

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?

All first hearings will be held virtually, at a slotted time. At the hearing, I expect the parties to be prepared to discuss the pending petition(s) and how each party intends to proceed as far as evidence and presentation of witnesses. A mandatory trial schedule will be set, and the matter will also be scheduled for a mandatory mediation during the trial schedule. I do not hear testimony at the first hearing.

a. List any documents required at the first event:

The controlling Bureau document(s), if applicable, should be uploaded to WCAIS at least 48 hours prior to the scheduled hearing by the moving party.

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

Any documents that are intended to be submitted into evidence should be uploaded as an exhibit.

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

I conduct serial hearings. The matter will be relisted for a hearing for submission of the moving party’s evidence approximately 90 days following the first hearing. The final hearing will take place approximately 90 days following the second hearing, with testimony generally expected from the claimant. The scheduling may change with certain petitions (Penalty or Utilization Review).

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

Yes, I would consider a timely request to change the hearing format upon a showing of good cause by the parties.

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

All non-testimony hearings will be heard virtually. At the present time, all testimony hearings will be scheduled virtually by default. An objection to a virtual hearing or request for an in-person hearing for testimony must be made at the interim hearing on the record.

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

All virtual hearings are held via video conference. Counsel and witnesses are required to participate via video for all virtual hearings. Exceptions will be considered on a case-by-case basis if there are extenuating circumstances.

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

The matter may be rescheduled for another hearing in 30 days. In certain circumstances, the matter may be disposed of without scheduling another hearing.

7. Do you have special procedures for psychological injury cases? No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

a. Will testimony be heard?

No. However, I will consider a timely request to present testimony at a supersedeas hearing. This request should be filed well in advance of the hearing. If granted, the case will be scheduled for a hearing for testimony.

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

Yes. Employer presumably already has medical evidence in hand. Claimant will have 14 days from the first hearing in order to submit his or her documents in opposition to Employer's request for supersedeas. In limited cases, Claimant may be given up to 21 days to submit supersedeas if there are extenuating circumstances necessitating the extension.

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

Upon submission of new evidence and a WCAIS request for reconsideration.

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 based on Claimant's submission of evidence in opposition to Employer's request for supersedeas, including an Affidavit from Claimant concerning the fee agreement and a copy of same.

f. Describe any other procedures for supersedeas hearings: N/A

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

Claimant's evidence in opposition to Employer's request for supersedeas must be uploaded to WCAIS within 7 days of the supersedeas hearing. This timeframe can be modified by agreement of the parties.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

No testimony will be taken at the first hearing, as it is a pre-trial hearing. In most circumstances, I will direct Claimant to testify by deposition within 30 days of the first hearing. I then expect Claimant's updated testimony at the final hearing. The parties are permitted to take fact witness testimony by deposition. If properly and timely requested, a hearing can be scheduled for presentation of fact witness testimony. If fact witness testimony is requested at a hearing, this request must be made at or before the interim hearing. Video participation is required for all virtual hearings where testimony will be presented, including Compromise and Release hearings. If there are extenuating circumstances, I will consider allowing testimony via audio only based on the specific facts of the case and position of the parties.

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

This will depend on the specific facts of the case and position of the parties.

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

Upon 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 If yes, how much notice do you require?

Claimant's testimony is expected at the final hearing on most petitions. If a party would like to present fact witness testimony at a hearing, the request for the same must be made at or before the interim hearing.

5. What is your procedure 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 proceeds first.

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 are required to upload any applicable Bureau and WCOA documents as exhibits at least two business days prior to the scheduled hearing.

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?

Before. The parties should upload exhibits at least two business days prior to the hearing.

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 as it is raised at a hearing. If it is an objection contained in a deposition transcript, I will rule on the objection in the final decision, if the same is preserved in accordance with the WCJ rules.

9. What is your procedure for handling discovery disputes?

The parties can address discovery disputes on the record at the time of a scheduled hearing. The parties can also submit a WCAIS request with a detailed letter addressing the dispute and the party's efforts to resolve the dispute prior to requesting judicial intervention. A ruling may be issued on the record or via WCAIS Request. If necessary, at my discretion, a hearing may be scheduled to address the discovery dispute on the record.

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

I strictly follow the WCJ Rules regarding the preservation of objections. Any written preservations of objections must be submitted as an exhibit before the final hearing.

COMPROMISE & RELEASES (C&Rs)

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

A fully executed, unredacted copy of the C&R must be emailed to me two business days in advance of the hearing. A fully executed, redacted copy of the C&R must be uploaded to WCAIS 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?

I allow 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?

A fully executed, unredacted copy must be emailed to me two business days 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?

A fully executed, redacted copy of the C&R must be uploaded to WCAIS prior to the hearing.

d. Should child support documents be uploaded as a separate exhibit? No.

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

This confidential information should be redacted before uploading the C&R exhibit into WCAIS.

f. Will you sign bench orders? Yes, is applicable.

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

C&R hearings will be held virtually. The claimant must appear on video for the hearing, and should have a copy of the fully executed, unredacted version of the C&R Agreement in front of them during the hearing.

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, and the parties must also submit a WCAIS request seeking approval of the Stipulation. Child support documentation (redacted) and fee agreements should be attached to the Stipulation as one exhibit. Unredacted child support documentation should be submitted as a separate exhibit for comparison.

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? No, they should be attached.

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

None, unless the Stipulation specifically references the same as being attached.

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

If additional items are to be attached to the Stipulation, they should be uploaded as part of the Stipulation.

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

A redacted and unredacted version should be uploaded to WCAIS.

7. Describe any other procedures you have for stipulations: The Stipulation must be clear as to whether it resolves all petitions and specify any petition(s) that are not being resolved. The stipulation must comply with the requirements of §131.91 of the Special Rules of Administrative Practice and Procedure before WCJs.

BRIEFS AND PROPOSED FINDINGS

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

A final hearing is required at which time the evidence of record will be certified and a briefing schedule issued.

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

Typically, each party will be given at least 30 days after the close of the record to submit a brief. The briefing schedule will be given on the record at the final hearing. The responding party's brief is due within the time specified per the briefing schedule regardless of when or whether the moving party's brief has been submitted, unless an extension is requested. If the attorneys are uncertain as to the briefing schedule, they should check the WCAIS brief tab. If an extension is required by either side, the parties are encouraged to request the same in accordance with the WCJ Rules and prior to the expiration of the briefing deadline as noted in WCAIS. Reasonable extension requests will typically be granted on a case-by-case basis. If any brief is not filed with the Court within the mandated briefing schedule, the WCJ may issue a Decision without the brief.

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

No specific format is required. However, all briefs must contain a procedural history and a summary of all of the evidence with proposed findings of fact and conclusions of law. An effective brief is more than a summary of the evidence, but instead should explain to the WCJ why a party's evidence is credible or not. Specific reasons for the suggested credibility determinations should be provided. Citations to the record are required.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I conduct mandatory mediations in the Philadelphia hearing office.

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

At the present time, all mandatory mediations will be scheduled virtually by default. I will consider a request for an in-person mandatory mediation in the Philadelphia hearing office upon good cause shown. A request for an in-person mediation should be made at least 45 days in advance of scheduled event via WCAIS, with opposing counsel's position noted. In-person mediation requests will be considered within this Judge's discretion.

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

Video participation is required. I will defer to counsel as to whether they want their client to attend via video or to have their client available. Parties should utilize the Microsoft Teams link.

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

This will depend on the specific facts of the case and position of the parties.

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

a. What information do you require in that Statement?

I prefer a one or two-page summary. This should contain as much of the following information as possible: Case name, submitting party, presiding judge, date of injury, accepted/alleged injury, petitions pending, average weekly wage and compensation rate, status of settlement negotiations, Claimant's age, Claimant's length of employment, medical experts, status of litigation, Claimant's pre-injury title, mechanism of injury, the amount of outstanding medical expenses, the amount of potential credits (unemployment credit, short-term disability, long-term disability), whether Claimant is receiving/applied for Social Security Disability benefits and is a Medicare beneficiary, whether there is a 3rd party case, whether any Utilization Review Requests are outstanding, whether a resignation is required, and Claimant's litigation costs. Statements should be uploaded under the Mediation tab in WCAIS.

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? Three business days

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

No, a mandatory mediation will not be rescheduled. The parties can request voluntary mediation with a Judge of their choosing.

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?

The day prior to the mediation.

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

If the Employer does not have settlement authority as of the day prior to the mediation, that should be communicated to Claimant's counsel.

VOLUNTARY MEDIATIONS

- 1. Do you conduct Voluntary Mediations?** Yes
- 2. How should the parties request a Voluntary Mediation?**

Parties may email me directly at adrinkwine@pa.gov regarding a request for a date for a voluntary mediation.
- 3. List the locations where you conduct in-person voluntary mediations:** Philadelphia.
- 4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

Yes. I will conduct them for any 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. I have no special procedures in this regard.
- 7. What factors will you consider in whether to conduct a voluntary mediation virtually or in-person?**

At the present time, all voluntary mediations will be scheduled virtually by default. However, I will consider a request for an in-person voluntary mediation. A request for an in-person mediation should be made at least 45 days in advance of scheduled event via WCAIS Request, with opposing counsel's position noted. In-person mediation requests will be considered within this Judge's discretion.
- 8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

Video participation is required. I will defer to counsel as to whether they want their client to attend via video or to have their client available by phone. Parties should utilize the Microsoft Teams link.
- 9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

This will depend on the specific facts of the case and position of the parties.
- 10. Do you require a Mediation Statement? Yes If yes:**
 - a. What information do you require in that Statement?** See above
 - 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?** Three business days
- 11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

I try to accommodate the parties' requested timeframe for a voluntary mediation.
- 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?**

For voluntary mediations, the parties should contact the mediating judge.
- 14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

The voluntary mediation can be cancelled the day prior to the mediation.
- 15. What else should the parties know or do before the mediation?**

If employer's counsel does not have settlement authority for a voluntary mediation as of the day before the mediation, counsel should advise my office and Claimant's counsel.

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 conform with the WCJ rules. Requests are granted on a case-by-case basis and are dependent on a number of different variables, such as prior continuance/extension requests by the same party in the same matter. Requests should be made via WCAIS at least two business days prior to the scheduled event. Requests for continuances need to contain sufficient information in order for me to determine whether a continuance is appropriate. Continuance requests must include the status of litigation (i.e. what evidence has been completed to date), when the need for the continuance arose, why the continuance is needed, the opposing party's position regarding the request, and the length of time the requesting party is asking for the matter to be continued. The request may be denied if any of this information is not included. Requests for additional time should be submitted prior to time expiring. For an extension for a party's brief, a Request should be filed under the Briefs tab in WCAIS.

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

I do not conduct conference calls.

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

In extenuating circumstances, an email will be accepted. Also, if I have initiated or otherwise requested the communication, an email will be accepted. All communication must be copied to opposing counsel. Parties may email me directly at adrinkwine@pa.gov regarding a request for a date for a voluntary mediation.

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

For hearings, as they are slotted, I must strictly adhere to the duration allotted. For mediations, I will go over the duration listed, if I do not have another mediation scheduled.

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

Please call my office and/or upload a letter/request to WCAIS. In a true emergency, email would also be appropriate.

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.)?

If the Philadelphia School District has a delayed opening or is closed, then any of my in-person hearings and/or mediations are cancelled. Remote hearings and mediations may still be conducted, unless stated otherwise on the WCAIS homepage. Parties are encouraged to check WCAIS for any emergency and/or weather-related cancellations.