter present. I will attend a deposition when requested.
9. **What is the last day to file written preservations of deposition objections?** The last day a party may file preserved objections is the date their brief is due.

### 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?** N/A
  - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After My experience has been that most Compromise and Release Agreements that are uploaded before the hearing are not signed or notarized. Certainly if the document is signed and/or notarized feel free to upload it before the hearing.
  - d. **Should child support docs be uploaded as a separate exhibit?** No The child support documents should be uploaded as an Associated Document.
  - 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.)?** The fee agreement, waiver of appeal, costs exhibit, medical bills, set aside documents or any other attachments may be uploaded as part of the Agreement.
  - f. **Should they be a part of the C&R Agreement or separate exhibits?** Part of the Agreement
  - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The social security number or at least the first five digits should always be redacted from the C&R Agreement and the Act 109 documents.
  - h. **Will you sign bench orders?** Yes I do sign bench orders but please be aware of Strawbridge & Clothier v. WCAB(McGee), 777 A.2d 1194 (Pa. Cmwlth. 2001).
  - i. **Describe any other procedures you have for C&R Agreements:** N/A

### STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** The Stipulation should be submitted as a WCAIS Notification to the Judge for review and decision.
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?** No The child support documents should be uploaded as an Associated Document.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** I prefer that other exhibits be uploaded as separate exhibits and not as part of the Stipulation.
  - a. **Should they be part of the stip or a separate exhibit?** Separate exhibit
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** The SSN should always be redacted from the Stipulation. The SSN or the first five digits should be redacted from the Act 109 documents.

6. **Describe any other procedures you have for stips:** N/A

### **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?** I generally set the briefing schedule at the final hearing or by briefing letter in WCAIS. My procedure if the brief or briefs are not received is to place the case in line for decision. My office will not call looking for your brief. Late briefs will be considered absent an appropriate objection by the opposing party.
3. **Describe any preferences regarding the format and content of submissions:** I prefer proposed Findings and Conclusions rather than long summaries of the evidence which look like appellate briefs. Citation to the record is helpful. Legal argument is useful where there is a legal issue but not so much when the facts or witness credibility are the issue.

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** As of April, 2015, Pottsville and the Hazleton hearing site.
2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** My philosophy regarding mediations is "whatever works for the parties" works for me. I am extremely flexible with regard to mediations. Telephone, e-mail, text are acceptable.
3. **Do you require a Mediation Statement? No 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
4. **After you approve a Mediation Request, how long until it's scheduled?** The parties do not request mandatory mediation. Generally mandatory mediations are scheduled approximately 90 to 120 days after the first hearing.
5. **Are you willing to conduct more than one session per Dispute?** Yes As long as we seem to be progressing I am willing to schedule additional sessions.
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?** The parties should contact the litigating Judge in Pottsville and the mediating Judge in Hazleton.
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before the mediation at the close of business.
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:** As of April 2015, Pottsville and the Hazleton hearing site.

3. **Do you mediate Disputes assigned to you for hearing and decision?** No My strong preference is to not mediate my own cases.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes
  - a. **Describe any special procedures:** I have no special procedures although I end up spending a lot of time with the unrepresented party.
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
  - a. **Describe the matters addressed by the agreement:** N/A
6. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** My philosophy is "whatever works for the parties" works for me. I am extremely flexible in regard to mediations. Telephone, e-mail, text are acceptable.
7. **Do you require a Mediation Statement?** No **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?** It depends on my availability. Quickest turnaround is a week. Usually scheduled within 90 days of request.
9. **Are you willing to conduct more than one session per Dispute?** Yes As long as we seem to be progressing I will hold multiple sessions.
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?** N/A
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?** I am generally quite liberal in granting continuances and extensions and try to be flexible regarding changing hearing times. You should request an extension before the deadline has arrived. I prefer that continuance requests are not made at the last minute.
2. **Under what circumstances do you conduct conference calls?** I will occasionally utilize conference calls in my cases. The parties may request a conference call and I will occasionally hold one but my preference is to schedule a quick hearing and address the issue on the record.
3. **Under what circumstances do you accept faxes and e-mails from parties?** With the advent of WCAIS the parties should use the Notification or Request features of the system.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I do not strictly adhere to my schedule for hearings or mediations. It is not unusual in the mediation context to be conducting two or three mediations at the same time.
5. **What is the best way to contact you in an urgent situation?** Call my secretary.

**6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Generally if I can get to the office my hearings or mediations are not cancelled. I will occasionally cancel ahead of time if the forecast warrants this action. I have a liberal continuance policy during inclement weather.