

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 be held virtually using Microsoft Teams. All parties are encouraged to join by video. A telephone number with a conference ID number will be provided as a back-up. It is anticipated that the Claimant will testify by video. Any exhibits that have been uploaded to WCAIS will be addressed. The trial schedule will be discussed and mandatory mediation will be scheduled.

a. List any documents required at the first event:

Any exhibits to be addressed at the hearing should be uploaded in advance.

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).

I use a serial hearing format with testimony from the Claimant at the first hearing. Subsequent hearings will be scheduled for status updates. Additional hearings will be scheduled for testimony if needed.

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

I will consider requests from the parties depending on the circumstances of the case.

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

I will consider an in-person hearing upon request of a party on a case-by-case basis. An in-person hearing may be requested to view a scar or disfigurement. On all in-person requests, consideration will be given as to whether a credibility determination is necessary. I will consider any objections that a party may have to an in-person hearing especially due to health concerns.

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

Hearings with testimony will be conducted by video. Status updates with no testimony may be conducted by audio only.

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

Generally, I will schedule another hearing with 30 to 60 days. If the absent party fails to attend the second hearing, I will entertain either a motion to dismiss or to close the record for a decision.

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

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Click or tap here to enter text.

a. Will testimony be heard?

Yes, testimony of the Claimant will be heard at the first hearing on a supersedeas request.

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

Yes, a party will be granted an additional 14 days to submit medical evidence, if requested.

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

Supersedeas will be reconsidered upon request by a party, but only after a hearing is held.

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 uploaded to WCAIS.

f. Describe any other procedures for supersedeas hearings:

None.

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

I will follow the Special Rules. A special supersedeas hearing will be held within 21 days of the assignment of the petition, and a written order will be issued within 7 days of the hearing of the special supersedeas request.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Testimony will be heard from the Claimant virtually at the first hearing. If the Claimant is by video, all attorneys must participate by video. A subsequent hearing will be scheduled for lay witness testimony, upon request of a party. A request should be submitted via WCAIS to present lay witness testimony prior to a hearing notice being generated by my office.

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

Testimony will be heard at a virtual hearing. Requests for in-person hearings will be entertained on a case-by-case basis. Requests for testimony by deposition will be considered.

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

I would consider a change in requirements upon request of a party with good cause shown.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes, except for testimony of the Claimant at the first hearing. Prior notice and a request is required for all in-person testimony. If yes, how much notice do you require? A request to present witness testimony should be made via WCAIS prior to a hearing notice being generated by my office.

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

It will be addressed on a case-by-case basis, but typically the party filing the first petition will go first.

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

I will upload 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? There is no required timeframe. Exhibits uploaded prior to the hearing will be addressed. Any exhibits uploaded after the hearing will be addressed at a subsequent hearing.

8. When will you rule on objections to exhibits?

I will rule on admissibility of exhibits during the hearings. If exhibits are uploaded after a hearing, their admissibility will be ruled on at the next scheduled hearing. If exhibits are uploaded after the final hearing, but before the close of the evidentiary record, any objections must be made in writing and uploaded to WCAIS within 10 days of any exhibits being uploaded/offered. I will rule on the admissibility either by letter or in WCAIS. If any objections made during depositions are being preserved, the preservation of objections must be uploaded with the closing documents. I will rule on any preservations of objections in the final decision and order. If objections are not preserved, they will be deemed waived.

9. What is your procedure for handling discovery disputes?

Discovery disputes will be addressed on a case-by-case basis. A hearing will be scheduled to address discovery disputes if requested by the parties.

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

The parties may file written preservation of objections with their closing briefs/proposed findings of fact. If written objections are not received, the objections will be deemed waived.

COMPROMISE & RELEASES (C&Rs)

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

The parties may present a Compromise and Release Agreement for approval at any 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?

Petitions may be amended.

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?

No, but it is helpful if the C&R Agreement is uploaded at least 24 hours in advance.

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

The signed C&R Agreement, including the fee agreement and any other attachments, should be uploaded prior to the hearing. The Social Security Number and date of birth must be redacted.

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

Yes, child support documents should be uploaded as a separate exhibit. A redacted and unredacted version should be uploaded. After review, the unredacted version will be deleted.

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 should be uploaded to WCAIS as an exhibit. I will then mark and admit it as a joint exhibit. Parties should advise me whether the Stipulation resolves all issues in the pending litigation. I will then issue a decision adopting the Stipulation if it meets the requirements of the Special Rules.

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, separate exhibit.

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

It depends on the circumstances, but any other exhibits that the parties believe are necessary may be uploaded as separate exhibits.

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

The Stipulation will be attached to the decision. Any exhibits that the parties want to have circulated with decision may be uploaded as part of the Stipulation. If the exhibits do not need to be circulated with the decision, then they 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?

Confidential information should be redacted prior to uploading the documents.

7. Describe any other procedures you have for stipulations:

None.

BRIEFS AND PROPOSED FINDINGS

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

WCAIS submission.

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

A briefing schedule will be set on a case-by-case basis. If an extension is needed, a request must be submitted via WCAIS. Once the briefing deadline has passed, if there has been no request for an extension, the case may be placed in line for decision. Late submissions may not be read prior to the decision being written and/or circulated.

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

It depends on the circumstances of the case, so the parties may use the format that they feel best advocates their case.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Pittsburgh and Beaver County

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

At this time, all mediations will be conducted virtually.

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 preferred for all parties to participate by video. If video capabilities are not available, particularly for a Claimant, the phone number and conference ID number may be utilized.

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

Any requests will be handled on a case-by-case basis. At this time, all mediations are virtual.

5. Do you require a Mediation Statement? It is helpful and preferred. If yes:

a. What information do you require in that Statement?

The mediation statement should include the background information, including the nature of the injury claimed and/or accepted, the AWW/TTD rate, status of the litigation, and status of negotiations. It should contain a brief statement of the issues and/or strengths/weaknesses of the case. The parties should determine if there are any unpaid medical bills and/or liens prior to the mediation.

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?

It is helpful to have the mediation statement at least 24 hours in advance. If it is uploaded later, it may not be read prior to the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Generally, yes, if requested. If so, how long until it is rescheduled? Generally, 30 to 60 days.

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?

Generally, cancellation should be requested as soon as possible.

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?

A request can be made via WCAIS.

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

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

Yes, all mediations are conducted virtually at this time. I conduct voluntary mediations for Pittsburgh and Beaver county, but a request for a virtual voluntary mediation would be entertained from any WCOA district.

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:

Yes.

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

All voluntary mediations are conducted virtually at this time.

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

It is preferred for all parties to participate by video. If video capabilities are not available, particularly for a Claimant, the phone number and conference ID number may be utilized.

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

At this time, all voluntary mediations are conducted virtually.

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

a. What information do you require in that Statement?

The statement should contain the same information as a mandatory mediation.

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?

It is helpful to have the mediation statement at least 24 hours in advance. If it is uploaded later, it may not be read prior to the mediation.

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

Generally, 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?

They should contact the mediating Judge.

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

There is no timeframe. Cancellation requests occur on a case-by-case basis. The request should be made as soon as possible.

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?

These things occur on a case-by-case basis. Parties should advise me via WCAIS as soon as practical.

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

I will conduct off the record telephone conferences/Teams meetings upon request of the parties.

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

Generally, WCAIS should be used for all written communication. If a party sends an e-mail to me, please be sure that opposing counsel is copied.

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

Yes, I find it essential to adhere to the schedule for virtual events.

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

The parties may call the Pittsburgh office at (412) 565-5277. The parties may e-mail me at bcrilley@pa.gov. They may also contact my assistant by e-mail or phone.

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.)?

For events scheduled to be held in-person in the Pittsburgh office, I will follow the Pittsburgh Office policy, which follows the Pittsburgh Public Schools closures/delays. For events scheduled to be held in-person in Beaver County, I do not follow any school district closing schedule, but requests may be made on a case-by-case basis. In the event of a delay or closure, events may be conducted virtually. My office will communicate with the parties on a case-by-case basis.