

**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?** At the first hearing, the parties can submit evidence. Also, time is allotted for the testimony of the Claimant.
2. **List any documents required at the first Event:** First hearing filings are not required.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge Not required. However, if a party wishes to submit a first hearing statement it should be uploaded as a document NOT an exhibit.
  - b. **Should docs be uploaded before or after the first Event?** Before

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** Click or tap here to enter text.
  - a. **Will testimony be heard?** Yes Only the Claimant is permitted to testify at the initial hearing.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes
  - c. **Under what circumstances will you reconsider a supersedeas order?** If significant additional evidence becomes available during the litigation I will reconsider the supersedeas request.
  - d. **Do you generally use written orders for denials?** Yes
  - e. **What is required for employee's counsel to obtain interim fee approval?** Fee agreement.
  - f. **Describe any other procedures for supersedeas hearings:** None
  - g. **Describe procedures for special supersedeas hearings, if different:** None

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I use the serial hearings format. The first hearing is scheduled for 30 minutes. Claimant is permitted to testify and exhibits are accepted. Subsequent hearings are scheduled for 15 minutes and are considered status hearings. No testimony is taken unless approved prior to the hearing by the Judge. If additional testimony requires more than 15 minutes, the additional time must be requested in writing and BEFORE the party receives notice of a hearing.
  - 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 will permit counsel to appear by phone on a case by case basis. The request must be made prior to the hearing day and the reason counsel cannot appear must be provided.

3. **What procedure do you follow if a party fails to appear at a hearing?** I will attempt to contact the party at the time of the hearing. If I cannot reach the party or they are unable to attend on that day, I will schedule a follow up hearing as soon as possible.
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 The Claimant needs to be present at least for one hearing to testify before me unless they are unable due to extenuating circumstances i.e. illness, distance, etc. All other witnesses can testify by deposition unless I indicate otherwise. No witness will be permitted to testify at a hearing unless notice was provided to my office and the opposing party and sufficient time was allotted.
  - 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?** No witness will be permitted to testify at a hearing unless notice was provided to my office and the opposing party and sufficient time was allotted.
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?** See 1(a) above
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The party who files the first petition which requires medical testimony must proceed with their deposition first.
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
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?** All exhibits should be uploaded prior to the hearing. The parties should upload the documents at least one day before the hearing. If the document is not uploaded at least one day before the hearing, I will not admit it until the other party has sufficient time to review the exhibit.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No
7. **When will you rule on objections to exhibits?** Objections will be ruled upon at the time of the hearing. Objections preserved in a deposition will not be ruled upon until the time of the 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.?** Telephone conferences are available for discovery disputes not resolved during a hearing.
9. **What is the last day to file written preservations of deposition objections?** Written preservations of deposition objections can be submitted with Findings of Fact. They should be submitted as an Exhibit.

### 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
  - 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
- d. **Should child support docs be uploaded as a separate exhibit?** Yes Any order of court should be uploaded with the Claimant's statement and arrears search.
- 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.)?** Fee agreement, Bill of Costs and Medicare documents should be uploaded as part of the C&R Agreement. All other documents should be uploaded with the Act 109 documents.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** Fee agreement, Bill of Costs and Medicare documents should be uploaded as part of the C&R Agreement. All other documents should be uploaded with the Act 109 documents.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The Judge's staff will redact the social security information.
- h. **Will you sign bench orders?** Yes
- i. **Describe any other procedures you have for C&R Agreements:** None

### **STIPULATIONS (STIPs) RESOLVING DISPUTES**

1. **What are your usual procedures regarding the submission, review, and adoption?** The parties can upload the fully executed stipulation as an Exhibit. If the Stipulation is acceptable, a decision adopting the Stipulation will be circulated. A copy of the Stipulation will be attached to the decision.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit
3. **Should child support documents be uploaded as a separate exhibit?** Yes
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Click or tap here to enter text.
- a. **Should they be part of the stip or a separate exhibit?** All exhibits should be uploaded separate from the Stipulation unless the parties make a request for a document to be attached to the Stipulation. If the attachment is voluminous, it must be a separate exhibit.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** The Judge's staff will redact social security numbers.
6. **Describe any other procedures you have for stipulations:** None

### **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?** Generally, 30-45 days are allotted for submission of findings or briefs.
3. **Describe any preferences regarding the format and content of submissions:** Findings are preferred over briefs.

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** Washington County
2. **Do you require all participants to attend in-person?** No

- a. **Under what circumstances do you permit attendance by phone?** Counsel must always appear in person. All other participants can appear via phone if they are not local. However, permission to participate by phone must be requested in writing and approved by the Judge.
3. **Do you require a Mediation Statement?** No **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.
4. **After you approve a Mediation Request, how long until it's scheduled?** 30-45 days
5. **Are you willing to conduct more than one session per Dispute?** Yes
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?** Mediating Judge Cancellation requests should be made to the mediating Judge.
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Requests can be made at any time and will be granted if sufficient reasons are set forth.
7. **What else should the parties know or do before the mediation?** N/A

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** No
2. **List the offices where you conduct voluntary mediations:** None
3. **Do you mediate Disputes assigned to you for hearing and decision?** No
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?** N/A
7. **Do you require a Mediation Statement?** No **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?** N/A
9. **Are you willing to conduct more than one session per Dispute?** N/A
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?** Cancellation requests should be made to the mediating Judge.
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Requests can be made at any time and will be granted if sufficient reasons are set forth.

11. **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?** All requests should be made as far in advance as possible but at least one day.
2. **Under what circumstances do you conduct conference calls?** Conference calls are only permitted on issues that cannot wait until the next hearing.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes and e-mails are accepted.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Yes.
5. **What is the best way to contact you in an urgent situation?** Telephone
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Follow State Office closings