

**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?** For Claim & Reinstatement Petitions the first hearing will be scheduled for 30 minutes for Claimant's testimony. For all other Petitions (except an Employee Challenge) a ten-minute pre-trial will be scheduled. An Employee Challenge will be scheduled for ten minutes for brief testimony from the Claimant.
2. **List any documents required at the first Event:** No particular filings or documents are required. First Hearing Filings may be provided, but are not required. Counsel should be prepared to review documents they wish to make part of the record as exhibits at the first hearing or pre-trial (for example, supersedeas evidence, contingent fee agreements, etc...)
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits Click or tap here to enter text.
  - b. **Should docs be uploaded before or after the first Event?** Choose an item. NO PREFERENCE. If, however, a first hearing filing is being provided, it should be uploaded as a Letter contemporaneous to the first event – either shortly before or after.

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** Click or tap here to enter text.
  - a. **Will testimony be heard?** No Click or tap here to enter text.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes While additional time generally is granted to obtain medical evidence, all such requests for additional time for medical or other evidence are determined on a case by case basis.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Supersedeas will be reconsidered upon request, coupled with additional evidence offered in support of or in opposition to the supersedeas.
  - d. **Do you generally use written orders for denials?** Yes The exception being when no indemnity benefits are being paid.
  - e. **What is required for employee's counsel to obtain interim fee approval?** Request for an interim counsel fee coupled with a copy of the contingent fee agreement and representation that the request for interim fees has (or will be) reviewed with the Claimant.
  - f. **Describe any other procedures for supersedeas hearings:** N/A
  - g. **Describe procedures for special supersedeas hearings, if different:** No different procedures are used for Terminations based on Physicians' Affidavit. For Employee Challenges, however, brief testimony from the Claimant will be permitted. (See information above)

## HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** At the first event a trial schedule including reference to the Act's mandatory mediation requirement, and providing a final hearing date, time, and amount of time will be given. Ideally, the first event and the final hearing should constitute all the hearings necessary for a dispute. Requests for an additional hearing, either prior to or after the scheduled final hearing, will be considered on a case by case basis.
  - a. **Are you willing to change the hearing format upon request?** Yes [Click or tap here to enter text.](#)
2. **Are you willing to allow counsel to participate by telephone?** Yes Counsel are generally expected to appear in person for all hearings, unless otherwise advised. If, however, counsel find travel to the hearing site difficult, they should request permission to appear by telephone as soon as it is determined necessary to do so. Ruling on the request will be made on a case by case basis.
3. **What procedure do you follow if a party fails to appear at a hearing?** For hearings involving a pro se Claimant, if the Claimant fails to appear an interlocutory order is circulated directing Claimant to respond by a date certain and advising if he/she will either prosecute or present a defense to the pending petition(s). Should the Claimant fail to respond as directed by the interlocutory order, a dismissal of the petition or a decision based on the evidence presented by Defendant will be circulated.
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?** [Click or tap here to enter text.](#)
  - a. **Do you prefer testimony at a hearing or by deposition?** Hearing Claimant's testimony should be provided at a hearing. See Answer to No. 2 for all other testimony.
  - 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?** Notice of witnesses should be provided in accordance with the Special Rules.
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?** Any party or witness may testify by deposition so long as all counsel agree. But, where credibility is a central issue for the party's or witness's testimony, the strong preference is for that party or witness to present his or her testimony in person at a hearing. Appearances by telephone will be considered on a case by case basis.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Presentation of medical evidence on cross petitions is decided on a case by case basis.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge will admit
5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** NO PREFERENCE beyond the offering party ensuring the exhibit is uploaded close in time to the hearing during which the exhibit is referenced. **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?** No [Click or tap here to enter text.](#)
7. **When will you rule on objections to exhibits?** Rulings are done on a case by case basis.

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 or hearings
9. **What is the last day to file written preservations of deposition objections?** Preservations of deposition objections may be filed contemporaneously with letter briefs, but should be uploaded as separate exhibits in WCAIS.

### 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 of existing petitions allowed 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 Parties may upload a duplicate original C&R Agreement, with a copy of the fee agreement if applicable, only after the hearing for its approval. As a duplicate original C&R Agreement, it must contain all required signatures, and any initialed pen & ink changes made in the document at the time of the hearing. Regardless of uploading by counsel, a paper duplicate original C&R Agreement should be provided at the hearing for its approval.
  - d. **Should child support docs be uploaded as a separate exhibit? Yes** Child Support Documents should be a separate exhibit with Social Security Number redacted.
  - 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, if applicable, shall be included as part of the C&R Agreement. Other exhibits offered during the C&R hearing may be uploaded as part of the C&R Agreement. Regardless of uploading by counsel, a paper copy of all exhibits should be provided at the hearing for approval of the C&R Agreement.
  - f. **Should they be a part of the C&R Agreement or separate exhibits?** See Above Answers
  - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Insofar as the C&R Agreement will be circulated with the decision, the social security number and other confidential information should be redacted prior to the C&R Agreement being uploaded into WCAIS. The Act 109 documents will not be circulated with the decision, but confidential information should still be redacted when they are uploaded into WCAIS.
  - h. **Will you sign bench orders? Yes** Click or tap here to enter text.
  - i. **Describe any other procedures you have for C&R Agreements:** Special situations such as a C&R involving a minor's benefits from a fatal claim are handled on a case by case basis. A pre-C&R hearing conference may be requested should counsel have a special situation.

### STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations may be uploaded into WCAIS as an exhibit. All Stipulations will be reviewed. After review they will be adopted as findings of fact. If a difficulty is noted with the Stipulation, counsel will be contacted and the Stipulation reviewed.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation If, as part of the Stipulation, the parties agree that counsel fees are to be paid, the fee agreement should be attached to the Stipulation.
3. **Should child support documents be uploaded as a separate exhibit? Yes** Child Support Documents should be uploaded as a separate exhibit with confidential information such as the Social Security No. redacted.

4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Other exhibits may be offered with the Stipulation as the parties or their counsel deem appropriate and may be attached to the Stipulation. Confidential information such as the Social Security No. should be redacted.
  - a. **Should they be part of the stip or a separate exhibit?** Part of Stipulation
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** The Stipulation will be circulated with the order approving it so social security number and other confidential information should be redacted prior to the Stipulation being uploaded into WCAIS. The Act 109 documents will not be circulated with the order, but confidential information should be redacted.
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 At the last scheduled hearing (the “final” hearing), a closing schedule will be provided. It will consist of the evidentiary record closing date, and the due date for letter briefs. All evidence material to the disposition of the dispute will be expected to be uploaded into WCAIS by the close of business for the evidentiary record closing date. Evidence that is not uploaded by the evidentiary record closing date will not be made part of the record. Evidence not material to the disposition of the dispute (evidence such as Act 109 documents, litigation costs, quantum meruit statements) may be submitted at the time the letter brief is filed, but must be uploaded as separate exhibits.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren’t met?** See response above.
3. **Describe any preferences regarding the format and content of submissions:** A one to three page letter brief is all that is required. The letter brief should address all the evidence and issues relevant to the resolution of dispute. Proposed Findings & Conclusions are not required, but may be submitted in addition to the required letter brief.

### MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Harrisburg, and the Chambersburg and Gettysburg hearing sites
2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** While parties are not required to be present, the strong preference is for counsel and at least the Claimant to be present for the mediation session, and for an adjustor and/or an employer representative with authority to be available by telephone.
3. **Do you require a Mediation Statement?** No **If yes:**
  - a. **What information do you require in that Statement?** NO MEDIATION STATEMENT IS REQUIRED. The participants, however, should know: (1) the Average Weekly Wage (AWW) and compensation rate (or, if in dispute, their respective proposals for the AWW and compensation rate), (2) whether a demand or offer has been communicated and, if so, the amounts communicated, (3) whether surgery is scheduled or proposed, and (4) whether Medicare/Medicaid issues exist.
  - 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?** Estimated at 25 to 35 days.
5. **Are you willing to conduct more than one session per Dispute?** No For Mandatory Mediations, only one scheduled mediation will be conducted. Should, however, the parties request an additional mediation session through

the adjudicating judge, and the adjudicating judge agrees that an additional session would be beneficial, a voluntary session will be scheduled.

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 requesting party may contact either my office or the mediating judge's office. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency situation, 5 business days notice is requested.
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:** For voluntary mediations, Harrisburg & the Chambersburg and Gettysburg hearing sites – other offices may be considered upon request.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes All parties to the dispute assigned to me for hearings and a decision must first agree, either on the record at a hearing, or via a statement filed in WCAIS as correspondence, that I may serve as their mediating judge.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
  - a. **Describe any special procedures:** Special requirements will be set on a case by case basis.
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
  - a. **Describe the matters addressed by the agreement:** See, however, the requirement set forth in Question #3 above – Further explanation.
6. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** While parties are not required to be present, the strong preference is for counsel and at least the Claimant to be present for the mediation session, and for an adjustor and/or an employer representative with authority to be available by telephone.
7. **Do you require a Mediation Statement?** No **NO MEDIATION STATEMENT IS REQUIRED.** The participants, however, should know: (1) the Average Weekly Wage (AWW) and compensation rate (or, if in dispute, their respective proposals for the AWW and compensation rate), (2) whether a demand or offer has been communicated and, if so, the amounts communicated, (3) whether surgery is scheduled or proposed, and (4) whether Medicare/Medicaid issues exist. **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?** Estimated at 25 to 35 days.
9. **Are you willing to conduct more than one session per Dispute?** Yes Additional sessions to be decided on a case by case basis.
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?** The requesting party may contact either my office or the mediating judge's office. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency situation, 5 business days notice is requested.

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?** Absent an emergency situation, 5 business days notice is requested.
2. **Under what circumstances do you conduct conference calls?** Conference calls are used on a case by case basis.
3. **Under what circumstances do you accept faxes and e-mails from parties?** WCAIS should be considered the preferred method for communication. Should the communicating party, however, not have access to WCAIS, or should the situation be one of an emergency nature, faxes and e-mails may be used as either an alternative or supplemental method of communication.
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, fax, and e-mail, with follow up communication via WCAIS (should the communicating party have access to the same).
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Liberal grant of continuances of hearings for snow / emergency situations.