

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?** A 15 minute hearing is scheduled to address the issues in the petition(s) and brief testimony is permitted. Bureau documents shall be identified and submitted by the Parties. Also supersedeas exhibits from both sides must be submitted or uploaded for this hearing. A scheduling Order is placed on the record and a mediation date is given, if not determined to be futile.
2. **List any documents required at the first Event:** A first hearing filing from the moving party is required. Also supersedeas exhibits (if one requested) from both sides must be submitted or uploaded. Also a signed fee agreement must be submitted if a fee is being requested. Bureau documents shall be identified by the Parties.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge. A first hearing filing is a document. Only evidence that is going to be moved into the record at the first hearing is to be uploaded 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?** Yes. Limited testimony is permitted but not required.
 - b. **Is additional time generally granted to obtain medical evidence?** No. Both parties shall submit supersedeas exhibits at the first hearing. Any request for an extension of time will be ruled on at the time of hearing.
 - c. **Under what circumstances will you reconsider a supersedeas order?** A change in circumstances with supporting documentation.
 - 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?** A denial of Supersedeas and a signed fee agreement reviewed and confirmed by Claimant at the hearing.
 - f. **Describe any other procedures for supersedeas hearings:** [Click or tap here to enter text.](#)
 - g. **Describe procedures for special supersedeas hearings, if different:** [Click or tap here to enter text.](#)

HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** At the time of the first hearing and based on the evidence that is going to be presented a determination is made on the number of hearings needed and a scheduling order is placed on the record.

- 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?** Yes. Counsel is expected to appear live for all hearings. However under certain circumstances counsel is allowed, with prior approval, to participate by phone.
3. **What procedure do you follow if a party fails to appear at a hearing?** If the moving party fails to appear and notice is not an issue, a motion to dismiss the petition will be entertained. If the responding party fails to answer and appear and notice is not an issue, depending on the type of petition and relief requested along with the proper admissible evidence, a motion to close the record and decide the case will be entertained and a ruling made.
4. **Do you have special procedures for psychological injury cases?** No Click or tap here to enter text.

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?** This is all addressed at the first hearing and the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (Special Rules) are followed.
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?** This is addressed on a case by case basis.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** This is all discussed at the first hearing and placed on the record pursuant to the scheduling order.
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?** The day before the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes. Exhibits that are going to be utilized at hearing or shown to a witness for authentication must be brought to the hearing.
7. **When will you rule on objections to exhibits?** At hearing and when timely raised.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** Telephone conferences or hearing. The parties shall submit their positions in writing prior to the conference call or hearing.
9. **What is the last day to file written preservations of deposition objections?** Prior to the close of the record. The written preservation of objections will be marked and admitted into the record as an exhibit.

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. Both depending on the existing/outstanding petitions. Also a separate petition for each date of injury is required.
- 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?** The original Compromise and Release Agreement shall be submitted to me at the time of hearing. The fee agreement can be uploaded before the hearing.
- d. **Should child support docs be uploaded as a separate exhibit?** No. These documents are to be submitted with the C&R Agreement at time of hearing and will be verified by Claimant. These documents will then be marked as a separate exhibit at that time.
- 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 can be uploaded as a separate exhibit before the hearing.
- f. **Should they be a part of the C&R Agreement or separate exhibits?** Click or tap here to enter text.
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** After addressed and confirmed by Claimant at hearing.
- 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:** Click or tap here to enter text.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** The stipulation must be signed by the Claimant not just his/her attorney. The stipulation must comply with the Special Rules of Administrative Practice and Procedure before WCJ's Depending on the terms the stipulation can be adopted and a decision issued without the need for a hearing.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit. The stipulation must have a paragraph where Claimant indicates the he/she entered into the fee agreement and understands that the fee is going to be deducted from his/her benefits.
3. **Should child support documents be uploaded as a separate exhibit?** Yes. If a hearing is scheduled and going to take place, these documents should not be uploaded and are to be presented at the hearing to be verified by Claimant. These documents will then be marked as a separate exhibit.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Any documents referred to as being "attached" within the stipulation must 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?** The parties should redact the social security number from the Stipulation prior to uploading. Act 109 documents if not submitted via WCAIS will be redacted after confirmation of accuracy.
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. At the last scheduled hearing all remaining/outstanding evidence is discussed/addressed and can then be submitted via WCAIS.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** At the close of the record a briefing letter is issued and the parties are to submit Proposed Findings of Fact and Conclusions of Law. Any request for an extension of time must be in writing and made within the time frame allocated for the submission of the Proposed Findings of Fact and Conclusions of Law.

3. **Describe any preferences regarding the format and content of submissions:** I prefer a legal brief along with Findings of Fact and Conclusions of Law. Case citations, where appropriate, are preferred.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Wilkes-Barre, PA
2. **Do you require all participants to attend in-person?** Yes
 - a. **Under what circumstances do you permit attendance by phone?** I expect the Claimant and the attorneys to appear live at the mediation. Anyone else with authority must be available by phone at the time of the scheduled mediation. Any exceptions must be approved prior to mediation.
3. **Do you require a Mediation Statement?** No **If yes:**
 - a. **What information do you require in that Statement?** While mediation statements are not required, they are helpful and should contain a concise statement of the issues in the case, including the status of any prior negotiations.
 - b. **What documents, if any, must accompany the Statement?** N/A
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Mediation Statements should be provided at least two days before the scheduled mediation.
4. **After you approve a Mediation Request, how long until it's scheduled?** A mandatory mediation date is given at the first hearing.
5. **Are you willing to conduct more than one session per Dispute?** Yes. This will be determined on a case by case basis after the first session/mediation.
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?** The parties should contact me, the assigned Judge, as I scheduled the mandatory mediation. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency, the request shall be made at least two days before the scheduled mediation.
7. **What else should the parties know or do before the mediation?** [Click or tap here to enter text.](#)

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes. But not on Disputes/cases assigned to me for decision.
2. **List the offices where you conduct voluntary mediations:** Wilkes-Barre, PA
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?** I expect the Claimant and the attorneys to appear live at the mediation. Anyone else with authority must be available by phone at the time of the scheduled mediation. Any exceptions must be approved prior to the mediation.

7. **Do you require a Mediation Statement?** No. While mediation statements are not required, they are helpful and should contain a concise statement of the issues in the case, including the status of any prior negotiations. **If yes:**
 - a. **What information do you require in that Statement?** Click or tap here to enter text.
 - b. **What documents, if any, must accompany the Statement?** N/A
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Mediation statements should be provided at least two days before the scheduled mediation.
8. **After you approve a Mediation Request, how long until it's scheduled?** Voluntary mediations are scheduled in a timely manner, usually within 30 days of the request.
9. **Are you willing to conduct more than one session per Dispute?** Yes. This will be determined on a case by case basis at the time of the first session/mediation.
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?** Since I do not do mediations on disputes assigned to me any request for cancellation or postponement on a voluntary mediation that I am doing shall come to me. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Absent an emergency, the request shall be made at least two days before the scheduled mediation.
11. **What else should the parties know or do before the mediation?** Click or tap here to enter text.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Absent an emergency, the Special Rules of Administrative Practice and Procedure before WCJ's are followed and a decision is made based on the request.
2. **Under what circumstances do you conduct conference calls?** Conference calls are permitted for matters that do not require a formal hearing or record.
3. **Under what circumstances do you accept faxes and e-mails from parties?** I do accept faxes, but no e-mails.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** How far over the allotted time will be determined on a case by case basis and made on the day in question based on various factors.
5. **What is the best way to contact you in an urgent situation?** Contact the Wilkes-Barre Workers' Compensation Office of Adjudication.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** No specific school closing schedule is followed as I conduct hearings in two different locations. However, public safety is always the priority and I do cancel hearings if it is in the best interest of public safety. In addition, since I cover so many different counties, I will grant continuances if a Party or attorney have safety concerns for weather or other emergencies. The parties should look at WCAIS and call the Wilkes-Barre Workers' Compensation Office of Adjudication for any updates on hearing cancellations.