

**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 judge conducts pretrial hearings. No testimony will be heard at the first hearing. The moving party is required to provide a hard copy of the relevant bureau documents at the first hearing.

At the first hearing on defense driven petitions, both claimant and defendant are required to provide supersedeas evidence. Claimant must provide some evidence in opposition to supersedeas at the first hearing, except in exigent circumstances.

At the first hearing on all petitions, the parties shall advise the judge of the issues in dispute and the additional evidence to be presented. The judge will issue a scheduling order and address mandatory mediation on the record. The parties must be prepared to address issues relating to mandatory mediation.

Evidence may not be submitted by mail, unless the judge specifically grants permission to do so. Such permission will be granted on a case-by-case basis.

- 2. List any documents required at the first Event:** The moving party is required to provide a hard copy of the relevant bureau documents at the first hearing. Both parties are required to present supersedeas evidence at a first hearing on a defense driven petition.
  - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits. Please do not upload "first hearing filings" in WCAIS as this Judge does not require them. Bureau documents admitted at the first hearing must be uploaded.
  - b. Should docs be uploaded before or after the first Event?** After Exhibits should never be uploaded until it has been moved into evidence at a hearing.

**SUPERSEDEAS PROCEDURES**

- 1. What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. Will testimony be heard?** No  
Both parties are required to submit supersedeas evidence at the first hearing except in exigent circumstances.
  - b. Is additional time generally granted to obtain medical evidence?** No. Unless counsel was just retained within a few days of the first hearing, the parties will not be granted additional time for supersedeas. Other exigent circumstances may require additional time for supersedeas evidence but, as a general rule, all supersedeas evidence must be presented at the supersedeas hearing. It will be handled on a case-by-case basis.
  - c. Under what circumstances will you reconsider a supersedeas order?** Late discovered evidence or a change in circumstances may require reconsideration of supersedeas. It is handled on a case-by-case basis.

**d. Do you generally use written orders for denials? Yes**

In situations where claimant's counsel is not seeking approval of a fee with supersedeas, the judge will not issue a written denial.

**e. What is required for employee's counsel to obtain interim fee approval? Interim fee approval requires that counsel demonstrate that, through counsel's efforts, claimant received or continued to receive benefits.**

**f. Describe any other procedures for supersedeas hearings: None**

**g. Describe procedures for special supersedeas hearings, if different: None**

### HEARINGS

**1. Describe the structure of your hearings and whether you are willing to change your hearing format:** The judge uses a serial hearing format. Generally, cases are re-listed every 90 days but the parties may opt to have a first hearing and a final hearing only. Trial schedule deadlines must be followed regardless of when cases are re-listed. Mediation does NOT delay the trial schedule. Only one witness is permitted to testify at a hearing so multiple hearings may be necessary where the parties do not proceed by deposition.

**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  
Participation in hearings or mediations via telephone is a rarity, not the norm.

**3. What procedure do you follow if a party fails to appear at a hearing?** The party that fails to appear risks dismissal of their petition or the granting of a petition adverse to the party that fails to appear.

**4. Do you have special procedures for psychological injury cases?** No

### 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?** Deposition 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?** A minimum of 30 days advanced notice is required to present a witness at any hearing. The parties may choose to present testimony via deposition if the opposing party does not object.

**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?** A party or witness may always testify via deposition if their attorney deems it appropriate unless special circumstances decided by this Judge requires live testimony.

**3. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The moving party must present its medical or any other evidence first. With cross-petitions, generally the party who first filed is required to present evidence 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?** After

Do not upload any exhibits until the judge has admitted it into the record at a hearing.

- 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 Hard copies of all exhibits (including litigation costs, quantum meruit exhibits, Act 109 documents, and preserved objections) and briefs are required – no exceptions.
7. **When will you rule on objections to exhibits?** Generally, the judge will rule on objections to exhibits at the time the objection is made on the record at a hearing.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** All parties are required to comply with the rules of discovery in a timely manner – no exceptions. Unless placed on the record at a hearing, discovery disputes shall be put in writing, identifying the issue and the respective positions of the parties.

The judge rarely conducts conference calls but, if a party desires a conference call, the parties must make a request that complies with the Special Rules of Administrative Practice and Procedure. A request will not be considered unless it complies with the Rules.

9. **What is the last day to file written preservations of deposition objections?** As a courtesy to the parties, written preserved objections may be submitted at the time of the submission of briefs. However, the written preserved objections must be a separate writing from the brief and the judge requires both a hard copy and an upload to WCAIS as an exhibit before the judge will consider the same.

### **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  
There is no need to make a WCAIS request to use an existing hearing for C&R. All requests for scheduling of an earlier C&R hearing should be made via telephone to this Judge's secretary
- 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  
The parties should redact all references to social security number and date of birth AFTER the C&R hearing has occurred and upload the documents.
- d. **Should child support docs be uploaded as a separate exhibit?** No All additional pages for a C&R should be uploaded as part of the C&R document and as one exhibit.
- 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.?)** Waiver of appeal forms, litigation costs, and CMS documents should be uploaded as part of the C&R Agreement as one exhibit.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** All additional pages for a C&R should be uploaded as part of the C&R document and as one exhibit.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The social security number and other confidential information should not be redacted until after the judge has had an opportunity to review the documents at the C&R hearing. All redactions should occur after the C&R hearing but before uploading to WCAIS.

- h. Will you sign bench orders?** Yes The judge will sign bench orders when the C&R agreement and all attachments are complete and when both parties waive their right to file an appeal.
- i. Describe any other procedures you have for C&R Agreements:** The parties should enter all terms of the C&R agreement in the spaces provided on the Bureau forms. One additional addendum page is permitted. This Judge will not approve any C&R agreement that is contingent on the signing of a resignation or general release.

### STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. What are your usual procedures regarding the submission, review, and adoption?** Stipulations must comply with the Special Rules of Administrative Practice and Procedure. The judge requires that the parties provide a hard copy of the stipulation and attachments with original signatures.
- 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.)?** [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?** The social security number and other confidential information should not be redacted until after the judge has reviewed the stipulation and attachments but before uploading to WCAIS. The judge's office will upload stipulations.
- 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. Generally, all evidence is taken at a hearing on the record.
- 2. What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Generally, the parties have the opportunity to choose the briefing schedule within reason. The judge sets the deadlines at the last hearing and the parties must follow the same unless the judge has granted an extension. The judge does not send reminders about deadlines and a decision will be circulated when the briefing schedule has expired regardless of whether briefs are submitted.
- 3. Describe any preferences regarding the format and content of submissions:** Proposed Findings of Fact should start with a procedural history, followed by a concise summary of relevant evidence (please do not copy and paste deposition transcripts), followed by credibility determinations with the basis for the same, and then the specific factual findings. Proposed Conclusions of Law should address the burdens of proof. The supporting brief should cite relevant cases and apply the law to the facts of the case and cite to the record. A copy of the case law relied upon should be provided with the brief.

### MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:** Malvern
- 2. Do you require all participants to attend in-person?** Yes
  - a. Under what circumstances do you permit attendance by phone?** [Click or tap here to enter text.](#)
- 3. Do you require a Mediation Statement?** Yes **If yes:**

- a. **What information do you require in that Statement?** The statement should outline the assigned judge, currently pending petitions, AWW and TTD rate, current status of receipt of benefits, outstanding medical bills, social security and Medicare issues, child support arrears, status of negotiations to date (negotiations should begin before the mediation). The statement should also briefly explain the facts and the reasons for the settlement values placed by the parties.
  - b. **What documents, if any, must accompany the Statement?** None. Do not submit any evidence/exhibits with the mediation statement.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Statements must be submitted at least 3 business days in advance of the mediation and hard copies of the statements must be received at least 3 business days in advance.
4. **After you approve a Mediation Request, how long until it's scheduled?** Mandatory mediations are scheduled at the first hearing and the parties are permitted to choose a date that they will be ready to move forward with mediation. Generally, mediations occur two to three months after the first hearing but can occur later if the parties choose a later date.
  5. **Are you willing to conduct more than one session per Dispute?** No [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?** Postponement requests should be sent to the mediating judge. WCAIS is not the appropriate tool to send a postponement request because the mediating judge does not receive notification of the request.

Cancellation requests should be sent to the assigned judge for litigation to make a determination of futility.

    - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Requests should be made at least a week before the mediation.
  7. **What else should the parties know or do before the mediation?** Mediation does NOT delay the trial schedule in cases heard by this judge.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** Yes The judge will conduct voluntary mediations on cases that are not assigned to the judge for litigation. The judge does not mediate her own cases under any circumstances.
2. **List the offices where you conduct voluntary mediations:** Malvern
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?** Yes **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?** Yes **If yes:**
  - a. **Describe the matters addressed by the agreement:** The parties must directly request voluntary mediation with this Judge via email and will be asked to agree to this Judge's voluntary mediation rules before mediation dates are provided. This Judge personally schedules all voluntary mediations and provides all mediation rules via email. Therefore, the attorneys (not their staff) must contact this Judge with voluntary mediation requests. This Judge will not respond to any requests that are not directly from counsel.
6. **Do you require all participants to attend in-person?** Yes

- a. **Under what circumstances do you permit attendance by phone?** Adjusters/employer representatives should appear in person but if they cannot, they **MUST** be available via telephone at the time of the mediation and **MUST** be willing to speak directly to this mediator.
7. **Do you require a Mediation Statement? Yes If yes:**
- a. **What information do you require in that Statement?** A hard copy of a mediation statement must be **RECEIVED** at least 3 business days in advance of the mediation or the voluntary mediation will be cancelled.
- The statement should outline the assigned judge, currently pending petitions, AWW and TTD rate, current status of receipt of benefits, outstanding medical bills, social security and medicare issues, child support arrears, status of negotiations to date (negotiations should begin before the mediation). The statement should also briefly explain the facts and the reasons for the settlement values placed by the parties.
- b. **What documents, if any, must accompany the Statement?** None. Do not submit any evidence/exhibits with the mediation statement.
- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** A hard copy of a mediation statement must be **RECEIVED** at least 3 business days in advance of the mediation or the mediation will be cancelled.
8. **After you approve a Mediation Request, how long until it's scheduled?** Generally, it takes no more than 30 days until a mediation occurs but it depends on the availability of all parties involved including the judge.
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 **If you:** For voluntary mediation, the mediating judge should be contacted for all such requests.
- 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?** This judge requires that someone with approving authority be available at the time of the mediation and that the parties come prepared with all relevant details of the case (i.e. social security status, amount of outstanding medical bills, etc).

### REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** The judge follows the Special Rules of Administrative Practice and Procedure with regard to continuance requests and requests for extensions in the trial schedule. The Rules are strictly enforced.
- Mediation does NOT delay the trial schedule in cases heard by this judge.
2. **Under what circumstances do you conduct conference calls?** The judge does not generally conduct conference calls. The judge hears all arguments and takes all evidence on the record at a hearing.
3. **Under what circumstances do you accept faxes and e-mails from parties?** The judge accepts faxes. Emails to the general WCOA Malvern resource email account are permitted as well but emails to the judge's direct email account are strictly prohibited except when requesting a voluntary mediation.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** The Malvern office uses the "call of the list" method of scheduling hearings. Therefore the duration listed on a hearing/mediation notice is an inaccurate computer generated time. Do not rely on the duration listed on the notices. However, hearing and mediation start times listed on notices require the parties to appear promptly at the start time listed.

5. **What is the best way to contact you in an urgent situation?** The parties should contact the judge's secretary via telephone in strictly urgent matters but all other situations require the parties to communicate via a formal writing. Ex-parte communications with the judge are never permitted.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** The judge takes a common sense approach to snow/emergency issues. If a party believes that weather conditions are too dangerous or has some sort of emergency, the party is expected to call the judge's secretary immediately and explain the circumstances that created the last minute continuance request (i.e. weather conditions in your area or emergency situation). The requesting party is required to contact the remaining parties and advise whether the judge has granted the continuance request so that they do not make a wasted trip. A follow up letter of explanation must be sent by the requesting party to document the file. The judge will grant continuances liberally in snow/emergency situations as long as the above criteria is met.