

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, except C&R Petitions, will be scheduled for a 15min virtual pre-trial conference. (See the C&R Procedure below) The parties must be prepared to discuss the issues to be addressed in the litigation. The claimant is encouraged to attend, but no testimony will be taken at a pre-trial conference.

a. List any documents required at the first event:

If the pre-trial conference includes a petition that requests supersedeas, evidence pertaining to supersedeas shall be uploaded before the hearing.

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

Any document a party desires to ultimately offer as evidence or possibly use for impeachment must be uploaded as an exhibit before the hearing at which it will be offered or used. If a document becomes relevant for evidence or impeachment after the hearing begins, the parties may ask to share their screens and present the document. All exhibits ten pages or more must be page-numbered. If an exhibit over ten pages is uploaded and not page-numbered, it will be deleted.

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

The first hearings will be a 15min pre-trial conferences as outlined above. Subsequent hearings will be scheduled as needed. Testimony will be presented at an in-person hearing absent a compelling reason to present the testimony in a virtual hearing or deposition. Expert witness testimony will be by deposition.

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

Any special circumstances should be raised at the pre-trial conference for discussion.

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

All hearings for testimony will be scheduled as in-person hearings. Pre-trial hearings, status hearings, and compromise and release hearings will be scheduled as virtual hearings unless a participant cannot attend a virtual

hearing by video link. In that case, or for other reasons at my discretion, the hearing will be scheduled as an in-person hearing. If a party desires a virtual hearing instead of an in-person hearing, a request must be made by WCAIS Hearing Request or on the record. Specific reasons must be set forth in the request. All in-person hearings will be held at the Allentown Judge's Offices and must be attended in-person by all participants. I do not conduct hybrid hearings.

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

All participants must attend a virtual hearing by video. Audio-only participation is permissible for observers only.

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

A claimant's failure to appear without notice at a hearing at which the defendant requests supersedeas will result in an interlocutory order granting the requested supersedeas if the evidence supports it. The interlocutory order will further direct the claimant to advise me of any desire to defend the petition. If the claimant fails to comply, and the evidence supported supersedeas, the interlocutory order will be made final. All other petitions will be addressed on a case-by-case basis.

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

A claimant alleging a mental/mental or physical/mental work injury must produce a prima facie report from the claimant's expert who will ultimately testify in support of the alleged injury. The report must be provided to defendant no later than 45 days from the date of assignment of the petition.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

The moving party's supersedeas evidence must be uploaded as exhibits before the pre-trial conference. If needed, the responding party will be given a reasonable time to upload responsive exhibits.

a. Will testimony be heard?

I do not accept testimony at a pre-trial conference. A claimant's acknowledgement of a fee agreement must be addressed in a statement or affidavit submitted along with the claimant's supersedeas exhibits.

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

If needed, the responding party will be given a reasonable time to upload responsive exhibits.

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

There are no specific circumstances for reconsideration. Requests for reconsideration must contain reasons justifying reconsideration. I will consider such requests on a case-by-case basis.

d. Do you generally use written orders for denials?

If a dispute involves no wage loss benefits, then supersedeas will be denied by operation of law. In all other disputes, I will issue written orders.

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

A statement or affidavit that acknowledges the fee agreement and payment of a fee during the litigation must be submitted as part of a claimant's supersedeas response.

f. Describe any other procedures for supersedeas hearings:

None.

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

The same procedures apply.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Lay witness testimony will be taken in-person at a hearing in the Allentown offices. Expert witness testimony will be taken by deposition. I will consider permitting lay witness testimony at a virtual hearing or by deposition on a case-by-case basis.

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

Testimony will be taken at an in-person hearing. If necessary, a virtual hearing or deposition for lay witnesses will be permitted. All parties must attend an in-person hearing. Hybrid hearings will not be conducted.

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

Requirements will be altered on a case-by-case basis at my discretion.

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? All witnesses, other than a claimant, must be identified by deadlines that will be established at or after the pre-trial conference.

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

The order of presentation will be determined at the pre-trial conference.

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

I will admit all relevant Bureau and WCOA documents as Judge's Exhibits before the pre-trial conference. If a party desires to submit any additional Bureau or WCOA documents, the party may offer the documents as an exhibit and move for their admission.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? All proposed exhibits must be uploaded before the hearing. Exhibits over ten pages in length must be page-numbered. Failure to page-number such exhibit will result in the deletion of the exhibit. Furthermore, if a party desires to upload an exhibit after a hearing that is not discussed at the hearing, the exhibit must be submitted as an attachment to a WCAIS

Miscellaneous Request. **If before, how far in advance of the hearing must they be uploaded?** Proposed exhibits must be uploaded at least one business day before the scheduled hearing.

8. When will you rule on objections to exhibits?

I will rule upon objections to exhibits at a hearing. Deposition transcripts will be marked admitted upon submission subject to my ruling on preserved objections. The parties will be given 21 days after submission of a deposition transcript to upload any preserved objections as exhibits.

9. What is your procedure for handling discovery disputes?

Discovery disputes will be addressed on a case-by-case basis.

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

Deposition transcripts will be marked admitted upon submission subject to my ruling on preserved objections. The parties will be given 21 days after submission of a deposition transcript to upload any preserved objections as exhibits.

COMPROMISE & RELEASES (C&Rs)

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

If no petitions are pending and you are filing a C&R petition, you are strongly urged to have your C&R documents prepared before filing the petition. C&R agreements should not contain repeated or duplicated terms in different paragraphs. This does not reinforce the importance of the terms of the agreement and only creates the possibility of errors and more corrections that need to be made. If the hearing is virtual, all participants must be on video. Telephonic attendance will not be permitted.

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 may be amended.

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?

Fully-executed documents must be uploaded at least four business days before the C&R hearing. For a C&R hearing that will be held on a Monday, the documents must be uploaded no later than 9:00am the prior Wednesday. For a C&R hearing that will be held on a Thursday, the documents must be uploaded no later than 9:00am the prior Monday. Any required changes will be sent to the parties in Judge's Instructions. The parties will have 48 hours from the time of the posted Judge's Instructions to upload revised documents.

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

See 1.b. above. Furthermore, Act 109 Documents and LIBC-10 forms must be submitted as separate exhibits. The only additional documents to be attached to the agreement are the fee agreement, waiver of appeal, vocational reports, and CMS/MSA documents.

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

Child support documents (Act 109 Documents) must be submitted as separate exhibits in both redacted and un-redacted formats

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

See above

f. Will you sign bench orders?

I do not sign bench orders.

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

See above.

STIPULATIONS RESOLVING DISPUTES

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

The parties may upload a fully executed stipulation as an exhibit along with a WCAIS Miscellaneous Request for an order. I will review the stipulation and issue the appropriate order.

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

If the fee agreement is already in the record, it will be attached to the order. Otherwise, the fee agreement must be attached to the stipulation and the claimant must acknowledge the fee agreement in the stipulation.

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

Yes. The documents must be uploaded in both redacted and un-redacted format as separate exhibits.

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

All relevant exhibits must be uploaded as separate exhibits. If necessary, they will be attached to the approval order.

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

All relevant exhibits must be uploaded as separate exhibits. If necessary, they will be attached to the approval order.

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

Social Security numbers must be redacted from any documents that will be attached to an order.

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?

I will close the record either at a final hearing or by Judge's Communication that will be entered as a Judge's Exhibit.

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

Briefing schedules will be established on a case-by-case basis. The matter will be placed in line for a decision at the date of the last brief deadline.

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

I have no formal format or content requirement as long as the parties address the evidence and issues.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I do not conduct mandatory mediations.

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

N/A

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

N/A

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

N/A

5. Do you require a Mediation Statement? N/A If yes:

a. What information do you require in that Statement?

N/A

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

N/A

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

N/A

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? N/A If so, how long until it is rescheduled? N/A

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

N/A

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

N/A

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

N/A

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

No.

2. How should the parties request a Voluntary Mediation?

N/A

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

N/A

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

N/A

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

N/A

6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:

N/A

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

N/A

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

N/A

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

N/A

10. Do you require a Mediation Statement? N/A If yes:

a. What information do you require in that Statement?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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?

No later than ten days before the scheduled hearing or deadline.

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

To be determined on a case-by-case basis.

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

I prefer all communication in the WCAIS system. If a party is unable to communicate with me in the WCAIS system, an email may be sent provided all opposing parties are copied on the email. Also, if I initiate communication by email, the parties may reply to the email.

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?

Email or call 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.)?

Cancellation or postponement of in-person hearings will be posted on the WCAIS dashboard. If a virtual hearing needs to be postponed or canceled, the parties will be advised by email with a cancellation or rescheduling notice in the same manner that a virtual hearing is scheduled.