

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 hearing on a Claimant's petition will be for the Claimant's testimony. The first hearing on an Employer's petition will usually be supersedeas, with no testimony. Appropriate deadlines are set at the first hearing on all petitions. See 34 Pa. Code Chapter 131
2. **List any documents required at the first Event:** First Hearing filings are not required.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. If you choose to submit a first hearing filing, please upload it into Documents and Correspondence and NOT as an exhibit.
 - 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?** [Click or tap here to enter text.](#)
 - a. **Will testimony be heard?** No In rare circumstances, testimony could be heard, but at least 14 days advance notice should be given to allow proper scheduling.
 - b. **Is additional time generally granted to obtain medical evidence?** Yes. Employer's medical evidence should be available at the supersedeas hearing. Claimant may have up to 14 days for submission of supersedeas evidence.
 - c. **Under what circumstances will you reconsider a supersedeas order?** If additional evidence is submitted. However, reconsideration does not necessarily mean a change in the actual order. See 34 Pa. Code Section 131.41.
 - 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?** Submission of the fee agreement. The fee agreement should be a separate exhibit on the merits.
 - f. **Describe any other procedures for supersedeas hearings:** [Click or tap here to enter text.](#)
 - g. **Describe procedures for special supersedeas hearings, if different:** The issue is very narrow on an Employee Challenge special supersedeas. If no Modification/Suspension Petition has been filed, only those narrow issues will be considered.

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** After the initial hearing on any petition, I generally only bring the Parties back for additional hearings if additional testimony or oral argument is needed. Otherwise, the matter will close via WCAIS submission at the end of the litigation

schedule. An additional hearing may be scheduled at any time during the litigation of the petitions upon request of the Parties.

- a. **Are you willing to change the hearing format upon request?** Yes Parties may submit requests in WCAIS.
2. **Are you willing to allow counsel to participate by telephone?** No In general, participation by phone is discouraged. However, in extenuating circumstances, I will permit counsel to participate by phone.
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear at a hearing, the petition may be dismissed or granted, depending on the circumstances. Sometimes a re-listing is given.
4. **Do you have special procedures for psychological injury cases?** Yes In mental/mental cases, Claimant's counsel shall provide a list of the alleged "abnormal working conditions" at the first hearing.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** Medical and Labor Market testimony may always be taken by deposition. All other testimony shall be presented live.
 - 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?** To allot proper time for hearings, notice should be given at least 30 days in advance of the hearing.
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?** Absent extraordinary circumstances, Claimant's testimony must be presented live. Expert witnesses may always testify by deposition. It is preferred that all other witnesses testify live, however, depositions may be permitted under certain circumstances and only with prior permission of the Judge. Witness testimony will be discussed at the first hearing. Counsel should be mindful of following the Judges' Rules on the taking of testimony.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** This issue should be discussed at the first hearing, as each case may differ i.e. the defendant may or may not need a second IME to address an expansion of the injury. However, generally, the Party that files the first Petition will be required to complete their medical evidence first.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge 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?** Parties are encouraged to upload exhibits as early as possible but they may be uploaded as late as the day of the hearing. I do not review exhibits prior to the discussion of admissibility during the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No If it is easier to view a "hard copy" of the exhibit, having it available is appreciated.
7. **When will you rule on objections to exhibits?** If the exhibit is uploaded prior to a hearing, objections to those exhibits will be ruled upon at the hearing. If no additional hearing is anticipated, objections may be uploaded into the Correspondence section in WCAIS and, after hearing from both Parties, the ruling will be made via an Interlocutory Order.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Issues may be brought to the attention of the Judge via letter uploaded into the Correspondence section in WCAIS. Telephone conferences are rarely used. I will attend a deposition if I deem it necessary.

9. **What is the last day to file written preservations of deposition objections?** The preservation of objections may be submitted with the briefs. They should be submitted as a separate document and uploaded as the next consecutive exhibit in WCAIS.

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 However, if you are closing out multiple dates of injury, a separate Petition to Seek Approval of a Compromise and Release Agreement must be filed for each date of injury that is not currently in litigation.
 - 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?** If an expedited order is needed, the parties should notify the Judge before the hearing.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Neither. Generally, my staff will upload the documents to ensure that Social Security Numbers are appropriately redacted. In some circumstances, we may direct counsel to upload the documents immediately after the hearing.
 - 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.?)** Whatever the parties wish to be attached will be uploaded as part of the Agreement, within reason.
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** See above.
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** My staff will redact confidential information before uploading the documents.
 - h. **Will you sign bench orders?** Yes I am happy to sign bench orders.
 - i. **Describe any other procedures you have for C&R Agreements:** Please have all documents signed and be prepared to take testimony at the time scheduled for the hearing.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations should be uploaded into WCAIS. If a stipulation is overdue, a status hearing may be scheduled.
- 2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit Click or tap here to enter text.
- 3. **Should child support documents be uploaded as a separate exhibit?** Yes Click or tap here to enter text.
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.?)** If the documents are part of the agreement, they should be uploaded with the stipulation.
 - a. **Should they be part of the stip or a separate exhibit?** Click or tap here to enter text.
- 5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** My staff will redact confidential information before uploading the documents.
- 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?** WCAIS Submission. A final hearing is NOT scheduled for the submission of evidence. The parties should notify the Judge when all their evidence has been uploaded into WCAIS.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Briefs are preferred, but not required. The Judge may circulate a decision without waiting for an overdue brief. See 34 Pa. Code Section 131.101.
3. **Describe any preferences regarding the format and content of submissions:** Briefs should be brief, with a summary of the facts, a statement of the issues, and a legal argument. Quantum Meruit submissions, child support documents, preserved objections and litigation costs may be submitted at the same time as briefs, but should be submitted as individual exhibits, not as part of the brief.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** I conduct mandatory mediations in Allentown. I will entertain requests to conduct mediations in other locations with the agreement of the parties and the Office of Adjudication.
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Absent extenuating circumstances, Attorneys must attend the mediation in person. I prefer Claimant to attend in person as I believe it makes for a more productive mediation. If Claimant will not be attending a mediation in person, please notify me prior to the mediation.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** The following information should be included: A summary of the litigation status, the Average Weekly Wage and Weekly Compensation Rate, a summary of negotiations to date, and the amount of authority. Any relevant diagnostic studies are also helpful.
 - b. **What documents, if any, must accompany the Statement?** None. However, I find copies of diagnostic studies and surgical reports helpful.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The mediation statement should be submitted 72 hours in advance.
4. **After you approve a Mediation Request, how long until it's scheduled?** Mediations are scheduled by the litigating judge.
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?** It is preferable that the parties contact both of us. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before the scheduled mediation.
7. **What else should the parties know or do before the mediation?** Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, and any other credits or benefits that would impact negotiations.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes I conduct voluntary mediations upon request. Availability for voluntary mediations varies based upon my schedule. Please contact me directly, catsabatin@pa.gov for mediation dates.
2. **List the offices where you conduct voluntary mediations:** I conduct voluntary mediations in Allentown. I will entertain requests to conduct mediations in other locations with the agreement of the parties and the Office of Adjudication.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes, by agreement of the parties, in accordance with the Judges' Rules.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **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?** No
 - a. **Under what circumstances do you permit attendance by phone?** Absent extenuating circumstances, Attorneys must attend the mediation in person. I prefer Claimant to attend in person as I believe it makes for a more productive mediation however, this is not a requirement.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** The following information should be included: A summary of the litigation status, the Average Weekly Wage and Weekly Compensation Rate, a summary of negotiations to date, and the amount of authority.
 - b. **What documents, if any, must accompany the Statement?** None. However, I find copies of diagnostic studies and surgical reports helpful.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The mediation statement should be submitted 72 hours in advance. Mediation may be cancelled for failure to comply with this deadline.
8. **After you approve a Mediation Request, how long until it's scheduled?** Voluntary mediations are scheduled as promptly as possible, given the schedules of the participants.
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?** It is preferable that the parties contact both of us. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before the mediation.
11. **What else should the parties know or do before the mediation?** Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, or any other credits or benefits that would impact negotiations.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** The parties should, as much as possible, adhere to the requirements of the Judges' Rules at 34 Pa. Code Section 131.13. If your case resolves and you plan to present the C&R at the following hearing, it is requested that the Parties notify the Judge's office so that any extra time available may be used for other cases.

- 2. Under what circumstances do you conduct conference calls?** Conference calls are almost never used as it does not allow for a record of the conversation. It is preferred that the Parties utilize email as that provides a written record of the communication.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** Communications via WCAIS are preferred above all. Faxes are acceptable but email communication is preferred. The Parties should be certain to copy opposing counsel on all email communications.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** Each circumstance requires its own evaluation. Sometimes it is necessary to proceed with testimony beyond the allotted time. In general, I will not extend a hearing more than 15 minutes beyond its allotted time.
- 5. What is the best way to contact you in an urgent situation?** For urgent or emergent situations during business hours call the Allentown Hearing Office at 610-366-6060. Outside of normal business hours, Parties may email me at catsabatin@pa.gov but there is no guarantee that I will be checking my email outside of normal business hours.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** The WCAIS Dashboard is always the first and best place to look for closing or cancelation information. I follow the Allentown School District for cancelation of hearings and/or mediations due to inclement weather. If the Allentown School District is closed, my hearings and/or mediations will automatically be canceled and rescheduled. If the Allentown School District has only a delay, my hearings/mediations will proceed as scheduled. Allentown School District closing information may be found on WFMZ.com. The Parties should also check the WCAIS Dashboard. In the rare event the Allentown Hearing Office, itself, has a delay or closes (please note, this is separate from hearings/mediations being canceled; i.e. hearings/mediations can be canceled but the actual office still opens on time), this information will be posted on the WCAIS Dashboard.