

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 pretrial. No testimony will be taken. A trial schedule will be established. Preliminary motions will be addressed (e.g., supersedeas).
2. **List any documents required at the first Event:** Click or tap here to enter text.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Choose an item. Click or tap here to enter text.
 - b. **Should docs be uploaded before or after the first Event?** Choose an item. Click or tap here to enter text.

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Click or tap here to enter text.
 - a. **Will testimony be heard?** No Testimony may be taken if the parties agree to it and arrangements are made in advance.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes The moving party will be expected to submit evidence in support of the supersedeas request. The claimant will be allowed a reasonable time to respond, if needed.
 - c. **Under what circumstances will you reconsider a supersedeas order?** Reconsideration will be allowed if additional evidence and/or argument is going to be submitted.
 - d. **Do you generally use written orders for denials?** Yes Click or tap here to enter text.
 - e. **What is required for employee's counsel to obtain interim fee approval?** A signed fee agreement.
 - f. **Describe any other procedures for supersedeas hearings:** Click or tap here to enter text.
 - g. **Describe procedures for special supersedeas hearings, if different:** Claimant is expected to testify on Challenge Petitions, unless the parties can stipulate to the relevant facts (e.g., the claimant returned to work and subsequently stopped working). Parties should be prepared to proceed on special supersedeas hearings, so that statutory time limits for decisions can be met.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** The one-day/one-hearing format will generally be used, although this is flexible depending on the circumstances of the case and the wishes of the parties. The claimant will be expected to testify by trial deposition as soon as practicable (either before or within 30 days of the pretrial/first hearing). On a claimant-generated petition the defendant will be expected to obtain an IME, if desired, within 60 days of the first hearing. Employer may take fact witness testimony by deposition prior to the final hearing. If employer wishes to take fact witnesses live the Judge should be notified by

letter. A separate hearing will be scheduled for that purpose in advance of the final hearing. On most cases involving medical testimony a final hearing will be scheduled approximately nine months after the first hearing. At that time, all documentary evidence will be received into evidence, and the claimant will be expected to testify in the form of a summary and a status update. Employer witnesses may testify in rebuttal to any new testimony from claimant (i.e., anything significantly different from claimant’s deposition testimony). Otherwise, testimony will not generally be permitted. The Judge does not wish to “police” or monitor the progress of cases. Counsel will be expected to cooperate with each other to complete all evidence in a timely manner. If an issue arises requiring a ruling by the Judge, or a matter is not progressing, please schedule a conference call or request an interim hearing. If the parties complete all evidence ahead of schedule, an earlier final hearing date can be scheduled upon 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 An attorney who has an absolutely irreconcilable conflict, particularly a solo practitioner, may participate in a pretrial by phone. Please notify the Judge of this in advance via WCAIS request. Other reasonable requests will be considered on a case-by-case basis. Appearance by phone will not be routinely allowed.
3. **What procedure do you follow if a party fails to appear at a hearing?** There is no standard policy. This depends entirely on the circumstances and will be handled on a case-by-case basis.
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?** Desposition 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?** See above
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?** Expert witness will always be expected to testify by deposition. Testimony by telephone will be permitted if requested in advance and for good cause shown. See above regarding the general policy for testimony.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Counsel should attempt to reach agreement on this issue. Parties should take testimony in a sequence that prevents duplication. For example, if Defendant files a Termination Petition and Claimant subsequently files a Review Petition it is most often logical that the claimant proceed first, even though Defendant filed 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 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?** This is flexible. The only firm rule is that exhibits be uploaded before briefs are filed.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes While the system is technically “paperless” it remains extremely difficult to write a decision from the computer screen alone. For that reason, the parties are asked to submit hard copies of exhibits, particularly lengthy documents.
7. **When will you rule on objections to exhibits?** This is flexible and depends entirely on when counsel brings an objection to the Judge’s attention. If a party’s strategy may change depending on an evidentiary ruling, it is the responsibility of that party to bring it to the Judge’s attention. Otherwise, preserved objections may be submitted at the final hearing, or even with briefs. HOWEVER, written preserved objections should be marked, received and uploaded as exhibits to WCAIS to preserve appellate issues.

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 strongly encourage and welcome telephone conferences or written requests via WCAIS to resolve any disputes that arise. If a record is deemed necessary, an interim hearing may be scheduled. I do not anticipate routinely attending depositions, although I would consider doing so in appropriate circumstances (e.g., a claimant who is physically unable to attend a hearing).
9. **What is the last day to file written preservations of deposition objections?** Generally preservations may be submitted with briefs if a request to do so is made at the final hearing.

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?** 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?** No Click or tap here to enter text.
 - 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.?)** Routine short documents (e.g., Act 109) can be uploaded with the C&R. Bench orders should not be uploaded. Extremely lengthy exhibits may be marked as separate exhibits on a case-by-case basis.
 - 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?** Always.
 - h. **Will you sign bench orders?** Yes I require that both parties agree to be bound by the bench order as if it were a final order.
 - i. **Describe any other procedures you have for C&R Agreements:** Click or tap here to enter text.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** I do not have specific procedures other than what is required by the Act and the Rules.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation Click or tap here to enter text.
3. **Should child support documents be uploaded as a separate exhibit?** No Click or tap here to enter text.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Any attachments should be part of the stipulation, not 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?** Always.
6. **Describe any other procedures you have for stip:** 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 Exceptions will be made on a case-by-case basis.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Time requirements are set case-by-case. I have no special procedures for briefs. Reasonable requests for extensions of time on briefs will be considered. I have no definite procedure for late briefs. If they are received before the decision is issued they will be considered, but I will not hold a decision or issue a reminder.
3. **Describe any preferences regarding the format and content of submissions:** Proposed Findings/Conclusions should be submitted, as I will consider adopting same, in whole or in part. The format for the Brief/Argument section is left to counsel's discretion, but they should be kept short and to-the-point.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Upper Darby.
2. **Do you require all participants to attend in-person?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** Both counsel and claimant must attend in person absent extenuating circumstances. Employer/carrier representatives are encouraged to attend personally, but this is not required. A defense representative with settlement authority should be available by phone.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** I send out a questionnaire requesting salient information.
 - b. **What documents, if any, must accompany the Statement?** None are required.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Two business days in advance is preferred.
4. **After you approve a Mediation Request, how long until it's scheduled?** Approximately three weeks.
5. **Are you willing to conduct more than one session per Dispute?** Yes [Click or tap here to enter text.](#)
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?** By WCOA policy cancellation should be requested of the assigned Judge, postponement is requested of the mediating Judge. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Two business days.
7. **What else should the parties know or do before the mediation?** Parties are cautioned that Rule 131.59b provides that penalties may be assessed by the adjudicating judge for failure to comply with mandatory mediation requirements.

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:** Upper Darby.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes Both parties must specifically agree to this.
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 special procedures.

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?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** See above
7. **Do you require a Mediation Statement?** Yes **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?** Three 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?** Since this addresses voluntary mediation, the mediating Judge should be contacted. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Click or tap here to enter text.
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?** Such requests should be made as far in advance as possible but at least two business days.
2. **Under what circumstances do you conduct conference calls?** Please see paragraph 4 above. I would welcome and encourage telephone conferences to resolve issues, or address a lack of progress.
3. **Under what circumstances do you accept faxes and e-mails from parties?** The WCAIS system should be used.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Time allowances are general guidelines and flexibility expected and allowed.
5. **What is the best way to contact you in an urgent situation?** Please call my secretary Anita Zaffiri 610-284-6913.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** The Upper Darby office cancels hearings and mediations when the Philadelphia School District is closed.