

**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?** There are no pre-trials. A hearing will be scheduled for every petition filed. Claimant will testify at the first hearing on a Claimant driven petition. Employer will proceed with a supersedeas request or other relevant action on an Employer driven petition.
2. **List any documents required at the first Event:** Relevant Bureau documents are required, with the exact description of injury where there is an accepted injury. First hearing filings and 45 day filings are not accepted and are not to be submitted or uploaded.
  - a. **Should docs be uploaded as Exhibits or Letters to the Judge?** Bureau documents are to be uploaded as exhibits after a hearing. First hearing filings are not to be submitted or uploaded.
  - b. **Should docs be uploaded before or after the first Event?** Neither. See above.

**SUPERSEDEAS PROCEDURES**

1. **What are your procedures for supersedeas hearings?**
  - a. **Will testimony be heard?** No.
  - b. **Is additional time generally granted to obtain medical evidence?** Supersedeas submissions are not considered evidence. The responding party may have 14 days to generate a response to a supersedeas request.
  - c. **Under what circumstances will you reconsider a supersedeas order?** Upon submission of new evidence.
  - d. **Do you generally use written orders for denials?** Yes
  - e. **What is required for employee's counsel to obtain interim fee approval?** A proper request with proper documentation.
  - f. **Describe any other procedures for supersedeas hearings:** N/A
  - g. **Describe procedures for special supersedeas hearings, if different:** N/A

**HEARINGS**

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** There will be a first and final hearing. If fact witness testimony is to be presented, there will be an interim hearing to avoid surprise at a final hearing and to maintain the litigation schedule. If a different format is required for a specific reason, I will make that determination or a request for modification of the format will be considered.
  - a. **Are you willing to change the hearing format upon request?** Yes
2. **Are you willing to allow counsel to participate by telephone?** No

3. **What procedure do you follow if a party fails to appear at a hearing?** A record will be made. Depending on the situation, a petition might be dismissed or granted, or the party may be given another opportunity to appear.
4. **Do you have special procedures for psychological injury cases?** No

### WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** Claimants must testify live at a hearing, generally at the first hearing on a Claimant driven petition and at the last hearing on an Employer driven petition. The presentation of further testimony is discussed at the first hearing. If there is a change required in the plan set at the first hearing, notice is required immediately upon the party determining the need for a change.
  - a. **Do you prefer testimony at a hearing or by deposition?** Hearing
  - 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?** At least three weeks to ensure enough hearing time is available.
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?** Claimants must testify live at a hearing. Depositions of Claimants are very rare and are not permitted absent explanation for the need of a deposition as opposed to live testimony at a hearing, and must be pre-approved. Medical experts may testify by deposition. The method of presenting other testimony is determined on a case by case basis and is discussed at the first hearing. It is extremely rare that a fact witness will be permitted to testify by deposition. Telephone testimony is rare and only from a Claimant in a Compromise and Release hearing, after explanation and approval.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** Because each case is unique, this will be determined on a case by case basis when the issue arises.
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
5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** After No documents to be offered as exhibits should be uploaded before a hearing. **If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?**
6. **Do you require counsel to bring exhibit hard copies to the hearing?** Yes The use of WCAIS is not mandatory and all parties must have access to exhibits.
7. **When will you rule on objections to exhibits?** Generally, at a 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.?** At a hearing.
9. **What is the last day to file written preservations of deposition objections?** In accordance with the Act and relevant Rules.

### COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** Do not repeat the same terms throughout the agreement. State each provision of the agreement ONE TIME.
  - 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 Do not submit or upload a Compromise or Release Agreement before a hearing. **If yes:**

- i. **How far in advance of the hearing do you need to receive it?**
- c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Neither. Unless specifically directed otherwise, my office will upload the Compromise and Release Agreement.
- 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.)?** It should be rare that there are exhibits attached to the Compromise and Release Agreement. Unless specifically directed otherwise, my office will upload the Agreement.
- f. **Should they be a part of the C&R Agreement or separate exhibits?**
- g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** My office will redact confidential information from the Compromise and Release Agreement. No information should be redacted from the Act 109 documents.
- h. **Will you sign bench orders?** I will sign bench orders but will decline to do so if not drafted to my satisfaction.
- i. **Describe any other procedures you have for C&R Agreements:**

### STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** All handwritten changes must be initialed. It should be very rare that there are attachments to a stipulation.
2. **Should the fee agreement be part of the stip or separate exhibit?** Separate Exhibit
3. **Should child support documents be uploaded as a separate exhibit?** Yes
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** It should be very rare that there are attachments to a stipulation. Where they are absolutely necessary, they should not be referenced to or identified in the stipulation as "Exhibit A," etc.
  - a. **Should they be part of the stip or a separate exhibit?**
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** Confidential information should not be included in a stipulation. No information should be redacted from the Act 109 documents.
6. **Describe any other procedures you have for stips:**

### BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** Final Hearing The record will be certified at a hearing. If evidence is identified, but not available at the time of the final hearing, only the identified evidence may be uploaded thereafter. Any documents uploaded as evidence after the final hearing that have not been certified as evidence will be deleted with no notice to the parties.
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** Briefing schedules will be set at the final hearing. If the briefing schedule has passed and no extension of time has been requested prior to the expiration of the original schedule, a decision will be rendered on the case without the benefit of a brief.
3. **Describe any preferences regarding the format and content of submissions:** Briefs should be concise and focus on the legal argument and an explanation of why certain evidence should be found more credible than other evidence. Regurgitation of the record is unnecessary.

## MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Any office in my district.
2. **Do you require all participants to attend in-person?** Choose an item.
  - a. **Under what circumstances do you permit attendance by phone?**
3. **Do you require a Mediation Statement? No If yes:**
  - a. **What information do you require in that Statement?**
  - b. **What documents, if any, must accompany the Statement?**
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**
4. **After you approve a Mediation Request, how long until it's scheduled?** This depends on the availability of mediation slots. Mediations will be scheduled in accordance with the timeframes required by the Act.
5. **Are you willing to conduct more than one session per Dispute?** No
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 adjudicating judge should be contacted for a cancellation request. The mediating judge should be contacted for a postponement request.
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** One week in advance.
7. **What else should the parties know or do before the mediation?** Upload mediation statements as required by the mediating Judge.

## VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** No
2. **List the offices where you conduct voluntary mediations:**
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:**
5. **Do you require parties to execute an agreement to mediation?** No **If yes:**
  - a. **Describe the matters addressed by the agreement:**
6. **Do you require all participants to attend in-person?** Choose an item.
  - a. **Under what circumstances do you permit attendance by phone?**
7. **Do you require a Mediation Statement?** Choose an item. **If yes:**
  - a. **What information do you require in that Statement?**
  - b. **What documents, if any, must accompany the Statement?**
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**
8. **After you approve a Mediation Request, how long until it's scheduled?**
9. **Are you willing to conduct more than one session per Dispute?** Choose an item.

- 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?** The mediating judge should be contacted for either a cancellation or a postponement request. **If you:**
- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**
- 11. What else should the parties know or do before the mediation?** Be certain to comply with the requirements of the mediating judge.

### 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 must be made 10 days in advance. They must detail the reason for the request, when the need for the request arose, and the position of the opposing party.
- 2. Under what circumstances do you conduct conference calls?** Conference calls on assigned cases are very rare. If one is being requested, the parties must submit a letter outlining the status of the case, the exact issue to be addressed, and the positions of all parties on the issue. If a conference call is granted, it will be conducted during a hearing day and a record of the call will be made.
- 3. Under what circumstances do you accept faxes and e-mails from parties?** Faxes must be sent to the Bristol office. E-mails on assigned cases must be sent to the Bristol office resource account. No e-mails on assigned cases are to be directed to my Commonwealth e-mail address.
- 4. Do you adhere strictly to duration listed for a Hearing or Mediation?** I will allow a hearing to go past the designated end time depending on the circumstances.
- 5. What is the best way to contact you in an urgent situation?** Contact my secretary at the Bristol office.
- 6. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** If the office where I am conducting hearings is open, my hearings will take place. During inclement weather, any party who feels unsafe to travel will be excused from the hearing without penalty and that hearing will be postponed. It is the responsibility of that party to advise all parties and the Judge of the intent not to appear.