

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?** Hearing with testimony for the party with the burden of proof unless the hearing listed is a supersedeas hearing.
2. **List any documents required at the first Event:** None are required. Any proposed exhibits can be uploaded as exhibits before the hearing.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge I do not require First Hearing Filings but the party with the burden of proof should be prepared to state on the record, anticipated witnesses, both medical and lay witnesses.
 - b. **Should docs be uploaded before or after the first Event?** Before [Click or tap here to enter text.](#)

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Please upload supersedeas exhibits in advance of the hearing.
 - a. **Will testimony be heard?** No Unless needed to approve a fee agreement or for an Employee Challenge Petition.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes
 - c. **Under what circumstances will you reconsider a supersedeas order?** New medical evidence or surveillance is obtained that was not available at the time of the supersedeas 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?** Upload the fee agreement as an exhibit in WCAIS and either testimony from the Claimant or an Affidavit that he/she understands the fee is to be deducted from wage loss payments if I issue a decision denying supersedeas.
 - f. **Describe any other procedures for supersedeas hearings:** none
 - g. **Describe procedures for special supersedeas hearings, if different:** Be mindful of Special Rule of Administrative Practice and Procedure before WCJs, 131.49 when submitting evidence in opposition to special supersedeas.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I use serial hearings, the number of which will vary based upon petition type, evidence to be presented and the needs of the parties.
 - a. **Are you willing to change the hearing format upon request?** No [Click or tap here to enter text.](#)

2. **Are you willing to allow counsel to participate by telephone?** No For in person hearings, generally no unless good cause is shown. Please see my special Covid-19 instructions for telephonic and video hearings due to the pandemic.
3. **What procedure do you follow if a party fails to appear at a hearing?** I will entertain the appropriate motion; but place the motion on hold to give the absent party ten days to explain the absence.
4. **Do you have special procedures for psychological injury cases?** No If extra hearing time will be needed, please place a request in WCAIS with the estimated length of time for direct and cross examination.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** I expect to have Claimant testify at a hearing.
 - 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?** Witness testimony is to be discussed at the first hearing, primarily by the party with the burden of proof. If either party determines that additional witnesses need to be presented, please place a hearing request in WCAIS, list the number of witnesses and how much time is estimated for direct and cross examination. Be sure to obtain the position of opposing 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?** Expert witnesses can be taken by deposition. All other witnesses are to be determined on a case by case basis, including the nature of the testimony, the location of the witness and other considerations.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** When cross petitions are filed before the first hearing, the order of submission of medical evidence will be determined on a case by case basis. Filing of a “cross petition” after the first hearing may not be used to try to change the order of submission of medical evidence without agreement of all parties and the judge.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge The parties can also upload Bureau documents, especially if they are filed under a different date of injury.
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?** At least a full business day prior to the hearing is preferred. If a potential exhibit is uploaded that day of the hearing, it might not be addressed at the hearing as I might not have had time to view the exhibit due to my schedule.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No For in person hearings with detailed testimony surrounding an exhibit, having a copy would be helpful to me.
7. **When will you rule on objections to exhibits?** Usually, at the hearing at which the objection is made. If an objection is placed in the WCAIS system, I will rule on the objection in the WCAIS system or set up a conference call on the record to discuss the exhibit and the objection and enter a ruling thereafter.
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 will be ruled upon through the WCAIS system or at an on the record proceeding so that all objections and rulings are preserved in the record. I do not prefer to attend depositions.
9. **What is the last day to file written preservations of deposition objections?** The closing of the evidentiary record.

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** I will read the agreement and supporting documents. If the parties are settling more than one date of injury with a C&R, a separate C&R exhibit will be needed for each date of injury. If petitions are not pending on all dates of injury, a petition to seek approval of a compromise and release agreement must be filed for the date of injury with no pending petition.
 - 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 If a petition is remaining open, a party might need to file a Petition to Seek Approval of a Compromise and Release Agreement.
 - 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?** Not for in person hearings. Please see my Covid-19 procedures for telephonic and video C&R hearings.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Before The fee agreement must be attached to the C&R document, regardless of whether the fee agreement is already admitted as an exhibit in any underlying petition.
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes The UNREDACTED Act 109 documents should be uploaded as a separate exhibit in WCAIS.
 - 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.)?** I do not require that any other documents be attached to the C&R when uploaded. If the parties want other documents attached to the stipulation, please do so when uploading the C&R.
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** Separate exhibits.
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Information should NOT BE REDACTED from the Act 109 documents. I need to compare the date of birth and SSN on the Claimant's statement to the same numbers on the lien search. The SSN and date of birth can be redacted on the C&R agreement prior to uploading.
 - h. **Will you sign bench orders?** No [Click or tap here to enter text.](#)
 - i. **Describe any other procedures you have for C&R Agreements:** Do not redact or partially redact the SSN or date of birth from the Act 109 documents. The Act 109 documents will not be attached to my decision and order approving a C&R because they will be uploaded as separate exhibits.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Please upload the stipulation as an Exhibit in WCAIS and request that the stipulation be approved with either an interlocutory or final order.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation Unless the parties do not want the fee agreement to be attached.
3. **Should child support documents be uploaded as a separate exhibit?** Yes Please upload the Act 109 documents as a separate exhibit and be sure that they are UNREDACTED.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** I do not require any other documents to be uploaded with a stipulation. If the parties want other documents to be uploaded with the stipulation, they must upload same.
 - a. **Should they be part of the stip or a separate exhibit?** Depends upon the needs of the parties.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** NEVER REDACT the SSN and DOB from the Act 109 documents. This information does not need to be included in the stipulation.

- 6. Describe any other procedures you have for stips:** Please be sure that the stipulation complies with rule 131.91, particularly whether the stipulation resolves all the pending petition or whether any petitions or issues remain to be decided by the Judge.

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?** A deadline will be set for the submission of evidence including any remaining transcripts, litigation costs, and preservation of objections. This deadline to be determined based on the needs of the parties to the dispute. Deadlines for the submission of briefs will be set on a case by case basis with appropriate time given to the parties based upon the amount of evidence to summarize, the complexity of the case, any upcoming major holidays or vacations. If briefs are not uploaded by the deadline, the case will be decided without benefit of the brief.
- 3. Describe any preferences regarding the format and content of submissions:** Briefs or proposed findings of fact are acceptable. Either document should CONCISELY and ACCURATELY summarize the evidence and address any legal or procedural issues. Statements of fact should cite the exhibit and page number.

MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:** Pottsville and Hazleton.
- 2. Do you require all participants to attend in-person?** Yes
 - a. Under what circumstances do you permit attendance by phone?** Exceptions include the adjuster or Employer representative who should be available by telephone and out of state Claimants or Claimants with severe conditions may also participate by telephone.
- 3. Do you require a Mediation Statement? Yes If yes:**
 - a. What information do you require in that Statement?** Date of injury, petition at issue, AWW, WC rate, accepted injury/alleged injury, demand/offer made, outstanding medical bills for the work injury, any liens and strengths and weaknesses of each party's case.
 - b. What documents, if any, must accompany the Statement?** None, but I will read any documents attached.
 - c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Two full business days prior to the mediation or earlier.
- 4. After you approve a Mediation Request, how long until it's scheduled?** Depends upon availability and needs of the parties.
- 5. Are you willing to conduct more than one session per Dispute?** Yes If a second mediation seems likely to yield a partial or total resolution.
- 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? You If you:** If a mediation is requested to be cancelled, contact me. If a continuance is being requested, please contact the mediating judge.
 - a. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three business days prior to the mediation.
- 7. What else should the parties know or do before the mediation?** Please prepare for the mediation well in advance and determine if any extraneous issues exist such as the need for a resignation, a Medicare or Medicaid lien, a health insurance lien, the need for the Claimant to apply for a disability pension and be approved, outstanding medical bills, especially in denied claim and review injury petitions.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes Usually one or two Wednesdays per month.
2. **List the offices where you conduct voluntary mediations:** Pottsville and Hazleton.
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?** 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 **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?** Adjusters or Employer representatives must be available by telephone. An out of state Claimant or a Claimant with a severe condition can also participate by telephone.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** Date of injury, accepted injury description, AWW, WC rate, status of wage loss payments, any outstanding medical bills, current medical treatment including whether surgery is being recommended, any lien information, demands or offers 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?** At least two full business days in advance of the mediation.
8. **After you approve a Mediation Request, how long until it's scheduled?** Depends on scheduling availability.
9. **Are you willing to conduct more than one session per Dispute?** No 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?** You **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three full business days prior to the mediation.
11. **What else should the parties know or do before the mediation?** Please provide a timely mediation memo.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Continuances should be filed within two business days after the need for the continuance arises and all aspects of the continuance request must be completed to be granted. Make a few attempts to contact opposing counsel. In the event of an emergency, place the continuance request as soon as is practical. Extensions of deadlines will be granted once, for good cause shown. If an extension of a medical deadline is requested, please provide what attempts you have made to obtain records/reports and/or schedule a deposition. Second requests for a deadline will not be granted unless an emergency is shown. I generally schedule full hearing days so changing the hearing time will most likely not be an option.
2. **Under what circumstances do you conduct conference calls?** In limited circumstances for scheduling matters or cases with potential sensitive information. Arguments regarding objections or motions must be conducted on the record or through WCAIS.
3. **Under what circumstances do you accept faxes and e-mails from parties?** No faxes. E-mails are accepted for limited purposes such as emergencies, WCAIS is not operational or for scheduling.

4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I usually stick to the duration of the hearing or mediation. I will relist if more hearing time is needed or advise the parties to finish testimony by deposition. I will not generally relist a mediation for more time.
5. **What is the best way to contact you in an urgent situation?** Contact my assistant or email me. I will need you to then upload a letter in WCAIS to document the emergency in the official record.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** The weather policy varies for both Pottsville and Hazleton. Please check WCAIS for any cancelations. If a party or attorney feels unsafe to travel, liberal continuance requests will be granted.