

**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, unless the hearing is listed as supersedeas.
- 2. List any documents required at the first Event:** First hearing filings are not required but can be filed in WCAIS if a party wishes to do so.
  - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. Although no first hearing filing is required, the party with the burden of proof should be prepared to state on the record, anticipated witnesses, both medical and lay people and a position on mandatory mediation.
  - b. Should docs be uploaded before or after the first Event?** [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?** No. Unless needed to approve a fee agreement or requested by Claimant's counsel.
  - b. Is additional time generally granted to obtain medical evidence?** Yes. For good cause shown through a WCAIS request, which must be made prior to the expiration of the original deadline.
  - c. Under what circumstances will you reconsider a supersedeas order?** New evidence including new medical records or surveillance.
  - 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 Claimant or an Affidavit that he/she understands the fee is to be deducted from the time of a decision denying a request for supersedeas.
  - f. Describe any other procedures for supersedeas hearings:** Parties are to upload the supersedeas exhibits into WCAIS prior to the hearing.
  - 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 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?** Choose an item. [Click or tap here to enter text.](#)

2. **Are you willing to allow counsel to participate by telephone?** No. Generally, no, but I may consider for good cause shown on a case by case basis.
3. **What procedure do you follow if a party fails to appear at a hearing?** I will entertain an appropriate motion, but place the motion on hold and give the absent party a notification and 10 days to explain the absence.
4. **Do you have special procedures for psychological injury cases?** Yes. If requested, I will ensure the courtroom is clear of people unrelated to the litigation. If extra time is needed for testimony, please request extra time through WCAIS.

### 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?** Witness testimony is to be discussed at the first hearing. If the need for witness testimony arises later, please make a hearing request with an offer of proof and serve same properly to 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?** Medical Experts can be taken by deposition. All other witnesses or parties will be determined at the first hearing.
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 presents medical evidence first. Cross petitions to be determined on a case by case basis.
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? Before If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?** Before the hearing if possible. Controversial exhibits like criminal records should be uploaded after admission at a hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No. If detailed testimony is expected regarding an exhibit, a paper copy for me to review during testimony may be helpful.
7. **When will you rule on objections to exhibits?** At the final hearing or earlier hearings if the objection is presented at that time.
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 handled through WCAIS submissions or at a hearing in the event a record needs to be preserved.
9. **What is the last day to file written preservations of deposition objections?** When the brief or proposed findings of fact are due.

### 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. If a dispute is remaining open, a party will need to file a C&R petition.
  - 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?** Judge's office to upload the original C&R and supporting documentation.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes 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.)?** The fee agreement should be attached to the C&R. If the parties deem other exhibits to be necessary, they must upload them separately from the C&R.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** Separate exhibit.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** If a C&R is approved, the Judge will redact the SSN on the child support documentation. The SSN is not required on the C&R document itself.
- 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:** Please be ready to start on time. If you wait to show up and sign documents too late, the next case will be called.

### **STIPULATIONS (STIPs) RESOLVING DISPUTES**

- 1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations should be uploaded into WCAIS and have the necessary information pursuant to WCJ Rule 131.91.
- 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. Please upload in WCAIS as a Claimant's exhibit.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** If the parties want other documents attached to the stipulation, please upload them as separate exhibits and specify that they are for the stipulation.
  - a. **Should they be part of the stip or a separate exhibit?** Separate exhibit.
- 5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** SSN not needed in the stipulation. The Act 109 documents will not be included in the decision approving the stipulation.
- 6. **Describe any other procedures you have for stip:** Please be sure the stipulation complies with rule 131.91, especially regarding what petitions, if any, are to be resolved and withdrawn.

### **BRIEFS AND POST-HEARING SUBMISSIONS**

- 1. **Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission. Depending on the type of petition and evidence and if the deadlines for the submission of evidence have been followed.
- 2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Deadlines for briefs will be set on a case by case basis, with appropriate time given to the parties, considering upcoming holidays or vacation time. 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 are acceptable. They should CONCISELY summarize the evidence including any procedural issues and legal issues that arose during litigation. Any statement of fact needs to cite to the record including 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 to in person attendance are that Adjusters/Employer representatives must be available by telephone and out of state Claimants or Claimants with severe disabilities may participate by telephone upon request.
3. **Do you require a Mediation Statement? Yes If yes:**
  - a. **What information do you require in that Statement?** Date of Injury; Petition(s) at issue; AWW; WC rate; injury/alleged injury; demand/offer made, outstanding medicals; any liens; strengths and weaknesses of each party's case.
  - 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?** 2 business days prior to the mediation or earlier.
4. **After you approve a Mediation Request, how long until it's scheduled?** Depends upon scheduling availability.
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?** Please contact me either through a WCAIS request or by calling my assistant. Postponement of a mediation will not extend your medical evidence deadline. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 3 business days prior to the mediation.
7. **What else should the parties know or do before the mediation?** Please upload a mediation memo to help the judge prepare for 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:** 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?** Exceptions to in person attendance are that Adjusters/Employer representatives must be available by telephone and out of state Claimants or Claimants with severe disabilities may participate by telephone upon request.
7. **Do you require a Mediation Statement? Yes If yes:**
  - a. **What information do you require in that Statement?** Date of injury; accepted injury; alleged injury (if applicable); AWW; WC rate; status of wage loss payments; outstanding medical bills; current medical treatment including whether surgery is being considered; 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?** 3 business days.
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?** 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?** Me, this is the voluntary mediation section of the questionnaire. Please contact me through a WCAIS request or call my assistant. **If you:**
- 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.
11. **What else should the parties know or do before the mediation?** Please provide a mediation statement.

### 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 2 business days after the need for the continuance arises and all aspects of the continuance request must be completed to be granted. Make an attempt to contact opposing counsel. Extensions of deadlines will be granted for good cause shown and 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. I schedule full hearing days so changing hearing times will not be likely.
2. **Under what circumstances do you conduct conference calls?** In limited circumstances for scheduling matters or cases that are settling. Arguments regarding objections or motions must be done on the record.
3. **Under what circumstances do you accept faxes and e-mails from parties?** None.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I will relist if more time is needed to the next available hearing date.
5. **What is the best way to contact you in an urgent situation?** Call my assistant and then upload a letter or request into WCAIS.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Hazleton hearings and mediations; follow the Hazleton area school district as the building closes based on the school district schedule. Also check WCAIS. Pottsville hearings and mediations; the weather policy varies, check WCAIS and if a party or attorney feels it is unsafe for them to travel, liberal continuance requests will be granted.