

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 first hearings will be a pre-trial conference. No testimony will be taken except for C&R Petitions. Supersedeas requests will be addressed, and the parties must be prepared to discuss how litigation will proceed.
- 2. List any documents required at the first Event:** I do not require any first hearing filings or documents
 - 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 I do not require any first hearing filings or documents.

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?**
 - a. Will testimony be heard?** No I do not hear testimony, but will accept a written statement or affidavit from the claimant. The statement/affidavit must include an acknowledgement of the fee agreement, if approval of a fee is desired.
 - b. Is additional time generally granted to obtain medical evidence?** Yes
 - c. Under what circumstances will you reconsider a supersedeas order?** If new evidence not existing at the time the initial supersedeas evidence becomes available within a reasonable time after the initial supersedeas order.
 - d. Do you generally use written orders for denials?** Yes I will advise on the record if I will allow a denial by action of law
 - e. What is required for employee's counsel to obtain interim fee approval?** A written fee agreement and affidavit from the claimant acknowledging the fee agreement.
 - f. Describe any other procedures for supersedeas hearings:** None
 - g. Describe procedures for special supersedeas hearings, if different:** N/A

HEARINGS

- 1. Describe the structure of your hearings and whether you are willing to change your hearing format:** I use a serial hearing format with the party bearing the burden of proof to move forward with evidence. After the moving parties evidence is complete, or the deadline expires, the responding party will proceed. I will schedule as many hearings as needed.
 - a. Are you willing to change the hearing format upon request?** Yes If special circumstances dictate a different format, it will be discussed on a case-by-case basis.

2. **Are you willing to allow counsel to participate by telephone?** Yes Supersedeas hearings and status hearings may be held telephonically. The parties must agree to proceed telephonically, and a Miscellaneous Request must be submitted no later the business day before the hearing.
3. **What procedure do you follow if a party fails to appear at a hearing?** A claimant's failure to appear without notice at a hearing at which the defendant requests supersedeas will result in an interlocutory order granting the requested supersedeas, if the evidence supports it. The interlocutory order will further direct the claimant to advise me of any desire to defend the petition. If the claimant failed to comply, and the evidence supported supersedeas, the interlocutory order will be made final.

Should a moving party fail to appear at a hearing, the matter will be address on a case-by-case basis with the possibility that the petition may be dismissed without prejudice.

4. **Do you have special procedures for psychological injury cases?** Yes A claimant alleging a mental/mental or physical/mental work injury must produce a prima facia report from the claimant's expert who will ultimately testify in support of the alleged injury. The report must be provided to defendant no later than 45 days from the date of assignment of the petition.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** All testimony of a claimant and other lay witnesses is expected to be live or by video hearing. If neither is possible, then a deposition may be taken. I will not entertain telephonic testimony only from a Claimant or lay witness. Expert testimony shall be by deposition.
 - a. **Do you prefer testimony at a hearing or by deposition?** Hearing.
 - 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?** Testimony from a witness or witnesses other than a claimant will be heard only if the witness(es) is(are) identified prior to the hearing. Typically, that identification is effected on the record at a hearing. Otherwise, written notice identifying the witness(es) is expected within 45 days of the first hearing, or within a reasonable time after the party is aware of the need for such 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?** A claimant's testimony by phone is permitted only for C&R Hearings where the claimant lives more than 100 miles from the hearing location, or is unable to attend the hearing for documented medical reasons. If the claimant's testimony is for other than a C&R Agreement, the testimony should be done by deposition.

Testimony of lay witnesses who are located more than 100 miles from the hearing location may be properly deposed. If an opposing party objects to the deposition of a lay witnesses located more than 100 miles from the hearing location, the opposing party may be held liable for travel expenses incurred by the witness to attend a hearing live.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** For cross-petitions, the applicable order of evidence will be discussed at the first hearing. Otherwise, the moving party is expected to proceed with its evidence to be completed within 90 days of the date of the first scheduled hearing. In UR Review Petitions, the defendant/employer is expected to move forward regardless of which party filed the petition.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge Bureau Documents and UR Determinations will be uploaded as a Judge's exhibit before the applicable hearing.
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?** All proposed exhibits are to be uploaded three business days before the scheduled hearing. It is expected that the opposing party will have reviewed such exhibits and be able to address issues of admissibility at the hearing. If an attorney or party does

not use or have access to WCAIS, they may hand up exhibits at a scheduled hearing. No exhibits are to be mailed.

6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes Hard copies are needed to present to witnesses for authentication. Otherwise, it is not necessary to bring hard copies.
7. **When will you rule on objections to exhibits?** At the hearing, except for depositions.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** These issues are addressed on a case-by-case basis on the record at a hearing.
9. **What is the last day to file written preservations of deposition objections?** Preservation of objections regarding deposition testimony is due within 21 days of the date the transcript is submitted as an exhibit.

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:**
 - 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 It is not necessary to file a new C&R Petition if the agreement resolves all litigation.
 - 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?** I require a draft of the Agreement bearing, at least, the Claimant's signature three business days before the C&R Hearing. The draft should be uploaded as Correspondence.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** No. The fully executed agreement is to be presented at the hearing. I will upload the agreement after the hearing.
 - d. **Should child support docs be uploaded as a separate exhibit?** No Child support documents are to be attached to the C&R Agreement. They are not to be redacted. Social Security Numbers will be redacted before the final order is circulated.
 - 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.?)** N/A
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** N/A
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** My office will redact all confidential information after the hearing and before my staff uploads the agreement and supporting documents.
 - h. **Will you sign bench orders?** No
 - i. **Describe any other procedures you have for C&R Agreements:** N/A

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** The parties may upload a full-executed written stipulation as an exhibit, and I will review and issue the appropriate order. If a hearing is scheduled it will be cancelled. However, I will not continue a scheduled hearing for a stipulation to be prepared. The parties can appear, execute, and submit the written stipulation at the hearing, or place a verbal stipulation on the record.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation The stipulation should have reference to the fee agreement.

3. **Should child support documents be uploaded as a separate exhibit?** Yes The Act 109 Documents must be complete. I will redact and rescan the documents.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Any document the parties deem necessary to make the stipulation clear and understandable.
 - a. **Should they be part of the stip or a separate exhibit?** If the bills are set forth in the body of the Stipulation, then reference to a separate exhibit is preferred. Otherwise, they should be part of the stipulation. Bear in mind, I may require redraft if the ultimate stipulation's page count is excessive.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** I will redact the confidential information on Act 109 Documents.
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. A party may advise me by correspondence uploaded in WCAIS that the party rests and is prepared to brief the issues. If all parties so notify me, I will close the record and issue a written briefing schedule.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** The moving party's brief is due within 30 days of the close of the record, and the responding party's brief is due within 45 days of the close of the record. If the record closes after a hearing at which new testimony occurred, the time is doubled to 60/75. Briefs not received in a timely manner will not be considered.
3. **Describe any preferences regarding the format and content of submissions:** I have no firm requirements for content or format. The parties may submit proposed findings and conclusions, if they desire; however, I am more interested in the legal argument of the issues.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Allentown
2. **Do you require all participants to attend in-person?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** I do not permit attendance by phone.
3. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** The Mediation Statement should be uploaded in WCAIS. I look for each party to advise me of the reasons and motivations they have to settle the case as opposed to allowing the trial judge to decide the case. I expect the parties to have conducted serious discussions toward settlement before the mediation. Each party should outline those discussions, and provide the rationale for their respective valuation of the dispute. Each party must advise me of the absolute authority they have to resolve the case. I am interested more in the motivations to settle as opposed to arguments of the evidence.
 - b. **What documents, if any, must accompany the Statement?** The controlling Bureau Document or Judge's Decision.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The week before the scheduled mediation, and no later than the Friday before the scheduled mediation.
4. **After you approve a Mediation Request, how long until it's scheduled?** I only conduct mandatory mediations as scheduled by the trial judge at the first hearing.
5. **Are you willing to conduct more than one session per Dispute?** No

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?** Cancellation requests **MUST** go to the trial judge. A postponement request should come to me. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The week before the scheduled mediation
7. **What else should the parties know or do before the mediation?** Mediation reports are to be uploaded in WCAIS as Mediation Statements. They should not be faxed to me. If a party is not able to upload, the mediation report should be mailed by First Class Mail.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** No
2. **List the offices where you conduct voluntary mediations:** N/A
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?** No **If yes:**
 - a. **Describe any special procedures:**
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?** Yes
 - a. **Under what circumstances do you permit attendance by phone?**
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?**
 - b. **What documents, if any, must accompany the Statement?**
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**
8. **After you approve a Mediation Request, how long until it's scheduled?**
9. **Are you willing to conduct more than one session per Dispute?** No
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?** Mediating Judge **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**
11. **What else should the parties know or do before 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?** All such request must be uploaded using the proper WCAIS request form no later than 10 days before the scheduled event for which a change is requested. The decision to approve or deny the request will be made on a case-by-case basis.
2. **Under what circumstances do you conduct conference calls?** I will entertain conference calls to discuss status, and other matters set forth in a WCAIS request approved for a call. The request must set forth a proposed date and time for the call. If approved, I will scheduled a call and send email invitations.

- 3. Under what circumstances do you accept faxes and e-mails from parties?** I do not accept faxes. I prefer all correspondence sent via WCAIS to ensure it is entered in the file.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** I adhere strictly to the time set for hearings and mediations out of respect for the parties waiting for the next scheduled hearing or mediation.
- 5. What is the best way to contact you in an urgent situation?** Call my office.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** I do not follow any specific school district schedule. Cancellations will be posted on WCAIS as soon as possible after the decision is made. If hearings are no cancel, but a party is unable to attend due to inclement weather, I will reschedule the hearing without penalty to the party.