

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 will be a virtual pre-trial hearing to discuss deadlines and future scheduling of testimony. On a C&R petition, the first hearing will be a virtual video hearing for Claimant to testify on the C&R agreement. For a Challenge hearing, the hearing will be virtual video and if Claimant's testimony is needed, can be presented by video.

a. List any documents required at the first event:

Please upload any supersedeas documents before the first hearing. Please upload any relevant bureau documents and prior decisions of WCJs. If a fee agreement is requested to be approved, please upload the fee agreement.

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

The documents listed in 1a should be uploaded as exhibits or supersedeas exhibits. First hearing filings should be uploaded as letters.

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

Hearings will be serial hearings based upon the needs of the parties for the petitions in question.

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

For some hearings, yes. Not for pre-trial hearings.

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

Whether the hearing is for testimony and the preferences of the parties for in-person or video hearings.

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

Video hearings are preferred for testimony. Attorneys need explain this to witnesses in advance and strive to have their Claimant or witness appear by video.

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

Entertain an appropriate motion and give the party who fails to appear an opportunity to explain the lack of attendance.

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

Upon request, special procedures will be considered.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas hearings will be treated as a pre-trial hearing.

a. Will testimony be heard?

Only if needed to approve a fee agreement if supersedeas is denied.

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

The parties should strive to have all supersedeas evidence uploaded at the supersedeas hearing. Up to 14 days may be given to upload evidence upon request on the record.

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

Only in very rare circumstances and when new evidence is obtained.

d. Do you generally use written orders for denials?

Yes

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

Fee agreement uploaded as a regular exhibit and either an affidavit from Claimant that they understand the fee deduction will start while the case is in litigation or testimony of Claimant on that issue.

f. Describe any other procedures for supersedeas hearings:

Supersedeas exhibits should be uploaded in advance of the hearing.

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

Please consult Special Rule of Administrative Practice and Procedure 131.49 and present supersedeas evidence accordingly.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Witness testimony is preferred virtually. In person hearing requests will be granted, scheduled, and will not be continued for scheduling conflicts, vacations, or other personal conflicts, and only rescheduled for extreme emergencies.

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

Virtual video hearing is preferred. Claimant's depositions should not happen without approval. Cross examination may need to be completed by deposition if lengthy. If an in-person hearing is scheduled, in-person testimony is expected, without delay or continuances.

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

To be determined based on the circumstances of each dispute.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Witness testimony will be discussed at the first hearing for the party with the burden of proof and the other party will have time to advise if they need lay witnesses and whether they request a virtual or in person hearing. If yes, how much notice do you require? To be determined on the circumstances of each case.

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

To be determined at the first hearing for the cross petitions.

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

The moving party should upload the relevant bureau and WCOA documents prior to the first hearing. If this does not happen, I will upload relevant Bureau documents as Judge exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Prior to the hearing is preferred. If before, how far in advance of the hearing must they be uploaded? One full business day. C&R agreements and supporting documents should be uploaded two full business days before the hearing. Please do not number the Exhibits. The program only allows a WCOA office to insert the exhibit number. Counsel should Name the Exhibit and if necessary, list the Exhibit Description. The Exhibit Description can be left blank. Please do not insert the word "joint" in the Exhibit Name or Description. Only the WCOA offices can change an exhibit to a joint exhibit in the program. When you insert numbers or the word "joint", either my assistant or myself must take the time to remove these designations as they will be repeated in the WCAIS exhibit list columns.

8. When will you rule on objections to exhibits?

If exhibits are offered at a hearing, I will try to rule at the hearing, unless the exhibit poses a unique legal issue. I will then ask for interim letter briefs. Exhibits uploaded between hearings will be ruled upon at a final hearing.

9. What is your procedure for handling discovery disputes?

The Act, Regulations and Special Rules of Administrative Practice and Procedure will be followed. Evidence should be exchanged accordingly and may be precluded if the rules are not followed. Subpoenas should not be used to obtain irrelevant documents.

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

The deadline for preservation of objections will be before the briefs are due and will be set at the final hearing or by mail.

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

C&R hearings are to be virtual by video. The fully executed agreement with fee agreement attached and date of birth and SSN redacted must be uploaded 2 full business days prior to the C&R hearing. Child support documents must be uploaded as a separate exhibit and be FULLY unredacted.

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 acceptable.

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?

A fully executed C&R agreement with fee agreement attached and date of birth and social security number redacted must be uploaded 2 full business days prior to the C&R hearing.

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

A fully executed C&R agreement with fee agreement attached and date of birth and social security number on the front page redacted must be uploaded 2 full business days prior to the C&R hearing.

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

Fully unredacted child support documents should be uploaded as a separate exhibit.

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

Only from the C&R agreement. Act 109 documents are to be uploaded as a separate exhibit, fully unredacted.

f. Will you sign bench orders?

No.

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

A fully executed C&R agreement with fee agreement attached and date of birth and social security number on the front page redacted must be uploaded 2 full business days prior to the C&R hearing. Fully unredacted child support documents should be uploaded as a separate exhibit.

STIPULATIONS RESOLVING DISPUTES

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

Please follow Special Rule of Administrative Practice and Procedure 131.91 when drafting stipulations.

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

Separate

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

Fully unredacted child support documents should be uploaded as a separate exhibit.

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

No other exhibits are required.

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

Separate

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

Act 109 documents should never be redacted. The stipulation should not contain SSN or DOB information.

7. Describe any other procedures you have for stipulations:

Please submit the stipulation in a timely fashion. If you ask for 30 days to upload the stipulation, please follow the deadline or ask for an extension of time if the parties need more time.

BRIEFS AND PROPOSED FINDINGS

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

Depending on the dispute, some disputes will be closed via WCAIS submissions.

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

Deadlines for submission of briefs or findings will be set at the final hearing or via letter. If a party fails to meet the deadline, the decision will be written without benefit of the brief or proposed findings.

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

None.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

All mediations will be virtual video.

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

All mediations will be virtual video, unless a participant needs an in-person mediation for a medical reason.

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

My preference is for participants to appear by Teams video because I can then use the breakout rooms feature in Teams.

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

All mediations will be virtual video for all participants. In the rare occasion an in-person mediation is scheduled, all participants are expected to appear in person.

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

a. What information do you require in that Statement?

Petitions at issue, AWW and rate, brief summary of medical evidence, amounts of outstanding medical bills at issue, amounts of any liens including Medicare, Medicaid, private health insurance and child support, demand, counter-offer, and any other information the attorney deems helpful

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 full business days

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes, but not more than once. If so, how long until it is rescheduled? Depends upon mediation date availability

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

Under special circumstances, yes.

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

Two full business days in advance.

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

Be sure to talk to your clients to determine any possible issues with settlement including outstanding medical bills and discuss settlement authority.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

With a WCAIS request.

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

All mediations will be virtual video.

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

Virtual video mediations will be conducted for any WCOA district on a “first come, first serve” basis.

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:

No

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

All voluntary mediations will be virtual by video.

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

My preference is for mediations to be conducted by Teams video because I can use the breakout room feature in Teams.

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

All mediations will be virtual video for parties and counsel.

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

a. What information do you require in that Statement?

Petitions at issue, AWW and rate, brief summary of medical evidence, amounts of outstanding medical bills at issue, amounts of any liens including Medicare, Medicaid, private health insurance and child support, demand, counteroffer, and any other information the attorney deems helpful

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 full business days before the mediation.

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

Timing depends on scheduling availability.

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

Under special circumstances, 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 full business days

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

Be sure to talk to your clients to determine any possible issues with settlement including outstanding medical bills and discuss settlement authority.

REQUESTS/MISCELLANEOUS

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

Within two business days from when the need for a continuance or extension is learned.

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

Only for mediation scheduling purposes or in an emergency.

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

Only for mediation scheduling purposes or in an emergency.

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

Generally, yes. If I have extra time available and extra time is needed, I will go over the allotted time.

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

Contact my assistant or email me.

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 events will not be canceled for snow; but will be cancelled due to loss of power or internet. For in person hearings, please check WCAIS for announcements. If an attorney or party cannot attend an in-person due to weather and needs a continuance, please email me or my assistant and then place a request in WCAIS.