

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 the initial hearing, scheduled for one-half hour to 45 minutes, depending on the petition. At that time, the trial schedule will be discussed, and any issues and exhibits will be addressed. It is expected that the claimant will testify at the initial hearing.
2. **List any documents required at the first Event:** None are required, but it is expected that the moving party will have a prima facie case at the time of the initial hearing.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits.
 - b. **Should docs be uploaded before or after the first Event?** Before

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** All exhibits should be uploaded as if being submitted for the case in chief. All uploaded documents are considered for supersedeas, so they do not need to be separately uploaded as supersedeas exhibits.
 - a. **Will testimony be heard?** Yes It is expected that Claimant will testify at the first hearing.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes, if requested.
 - c. **Under what circumstances will you reconsider a supersedeas order?** I will entertain a request to reconsider a supersedeas order any time additional relevant evidence is acquired or developed.
 - d. **Do you generally use written orders for denials?** Yes
 - e. **What is required for employee's counsel to obtain interim fee approval?** The fee agreement must be offered into evidence.
 - f. **Describe any other procedures for supersedeas hearings:** None.
 - g. **Describe procedures for special supersedeas hearings, if different:** None, other than the parties should expect that they may be scheduled with shorter notice.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I typically use serial hearings. The claimant will testify at the first hearing. Within 30 days of the first hearing, the parties should advise me of any other additional lay witness testimony that is needed, and whether that testimony must be presented before the parties proceed to mediation. I will then schedule hearings accordingly to present that testimony.

Generally, I allow the parties to explore mediation before having to take expert depositions. In claimant-driven

petitions, I typically give the employer 45 days to get any necessary medical examinations, with mediation scheduled 4-6 weeks after the IME. In employer-driven petitions, assuming all parties are ready to mediate, mediation is scheduled for the next realistic date.

After mediation is conducted, the moving party will have 60 days to complete its case, with an additional 60 day thereafter provided for the responding party to complete its case.

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

- 2. Are you willing to allow counsel to participate by telephone?** Yes I generally discourage counsel from attending hearings by phone, especially if testimony will be presented. However, I will permit it on a hearing-by-hearing basis. If counsel is attending by phone, counsel must provide a good phone number and cannot be driving when the hearing is taking place.

Permission to attend by phone is freely granted if counsel feels that travel would be treacherous due to weather.

- 3. What procedure do you follow if a party fails to appear at a hearing?** I go on the record to recount the details of the hearing occurring and the notice given to the absent party. I then write to the absent party to advise of the hearing, and ask that the party let me know in writing whether there is a contest to the petition. I will schedule another hearing in 45 -60 days. If I do not hear from the absent party, and the party fails to appear for the second hearing, I will receive any evidence and entertain motions to dismiss the petition or close the record, as the case may be.
- 4. Do you have special procedures for psychological injury cases?** No

WITNESSES/EXHIBITS

- 1. What are your rules regarding taking testimony?** I should have advanced notice of any witnesses, so I can schedule the hearing for the appropriate length of time. If a witness is reviewing or discussing exhibits, it is expected that they will have been provided to opposing counsel in advance of the hearing.
- 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 parties should let me know about any lay witnesses other than Claimant within 30 days of the initial hearing, the expected time needed for the testimony, and whether it must be presented before the mediation. I will then schedule a hearing accordingly for the 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?** Expert witnesses can always testify by deposition.

A witness that is geographically remote from the hearing site can attend by telephone if agreed upon by the parties.

If a witness simply cannot attend a hearing due to a medical condition, I would entertain a request to attend that person's testimony at a location other than a hearing office.

- 3. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** This is addressed on a case-by-case basis, and will be clearly reflected in the trial schedule formulated after discussion with counsel. Consideration is given to allowing the parties to develop all necessary evidence to engage in a meaningful mediation as early as practicable, and to minimize the need for unnecessary litigation expenses.
- 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?** Exhibits should be uploaded any time prior to the hearing so their admissibility can be addressed. Last minute uploads are discouraged, simply because opposing counsel may not have an opportunity to review them prior to the hearing. If a party has an exhibit that has not been uploaded prior to the hearing, it will be marked and its admissibility will be addressed on the record. The exhibit will be returned to counsel for later upload to WCAIS.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Click or tap here to enter text.
7. **When will you rule on objections to exhibits?** I rule on the admissibility of exhibits during the hearings. In the event that I permit the parties to complete the evidentiary record by a date after the final hearing, any objections must be lodged in writing within 10 days of any exhibits being uploaded. If no objection is lodged, the exhibit is marked and admitted. If an objection is lodged, I will rule on it either by letter or by entering my ruling 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 are addressed on a case-by-case basis, depending on the issue and the parties' needs.
9. **What is the last day to file written preservations of deposition objections?** The parties may file written preservations of deposition objections along with submission of their post-hearing briefs.

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?** Amendments
- b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** Yes **If yes:**
- i. **How far in advance of the hearing do you need to receive it?** A draft of the Compromise and Release Agreement should be uploaded to WCAIS as correspondence two days before the hearing.
- c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After I ask that counsel upload any exhibits used during the Compromise and Release Agreement to WCAIS after the hearing. Counsel should redact the social security numbers from the exhibits prior to upload.
- 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.)?** The only items that I require for a Compromise and Release Agreement is the Agreement with the fee agreement attached. I also require the Act 109 documents, to be uploaded as a separate exhibit. The parties are free to offer any other documents they desire, but they should be uploaded as separate exhibits.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** See (e) above
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Prior to uploading to WCAIS.
- h. **Will you sign bench orders?** No Click or tap here to enter text.
- i. **Describe any other procedures you have for C&R Agreements:** Extensive last-minute handwritten revisions to the Agreement are strongly discouraged.

If a Claimant is attending by phone due to geographic constraints, I must have the original Agreement and the Claimant's signature must be notarized.

DHS (formerly DPW) liens, Medicare liens, and applicable domestic relations orders must be addressed prior to the hearing. Paperwork reflecting the parties' consideration of these items must be included in the settlement papers.

The parties' attorneys can serve as witnesses to a Compromise and Release Agreement if they so choose.

Pro se Claimants should have the settlement papers well in advance of the hearing, so they have time to review the terms and have the opportunity to consult with counsel if they desire.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. What are your usual procedures regarding the submission, review, and adoption?** The Stipulation should be uploaded to WCAIS as an exhibit. I will then mark and admit it as a Joint Exhibit. Counsel should write to me (through a WCAIS Request) advising of the Stipulation and whether the Stipulation resolves all issues in the pending litigation.

I will then write a Decision approving and adopting the Stipulation, if appropriate.

- 2. Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit
- 3. Should child support documents be uploaded as a separate exhibit?** Yes [Click or tap here to enter text.](#)
- 4. What other exhibits should be uploaded (i.e. medical bills, etc.)?** I leave that up to the parties.
 - a. Should they be part of the stip or a separate exhibit?** I leave that up to the parties.
- 5. When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** There is no need for a social security number being on a Stipulation. It should be redacted prior to uploading to WCAIS.
- 6. Describe any other procedures you have for stips:** None

BRIEFS AND POST-HEARING SUBMISSIONS

- 1. Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission I generally use a final hearing to close a case. However, if there are a few small items that still need to be developed (e.g., acquiring the transcript of a recently deposed physician, preparing an uncontested Statement of Wages, submission of updated costs, etc.), I will set a deadline for submission of any additional items through WCAIS at the final hearing. Any objections to those items must be lodged in writing within 10 days; otherwise, they will be marked and admitted.
- 2. What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Typically, briefs and/or findings are due from both parties 30 days after the close of the evidentiary record. Additional time will be given if testimony was offered at the final hearing so the parties can acquire the transcript before drafting their briefs. I will modify the briefing schedule freely upon request or based on the nature of the issues and testimony.
- 3. Describe any preferences regarding the format and content of submissions:** I ask for proposed Findings of Fact. Typically, findings should not exceed 8-10 pages. The parties may also submit briefs if they feel that it will be helpful. The brief should simply consist of the party's argument as to why that party should prevail, with appropriate citation to critical evidence and legal authority.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Johnstown and Pittsburgh
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** I expect the claimant and counsel to personally attend the mediation. While the claims adjuster does not need to be personally present, he or she must be readily available by telephone, with ultimate settlement authority.

That said, I encourage claims adjusters to attend the mediations. My experience is that mediations are far more productive when the person with ultimate settlement authority personally attends the mediation.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** I don't have a set Mediation Statement form. A mediation Statement should contain a summary the critical background information of the case (Bureau documents, status of claim, wage calculations, pending petitions), a brief summary of the evidence and issues involved, a recitation of the negotiation history, and most significantly, a meaningful discussion of the strengths and weaknesses of each side's case.
 - b. **What documents, if any, must accompany the Statement?** None
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The parties should upload their Mediation Statements to WCAIS at least two days before the mediation. There is no need to send me a paper copy of the Mediation Statement.
4. **After you approve a Mediation Request, how long until it's scheduled?** Depending on availability, 2-4 weeks
5. **Are you willing to conduct more than one session per Dispute?** Yes
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?** For Pittsburgh cases, any request to cancel or postpone a mediation in which I am the adjudicating judge should be sent to the mediating judge. For Johnstown cases, the request to postpone a mediation should be sent to my attention. Any such request should include the reason for the request and the position of opposing counsel.
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** It depends on the circumstances.
7. **What else should the parties know or do before the mediation?** Employer counsel should ensure that a person with ultimate settlement authority is available during the mediation.

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:** Johnstown and Pittsburgh
3. **Do you mediate Disputes assigned to you for hearing and decision?** No
4. **Do you mediate Disputes in which one or both parties are unrepresented? Yes If yes:**
 - a. **Describe any special procedures:** None
5. **Do you require parties to execute an agreement to mediation? No If yes:**
 - a. **Describe the matters addressed by the agreement:**
6. **Do you require all participants to attend in-person? No**
 - a. **Under what circumstances do you permit attendance by phone?** I expect the claimant and counsel to personally attend the mediation. While the claims adjuster does not need to be personally present, he or she must be readily available by telephone, with ultimate settlement authority.

That said, I encourage claims adjustors to attend the mediations. My experience is that mediations are far more productive when the person with ultimate settlement authority personally attends the mediation.

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

a. What information do you require in that Statement? A mediation Statement should contain a summary the critical background information of the case (Bureau documents, status of claim, wage calculations, pending petitions), a brief summary of the evidence and issues involved, a recitation of the negotiation history, and most significantly, a meaningful discussion of the strengths and weaknesses of each side's case.

b. What documents, if any, must accompany the Statement? none

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

8. After you approve a Mediation Request, how long until it's scheduled? 4 weeks

9. Are you willing to conduct more than one session per Dispute? Yes

a. 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? For Pittsburgh cases, any request to cancel or postpone a mediation in which I am the adjudicating judge should be sent to the mediating judge. For Johnstown cases, the request to postpone a mediation should be sent to my attention. Any such request should include the reason for the request and the position of opposing counsel.

b. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested? It depends on the circumstances.

10. What else should the parties know or do before the mediation? Employer counsel should ensure that a person with ultimate settlement authority is available during the 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? 10 days before the scheduled event.

2. Under what circumstances do you conduct conference calls? I am always available for a conference call unless I am in hearings or in a mediation. Parties should be aware that I will not take a phone call unless all counsel are on the line.

3. Under what circumstances do you accept faxes and e-mails from parties? I accept faxes, although correspondence should come through WCAIS. I regularly check WCAIS throughout the day for any recent correspondence.

4. Do you adhere strictly to duration listed for a Hearing or Mediation? I am willing to go beyond the allotted time for hearings if there is flexibility in my hearing schedule. If there is not, then I will end the hearing and ask the parties when they need to have it rescheduled and for how long.

Parties should be prepared and on time for Compromise and Release hearings. If a hearing is delayed because the parties are still reviewing the Agreement or obtaining signatures, I will still hold the hearing, but only if it does not delay my later hearings. Otherwise, the hearing may be rescheduled for later in the day.

For mediations, I do not end the mediation as long as the parties are still discussing matters in a productive fashion. However, if I have another mediation scheduled later, I will start that mediation and continue mediating the first one during breaks.

5. **What is the best way to contact you in an urgent situation?** Call the Pittsburgh hearing office.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** I follow the hearing cancellation policy for the particular office in which the hearing is being held. If a hearing is not cancelled, but the parties or counsel fear traveling in potentially treacherous conditions, they make request a cancellation and I would give the request consideration. I freely allow parties and counsel to attend by phone if they are concerned about driving conditions.

Emergency cancellations are addressed on a case-by-case basis.