

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?

At the first hearing, the moving party will offer testimony and exhibits in support of its case. A schedule for presentation of additional testimony will be set. The responding party will have the opportunity to question the Claimant and present exhibits. A schedule for presentation of expert testimony will be discussed. Thirty minutes is usually provided at the first hearing regardless of whether Claimant is the moving party. Please give advance notice of any need for additional hearing time, as soon as possible after assignment.

a. List any documents required at the first event:

None. A pre-hearing memorandum is not required, but will be accepted. Counsel must be prepared to state the client's position on the issues.

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

Exhibits.

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

Hearings are serial, but the hearing format may be changed upon request and consent of all parties.

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?

An in-person hearing will generally be scheduled on all Claim Petitions. For all other petitions, Claimant testimony may be presented in-person or virtually. The parties should be prepared at the first hearing to discuss the manner in which Claimant's testimony should be presented. I will generally grant requests for in-person testimony of Claimant and Employer witnesses where credibility is an important factor. If testimony is offered for purposes of building a record of uncontested facts, it may be presented virtually if neither party will be prejudiced thereby.

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

All virtual hearings are video hearings on the Microsoft Teams platform. Counsel should test this technology for themselves before the hearing day with any witnesses whose testimony they intend to offer. A "low tech" option consisting of a telephone number and conference code will also be provided for your use as an absolute last resort.

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

If a moving party fails to appear for a hearing without excuse, the responding party may move for dismissal. If a responding party fails to appear at a hearing without excuse, the moving party may offer evidence to meet the burden of proof. The moving party may rest and move to close the record.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

a. Will testimony be heard?

Yes. The testimony of the Claimant and exhibits are expected at a hearing where supersedeas is at issue.

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

I will diary the file to rule on supersedeas on the fourteenth (14th) day following the hearing, or the seventh (7th) day on a special supersedeas request., in accordance with the Special Rules.

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

Reconsideration of supersedeas may be requested only after a hearing as provided in Section 131.41(a) of the Special Rules

d. Do you generally use written orders for denials?

Yes

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

The Fee Agreement must be uploaded to WCAIS. The request for interim fee approval may be made by making a Request in WCAIS, or on the record at a hearing. An Interlocutory Order approving the fee will be circulated when appropriate.

f. Describe any other procedures for supersedeas hearings:

N/A

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

N/A

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

See below.

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

Testimony of Claimant and Employer will be offered at a hearing, whether virtual or in-person. Testimony regarding Claim Petitions will generally be scheduled in-person. On all other petitions, testimony may be offered virtually, and the parties should be prepared at the first hearing to discuss whether live testimony will be needed at a future hearing.

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

Medical experts may testify by deposition. Lay witnesses may testify by deposition upon agreement of the parties and approval of the Judge. A request should be made in WCAIS in such circumstances.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Not required, but prior notice is preferred so that sufficient time can be scheduled for the hearing. If yes, how much notice do you require? As soon as possible.

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

Typically, the party whose petition is first in time will go first. Exceptions will be considered. The parties should appear at the first hearing prepared to argue the order of the evidence.

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

The operative Bureau documents will typically be marked as Judge's exhibits prior to the first hearing. The parties may upload additional Bureau documents if, after reviewing the Judge's exhibits, there appears to be something missing that would affect the procedural posture of the case.

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? I prefer that the exhibits be uploaded to WCAIS at least 48 hours prior to the hearing, when practicable.

8. When will you rule on objections to exhibits?

At the hearing when the exhibits are offered, when practicable. Objections to exhibits made between hearings will be ruled upon at the next hearing.

9. What is your procedure for handling discovery disputes?

The parties should request a Conference Call in WCAIS.

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

Before the close of the record. A written preservation of objection, and any response thereto, should be uploaded as an exhibit.

COMPROMISE & RELEASES (C&Rs)

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

All C&R hearings until further notice will be conducted on the Microsoft Teams platform.

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?

Yes, existing petitions may be amended to seek approval of a C&R Agreement.

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?

At least 48 hours.

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

At least 48 hours before 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?

Yes.

f. Will you sign bench orders?

No.

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 must be in writing, and signed by the parties and their counsel. Stipulations must be uploaded as an exhibit. A decision adopting the Stipulation will be circulated in instances where the Stipulation resolves all issues in the Dispute.

2. Should the fee agreement be part of the stipulation 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.)?

The parties should upload whatever additional documents they feel are necessary to make a complete and accurate record of their agreement.

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

Separate exhibits.

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

Confidential information should be redacted from all documents before uploading.

7. Describe any other procedures you have for stipulations:

N/A

BRIEFS AND PROPOSED FINDINGS

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

A final hearing is not required if a request to close the record is made via WCAIS and is approved.

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

30 days for the moving party, after which the non-moving party will have 30 days to respond. The time limitations may be adjusted depending on the circumstances.

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

Any format is acceptable, but Proposed Findings of Fact, Conclusions of Law and Order are preferred. The parties may submit a Brief if legal arguments cannot be otherwise addressed effectively.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Greensburg

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

All Mandatory Mediations are being scheduled to take place virtually on the Microsoft Teams platform. I will conduct mediations in-person upon consent of all parties, if requested at least two weeks in advance.

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

All virtual mediations are video meetings on the Microsoft Teams platform. Counsel should test this technology with their clients before the mediation day. A "low tech" option consisting of a telephone number and conference code will also be provided for your use as an absolute last resort.

4. **Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation?**
If so, under what circumstances?
No
5. **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?**
6. **If there is a request to postpone a mandatory mediation, will it be rescheduled?** Mandatory Mediations will be continued and rescheduled only upon consent of the litigating judge. **If so, how long until it is rescheduled?** It depends upon availability, typically 30 to 60 days. Please contact my Assistant, Cathy Garris, with any questions regarding the mediation schedule.
7. **Are you willing to conduct more than one mandatory mediation session per Dispute?**
Yes
8. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**
Ten (10) days is preferred.
9. **What else should the parties know or do before the mediation?**
N/A

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?**
Yes
2. **How should the parties request a Voluntary Mediation?**
By making a request in WCAIS
3. **List the locations where you conduct in-person voluntary mediations:**

I conduct in-person Voluntary Mediations in Greensburg. I will conduct Voluntary Mediations in other locations at the request of the parties, and subject to availability.

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

Yes. I will conduct virtual Voluntary Mediations for claims originating anywhere in the Commonwealth of Pennsylvania.

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

Yes, but only upon good cause shown.

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?

All Voluntary Mediations are being scheduled to take place virtually on the Microsoft Teams platform. I will conduct mediations in-person upon consent of all parties, if requested at least two weeks in advance.

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

All virtual mediations are video meetings on the Microsoft Teams platform. Counsel should test this technology for themselves before the mediation day. A "low tech" option consisting of a telephone number and conference code will also be provided for your use as an absolute last resort.

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

No.

10. 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?

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

Typically, 30 to 60 days.

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

Yes.

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?

Yes, if I am the litigating Judge.

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

Ten (10) days is preferred.

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

N/A

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 should be made at least 10 days in advance and must include: a) A statement of the position of counsel of record and any unrepresented parties pursuant to Section 131.13(e) of the Special Rules; b) A statement of the reasons why the postponement is requested; and, c) A statement of the circumstances that occurred within 10 days of the hearing date if Section 131.13(f) of the Special Rules applies.

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

Conference calls are conducted to resolve discovery disputes and address scheduling requests.

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

All written communications should be conducted through WCAIS. E-mails are accepted only in exceptional circumstances. Faxes are highly discouraged due to WCOA staff teleworking.

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

Ordinarily, time limitations for hearings are adhered to strictly. This is especially true for virtual hearings.

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

Contact my Assistant, Cathy Garris. Her e-mail and direct dial telephone number are listed above.

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.)?

Hearing cancellations due to emergency conditions will be posted to WCAIS.