

[WCOA Judge's Office Contacts \(pa.gov\)](#)

## **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 hearing will usually be scheduled as a virtual hearing using Microsoft Teams. However, depending on the nature of the Petition, the first hearing may be scheduled for an in-person hearing at the Judge's discretion. Also, the parties may request an in-person first hearing. Factors to be considered when scheduling in-person hearings include but are not limited to the following: substantive testimony, disfigurement claims, the need for an interpreter, accessibility issues, multiple parties, and unrepresented claimants.

For virtual hearings, all parties are expected to participate by video and be dressed appropriately. It is anticipated that Claimant will testify by video. For all hearings, the moving party should be prepared to present a *prima facie* case. Any exhibits that have been uploaded to WCAIS will be addressed. The trial schedule will be set forth and mandatory mediation will be scheduled, if appropriate.

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

First Hearing Statements are encouraged, but not required.

#### **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 hearing format will be determined by the nature of the Petition. In most instances, serial hearings are conducted. The first hearing will be scheduled for Claimant's testimony. Subsequent hearings will be scheduled for status updates. If needed, additional hearings will be scheduled for testimony. The parties are to complete all deposition testimony within the timeframe set forth in the trial schedule. Three to four hearings are anticipated with a final hearing scheduled for the submission of evidence.

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

I will consider requests from the parties. However, the parties should avoid lengthy delays and should adhere to the trial schedule.

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

All non-testimony hearings will be heard virtually, as well as most Compromise & Release hearings. A request for an in-person hearing for substantive testimony should be made in a timely manner via WCAIS and prior to the first scheduled hearing. Any request must set forth the amount of time necessary to present testimony and the opposing parties' position. If there is an objection to an in-person hearing, the objection will be heard at the virtual hearing. Factors to be considered include but are not limited to the following: substantive testimony, disfigurement claims, the need for an interpreter, accessibility issues, multiple parties, and unrepresented claimants.

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

Virtual hearing events will be scheduled with the expectation that all parties participate by video. If a witness cannot participate by video and testimony is anticipated, please make a timely WCAIS request for an in-person hearing and advise as to the amount of time necessary to present testimony and opposing parties' position. If there is an objection to an in-person hearing, the objection will be heard at the virtual hearing.

Exceptions to this rule will be made on a case-by-case basis depending on the circumstances.

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

An attempt will be made to contact the party at the time of hearing. If I am unable to contact the absent party, I will send a letter to the party advising as to the missed hearing and rescheduling the hearing within 30 to 60 days. The consequences of non-attendance at a hearing when a party is provided with proper notice will depend upon the circumstances of the case and may include dismissal of the matter, if warranted.

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

In advance of the first hearing the parties should advise if "special procedures" are warranted. Those procedures, if deemed necessary, will be established during a conference call that will be scheduled prior to the first hearing.

**SUPERSEDEAS PROCEDURES**

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

**a. Will testimony be heard?**

Counsel for the Claimant should be prepared to present the testimony of Claimant.

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

Up to 14 days will be provided. Additional time may be permitted depending on the circumstances and the position of opposing counsel.

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

A motion or request for reconsideration will be considered if additional evidence has been obtained, or if circumstances merit reconsideration. Repeated requests for reconsideration are not welcomed.

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

An Interlocutory Order will be issued following the initial hearing on a Petition where a request for supersedeas is included.

- e. **What is required for employee's counsel to obtain interim fee approval?**  
Counsel seeking approval of a fee should submit an executed Fee Agreement as an Exhibit via WCAIS.
- 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?**

Testimony is limited to the time allotted as set forth in the Hearing Notice. If additional time is needed, a hearing will be scheduled or the parties may be given permission to take deposition testimony.

*All parties are expected to be properly attired for court proceedings, whether by video or in-person.* The proceedings should be conducted with respect for all parties and the legal process.

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

The testimony of Claimant and testimony of substantive lay witnesses may be presented by video during a virtual hearing or in-person. Medical and expert lay testimony should be taken by deposition.

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

Upon request of a party and good cause shown.

**4. If counsel wishes to present testimony of a witness (either virtually or in-person), do you require prior notice? If yes, how much notice do you require?**

No testimony of a witness other than the Claimant will be taken without proper notice to the Judge and all parties. If a hearing notice has been already issued, no additional time can be allotted. If the testimony will take less than 15 minutes, the testimony may be presented at a status hearing if sufficient notice was provided to the Judge and all parties.

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

Testimony is to be presented by the moving party first, followed by the responding party. With cross petitions, the party that filed first generally proceeds first. However, there may be exceptions dependent on the petitions filed. The order of the medical experts will be established at the first hearing.

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

The parties should upload the documents prior to the first hearing at which time they will be admitted as Judge Exhibits.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? If before, how far in advance of the hearing must they be uploaded?**

The parties should upload exhibits at least two business days prior to the hearing. The parties are expected to adhere to the WCJ Rules regarding the exchange of discovery.

Every attempt should be made to upload medical records for each provider as one exhibit with the medical records arranged in chronological order. Piecemeal exhibits of medical records from a provider are not welcomed. Hospital records may be offered as separate exhibits by date of admission.

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

If there is an objection to the submission of the exhibit itself, I will rule on the objection at a hearing. If it is an objection contained in a deposition transcript, I will rule on the objection in the final decision, if preserved in accordance with the WCJ rules.

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

Counsel should make a WCAIS request attaching a letter outlining the dispute and their position. Opposing counsel should upload a response in letter form. A telephone conference will be held to resolve the dispute.

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

The preservation of deposition objections should be submitted as a separate exhibit, prior to the close of the record.

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

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

**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?**

Existing Petitions may be amended but a separate Petition will be required if the parties seek a Decision on the merits on a pending Petition.

**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?**

The executed Compromise and Release Agreement should be submitted as an Exhibit two business days in advance of the hearing for my review of the Agreement.

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

See above. The Fee Agreement, Bill of Costs, CMS approval of an MSA, Child Support Order and any other pertinent documents should be attached to the Agreement.

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

The Act 109 documents redacted and unredacted should be uploaded as separate Exhibits. Child support orders should be attached to the Agreement. The unredacted Act 109 documents will be deleted prior to the issuance of a Decision.

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

See above.

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

No.

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

The hearing will be held virtually. If there is good cause for an in-person hearing, a timely WCAIS request for an in-person hearing must be filed via WCAIS. In particular, allowances will be considered for an unrepresented Claimant.

All ancillary issues such as Medicare's interests including past and present, Medicaid, bankruptcy, and any other liens must be considered by the parties. Failure to address these issues may result in a continuance.

If there is a Letter of Resignation, the document should not be attached to the Compromise and Release Agreement.

### **STIPULATIONS RESOLVING DISPUTES**

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

The Stipulation must comply with the WCJ Rules, which includes execution by the Claimant. The Stipulation will be entered as a Joint Exhibit. The Stipulation must be clear as to the relief sought and the disposition of pending Petitions. Any costs should be uploaded as a separate Exhibit. Upon receipt of a properly executed Stipulation, a Judge's Decision will be issued adopting the Stipulation.

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

The Fee Agreement should be uploaded as a separate Exhibit.

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

The Act 109 documents redacted and unredacted should be uploaded as separate Exhibits. Child support orders should be attached to the Stipulation or referenced in the Stipulation. The unredacted Act 109 documents will be deleted prior to the issuance of a Decision.

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

Any other relevant documents, such as medical bills or healthcare liens, should be uploaded as a separate Exhibit, unless the parties agree the documents should be circulated with the Decision. If this is the case, the documents should be attached to the Stipulation.

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

The Stipulation will be attached to the Decision. Any exhibits referenced by the Stipulation that the parties want to have circulated with the Decision should be uploaded as part of the Stipulation. Please redact confidential information attached to the Stipulation. Exhibits that do not need to be circulated with the Decision, should be uploaded separately as Exhibits.

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

See above.

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

The parties should submit a WCAIS request for approval of a Stipulation. Please be clear in advising as to the disposition of the pending litigation, if there are costs and/or fees to be approved, and comply with the WCJ Rules.

**BRIEFS AND PROPOSED FINDINGS**

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

My preference is that the case close by way of a final hearing with time allocated for Claimant's testimony, and any other pertinent witnesses. The Exhibit List as set forth in WCAIS will be reviewed on the record to ensure the parties are in agreement as to the evidence offered and the admissibility of the evidence.

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

A briefing schedule will be set at the final hearing. Any request for extension of the briefing schedule must be made prior to the expiration of the briefing schedule in WCAIS and must include the reason for the request, a new proposed date for the submission and the position of opposing counsel. Any request for an extension of time, must be filed via WCAIS. After the timeline for the briefing schedule has passed, the matter will be placed in line for Decision.

If the parties do not adhere to the briefing schedule or do not submit a timely request for an extension for filing their brief, they run the risk of a Decision being issued without the benefit of that party's brief. The responding party's brief is due within the time specified by the briefing schedule regardless of the timeliness of the moving party's brief, unless an extension is requested.

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

I do not have a preference regarding the format of the final submission. However, legal issues are best addressed by way of a separate brief. Please cite to legal authority both in support and in opposition to your position. Please be concise as to the factual and legal issues and the relief sought.

**MANDATORY MEDIATIONS**

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

Mediations will be scheduled virtually. If the parties request a in-person mediation, the mediation will be held in Washington or New Castle.

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

Mediations will be scheduled virtually. However, consideration will be given for in-person mediations for good cause shown and upon agreement of the parties.

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

It is expected that all parties participate by video. If a party would like to attend the virtual mediation by audio only, please submit a timely request via WCAIS and advise as to the opposing counsel's position. Consideration will be given upon a showing of good cause.

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

All parties must be present in person, or all parties must be present virtually. A mix is not permitted unless good cause is shown.

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

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

My preference is that the parties submit a Mediation Statement, which addresses all issues impacting settlement. The Mediation Statement should include the following: The AWW/TTD rate, and any dispute regarding the calculations; nature of injury claimed/accepted; brief history/background of the case; the issues in litigation, strengths/weaknesses of each side; status of settlement negotiations; the existence of any outstanding bills/medical liens (Medicare/Medicaid)/bankruptcy/child support, as well as employment related issues, or any other issues that may be a barrier to resolution.

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

Any documents that support the parties' positions, particularly if the document has not been submitted as evidence in the case-in-chief such as medical reports of experts.

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

My preference is that the Mediation Statement be submitted two business days in advance of the mediation.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? If so, how long until it is rescheduled?**

Requests to postpone a Mandatory Mediation should be submitted via WCAIS to the Adjudicating Judge.

As both an Adjudicating and Mediating Judge, if there is an interest by the parties and continued negotiations will be fruitful, I will reschedule the mediation. The timing of the rescheduled mediation will be dependent upon the need for the rescheduled mediation and my calendar.

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

See above.

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

Please provide notice at least two business days prior to any virtual mediation. If the mediation is in person, I require one week notice for case management purposes.

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

The parties should participate in the mediation process in good faith and respect for the mediating process.

**VOLUNTARY MEDIATIONS**

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

Yes.

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

The parties should submit a WCAIS request.

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

Washington and New Castle.

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

I am available to conduct virtual Voluntary Mediations throughout the Commonwealth.

**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:**

My preference is not to conduct a mediation with an unrepresented party, and I will advise them of their right to obtain counsel before proceeding.

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

Same as stated above for Mandatory Mediations.

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

Same as stated above for Mandatory Mediations.

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

Same as stated above for Mandatory Mediations.

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

Same as stated above for Mandatory Mediations.

**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?**

Scheduling of the mediation is dependent upon my calendar.

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

Same as stated above for Mandatory Mediations.

**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?**

Requests for cancellation or postponement of Voluntary Mediations should be submitted via WCAIS to the Mediating Judge.

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

Same as stated above for Mandatory Mediations.

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

The parties should participate in the mediation process in good faith and respect for the mediating process.

**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 WCAIS request should be made promptly when the party becomes aware of the circumstances necessitating the need for the WCAIS request. Repeated requests for postponements should be avoided.

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

I will conduct an off-the-record conference call when the need arises so as to avoid excessive delay. However, all substantive issues should be addressed when a record may be made.

**3. Under what conditions/circumstances do you accept emails from parties?**

I will accept emails in emergency situations. Please copy opposing counsel on the email. All other requests should go through WCAIS.

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

The scheduled start time and end time for hearings will be strictly enforced. If there is flexibility in the schedule, I will attempt to accommodate the parties.

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

In an emergency situation, please contact the Washington Hearing Office at (724) 223-4595 as the office personnel are aware of my schedule and will be best able to contact me. You may use my email at cynbaker @pa.gov, but this may not be the best means to reach me in a true emergency.

**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.)?**

All closure and delay information will be posted via WCAIS. In the event of a delay or closure, events may be conducted virtually. My office will make every attempt to communicate with the parties on a case-by-case basis. Requests for postponements due to weather conditions or other unforeseen events will be considered on a case-by-case basis.