

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?** All petitions, other than those filed under § 413(c)(1) or § 413(d)(1) of the Act, will be listed for a (15) minute pretrial hearing for the purposes of disclosing discovery by the moving Party and presentation of a trial schedule including a date for the Mandatory Mediation. Parties may attend the initial hearing by telephone so long as discoverable information has already been exchanged. Additional hearings will then be scheduled for Claimant's testimony and the testimony of any other fact witnesses. All other evidence, including any expert depositions, is to be completed within the (180) day period with standard 45/90/90 scheduling. For a special supersedeas hearing conducted pursuant to § 413(c)(1) or §413(d)(1) of the Act the matter will be listed for a (30) minute first hearing at which time testimony will be taken regarding the limited scope of the Challenge Petition.
- 2. List any documents required at the first Event:** The parties are expected to be able to outline their theory of the case and provide all information relevant to the case. The current controlling Bureau document(s) should also be available at the first hearing. Both parties will be expected to identify any medical and/or lay witnesses, to be presented via deposition prior to the close of the record.
 - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge To the extent parties insist on completing First Hearing Filings they should be uploaded as Documents and not as Exhibits as the First Hearing Filing will not be marked or admitted as evidence.
 - b. Should docs be uploaded before or after the first Event?** Before Parties are encouraged to upload all Documents and Exhibits prior to the hearing.

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. Will testimony be heard?** No No testimony will be heard, unless specifically requested by one of the parties. I generally limit the supersedeas hearing to (15) minutes for the presentation of documentary evidence from the Defendant and from the Claimant, if available. As noted above, Exhibits, including Supersedeas Exhibits should be uploaded into WCAIS prior to the hearing.
 - b. Is additional time generally granted to obtain medical evidence?** Yes Generally, I will allow Claimant (14) – (21) days to present contrary medical evidence and/or an affidavit from the Claimant. Claimant should be prepared to outline the nature of this evidence at the time of the initial hearing. Under rare circumstances this time period may be extended.
 - c. Under what circumstances will you reconsider a supersedeas order?** I will reconsider a supersedeas order upon submission of additional evidence not available prior to date of the initial supersedes decision. Pursuant to rule 131.41 (b) a second supersedeas hearing will be held unless this requirement is waived by the parties.
 - d. Do you generally use written orders for denials?** Yes Generally a written Interlocutory Order regarding supersedeas will be issued. If no indemnity benefits are being paid, supersedeas may be denied from the bench.

- e. **What is required for employee's counsel to obtain interim fee approval?** I only require the submission of a valid fee agreement.
- f. **Describe any other procedures for supersedeas hearings:** I have no other procedures for supersedeas; however I reserve the right to amend my procedures with respect to supersedeas as necessitated by the procedural and factual developments of each individual case.
- g. **Describe procedures for special supersedeas hearings, if different:** For Special Supersedeas in relation to an Employee Challenge Petitions the first hearing will be scheduled for (30) minutes, and testimony will be heard on the limited issues under the Challenge Petition.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I generally use a serial hearing method. In some cases of limited scope, I will use a first and final method. Between the date of the first hearing and the date of the final hearing, I expect the parties to complete any medical examinations, depositions of both medical and lay witnesses, and any other necessary procedural matters, so that the presentation of evidence can be concluded at the time of the final hearing whenever possible.
 - 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 Either party may appear at the pretrial hearing via telephone unless testimony is to be obtained at the first hearing. To proceed by telephone, Counsel should submit a WCAIS request at least three (3) days in advance of a hearing or in instances of inclement weather as soon as possible if the hearing has not already been canceled. Requests should be submitted through WCAIS or via facsimile with a valid contact number that can be used at the time of the scheduled hearing, and a certificate of service demonstrating that all parties have received notice of the request.
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear at a scheduled event the matter is re-listed in approximately (30) days. If a party fails to appear at a second scheduled event I then entertain appropriate motions to dismiss for failure to prosecute/defend.
4. **Do you have special procedures for psychological injury cases?** No I have no special procedures for psychological cases; however I reserve the right to create such procedures as I deem necessary to address any special circumstances which may arise during the course of litigating a case regarding psychological issues.

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?** I expect the Claimant to testify at one of the hearings, unless unforeseen circumstances preclude such testimony. Experts and other lay witnesses are to testify by deposition.
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?** I expect the Claimant to testify live at one of the hearings, if such testimony is to be offered during the course of litigation. Other lay witnesses and expert witnesses should be presented by deposition. I expect all trial depositions of lay witnesses and expert witnesses to be completed or at the very least scheduled prior to the final hearing. I may permit a party or witness to testify by telephone, at my sole discretion.
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 with the burden of proof is expected to proceed first with its evidence, including the completion of medical evidence. If cross petitions are filed, I will, at the first

hearing, establish the order for the taking and presentation of the medical evidence on a case by case basis. Generally Deadlines will be (45) days to obtain an IME, (90) days for the presentation of the moving party's evidence and 90 days for the presentation of the responding party's evidence

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?** I endeavor to secure and admit the relevant Bureau documents prior to the first hearing; however, the moving party should be prepared to provide all Bureau documents including, but not limited to, the Notice of Compensation Payable, the Statement of Wages and/or any Supplemental Agreements or prior Decision(s) that may be relevant to the petition(s) to be decided. In particular, the controlling bureau document should be made available. These documents will be made part of the record at the first hearing. While I prefer the parties upload Exhibits prior to the hearing, parties may upload exhibits at any time; however exhibits uploaded after a hearing will not be moved into evidence until the next scheduled hearing, unless agreed upon in advance during a hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Hard copies are not necessary, unless the exhibit is to be utilized by a witness during the testimony to be provided. Surveillance DVDs must be submitted in hard copy.
7. **When will you rule on objections to exhibits?** I generally rule on exhibits at hearings. If exhibits are submitted after the final hearing which were not specifically discussed and ruled upon at the final hearing, opposing counsel will have (14) days from the date of receipt by my office during which to preserve an objection to those exhibits. If no objection is received within (14) days, the exhibit will be admitted if it is otherwise admissible.
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 are unable to come to an agreement concerning the production of documents or witnesses, I will conduct a telephone conference. The party posing the objection shall be responsible for coordinating the scheduling of the conference with my secretary. I do not generally attend depositions.
9. **What is the last day to file written preservations of deposition objections?** Written preservation of deposition objections are to be submitted as a separate exhibit at the same time as the filing of Proposed Findings of Fact, Conclusions of Law and the Briefs.

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 Amendments to existing petitions are encouraged, but in certain circumstances a new petition will also be acceptable. Parties are reminded that to the extent other petitions are to proceed to Decision or if multiple dates of injury and BCN's are to be addressed, separate petitions will be required for each BCN.
 - 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 fully executed Compromise and Release Agreement with the contingent fee agreement, Waiver of Appeal and a summary of litigation costs can be uploaded and will be marked and admitted as Joint Exhibit 01. This Exhibit will be circulated with the Decision and Order.
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes The Act 109 documents will be admitted, but will not be circulated with the Decision and Order.

- 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.?)** Medicare, Medicaid and Social Security information, third party subrogation claims and medical bills being addressed in the Compromise and Release can be submitted and marked as a separate exhibit; however these exhibits may or may not be attached to the C&R Decision at my discretion.
- 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?** Whenever a party is uploading any document in WCAIS I expect the first five digits of the Social Security Number to be redacted; however a copy showing the complete Social Security Number must be reviewed by the Claimant on the record at the time of the hearing.
- h. **Will you sign bench orders?** Yes Bench Orders will be executed so long as neither party has an objection to the form of the Order. A separate Decision and Order will also be circulated by my office.
- i. **Describe any other procedures you have for C&R Agreements:** The signature of a representative of the “employer, insurer, or third party administrator” is not required on the certification page; however, defense counsel may be required to state, on the record, that their client is aware of and is in agreement with the terms of the Compromise and Release Agreement if it is not signed by the Defendant Employer/Insurer.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** A Stipulation of Facts resolving all or some of the pending petitions and issues can be submitted at any time. I do require the signature of all Counsel of Record as well as the Claimant in order to adopt the Stipulation.
- 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?** Yes The Stipulation of Facts should confirm that Claimant has reviewed the name, address, Social Security Number and Date of Birth in the Act 109 documentation and confirms that they are correct.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Medicare, Medicaid and Social Security information, medical bills and any claims for subrogation should also be provided and can be marked as an exhibit; however these exhibits may or may not be attached to the Decision at my discretion.
 - 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?** Whenever a party is uploading any document in WCAIS I expect the first five digits of the Social Security Number to be redacted.
- 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 Yes, a case may close after the final hearing. A CLOSING DATE and BRIEFING SCHEDULE will be provided at the time of the final hearing. Exhibits should be submitted by the closing date absent a compelling reason for delay. Briefs will be due on the date established on the record. I will then issue a Decision and Order regardless of whether or not briefs have been received.
 - a) In accordance with Rule 131.66, a party seeking to preserve objections in any trial deposition shall submit a separate writing, introduced prior to the close of the evidentiary record, as close of the record is defined in Rule 131.101 (c) -- (e), which identifies all objections the party wishes to preserve. Objections not so preserved shall be deemed waived.

b) If a party desires to present testimony in rebuttal to any evidence presented at the final hearing, that party is advised to utilize the procedure set forth in Judge's Rules 131.53 (e) & (f) & 131.63 (d).

c) If not already provided, the employer/carrier shall submit a Statement of Wages, if appropriate for the Petition at issue. The employer will also submit all supporting raw wage data used in calculating the Average Weekly Wage. This requirement can be waived if claimant or claimant's counsel stipulates to the accuracy of the Statement of Wages.

d) In the event that the claimant is seeking reimbursement of any costs and expenses of litigation, the claimant shall have assembled any such costs and expenses for submission as one exhibit. Said exhibit shall include a cover sheet indicating the date that the cost or expense was incurred, the type of cost or expense (i.e. whether for a transcript, medical records or reports, a deposition fee, etc.), the name of the supplier of the services, and the amount of the cost or expense.

e) In the event that the claimant is seeking payment of any medical bills or expenses, the claimant shall have assembled any such medical bills for submission as one exhibit. Said exhibit shall include a cover sheet indicating the name of each health care provider, the dates of service, treatment, prescription, etc., the amount of the bill, any portion of the bill that has been paid and by whom, and any portion of the bill that is still unpaid. With rare exception I will not accept submissions of individual medical bills by mail.

2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** A closing date and briefing order will be issued at the final hearing. Post-trial submissions will generally be due from the parties approximately (30) days after the closing date. I will not grant extensions of time for post-trial submissions. If the submissions are received late, but before I start to decide the case, they will be considered. Preservations of Objections, Quantum Meruit submissions, Litigation Costs, and Act 109 documentation should be submitted as separate exhibits at the same time as the Proposed Findings.
3. **Describe any preferences regarding the format and content of submissions:** Post-trial submissions should include Proposed Findings of Fact, a brief Argument that succinctly sets forth the issues to be decided, case law and legal argument, the Proposed Conclusions of Law, and a Proposed Order. Proposed Findings of Fact must contain a specific cite to the record including page and line numbers. Proposed Findings of Fact should be submitted through WCAIS and also uploaded as a Word document to the Resource Account at the time of their submission.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Reading & Allentown
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Adjusters/Employer representatives may participate via telephone. If Claimant lives out-of state and/or has some other good excuse for not appearing in person they too may participate via telephone.
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?** This varies depending on schedule and case load. Mandatory Mediations generally will take place somewhere between the date of the IME and the final hearing in a case.
5. **Are you willing to conduct more than one session per Dispute?** Yes If progress is being made at the initial mediation or if the parties need to obtain additional information in order to proceed with the mediation I will allow for multiple sessions.

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 a Cancellation, the parties should contact the presiding Judge as that Judge will be required to enter a finding of futility. For Continuances, the parties should contact me either via a facsimile or through the Documents and Correspondence tab under the Dispute Summary where the parties may choose to send a letter to the mediating Judge directly through WCAIS. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible, but not less than (48) hours prior to the mediation.
7. **What else should the parties know or do before the mediation?** Click or tap here to enter text.

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:** Reading
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes Parties must stipulate on the record or in writing that the information learned during the voluntary mediation cannot form the basis for a recusal motion or an appeal to the WCAB.
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?** 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?** Adjusters/Employer representatives may participate via telephone. If Claimant lives out-of-state and/or has some other good excuse for not appearing in person they too may participate via telephone.
7. **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.
8. **After you approve a Mediation Request, how long until it's scheduled?** Generally a few weeks.
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?** In a voluntary situation I will postpone or cancel a mediation at either parties request. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** I ask that cancelations be requested at least 48 hours in advance whenever possible.
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?** I will generally grant requests for continuances of the first hearing by agreement of the

parties, or in the

absence of such agreement, for compelling reasons. All requests for continuances shall be in writing and must include the information set forth in 34 Pa. Code § 131.13. Requests should be submitted no less than (5) days prior to the scheduled event through WCAIS or, if necessary, via US mail or facsimile. The first hearing will then be promptly rescheduled. I will not grant requests for the continuance of a final hearing absent extreme circumstances. I am willing to entertain requests for a change in the time for a hearing, and the parties should contact my secretary in writing with any such request.

2. **Under what circumstances do you conduct conference calls?** In limited circumstances I will allow a conference call; however only with prior approval from my office. The party requesting the conference call must secure all parties on the line before dialing into my office to complete the call.
3. **Under what circumstances do you accept faxes and e-mails from parties?** While I prefer to receive Correspondence and Requests through WCAIS I will accept faxes from the parties. I also accept E-mails so long as those E-mails are copied to all parties. Failure to copy all parties will result in the E-mail being forwarded to opposing counsel without the sender's permission to avoid any ex parte communication, the only exception is if the E-mail is simply enclosing a privileged mediation disclosure.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Yes, I try to maintain my hearing schedule as closely as possible. I do allow mediations to run over, if the parties are continuing to make progress toward resolution of the issues or claim.
5. **What is the best way to contact you in an urgent situation?** Contact my secretary Lydia in the Reading WCOA Office and she will contact me if the emergency/request warrants it.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** If some or all of my hearings are canceled I will make the decision to cancel the hearings between 12:00 and 3:00PM the day before the scheduled event. If I have not canceled the hearing by 3:00PM it will take place as scheduled unless the building schedule is changed by the Office of Administration. I do liberally grant continuances for inclement weather the day of an event at the request of any Party.