

**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?** Litigation will proceed consistent with the Pennsylvania Workers' Compensation Act as amended and the Rules & Regulations title 34 part VIII chapter 131 Special Rules of Administrative Practice and Procedures before Workers' Compensation Judges. 131.52. First hearing procedures The Judge's procedure is to schedule an initial hearing within 35 calendar days of Notice of Assignment of a Petition and a final hearing approximately eight months or sooner from the date the Petition is assigned. A Scheduling Order will be given on the record at the initial hearing with the parties responsible for obtaining the hearing transcript. Any additional Petitions will have an initial hearing and be consolidated with the pending petition and concluded on the scheduled final hearing date. The mandatory mediation will be scheduled to occur prior to the final hearing date. The parties are required to appear at the mandatory mediation and approach the process in good faith and have requisite authority to make a settlement. The Judge will hold hearings on Challenge, Special Supersedeas, and C&R's, consistent with the provisions of the Act and will given an expedited schedule for hardship if raised by the parties on the record at the initial hearing.
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 The Judge adheres to § 131.41. Request for supersedeas 131.34 reconsideration of supersedeas Other filings § 131.42. Evidence relating to supersedeas § 131.43. Disposition of request for supersedeas § 131.49. Disposition of automatic request for special supersedeas under section 413(a.1) of the act (77 P. S. § 774(1)) § 131.50a. Employee request for special supersedeas hearing under section 413(c) and (d) of the act
  - b. **Is additional time generally granted to obtain medical evidence?** Yes
  - c. **Under what circumstances will you reconsider a supersedeas order?** See Paragraph explanation above.
  - 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 and dated fee agreement marked and entered on the record at a hearing of record and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) after which an order approving the fee will be circulated. In case of Supersedeas the fee agreement should be attached to Claimant's supersedeas documents and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) to be addressed in the supersedeas order.
  - f. **Describe any other procedures for supersedeas hearings:** Click or tap here to enter text.

**g. Describe procedures for special supersedeas hearings, if different:** See Paragraph explanation above.

### HEARINGS

- 1. Describe the structure of your hearings and whether you are willing to change your hearing format:** See paragraph one of this document.
  - 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?** No Click or tap here to enter text.
- 3. What procedure do you follow if a party fails to appear at a hearing?** If the Judge is not made aware of good cause for failure to appear prior to the hearing, the pending matter, consistent with the Act and Regulations, may be either dismissed or the record closed.
- 4. Do you have special procedures for psychological injury cases?** Yes I remain sensitive to the privacy issues and monitor requests for subpoenas of relevant records.

### 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?** The Claimant's testimony is required at the final hearing. A trial deposition of the Claimant as of cross-examination may be taken prior to the final hearing. Fact and Medical witnesses may be presented by deposition unless objections are filed, then the witnesses are required to appear at the final hearing. One hour is allowed for testimony at the final hearing and the parties must timely notify the Judge's office at least thirty days prior to the scheduled final hearing for additional time required to present 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?** See Paragraph above for further explanation.
- 3. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The initial petitioner has the burden to move forward with exceptions granted for good cause by written request to the Judge consistent with the rules, uploaded via the Workers' Compensation Automation and Integration System (WCAIS)
- 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?** After **If before:**
  - a. What is the latest day before the hearing that they may be uploaded?** Click or tap here to enter text.
- 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?** When objections are filed via the Workers' Compensation Automation and Integration System (WCAIS) they should comply with 131.65 of the rules. The Judge will give the parties reasonable time to respond via a memorandum in support of their positions, uploaded via the Workers' Compensation Automation and Integration System (WCAIS), after consideration of which an order with ruling on the objection(s) will be circulated. Problems with witnesses require their appearance if in the jurisdiction. Objections raised during deposition testimony should be preserved consistent with the rules entered as a separate exhibit uploaded via the Workers' Compensation Automation and Integration System (WCAIS) before the close of the record and will be addressed in the decision on the merits.

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 prefer written communication. I will make exceptions for substantial compelling reasons. Problems with discovery should be addressed consistent with the rules. I do not attend depositions.
9. **What is the last day to file written preservations of deposition objections?** A closing of the record will be given at the final or interim hearing with the parties to enter their written preservation of objections consistent with the rules and uploaded via the Workers' Compensation Automation and Integration System (WCAIS) as an exhibit.

### **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?** Per 131.57 of the rules The parties must come to the hearing with the appropriate Workers' Compensation Office of Adjudication forms and present the Claimant for testimony. If the Claimant is unable to appear and is outside the jurisdiction of the court a sworn notarized affidavit of their understanding of the legal significance of the terms of the C&R is required and should reference the penalty for false swearing. The Claimant at the C&R hearing is questioned as to his/her understanding of the legal significance of the agreement. I do not generally require separate filings for Compromise and Release Agreements with the exception of different dispute numbers. Then separate C&R's and related documents need to be filed for each dispute. The parties should incorporate in the C&R agreement required Social Security language for offset. The Claimant must present an affidavit and web site printout as to child support in compliance with Act 109 of 2006. After the hearing if the C&R is approved the original documents will be uploaded with appropriate privacy information. e.g., social security number, date of birth etc., redacted and uploaded into the Workers' Compensation Automation and Integration System (WCAIS) by the Judge's staff. The Claimant must present a signed and dated fee agreement.
- 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?** See above for further explanation.
- d. **Should child support docs be uploaded as a separate exhibit?** See above for further explanation.
- 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.?)** See above for further explanation.
- 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?** See above for further explanation.
- 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:** In circumstances where the Claimant is outside the jurisdiction of the court a Compromise and Release Agreement will proceed and shall contain a sworn notarized statement of the Claimant's understanding of the legal significance of the agreement.

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

1. **What are your usual procedures regarding the submission, review, and adoption?** Per 131.91 of the rules The parties should upload via the Workers' Compensation Automation and Integration System (WCAIS) the documents as a joint exhibit and any questions raised by the stipulation's content will be communicated to the parties by the Judge's office and at the Judge's discretion or the parties request, if necessary, the matter will be scheduled for

hearing. The stipulation shall contain a statement indicating that the claimant understands the stipulation of fact and the effect of the stipulation of fact on future payments of compensation and medical expenses.

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 Uploaded as part of stipulation.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** [Click or tap here to enter text.](#)
  - 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?** Before uploading to the Workers' Compensation Automation and Integration System (WCAIS).
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 All Petitions will be heard at an initial hearing at which time the parties will be instructed as to the scheduling and method of submission of evidence and legal briefs.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The scheduling instructions will be given on the record and strictly enforced absent request for extension of time to be submitted via the Workers' Compensation Automation and Integration System (WCAIS) to the Judge's attention no later than ten days prior to the scheduled closing of the record and if the Judge finds good cause for granting the requested extension an adjusted schedule will be documented and communicated via the Workers' Compensation Automation and Integration System (WCAIS) or by order if required.
3. **Describe any preferences regarding the format and content of submissions:** Per 131.101 of the rules containing a description of the Record with proposed Finding of Fact listing exhibits, proposed Conclusion of Law and proposed Order.

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** Bristol
2. **Do you require all participants to attend in-person?** Yes
  - a. **Under what circumstances do you permit attendance by phone?** The mandatory mediation will proceed consistent with 131.59; 131.59 (b) & 131.59 (c) of the rules. The Adjustor/Employer need not be physically present but the individual authorized to make a decision as to resolution shall be available by phone.
3. **Do you require a Mediation Statement?** No **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.](#)
4. **After you approve a Mediation Request, how long until it's scheduled?** The mandatory mediation schedule will be given at the initial hearing.
5. **Are you willing to conduct more than one session per Dispute?** Yes The parties must convince the mediator that another session will result in a final resolution.
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?** Cancellation will occur if the parties come to a resolution prior to the

mandatory mediation date with the nature of the resolution communicated to the assigned Judge prior to the mandatory mediation date. **If you:**

a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Mandatory Mediation will not be cancelled with the exception of 28(a) or other good cause as determined by the Judge.

7. **What else should the parties know or do before the mediation?** See attached [Agreement to Mediate](#).

### VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** No Click or tap here to enter text.

2. **List the offices where you conduct voluntary mediations:** Click or tap here to enter text.

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?** No **If yes:**

a. **Describe any special procedures:** Click or tap here to enter text.

5. **Do you require parties to execute an agreement to mediation?** Choose an item. **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?** Choose an item.

a. **Under what circumstances do you permit attendance by phone?** Click or tap here to enter text.

7. **Do you require a Mediation Statement?** Choose an item. **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?** Click or tap here to enter text.

9. **Are you willing to conduct more than one session per Dispute?** Choose an item. 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?** Choose an item. **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?** Per 131.13. Continuances or postponements of hearings.

2. **Under what circumstances do you conduct conference calls?** No.

3. **Under what circumstances do you accept faxes and e-mails from parties?** All communication must be consistent with the Judge's rules @ 131.11. The Judge prefers communication via the Workers' Compensation Automation and Integration System (WCAIS)

4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Adhere to time designated.

5. **What is the best way to contact you in an urgent situation?** Contact the office Staff.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Notification will be made via the Workers' Compensation Automation and Integration System (WCAIS) dashboard alerts.