

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 24 hours prior to the scheduled hearing.

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

Exhibits. 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. After the first pre-trial hearing, the matter will be relisted for an interim pre-trial hearing for submission of the moving party's evidence. A final hearing will take place thereafter for submission of the responding party's evidence as well as testimony from the claimant.

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

Yes, the trial schedule and/or hearing format could change depending on the complexity of the litigation and 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 conducted virtually. Compromise and Release Agreement hearings will also be conducted virtually. Disfigurement hearings will be held in-person. All testimony hearings for presentation of witnesses will be scheduled virtually by default. A request for an in-person hearing for testimony should be made at hearing on the record. Any request for an in-person hearing will be ruled upon a case-by-case basis. Factors to be considered include, but are not limited to, the following: the basis for the request, the timeliness of the request, facts of the case, good cause shown, objections to the request, agreement of the parties, and any potential impediments to virtual testimony.

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 that arise.

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

The matter will be rescheduled for another hearing in approximately 30 days. I may issue written correspondence or an interlocutory order to the parties, if applicable. In certain circumstances, the matter may be disposed of if a party fails to appear at multiple hearings.

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

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

The moving party requesting supersedeas should upload any evidence to be considered, including the controlling Bureau document(s), at least 24 hours prior to the scheduled hearing.

a. Will testimony be heard?

No. However, in special circumstances, I will consider a request to present testimony at a supersedeas hearing. This request should be filed at least 10 days in advance of the scheduled hearing.

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

Yes.

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?

I will only consider granting an interim fee approval in connection with a supersedeas order. In order to consider the request, counsel must submit an executed fee agreement.

f. Describe any other procedures for supersedeas hearings: None.

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

N/a.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

No testimony will be taken at the first hearing. In most circumstances, I will direct the claimant to testify by deposition within 30 days from the first hearing. I then expect the claimant to testify by way of update at the final hearing. The parties are permitted to take fact witness testimony by deposition during the trial schedule. If properly requested, a hearing can be scheduled for presentation of fact witness testimony.

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

All testimony hearings for presentation of witnesses will be scheduled virtually by default. Video participation (counsel and witnesses) is required for all virtual hearings where testimony will be presented, including Compromise and Release hearings. A request for an in-person hearing for testimony must be properly made at a hearing, or least 30 days in advance of a scheduled hearing. Any request for an in-person hearing will be ruled upon a case-by-case basis.

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? 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. With cross petitions, the party that filed first proceeds first with their evidence.

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 24 hours 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 24 hours prior to the scheduled hearing.

8. When will you rule on objections to exhibits?

If there is an objection to the submission of an exhibit in its entirety, I will rule on the objection as it is raised at a hearing. Objections raised during depositions that are contained in a deposition transcript will be ruled on in the final decision, so long as the objections are 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. The opposing party can submit a written response to the discovery request via WCAIS. A ruling will be made on the record at the next scheduled hearing. In the event of a time sensitive discovery request, I will issue a judge communication or interlocutory order when applicable.

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

Fully executed redacted and unredacted versions of the C&R Agreement must be uploaded to WCAIS at least two business days prior to the scheduled 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?

An existing petition can be amended to a Petition Seeking Approval of a C&R Agreement at the hearing.

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?

I don't require a draft copy of the C&R Agreement. Fully executed unredacted and redacted copies of the C&R Agreement must be uploaded to WCAIS at least two business days prior to 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?

Before the hearing, see above. The fee agreement, child support documents, waiver of appeal and any other applicable documents should be attached to the C&R Agreement as one exhibit.

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?

Yes, see above.

f. Will you sign bench orders? No.

- g. Describe any other procedures you have for C&R Agreements:** C&R Agreement 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? Attached to the Stipulation.

3. Should child support documents be uploaded as a separate exhibit? An unredacted version of the child support documentation should be submitted as a separate exhibit. A redacted version of the child support documentation should be attached to the Stipulation.

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?

Part of the Stipulation. See Nos. 1, 2 and 3 above.

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

See Nos. 1 and 3 above.

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.

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 will be issued.

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

The briefing schedule will be given on the record at the final hearing. The moving party's brief will be due first, with the responding party's brief due thereafter. 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 a written extension is requested. Any request for an extension of time of the briefing schedule must be filed via WCAIS, under the "Request Brief Extension" tab, prior to the expiration of the requesting party's brief deadline. Reasonable extension requests will typically be granted on a case-by-case basis upon showing of good cause. A party's failure to file a timely brief risks a decision being rendered on the matter without consideration of a party's brief.

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

All briefs should contain a procedural history, proposed findings of fact summarizing all evidence, proposed credibility determinations, proposed conclusions of law and legal argument.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I conduct virtual mandatory mediations from the Philadelphia hearing office.

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

All mandatory mediations will be scheduled virtually by default. I will consider a request for an in-person mandatory mediation upon good cause shown. A request for an in-person mediation should be made at least 30 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 by all parties attending the mediation is required. Exceptions will be considered on a case-by-case basis if there are extenuating circumstances that arise.

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

I would prefer that either all parties are present virtually on video, or in-person, but not a hybrid scenario. I will consider a party's individual request depending on the specific facts of the case, position of all parties and this Judge's discretion.

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

a. What information do you require in that Statement?

I prefer a brief summary of the matter providing only relevant information for purposes of mediation. This should contain as much of the following information as possible: the claimant's age, date of hire, pre-injury duties, status of litigation, accepted/alleged injury, description and mechanism of injury, average weekly wage and compensation rate, whether benefits are being paid or not currently, status of settlement negotiations, medical experts, claimant's current treatment status, each party's position/defenses, 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.

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 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?

Two business days prior to the scheduled mediation.

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?

Parties may email me directly at kamutschle@pa.gov regarding a request for an available date/time 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 a virtual voluntary mediation for parties in any district 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. I have no special procedures in this regard.

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

All voluntary mediations will be scheduled virtually by default. I will consider a request for an in-person voluntary mediation held at the Philadelphia field office upon good cause shown. A request for an in-person mediation should be made at last 30 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.

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 by all parties attending the mediation is required. Exceptions will be considered on a case-by-case basis if there are extenuating circumstances that arise.

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

I would prefer that either all parties are present virtually on video, or in-person, but not a hybrid scenario. I will consider a party's individual request depending on the specific facts of the case, position of all parties and this Judge's discretion.

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

a. What information do you require in that Statement? See above under mandatory mediations.

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 business days prior to the scheduled mediation.

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 within two business days of the scheduled mediation.

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

N/a.

REQUESTS/MISCELLANEOUS

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

A request for a hearing continuance must be uploaded to WCAIS at least two business days prior to the scheduled hearing. The written request must include the following information, at a minimum: (1) the status of the litigation; (2) the reason for the continuance; (3) the amount of time being requested; and (4) the position of the opposing party. A request for an extension of the mandatory trial schedule must be submitted via letter to WCAIS as soon as the need for the request becomes apparent. I require the parties to submit a written request in WCAIS for an extension of time to complete their evidence prior to expiration of the party's evidentiary deadline. These requests should include the following information: (1) the status of litigation; (2) when the need for the continuance arose; (3) why the extension is needed, (4) efforts made to meet the original deadline; (5) the amount of time being requested and why; and (6) the opposing party's position regarding the request.

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

Generally, I will not conduct conference calls. I will consider a request for a conference call on a case-by-case basis within this Judge's discretion.

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

Parties are permitted to contact me via email in order to schedule a voluntary mediation, or in the event of an emergency. If I have initiated or otherwise requested the email communication, an email will be accepted. All email communication must include opposing counsel, or a pro se party. Parties may email me directly at kamutschle@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 for a certain time limit, I must strictly adhere to the duration allotted. For mediations, I will go over the time scheduled, if another scheduling conflict does not arise.

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

Please first call or email my administrative assistant, and/or upload a letter/request to WCAIS. Last resort, the parties can email me at kamutschle@pa.gov.

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.)?

Virtual hearings and mediations will be held regardless of snow-related closings. For in person events, we follow the School District of Philadelphia. If the School District of Philadelphia has a delayed opening or is closed, then any of my in-person hearings and/or mediations are cancelled. Parties are encouraged to check WCAIS for any emergency and/or weather-related cancellations.