

**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?** For Petitions filed by the Claimant, I usually expect testimony from the Claimant at the first hearing, which will be listed for 30 minutes. Petitions filed by the Employer are usually listed for 15 minutes for a pre-trial hearing with no anticipated testimony.
2. **List any documents required at the first Event:** First hearing filings are not required. When possible, exhibits should be uploaded prior to the hearing.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits The parties are encouraged to upload as many exhibits as possible prior to the first hearing or any subsequent hearings. The admissibility of the exhibits will then be addressed on the record.
  - b. **Should docs be uploaded before or after the first Event?** No first hearing filings are required.

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. **Will testimony be heard?** No Usually I do not expect testimony, but if a party wishes to present testimony at the supersedeas hearing, I will allow brief testimony.
  - b. **Is additional time generally granted to obtain medical evidence?** No Requests for extensions of deadlines to obtain medical evidence will be decided on a case by case basis.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Generally, there will be no reconsideration of a supersedeas order absent additional or newly discovered evidence that was not available at the time the initial supersedeas order was issued.
  - d. **Do you generally use written orders for denials?** Yes However, I do not typically issue a supersedeas order where the Claimant is not receiving wage loss benefits; for example, where there is a termination petition pending while Claimant's wage loss benefits are in a suspended status.
  - e. **What is required for employee's counsel to obtain interim fee approval?** Submit the fee agreement into evidence and request that the fee agreement be approved at the hearing or through the WCAIS Request tab.
  - f. **Describe any other procedures for supersedeas hearings:** [Click or tap here to enter text.](#)
  - g. **Describe procedures for special supersedeas hearings, if different:** [Click or tap here to enter text.](#)

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** Generally, serial hearings are conducted. On petitions filed by the Claimant, the first hearing will be scheduled for 30 minutes for testimony of the Claimant. For petitions filed by the Employer, the first hearing will be scheduled for 15

minutes for supersedeas consideration and/or as a pre-trial hearing. At the end of the first hearing for all petitions, the parties will be given a trial schedule. Usually, the moving party is given 90 days to complete their case in chief, followed by 90 days thereafter for completion of evidence by the non-moving party. A status hearing is usually listed in the middle of the trial schedule for updated testimony and/or receipt of the moving party's evidence. The parties are given a mandatory mediation date at the first hearing, unless it is determined that a mediation would be futile.

- 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 Generally no, but permission to appear by phone will be considered on a case by case basis for good cause shown.
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear at a scheduled hearing without explanation, he or she runs the risk of an adverse decision. If a party fails to appear at a scheduled mediation without explanation, he or she runs the risk of a sanction consistent the WCJ Rules.
4. **Do you have special procedures for psychological injury cases?** No Click or tap here to enter text.

### 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?** At least 2 weeks notice in advance of hearing is preferred.
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?** If the parties are in agreement, and when there is a good reason to do so, a witness or a party may be permitted to testify by deposition or by phone.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Generally, the party that filed the earlier petition will be expected to proceed first with regard to their evidence. Exceptions can be made on a case by case basis.
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? Before If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?** Generally, the parties are expected to upload exhibits within one day of the hearing. C&R documents can be handed in at the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Generally, bringing hard copies of exhibits to a hearing is not necessary unless a witness is expected to be asked questions about the exhibit at the hearing.
7. **When will you rule on objections to exhibits?** Rulings on objections to exhibits will be made at the hearing on the record. Objections made during a deposition can be decided at a later hearing upon request, or if preserved in a separate writing in accordance with the WCJ Rules, said objections will be ruled upon within the final circulated Decision.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Generally, the preference is to make a ruling regarding discovery disputes at a hearing on the record. Telephone conferences can be scheduled to address same on a case by case basis.
9. **What is the last day to file written preservations of deposition objections?** Parties should submit written preserved objections before the close of the record. Extensions of time can be requested and will be decided on a case by case basis.

## 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 Click or tap here to enter text.
  - 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?** Before If the C&R Agreements have already been executed, then they should be uploaded prior to the hearing. If the C&R documents are signed at the hearing, then the parties can submit the documents into evidence at the hearing. My office will upload these documents after the hearing.
  - d. **Should child support docs be uploaded as a separate exhibit?** Yes Click or tap here to enter text.
  - 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 parties should try to limit the number of exhibits to be attached to the C&R Agreement itself because the C&R Agreement with attached exhibits are published with the Decision approving same. The Fee Agreement should be attached the C&R Agreement and all other exhibits should be uploaded separately absent a good reason to attach same to the C&R Agreement.
  - 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?** Such information should only appear on the Act 109 documents which should be submitted as a separate exhibit from the C&R Agreement.
  - 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:** Click or tap here to enter text.

## STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** An executed Stipulation should be uploaded as an exhibit for review. The parties should indicate whether the Stipulation resolves all pending petitions. If the Stipulation provides a net lump sum amount of \$5,000.00 to the Claimant, the parties should submit as a separate exhibit, child support documentation in accordance with Act 109. If the parties want the Stipulation approved by an Interim or Final Decision, a request for same should be made in WCAIS or at a hearing on the record.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit Click or tap here to enter text.
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.)?** Generally, exhibits should be uploaded separately and not attached to the Stipulation. Case by case exceptions can be made if there is a valid reason for attaching exhibits to the Stipulation. Please keep in mind that the executed Stipulation, along with any attachments, are published with the Decision approving same.
  - 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?** Social Security numbers and confidential information should not appear on the Stipulation as the Stipulation itself is published with the final Decision. This information should be included on the Act 109 documents and uploaded separately as an exhibit.
6. **Describe any other procedures you have for stip:** 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?** WCAIS Submission
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Generally, the moving party is given 30 days from close of the record to submit his or her brief. The non-moving party is given 30 days thereafter whether or not the moving party has submitted their brief or not. If briefs are not received in a timely manner, and there is no request for an extension of time for submitting same, the dispute moves forward for a decision without the brief(s). Attorneys will not be contacted for receipt of briefs that are late. Litigation Costs and Quantum Meruit exhibits should be submitted as separate exhibits as soon as possible following the close of the record so as to provide opposing counsel enough time to review and raise any objections to same.
3. **Describe any preferences regarding the format and content of submissions:** Briefs should generally list in a clear and concise way what petitions are pending for decision. The initial findings of fact should state what if any bureau documents are relevant and/or controlling in the dispute. Then, the testimony of the parties, and of any witnesses should be summarized in proposed findings of fact with citations to the record for same. The exhibits of the parties should also be identified and summarized in the proposed findings of fact. Thereafter, proposed credibility findings should be drafted with a rationale as to why certain evidence or testimony is more credible than other evidence or testimony of record with regard to the pending issues of the dispute. The parties should then list proposed conclusions of law that address all of the legal issues and burdens of proof with regard to the pending litigation, including whether the contest of the petitions has been reasonable.

## MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Lancaster.
2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** Generally, it is preferred to have Claimant and the attorneys appear live at the mediation. All other necessary parties should be available by phone. Exceptions to this general preference can be made on a case by case basis.
3. **Do you require a Mediation Statement?** No **If yes:**
  - a. **What information do you require in that Statement?** Basic background information regarding the nature of the claim and the issues involved in the pending litigation. The parties should indicate what petitions are pending, and the relief sought in each. The parties should identify the assigned judge, the average weekly wage and compensation rate, and any other side issues that are relevant to a settlement, such as outstanding medical bills, child support arrears, litigation costs, the need for a resignation, and claimant's Medicare status. Finally, the parties should state what demand and offers have been made to date.
  - 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 day before the mediation.
4. **After you approve a Mediation Request, how long until it's scheduled?** Depends on my schedule, but a mediation can usually be scheduled to occur within 30 days of the request.
5. **Are you willing to conduct more than one session per Dispute?** Yes [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?** The parties should contact the assigned judge for permission to cancel or postpone the mediation. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Request for cancellation or postponement should be made to the assigned judge at least 2 weeks prior to the scheduled mediation.

7. **What else should the parties know or do before the mediation?** The Claimant's should submit a demand if possible well in advance of the mediation. Failure of the Claimant to submit a demand should not preclude the Employer from evaluating the dispute for possible settlement in time for the mediation.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** Yes Parties should submit a request for a Voluntary Mediation through WCAIS.
2. **List the offices where you conduct voluntary mediations:** Lancaster.
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:** There are no special procedures.
5. **Do you require parties to execute an agreement to mediation?** No **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?** No
  - a. **Under what circumstances do you permit attendance by phone?** Generally, it is preferred to have the Claimant and the attorneys appear live at the mediation. All other necessary parties should be available by phone. Exceptions to this general preference can be made on a case by case basis.
7. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** Basic background information regarding the nature of the claim and the issues involved with the dispute and/or any pending litigation. The general strengths and weaknesses of each party's position and whether a demand and offer have been made.
  - 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?** One day before the mediation.
8. **After you approve a Mediation Request, how long until it's scheduled?** Depends on how soon the parties wish to have the mediation. Generally, a mediation can be scheduled to occur within 30 days of the request.
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?** Contact me, the assigned judge. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** At least 2 weeks in advance of the mediation.
11. **What else should the parties know or do before the mediation?** Where possible, the Claimant's should make a settlement demand well in advance of the mediation. Failure of the Claimant to make a demand should not preclude the Employer from pricing up the case for possible settlement in time for 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?** Requests should be made through the Request tab in WCAIS as early as possible.
2. **Under what circumstances do you conduct conference calls?** Conference calls are permitted for routine litigation matters. If the parties are seeking a ruling that will be critical to the outcome of the dispute, it is preferred to discuss

such matters on the record at a hearing so that the issues and the rulings are preserved on the record for appeal purposes.

- 3. Under what circumstances do you accept faxes and e-mails from parties?** The parties should direct all communications through WCAIS.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** Generally, I try to adhere to the duration of time listed for a hearing or mediation. Where necessary, however, I will go over the allotted time in the interest of judicial economy.
- 5. What is the best way to contact you in an urgent situation?** Call the Lancaster Hearing Office at 717-299-7591 and ask for my secretary or a staff member.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** All efforts will be made to make a determination regarding whether to postpone a hearing or mediation due to snow or an emergency at least one day in advance of the scheduled event. However, the request of any party to postpone a scheduled event due to such conditions will generally be granted so long as opposing counsel is made aware of the request prior to the scheduled event.