

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 event is a pretrial hearing and will be held as a virtual hearing. No testimony will generally be taken, except in the case of Compromise and Release Agreements, or of desired by the parties for Employee Challenge Petitions or other petitions which require only one hearing. Calendar invitations for the hearing will be sent and will contain specific instructions for accessing the virtual hearing. The parties should be prepared to discuss the allegations in the pending petitions, the regular or supersedeas exhibits submitted and all other pertinent issues such as the amount of the AWW and notice, witnesses they expect to call and whether they will testify at a hearing or by deposition, and when mediation would be most appropriate.

a. List any documents required at the first event:

Any documents that the parties intend to address at the first hearing should be uploaded as exhibits prior to the hearing. The parties should upload any relevant Bureau documents and past decisions. The parties are to comply with Sections 131.52 and 131.53 of the WCJ Rules; the moving party should file a First Hearing Filing before the first hearing, and the responding party should thereafter file a 45-Day Filing.

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

Please upload evidence as Exhibits. First Hearing Filings and 45-Day Filings should be uploaded as Letters to Judge under the Document and Correspondence section on WCAIS.

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

The first hearing is a virtual pre-trial hearing. I will relist for testimony about 30-45 days after the first hearing and then continue to relist as needed, for additional witnesses from each side or as status hearings. Hearings will be held by Teams videoconference or, if requested by a party or within the discretion of this Judge (i.e., for viewing disfigurement or scars) will be held in person at the hearing office. This Judge prefers Claimant's testimony at an in-person hearing or by Teams videoconference. However, the parties should communicate and be prepared to discuss at the first and subsequent hearings, if additional fact testimony will be presented at an in-person hearing, by Teams video conference or by deposition.

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

I will consider timely requests from the parties to change the hearing format based on their advisement as to why the change is needed and whether any party objects. To request a change in format please submit a Miscellaneous Request through WCAIS which indicates whether the opposing party agrees or objects to the request. A conference call may be scheduled to discuss the matter.

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

. All pre-trial and status hearings will be virtual. At the first and subsequent hearings, I will discuss with the parties whether they want testimony hearings to be in-person, virtual by Teams video or will proceed by depositions. If a party request an in-person hearing or if there are special circumstances that may require an in-person hearing, such as viewing scarring or inability of a party to connect to Teams video, then the hearing will be scheduled in-person. Otherwise, the testimony hearings will be virtual by video. I will consider the type of petition, issues involved, special needs of the witness or counsel and positions of all parties/witnesses as to an in-person versus virtual hearing request.

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

Generally, when conducting virtual events, I want counsel and the parties to make every effort to join the meeting by video, unless there is a technical reason that precludes the same and they attend only by telephone. Claimant is expected to testify by video or at in-person hearing at least once. For scheduled testimony hearings that are to occur by video, the parties should request participation of a witness at a hearing by audio only before the hearing, stating the basis for such request. I will determine if the matter should proceed via audio only, should be rescheduled for an in-person hearing or of other actions to take to resolve the issue.

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

If counsel/unrepresented party is not present, I will try to ascertain why the party is not present including if the party had notice. If a party is represented, I will try to locate counsel. If I cannot locate counsel or the party is unrepresented, I will send a letter informing the missing party of the hearing and requiring them to respond to advise of the basis for their absence and whether they intend to oppose the petition. Depending on the response, I will schedule another hearing or issue a decision. If counsel is present at a testimony hearing but the testifying party is not, I will ascertain why the party isn't present and proceed accordingly based on the reason given.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

These are virtual pre-trial hearings. The parties should upload Supersedeas exhibits and controlling documents before the hearing.

a. Will testimony be heard?

No, but the parties may submit affidavits.

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

It will be considered on a case-by-case basis.

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

Submission of new, relevant evidence not available at the time of the initial Supersedeas ruling/good cause.

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 and the submission of an executed fee agreement and affidavit from the claimant confirming their understanding of the agreement and their signature on such.

f. Describe any other procedures for supersedeas hearings:

None

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

No differences.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

See below.

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

I prefer Claimant's testimony at a hearing, either virtual by video or in-person. Other testimony may be presented at a hearing, either virtual by video or in-person, or by deposition.

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

After discussion with counsel and/or agreement of the parties, I will change the requirements if appropriate.

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 21 days or more in advance of the date the party desires to present testimony at a hearing. This allows time for adjustment of the length of an existing hearing or scheduling an additional hearing accomplish such request for presentation of testimony.

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

The moving party who filed the first petition should present medical evidence first, absent agreement of counsel or a compelling reason to why a different order should be used.

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

It is preferred that the parties upload the relevant Bureau and WCOA documents as exhibits. However, I may upload additional documents as Judge Exhibits to establish the factual background of the case if counsel fails to upload such exhibits.

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? I prefer they be uploaded no less than two days before the hearing so that all parties have a chance to review them before the hearing. When uploading exhibits, please provide descriptive names for exhibits that identify their content, such as "Fee Agreement", rather than only "C-01".

8. When will you rule on objections to exhibits?

I will rule on objections at the hearing where the exhibits are offered for submission or before the closure of the record unless the parties wish to have the opportunity to brief the issue. If a party desires a ruling on an objection rather than preserving such objection in writing, please advise at a hearing or file a Miscellaneous Request on WCAIS stating the basis for such request. Otherwise, I will rule on objections, such as made at depositions, in my final decision, if those objections were preserved in writing in accordance with the Rules. If exhibits are offered after the final hearing, a party may submit a written objection which will be ruled on in my final decision.

9. What is your procedure for handling discovery disputes? I will issue an Interlocutory Order or other communication with instructions or, if necessary, hold a telephone conference to resolve the issue and issue an order.

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

With the final briefs.

COMPROMISE & RELEASES (C&Rs)

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

See below.

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?

Either a petition or amendments are permitted. However, if there is only one petition pending and the parties want a decision on the merits, then that petition cannot be amended, and a C & R Petition must be filed.

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 draft required, but the executed final C&R Agreement with all attachments the parties want included, such as the fee agreement, waiver of appeal, litigation costs, medical bills to be paid, etc., should be uploaded as one exhibit no later than two days before the hearing. The C & R Agreement should have social security numbers and birthdates redacted. I do not need an unredacted copy of the C&R Agreement.

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

Before the hearing.

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

Yes. The Act 109 documents, including the Claimant's Statement and the lien search results, should be uploaded to WCAIS as separate exhibits, no later than two days before the hearing. Both redacted and unredacted versions of the Act 109 child support documents should be uploaded to the Exhibits section, however only the redacted documents will be admitted as exhibits. The unredacted Act 109 documents, while not admitted as exhibits, are necessary to confirm the accuracy of the redacted information by Claimant's review of the documents at the time of hearing.

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:

Failure to upload all of the requested settlement documents in a timely manner as discussed above or late connection to or appearance at the hearing may result in rescheduling of the hearing.

STIPULATIONS RESOLVING DISPUTES

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

Stipulations should be fully executed and uploaded into WCAIS as an Exhibit, with a request for approval of the Stipulation. The fee agreement, appropriate child support documentation and any other attachments should be uploaded with the Stipulation as one exhibit, with redaction of social security numbers and birthdates from all documents. The Stipulation should identify all petitions that are resolving and any petitions or issues that will remain in litigation. The Stipulation will be attached to the decision approving it.

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?

Yes.

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

See below.

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

Whatever the parties want to have attached to the Stipulation, should be included as part of the Stipulation exhibit.

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

Yes, they should be redacted from the Stipulation and any attachment.

7. Describe any other procedures you have for stipulations:

The Stipulation should clearly indicate whether all issues are resolved by such or if any other matters remain in litigation before this Judge.

BRIEFS AND PROPOSED FINDINGS

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

Either method is permissible via the Judge's discretion.

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

Generally, briefs will be due concurrently from the parties with the ability to write one responsive brief each. The parties are expected to strictly follow the briefing schedule. If an extension is needed, this request should be made prior to the deadline date. Consideration of an untimely brief will be at the discretion of the judge.

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

Post-trial submissions should include Proposed Findings of Fact, proposed Conclusions of Law, a Proposed Order and a supporting Brief that sets forth the issues to be decided and legal argument. Support for the Proposed Findings of Fact should contain citations to the record including identification of the deposition or hearing transcript, page and line(s). References to the Act, governing regulations and case law should be properly cited. The briefs should also address areas of agreement/stipulation and any preserved objections.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

The Williamsport office and virtually.

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

The preference of the parties.

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

The availability of video technology and request by or preference of the parties. Counsel should ensure that the Claimant or any employer/carrier representative can connect via Teams video.

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, I will consider factors such as health conditions, weather or lack of transportation.

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

a. What information do you require in that Statement?

A Mediation Disclosure/Statement with Claimant's age, date of hire, date of injury, date last worked, job title, assigned judge, AWW and compensation rate per week and per year, status of litigation, status of settlement discussions, demand and counteroffer, nature of injury, brief summary of medical and fact evidence, strengths and weaknesses of the case, outstanding medical bills, litigations costs requested, at issue, applicable third-party or other liens, unemployment compensation information, status of SSD/Medicare and any other information deemed helpful by the attorneys.

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

None are required, but documents may be submitted as helpful to resolve the case.

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

No later than two days before the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Unless mediation is found to be futile, yes. If so, how long until it is rescheduled? The rescheduled date depends on the availability of mediation dates.

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?

Two days before the scheduled mediation date.

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?

Through WCAIS.

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

Only in the Williamsport office.

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

Yes.

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. No special procedures.

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

The preference of the parties.

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

Mediations will be conducted via Teams video, but I will allow audio if there are technical difficulties or other extenuating factors. Counsel should ensure that the parties can connect via Teams video in advance of the mediation.

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, if travel is difficult for a party or counsel due to health conditions, weather, or lack of transportation.

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

a. What information do you require in that Statement?

See above. The same information as listed above for mandatory mediations.

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

See above. The same requirements as for mandatory mediations.

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

No later than two days before the mediation.

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

Scheduling depends on availability of mediation dates.

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?

The mediating Judge.

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

Two days before the scheduled date.

15. What else should the parties know or do before the mediation? Counsel should be prepared with all information pertinent to the mediation, with settlement authority and the availability of a representative authority to contact during the mediation.

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

No less than two days before the scheduled event. The request to continue a hearing must provide the status of the litigation to date, the reason the continuance is requested, the amount of time being requested and the position of opposing counsel. An extension to the trial schedule set by the Judge should be requested by letter and as a WCAIS request as soon as the need for the extension becomes apparent. A request for other extensions, such as for deposition dates, must include the reason the extension is necessary, the status of the evidence including deposition dates that have taken place and are scheduled, the amount of time requested and the position of opposing counsel. Requests for extensions will be decided on a case-by-case basis.

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

If requested by a party or counsel or within my discretion to keep the case moving.

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

I prefer communications be made via WCAIS. However, I will accept emails for emergencies or to advise that a party/counsel is running late. The opposing counsel/unrepresented party must be copied on those emails.

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

I will go over the allotted time if necessary and subject to technology limits for virtual mediations. Hearing times will be followed.

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

Please contact 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.)?

An alert may be posted on WCAIS. In-person events may be rescheduled to a virtual event. Virtual hearings and mediations will take place as scheduled unless there is a computer or phone issue that would not allow the event to proceed. In addition, Counsel should communicate with the Judge if a party cannot make it to an in-person or virtual event because of weather, travel, health-related concerns or some other emergency.