

**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 will be a hearing. All petitions filed by claimants will be slotted for 45 minutes, and claimant's testimony will be taken. For all employer petitions, the case will be allotted 15 minutes, and it will be handled as a pretrial conference. New Compromise and Release Petitions will be allotted 15 minutes for claimant's testimony.
2. **List any documents required at the first Event:** First hearing submissions are required in accordance with Rules 131.52(d) and 131.53(a) of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, 34 Pa. Code Ch. 131.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** First hearing filings should be uploaded as Documents. Any evidence the parties wish to be submitted into evidence should 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?** No I will allow brief testimony at supersedeas hearings, but an affidavit from the claimant is preferred and will be considered for purposes of supersedeas only. I will not generally allow additional time to submit supersedeas exhibits and would only reconsider a supersedeas ruling in extreme circumstances. In order for claimant's counsel to obtain an interim fee approval, the fee agreement must be offered in the presence of the claimant, or if by mail, with a certificate of service on claimant of the letter offering same and confirmation of the fee via affidavit.
  - b. **Is additional time generally granted to obtain medical evidence?** No. Special exceptions or requests for additional time to submit medical evidence will be considered on a case by case basis.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Special requests for reconsideration will be addressed on a case by cases basis.
  - 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?** At the first hearing where supersedeas is requested, counsel may present their fee agreement through testimony from their client. If the Claimant is not present, the fee agreement will only be approved if the affidavit of the Claimant clearly establishes that Claimant understands the supersedeas process and that their benefits would be reduced by the attorney fee if supersedeas is denied and the fee agreement is approved.
  - 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:** In general, a serial hearing format is used. Most cases require only one evidentiary hearing. The structure of the hearings can be modified to meet the needs of the parties in reaching a prompt resolution.
  - a. **Are you willing to change the hearing format upon request?** See above. [Click or tap here to enter text.](#)
2. **Are you willing to allow counsel to participate by telephone?** No [Click or tap here to enter text.](#)
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear at the first hearing, they will have ten (10) days from the date of the hearing to provide this office with a written reasonable explanation for the failure to appear, which will be made part of the record, and they will be allowed to present evidence with respect to their failure to appear. If the moving party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within the ten (10) days, the petition will be dismissed. If the responding party fails to appear at the first hearing and fails to provide this office with a reasonable basis for the failure to appear in writing within ten (10) days, it will be deemed that the responding party does not oppose the relief sought in the petition and the petition will be decided based upon the evidence presented by the moving party.
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?** Witnesses must be identified during a previous hearing, in a 45 Day Filing or via a written request to present witness testimony at least 45 days prior to the hearing. If proper notice is given to the adverse party with no objection and time permits, consideration of additional witness testimony will be given.
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 medical testimony will be permitted via deposition. Vocational expert testimony will be permitted via deposition. Testimony at which the deponents' credibility are not at issue, i.e. to authenticate a letter or mailing, may occur via deposition. Any other witness whose credibility will be at issue must take place at the hearing.
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 is expected to proceed with the presentation of their evidence first, and must complete the submission of all their evidence within 90 days of the first hearing. The responding party is then allowed 90 days from the completion of the moving party's evidence to present their own evidence. If cross petitions are filed, the party filing the first petition will generally be considered the moving party for purposes of the foregoing, however, in the event of a Petition to Review the Description of Injury filed after Defendant's Petition, we will discuss the order of litigation at the first hearing and make the determination on a case by case basis.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** It is helpful if the parties upload, however, I will also admit them electronically as Judge exhibits. [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?** It is preferred that counsel upload the exhibits at least 48 hours before the hearing.

6. **Do you require counsel to bring exhibit hard copies to the hearing?** No Hard copies are not required for exhibits previously uploaded with the exception of a Compromise and Release Agreement and Act 109 Documentation.
7. **When will you rule on objections to exhibits?** The exhibits will be discussed at hearing and rulings made at that time. Any exhibit uploaded after the hearing and not previously discussed at hearing, must first be moved into evidence by the submitting party. Any objections to said exhibits will be handled on a case by case basis upon receipt of the written objection to said exhibit.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** If there is a discovery dispute, each party shall submit their respective position in writing. If I am unable to rule upon same based upon the information provided, I will conduct a telephone conference with the parties. There are few circumstances requiring me to attend a deposition and would generally not consent to same. However, I would be available for conference call should a discovery dispute arise during the course of a deposition.
9. **What is the last day to file written preservations of deposition objections?** Parties may file their preservation of objections up to the close of the record.

### 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?** Before The Compromise and Release must be fully executed and witnessed prior to being uploaded into WCAIS and no changes will be permitted thereafter. Should the parties be unable to obtain the requisite signatures or need to make changes up to the time of hearing, they can upload the Agreement 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.?)** The Fee Agreement, Waiver of Appeal, Authorization for Alternate Delivery, MSA information and other medical bills or invoices to be paid as part of the agreement should be attached and uploaded with the Compromise and Release Agreement. The Act 109 Documentation is the only separate exhibit.
  - 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?** If the Agreements are being uploaded prior to the hearing, they should be redacted at that time. The hard copy brought to the hearing shall remain unredacted until such time as the Claimant verifies same. If the Agreements are not being uploaded prior to hearing, the social security numbers shall be redacted after Claimant verifies same 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?** Stipulations will be reviewed upon submission at hearings or via WCAIS and if said stipulation does, in fact, resolve all pending issues, I will approve same. If issues remain outstanding, a phone conference may be scheduled to address said issues.

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 medical bills or other documents are germane to the terms of the stipulation, they should be uploaded as part of 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 social security numbers should be redacted prior to them being uploaded.
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?** The parties are notified either from the bench or in writing of the scheduling of briefs and Proposed Findings. Should counsel fail to file briefs and Proposed Findings and also fail to successfully request an extension of time, the matter may be decided at any time after the filing date for briefs and Proposed Findings.
3. **Describe any preferences regarding the format and content of submissions:** The parties will be afforded an opportunity to submit briefs and/or proposed findings of fact and conclusions of law. Briefs should contain a statement of the case, a summary of the evidence presented, a statement of the issues, a discussion of the law, and a conclusion. Proposed findings of fact and conclusions of law should be just that and not merely contain a summary of the evidence. If a party chooses to submit only proposed findings of fact and conclusions of law, without a supporting brief, it should contain a discussion section, in addition to the proposed findings of fact and the proposed conclusions of law.

### **MANDATORY MEDIATIONS**

1. **List the offices where you conduct mandatory mediations:** Allentown
2. **Do you require all participants to attend in-person?** Yes
  - a. **Under what circumstances do you permit attendance by phone?** Claimant and all counsel must attend personally. Employer and adjustor may participate by phone provided they are available for the duration of the mediation and have appropriate authority. Failure of the insurance company representative to be available on one case may result in the need for their physical presence in any future mediations for that carrier.
3. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** I would expect the parties to advise of the status of the current litigation, a synopsis of past/relevant litigation, the wage information, status of any third party litigation, any potential social security or Medicare issues, any potential lien issues, the status of any unpaid medical bills, and finally the strengths and weaknesses of their respective cases.
  - b. **What documents, if any, must accompany the Statement?** Other documents need not accompany the statement, however, the parties should be prepared to provide/review any germane documents at the mediation, such as the IME report or recent medical records.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 72 hours.
4. **After you approve a Mediation Request, how long until it's scheduled?** There is no set time and we will endeavor to accommodate the parties requests.

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?** Both. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 48 hours.
7. **What else should the parties know or do before the mediation?** Please have access to an individual(s) with authority to resolve the litigation. If that requires supervisor approval, please have access to the supervisor at the scheduled time and continuing during the mediation. It is understood that threshold levels of authority are common, so please be guided accordingly.

### **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:** Allentown. If the parties request mediation at a different WC office, they may make the request and reasonable accommodation will be attempted.
3. **Do you mediate Disputes assigned to you for hearing and decision?** No Generally I do not mediate my own cases, however if the parties request that I do, we can discuss the issue on a case by case basis.
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
  - a. **Describe any special procedures:** Yes, I am willing. No, I don't have any special procedure.
5. **Do you require parties to execute an agreement to mediation?** No. Same as mandatory mediations. **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?** Same as mandatory mediations.
7. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** Same as mandatory mediations.
  - b. **What documents, if any, must accompany the Statement?** Same as mandatory mediations.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 72 hours.
8. **After you approve a Mediation Request, how long until it's scheduled?** Same as mandatory mediations.
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?** Same as mandatory mediations. **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Same as mandatory mediations.
11. **What else should the parties know or do before the mediation?** Same as mandatory mediations.

### **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 for continuances and extensions must be made, and will be decided, in accordance with Rule 131.13 and Rule 131.12, respectively. I am willing to accommodate requests for changes in hearing times if the schedule permits.

2. **Under what circumstances do you conduct conference calls?** Conference calls will be considered on a case by case basis.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes are permitted if unable to access WCAIS.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** Yes
5. **What is the best way to contact you in an urgent situation?** Phone call to my secretary.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** In case of inclement weather, check WCAIS for cancellations or delays. Generally, I follow the Allentown School District for closures due to snow conditions.