

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. With claimant-initiated petitions, 45 minutes is slotted for the first hearing, and Claimant's testimony is expected to be taken. Compromise and Release hearings are slotted for 15 minutes, with Claimant's testimony. With employer-initiated petitions, 30minutes is slotted for the first hearing; no testimony is expected, although supersedeas exhibits from both parties are expected to be offered. If petitions have been filed by both parties, a 45 minute hearing will be listed, supersedeas evidence will be taken, and Claimant's testimony will be taken with respect to all pending petitions.
2. **List any documents required at the first Event:** The parties are expected to come to the First Hearing prepared to outline their theory of the case and identify their medical and lay witnesses, including how those witnesses' testimony will be presented (via deposition or at a hearing) prior to the close of the record.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge A first hearing filing is not required; however, one will be accepted and may be uploaded in the "Documents and Correspondence" tab for the relevant dispute. It is not anticipated that a first hearing filing will be marked and admitted into evidence.
 - b. **Should docs be uploaded before or after the first Event?** Before The parties are encouraged to upload all documents and exhibits prior to the hearing.

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. **Will testimony be heard?** No No testimony will be heard, unless specifically requested by one of the parties in advance of the hearing. My expectation is that both parties will present affidavits from the claimant or other witnesses, medical and vocational experts, along with limited, relevant health care records, consistent with 34 Pa. Code § 131.42.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes I expect both parties to submit their documentation at the first hearing, unless a sufficient reason for the extension is given. Generally, a 14-day extension will be given, unless opposing counsel agrees to a longer time.
 - c. **Under what circumstances will you reconsider a supersedeas order?** Reconsideration will be considered, but only for changes in circumstances or for documents that could not have been obtained by the date of the initial consideration. Pursuant to 34 Pa. Code § 131.41(b), a hearing will be held on the reconsideration request, unless this requirement is waived by the parties.
 - d. **Do you generally use written orders for denials?** Yes Generally, a written Interlocutory Order regarding supersedeas will be issued. If no wage loss benefits are being paid, supersedeas may be denied from the bench.
 - e. **What is required for employee's counsel to obtain interim fee approval?** Submission of the fee agreement executed by Claimant.

- f. **Describe any other procedures for supersedeas hearings:** Click or tap here to enter text.
- g. **Describe procedures for special supersedeas hearings, if different:** For a Special Supersedeas in relation to an Employee's Challenge Petition, the first hearing will be scheduled for 30 minutes, and testimony will be heard limited to the issues raised under the Challenge Petition. If a Modification/Suspension Petition has been filed in response to the Employee's Challenge Petition, and the Modification/Suspension Petition is assigned prior to the Special Supersedeas hearing, the first hearing will be expanded to 45 minutes, and testimony will be heard regarding the issues raised by the Employee's Challenge Petition, as well as the Modification/Suspension Petition. I do not have a different procedure for a Special Supersedeas requested under Section 413(a.1) of the Act.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I use the serial hearing format. See response to Question 1 with respect to expectations regarding first hearings. The second hearing will be scheduled 90 days after the first hearing. At that hearing, I expect the moving party's medical, vocational, and fact evidence, if by deposition, to be submitted into the record, and will hear testimony from moving and responding party witnesses, if prescheduled. The third and final hearing will be 90 days after the second hearing. At that time, I expect the responding party's medical, vocational, and additional fact evidence, if by deposition, to be submitted into the record, and will hear testimony from moving party's rebuttal witnesses, if pre-scheduled. At the final hearing I expect all remaining documentary evidence to be submitted by the parties. A request to alter the above format will be considered in appropriate circumstances and upon prior request.
- 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 Counsel's personal appearance at hearings is preferred. However, when no testimony is anticipated, counsel may appear via phone on a case-by-case basis, if approval is requested at least three (3) days in advance of the hearing or in instances of inclement weather. If by prearrangement, the request should be submitted in WCAIS or, if WCAIS is unavailable, via facsimile or e-mail, and include 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?** If a party fails to appear at an Event, the matter is re-listed in approximately 30 days. If a party fails to appear at the second Event and had Notice, a motion to dismiss for failure to prosecute/defend will be entertained. A supersedeas may be granted if Claimant had Notice and fails to appear at the supersedeas hearing.
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 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 ask at each hearing if witnesses are expected at the next hearing, so the appropriate amount of time can be allotted for the following hearing. Any other request for witness testimony at a scheduled hearing should be made through WCAIS, or if WCAIS is unavailable, via facsimile or e-mail, at least 30 days prior to the next hearing, and include the identity of the additional witness(es), an offer of proof regarding their testimony, and an estimate of the time required for the testimony.
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 expect Claimant and Employer to testify live at a hearing, I prefer other lay witnesses, such as adjustors, and vocational experts to testify live, but will permit testimony by telephone for good cause shown. If the parties nonetheless wish to depose a lay witness, I prefer

to attend that deposition. Medical expert testimony may be taken by deposition. The medical expert's deposition notice shall be uploaded into WCAIS as soon as feasible.

3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Generally, the party with the burden of proof is expected to proceed first with its evidence. If cross petitions are filed, I will, at the first hearing, establish the order for the taking and presentation of the medical evidence.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge [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:**
 - a. **What is the latest day before the hearing that they may be uploaded?** I will upload the relevant Bureau and WCOA documents into WCAIS prior to the first hearing; however, the moving party should be prepared to offer all other Bureau and WCOA documents that may be relevant to the petition(s) being decided at the first hearing. With respect to other documents or exhibits, I prefer them to be uploaded prior to the hearing; if not uploaded until after the hearing, they will not be moved into evidence until the next scheduled hearing, unless agreed upon in advance during a hearing. I expect the Statement of Wages to be uploaded into WCAIS, if appropriate for the petition at issue, as soon as feasible.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes [Click or tap here to enter text.](#)
7. **When will you rule on objections to exhibits?** If the objection is made at a hearing, I will rule on the objection on the record or by Interlocutory Order. If a party preserves objections at the end of litigation (i.e., in the brief), I will rule on the objection in the 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 expect the parties to attempt to resolve all discovery disputes before seeking my intervention. My preference is to address discovery issues on the record with a court reporter present; therefore, assuming a court reporter is available, a telephone conference call can be utilized to resolve those disputes. As mentioned previously, I expect Claimant and Employer to testify live at a hearing. I prefer other lay witnesses, such as adjustors, and vocational experts to testify live, but will permit testimony by telephone for good cause shown. If the parties nonetheless wish to depose a lay witness, I prefer to attend that deposition. Medical expert testimony may be taken by deposition. The medical expert's deposition notice shall be updated into WCAIS.
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 [Amendments](#) to existing petitions are encouraged, but new petitions are also acceptable. To the extent that other petitions are proceeding to decision, or if multiple dates of injury and Bureau Claim Numbers are to be addressed, separate petitions should be filed.
 - 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 [Click or tap here to enter text.](#)
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes The child support (Act 109) documents will be admitted, but will not be circulated with the Decision and Order.
 - 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 should be uploaded as part of the Compromise & Release

Agreement. Other documents such as waivers of appeal, cost exhibits, medical bills and set-aside documents may be uploaded as part of the Compromise & Release Agreement.

- 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?** Whenever a party is uploading a document in WCAIS, the first five digits of the Social Security number must be redacted. A copy showing the complete Social Security number must be available for review by the Claimant at the time of the hearing on the Compromise and Release Agreement.
- h. **Will you sign bench orders?** Yes Bench Orders will be signed so long as neither party has an objection to the form of the Order. Those Bench Orders are not circulated with the decision approving the Compromise & Release Agreement.
- i. **Describe any other procedures you have for C&R Agreements:** When a Medicare set aside is not already approved, such that indemnity and medical benefits are bifurcated and only wages are being resolved, I require a second petition and hearing, after CMS's approval, to resolve the medical benefits.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations of fact resolving some or all of the pending petitions and issues can be submitted at any time. All stipulations should be uploaded into WCAIS as a Joint Exhibit and must adhere to the requirements outlined in 34 Pa. Code § 131.91 in order to be adopted.
- 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?** Yes The Stipulation of fact should indicate that Claimant has reviewed the name, address, Social Security Number, and Date of Birth in the child support (Act 109) documents and can confirm that they are correct.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** I prefer that these exhibits be uploaded as separate exhibits.
 - 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?** Whenever a party is uploading a document in WCAIS, the first five digits of the Social Security number must be redacted.
- 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 A closing date and briefing schedule will be provided at the final hearing. Exhibits should be submitted by the closing date absent a compelling reason. If not already provided, an Employer shall upload into WCAIS a Statement of Wages, if appropriate, for the petition at issue. All supporting wage data used in calculating the Average Weekly Wage (AWW) should be also be uploaded, unless Claimant or his/her counsel stipulates to the accuracy of Employer's AWW calculation. Claimant's costs and expenses of litigation shall be assembled and uploaded into WCAIS as one exhibit. Such exhibit shall contain a cover sheet indicating the date that the cost or expense was incurred, a description of the cost or expense (e.g., for a transcript or deposition fee), the name of the supplier of the service, and the amount of the cost or expense. A copy of the applicable bills or invoices should be attached to the exhibit. Claimant's medical bills and expenses shall be assembled and uploaded into WCAIS as one exhibit. Such exhibit shall contain a cover sheet indicating the name of each health care provider, the dates of service, the amount of the bill, portions of the bill that have been paid and by whom, and any portions of the bill that remain unpaid.

2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** A briefing schedule is issued at the final hearing. I will not give reminders when briefs are past due. Requests for extensions of time from either party must be made before the expiration of the party's deadline. If the moving party does not timely file, the responding party should nevertheless file its brief on time.
3. **Describe any preferences regarding the format and content of submissions:** Post-trial submissions should include Proposed Findings of Fact; argument that succinctly sets forth the issues to be decided, the relevant case law and the application of the law to the facts of the case; Proposed Conclusions of Law; and a Proposed Order. Proposed Findings of Fact shall contain a specific cite to the record including page and line numbers from the transcript.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Reading
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Employer/adjustor representatives may participate via telephone. If Claimant lives out-of-state or has some other good excuse for not appearing in person, he or she may also participate by telephone.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** See [**Mediation Conference Disclosure Report**](#).
 - b. **What documents, if any, must accompany the Statement?** None are required, but any documents accompanying the Report will be read.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 48 hours
4. **After you approve a Mediation Request, how long until it's scheduled?** Mandatory mediations are typically scheduled between three to four months after the first hearing and occur sometime between the date of the IME and the final hearing of the case.
5. **Are you willing to conduct more than one session per Dispute?** Yes If progress is being made at the first mediation or if the parties need additional time in order to obtain information that would be useful in further exploring settlement.
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?** If the parties are requesting permanent cancellation or postponement or cancellation based upon futility, they should contact the adjudicating judge through WCAIS. Otherwise, the parties should contact the mediating judge. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible, but not less than 48 hours before the scheduled mediation.
7. **What else should the parties know or do before the mediation?** Both counsel should fully discuss the case with their clients prior to the mediation and approach the mediation with realistic figures in mind. Additionally, Claimant should be prepared to discuss whether he or she has received any offsetable benefits or applied for social security disability benefits, and know the amount of litigation costs generated to date in the case. Additionally, Claimant is expected to know the health care providers whose bills are not being paid and if those providers are willing to compromise said bills and by how much. The Employer or adjustor representative should know, or be able to contact, individuals during the mediation concerning any collective bargaining unit or benefit issues that might impact Claimant's entitlement to benefits.

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:** Reading
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?** Yes **If yes:**
 - a. **Describe any special procedures:** I do not have any special procedures in this situation.
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?** Employer/adjustor representatives may participate via telephone. If Claimant lives out-of-state or has some other good excuse for not appearing in person, her or she may also participate by telephone.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** See [**Mediation Conference Disclosure Report**](#).
 - b. **What documents, if any, must accompany the Statement?** None are required, but any documents accompanying the Report will be read.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 48 hours
8. **After you approve a Mediation Request, how long until it's scheduled?** Generally a few weeks
9. **Are you willing to conduct more than one session per Dispute?** Yes 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?** I will postpone or cancel a voluntary mediation at either party's request. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible, but not less than 48 hours before the scheduled mediation.
11. **What else should the parties know or do before the mediation?** Both parties should fully discuss the case with their clients prior to the mediation and approach the mediation with realistic figures in mind. Additionally, Claimant should be prepared to discuss whether he or she has received any offsetable benefits or applied for social security disability benefits, and know the amount of litigation costs generated to date in the case. Additionally, Claimant is expected to know the health care providers whose bills are not being paid and if those providers are willing to compromise said bills and by how much. The Employer or adjustor representative should know, or be able to contact, individuals during the mediation concerning any collective bargaining unit or benefit issues that might impact Claimant's entitlement to benefits.

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 for continuances shall include the information set forth in 34 Pa. Code § 131.13. Requests should be submitted no later than five (5) days prior to the scheduled event through WCAIS, or if WCAIS is unavailable, via facsimile or e-mail. The hearing will then be promptly rescheduled. Requests for continuances of the first hearing will be granted upon agreement of the parties or for compelling reasons. Requests for continuances of the final hearing will not be granted absent compelling reasons. Requests for a change in hearing time should be made by contacting my secretary. Requests for extensions of time will be entertained, but the requests must be in writing, made before the expiration of the party's deadline and indicate the position of opposing counsel.

- 2. Under what circumstances do you conduct conference calls?** Conference calls are permitted, but only with prior approval from my office. I will secure the court reporter for the call; the party requesting the conference call is responsible for securing the contact information of all participants and providing same to my secretary.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** The parties are expected to communicate through WCAIS. However, I will accept faxes and emails from the parties, when WCAIS is unavailable.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** I do not strictly adhere to the predetermined time allotment for hearings or mediations. With respect to hearings, deciding whether to end the hearing as scheduled will depend upon whether there is another matter scheduled immediately following the hearing and the extent of the testimony that remains to be completed. The parties may be asked to come back at a later date to complete the hearing. With respect to mediations, deciding whether to end the session depends upon whether the parties are making appreciable progress toward resolution of the issues or claim.
- 5. What is the best way to contact you in an urgent situation?** The best way to contact me in an urgent/emergency situation is through my secretary. If he/she is unavailable, the main office number of the field office where the hearing is being held should be contacted.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Please note that Reading is a state office building. If it is closed, or on delay, my hearing and mediation schedule is similarly canceled, or if delayed, matters listed before the delay time will be canceled. In addition, hearings in Reading and other locations may be canceled or delayed if I believe that travel for the participants is hazardous, even if the office is not closed. Notice of the cancellation will be posted on WCAIS; additionally, I will endeavor to have my office call attorneys and unrepresented parties to inform them of the cancellation. If I have not canceled the hearings, the parties may still request a continuance because of inclement weather the day of the event.