

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?** After Petition is filed a hearing will be scheduled. If it is Claimant's Petition(s), Claimant will be expected to testify in support of his/her Petitions at first hearing. However, if it is Defendant's Petition(s), the first hearing will be a 15 minute supersedeas hearing.
- 2. List any documents required at the first Event:** The last operative Bureau document and any additional Bureau documents that are relevant to the pending litigation. The first hearing filing/45 day response are only required to extent of identifying witnesses.
 - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. First hearing filings are not Exhibits so they should be uploaded as a document; however Bureau documents can be uploaded as Exhibits.
 - b. Should docs be uploaded before or after the first Event?** It does not matter.

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. Will testimony be heard?** Yes. Supersedeas hearings are scheduled for 15 minutes. The parties should present their supersedeas evidence at the first hearing. While testimony is not required and an affidavit would be sufficient, Claimant will be able to present brief testimony ONLY on Supersedeas.
 - b. Is additional time generally granted to obtain medical evidence?** Yes. A scheduling Order will be given to the parties at the first hearing. Parties will be granted additional time to obtain medical evidence provided that the parties demonstrated that they were working to obtain the medical evidence during the allotted scheduling order and not simply a last minute request.
 - c. Under what circumstances will you reconsider a supersedeas order?** Depends on each case.
 - d. Do you generally use written orders for denials?** Yes. Generally, written orders are used; however, after reviewing Supersedeas Evidence and supersedeas would be denied, no written order/denial will be issued if Counsel is already receiving fee.
 - e. What is required for employee's counsel to obtain interim fee approval?** Be prepared at first supersedeas hearing with exhibits and Fee Agreement. Also, the fee agreement must be authenticated to be admitted into the record either by testimony from Claimant or by an Affidavit from Claimant.
 - 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:** Serial hearings are used. As stated, Claimants will testify at first hearing if it is their Petition(s). Following hearing, Defendant will have 45 days to advise of Employer testimony. If Defendant does not advise within 45 days, there will be no employer testimony. If it is Defendants Petition(s), the first hearing will be for supersedeas. If Employer has Defense witnesses in support of Petition, the matter will be relisted for Employer testimony; however, if the parties agree, the Defense witnesses can be done by deposition. There will be another listing after 90 days from first hearing, at which time Defendant should be completed with their evidence and Claimant will testify at that hearing.
 - 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?** Yes. In rare cases, I will allow counsel to appear by telephone but generally counsel are expected to appear at the scheduled hearing.
3. **What procedure do you follow if a party fails to appear at a hearing?** The party risks the hearing proceeding in counsel's absence and possibly dismissal of Petitions. The party that failed to attend hearing is responsible for any deadlines that were issued during that hearing.
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?** If Claimant's Petition, Claimant can advise of additional witnesses at the first hearing and the matter will be relisted. As above, Defendant will have 45 days from the first hearing on Claimant's Petitions to identify their witnesses. If it's Defendant's Petitions, Defendant can identify witnesses at the Supersedeas hearing.
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?** Depends on facts and case.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The party who filed first, generally will be responsible to present medical evidence first. There is one exception; if Defendant files a Termination Petition and subsequently Claimant files a Review Petition and Defendant needs another IME to address Review Petition, I order Claimant to present medical first so as not to delay the litigation
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?** It does not matter if exhibits are uploaded before or after. However, Parties are encouraged to bring "paper" exhibits for Judge and also for meaningful discussion with the parties, namely so parties can review document regarding any objections to the documents etc. **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. It is my preference to have hard copies of exhibits.
7. **When will you rule on objections to exhibits?** At hearings if raised, otherwise, if submitted by WCAIS, I will rule before close of the record except for objections made during medical depositions which will be ruled on in my 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.?** If the parties request, I do use telephone conferences between the

attorneys to resolve discovery disputes or other disputes that need immediate attention. Sometimes, I will hold off if a hearing is coming up. I don't attend depositions but if the parties believe it is important that I be present, I would consider attending a deposition.

9. **What is the last day to file written preservations of deposition objections?** Before the close of the record.

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. Parties can amend existing Petitions, however, if parties want additional dates of injury included in Decision, the parties will only be able to amend a Petition for that date of injury and for any additional dates of injury the parties want included in the settlement, a Petition would need to be filed for those dates of injury.
 - 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?** Neither. This is the one time the parties don't have to upload anything. My office will upload all settlement documents.
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes. Parties can upload documents as separate Exhibit in all litigation other than C&R, as stated above, my office will upload all settlement documents.
 - 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.?)** Nothing should be uploaded as my office will upload all settlement documents.
 - 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?** Parties should redact confidential social security numbers in everything they upload except Act 109 documentation. If Act 109 documentation is provided to this Judge, this Judge will review and redact the SSN before its scanned in WCAIS
 - h. **Will you sign bench orders?** No. My C&R Decisions are circulated promptly.
 - i. **Describe any other procedures you have for C&R Agreements:** I do not approve C&R Agreements that indicate Claimant's medical benefits "could be" resolved at sole option of Defendant. I treat these agreements as indemnity only settlements and parties must return with separate agreement regarding medical benefits.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** Parties can submit stipulations for approval provided the parties follow the Rules for completing Stipulation and address the issues. In addition, the Stipulation must be consistent with Act and not contrary to the law.
- 2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit. A fee agreement, if there is one, should be submitted as part of every litigation regardless of whether counsel is currently receiving a fee.
- 3. **Should child support documents be uploaded as a separate exhibit?** Yes. Claimant's statement page as well as internet search can be uploaded collectively as one exhibit.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Any Exhibit the parties wish to be an Exhibit should be a separate Exhibit with the exception of medical bills that can up uploaded as one exhibit.
 - 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 or other confidential information should be redacted when uploading to WCAIS. However, if the parties upload the Act 109 documents, the confidential information should NOT be redacted as this Judge must confirm there are no child support issues based upon the social security number.
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?** WCAIS Submission
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Once the evidence is completed, I will close the record and issue a briefing schedule. The time for briefs will depend on each case/issues. Once I close the record, I will not review any additional submissions to the record either by WCAIS or mail. If briefs are not timely received, a Decision could be issued without the briefs being reviewed.
3. **Describe any preferences regarding the format and content of submissions:** I do not have any preference for format regarding briefs. However, I am looking for arguments in support or in opposition to the pending litigation. I do not need a mere "summation" of the evidence of record without argument.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Wilkes-Barre
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** I require attorneys and Claimant to be present, however, due to medical condition, exceptions can be made for only Claimants. Adjustor/Employer reps are encouraged to attend but will be allowed to attend by telephone; however, they MUST be available by telephone until the mediation is completed.
3. **Do you require a Mediation Statement? No If yes:**
 - a. **What information do you require in that Statement?** While a mediation Statement is not required, the parties should be aware this is the time to share their positions with me. I am not looking for a letter saying essentially nothing. The statement should include brief synopsis of litigation. What are the strengths of your case/what are your weaknesses? What are the issues impeding settlement and obviously should include any demands made and authority given for settlement. If Claimant is seeking partials as well as payment of outstanding medical expenses, that information should be known and/or disclosed for a meaningful mediation.
 - b. **What documents, if any, must accompany the Statement?** No documents must accompany but if party believes a document will help facilitate a settlement, they are encouraged to attach the document with their statement.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least one week.
4. **After you approve a Mediation Request, how long until it's scheduled?** At least 1-3 months.
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 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?** Two weeks

7. **What else should the parties know or do before the mediation?** The parties should be discussing global settlement or even settlement of pending issues prior to 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:** Wilkes-Barre
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes. In rare cases, I have agreed to mediate Disputes assigned to me. However, the parties must provide in writing that they are agreeable to me serving as the mediator of the case. In addition, the parties must stipulate in writing that if the matter does not resolve, the matter will NOT be reassigned to another Judge for a Decision. Instead, the Dispute will remain with me for a Decision.
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?** No. There is no formal agreement except as indicated in Paragraph 32 wherein the parties must agree in writing for me to serve as a mediator and also understand that the matter will not be reassigned to another Judge if the matter does not resolve. **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?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** Same as mandatory mediation
7. **Do you require a Mediation Statement?** No **If yes:**
 - a. **What information do you require in that Statement?** While a mediation Statement is not required, the parties should be aware this is the time to share their positions with me. I am not looking for a letter saying essentially nothing. The statement should include brief synopsis of litigation. What are the strengths of your case/what are your weaknesses? What are the issues impeding settlement and obviously should include any demands made and authority given for settlement. If Claimant is seeking partials as well as payment of outstanding medical expenses, that information should be known and/or disclosed for a meaningful mediation.
 - b. **What documents, if any, must accompany the Statement?** No documents must accompany but if party believes a document will help facilitate a settlement, they are encouraged to attach the document with their statement.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least one week
8. **After you approve a Mediation Request, how long until it's scheduled?** 1-3 months depending on parties 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?** For voluntary mediation, parties should contact me as well as assigned Judge. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Two weeks
11. **What else should the parties know or do before the mediation?** The parties should be discussing resolution either issues in pending litigation or global resolution prior to 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?** There is no set time and each request will be reviewed and considered.
- 2. Under what circumstances do you conduct conference calls?** Case by case.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** I accept faxes but will not review any emails sent directly to me (the emails will be deleted without review).
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** If parties are making progress, I will continue the mediation until the matter resolves and parties reached an impasse. As for hearings, I will allow counsel to conclude but if parties are late for hearing or extensive direct/cross examination, I will continue the hearing and relist so parties can complete testimony without delaying subsequent hearings.
- 5. What is the best way to contact you in an urgent situation?** Contact my secretary
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** I do not have a definitive policy. I review weather and will make a decision. Parties should review WCAIS as well as call my Wilkes-Barre Office to confirm whether my hearings/mediations are cancelled.