

## **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?**

At all first hearings, the trial and mandatory mediation schedule will be set forth in a statement on the record. A Supersedeas hearing also will be conducted for appropriate Petitions. Any amendments to the pleadings, pre-trial stipulations and bureau documents also should be offered at this time. All proceedings and submissions shall be in accordance with the Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges.

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

**Relevant bureau documents, Judge's Decisions and Supersedeas documents.**

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

**Evidence documents should always be uploaded as exhibits.**

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

**A modified serial hearing format will be followed with essentially two hearings – a first hearing and a final hearing. The first hearing will be a pre-trial with a final hearing scheduled approximately 7 to 8 months later for all evidence to close the record and updated testimony from Claimant where appropriate.**

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

**Interim hearings will be scheduled for good cause, and within the Judge's discretion.**

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

**For good cause shown and within the Judge's discretion. Significant consideration will be given to current public health concerns, recommendations and guidelines in the local community.**

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

**Appearance by video is preferred in all instances, except where video access is not possible.**

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

**To be determined on a case-by-case basis and in accordance with the Act, Judges' Special Rules and applicable case law.**

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

No.

### SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Please see below.

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?

Upon good cause shown.

d. Do you generally use written orders for denials?

Yes.

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

Upon good cause shown and with the knowledge and approval of Claimant.

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?

Trial testimony will be taken by way of updated testimony of Claimant at the final hearing. For all other witnesses, trial testimony may be presented only upon good cause shown and within the Judge's discretion.

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

Please see above. Claimant's trial deposition should be taken to begin the litigation with updated testimony at the final hearing. All other witnesses should be taken by trial deposition. All trial testimony will be by taken by Teams Video conference for the foreseeable future, with exceptions made only when a compelling reason exists.

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

Please see response above.

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 30 days.**

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. Cross petitions will be heard in chronological order according to the filing date of each petition.**

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 to upload all exhibits into WCAIS including all Bureau and WCOA documents.**

7. **Do you require counsel to upload exhibits to WCAIS before or after the hearing? All exhibits are to be uploaded prior to the final hearing to close the record. If before, how far in advance of the hearing must they be uploaded? 48 hours.**

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

**At the final hearing to close and certify the record when the exhibit is offered into the record.**

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

It is preferred that discovery disputes are addressed on the record at a hearing. If this is not possible, a Conference Call Request made be submitted through WCAIS.

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

**At the close of the record.**

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

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

Click or tap here to enter text.

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 are allowed for pending petitions.**

Click or tap here to enter text.

b. **Are parties required to provide a draft of the C&R Agreement before the hearing? Yes. If yes, how far in advance of the hearing do you need to receive it? 48 hours before the scheduled hearing.**

Click or tap here to enter text.

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

The final, fully executed C&R Agreement, with all attachments, should be uploaded into WCAIS within 48 hours of the scheduled hearing. Both a redacted and unredacted version must be uploaded.

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

No. They should be attached to the C&R 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, if both Parties waive their appeal periods. For virtual hearings, the approval of the C&R will be made in a statement on the record.

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

For virtual hearings, Claimants are required to appear by video.

### STIPULATIONS RESOLVING DISPUTES

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

In accordance with 34 PA Code Section 131.91. Requests to review and adopt stipulations should be submitted to the Judge as a Miscellaneous WCAIS Request after the stipulation has been uploaded as an exhibit.

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

The fee agreement should be part of the stipulation.

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

No.

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

Only those that are relevant, necessary and referred to in the stipulation.

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

As part of the stipulation.

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

Both a redacted and unredacted version of the stipulation should be uploaded into WCAIS.

7. Describe any other procedures you have for stipulations:

Requests to review and adopt a stipulation should be submitted to the Judge by way of a Miscellaneous Request in WCAIS.

### BRIEFS AND PROPOSED FINDINGS

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

**A final hearing is required to admit all exhibits and to certify the contents of the record.**

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

Proposed Findings of Fact and Conclusion of Law and other post-trial submissions are to be filed in accordance with Section 131.101 of the Special Rules of Practice and Procedure. Specific time frames for submission will be given at the close of the record. Any request for an extension of time must be made by way of a Request Brief Extension in WCAIS with a reason and new proposed filing date provided. It will be within the Judge's discretion to not consider a brief that is untimely or to dispose of a case without it.

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

Final submissions must be in accordance with Section 131.101(h) of the Special Rules of Practice and Procedure. The format must be as Proposed Findings of Fact and Conclusions of Law. "Letter briefs" will not be accepted. Briefs are recommended and appreciated, but not required depending upon the legal and factual issues presented.

**MANDATORY MEDIATIONS**

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

Philadelphia. For the foreseeable future, mandatory mediations will be conducted virtually by way of a Teams video conference.

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

All mediations will be virtual for the foreseeable future. Conducting in-person mediations will be within the Judge's discretion upon good cause shown and with significant consideration given to current public health concerns, recommendations and guidelines in the local community.

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

**Mediations will be conducted by Teams video whenever possible. For virtual mediations, Parties, including the Claimant, are not required to appear by either audio or video, but must be available to their attorney during the mediation.**

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

**Upon good cause shown.**

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

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

**The information in the Mediation Disclosure Form is required to be provided by all Parties participating in 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?

48 hours prior to the scheduled mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? No, but a canceled mediation may be rescheduled as Voluntary Mediation per the information below. If so, how long until it is rescheduled? N/A

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?

Five days.

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

Counsel must be prepared with all information pertinent to the mediation, and with settlement authority from their respective clients.

### VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

Through a Voluntary Mediation Request in WCAIS.

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

Philadelphia. The Springfield and Malvern Offices also will be considered.

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

Yes, for the Southeast District. Consideration also will be given to other districts in the Judge's discretion.

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 mediations will be virtual for the foreseeable future. In-person mediations may be considered upon good cause shown and with significant consideration given to current public health concerns, recommendations and guidelines in the local community.

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

**The same as for mandatory mediations above.**

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

**The same as for mandatory mediations above.**

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

a. What information do you require in that Statement?

**The same as for mandatory mediations 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?

**48 hours prior to the scheduled mediation.**

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

**In accordance with the Judge's schedule, which is usually within 30 – 45 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?

**For Voluntary Mediations, the mediating Judge should be contacted.**

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

**Five days.**

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

The same as for Mandatory Mediations above.

### 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 for continuances or extensions must be made in accordance with Section 131.13 (a) through (n) of the Special Rules of Practice and Procedure. Such requests must contain the information required in Section 131.13 (g) and must be made within the time frames set forth in Section 131.13 (d) and (f). If this is not possible, at least 72 hours prior notice is appreciated.

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

Upon good cause shown.

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

Direct emails are not accepted by this Judge. All communication should be done through WCAIS. If for some reason this is not possible, the parties may email the Judge's assistant, Erik Pulido at: epulido@pa.gov

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

Yes. Additional time may be given if necessary and if circumstances allow.

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

By email to the Judge's assistant. If and only when emailing is not possible, then by a phone call to the Judge's 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.)?

In accordance with Southeastern District's Snow/Emergency Policy. Please note that virtual events, including hearings and mediations, will not be canceled in the event of a snow/weather emergency.