

**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 will be a hearing. For claim petitions and challenge petitions, the matter will be listed for 30 minutes, and Claimant will be expected to testify. For all other petitions, the hearing will be listed for 15 minutes to address trial schedules, supersedeas and order of evidence.
2. **List any documents required at the first Event:** First hearing filings are not required. I will obtain the Bureau documents electronically to the extent that they are available in WCAIS. Please note that I am a paperless Judge.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. Although first hearing filings are not requested, they should only be uploaded as Documents.
  - b. **Should docs be uploaded before or after the first Event?** Before [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. Supersedeas evidence should be uploaded prior to hearing. No testimony will be heard, but the parties are free to submit affidavits.
  - b. **Is additional time generally granted to obtain medical evidence?** Yes. A maximum of 14 days additional time from the date of hearing will be allowed pursuant to the requirements of 34 Pa. Code Section 131.43 for disposition of supersedeas requests.
  - c. **Under what circumstances will you reconsider a supersedeas order?** The procedures under 34 Pa. Code Section 131.41(b) will be followed.
  - 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?** The fee agreement should be uploaded into WCAIS prior to the first hearing and will generally be approved if the request for supersedeas is denied. Claimant's counsel should file a request through WCAIS if it appears the fee agreement has not been approved.
  - 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 generally follow a serial hearing format.
  - 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 In order to request telephone participation, please utilize the “request” tab in WCAIS to do so and provide your telephone number in the request. Requests should be made at least seven days prior to the hearing.
3. **What procedure do you follow if a party fails to appear at a hearing?** It will vary depending upon the missing party and type of petition. In most cases, a letter will be sent to the missing party requiring a response within 14 days or they risk an adverse determination.
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?** Notice of witnesses is required if it appears the amount of time set for the hearing is insufficient. Advise if further time is needed at least 14 days in advance.
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 the parties to the matter to testify at hearing. I prefer fact witnesses to testify at hearing as well, but exceptions may be requested. Expert witnesses are preferred by deposition.
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, including the completion of medical evidence. If cross petitions are filed, the Judge will establish the order for taking and presentation of medical evidence at the first hearing.
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 strongly prefer that exhibits be uploaded prior to the hearing, so that they can be marked and addressed at the time of hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No. I am a paperless Judge. I do not require hard copies, but hard copies should be available to opposing counsel and witnesses, if they will be referenced and utilized at hearing.
7. **When will you rule on objections to exhibits?** Objections to exhibits may be made at hearing. If a hearing is not scheduled, the party objecting must do so through the “request” tab in WCAIS.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Discovery disputes will generally be handled via telephone conference or email to the parties. I may attend a deposition if a special request to do so is made by a party.
9. **What is the last day to file written preservations of deposition objections?** The written preservation of deposition objections should be filed simultaneously with the party’s post-trial submission.

### 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 Generally, counsel will not need to upload the Compromise and Release Agreement. I will take a copy of the Compromise and Release Agreement, and my office will take care of uploading it to WCAIS.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes
- 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.)?** As noted above, I will take care of uploading the Compromise and Release Agreement along with any attachments as presented at the settlement hearing.
- 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?** Confidential information should always redacted prior to uploading any exhibits.
- 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:** N/A

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

1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations should strictly follow the requirements of Section 131.91. Stipulations should be uploaded as an exhibit.
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 Please upload the child support documents as a separate exhibit at all times.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** I leave it up to the parties as to whether they want any attachments to be uploaded with the Stipulation. The parties remain responsible for ascertaining that all confidential information is redacted from any attachments.
  - 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?** Confidential information should be redacted prior to uploading as exhibits.
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?** The parties are expected to follow the briefing schedule. If an extension is needed, there is a specific mechanism for such request on the "briefs" tab in WCAIS. Any request for extension should be made prior to the deadline passing. If a submission is late, but prior to the Judge deciding the case, it will be considered.
3. **Describe any preferences regarding the format and content of submissions:** I have no preference; the format and content is left to the parties to determine.

## MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** I generally conduct mediations in Harrisburg, but I am willing to travel at the request of the parties pending Judge Manager approval.
2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** All counsel and the claimant are required to attend mediation in person. Exceptions may be made for special circumstances, i.e. residing out of state.
3. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** No specific format is required. It is helpful to know the general nature of the issues in dispute and a discussion of the strengths and weaknesses of the case.
  - b. **What documents, if any, must accompany the Statement?** The Judge will rely wholly upon the evidence available for viewing in WCAIS. To the extent that there are any documents not in WCAIS that would be particularly relevant, please attach to the Mediation Statement.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The Mediation Statement should be uploaded at least one day in advance.
4. **After you approve a Mediation Request, how long until it's scheduled?** Depending upon the Judge's schedule, mediation can usually be accommodated within 14 days.
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?** You **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The party should contact me for cancellation or postponing Mandatory Mediation. Cancellation should be requested at least five days prior to the mediation.
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:** I generally conduct mediations in Harrisburg, but I am willing to travel at the request of the parties pending Judge Manager approval.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes Yes, but only rarely on a case by case determination, and as long as the requirements of Section 131.59a are met. All parties must sign an agreement to have the adjudicating judge mediate.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
  - a. **Describe any special procedures:** I am willing to mediate disputes without counsel, but all parties must sign an agreement to mediate.
5. **Do you require parties to execute an agreement to mediation?** No The only situations where an agreement to mediate is required are noted the question above. **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?** All counsel and the claimant are required to attend mediation in person. Exceptions may be made for special circumstances, i.e. residing out of state.
7. **Do you require a Mediation Statement?** Yes **If yes:**

- a. **What information do you require in that Statement?** No specific format is required. It is helpful to know the general nature of the issues in dispute and a discussion of the strengths and weaknesses of the case.
  - b. **What documents, if any, must accompany the Statement?** The Judge will rely wholly upon the evidence available for viewing in WCAIS. To the extent that there are any documents not in WCAIS that would be particularly relevant, please attach to the Mediation Statement.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The Mediation Statement should be uploaded at least one day in advance.
8. **After you approve a Mediation Request, how long until it's scheduled?** Depending upon the Judge's schedule, mediation can usually be accommodated within 14 days.
  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?** Mediating Judge In a voluntary mediation, the parties should contact the mediating judge regarding cancellations or postponements. **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?** 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 follow the requirements of 34 Pa. Code Section 131.13 for hearing continuances. I am willing to entertain requests for a change in the time for a hearing, provided that the party will certify that they obtained consent from all other parties and will notify all parties if the change is granted.
2. **Under what circumstances do you conduct conference calls?** As noted above, I will conduct conference calls for discovery disputes and as other circumstances arise that do require a hearing.
3. **Under what circumstances do you accept faxes and e-mails from parties?** I prefer submission through WCAIS for all communication. However, I will accept emails or faxes provided all the parties are clearly copied. If a party of record is not clearly copied on the email, I will reply and note that the email was not read for this reason.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Strict adherence to hearing time, but mediations may go over time as necessary.
5. **What is the best way to contact you in an urgent situation?** Email is the best contact in an urgent/emergency situation. leahlewis@pa.gov
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** I follow the Commonwealth of PA, Capitol Complex for Harrisburg events, and Careerlink, York County, for York events. If I cancel a scheduled event, I will make every effort to note such cancellation in the Judge Instruction box on WCAIS.