

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.](#)

[4.17.20]

As to phone hearings via SKYPE:

I am at my home office and your call will be streamed to my computer (voice over IP) and you will be connected once I open a portal which will accommodate the call.

The court reporter will be on as well.

Note that time is limited. Any testimony must be presented efficiently. I welcome testimony but if it can reasonably be deferred we may wish to take that course.

Exhibits should be uploaded before the hearing so that I can prepare.

Note that I may get behind. If you are unable to connect at first, keep trying.

I am pleased to connect with you collectively via e-mail "outside of WCAIS." My e-mail is dtorrey@pa.gov.

FIRST EVENTS

1. **What is the first event (i.e. pretrial, hearing, conference call) and what will occur?** Hearing. Both sides present documentary evidence and, if time allows, witness testimony.
2. **List any documents required at the first Event:** None required.
 - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Exhibits
 - b. **Should docs be uploaded before or after the first Event?** Before

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Click or tap here to enter text.
 - a. **Will testimony be heard?** Yes
 - b. **Is additional time generally granted to obtain medical evidence?** Yes. Additional time is permitted.
 - c. **Under what circumstances will you reconsider a supersedeas order?** If new evidence is available
 - d. **Do you generally use written orders for denials?** Yes
 - e. **What is required for employee's counsel to obtain interim fee approval?** Submit fee agreement as per Act.
 - f. **Describe any other procedures for supersedeas hearings:** Procedures are as per Act and WCJ Rules.
 - 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 use a series of hearings.
 - a. **Are you willing to change the hearing format upon request?** No
2. **Are you willing to allow counsel to participate by telephone?** Yes Particularly satisfactory for a status hearing. Please advise judge in advance. Judge will initiate the call.
3. **What procedure do you follow if a party fails to appear at a hearing?** Varies in each case. Usually a second chance will be provided.
4. **Do you have special procedures for psychological injury cases?** No

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?**
 - i. **How much notice do you require?** No notice if testimony if less than 15 minutes. If more, notice needed.
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?** Not preferred, but for good cause.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** No trial depositions required until all sides have notice of what is being claimed.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Judge 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?** Click or tap here to enter text.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No
7. **When will you rule on objections to exhibits?** Time of objection.
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 conference.
9. **What is the last day to file written preservations of deposition objections?** With proposed findings

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
 - 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
- 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?** [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?** At time of C&R hearing.
- h. **Will you sign bench orders?** Yes
- i. **Describe any other procedures you have for C&R Agreements:** If claimant is resigning from employment as an essential part of the compromise settlement of the workers' compensation claim, that fact must be revealed to judge. The release should be executed/witnessed before entering the hearing room. The court reporter will not be a witness.

STIPULATIONS (STIPs) RESOLVING DISPUTES

- 1. **What are your usual procedures regarding the submission, review, and adoption?** As per WCJ Rules. If fair to all parties, will presumably be approved.
- 2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation
- 3. **Should child support documents be uploaded as a separate exhibit?** Yes
- 4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** None.
 - 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?** None.
- 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?** WCAIS Submission
- 2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Default: 45 days from last hearing, briefs or proposed findings are due.
- 3. **Describe any preferences regarding the format and content of submissions:** Proposed findings in Judge Torrey format and no other. Samples are available on request.

MANDATORY MEDIATIONS

- 1. **List the offices where you conduct mandatory mediations:** None
- 2. **Do you require all participants to attend in-person?** No
 - a. **Under what circumstances do you permit attendance by phone?** [Click or tap here to enter text.](#)
- 3. **Do you require a Mediation Statement?** No **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?** Click or tap here to enter text.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Click or tap here to enter text.
4. **After you approve a Mediation Request, how long until it's scheduled?** Click or tap here to enter text.
 5. **Are you willing to conduct more than one session per Dispute?** No 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? Mediating Judge If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 24 hours must be provided
 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?** No Click or tap here to enter text.
2. **List the offices where you conduct voluntary mediations:** None
3. **Do you mediate Disputes assigned to you for hearing and decision?** No
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?** No
 - a. **Under what circumstances do you permit attendance by phone?** Click or tap here to enter text.
7. **Do you require a Mediation Statement?** No **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?** Click or tap here to enter text.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** Click or tap here to enter text.
8. **After you approve a Mediation Request, how long until it's scheduled?** Click or tap here to enter text.
9. **Are you willing to conduct more than one session per Dispute?** No 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? Mediating Judge If you:**
 - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** 24 hours
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?** 24 hours

- 2. Under what circumstances do you conduct conference calls?** If no witness testimony, conference called preferred to save time and natural resources.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** Faxes and e-mails accepted.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** Willing to go over not more than 40 minutes. However, consideration will be given to next case and parties thereto.
- 5. What is the best way to contact you in an urgent situation?** E-mail
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** Consistent with WCOA policy.