

[WCOA-Judges-Office-Contacts \(pa.gov\)](#)

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. Any requests made of this Judge should be made in the form of a WCAIS request as opposed to a piece of WCAIS correspondence.

Unless otherwise requested, all hearings and mediations will be conducted remotely through TEAMS. Live events are available upon request. There is no requirement for cause to be shown in order to obtain a live event. Requests for a live hearing or mediation should be made no later than 14 days prior to a noticed event. This office reserves the right to reschedule noticed events to accommodate such requests.

HEARING PROCEDURES

1. What is the first event and what will occur?

A scheduling Order will be given from the bench in all cases. On a claim petition, claimant testimony will be taken at the initial hearing. On an employer petition, supersedeas documents will be accepted and a ruling will follow. **a. List any documents required at the first event:**

Pertinent Exhibits should be offered up at the first hearing, as available.

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

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

Serial hearings

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

Yes, for cause and upon agreement of the parties.

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

If the parties agree, they are entitled to an in-person hearing as a matter of right. If one party objects to the request, this Judge will rule on the objection. Live hearings will be favored when there is a legitimate issue as to the physical appearance of a party. i.e., scarring cases, allegations of mistaken identity

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

Video is preferred. Audio only will be permitted when there are technical problems with the video or when a person does not have access to video.

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

If the party cannot be reached by telephone, the matter will be relisted.

If nothing is heard from the party who did not appear, an I/O will be issued warning them of sanctions for non- appearance.

Following that, a moving party may have his petition dismissed. A non-moving party will have the record closed and the matter put in line for decision.

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.

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

Upon request and agreement of the parties.

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

Upon receipt of new evidence and after a new hearing.

d. Do you generally use written orders for denials?

yes

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

A written fee agreement and a supersedeas denial

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?

Rules of Practice are generally followed.

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

By agreement of the parties.

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

By agreement of the parties and for cause shown.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Generally, yes If yes, how much notice do you require?

Thirty days notice is appreciated so that the hearing can be scheduled for a long enough time to allow testimony.

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

Decided on a case-by-case basis. The question will be discussed and decided at the first hearing.

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

Prefer that they be uploaded. They will be admitted as Bureau Exhibits at the first hearing.

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? Prefer 24 hours

8. When will you rule on objections to exhibits?

At the hearing or when objection is received on WCAIS

9. What is your procedure for handling discovery disputes? By conference call or if brought up at a hearing.

10. What is the last day to file written preservations of deposition objections? When briefs are filed.

COMPROMISE & RELEASES (C&Rs)

1. Describe your procedures for Compromise and Release Hearings.

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?

Both are acceptable.

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, generally. 24 hours is appreciated.

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?

No. I prefer them attached to the agreement.

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?

yes

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? Stipulations will be accepted by WCAIS or at hearings.

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

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

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

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

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

7. Describe any other procedures you have for stipulations:

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BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required? A final hearing can be requested by the parties.

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

The Rules of Practice are generally followed.

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

n/a

MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Wilkes Barre, Tannersville, and Wysox

2. **What factors will you consider in deciding whether to conduct a mandatory mediation virtually or inperson?**
Virtual mediations are preferred. Live mediations will be scheduled upon request. At this time, live mediations will only be done in Wilkes-Barre.

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

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

5. **Do you require a Mediation Statement?** yes **If yes:**
 - a. **What information do you require in that Statement?**
A history of negotiations and a synopsis of the case.
 - b. **What documents, if any, must accompany the Statement?**
Up to the discretion of the parties.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?**
24 hours

6. **If there is a request to postpone a mandatory mediation, will it be rescheduled? yes If so, how long until it is rescheduled?**
At the convenience of the parties

7. **Are you willing to conduct more than one mandatory mediation session per Dispute?** Yes, if the parties agree that it would be useful

8. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** There is no hard rule on this.

9. **What else should the parties know or do before the mediation?**
Counsel need to have frank discussions with their clients so that the client is prepared to understand the process.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes

2. How should the parties request a Voluntary Mediation?

By request on WCAIS

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

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?

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?

The preference of the parties would be controlling.

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

At this time, all virtual mediations are being done by audio

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

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

a. What information do you require in that Statement?

A history of negotiations and a synopsis of the case.

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

At the discretion of the parties

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

24 hours

- 11. After you approve a Voluntary Mediation Request, how long until it is scheduled?** 14 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?** 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 firm rule on this
- 15. What else should the parties know or do before the mediation?**
Parties should have a frank discussion with their clients prior to the event so that the client understands what is going on.

REQUESTS/MISCELLANEOUS

- 1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**
48 hours would be appreciated
- 2. Under what circumstances do you conduct off the record conference calls?** Upon request of the parties
- 3. Under what conditions/circumstances do you accept e-mails from parties?**
None. Counsel may reach me through my assistant. Requests through WCAIS are preferred.
- 4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**
To the extent possible.
- 5. What is the best way to contact you in an emergency situation?**
Email 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.)?**
I do not follow a specific policy. Counsel should consult WCAIS