

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://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?**

First Hearings will be pretrial hearings or supersedeas hearings at which point issues will be narrowed, mandatory mediation and the mandatory trial schedule will be discussed, and a Final Hearing will be scheduled. Testimony will not be taken unless it is a Compromise and Release hearing. All first hearings will be conducted by Teams.

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

While first hearing filings are not required, the parties should be prepared to discuss the identity of the witnesses and the manner in which their testimony will be presented. The moving party should be prepared, with any pertinent exhibits uploaded, to discuss its burden of proof.

##### **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).**

The pre-trial hearing will be used to narrow the issues, discuss the manner and order of presentation of the evidence, assess a trial schedule, discuss mandatory mediation, and schedule a second and/or final hearing. The parties are expected to complete their evidence accordingly. Uploaded Requests to extend the evidentiary deadlines will be considered for good cause shown. An interim hearing may be listed at the request of the parties. This format is very flexible, so the needs of the parties are addressed throughout the progression of the case. Claimant's initial testimony by deposition is preferred, when Claimant is the moving party, followed by in person testimony towards or at the close of the evidentiary record. The default scheduling method for Claimant's testimony will be in person, but Claimant's testimony may be taken virtually at a hearing by agreement of the parties.

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

Yes, if the requested change is appropriate for the case.

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

Whether the parties agree, and an in-person hearing is necessary.

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

Audio with video is preferable, but if a party is unable to appear by video, then audio will suffice unless there is an objection.

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

Confirm service of the Notice of the event on the missing party to obtain more information or reschedule if the party cannot be contacted. A Yellow Freight order may be issued in the event the party failing to appear is the Employer, notice is confirmed, and either no Answer to a Claim Petition has been filed or it has been filed late and the facts are well plead.

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

No.

**SUPERSEDEAS PROCEDURES**

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

All supersedeas evidence should be uploaded, and a ruling will be issued. Claimant may have additional time to respond to Employer's request within reason.

**a. Will testimony be heard?**

No.

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

Yes.

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

Each case is different. If circumstances are compelling, supersedeas may be reconsidered after a hearing is held on the issue.

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

Yes.

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

A fee agreement must be presented, and if appropriate, an interim fee order may be issued.

**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?**

Deposition or testimony at a hearing is acceptable. All hearings will be by Teams unless the parties agree to an in-person hearing, and it is necessary. Claimant's hearing testimony will be scheduled at the pre-trial hearing and will only be postponed for exigent circumstances regardless of whether the record will close on the same date.

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

Claimant's testimony will be scheduled in person as a default but can be changed to virtual by agreement of the parties. There is no preference for testimony of witnesses aside from Claimant. A deposition or Teams hearing is acceptable, and an in-person hearing may be conducted upon request.

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

The method of presentation of testimony will be decided at the pre-trial hearing. If either party wishes to have a witness testify by deposition rather than at a Teams hearing, and there is no objection, the deposition may proceed. In person hearings will be scheduled for witnesses aside from Claimant upon request.

**4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Only if the matter was not discussed at the pre-trial hearing or another hearing. If yes, how much notice do you require? As much notice as possible but at least two days.**

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

Each case will be assessed at the pre-trial hearing, and the parties will be advised of the order of the evidence at that time.

**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 the Bureau and WCOA documents.

**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? The evidence must be uploaded in advance of the hearing at which it is intended to be admitted. However, evidence may be uploaded at any time.**

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

Each case is different, and rulings will be issued as appropriate.

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

Discovery disputes are typically addressed on the record at a hearing. Telephone conferences will not typically be used to handle objections.

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

Written preservations of deposition objections may be submitted with the briefs unless a ruling is necessary prior to the submission of the briefs. If a ruling is necessary prior to submission of the briefs, the party requesting the ruling should raise the issue on the record at or before the final hearing.

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

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

C & R Agreements should be uploaded in advance of the hearing. The parties should NOT use a Miscellaneous Request to request a C & R Hearing but should use the Request a Hearing WCAIS request or a Request to Continue a 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?**

Amendments.

**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?**

Yes. The completed C & R Agreement should be uploaded into the Exhibits tab in WCAIS as far in advance as possible, preferably at least one day in advance 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.

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

The parties can proceed as they see fit. However, if the documents are attached to the re-dacted version of the C & R Agreement, the Social Security number and birthdate must be re-dacted.

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

Confidential information should be redacted from a copy of the C & R Agreement, and an unredacted copy should also be uploaded. The Act 109 Documents, if uploaded separately, do not need to be redacted. If they are uploaded as part of the C & R Agreement, confidential information should be redacted.

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

No, Bench Orders are not necessary because C & R Hearings are conducted by Teams video.

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

N/A.

### **STIPULATIONS RESOLVING DISPUTES**

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

The parties should upload the stipulation, and if it is acceptable, a decision will circulate approving and adopting the stipulation. The stipulation must delineate the manner in which each pending petition is to be addressed.

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

Part of the Stipulation.

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

The child support documents should be attached to the stipulation with the social security number redacted and should also be uploaded as a separate exhibit with the social security number intact.

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

In addition to the child support documents, if necessary, and a copy of the fee agreement, only documents that must be circulated with the Stipulation should be uploaded as part of the Stipulation. The parties may upload as separate exhibits whatever exhibits are necessary for disposition of the matter.

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

Only the Exhibits the parties wish to be circulated with the decision and stipulation should be uploaded with the Stipulation. All other exhibits should be uploaded as separate exhibits.

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

Prior to uploading the documents.

**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 required.

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

The time requirements will be discussed at the final hearing. If post-hearing submissions are not timely received without an extension of time requested, the case may be decided without the submission.

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

There is no specific preference for content, but the parties should address all pending petitions, summarize the evidence presented and provide clear, concise, and logical reasons for finding their evidence persuasive. Proposed Findings of Fact, Conclusions of Law, and a Proposed Order should be submitted along with a letter brief or discussion of the evidence.

**MANDATORY MEDIATIONS**

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

Mandatory mediations will be conducted via Teams. I conduct mandatory mediations in Dresher.

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

All mandatory mediations will be conducted through Teams unless all parties agree to an in person mediation, and it is deemed necessary.

**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, but audio only is acceptable.

**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, if all parties agree and it is necessary.

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

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

The procedural posture of the case, the status of negotiations, and the strengths/weaknesses of each side, as well as any information the parties deem important for a thorough evaluation of the case. Please do not forward more than a few pages of medical records, and only if they are necessary.

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

NA.

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

At least two days in advance. If a memo is not uploaded on behalf of each party at least two days in advance of the mediation, the mediation may be cancelled.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Each request is different, so rescheduling will be on a case-by-case evaluation. If so, how long until it is rescheduled? Timeframe for postponements will depend on the availability of open slots.**

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

Each case is different, and requests for more than one session will be considered.

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

Five days in advance of the mediation

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

Review their files, obtain appropriate authority, and be ready to proceed. They should also ensure the accessibility of the Teams format for attending parties.

## **VOLUNTARY MEDIATIONS**

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

If and when scheduling permits.

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

Via WCAIS.

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

N/A,

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

If and when my schedule permits, and the district to which the matter is assigned is irrelevant.

**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?**

All voluntary mediations will be by Teams unless all parties agree to an in person mediation, and it is necessary.

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

Audio with video is preferred, but if a party is unable to join by audio with video, audio only is acceptable.

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

Possibly, with advance notice and depending on the circumstances.

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

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

The procedural posture of the case, the status of negotiations, and the strengths/weaknesses of each side, as well as any information the parties deem important for a thorough evaluation of the case. Please do not forward more than a few pages of medical records, and only if they are necessary.

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

N/A.

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

At least two days in advance. If a memo is not uploaded on behalf of each party at least two days in advance of the mediation, the mediation may be cancelled.

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

The parties' requested timeframe will be accommodated if my schedule permits.

**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 the mediator.

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

Five days before the mediation.

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

Review their files, obtain appropriate authority, and be ready to proceed. They should also ensure the accessibility of the Teams format for attending parties.

**REQUESTS/MISCELLANEOUS**

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

As far in advance as possible, but no less than two days in advance. For a continuance of a hearing, parties must use the proper WCAIS Request to Continue the case, not a Miscellaneous Request.

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

Rather than conducting a conference call, I prefer to address most issues on the record at a hearing.

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

All circumstances. All attorneys and unrepresented parties must be copied on any emails to me/my office.

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

Not for hearings. Mediations are on a schedule that should be followed.

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

Email to: debowers@pa.gov. If there is an urgent/emergency situation, the parties should take care of the situation and advise me once the situation is under control. Parties are encouraged to communicate with one another and my office to avoid unnecessary delays.

**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 hearings, except for Claimant's testimony, and mediations will be held virtually unless an exception has been discussed. If an in person event is scheduled, and there is a weather concern, the Upper Dublin School District's cancellation and/or delay decision will convert the in person event to a virtual hearing. That is, if schools in the Upper Dublin School District are cancelled or delayed,



hearings will be held virtually rather than in person. This information will be posted on WCAIS as soon as possible, but the parties are encouraged to use their best judgment. In the event it is not safe for the parties or their witnesses to travel to an in person hearing regardless of the Upper Dublin School District's decision for that day, they should advise me at: [debowers@pa.gov](mailto:debowers@pa.gov), and the matter may be held virtually or rescheduled. If bad weather is anticipated, the parties should exchange their contact information so they may contact one another and my office to facilitate a change to a virtual event or postponement.