

**JUDGE NAME: David R. Weyl DISTRICT: Eastern District ASSIGNED OFFICE: Lancaster**

**Assistant's Name: Jodi Hess Assistant's email: [jhess@pa.gov](mailto:jhess@pa.gov)**

**Assistant's Commonwealth Direct Dial Phone Number: (717) 299-7592**

### **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 in all contested cases will be a ten (10) minute pre-trial hearing and counsel shall outline their allegations and defenses, and what evidence they intend to present in support of their cases in chief. A litigation plan for hearings and depositions will be issued, including, where appropriate, a Scheduling Order in writing.

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

None.

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

Documents should be uploaded as Exhibits.

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

The format will be determined at the pre-trial hearing.

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

Yes.

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

Subject to restrictions that may be required in response to COVID-19, the following principles will apply. Hearings requiring testimony, both contested and Compromise & Release, generally will be held in person. All hearings that do not require testimony (pre-trials, status, supersedeas) will be held virtually.

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

Appearance by video at virtual hearings is strongly preferred.

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

Sometimes sanctions will be imposed, if appropriate.

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

No.

**SUPERSEDEAS PROCEDURES**

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

Supersedeas hearings will be conducted in the same manner as any other pre-trial hearing.

**a. Will testimony be heard?**

No.

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

As a general rule, the parties should have their supersedeas exhibits filed at the time of the hearing. Extensions of time will be granted for good cause.

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

Supersedeas Order, like every Interlocutory Order, may be reconsidered for good cause. Hearings will not be held on requests for reconsideration of supersedeas. The request will be ruled upon based on the evidence of record in WCAIS.

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

Yes.

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

The counsel fee agreement must be uploaded as an exhibit.

**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?**

The rules for taking testimony in each case shall be determined at the pre-trial hearing.

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

Subject to restrictions that may be required in response to Covid-19, fact testimony should be taken at an in-person hearing, or by deposition when appropriate. Expert testimony shall be taken by way of deposition.

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

An appropriate request stating the reasons therefor should be made through WCAIS.

- 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?** Generally, this is determined at the pre-trial hearing.

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

This is determined at the pre-trial hearing.

- 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 should upload those Bureau and WCOA documents they believe are relevant as exhibits.

- 7. Do you require counsel to upload exhibits to WCAIS before or after the hearing?** There is no requirement to upload exhibits prior to the hearing. **If before, how far in advance of the hearing must they be uploaded?** N/A

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

Generally, at the time of the close of the record.

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

A request for a ruling in a discovery dispute shall be made in WCAIS and will be ruled upon in WCAIS.

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

At the time of the close of the record.

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

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

See below.

- 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 existing petitions are permitted.

- 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?**

No.

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

The parties should upload the signed C&R Agreement, both redacted and unredacted, prior to the hearing.

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

Yes.

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

The parties should provide both redacted and unredacted copies of these documents.

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

Yes, with the understanding that the only enforceable Order is the final Decision and Order issued in this case.

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

None.

**STIPULATIONS RESOLVING DISPUTES**

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

Stipulations may be submitted via WCAIS, as an exhibit.

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

It should be a separate exhibit but may also be attached to the 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.)?**

No other exhibits are required to be attached to the Stipulation.

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

Other exhibits should be separate exhibits.

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

Social Security numbers should not appear in Stipulations. The parties should provide redacted and unredacted Act 109 documents.

**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?**

Cases can be closed by WCAIS submission. The record will be deemed as closed as of the briefing deadline unless a request to reopen the record is submitted via WCAIS; and will be certified for appeal purposes at the time of decision.

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

The deadlines for final submissions will be set at the final hearing in a case. Failure to meet deadlines may result in sanctions being imposed, if appropriate.

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

Proposed Findings of Fact and Conclusions of Law are essential. They should include both summaries of the evidence and proposed credibility findings.

### **MANDATORY MEDIATIONS**

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

Lancaster.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

Subject to restrictions that may be required in response to Covid-19, in person mediations are preferred.

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

Audio with video is preferred.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

Counsel should be present in person. Parties may participate virtually for good cause shown.

**5. Do you require a Mediation Statement? Yes. If yes:**

**a. What information do you require in that Statement?**

Counsel may provide whatever information they deem relevant in whatever format is most comfortable for them.

**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?**

No later than the Friday prior to the mediation.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? It may be postponed for good cause only. If so, how long until it is rescheduled? Rescheduling is subject to availability of time slots.**

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Only in extraordinary circumstances.

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Requests may be made at any time, but are less likely to be granted if made shortly before the mediation date.

**9. What else should the parties know or do before the mediation?**

Bring appropriate demands and authority to the mediation.

**VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

Request via WCAIS.

**3. List the locations where you conduct in-person voluntary mediations:**

Lancaster.

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

No.

**5. Do you mediate Disputes assigned to you for hearing and decision?**

No.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

In person voluntary mediations only.

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

N/A

- 9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

See response to question four (4) in Mandatory Mediations above.

- 10. Do you require a Mediation Statement? Yes. If yes: See response to Question five (5) in Mandatory Mediation above.**

- a. What information do you require in that Statement?**

See above.

- b. What documents, if any, must accompany the Statement?**

See above.

- c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

See above.

- 11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

Yes. That depends upon the availability of time slots.

- 12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes. Only in extraordinary circumstances.

- 13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

The mediating Judge.

- 14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Requests may be made at any time, but are less likely to be granted if made shortly before the mediation date.

- 15. What else should the parties know or do before the mediation?**

Bring appropriate demands or authority to the mediation.

### **REQUESTS/MISCELLANEOUS**

- 1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

Request should be made in compliance with the applicable Rules of Procedure and Practice.

**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?**

E-mails should be directed to my Secretary, to avoid impermissible ex parte contact.

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

Yes, absent extraordinary circumstances.

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

E-mail and/or phone call to my secretary.

**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.)?**

Check WCAIS. Cancellations of events will be posted on WCAIS.

**Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.**