

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 is a 15-minute hearing. Generally, hearings that do not involve testimony, such as First Hearings and Status hearings, will be scheduled as virtual hearings and video appearance is preferred but not required. Absent good cause, claimants are expected to participate in all hearings, including first hearings. Parties should be prepared to discuss: (1) factual, medical, and legal issues presented; (2) proposed amendments to pleadings; (3) stipulations of undisputed facts; (4) identity of anticipated expert and fact witnesses; (5) manner of presentation of testimony (e.g., in-person, virtual, or deposition); and (5) timing and scheduling of mediation. I will establish evidentiary deadlines, place a Scheduling Order on the record, and schedule mediation. Brief testimony from the claimant concerning supersedeas, discovery, or other issues will be allowed if time permits.

a. List any documents required at the first event:

First Hearing Filings are encouraged by not required. The First Hearing Filing should identify the factual and legal issues presented, the proposed evidence, and the relief requested.

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

Evidence should be uploaded under the Exhibits tab in WCAIS.

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

Serial hearings are generally conducted based on the specific features of each case.

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

As indicated in Paragraph 1 above, the parties should be prepared to discuss the manner of presentation of testimony (e.g., in-person, virtual, or deposition) at the First Hearing. Simply stated, requests for in-person hearings (typically for claimant and/or witness testimony) should be made at the First Hearing to facilitate scheduling needs. For this reason, objections to virtual hearings should be rare, and will be decided based upon the totality of the circumstances, including the timing, reason(s), and position of all parties. Objections to virtual hearings and/or requests for in-person hearings should be submitted under the Requests Tab in WCAIS. Please specify the reason(s) for the request and the positions of all interested parties.

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

See Paragraph 3 above. Currently, all events are scheduled as virtual hearings by default unless in-person hearings are requested at the First Hearing. Requests for in-person hearings for claimant and/or witness testimony will generally be granted. Objections to in-person hearings will be decided based upon the totality of the circumstances, including the timing, reason(s), and position of all parties. If testimony is anticipated at a virtual hearing, all parties are expected to appear via video, unless telephonic appearance is requested and approved beforehand.

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

Generally, hearings that do not involve testimony, such as First Hearings and Status hearings, will be scheduled as virtual hearings and video appearance is preferred but not required. Generally, testimony at virtual hearings should

include video of the witness and all participants unless telephonic appearance is requested and approved beforehand. If there is an objection to virtual testimony by audio only, I will rule on the objection based on the circumstances.

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

Generally, I will circulate an Interlocutory Order and relist in 30 days.

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

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

a. Will testimony be heard?

An affidavit from the claimant is preferred due to time limitations (supersedeas hearings are 15-minute hearings). Limited testimony is permitted but not required.

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

Yes.

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

If the parties request reconsideration supported by new and material evidence.

d. Do you generally use written orders for denials?

No.

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

A denial of the request for supersedeas, an explicit request for approval of interim fees, and admission of a signed fee agreement authorizing interim fee approval into the record.

f. Describe any other procedures for supersedeas hearings:

N/A

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

N/A

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

I will ascertain and consider the requests and positions of the parties at the First hearing and schedule further hearings accordingly. Requests for in-person testimony are generally granted and should be made at the First Hearing. See Paragraphs 1, 3, and 4 above. Generally, testimony at virtual hearings should include video of the witness. If there is an objection to virtual testimony without video, I will rule on the objection based on the circumstances.

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

See above.

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

See above.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require? See above.

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

I will ascertain and consider the positions of the parties and determine the order on a case-by-case basis.

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

The parties do not need to upload Bureau and WCOA documents. I admit all relevant Department Records and WCOA Documents electronically as Judge exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before the hearing. If before, how far in advance of the hearing must they be uploaded? At least one business day. Please be sure exhibit documents are complete, accurate, legible, and named appropriately. Do not number the exhibits. For example, "Exhibit 1" is not an appropriate exhibit name. The Judge will number the exhibits.

Parties should not assume uploaded exhibits are admitted into the record. Items uploaded into WCAIS will not be considered as evidence unless: 1) offered and admitted as an Exhibit during an on-the-record proceeding; 2) admitted as an Exhibit by stipulation of the parties on-the-record during a trial deposition; or 3) admitted as an Exhibit pursuant to a Request via WCAIS indicating all interested parties do not object to the Request.

8. When will you rule on objections to exhibits?

I will rule on objections when exhibits are offered at an on-the-record hearing. See Paragraph 7 above.

9. What is your procedure for handling discovery disputes?

Discovery disputes will be addressed at an-the-record hearing.

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

Objections may be filed simultaneously with briefs, as a separate exhibit.

COMPROMISE & RELEASES (C&Rs)

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

See below.

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?

I allow amendments of existing petitions.

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 are not required or desired.

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

The parties shall upload to WCAIS, under the Exhibits tab, the final and fully executed version of the C&R Agreement at least two (2) business days before the scheduled hearing. Failure to comply with this requirement may result in the cancellation and relisting of C&R hearings.

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

Unredacted child support documents shall be uploaded as a separate exhibit at least two (2) business days before the scheduled hearing.

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

Social Security numbers must be redacted from C&R Agreements and any attachments. Unredacted child support documents shall be uploaded as a separate exhibit. Act 109 documents are not circulated with the Decision and Order.

f. Will you sign bench orders?

No.

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

Failure to upload all required settlement documents at least two (2) business days before the scheduled hearing may result in the cancellation and rescheduling the hearing.

STIPULATIONS RESOLVING DISPUTES

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

Submission of a fully executed stipulation under the exhibits tab in WCAIS, together with a request for approval via Request in WCAIS. Fee agreements and unredacted Act 109 documents shall be submitted as separate exhibits.

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

Separate exhibit.

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

Unredacted child support documents shall be submitted as a separate exhibit.

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

Separate exhibits, except for fee agreements and child support documents, should be avoided wherever possible; all relevant information should be incorporated within the stipulation.

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

See above.

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

Social Security numbers should be redacted from the stipulation. Unredacted Act 109 documents should be uploaded as separate exhibits.

7. Describe any other procedures you have for stipulations:

If immediate approval is requested, the parties must submit a Request for approval via WCAIS.

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 to close the record. Record closing dates are generally discussed at an on-the-record hearing. A written record closing notice and briefing order is always issued and entered into the record as a Judge Exhibit.

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

See above. Unless an extension request for good cause is granted, cases are put in line for decision on the date briefs are due.

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

See above. The written record closing notice and briefing order will specify the requirements and preferences. Litigation costs and unredacted child support documents may be submitted simultaneously with briefs, as separate exhibits.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Wilkes-Barre

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

Mandatory mediations are scheduled as virtual events by default; however, I will consider the requests and positions of the parties.

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

See above.

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

See above.

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

a. What information do you require in that Statement?

All relevant information.

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

Any documents deemed relevant, not otherwise available on WCAIS.

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

At least one business day. Failure to comply with this requirement may result in the cancellation of mediations.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? I will ascertain and consider the positions of the parties and render a determination on a case-by-case basis. If so, how long until it is rescheduled? Depends on my availability.

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

I will ascertain and consider the positions of the parties and render a determination on a case-by-case basis.

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

At least one business day before the mediation.

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

One demand and one offer should be exchanged at least one business day before the mediation. Defense counsel shall have an employer/carrier representative with approving authority available at the time of mediation.

Requests to cancel or postpone mandatory mediations should be directed to me if I am the assigned Judge.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

Via WCAIS Request.

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

Wilkes-Barre.

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

Yes. There are no limitations with respect to WCOA Districts.

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

Generally, no, however I will entertain requests on a case-by-case basis.

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

I will entertain requests on a case-by-case basis.

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

I will consider the requests and positions of the parties.

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

See above.

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

See above.

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

a. What information do you require in that Statement?

All relevant information.

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

Any relevant documents not otherwise available on WCAIS.

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

At least one business day.

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

Depends on my availability.

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

I will ascertain and consider the positions of the parties and render a determination on a case-by-case basis.

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 request should be directed to the mediating Judge if it is a voluntary mediation. Requests to cancel or postpone mandatory mediations should be directed to me if I am the assigned Judge.

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

At least one business day.

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

One demand and one offer should be exchanged at least one business day before the mediation. Defense counsel shall have an employer/carrier representative with approving authority available at the time of mediation.

REQUESTS/MISCELLANEOUS

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

As soon as practical.

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

Generally, all conference calls are on-the-record.

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

Only in extreme i.e., emergency circumstances, and always with a copy to opposing parties. Every attempt should be made to contact my secretary before sending me an e-mail. Do not copy me on e-mails to my secretary or opposing parties.

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

Yes, unless there is an opening in my schedule.

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

Contact 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.)?

Generally, cancellations will be posted on WCAIS.