

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://www.wcoa.gov/COA/Judges-Office-Contacts)

## 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 is a Pre-trial conference. At the first hearing, all petitions, other than Challenge petitions, will be listed for a (15) minute pretrial conference for the purposes of disclosing discovery by the moving Party, identifying witnesses, setting a trial schedule and reviewing any unique issues. No testimony will be taken. Discoverable information should be exchanged prior to the first hearing consistent with section 131.61 of the WCJ Rules. For a Challenge Petition, the matter will be listed for a first hearing, at which time brief video testimony may be taken on the limited scope of the Petition.

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

A First Hearing Filing containing the information outlined in 131.52(d) of the WCJ Rules is required to be filed by the Moving Party on or before the first hearing. Within 45 days after the first hearing the responding party shall submit a 45-day filing consistent with section 131.53 of the WCJ Rules.

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

Any document that is submitted as evidence should be uploaded as an Exhibit. Any document providing information to the Judge that is not intended to be submitted as evidence, should be submitted as a Letter to the Judge.

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

Hearings will be held in serial fashion. When the Parties elect to proceed with **VIRTUAL HEARINGS**, the case will proceed in a First, Status and Final hearing format. First hearings will be scheduled for 15 minutes. Following the first hearing, it is expected that the parties will complete medical examinations, depositions, and any other necessary procedural matters consistent with the trial schedule set at the first hearing. A 15-minute Status hearing will be scheduled to check the parties' progress and identify any issues. A Final hearing will be scheduled for the presentation of updated Claimant testimony and any other evidence. If a party wishes to present witnesses, other than the Claimant, at the final hearing, those witnesses must have been identified in prior disclosures consistent with the WCJ Rules and additional time must be requested.

When the Parties elect to proceed with **IN PERSON HEARINGS**, the case will be scheduled in serial fashion in a manner that promotes the most efficient presentation of the evidence.

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

Yes, for good cause shown.

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

For any hearing in which testimony is presented, I will consider a request for an in-person hearing. An objection by any party or counsel to such a request will be given every consideration.

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

Absent good cause shown, all virtual hearings must be conducted with audio and video.

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

I will reschedule once. If a party fails to appear a second time, I will entertain appropriate motions for failure to prosecute or defend.

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

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

See Below.

**a. Will testimony be heard?**

No testimony will be heard, unless specifically requested by one of the parties. I generally limit a supersedeas hearing to (15) minutes for the presentation of Supersedeas evidence. Supersedeas Exhibits should be uploaded into WCAIS prior to the hearing.

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

Yes, typically 14 days.

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

If compelling evidence, developed after the supersedeas decision or otherwise unavailable prior to the supersedeas decision is presented, it will be taken into consideration. Parties must request a hearing for reconsideration of supersedeas.

**d. Do you generally use written orders for denials?**

Yes. Generally, a written Interlocutory Order regarding supersedeas will be issued. If no indemnity benefits are being paid, supersedeas may be denied from the bench.

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

The submission of a Fee Agreement with accompanying evidence establishing the fee arrangement.

**f. Describe any other procedures for supersedeas hearings:**

I have no other procedures for supersedeas; however, I reserve the right to amend my procedures.

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

For Special Supersedeas in relation to an Employee Challenge Petition, the first hearing will be scheduled for 15 minutes, and video testimony will be heard, if requested, on the limited issues presented by the Challenge petition.

**WITNESSES/EXHIBITS**

**1. What are your rules regarding taking testimony?**

No testimony will be taken at a first hearing or status hearing. At the first hearing, counsel should state their preference for the presentation of witness testimony, i.e. deposition, virtual or in-person. If a request is made for the presentation of in-person testimony, every consideration will be made to accommodate the request. Virtual testimony must be presented by audio and video.

If a party desires to change the manner in which testimony is scheduled to be presented, a WCAIS request should be directed to the Judge indicating the desired change and opposing counsel's position relative to the request. A phone conference may be scheduled to evaluate the request

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

No testimony will be taken at a first hearing or status hearing. At the first hearing, counsel should state their preference for the presentation of witness testimony, i.e. deposition, virtual or in-person. If a request is made for the presentation of in-person testimony, every consideration will be made to accommodate the request. Virtual testimony must be presented by audio and video.

If a party desires to change the manner in which testimony is scheduled to be presented, a WCAIS request should be directed to the Judge indicating the desired change and opposing counsel's position relative to the request. A phone conference may be scheduled to evaluate the request

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

I will consider changing the requirements stated above if compelling circumstances are presented.

**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?**

Witness must be disclosed in accordance with the WCJ Rules, 151.52 and 151.53. Further, absent good cause shown, thirty days' notice is required.

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

In the event of cross petitions, I will set the order of presentation 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?**

Parties should upload relevant Bureau and WCOA documents.

**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?**

All exhibits to be used at a hearing must be uploaded 48 hours in advance of the hearing.

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

Objections to exhibits are ruled upon at a hearing.

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

I will entertain intractable discovery disputes at a hearing or by way of telephone conference.

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

Preserved objections should be submitted as a separate exhibit at the time Proposed Findings of Fact are submitted.

**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?**

Amendments are permitted.

**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?**

Two days 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?**

Before. The Parties should upload a redacted and unredacted fully executed Compromise and Release Agreement. Following the hearing the unredacted document will be deleted and the redacted document will be marked and admitted as Joint Exhibit 01 or the next numbered Joint Exhibit. This Exhibit will be circulated with the Decision and Order.

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

The Parties should upload a redacted and unredacted, fully executed set of Act 109 documents as separate exhibits.

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

The Social Security number should be redacted. The Date of birth should be visible.

**f. Will you sign bench orders?**

No.

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

The Claimant's testimony must be in-person or by video. Telephone testimony will not be accepted.

**STIPULATIONS RESOLVING DISPUTES**

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

The Stipulation should be submitted as a Joint Exhibit. The documents should clearly describe the proposed resolution of the pending petitions and adhere to the requirements outlined in section 131.91 of the WCJ 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.

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

Any documents that are part of the stipulation should be attached to the stipulation.

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

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

In all cases, Claimant's Social Security Number should be redacted.

**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?**

A Final Hearing is Required.

**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 issued at the final hearing. I will not give reminders when briefs are past due. Requests for extensions of time from either party must be made before the expiration of the party's deadline. If the moving party does not timely file for an extension, the responding party should nevertheless file its brief on time.

**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, and a Proposed Order. Proposed Findings of Fact should contain a specific cite to the record including page and line numbers from the transcripts.

### **MANDATORY MEDIATIONS**

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

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

At the present time, all mediations will be by video conference.

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

At the present time, all mediations will be by video conference.

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

At the present time, all mediations will be by video conference.

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

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

The mediation statement should include the following: 1) the case name; 2) the date and time of the mediation; 3) the name of the Judge assigned to the mediation; 4) the name of the Judge assigned to the litigation; 5) the name of Claimant's counsel; 6) the name of defense counsel; 7) a list of pending petitions; 8) the date of injury; 9) the mechanism of injury; 10) the description of injury; 11) a brief summary of the treatment to date with the names of the primary health care providers; 12) the average weekly wage and the weekly compensation rate; 13) a brief summary of your position in litigation; 14) what past due benefits, if any, are in controversy; 15) whether the parties have had any discussions or negotiations regarding settlement and if so outline what progress has been made; 16) whether you believe a negotiated settlement of the case is possible and set forth your proposal in order of importance outlining what components are negotiable and which are non-negotiable.

**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?** Two (2) days.

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

A mediation can typically be rescheduled in 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?**

Two (2) days.

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

I prefer that the Claimant be present and that both parties be prepared to have a meaningful discussion of the issues.

### **VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

WCAIS request.

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

Allentown and Reading at this time. However, it is possible that I could conduct in-person voluntary mediations in other locations subject to Administrative Approval.

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

Yes. Anywhere in the Commonwealth.

**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. In such cases additional time may be allotted.

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

At the present time, all mediations will be by video conference.

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

At the present time, all mediations will be by video conference.

- 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 the present time, all mediations will be by video conference.

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

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

Same as in 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?**

Two (2) days.

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

It depends on scheduling. However, it can typically be scheduled in thirty to sixty 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?**

Mediating Judge.

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

Two days.

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

I prefer that the Claimant be present and that both parties be prepared to have a meaningful discussion of the issues.



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

Requests should be uploaded in WCAIS. The parties should refer to and follow the Rules with respect to requests for continuances.

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

I will conduct conference calls for good cause. I will not conduct off the record conference calls. I prefer they be on the record so they will be scheduled on hearing days.

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

None. The parties are directed to utilize WCAIS for all communications.

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

Yes.

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

Please email my assistant. Opposing counsel(s) must be copied in any email communication to 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.)?**

Any cancellations will be posted on WCAIS.

**Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.**