

## **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, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

### **HEARING PROCEDURES**

**1. What is the first event and what will occur?**

The first event will be a virtual pre-trial to address the litigation schedule and mediation.

**a. List any documents required at the first event:**

Documents required are those necessary for supersedeas, or any documents that need to be addressed at the first hearing, such as those to support a penalty or to address a missed examination.

**b. Should documents be uploaded as Exhibits or Letters to the Judge?**

Documents to be offered as evidence should be uploaded as exhibits. Supersedeas documents must be uploaded as such and not as exhibits of record. Documents intended to provide information should be uploaded as letters.

**2. Describe the format of your hearings (e.g., serial, one day – one trial).**

Generally, there is a pre-trial and a final hearing.

**3. Are you willing to change the hearing format upon request?**

Yes, depending on the reasons presented.

**4. What factors will you consider in deciding whether to conduct a hearing in-person?**

The need for an in person hearing, the positions of the parties, and health and safety considerations.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

Video is always preferred. I will not listen to testimony without video.

**6. What procedure do you follow if a party fails to appear at a hearing?**

The party may have a further opportunity to appear at a hearing or the petition may be disposed of depending on the circumstances.

**7. Do you have special procedures for psychological injury cases?**

No.

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

Supersedeas documents must be uploaded prior to the hearing and must be placed in the supersedeas section of the exhibits page of WCAIS or they will be deleted and not considered. CLAIMANTS ARE NOT TO UPLOAD THE ENTIRE MEDICAL FILE that include repetitive SOAP notes, incomprehensible handwritten progress notes, and technical EMG graphs. One medical report is preferred and if that is not available, CLAIMANTS ARE LIMITED TO 20 PAGES IN TOTAL, including medical records, any affidavit, and a fee agreement. Nothing after 20 pages will be read or considered. EMPLOYERS ARE ALSO LIMITED TO 20 PAGES OF SUPERSEDEAS DOCUMENTS.

**a. Will testimony be heard?**

No.

**b. Is additional time generally granted to obtain medical evidence?**

Additional time may be granted depending on the circumstances.

**c. Under what circumstances will you reconsider a supersedeas order?**

Supersedeas will be reconsidered upon the submission of new information not available at the initial supersedeas hearing. I will determine whether an additional hearing will be necessary for reconsideration.

**d. Do you generally use written orders for denials?**

Written supersedeas orders are issued unless no indemnity benefits are being paid.

**e. What is required for employee's counsel to obtain interim fee approval?**

Approval of an interim fee requires a signed contingent fee agreement and an affidavit from the Claimant acknowledging the fee, as well as a request for approval of the fee.

**f. Describe any other procedures for supersedeas hearings:**

None.

**g. Describe procedures for special supersedeas hearings, if different:**

None.

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

For a final hearing, the parties will need to complete and return the chart e-mailed to the parties by my assistant for a hearing to be scheduled that provides enough time for updated Claimant testimony, if requested, and ensures all parties have access to all evidence that is not proprietary. If other than at a final hearing, for example, fact witness testimony to be presented prior to the final hearing, a WCAIS request must be made, including the name(s) of the witness(es), an offer of proof, when the hearing should be held, and the total amount of time that will be needed for the entire hearing, considering direct examination, cross examination, and discussion of the issues.

**2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?**

Testimony is to be presented either by virtual video hearing, at an in person hearing, or by deposition as the parties are instructed.

**3. Under what circumstances will you change your requirements for presentation of testimony?**

Changing requirements for presentation of testimony depends on the reasons presented.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?** Sufficient time is needed to fit the hearing in my hearing schedule. The parties are asked when they would like the hearing to take place and their request will be accommodated to the extent possible.

**5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?**

The order of expert medical testimony will be addressed at the hearing at which the need to discuss this issue is conducted.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

The parties are to upload the controlling document(s) and relevant statement of wages only.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before. If before, how far in advance of the hearing must they be uploaded?** If for a hearing other than a final hearing, 48 hours. If for a final hearing, the parties will not get a final hearing date and time until they have certified that all documents to be offered as evidence have been uploaded.

**8. When will you rule on objections to exhibits?**

Objections will be ruled upon, a) immediately at a hearing if the objection is made at a hearing during testimony and is regarding that testimony, b) if not during a hearing, as needed if required for the progression of the litigation, and c) in the final decision if objections to deposition testimony are properly preserved.

**9. What is your procedure for handling discovery disputes?**

There should be no discovery disputes in Workers' Compensation cases, but if the parties require, during a hearing, on the record, after a WCAIS request specifying the need for the hearing and the positions of the parties.

**10. What is the last day to file written preservations of deposition objections?**

Objections must be properly preserved according to the Special Rules or there will be no ruling.

## **COMPROMISE & RELEASES (C&Rs)**

### **1. Describe your procedures regarding the review of C&R Agreements:**

If no petitions are pending and you are filing a C&R petition, **you must have your C&R documents prepared before filing the petition.** The documents must be **uploaded immediately** after the assignment of the petition. Any required changes will be noted in Judge Instructions. **If documents are not uploaded timely and changes are not made in a timely fashion,** your Petition will be **DISMISSED**, and may be refiled when the documents are ready.

If a C&R Petition is filed as a companion Petition, the same instructions must be followed. If timeliness becomes an issue, the pending Petitions may be in jeopardy of **DISMISSAL** as well.

If a request is made to amend pending Petitions to a C&R, failures to upload documents timely or to reply to requests for C&R document status may jeopardize pending Petitions.

THE PARTIES WILL NOT GET A HEARING DATE UNTIL DOCUMENTS ARE UPLOADED AND ARE ACCEPTABLE TO THE COURT. Any changes required will be noted in WCAIS as Instructions from the Judge.

1. ACT 109 DOCUMENTS ARE TO BE UPLOADED ONLY UNREDACTED AS A SEPARATE EXHIBIT NOT WITH THE C&R AGREEMENT UNLESS THERE IS AN ARREARAGE. If there is an arrearage, redacted Act 109 documents are to be uploaded with the C&R Agreement, and unredacted Act 109 documents are to be uploaded as a separate exhibit. 2. The C&R documents must not contain any portion of Claimant's social security number on any page. 3. If the hearing is virtual, and Claimant and Claimant's counsel will be co-located during the hearing, the hearing must be presented by TEAMS video. 4. C&R AGREEMENTS MAY NOT CONTAIN REPEATED OR DUPLICATED TERMS IN DIFFERENT PARAGRAPHS. ANY C&R AGREEMENT THAT CONTAINS TERMS REPEATED IN DIFFERENT PARAGRAPHS WILL BE REQUIRED TO HAVE THE REPEATED TERMS DELETED BEFORE A HEARING WILL BE SCHEDULED.

**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 to pending petitions are required for a C&R hearing absent extraordinary circumstances. There is no reason for the filing of a C&R petition when a petition is already pending.

**b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

Yes. The "draft" must be complete, fully executed, uploaded to WCAIS as an exhibit, and in accordance with #1 above. The C&R documents must be provided and approved before the parties will get a hearing date. Do not email the document to me or my assistant.

**c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

See #1 above.

**d. Should child support documents be uploaded as a separate exhibit?**

See #1 above.

**e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

See #1 above.

**f. Will you sign bench orders?**

No.

**g. Describe any other procedures you have for C&R Agreements:**

If the hearing is virtual, it is strongly preferred that the Claimant appear by video via the TEAMS application. Failure to do so may, in certain cases, require a suspension of the hearing for Claimant to be on video, and delay the issuance of an Order.

### **STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

See below.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

The fee agreement is a separate exhibit.

**3. Should child support documents be uploaded as a separate exhibit?**

The same procedure as in #1 for C&Rs above should be followed.

**4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

Absolutely none. The only exception to this is in the event there is a child support arrearage. See #1 in C&Rs above. The parties also should not reference attached documents and then fail to attach them, as is frequently done.

**5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

Any other exhibit should be uploaded as a separate exhibit.

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

Addressed above.

**7. Describe any other procedures you have for stipulations:**

None.

### **BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

It is a rare exception where a case will be closed without a final hearing.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

Final submissions are addressed at the final hearing. When time requirements are not met, the party in violation forfeits the right of consideration of the final submission. There is no procedure for when time requirements are not met other than the issuance of the final decision without benefit of missing evidence or an unfiled brief.

**3. Describe any preferences regarding the format and content of final submissions:**

Briefs should be concise, and should tell an understandable story rather than regurgitate unstructured testimony from transcripts on a page by page basis. Most briefs fail to include persuasive argument. Persuasive argument is appreciated and considered.

### **MANDATORY MEDIATIONS**

- 1. List the offices where you conduct mandatory mediations:**

None.

### **VOLUNTARY MEDIATIONS**

- 1. Do you conduct Voluntary Mediations?**

No.

### **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 any changes should be uploaded as soon as the party is aware of the need for the change. The balance of the reason for the need and the timing of the request will be factored in to determine whether the request will be granted or denied.

- 2. Under what circumstances do you conduct off the record conference calls?**

None.

- 3. Under what conditions/circumstances do you accept e-mails from parties?**

I never accept e-mails regarding my cases. I will accept e-mails from parties related to my managerial duties.

- 4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

Going past the scheduled hearing time depends on whether another event is scheduled after the current hearing and that event must commence on time.

- 5. What is the best way to contact you in an emergency situation?**

In case of an emergency, e-mail or call my assistant, using the contact information at the top of this document. A WCAIS upload is allowable, but there is no guarantee it will be seen within the requestor's timeframe.

- 6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

Any emergency hearing changes will be posted on WCAIS, and if time allows, the parties will be e-mailed.