

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 on all petitions is a pretrial hearing and will be held as a virtual hearing. No testimony will generally be taken, except in the case of Compromise and Release Agreements, or if desired by the parties for Employee Challenge Petitions or other petitions which require only one hearing. Calendar invitations for the hearing will be sent and will contain specific instructions for accessing the virtual hearing. The parties should be prepared to discuss the allegations in the pending petitions, all regular or supersedeas exhibits submitted and all other pertinent issues such as the amount of the AWW and notice, witnesses they expect to call, and when mediation would be most appropriate.

a. List any documents required at the first event:

First hearing submissions are required in accordance with Rules 131.52(c) and 131.53(a) of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges. Additionally, any documents the parties intend to address at the first hearing should be uploaded as exhibits prior to the hearing. The parties should upload any relevant Bureau documents and past decisions.

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

Please upload evidence as Exhibits. First Hearing Filings and 45-Day Filings should be uploaded as Letters to Judge under the Document and Correspondence section on WCAIS.

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

The first hearing is a virtual pre-trial hearing. I will relist for testimony roughly 30-45 days after the first hearing and then continue to relist as needed, for additional witnesses from each side or status hearings. Hearings will be held by Teams videoconference or, if requested by a party or within the discretion of this Judge (i.e., for viewing disfigurement or scars) will be held in person at the hearing office. This Judge prefers Claimant's testimony at an in-person hearing or by Teams videoconference. However, the parties should communicate and be prepared to discuss at the first and subsequent hearings, if additional fact testimony will be presented at an in-person hearing, by Teams video conference or by deposition.

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

Generally, I will not change the hearing format. However, I will consider requests for good cause shown. Evidentiary deadlines will be strictly enforced.

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

All pre-trial and status hearings will be virtual. At the first and subsequent hearings, I will discuss with the parties whether they want testimony hearings to be in-person, virtual by Teams video or will proceed by depositions. If a party request an in-person hearing or if there are special circumstances that may require an in-person hearing, such as viewing scarring or inability of a party to connect to Teams video, then the hearing will be scheduled in-person.

Otherwise, the testimony hearings will be virtual by video. I will consider the type of petition, issues involved, special needs of the witness or counsel and positions of all parties/witnesses as to an in-person versus virtual hearing request.

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

Generally, when conducting virtual events, I want counsel and the parties to make every effort to join the meeting by video, unless there is a technical reason that precludes the same and they attend only by telephone. Claimant is expected to testify by video or at in-person hearing at least once. For scheduled testimony hearings that are to occur by video, the parties should request participation of a witness at a hearing by audio only before the hearing, stating the basis for such request. I will determine if the matter should proceed via audio only, should be rescheduled for an in-person hearing or of other actions to take to resolve the issue.

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

I will document a party's failure to attend a hearing on the record and relist the case for another hearing in roughly 30 days.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

I expect to receive all documents, exhibits and affidavits consistent with 34 Pa. Code Sec. 131.43. These documents should be uploaded into WCAIS before the hearing and a record will be created as to the content of supersedeas exhibits. I may permit the responding party a brief extension of time, if necessary, to obtain medical records, reports, or affidavits and to present the same through WCAIS after the first hearing. Counsel for Claimant should present a written fee agreement at the first hearing, uploaded on the merits in WCAIS, in order to obtain interim approval of his/her counsel fee. Special supersedeas hearings will be conducted consistent with Section 413(a) of the Act and current case law concerning conduct of such hearings. As a general rule, Supersedeas hearings will be conducted virtually.

a. Will testimony be heard?

No, but the parties may submit affidavits.

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

Generally, I will permit the responding party a brief extension of time to obtain medical records, reports, or affidavits and to present the same through WCAIS after the first hearing.

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

Submission of new, relevant evidence not available at the time of the initial Supersedeas ruling/good cause.

d. Do you generally use written orders for denials?

Yes

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

A denial of supersedeas and the submission of an executed fee agreement and affidavit from the Claimant confirming their understanding of the agreement and their signature on such.

f. Describe any other procedures for supersedeas hearings:

None

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

No difference

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?

I prefer Claimant's testimony at a hearing, either virtual by video or in-person. Other testimony may be presented at a hearing, either virtual by video or in-person, or by deposition.

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

After discussion with counsel and/or agreement of the parties, I will change the requirements if appropriate.

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? At least 21 days or more in advance of the date the party desires to present testimony at a hearing. This allows time for adjustment of the length of an existing hearing or scheduling an additional hearing to accommodate such request for presentation of testimony.

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

The moving party who filed the first petition should present medical evidence first, absent agreement of counsel or a compelling reason to why a different order should be used.

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

It is preferred that the parties upload the relevant Bureau and WCOA documents as exhibits. However, I may upload additional documents as Judge Exhibits to establish the factual background of the case if counsel fails to upload such exhibits.

6. 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?

If the Parties upload exhibits before a hearing, these exhibits should be uploaded no later than the day before the hearing. The Parties should inform the Judge at the time of the hearing that they have uploaded exhibits so that any objections and the admissibility of an exhibit can be addressed at that time.

7. When will you rule on objections to exhibits?

I will rule on objections to exhibits when offered at a hearing. If additional exhibits are uploaded after the final hearing, a party may submit a written objection, which will be ruled upon in the Decision. Should there be objections to documents offered during a deposition, the Parties must preserve those objections in a separate writing in accordance with the Rules.

8. What is your procedure for handling discovery disputes?

I will issue an Interlocutory Order or other communication with instructions or, if necessary, hold a telephone conference to resolve the issue and issue an order.

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

A written preservation of objections should be submitted at the time the deposition is submitted into the record. The due date for Proposed Findings of Fact is the absolute last day all evidence, including preservation of objections made during a deposition, will be received. Thereafter, the record will be closed in WCAIS and the Parties will no longer be able to upload any additional exhibits.

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?

Either a petition or amendments are permitted. However, if there is only one petition pending and the parties want a decision on the merits, then that petition cannot be amended, and a C & R 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?

The parties are expected to upload to WCAIS, under the exhibit tab, the redacted final and fully executed version of the Compromise and Release Agreement at least two days before the scheduled 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 as indicated above.

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

Yes. The Act 109 documents, including the Claimant's Statement and the lien search results, should be uploaded to WCAIS as separate exhibits, no later than two days before the hearing. Both redacted and unredacted versions of the Act 109 child support documents should be uploaded to the Exhibits section, however only the redacted documents will be admitted as exhibits. The unredacted Act 109 documents, while not admitted as exhibits, are necessary to confirm the accuracy of the redacted information by Claimant's review of the documents at the time of hearing.

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:

Failure to upload all requested settlement documents in a timely manner as discussed above or late connection to, or late appearance at the hearing, may result in rescheduling of the hearing.

STIPULATIONS RESOLVING DISPUTES

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

Stipulations should be fully executed and uploaded into WCAIS as an Exhibit, with a request for approval of the Stipulation. The fee agreement, appropriate child support documentation and any other attachments should be

uploaded with the Stipulation as one exhibit, with redaction of social security numbers and birthdates from all documents. The Stipulation should identify all petitions that are resolving and any petitions or issues that will remain in litigation. The Stipulation will be attached to the decision approving it.

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

The Fee Agreement should be uploaded as part of 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.)?

See below.

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

Everything related to the Stipulation should be attached to the Stipulation as an exhibit and referenced in the text of the Stipulation as such.

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

Social Security numbers and other confidential information should be redacted from the Stipulation and any attachment.

7. Describe any other procedures you have for stipulations:

The Stipulation should clearly indicate whether all issues are resolved by such or if any other matters remain in litigation before this Judge.

BRIEFS AND PROPOSED FINDINGS

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

Either method is permissible via the Judge's discretion.

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

Generally, briefs will be due concurrently from the parties roughly 60 days from the final hearing. The parties are expected to strictly follow the briefing schedule. If an extension is needed, this request should be made prior to the deadline date. Consideration of an untimely brief will be at the discretion of the judge.

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

Post-trial submissions should include Proposed Findings of Fact, proposed Conclusions of Law, a Proposed Order and a supporting Brief that sets forth the issues to be decided and legal argument. Support for the Proposed Findings of Fact should contain citations to the record including identification of the deposition or hearing transcript and page number(s). References to the Act, governing regulations and case law should be properly cited. The briefs should also address areas of agreement/stipulation and any preserved objections.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

The Williamsport office and virtually.

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

I will generally conduct mediations virtually. However, I will consider requests from the parties for in person mediations. Any request for an in-person event must be submitted through WCAIS and the parties must concur in the request.

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

Generally, I prefer all parties/counsel to participate in events using the video capabilities of Microsoft Teams. However, I will consider requests for participation by audio only if counsel can demonstrate good cause.

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

Yes, I will consider factors such as health conditions, weather or lack of transportation.

5. Do you require a Mediation Statement? Yes.

If yes:

a. What information do you require in that Statement?

A Mediation Disclosure/Statement with Claimant's age, date of hire, date of injury, date last worked, job title, assigned judge, AWW and compensation rate per week and per year, status of litigation, status of settlement discussions, demand and counteroffer, nature of injury, brief summary of medical and fact evidence, strengths and weaknesses of the case, outstanding medical bills, litigations costs requested, at issue, applicable third-party or other liens, unemployment compensation information, status of SSD/Medicare and any other information deemed helpful by the attorneys.

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

No additional documents are required. However, the parties may include whatever they believe is relevant to the mediation process.

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

I request that you submit mediation statements no later than 2 days before the scheduled mediation date.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled?

Yes, unless mediation is found futile. However, I will not continue to schedule mandatory mediations after multiple cancellations. The parties will be instructed to request a voluntary mediation.

If so, how long until it is rescheduled?

The rescheduled date depends on the availability of mediation dates.

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?

Two days before the scheduled mediation date.

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?

Through WCAIS

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

Only at the Williamsport Hearing Office.

4. Will you conduct virtual voluntary mediations?

Yes

If yes, for which WCOA Districts will you conduct them?

See above

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?

Yes

If yes, describe any special procedures you have for such cases:

No Special Procedures.

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

I will consider current safety guidelines in conjunction with the request of the parties as to how they wish to have the mediation conducted.

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

Mediations will be conducted via Teams video, but I will allow audio if there are technical difficulties or other extenuating factors. Counsel should ensure that the parties can connect via Teams video in advance of the mediation.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation?

Yes

If so, under what circumstances?

If travel is difficult for a party or counsel due to health conditions, weather, or lack of transportation

10. Do you require a Mediation Statement?

Yes

If yes:

a. What information do you require in that Statement?

See above. The same information as listed above for mandatory mediations.

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

See above. The same requirements as for mandatory mediations.

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

No later than two days before the mediation.

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

Scheduling depends on availability of mediation dates of the Judge.

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?

The mediating Judge.

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

Two days before the scheduled date.

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

Counsel should be prepared with all information pertinent to the mediation, with settlement authority and the availability of a representative authority to contact during 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?

Requests should be uploaded in WCAIS. The parties should refer to and follow the Rules with respect to requests for continuances. Requests for extensions will be decided on a case-by-case basis and should not be presumed granted.

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

I generally do not conduct conference calls. I prefer to have issues presented on the record. However, I may schedule a conference call to address discovery issues.

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

The parties are directed to utilize WCAIS for all communications with respect to Requests and letters to this Judge.

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

All hearings and mediations are scheduled for a specific time slot with other disputes scheduled either before or after your slot. As such, this Judge expects both counsel and the parties to be present and prepared to proceed at the assigned time. Failure to do so may limit the time you have to present your case or could result in the rescheduling of the dispute to another hearing date depending upon the circumstances. Unless there is fortuitously additional time in the hearing day schedule, it may be impossible to go over the allotted time scheduled for the hearing or mediation.

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

Please contact my assistant.

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.)?

An alert may be posted on WCAIS. In-person events may be rescheduled to a virtual event. Virtual hearings and mediations will take place as scheduled unless there is a computer or phone issue that would not allow the event. In

addition, Counsel should communicate with the Judge if a party cannot make it to an in-person or because of weather, travel, health-related concerns or some other emergency.