

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, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

HEARING PROCEDURES

1. What is the first event and what will occur?

The first event will be a video pre-trial hearing. No testimony will be taken. Supersedeas Affidavits and evidence will be accepted. At the first evidentiary hearing, the Claimant's testimony should be presented unless otherwise decided at the pre-trial. The first evidentiary hearing may be in-person or by video based on what is decided at the pre-trial. **Please note this may be subject to change; therefore, please refer to the hearing notice which will designate if the first evidentiary hearing is virtual or in-person.

a. List any documents required at the first event:

Prima facie evidence supporting petition that has been filed.

b. Should documents be uploaded as Exhibits or Letters to the Judge?

Evidence supporting petition should be uploaded as an exhibit.

2. Describe the format of your hearings (e.g., serial, one day – one trial).

Serial hearings. First evidentiary hearing usually for Claimant's testimony.

3. Are you willing to change the hearing format upon request?

Yes, for good cause.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

The legal and factual issues in the case and whether they are such that an in-person event is necessary. Whether there are significant credibility issues that warrant an in-person event. Objections to virtual evidentiary hearing should be raised at the video pre-trial hearing or within 5 days of receipt of the video hearing notice. Untimely objections will be denied.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?

All virtual hearings are to be video. Counsel and his/her client are expected to participate by video. If counsel or his/her client cannot attend the hearing by video, a timely WCAIS request must be made, with good cause, to participate by audio only and the position of opposing counsel must be provided. If technology or connectivity is an issue, counsel will have to address that problem before the hearing and come up with an alternative to ensure

participation by video is possible. Generally, lack of technology or connectivity will not be considered good cause. If technology or connectivity are an issue, an in-person hearing should be requested.

6. What procedure do you follow if a party fails to appear at a hearing?

Failure to appear will not delay the proceedings. If the petitioner fails to appear, I will entertain a Motion to Dismiss. If the respondent fails to appear, I will proceed with the hearing, admit evidence, and render a decision.

7. Do you have special procedures for psychological injury cases?

No. The petitioner is expected to upload prima facie medical evidence. The petitioning Claimant is expected to testify at the first evidentiary hearing.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas is addressed at the first hearing. Supersedeas Evidence must be uploaded prior to the first hearing.

a. Will testimony be heard?

Testimony is not taken at the pre-trial hearing; however, Supersedeas Affidavits and evidence are accepted at the pre-trial hearing and supersedeas will be ruled on.

b. Is additional time generally granted to obtain medical evidence?

Generally, yes but no more than 14 days.

c. Under what circumstances will you reconsider a supersedeas order?

Upon request with showing of good cause, such as a new development or change in factual, medical, or legal issues.

d. Do you generally use written orders for denials?

Yes.

e. What is required for employee's counsel to obtain interim fee approval?

It depends on the nature of the petition. If Claimant is petitioner, interim fees are generally not approved as the relief requested has not been adjudicated.

f. Describe any other procedures for supersedeas hearings:

None.

g. Describe procedures for special supersedeas hearings, if different:

No special procedures.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

All lay witnesses are expected to testify at an in-person or video hearing. Request to take lay testimony by deposition can be made and will be considered. Medical and vocational witnesses are to be deposed.

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

Testimonial evidence is expected at hearings, whether in-person or virtual.

3. Under what circumstances will you change your requirements for presentation of testimony?

Upon request and with showing of good cause.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Generally, the Claimant is expected to testify at the first evidentiary hearing, whether it is an in-person or virtual hearing. This is subject to change based on what is decided at the pre-trial hearing. As to other witnesses, I will discuss that with counsel following the Claimant's testimony at the first hearing. If following the first hearing, it is determined there are additional witnesses beyond those identified at the pre-trial or first evidentiary hearing, a WCAIS request must be made asking to present the additional witnesses. If the hearing is already scheduled for certain witnesses and there are additional witnesses, opposing counsel and the Judge must be notified immediately and no later than one week before the hearing. **If yes, how much notice do you require?** [Click or tap here to enter text.](#)

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

Generally, the first party to file a petition will be expected to take their medical deposition first.

6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?

I do not have a preference or specific rule. I will upload the Bureau documents if counsel has not done so before the pre-trial hearing or first evidentiary hearing.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? No later than 2 business days before the pre-trial hearing or first evidentiary hearing. NOTE: Supersedeas will be considered after the pre-trial hearing; IMEs will not be ordered until prima facia evidence is provided. **If before, how far in advance of the hearing must they be uploaded?** Preferably one week before the event, but no later than 2 business days before the event.

8. When will you rule on objections to exhibits?

I address objections to the admissibility of exhibits at hearings, whether a pre-trial, in-person or video hearing. If a hearing is not scheduled, I will address written objections within 2-5 business days. Objections made during medical or vocational depositions, and preserved in writing, will be address in the final decision.

9. What is your procedure for handling discovery disputes?

I have no specific rule or procedure. I will address discovery disputes at a hearing; however, the parties can request a telephone conference if immediate action is needed.

10. What is the last day to file written preservations of deposition objections?

On or before the date briefs or positional statements are due. Written Preserved Objections should de uploaded as an exhibit and should not be attached to positional statements or briefs or uploaded as correspondence.

COMPROMISE & RELEASES (C&Rs)

1. Describe your procedures regarding the review of C&R Agreements:

Original and redacted C&R Agreements and Act 109 documents should be upload as exhibits a week before the hearing BUT no later than 2 business days before the hearing. Your C&R hearing will be canceled if the settlement documents are not uploaded 2 business days before the hearing.

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?

Pending petitions can be amended at the C&R hearing.

b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?

Drafts of the C&R Agreement may be provided via correspondence any time before the C&R hearing. However, the signed original and redacted Agreements and Act 109 documents must be uploaded as an exhibit no later than 2 business days before the hearing or the C&R hearing will be canceled.

c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?

The executed original (unredacted) and redacted C&R Agreements and Act 109 documents are to be uploaded as exhibits 2 business days before the hearing. The Fee Agreement, BOC, and child support domestic relation orders (if one exists) are to be attached to the C&R Agreement. The unredacted and redacted Act 109 Affidavit with lien search report are to be uploaded as separate exhibits from the C&R Agreements. Waivers and resignations may be provided and should also be uploaded as separate exhibits.

d. Should child support documents be uploaded as a separate exhibit?

The original and redacted Act 109 Affidavit and lien search report are to be uploaded separately. The actual Court domestic relation orders involving child or spousal support are to be attached to the C&R Agreement.

e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?

Yes. The parties are to upload as exhibits redacted and unredacted documents (C&R Agreement & Act 109 Affidavit search report) for the Court's review no later than 2 business days before the C&R hearing.

f. Will you sign bench orders?

No.

g. Describe any other procedures you have for C&R Agreements:

If the parties would like a post C&R decision on any pending petition, evidence must be provided from both Claimant and the Employer. Proposed Findings of Fact will not be adopted. A decision on the merits of the petition will be made.

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

The Stipulation is to be signed by all parties, including the Claimant. Stipulations are to be uploaded as an exhibit in conjunction with an WCAIS request requesting the adoption of the Stipulation and issuance of an order.

2. Should the fee agreement be part of the stipulation or separate exhibit?

I have no preference, it can be attached to the Stipulation or uploaded as a separate exhibit. The Stipulation should address the fees being requested. The Stipulation will be attached to the decision issued.

3. Should child support documents be uploaded as a separate exhibit?

Yes. Redacted and unredacted child support documents should be uploaded as separate exhibits.

4. What other exhibits should be uploaded (i.e. medical bills, etc.)?

I do not have a rule regarding exhibits associated with a Stipulation. That is up to the parties' discretion whether there are exhibits attached to the Stipulation. The Stipulation should detail all matters being agreed upon and indicate whether all issues/petitions pending before the WCJ are resolved via the Stipulation.

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?

I do not have a rule regarding what exhibits must be uploaded separate from or attached to the Stipulation, that is up to the parties' discretion. So long as the Stipulation is specific to all items/terms being agreed to, it is up to the parties' discretion what they want attached as an exhibit to the Stipulation or uploaded as a separate exhibit. The Stipulation, in its entirety, will be attached to the decision issued.

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

Personal identification information, such as date of birth and social security numbers should always be redacted from all exhibits. However, unredacted and redacted child support documents must be provided for the Judge's review.

7. Describe any other procedures you have for stipulations:

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BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required?

A final hearing is not required for submission of closing documents or exhibits. The case will close on the date indicated by the Judge via WCAIS submission. Once the case is closed, the parties will not be able to upload exhibits or briefs.

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

Time requirements for final submissions are set at the last evidentiary hearing or via an Interlocutory Order. If the documents are not submitted by the set deadline, the record will close as is.

3. Describe any preferences regarding the format and content of final submissions:

I prefer a narrative submission versus a "proposed findings" style submission. I do not adopt findings.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I am assigned to conduct mandatory mediations for the Erie WCOA, which covers the following counties: Erie, Crawford, Cameron, McKean, Mercer, Potter, Venango, and Warren. I also conduct mandatory mediations for the Eastern district and Bristol.

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?

All mediations are virtual. Live mediations must be requested, and good cause shown.

3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?

Generally, mediations, whether mandatory or voluntary, will be scheduled as video events. The Claimant is expected to be a video participant.

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?

Generally, no; however, if there is a legitimate emergency, I will consider a request to participate virtually for a live mediation. A conflict in schedule is not considered an emergency.

5. Do you require a Mediation Statement? Yes. If yes: Mediation Statements should be uploaded as soon as possible but no later than 2 business days before the mediation.

a. What information do you require in that Statement?

Summary of the claim and litigation. Identify legal and factual issues. Identify strengths and weaknesses of your case. Identify settlement parameters and expectations. Be realistic and candid in your analysis.

b. What documents, if any, must accompany the Statement?

Medical records if they have not been uploaded to WCAIS prior to the mediation.

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

Preferably one week before the mediation, but no later than 2 business days before the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes. If so, how long until it is rescheduled? Generally, 30-45 days depending on availability.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

2 business days before the mediation UNLESS there has been a request for an interpreter then it is 3 business days before the mediation due to contractual obligations with the provider of interpretive services.

9. What else should the parties know or do before the mediation?

Counsel should know what bills have been paid or remain unpaid; whether there are any liens and how much the liens are; whether there has been an application for or receipt of Medicare, Medicaid, SSD, SSR, STD, LTD or UC; whether the employee is eligible for a pension (regular or disability); whether there is a child or spousal support order or arrearages in PA or any other state; whether there is a bankruptcy pending or anticipated; and, whether there is a third party civil action.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

Via WCAIS.

3. List the locations where you conduct in-person voluntary mediations:

Erie for in-person mediations.

4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?

Any WCOA district for virtual mediations

5. Do you mediate Disputes assigned to you for hearing and decision?

Generally, no. However, if there is an agreement by counsel and an understanding that if I mediate my own case, I will not recuse myself, I will consider mediating my own cases.

6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:

Yes. There are no special instructions or procedures.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?

Generally, mediations are done virtually, whether mandatory or voluntary mediations. For live mediations, all parties must agree to attend in person and good cause must be provided for an in-person mediation.

8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?

None. All counsel and the Claimant are expected to participate by video. Legal counsel is expected to ensure his/her client can participate by video before the date of the mediation. Lack of technology or connectivity issues should be dealt with by counsel before the video mediation.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?

Generally, no; however, emergency situations will be considered. A conflict in schedule is not considered an emergency.

10. Do you require a Mediation Statement? Yes. If yes:

a. What information do you require in that Statement?

Summary of the claim and litigation. Identify legal and factual issues. Identify strengths and weaknesses of your case. Identify settlement parameters and expectations. Be realistic and candid in your analysis.

b. What documents, if any, must accompany the Statement?

Medical records if they have not been uploaded to WCAIS.

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

One week before the mediation but no later than 2 business days before the mediation,

11. After you approve a Voluntary Mediation Request, how long until it is scheduled?

Generally, 30-60 days based on availability.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes.

13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?

The mediating Judge.

14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

2 business days before the mediation, unless an interpreter has been requested then it is 3 business days due to contractual obligations with the provider of interpretive services.

15. What else should the parties know or do before the mediation?

Counsel should know what bills have been paid or remain unpaid; whether there are any liens and how much the liens are; whether there has been an application for or receipt of Medicare, Medicaid, SSD, SSR, STD, LTD or UC; whether the employee is eligible for a pension (regular or disability); whether there is a child or spousal support order or arrearages in PA or any other state; whether there is a bankruptcy pending or anticipated; and, whether there is a third party civil action.

REQUESTS/MISCELLANEOUS

1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

Outside of an emergency, requests should be made immediately upon discovering there is a conflict or other problem, especially if an interpreter has been requested. Request made within 2 business days of the event may be denied. Continuance requests in cases where an interpreter has been requested must be made no later than 3 business days before the hearing due to contractual obligations with the interpretive services.

2. Under what circumstances do you conduct off the record conference calls?

Upon the agreement of the parties or upon receipt of a WCAIS request wherein an explanation of the reason for the need to have a telephone conference is provided.

3. Under what conditions/circumstances do you accept e-mails from parties?

Currently, e-mail is an acceptable means of contacting the Judge so long as opposing counsel or pro-se party is included in the e-mails.

4. Do you adhere strictly to the duration listed for a Hearing or Mediation?

Yes.

5. What is the best way to contact you in an emergency situation?

A telephone call to my secretary or an e-mail to my secretary.

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

I do not follow a specific school district closing. Generally, virtual events (hearings, mediations, telephone conferences) will not be canceled for inclement weather. In person (live) events may be canceled due to inclement weather at the location of the event.