

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.

FIRST EVENTS

- 1. What is the first event (i.e. pretrial, hearing, conference call) and what will occur?** DUE TO COVID RESTRICTIONS, UNTIL FURTHER NOTICE, ALL HEARINGS WILL BE BY TELEPHONE OR PREFERABLY VIDEO CONFERENCE. At the first hearing, all petitions, other than those filed pursuant to a Challenge Petition, will be listed for a (15) minute pretrial hearing for the purposes of disclosing discovery by the moving Party, identifying witnesses, establishment of a trial schedule and review of any unique issues. No testimony will be taken. Discoverable information should be exchanged prior to the first hearing consistent with section 131.61 of the WCJ Rules. For a special supersedeas hearing conducted pursuant to a Challenge Petition, the matter will be listed for a first hearing, at which time brief testimony may be taken by way of telephone or video conference on the limited scope of the Petition.
- 2. List any documents required at the first Event:** A First Hearing Filing containing the information outlined in 131.52(d) of the WCJ Rules is required to be filed by the Moving Party at or before the first hearing. Within 45 days after the first hearing the responding party shall submit a 45-day filing consistent with section 131.53 of the WCJ Rules.
 - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge
 - b. Should docs be uploaded before or after the first Event?** Before.

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?**
 - a. Will testimony be heard?** No No testimony will be heard, unless specifically requested by one of the parties. I generally limit the supersedeas hearing to (15) minutes for the presentation of Supersedeas evidence from the Defendant and from the Claimant, if available. Supersedeas Exhibits should be uploaded into WCAIS prior to the hearing. Generally, I will allow Claimant (14) days to present contrary medical evidence and/or an affidavit from the Claimant. Claimant should be prepared to outline the nature of this evidence at the time of the initial hearing. Under appropriate circumstances this time period may be extended.
 - b. Is additional time generally granted to obtain medical evidence?** Yes
 - c. Under what circumstances will you reconsider a supersedeas order?** If compelling additional evidence is presented, it will be taken into consideration.
 - d. Do you generally use written orders for denials?** Yes Generally, a written Interlocutory Order regarding supersedeas will be issued. If no indemnity benefits are being paid, supersedeas may be denied from the bench.
 - e. What is required for employee's counsel to obtain interim fee approval?** The submission of a Fee Agreement with brief testimony establishing the attorney/client fee arrangement.
 - f. Describe any other procedures for supersedeas hearings.** I have no other procedures for supersedeas; however, I reserve the right to amend my procedures with respect to supersedeas as necessitated by the procedural and factual developments of each individual case.

- g. Describe procedures for special supersedeas hearings, if different:** For Special Supersedeas in relation to an Employee Challenge Petition, the first hearing will be scheduled for 30 minutes, and telephone or video conference testimony will be heard on the limited issues under the Challenge petition.

HEARINGS

- 1. Describe the structure of your hearings and whether you are willing to change your hearing format:** DUE TO COVID RESTRICTIONS, UNTIL FURTHER NOTICE ALL HEARINGS WILL BE BY WAY OF TELEPHONE OR VIDEO CONFERENCE. I generally use a modified first and final serial hearing format. First hearings will be scheduled for 15 minutes. Following the first hearing, it is expected that the parties will complete any medical examinations, depositions of both medical and lay witnesses, and any other necessary procedural matters consistent with the trial schedule set at the first hearing. A 15-minute status hearing will be scheduled at the first hearing to check the parties' progress and identify any issues. A final hearing will be scheduled for the presentation of updated Claimant testimony and any other evidence. If a party wishes to present witnesses, other than the Claimant at the final hearing, those witnesses must have been identified in prior disclosures consistent with the WCJ Rules and additional time must be requested.
 - a. Are you willing to change the hearing format upon request?** Yes I will consider any reasonable request to change the format to promote orderly and expeditious proceedings.
- 2. Are you willing to allow counsel to participate by telephone?** Yes During COVID restrictions, all hearings will be by telephone or preferably video conference.
- 3. What procedure do you follow if a party fails to appear at a hearing?** I will reschedule once. If a party fails to appear a second time, I will entertain appropriate motions for failure to prosecute or defend.
- 4. Do you have special procedures for psychological injury cases?** No.

WITNESSES/EXHIBITS

- 1. What are your rules regarding taking testimony?** Under current COVID conditions and limitations, until further notice, I expect all testimony, including testimony of Claimant and lay witnesses to be taken by deposition. A final hearing will be scheduled to present updated Claimant testimony or other lay witness testimony by way of telephone or preferably video conference. Counsel is strongly encouraged to ensure that Claimant has the opportunity to testify by way of video conference. Specifically, Counsel is required to ensure that Claimant has phone and/or video conferencing capability and advise the Court appropriately if there is an issue in that regard. Sufficient time will be allotted for the final hearing.
 - a. Do you prefer testimony at a hearing or by deposition?** Deposition See above.
 - 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?** If a Party wishes to present testimony at the final hearing of a witness other than the Claimant, that witness must be disclosed in accordance with the WCJ Rules, Rule 151.52 and 151.53, and time will be allotted at the final 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?** It is my preference that all testimony, including lay and expert witness, be presented by deposition. A final hearing will be scheduled for updated testimony from the Claimant or other witnesses which testimony, until further notice, will be by phone or video conference. Counsel are strongly encouraged to ensure that witnesses have the opportunity to testify by way of video conference.
- 3. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The burdened party is expected to present its evidence first. In the event of cross petitions, I will set the order of presentation at the first hearing.

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.
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?** I endeavor to secure and admit the relevant Bureau documents prior to the first hearing; however, the moving party should be prepared to provide the controlling and relevant Bureau documents. These documents will be made part of the record at the first hearing. While I prefer the parties upload Exhibits prior to the hearing, parties may upload exhibits at any time; however, exhibits uploaded after a hearing will not be moved into evidence until the next scheduled hearing, unless agreed upon in advance during a hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No.
7. **When will you rule on objections to exhibits?** I generally rule on exhibits at hearings.
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 will entertain intractable discovery disputes by way of telephone conference. I reserve the right to do so on a hearing day so that a court reporter is available.
9. **What is the last day to file written preservations of deposition objections?** Written preservations of deposition objections are to be submitted as a separate exhibit at the same time as the filing of Proposed Findings of Fact, Conclusions of Law and Brief

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** See below.
 - 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.
 - 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?** Two days in advance.
 - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Before The Parties should upload a redacted and unredacted fully executed Compromise and Release Agreement. Following the hearing the unredacted document will be deleted and the redacted document will be marked and admitted as Joint Exhibit 01 or the appropriate next numbered Joint Exhibit. This Exhibit will be circulated with the Decision and Order.
 - d. **Should child support docs be uploaded as a separate exhibit?** Yes.
 - 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.?)** None
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** A redacted and unredacted Act 109 document should be uploaded separately from the C&R Agreement.
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** See above.
 - h. **Will you sign bench orders?** No.
 - i. **Describe any other procedures you have for C&R Agreements:** None

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** The documents should clearly describe resolution of the issues and adhere to the requirements outlined in section 131.91 of the WCJ Rules.

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 documents that are part of the stipulation should be attached to the stipulation.
 - a. **Should they be part of the stip or a separate exhibit?** See above
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** In all cases, the SSN should be redacted.
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?** Final Hearing
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** A briefing schedule will be issued at the final hearing. I will not give reminders when briefs are past due. Requests for extensions of time from either party must be made before the expiration of the party's deadline. If the moving party does not timely file for an extension, the responding party should nevertheless file its brief on time.
3. **Describe any preferences regarding the format and content of submissions:** Post-trial submissions should include Proposed Findings of Fact; argument that succinctly sets forth the issues to be decided, the relevant case law and the application of the law to the facts of the case; Proposed Conclusions of Law; and a Proposed Order. Proposed Findings of Fact shall contain a specific cite to the record including page and line numbers from the transcripts.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Reading.
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Until further notice, all mediations will be by phone or video conference. Attendance and participation by the Claimant are strongly encouraged. Claimant's counsel is required to ensure that the Claimant has the opportunity to participate fully. Specifically, Claimant's counsel is expected to ensure that the Claimant has telephone and/or video conferencing capability and to advise the Court appropriately of any issues in that regard.
3. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** The mediation statement should include the following: 1) the case name; 2) the date and time of the mediation; 3) the name of the Judge assigned to the mediation; 4) the name of the Judge assigned to the litigation; 5) the name of Claimant's counsel; 6) the name of defense counsel; 7) a list of pending petitions; 8) the date of injury; 9) the mechanism of injury; 10) the description of injury; 11) a brief summary of the treatment to date with the names of the primary health care providers; 12) the average weekly wage and the weekly compensation rate; 13) a brief summary of your position in litigation; 14) what past due benefits, if any, are in controversy; 15) whether the parties have had any discussions or negotiations regarding settlement and if so outline what progress has been made; 16) whether you believe a negotiated settlement of the case is possible and set forth your proposal in order of importance outlining what components are negotiable and which are non-negotiable.
 - 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 days.
4. **After you approve a Mediation Request, how long until it's scheduled?** As soon as practicable.
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?** You **If you:** For cancellation of the mediation, the assigned Judge should be contacted for approval; and for postponement, the mediating Judge should be contacted for approval.
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 2 days
7. **What else should the parties know or do before the mediation?** The parties should be prepared to have a meaningful discussion regarding settlement. Specifically, the parties should have discussed mediation before the mediation date, i.e. demands should be made sufficiently in advance and authority should be obtained sufficiently in advance before the mediation date so that the parties can have a meaningful discussion.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes.
2. **List the offices where you conduct voluntary mediations:** Reading.
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
 - a. **Describe any special procedures:** Additional time will be allotted.
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?** No
 - a. **Under what circumstances do you permit attendance by phone?** Until further notice all mediations are by phone or video conference. Attendance and participation by the Claimant are strongly encouraged.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** Same as for Mandatory mediation above.
 - 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 days
8. **After you approve a Mediation Request, how long until it's scheduled?** As soon as practicable.
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?** Mediating Judge **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 2 days.
11. **What else should the parties know or do before the mediation?** The parties should be prepared to have a meaningful discussion regarding settlement. Specifically, the parties should have discussed mediation before the mediation date, i.e. demands should be made sufficiently in advance and authority should be obtained sufficiently in advance before the mediation date so that the parties can have a meaningful discussion.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Requests should be uploaded in WCAIS. The parties should refer to and follow the Rules with respect to requests for continuances.
2. **Under what circumstances do you conduct conference calls?** I will conduct conference calls for good cause. I prefer they be on the record so they will be scheduled on hearing dates.
3. **Under what circumstances do you accept faxes and e-mails from parties?** The parties are directed to utilize WCAIS for all communications with respect to Requests and letters to this Judge.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** All hearings and mediations are scheduled for a specific time slot with other disputes scheduled either before or after your slot. As such, this Judge expects both counsel and the parties to be present and prepared to proceed at the assigned time. Failure to do so may limit the time you have to present your case or could result in the rescheduling of the dispute to another hearing date depending upon the circumstances. Unless there is fortuitously additional time in the hearing day schedule, it may be impossible to go over the allotted time scheduled for the hearing or mediation.
5. **What is the best way to contact you in an urgent situation?** Please email my assistant, Cindy Binkley at cbinkley@pa.gov. Opposing counsel(s)/party(ies) must be copied in any email communication to my assistant.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** During Covid restrictions and for the foreseeable future, any cancellations will be posted on WCAIS.