

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 is generally a hearing with testimony, usually of the Claimant. I expect the moving party, whether it is the Claimant or Defendant, to upload all exhibits in advance of the hearing and to be ready to meet its prima facie case.
2. **List any documents required at the first Event:** I do not demand first hearing filings but they are acceptable and can be helpful.
 - a. **Should first hearing filings be uploaded as Exhibits or Letters to the Judge?** Exhibits. I will allow them to be marked as Exhibits if submitted as such, but they are considered to be argument not evidence. They may be submitted simply as correspondence as well.
 - b. **Should documents/exhibits be uploaded before or after the first Event?** Before the hearing, and the moving party is expected to have produced all documents at or before the time of hearing and submitted *prima facie* Click or tap here to enter text.

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Evidence will be considered for both the case in chief and supersedeas.
 - a. **Will testimony be heard?** Yes. Unless a matter is scheduled for 10 minutes, I take testimony as time allows. The parties will be given additional time for affidavits and/or other relevant evidence if necessary.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes. I will allow up to 14 days routinely and will consider longer if circumstances warrant and the parties agree.
 - c. **Under what circumstances will you reconsider a supersedeas order?** I will consider a motion or request for reconsideration if additional evidence has been obtained, or if circumstances have changed.
 - d. **Do you generally use written orders for denials?** Yes. I try to issue denials in written form as a matter of course.
 - e. **What is required for employee's counsel to obtain interim fee approval?** Counsel must have uploaded/offered a valid fee agreement
 - f. **Describe any other procedures for supersedeas hearings:** N/A
 - 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 employ a modified serial hearing format. I expect no more than 3-4 hearings. The first hearing is generally one with testimony where possible, or if my schedule does not allow time for testimony it is a pre-trial, followed by a hearing

for testimony about 30 days after the first hearing. Any subsequent hearings will include additional lay testimony if needed and any other interim matters. The final hearing occurs about six to eight months after the first hearing and consists

of any remaining lay testimony. All depositions should be completed by and submitted at the final hearing. I will do additional hearings only if the case is complicated, or the lay testimony is very lengthy, or if for good cause the parties request additional hearings after the final hearing.

- a. **Are you willing to change the hearing format upon request?** Yes but lengthy delays are highly irregular and unfair to the parties, so adherence to timelines will be expected.
 - b. **Are you willing to allow counsel to participate by telephone?** Yes. Hearing locations in Hermitage, Butler, and Smethport have no capabilities for telephone participation so counsel should make every effort to attend these hearings. Telephone participation should not be a routine manner of attendance. I may consider use of Skype conference or Skype call under certain circumstances. See the COVID-19 information in the link above.
2. **What procedure do you follow if a party fails to appear at a hearing?** If I am in a location with phone capabilities, I try to call during the scheduled event if a party has not appeared. Thereafter a letter is sent regarding the absence. I warn that a matter may be decided without their participation, or if it is their petition that it may be dismissed if they fail to attend again.
 3. Do you have special procedures for psychological injury cases? No. If a party requests special procedures for good cause, I will consider the request.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** Testimony is limited to the time allotted during hearings. Witnesses should be expected to dress respectfully and to have reasonably good hygiene. A suit and tie or semi-formal dress/pant suit is not required. Testimony is expected to be conducted with dignity and respect for all parties. Interpreters must be requested in accordance with WCOA guidelines.
2. **Do you prefer testimony at a hearing or by deposition?** I prefer at a hearing.
 - a. **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?** If a party has witnesses I should be notified, as should opposing parties, before the next hearing is scheduled so there is ample time for testimony. Generally, this means at least 30 days in advance of a hearing as a rule of thumb to guarantee available time. I do grant exceptions when deemed appropriate.
3. **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?** If a party is local, significant effort should be made to have the witness testify in person. I often permit employer/adjuster testimony by deposition or phone, if the issue is minor and not involving direct rebuttal to key aspects of claimant's testimony. I am willing to accommodate claimants as well in certain instances.
4. **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 filing the first petition goes first, but there are exceptions depending on the type of petitions involved.
5. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** The parties upload their own exhibits. They are party exhibits, not my exhibits.
6. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** I prefer before, but the parties are permitted to upload after. I also prefer the parties upload the day before so opposing counsel can review the exhibit. Regarding Bureau exhibits, I will mark them as Judge exhibits when possible but in remote locations this can be difficult. As a result, I prefer that a party offer them. I am flexible to some degree in that regard.
 - a. **What is the latest day before the hearing that they may be uploaded?** See above.

- b. **Do you require counsel to bring exhibit hard copies to the hearing?** No. I am essentially paperless. Paper copies will be accepted if not already uploaded. I do expect attorneys before me to upload their own exhibits.
7. **When will you rule on objections to exhibits?** My procedures will vary. Some objections need a faster ruling than others so I am flexible. If it must be ruled on immediately I will do so.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** I am prone to use conference calls, and I will also consider position letters if necessary on disputes. I will attend depositions if necessary.
9. **What is the last day to file written preservations of deposition objections?** The parties should follow the Special Rules. I am fine with receiving them with briefs unless the parties decide earlier is better for them.

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** I review all C&Rs before the hearing, and I expect them to be in final draft form and submitted as correspondence to me in WCAIS 48 hours prior to the hearing.
- 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?** I permit and prefer Amendments
- 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 want to see the proposed/draft Agreement uploaded with a letter 48 hours in advance so I can review the terms and language.
- c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After. I like to look at it during the hearing but uploading beforehand, UNLESS FULLY EXECUTED, often leads to unnecessary and sometimes inappropriate documents being uploaded. After the hearing seems best and works for the parties in my experience. There should be no attachments to the Compromise and Release Agreement. All documents are separate exhibits.
- d. **Should child support docs be uploaded as a separate exhibit?** Yes. All C&R documents are their own exhibits, although the Act 109 child support affidavit and lien search may be uploaded as one two-page exhibit. The Social Security number of Claimant MUST be redacted to sho, at most, the last 4 digits.
- 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 like all exhibits to be separate from the Compromise and Release Agreement. I will allow the parties to upload any document as an exhibit so long as it is relevant and discussed during testimony. I believe a release, waiver, letter of resignation, or other separation document must be discussed and should be offered. I do not need any medical bills or bill of cost records uploaded, but I will allow them.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** Again, separate them.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** I want it redacted in all cases by the parties when being uploaded.
- h. **Will you sign bench orders?** Yes
- 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?** I will have the parties upload it as an exhibit which I will mark as a joint exhibit. I will adopt a stipulation provided it is in proper format in accordance with the Special Rules of Administrative Practice and Procedure, (as modified in December of 2014) and it addresses the facts and issues. I expect all stipulations to clearly state the relief to be granted, and to address the

result intended for each pending petition. The Claimant will need to have consented to any stipulation, and documentation of same will be needed.

2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit
3. **Should child support documents be uploaded as a separate exhibit?** Yes
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Any evidence the parties deem relevant to the issues addressed, including possibly medical bills, bills of costs, co-pay records, etc.
 - 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?** The parties should redact the SS number from all exhibits before uploading them.
6. **Describe any other procedures you have for stips:** N/A

BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** I will permit closure via WCAIS, so long as all exhibits have been previously discussed and addressed at a prior hearing.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** I generally give the parties a written briefing order or letter, ideally shortly after the final hearing, or after all depositions and exhibits are submitted by mail/electronically if permitted by me to close in that manner. If objections are not preserved on time, they are deemed waived. Once the briefing deadlines pass, I will place the matter in line for decision. If briefs are late, I will read them if I have not finished dictating the decision by the time they are received.
3. **Describe any preferences regarding the format and content of submissions:** I prefer Proposed Findings with page references to relevant testimony. In the end though, the format and content is left to the parties to determine. I fully expect all argument and advocacy to be done in a brief or position letter and NOT in any Proposed Findings. The Proposed Findings should be neutral in content until one reaches the resolution of evidence and credibility determinations. I do not require that the parties submit any other post-trial submissions.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** I currently mediate in New Castle, Pittsburgh, Brookville, and Butler, although it is subject to change with the potential addition of other locations. I occasionally mediate in Smethport, and will go to other locations when approved by supervisory personnel.
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** I am willing to allow telephone participation by one party in most circumstances, but if a party is using a cell phone I may cancel if the connection is poor or cannot be maintained. Claimant should almost invariably be present but by phone is permitted on occasion. I urge defense counsel to have a person with authority present if at all possible. Also, see the COVID-19 link above for further information.
3. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** I need the AWW/TTD rate, nature of injury claimed and/or accepted, the issues in litigation, status of litigation, strengths and weaknesses of the evidence/positions held by the parties, and the status of offers and demands.
 - b. **What documents, if any, must accompany the Statement?** None are required but any documents the parties deem relevant may be submitted.

- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least one day before.
4. **After you approve a Mediation Request, how long until it's scheduled?** About 30-45 days, sometimes sooner.
5. **Are you willing to conduct more than one session per Dispute?** Yes
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 me unless specifically instructed otherwise **If you:** I should be notified if it is assigned to me as litigation judge.
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency I should be given 2 business days' notice of any request. I fully expect AT LEAST a modicum of authority. "No authority" is not a well-regarded excuse.
7. **What else should the parties know or do before the mediation?** I expect the parties to evaluate a claim in good faith and have authority in all cases. I also expect the adjuster or other person in charge to be at the ready if not present. THIS IS A MUST.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes
2. **List the offices where you conduct voluntary mediations:** I am available in the same locations mentioned above but will consider other locations if requested, and if permitted by the Judge Manager.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes. I will ONLY mediate my own cases in rare circumstances, and if the parties stipulate in writing whether or not the matter is to be reassigned if mediation fails. My preference is reassignment.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
 - a. **Describe any special procedures:** I have no special procedures
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
 - a. **Describe the matters addressed by the agreement.** N/A
6. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** I treat these as I would a mandatory mediation, as stated above.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** Same as above
 - b. **What documents, if any, must accompany the Statement?** Same as above
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Same as above
8. **After you approve a Mediation Request, how long until it's scheduled?** Same as above
9. **Are you willing to conduct more than one session per Dispute?** Yes
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:** I should be notified if it is assigned to me as litigation judge.
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 2 business days in advance

11. What else should the parties know or do before the mediation? Always be prepared. Know your file. Have settlement authority.

REQUESTS/MISCELLANEOUS

- 1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** For the first hearing, I will generally cancel the hearing if the canceling party verifies it is consented to by the opposing party. I will reschedule it as soon as possible and will not grant continuances thereafter except in reasonable and explained circumstances. I may in the interim request the submission of the pre-trial documents and any supersedeas documents by mail within a short time frame. If it is the type of petition that can be handled in only one hearing, such as a Utilization Review, Physical Examination/Expert Interview, etc., I will generally grant one continuance per side and relist the petition. I do not grant continuances of final hearings unless the circumstances involve death or hospitalization of a party, or counsel is undeniably otherwise occupied and has no other counsel available to attend the hearing. I will change the time of a hearing if the parties agree and there is an opening in the schedule. I generally do not grant extensions of time on the briefing schedule, but if the brief arrives before I finish dictating the decision, I will review it. All objections being preserved must be submitted by the last date of the briefing schedule, even if the brief is not in, or they are deemed waived. I expect all extension and continuance requests to be made at least 2 business days in advance of any event or deadline, and I fully expect the request to be through WCAIS.
- 2. Under what circumstances do you conduct conference calls?** I am open to a conference call for most conceivable matters. I find them to be quite useful.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** I do not want faxes at all. Use WCAIS. I do not want emails unless I sent one first.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** I will possibly briefly (15 minutes) go over the scheduled allotment of time if necessary on hearing days. I am more flexible on mediations.
- 5. What is the best way to contact you in an urgent situation?** Through my secretary Barb or, in her absence, other personnel at the Uniontown office, at (724)439-7420. If no other means works, parties may contact the New Castle office for assistance at (724)656-3084. For hearing matters and other general matters, contact Alex at the number for New Castle, since Barb only handles mediations.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** I generally follow the policy of the office to which I am travelling. For locations where events are not held in a WCOA office, I will follow their policies. All closure and delay information will be available on the WCAIS dashboard. Also, I am much more concerned with the safety of a party than I am in keeping a day's schedule, so I am willing to give due consideration to any legitimate request to delay or cancel an event due to snow or other emergency.