

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 petitions will be listed for a (15) minute pretrial hearing for the purposes of disclosing discovery by the moving party and presentation of a trial schedule including a date for the mandatory mediation. These hearings will be virtual events unless a WCAIS request for an in-person hearing is received and approved at least (14) days prior to the hearing. For a special supersedeas hearing conducted pursuant to § 413(c)(1) or § 413(d)(1) of the Act the matter will be listed for a (15) minute first hearing at which time brief testimony will be taken regarding the limited scope of the Challenge Petition. These hearings will also be scheduled as virtual events unless a WCAIS request for an in-person hearing is received and approved prior to the hearing.

a. List any documents required at the first event:

None

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

No first hearing filings are required; however, to the extent parties insist on completing first hearing filings, they should be uploaded as "Letter to the Judge" and not as exhibits, as the first hearing filing will not be marked or admitted as evidence. Parties are encouraged to upload all documents and exhibits prior to any hearing.

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

All petitions will be listed for a (15) minute pretrial hearing for the purposes of disclosing discovery by the moving Party and presentation of a trial schedule including a date for the mandatory mediation. Claimant's initial testimony will generally be presented by deposition. I generally list the matter for a (15) minute status hearing approximately two weeks after the date of the mandatory mediation. Claimant's updated testimony will be scheduled to occur at the final hearing in the matter. The testimony of any other fact witnesses should be presented by deposition unless there is a significant reason for the testimony to be heard at a subsequent hearing. Complicated cases may generate additional status listings and/or listings for testimony. If so, a WCAIS request for a testimonial hearing should be submitted, and that testimony will be scheduled to occur prior to the final listing for Claimant's testimony. Testimonial hearings will also be held virtually unless a specific request for an in-person hearing is received and approved at least (14) days prior to the hearing. All other evidence is to be completed within the (180) day period.

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

Absent exigent circumstances, no. If exigent circumstances exist, a WCAIS request should be submitted and may be approved or denied at the Judge's sole discretion.

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

The complexity of the case and the availability of the parties to attend an in-person hearing will determine whether a hearing will take place in-person. Hearings will be virtual by default and only be listed as in-person events if the parties submit a WCAIS request for an in-person hearing at least (14) days prior to the hearing. Both Attorney's will have to appear in-person for any in-person hearings.

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

Pre-trial and status hearings may take place by either TEAMS or telephone only. For virtual testimony, video participation through TEAMS is strongly encouraged.

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

In the first instance the matter will simply be re-listed in approximately thirty (30) days. If this happens repeatedly, a motion to dismiss for failure to prosecute/defend may be entertained.

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

None

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

No testimony will be heard, unless specifically requested by one of the parties. I generally limit the supersedeas hearing to (15) minutes for the presentation of documentary evidence from the Defendant and from the claimant, if available. As noted above, exhibits, including supersedeas exhibits should be uploaded into WCAIS at least (24) hours prior to the hearing. These hearings will be virtual events unless a specific request for an in-person hearing is received and approved at least (14) days prior to the scheduled hearing.

a. Will testimony be heard?

Generally, no. On Challenge Petitions brief sworn testimony may be taken regarding the issues raised in the Challenge Petition only.

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

Generally, I will allow claimant (14) – (21) days to present contrary medical evidence and/or an affidavit from the claimant. Claimant should be prepared to outline the nature of this evidence at the time of the initial hearing. Under rare circumstances this period may be extended.

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

I will reconsider a supersedeas order upon submission of additional evidence not available prior to date of the initial supersedeas decision. Pursuant to rule 131.41 (b) a second supersedeas hearing will be held unless this requirement is waived by the parties or at the discretion of the judge. These hearings will be virtual events unless a specific request for an in-person hearing is received and approved at least (14) days prior to the scheduled hearing.

d. Do you generally use written orders for denials?

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?

If the fee is limited to indemnity and specific loss benefits, I only require the submission of a valid fee agreement. If the fee agreement also seeks a fee on the medical portion of the case, an additional affidavit or testimony may be required before that portion of the fee will be approved.

f. Describe any other procedures for supersedeas hearings:

I have no other procedures for supersedeas; however, I reserve the right to amend my procedures with respect to supersedeas as necessitated by the procedural and factual developments of each individual case.

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

On Challenge Petitions brief sworn testimony may be taken regarding the issues raised in the challenge petition only.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Claimant’s initial testimony will generally be presented by deposition. I list the matter for a (15) minute status hearing approximately two weeks after the date of the mandatory mediation. Claimant’s updated testimony will be scheduled to occur at the final hearing in the matter. The testimony of any other fact witnesses should be presented by deposition unless there is a significant reason for the testimony to be heard at a subsequent hearing. Complicated cases may generate additional status listings and/or listings for testimony. If so, a WCAIS request for a testimonial hearing should be submitted, and that testimony will be scheduled to occur prior to the final listing for Claimant’s testimony. Testimonial hearings will also be held virtually unless a specific request for an in-person hearing is received and approved at least (14) days prior to the hearing. All other evidence is to be completed within the (180) day period. All other evidence is to be completed within the (180) day period.

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

Testimonial hearings will be held virtually unless a specific request for an in-person hearing is received and approved at least (14) days prior to the hearing. All other evidence is to be completed within the (180) day period.

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

Based solely on the witness’s availability to testify. If the matter is listed as an in-person event I expect both attorneys to be present, even if the witness will testify virtually.

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? Parties should indicate their intention to present testimony at the first hearing/pretrial conference or at the “Status” hearing which generally occurs 2 to 3 weeks after the mediation or near the midpoint of the case.

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

Based on whether an IME physician performed a thorough examination of the body part in question, I reserve the right to require claimant’s medical evidence to be presented first to clarify the exact description of injury being sought even when both parties have filed petitions in the case.

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

I endeavor to secure and admit the relevant Bureau documents prior to the first hearing; however, the moving party should be prepared to provide all Bureau documents including, but not limited to, the Notice of Compensation Payable, the Statement of Wages and/or any Supplemental Agreements or prior Decision(s) that may be relevant to the petition(s) to be decided. In particular, the controlling bureau document should be made available. These documents will be made part of the record at the first hearing. While I prefer the parties upload Exhibits prior to the hearing, parties may upload exhibits at any time; however, exhibits uploaded after a hearing will not be moved into evidence until the next scheduled hearing, unless agreed upon in advance.

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 would prefer exhibits be uploaded twenty-four (24) hours prior to any scheduled event.

8. When will you rule on objections to exhibits?

I generally rule on exhibits at hearings. If exhibits are submitted after the final hearing which were not specifically discussed and ruled upon at the final hearing, opposing counsel will have (14) days from the date of receipt by my office during which to preserve an objection to those exhibits. If no objection is received within (14) days, the exhibit will be admitted if it is otherwise admissible.

9. What is your procedure for handling discovery disputes?

If the parties are unable to come to an agreement concerning the production of documents or witnesses, I will conduct a telephone conference. The party posing the objection shall be responsible for coordinating the scheduling of the conference with my secretary. I do not generally attend depositions.

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

Written preservations of deposition objections are to be submitted as a separate exhibit at the same time as the filing of Proposed Findings of Fact, Conclusions of Law, and the Briefs.

COMPROMISE & RELEASES (C&Rs)

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

As C&R Hearings will generally be virtual events, I require the fully executed C&R Agreement to be uploaded twenty-four (24) hours prior to the scheduled hearing. Both a redacted and unredacted version should be uploaded as separate exhibits. The redacted version will be marked as a joint exhibit and will be circulated with the Order approving the C&R Agreement.

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 to existing petitions are encouraged, but a new petition will also be acceptable. Parties are reminded that to the extent other petitions are to proceed to Decision or if multiple dates of injury and Bureau Claim Numbers are to be addressed, separate petitions will be required for each Bureau Claim Number.

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?

As C&R Hearings will generally be virtual events, I require the fully executed C&R Agreement to be uploaded twenty-four (24) hours prior to the scheduled hearing. Both a redacted and unredacted version should be uploaded as separate exhibits. The redacted version will be marked as a joint exhibit and will be circulated with the Order approving 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?

As C&R Hearings will generally be virtual events, I require the fully executed C&R Agreement to be uploaded twenty-four (24) hours prior to the scheduled hearing. Both a redacted and unredacted version should be uploaded as separate exhibits. The redacted version will be marked as a joint exhibit and will be circulated with the Order approving the C&R Agreement.

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

That is up to the party's discretion. In either circumstance, both a redacted and unredacted version must be uploaded as separate exhibits.

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

Both a redacted and unredacted version should be uploaded as separate exhibits. The redacted version will be marked as a joint exhibit and will be circulated with the Order approving the C&R Agreement.

f. Will you sign bench orders?

No. I circulate my final order within twenty-four (24) to forty-eight (48) hours, so I do not sign bench orders. Furthermore, as I do not accept paper exhibits, bench orders are cumbersome and not appreciated.

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

None

STIPULATIONS RESOLVING DISPUTES

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

A stipulation resolving all or some of the pending petitions and issues can be submitted at any time. I do require the signature of all counsel of record as well as the claimant to adopt the Stipulation.

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

The Fee agreement should be attached to the stipulation. If the fee agreement contains claimant's Social Security number, the Social Security number should be redacted.

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

Both a redacted and unredacted version should be uploaded as separate exhibits. The redacted version will be marked as a joint exhibit and may be circulated with the Order adopting the stipulation if arrearages are owed.

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

Any exhibits that the parties wish me to consider must be uploaded to WCAIS. I generally rule on exhibits at hearings. If exhibits are submitted after the final hearing which were not specifically discussed and ruled upon at the final hearing, opposing counsel will have (14) days from the date of receipt by my office during which to preserve an objection to those exhibits. If no objection is received within (14) days, the exhibit will be admitted if it is otherwise admissible.

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

I prefer each exhibit be uploaded separately. This allows me to attach only the appropriate documents to an order adopting the stipulation.

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

When confidential information is offered into the record, I prefer both a redacted version and an unredacted version be uploaded as separate exhibits. I will not circulate a Social Security number; the Social Security number must be redacted on any exhibits that will be circulated.

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?

Yes, a case may close after the final hearing. A CLOSING DATE and BRIEFING SCHEDULE will be provided at the time of the final hearing. Exhibits should be submitted by the closing date absent a compelling reason for delay. Briefs will be due on the date established on the record. I will then issue a decision and order regardless of whether briefs have been received.

a) In accordance with Rule 131.66, a party seeking to preserve objections in any trial deposition shall submit a separate writing, as an exhibit, at the time the brief is filed. Objections not so preserved shall be deemed waived.

b) If a party desires to present testimony in rebuttal to any evidence presented at the final hearing, that party is advised to utilize the procedure set forth in Judge's Rules 131.53 (e) & (f) & 131.63 (d).

c) If not already provided, the employer/carrier shall submit a Statement of Wages, if appropriate for the petition at issue. The employer will also submit all supporting raw wage data used in calculating the Average Weekly Wage. This requirement can be waived if claimant or claimant's counsel stipulates to the accuracy of the Statement of Wages.

d) In the event that the claimant is seeking reimbursement of any costs and expenses of litigation, the claimant shall have assembled any such costs and expenses for submission as one exhibit. Said exhibit shall include a cover sheet indicating the date that the cost or expense was incurred, the type of cost or expense (i.e., whether for a transcript, medical records or reports, a deposition fee, etc.), the name of the supplier of the services, and the amount of the cost or expense.

e) In the event that the claimant is seeking payment of any medical bills or expenses, the claimant shall have assembled any such medical bills for submission as one exhibit. Said exhibit shall include a cover sheet indicating the name of each health care provider, the dates of service, treatment, prescription, etc., the amount of the bill, any portion of the bill that has been paid and by whom, and any portion of the bill that is still unpaid. With rare exception I will not accept submissions of individual medical bills by mail.

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

A closing date and briefing order will be issued at the final hearing. Post-trial submissions will generally be due from the parties approximately (30) days after the final hearing. I will not grant extensions of time for post-trial submissions. If the submissions are received late, but before I start to draft the decision, they will be considered. preservations of objections, quantum meruit submissions, litigation costs, and Act 109 documentation should be submitted as separate exhibits at the same time as the proposed findings.

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 brief that succinctly sets forth the issues to be decided, case law and legal arguments. Proposed findings of fact must

contain a specific cite to the record including page numbers. Proposed findings of fact should be submitted through WCAIS. My secretary may request copies of the submissions in Word from time to time. Both parties will be copied, and both will be expected to provide a copy of the submissions if requested.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

All Mediations will be virtual events, unless a WCAIS Request for an in-person mediation, along with a reason the mediation should be conducted in-person, is submitted when the Mediation is scheduled. Lancaster Mediations may be conducted in-person. Mediations from other counties will be conducted virtually unless the parties agree to travel to the Lancaster Office.

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

The only issues for me would be the location and availability of the claimant and other parties.

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

I am rather flexible depending on the parties' access to video capabilities.

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, either side may appear virtually, but I would prefer if any party were going to appear in-person, that claimant and their counsel be present in-person at the mediation, unless the claimant lives outside Lancaster County.

5. Do you require a Mediation Statement? No statement is required, but they are always encouraged. If yes:

a. What information do you require in that Statement?

No specific information is required; however, the following information is helpful: Claimant's date of birth, the accepted description of injury, the alleged description of injury, the doctor(s) being presented in support of each parties' position, the average weekly wage and compensation rate, the amount of any unpaid medical expenses, Medicare/Medicaid status, private insurance status, credits & offsets such as unemployment, short or long term disability, any child support arrearages under Act 109 and the current amount of the litigation costs.

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

None, unless a Medicare Set Aside or annuity quotes have been prepared. In those instances, copies of those documents would be appreciated.

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

Please submit forty-eight (48) hours prior to the event.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes, it will be rescheduled. If so, how long until it is rescheduled? Generally, it takes between sixty (60) and ninety (90) days to reschedule

due to high demand. For a CANCELTION, the parties should contact the presiding Judge as that Judge will be required to enter a finding of futility. For CONTINUANCES, the parties should contact me by submitting a REQUEST in WCAIS.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes, particularly on difficult or complicated cases. I may require; however, that the parties verify a willingness to compromise further from their final positions at an earlier mediation before I will reschedule.

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

Please request a cancelation or continuance at least forty-eight (48) hours in advance. Particularly in cases involving an interpreter. For a CANCELTION, the parties should contact the presiding Judge as that Judge will be required to enter a finding of futility. For CONTINUANCES, the parties should contact me by submitting a REQUEST in WCAIS.

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

I will not conduct a mediation if I am unable to, at some point, speak directly with the claimant. All communication will take place in the presence of counsel, but I insist on being able to speak directly to the claimant to explain the process.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes

2. How should the parties request a Voluntary Mediation?

Through the WCAIS Request tab. I will then provide dates/times I am available, and the parties should then submit a second WCAIS Request, with the specific date and time. These are first come, first served slots, so the faster the response the more likely the slot will still be available.

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

Lancaster only for in-person events, anywhere in the state through TEAMS.

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

Yes. I will accept a mediation from any county so long as the parties are willing to participate through TEAMS.

5. Do you mediate Disputes assigned to you for hearing and decision?

Yes, however, the parties must stipulate on the record or in writing that the information learned during the voluntary mediation cannot form the basis for a recusal motion or an appeal to the WCAB.

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, but additional time will likely be required so a longer mediation will be scheduled.

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

The location of the claimant.

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

I am rather flexible depending on the parties' access to video capabilities.

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, either side may appear virtually, but I would prefer if any party were going to appear in-person that claimant and their counsel be present in-person at the mediation, unless the claimant lives outside Lancaster County.

10. Do you require a Mediation Statement? No statement is required, but they are always encouraged. If yes:

a. What information do you require in that Statement?

No specific information is required; however, the following information is helpful: Claimant's date of birth, the accepted description of injury, the alleged description of injury, the doctor(s) being presented in support of each parties' position, the average weekly wage and compensation rate, the amount of any unpaid medical expenses, Medicare/Medicaid status, private insurance status, credits & offsets such as unemployment, short or long term disability, any child support arrearages under Act 109 and the current amount of the litigation costs.

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

None, unless a Medicare Set Aside or annuity quotes have been prepared. In those instances, copies of those documents would be appreciated.

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

Please submit forty-eight (48) hours prior to the event.

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

Generally, it takes between sixty (60) and ninety (90) days to reschedule due to high demand.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes, particularly on difficult or complicated cases. I may require however, that the parties verify a willingness to compromise further from their final positions at an earlier mediation before I will reschedule.

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?

As I cannot require participation in Voluntary Mediations, for a Voluntary Mediation, either counsel may request a CANCELLATION or CONTINUANCE for any reason. The parties should contact me either by submitting a REQUEST in WCAIS or via E-mail copied to both parties.

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

Please request a cancellation or continuance at least forty-eight (48) hours in advance. Particularly in cases involving an interpreter.

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

I will not conduct a mediation if I am unable to, at some point, speak directly with the claimant. All communication will take place in the presence of counsel, but I insist on being able to speak directly to the claimant to explain the process.

REQUESTS/MISCELLANEOUS

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

Please request a cancellation or continuance at least forty-eight (48) hours in advance. Particularly in cases involving an interpreter. Failure to provide forty-eight (48) hours notice could result in the mediation proceeding so as not to waste the valuable resource of the State providing an interpreter.

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

To resolve discovery disputes or adjust deadlines. If the dispute appears to raise an issue that needs to be preserved for appeal I will either issue an interlocutory order with my ruling or convene a status hearing to reduce the arguments to the record.

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

I accept E-mails so long as those E-mails are copied to all parties. Failure to copy all parties will result in the E-mail being forwarded to opposing counsel without the sender's permission to avoid any ex parte communication, the only exception is if the E-mail is simply enclosing a privileged mediation disclosure.

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

I try to maintain my hearing and mediation schedule as closely as possible. I do allow mediations to run over, if the parties are continuing to make progress toward resolution of the issues or claim.

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

By e-mail if possible. If e-mail is not possible then contact my secretary Lisa in the Lancaster WCOA Office and she will contact me if the emergency/request warrants it. Please see her contact information at the top of this Questionnaire.

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.)?

If some or all my hearings are canceled, the cancelation will be posted to WCAIS, and parties will be contacted directly if time allows. In the alternative I may choose to conduct my hearings virtually for that day. If an event was scheduled for in-person testimony and due to weather, it becomes a virtual event I leave it to the parties' discretion as to whether to proceed with virtual testimony or continue the matter until it can be rescheduled for an in-person event. If I have not canceled the hearings, they will take place as scheduled unless the building schedule is changed by the Office of Administration. I do liberally grant continuances for inclement weather the day of an event at the request of any party.