

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. I expect the moving party to identify the relief being sought and the evidence anticipated. I expect the responding party to identify defenses to the pending Petition and the evidence anticipated. I would like the Claimant to testify.
- 2. List any documents required at the first Event: The moving party should provide identify the operative Bureau document(s) and upload a copy if said documents are not already in WCAIS.**
 - a. Should docs be uploaded as Exhibits or Letters to the Judge? The documents should be uploaded as Exhibits.**
 - b. Should docs be uploaded before or after the first Event? The documents should be uploaded prior to the first Event.**

SUPERSEDEAS PROCEDURES

- 1. What are your procedures for supersedeas hearings?** [Click or tap here to enter text.](#)
 - a. Will testimony be heard?** Yes. I expect the Claimant to testify at the supersedeas hearing.
 - b. Is additional time generally granted to obtain medical evidence?** Yes. A reasonable extension of time will generally be granted if the responding party requires additional time to obtain medical evidence in response to the supersedeas request.
 - c. Under what circumstances will you reconsider a supersedeas order?** I will reconsider supersedeas if I am provided with new evidence relevant to the previously circulated supersedeas order.
 - 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?** An executed fee agreement must be submitted.
 - 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:** I utilize serial hearings. The first hearing is for testimony from the Claimant. Testimony from additional fact witnesses can be completed at subsequent hearings or by deposition if all parties are in agreement. If there are no additional fact witnesses, a status hearing will generally be scheduled to ensure the parties are proceeding with depositions, resolve

any disputes that may have arisen, and determine whether mediation needs to be scheduled. Updated or rebuttal testimony from the Claimant will be heard at the final hearing, upon request of one or both of the parties.

- a. **Are you willing to change the hearing format upon request?** I will entertain requests for slight alterations to the hearing format.
2. **Are you willing to allow counsel to participate by telephone?** Yes [Click or tap here to enter text.](#)
3. **What procedure do you follow if a party fails to appear at a hearing?** The first time a party fails to appear at an event, I will generally continue the event and relist for my next availability. When a part fails to appear on multiple occasions, I will entertain and grant appropriate motions for dismissal, closure of the record, etc.
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?** Notice of intent to present a witness at a hearing (other than the Claimant at the first hearing) should be provided prior to circulation of the hearing notice or as soon as possible following circulation of the hearing notice.
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?** Expert witnesses may almost always testify by deposition. Fact witnesses testifying primarily to authenticate documents may also testify by deposition. Fact witnesses testifying regarding specific events in which credibility is critical should generally testify in person at a hearing. If it is unusually difficult for a fact witness to appear at a hearing (for instance, if the witness resides in a distant state), the witness may testify by telephone during a hearing or by deposition.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The moving party should present its medical evidence first. When there are cross-petitions, the party which filed the first petition should present its medical evidence first. If the cross petition raises new issues not addressed by the initial petition, the party which filed the first petition should begin by presenting its medical evidence on that first petition. The party filing the cross-petition would then present its medical evidence, and the party which filed the first petition would then have the opportunity to present its medical evidence in opposition to the cross-petition.
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?** I now prefer that exhibits be uploaded to WCAIS before the hearing. However, as Compromise and Release Agreements are often not fully executed until the hearing, C&R agreements should be uploaded to WCAIS after hearings. **If before:**
 - a. **What is the latest day before the hearing that they may be uploaded? Exhibits may be uploaded to WCAIS the day of the hearing, but you should ensure you have a hard copy for opposing counsel to review.**
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No. However, I prefer to receive hard copies of exhibits that are more than 5 pages in length, and I believe you should have a hard copy of all exhibits available to exchange with opposing counsel during the hearing.
7. **When will you rule on objections to exhibits?** Rulings on objections will be made when the exhibits are discussed during hearings. If the dispute is closing by mail or through WCAIS following a final hearing, I will rule on objections prior to circulating the final 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.?** I generally address discovery disputes during hearings or by conference call. I am willing to attend depositions if the parties believe it is necessary and my schedule permits.
9. **What is the last day to file written preservations of deposition objections?** Written preservations of depositions objections may be submitted with Proposed Findings of Fact and Conclusions of Law. The preserved objections should be in the form of a letter, which should be uploaded to WCAIS 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 Click or tap here to enter text.
 - 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?** After Click or tap here to enter text.
 - 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.?)** Waivers of appeal, medical bills specifically discussed in the Compromise and Release Agreement, Medicare Set-Aside approvals or proposals, and other items of a similar nature should be uploaded as part of the Compromise and Release Agreement.
 - f. **Should they be a part of the C&R Agreement or separate exhibits?** Uploaded as part of the Compromise and Release Agreement.
 - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Confidential information should be redacted from the C&R Agreement and Act 109 documents subsequent to the hearing on the C&R, but prior to uploading those documents as exhibits.
 - h. **Will you sign bench orders?** Yes 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?** Stipulations should be uploaded to WCAIS as exhibits. I will review the Stipulation and circulate a Decision adopting the Stipulation if I am satisfied that it complies fully with the Judges' Rules. If I have questions or concerns regarding the Stipulation, I will contact the parties to discuss and attempt to resolve those concerns.
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.)?** Any other exhibits specifically referenced in the Stipulation should be uploaded to WCAIS as part of the Stipulation.
 - a. **Should they be part of the stip or a separate exhibit?** Part of the Stipulation.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Confidential information should be redacted from the Stipulation and Act 109 documents before they are uploaded to WCAIS. You should send me paper copies of those exhibits prior to redactions so that I may verify the accuracy of the lien search.

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
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** I will establish a briefing schedule on the record at a final hearing, or I will circulate a written briefing schedule in disputes in which the record closes by WCAIS after the final hearing. The moving party's brief is generally due first, with the responding party's brief due shortly thereafter. When there are cross-petitions, the briefs are generally due simultaneously. In the event that briefs are not received at the expiration of the briefing schedule, I generally attempt to contact the party from whom a brief is outstanding. However, once the deadline for submission of briefs has passed, I may circulate a Decision at any time, whether or not briefs have been received. It is your responsibility to submit briefs timely.
3. **Describe any preferences regarding the format and content of submissions:** I prefer to receive Proposed Findings of Fact and Conclusions of Law that closely adhere to the format I utilize in my Decisions. Additionally, a short letter brief addressing specific legal issues or highlighting certain facts can sometimes be helpful.

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Harrisburg
2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** Counsel for both parties should always be present. Unless it is unusually difficult for a claimant to appear at mediation (for instance, if the claimant resides in a distant state), the claimant should also personally attend the mediation. I generally do not require employer representatives or adjusters to attend mediations in person; although the personal presence of such individuals can assist with a successful mediation.
3. **Do you require a Mediation Statement? Yes If yes:**
 - a. **What information do you require in that Statement?** The mediation statement should list: the parties involved; the date and nature of the work injury; the average weekly wage and compensation rate; the petitions currently pending; a brief statement of the parties' positions on the current litigation; a brief statement of the strengths and weaknesses of each party's case; and a summary of settlement expectations, as well as demands and offers which have been exchanged.
 - b. **What documents, if any, must accompany the Statement?** No documents are required with the Mediation Statement, although I will review any documents which are attached.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The Mediation Statement should be provided 24 hours in advance of the mediation.
4. **After you approve a Mediation Request, how long until it's scheduled?** I strive to schedule mediations as quickly as possible once a request is received. Generally mediations can be scheduled within 45 days.
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?** The party requesting cancellation should contact both me and the mediating judge. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day prior to the 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 Click or tap here to enter text.
2. **List the offices where you conduct voluntary mediations:** Harrisburg
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes. I prefer that disputes assigned to me for hearing and decision be mediated by another Judge. In limited circumstances, upon the request of all parties, I will agree to mediate a case assigned to me for hearing and decision. In that event, the parties are required to complete a Voluntary Mediation/Settlement Conference Agreement. *Insert Link to Patrick Sheldon Form – Voluntary Mediation Agreement here*
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. In the rare instance that I mediate a case assigned to me for hearing and decision, the parties are required to complete a [Voluntary Mediation/Settlement Conference Agreement](#). **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?** Counsel for both parties should always be present. Unless it is unusually difficult for a claimant to appear at mediation (for instance, if the claimant resides in a distant state), the claimant should also personally attend the mediation. I generally do not require employer representatives or adjusters to attend mediations in person; although the personal presence of such individuals can assist with a successful mediation.
7. **Do you require a Mediation Statement?** Yes **If yes:**
 - a. **What information do you require in that Statement?** The mediation statement should list: the parties involved; the date and nature of the work injury; the average weekly wage and compensation rate; the petitions currently pending; a brief statement of the parties' positions on the current litigation; a brief statement of the strengths and weaknesses of each party's case; and a summary of settlement expectations, as well as demands and offers which have been exchanged.
 - b. **What documents, if any, must accompany the Statement?** No documents are required with the Mediation Statement, although I will review any documents which are attached.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** The Mediation Statement should be provided 24 hours in advance of the mediation.
8. **After you approve a Mediation Request, how long until it's scheduled?** I strive to schedule mediations as quickly as possible once a request is received. Generally mediations can be scheduled within 45 days.
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?** A party wishing to cancel or postpone a voluntary mediation should contact me. **If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The request for cancellation or postponement should be submitted no later than the day prior to 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?** As long as there is no objection to the request for continuance, rescheduling, extension, etc.; said request may be uploaded to WCAIS at any time.
2. **Under what circumstances do you conduct conference calls?** I will conduct a conference call at the request of the parties.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Acceptable.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** No. I am willing to go over the time allotted for hearings and mediations.
5. **What is the best way to contact you in an urgent situation?** Contact my secretary by telephone.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** My hearings and mediations will be cancelled whenever there is a cancellation for employees under the Governor's jurisdiction in the Harrisburg Capitol Complex. If hearings are not cancelled on that basis, I may still cancel based upon weather conditions. If I do not cancel, I will freely grant requests for continuance or participation by telephone.

ATTACHMENT(S)

[Voluntary Mediation Agreement](#)