

**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 a pre-trial hearing. No testimony will be taken. A mandatory trial schedule will be entered scheduling Claimant's testimony by deposition and/or at the final hearing. Supersedeas will be received on employers' petitions.
2. **List any documents required at the first Event:** Supersedeas exhibits should be submitted. No pre-hearing memorandum is required.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits [Click or tap here to enter text.](#)
  - b. **Should docs be uploaded before or after the first Event?** After [Click or tap here to enter text.](#)

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
  - a. **Will testimony be heard?** Yes [Click or tap here to enter text.](#)
  - b. **Is additional time generally granted to obtain medical evidence?** Yes Additional time limited to 7 days.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Discovery of new evidence, after hearing.
  - d. **Do you generally use written orders for denials?** Yes [Click or tap here to enter text.](#)
  - e. **What is required for employee's counsel to obtain interim fee approval?** A signed fee agreement, upon denial of supersedeas request.
  - 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:** A serial hearing format is used in accordance with the time requirements of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (Special Rules), 34 Pa. Code Ch. 131. Changes to the hearing schedule will be entertained upon agreement of counsel.
  - 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 [Click or tap here to enter text.](#)
3. **What procedure do you follow if a party fails to appear at a hearing?** At the discretion of the judge, the record will either be closed or the case continued for one additional hearing date to allow the non-appearing party to present an excuse for their failure to appear.

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?** Desposition 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 first hearing is a pre-trial hearing and no testimony will be taken. Parties (Claimant/Employer) may testify at subsequent hearings upon prior request of counsel and approval of the judge. Request for testimony should be made as soon as possible but no later than 14 days before the hearing. Only one witness is permitted per hearing date. Multiple cases are scheduled for hearing at 9:00 a.m.; testimony will be taken in the order that cases appear on the hearing list. Any witness may testify by deposition by agreement of counsel.

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?** Testimony by phone permitted only in Compromise and Release hearings where Claimant is out-of-state. Telephone depositions are always permitted upon agreement of the parties.

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 with the burden of proof on the petition with the earlier filing date shall proceed, unless otherwise agreed by the parties.

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 Counsel not required to upload exhibits until after the evidentiary record is closed. **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 Click or tap here to enter text.

7. **When will you rule on objections to exhibits?** At the hearing when they are introduced.

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 should be addressed at the next scheduled hearing unless undue delay would result. In such cases, telephone conferences may be permitted.

9. **What is the last day to file written preservations of deposition objections?** At the final hearing when the evidentiary record is closed.

### 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?** Yes **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 Click or tap here to enter text.

d. **Should child support docs be uploaded as a separate exhibit?** No 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.?)** Click or tap here to enter text.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** All documents attached to, and referenced in the Compromise and Release Agreement should be uploaded as part of the Agreement. Separate Agreements on matters not pertaining to the Workers' Compensation Act should not be attached and will be excluded from the Compromise and Release Agreement prior to approval.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** When the Agreement is uploaded.
- 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?** Stipulations may be submitted at a hearing or, upon agreement, by mail. The stipulation will be approved by circulated Decision. Counsel will be contacted if the Stipulation cannot be approved.
- 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.)?** None.
  - a. **Should they be part of the stip or a separate exhibit?** When the Stipulation is uploaded.
- 5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Click or tap here to enter text.
- 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 In certain cases electronic submission is permitted upon agreement of the parties after hearing.
- 2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Time requirements are set at the final hearing; reasonable requests of counsel are usually granted. The case may be decided without briefs if they are not filed in a timely manner; the judge reserves the right to consider untimely briefs if filed before the decision is rendered.
- 3. **Describe any preferences regarding the format and content of submissions:** Submissions should include Proposed Findings of Fact and Conclusions of Law, together with a discussion of the legal and factual issues of the case. The Proposed Findings of Fact should include a summary of evidence which is objective and addresses all evidence presented.

### **MANDATORY MEDIATIONS**

- 1. **List the offices where you conduct mandatory mediations:** Malvern
- 2. **Do you require all participants to attend in-person?** No
  - a. **Under what circumstances do you permit attendance by phone?** Counsel must appear in person. Claimant's and employer representative's presence preferred, but they may appear by telephone.
- 3. **Do you require a Mediation Statement?** Yes **If yes:**

- a. **What information do you require in that Statement?** Status of prior negotiation; current demand or offer.
  - 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 week.
4. **After you approve a Mediation Request, how long until it's scheduled?** This depends on the availability of mediating judges. Efforts are made to schedule mediation on a specific date agreeable to both parties.
  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?** Contact adjudicating judge for cancellation; contact mediating judge for postponement. **If you:**
    - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** One week.
  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?** No [Click or tap here to enter text.](#)
2. **List the offices where you conduct voluntary mediations:** [Click or tap here to enter text.](#)
3. **Do you mediate Disputes assigned to you for hearing and decision?** Choose an item. [Click or tap here to enter text.](#)
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Choose an item. **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?** Choose an item. **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?** Choose an item.
  - a. **Under what circumstances do you permit attendance by phone?** [Click or tap here to enter text.](#)
7. **Do you require a Mediation Statement?** Choose an item. **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?** [Click or tap here to enter text.](#)
9. **Are you willing to conduct more than one session per Dispute?** Choose an item. [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?** Choose an item. **If you:**
  - 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?** [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?** Requests for continuances must be made no later than 10 calendar days prior to the hearing date. Requests must include all information required under Section 131.13(g) of the Judges' Rules. Late-filed requests via WCAIS may not be reviewed.
- 2. Under what circumstances do you conduct conference calls?** Written motions are preferred. An expedited hearing may be requested to address issues in dispute. Telephone conferences are permitted only when there is insufficient time to schedule and conduct a hearing.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** No e-mails are accepted. Faxes accepted when followed-up by U.S. Mail or WCIAS submission.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** Hearings: not given "allotted time" but are called sequentially from a hearing list; cases with testimony are heard in the order that they were called. Mediations: may go over allotted time only if there is no conflicting schedule.
- 5. What is the best way to contact you in an urgent situation?** Telephone support staff at 610-251-2878
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Please phone 610-251-2878 or check WCIAS listing.