

## **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 is determined by the type of Petition filed. If the Petition is a Claim Petition, Reinstatement Petition, Petition to Review Compensation Benefits, Petition to Approve a Compromise and Release Agreement, the Claimant will testify at the first proceeding. All hearings with testimony are conducted virtually by default. A request for an in-person hearing or an objection to a virtual hearing must be made 30 days prior to the hearing. All other hearings will serve to define the issues and set forth evidentiary deadlines.

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

The documents required at the first event will be determined by the type of Petition filed. At a minimum, all operative Bureau documents will be required. If it is a Supersedeas proceeding, the Employer must produce Supersedeas Exhibits.

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

If the documents are comprised of relevant evidence, they should be uploaded as Exhibits. Letters to Judge should be confined to communication, not the submission of evidence.

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

Serial

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

It depends on the nature and timing of the request, and whether there is an objection by opposing counsel.

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

The facts of the case and the respective positions of the parties.

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

Remote proceedings shall always take place with both audio and video.

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

It depends on the specific circumstances, there is no set procedure.

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

Generally, no. If the Claimant, however, has demonstrated overt hostility to the Employer and the Employer participates in an in-person hearing, I require advance notice of that dynamic.

**SUPERSEDEAS PROCEDURES**

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

Counsel submit Supersedeas Exhibits.

**a. Will testimony be heard?**

Not during the first hearing following the assignment of a Termination/Suspension/Modification Petition.

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

On a case-by-case basis with specific permission of the court.

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

Upon receipt of new evidence following the issuance of a Supersedeas Order.

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

Yes

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

I will not issue an interim fee approval unless it is in conjunction with a Supersedeas Order.

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

I will establish evidentiary deadlines and inquire about a Mandatory Mediation.

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

They are the same.

**WITNESSES/EXHIBITS**

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

It depends on the Petition and whether the parties have stipulated to remote or in person hearings.

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

It depends on the Petition and the nature of the testimony. I conduct hearings with testimony virtually by default. A request for an in-person hearing or an objection to a virtual hearing for testimony must be made 30 days prior to the hearing.

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

Upon stipulation of the parties or if I determine that a fact witness shall testify before me instead of by deposition. The parties are to advise me in advance as to the nature of the testimony.

**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?** The parties must upload a request for a hearing to present fact witness testimony and then my office will schedule the hearing.

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

The party that filed the first Petition will have the burden of moving forward.

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

I do not upload Exhibits. If the parties would like me to consider WCOA Exhibits, it is incumbent upon them to upload them.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? No preference, so long as the Exhibits are there at the time of the closure of the record. If before, how far in advance of the hearing must they be uploaded?** [Click or tap here to enter text.](#)

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

It depends when the objection is registered. If the objection is raised during a hearing, I will rule instantly. If the objection is lodged during a deposition, I will issue a ruling in my Decision and Order.

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

As they arise, either by correspondence or conference call.

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

By the closure of the record.

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

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

I review them prior to the hearing.

**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?**

Either is acceptable. The parties must not amend a Termination/Suspension/Modification to a C&R Petition if they are requesting a decision on the merits, a separate Petition must be filed.

**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?**

Not a draft, the formal C&R Agreement must be uploaded within 24 hours of the hearing.

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

Before the hearing

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

It does not matter to me.

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

There are two Agreements that must be uploaded—redacted and unredacted.

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

If I am present with the parties, yes. I will not sign an electronic Bench Order.

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

The Claimant must testify that he/she read each and every word of the Agreement prior to the hearing.

### **STIPULATIONS RESOLVING DISPUTES**

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

Once I receive a Notification that a Stipulation has been executed and uploaded, I will issue a Decision.

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

Attached to the Stipulation

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

The Claimant's Child Support Status should be referred to in the Stipulation and attached thereto.

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

The parties must refer to what medical bills are to be paid as part of the Stipulation, I require no other Exhibits.

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

See above

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

That is up to the parties.

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

The parties must explicitly indicate whether the Stipulation resolves all the Petitions or whether a Petition remains open for adjudication on the merits.

### **BRIEFS AND PROPOSED FINDINGS**

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

I have a final hearing then I close the record. The Briefing Schedule issue is then posted to WCAIS.

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

It depends on the circumstances. If a party advises me at the final proceeding that he/she needs time to upload evidence, I will grant that extra time. If the time requirements are not met, the record will be closed.

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

If it is an Exhibit, the Exhibit must be uploaded.

### **MANDATORY MEDIATIONS**

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

The Philadelphia hearing office via TEAMS.

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

The facts of the case and the respective positions 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?**

The Claimant must participate with audio at minimum. Both counsel shall participate with video and audio if the mediation is not in person.

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

If I approve an in-person mediation, I expect all parties to be present in the mediation rooms.

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

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

Background of the case, evidence submitted, procedural posture and the most relevant issues.

**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?**

Within 24 hours of the mediation.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled?** The Philadelphia office has mandated that the Judges do not relist Mandatory Mediations if the parties request a cancelation of the first one. The parties always have the option of asking a Judge to mediate the case voluntarily in the event of a cancelation of the Mandatory Mediation.

**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?**

Up until the time of the mediation

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

Have all outstanding medical bills and litigation costs tallied

### **VOLUNTARY MEDIATIONS**

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

Yes

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

Via email at abeach@pa.gov

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

I may consider conducting a voluntary mediation in the Springfield Office of Adjudication.

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

Yes, for any district.

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

For the vast majority of the cases, no. If the parties enter into a written waiver indicating they will not ask for my recusal in the event the matter is not resolved, I may consider it.

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

I have never encountered such a situation in 28 years. I will determine what my procedure is on a case-by-case basis.

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

At the present time, all voluntary mediations will be scheduled virtually by default. I will consider an in-person mediation based on the circumstances of the case and the position of the parties.

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

The technological sophistication of the parties.

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

Yes. Upon request.

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

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

See above requirements for Mandatory Mediations

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

See above for Mandatory Mediations.

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

See above for Mandatory Mediations

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

Generally, approximately 2-3 months.

**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?**

They should contact me. If I grant the cancelation, the mediating Judge will be notified.

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

Up until the date of the mediation.

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

Assemble all outstanding medical bills, provide a Medicare status and notify me of any liens and/or third- party actions.

## REQUESTS/MISCELLANEOUS

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

Absent exigent circumstances, one week.

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

Upon request of the parties or sua sponte.

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

As long as the email is not involving the submission of evidence, I always accept emails from the parties.

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

Yes, for the most part. If there is a delay, I email the parties at the designated hearing time to advise them of the delay (if it is a remote hearing).

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

Email

- 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.)?**

I comply with the Philadelphia snow cancelation policy that can be found on the Philadelphia Bar Association website, Workers' Compensation Section page. If the hearing is scheduled for live testimony and the office is closed because of inclement weather, the hearing will be canceled.