

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 hearing will be held at which the Mandatory Trial Schedule is set and Mandatory Mediation is discussed. Supersedeas exhibits, if applicable, are expected at the first hearing on Termination, Suspension, Modification Petitions. See below for additional information on supersedeas exhibits.
2. **List any documents required at the first Event:** Controlling document and supersedeas if applicable.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits [Click or tap here to enter text.](#)
 - b. **Should docs be uploaded before or after the first Event?** After [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 [Click or tap here to enter text.](#)
 - b. **Is additional time generally granted to obtain medical evidence?** Yes
 - c. **Under what circumstances will you reconsider a supersedeas order?** Upon request with additional evidence.
 - 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 based on Claimant's submissions including an Executed Fee Agreement and an Affidavit of the Claimant addressing the Fee Agreement.
 - 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 hold serial hearings as follows: the first hearing for discussion of Mandatory Mediation and the Mandatory Trial Schedule; one or more interim hearings for discussion of the trial schedule, presentation of fact witnesses, and to determine an appropriate final hearing date; and a final hearing at which all evidence is submitted, the record is certified and closed, and a briefing schedule is set. Claimant will testify at the final hearing by way of update. I will entertain timely requests for revision of my hearing format upon good cause shown.
 - a. **Are you willing to change the hearing format upon request?** Yes [Click or tap here to enter text.](#)
2. **Are you willing to allow counsel to participate by telephone?** Yes Only upon good cause shown and advance timely request.

3. **What procedure do you follow if a party fails to appear at a hearing?** A record is made. I ask the attorney who appears to contact the other attorney or party regarding the events of the hearing. The case is re-listed for another hearing within 30 days. If the party fails to appear at the next hearing and/or provide adequate excuse for failure to appear, I will entertain an appropriate motion from the opposing party.
4. **Do you have special procedures for psychological injury cases?** No Nevertheless, a non-public hearing for Claimant's testimony can be arranged upon timely request.

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?** I prefer advance notice of 20 business days if counsel intends to bring a witness to a hearing for testimony. Additionally, although I prefer testimony at hearing, testimony may be presented by deposition.
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?** I will allow a party or witness to testify by phone upon timely request and good cause shown. I expect that expert witnesses will testify by deposition. Claimant should testify at a hearing and/or by deposition and fact witnesses can testify at 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?** Generally, the party with the first petition filed will be expected to present its case first except on Utilization Review Petitions. There may be other circumstances that warrant variation with respect to the order of medical evidence.
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? After If before:**
 - a. **What is the latest day before the hearing that they may be uploaded?** Click or tap here to enter text.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes Parties should bring hard copies of the exhibits to the hearing so that I can rule on objections and in order for the parties and the Judge to confirm after the hearing that the admitted exhibit is the exhibit that has been uploaded.
7. **When will you rule on objections to exhibits?** I will rule on objections to exhibits as they are submitted for admission except where objections to exhibits are made at the time of deposition. For objections raised during deposition, I will rule on the objection in my final decision if the objection is preserved in accordance with the WCJ Rules and a preservation of objections is submitted at the final hearing.
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 hold a hearing and rule on the dispute.
9. **What is the last day to file written preservations of deposition objections?** Written preservation of objections are to be submitted at the final hearing.

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 I mark the Compromise and Release Agreement and all attachments as a single exhibit. I generally note on the record all of the attachments that are part of the Compromise and Release Agreement. These generally include the Fee Agreement and Child Support documentation. I also note on the record which attorney agreed to upload the exhibit, and I request that the social security number and date of birth be redacted from the entirety of the uploaded exhibit.
- d. **Should child support docs be uploaded as a separate exhibit?** No 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.)?** I will advise the parties at the Compromise and Release approval hearing what exhibits are attached. See above.
- 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?** Prior to uploading.
- 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:** When the Claimant participates at the hearing by phone, the certification page of the C&R Agreement must be notarized.

STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and Fee Agreement (where applicable) should be attached to the uploaded exhibit. If the child support documentation is applicable, the social security number and date of birth must be redacted from the uploaded exhibit and an unredacted copy must be sent to my office via email.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation Click or tap here to enter text.
3. **Should child support documents be uploaded as a separate exhibit?** No Click or tap here to enter text.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** None, unless the Stipulation specifically references same in which case they should be uploaded as part of 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?** See answer to question 1 above.
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?** Final Hearing
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** A briefing schedule is set at the final hearing. Post-hearing submissions are discussed at the final hearing and time requirements are set. Post-hearing submissions (other than briefs) that are not raised at the final hearing will not be considered. Any request for extension of the briefing schedule must be made prior to the expiration of the briefing schedule. Depending on the age of the case, I generally grant requests for an extension of time to submit a brief as long as it is timely made and opposing counsel has no objection. The position of opposing counsel must be noted in the extension request.

- 3. Describe any preferences regarding the format and content of submissions:** For format and content of briefs, see WCJ Rules 131.101 (h). The statement of facts/summary of the evidence must reference page numbers where applicable, and should contain not contain any argument. For preservation of objections made during deposition, please see WCJ Rules 131.66(b). All briefs and post-hearing submissions must be uploaded into WCAIS. Submission of a hard copy of these documents by mail is appreciated but not required.

MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:** Philadelphia and Upper Darby.
- 2. Do you require all participants to attend in-person?** No
 - a. Under what circumstances do you permit attendance by phone?** Counsel and unrepresented parties are expected to attend in person. The claims adjuster and/or employer representative may attend by telephone. Upon good cause shown, I will allow the Claimant to attend by telephone.
- 3. Do you require a Mediation Statement? Yes If yes:**
 - a. What information do you require in that Statement?** I prefer a one-page snapshot of the case which should include as much of the following information as possible: the name of the case; the presiding Judge; pending petitions; date of injury; accepted or alleged injury; the average weekly wage and compensation rate; status of settlement negotiations including the amount of the demand and offer to date; Claimant's age; Claimant's length of employment; status of the litigation including medical experts; Claimant's pre-injury job title; mechanism of injury; amount of outstanding medical bills; amount of unemployment compensation received; whether or not Medicare is at issue; status of third party litigation or lien, whether or not there are utilization review petitions outstanding, whether or not resignation is an issue, and the amount of litigation costs to date. A form mediation statement will be enclosed with the Notice of Mediation.
 - 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?** Three business days.
- 4. After you approve a Mediation Request, how long until it's scheduled?** Depends on the amount of time requested and available slots.
- 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?** To cancel a mandatory mediation, contact the presiding Judge; to postpone a mandatory mediation, contact the mediating Judge. **If you:**
 - a. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible.
- 7. What else should the parties know or do before the mediation?** Counsel should discuss settlement prior to the mediation. If the employer's counsel does not have settlement authority within one day of the mediation, this information should be provided to Claimant's counsel.

VOLUNTARY MEDIATIONS

- 1. Do you conduct Voluntary Mediations?** Yes Upload a request into WCAIS and/or email me at atimm@pa.gov requesting same.
- 2. List the offices where you conduct voluntary mediations:** Philadelphia
- 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?** 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?** Yes
- a. **Under what circumstances do you permit attendance by phone?** Counsel and unrepresented parties must be present. I prefer Claimant be present. The adjuster or employer representative with settlement authority must be available by telephone.
7. **Do you require a Mediation Statement?** Yes **If yes:**
- a. **What information do you require in that Statement?** See above
- b. **What documents, if any, must accompany the Statement?** Click or tap here to enter text.
- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Three business days
8. **After you approve a Mediation Request, how long until it's scheduled?** Depending on availability, I can schedule a voluntary mediation within two weeks of the request.
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?** For a voluntary mediation, the party should address the request to cancel or postpone through the mediating Judge. **If you:**
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** As soon as possible.
11. **What else should the parties know or do before the mediation?** If employer's counsel does not have settlement authority for a voluntary mediation as of the day before the mediation, counsel should advise my office and Claimant's counsel.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** A request to continue a hearing should be uploaded into WCAIS within two days of the hearing. The request to continue a hearing must provide the status of the litigation to date, the reason the continuance is requested, the amount of time being requested, and the position of opposing counsel. An extension to the Mandatory Trial Schedule should be requested by letter and as a WCAIS request as soon as the need for the extension becomes apparent. The request should include why the extension is necessary, the status of the evidence to date including specific deposition dates, the amount of time being requested including the date of any deposition scheduled beyond the current trial schedule, and the position of opposing counsel with respect to the request.
2. **Under what circumstances do you conduct conference calls?** I do not conduct conference calls.
3. **Under what circumstances do you accept faxes and e-mails from parties?** Faxes are not accepted. E-mails should only be used in response to my e-mail, or when I expressly authorize or request the e-mail. All communication must be copied to opposing counsel.
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?** Call my office or upload a letter or request into WCAIS. In a true emergency (i.e. unable to attend hearing and/or will be late for hearing and unable to reach my office by telephone), e-mail may be appropriate.

6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc)? Info regarding emergency snow cancellation is usually available on WCAIS or the Philadelphia Bar Association website under the Workers Compensation Section.